



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, May 10, 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: 81805648655# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/81805648655>. 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-Maciell
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh

INTRODUCTION OF STAFF:

RECOGNITION:

INTRODUCTION OF NEW PLANNING COMMISSIONER APPOINTEES:

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 2003-03 MOD & SPR 2021-34 – La Plaza Mini Mart Modification

Recommendation:

- A. Conduct a 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 2003-03 MOD and Site Plan Review 2021-34 allowing for modifications to the interior of the previously developed commercial/retail building and enclose an existing outdoor dining area. The site is located at 824 S. Gateway Dr.

The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15301 of the State California Environmental Quality Act (CEQA) Guidelines.

2. Tentative Subdivision Map 2018-07 EXT – Ellis St. & D St. Subdivision

Recommendation:

- A. Conduct a public hearing and make the necessary findings.
- B. Adopt a Resolution approving a 12-month extension of a previously approved Tentative Subdivision Map first approved by the Commission on August 14, 2018. The parcels are located at the southwest corner of Adell St. and Lake St.

A Negative Declaration (ND) was adopted for the project by the Planning Commission as part of the original TSM 2017-02 approval on August 14, 2017.

3. Conditional Use Permit 2021-18 – Madera Commerce Center

Recommendation:

- A. Conduct a public hearing and make the necessary findings.
- B. Adopt a Resolution allowing for the use of tenant occupied spaces for automotive uses, a microbrewery and the outdoor storage of materials. The site is approximately 0.74 acres and located at 100 East 7th St and South E St.

Categorical Exemption Class 1 (California Environmental Quality Act section 15301), Existing Facilities, was deemed appropriate for the project.

4. Conditional Use Permit 2022-10 and Site Plan Review 2015-14 MOD 3 – Madera Ford

Recommendation:

- A. Conduct a public hearing and make the necessary findings.
- B. Adopt a resolution allowing for the construction of an approximately 36,220 sq. ft. expansion of the existing Madera Ford maintenance shop building on an approximately 4.2-acre site located at 200 Madera Ave.

The project is exempt under Section 15332 of the State CEQA Guidelines.

APPOINTMENT OF CHAIR AND VICE CHAIR:

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

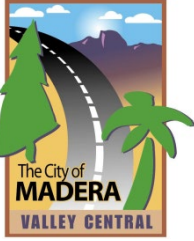
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

Meeting of: May 10, 2022

Agenda Item: 1

SUBJECT:

Tenant improvement and enclosure of an outdoor dining area for La Plaza gas station located at 824 South Gateway Drive.

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a finding of categorical exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities)
2. Adopt a Resolution recommending approval of an amendment to Conditional Use Permit 2003-03 MOD 2 and Site Plan Review 2021-34, as conditioned

PRIOR DISCUSSION AND ACTION

This proposal was first considered by the Planning Commission (Commission) at its March 8, 2022, meeting where it was motioned to be continued to an unspecified Commission meeting date. The motion to continue the hearing resulted from the applicant challenging the project's Conditions of Approval Numbers 22 and 23 related to street right-of-way dedications.

Condition 22, as presented on March 8, 2022, called for an Irrevocable Offer of Dedication to dedicate sufficient right-of-way along the entirety of the parcel's frontage on Gateway Drive to accommodate a future expansion of two lanes. Condition 23, as presented on March 8, 2022, called for a 10-foot wide Public Utility Easement along the entire project parcel frontage on Gateway Drive and Olive Avenue. The Applicant challenged Conditions 22 and 23 as the applicant did not believe a taking of their property was warranted for a minor tenant improvement proposal. The Commission motioned to continue the hearing to an unspecified date and gave staff direction to work with the applicant to resolve and reach an agreement pertaining to Conditions 22 and 23 with the applicant.

The Engineering Department staff has revisited Conditions 22 and 23 with the applicant, and based on conversations with the applicant, has revised them. These changes are reflected in the Revised Exhibit "A" of the attached Resolution of this complete staff report updating the previous March 8, 2022, staff report where applicable.

PROPOSAL:

An applicant is proposing to enclose an existing outdoor dining area and related tenant improvements on a developed approximately 0.75-acre site. In addition, the applicant would like to create a separate tenant space for the existing in-store restaurant.

The commercially zoned site has been previously developed with a commercial/retail building of which a portion is utilized for a taqueria. The taqueria provides for a relatively small dining area which will be relocated as part of the enclosure. The site also provides a car wash and gas fueling island.

Table 1: Project Overview

<i>Project Number:</i>	CUP 2003-03 amendment, SPR 2021-34
<i>Applicant:</i>	Malkiat Singh
<i>Property Owner:</i>	AMG Family Inc
<i>Location:</i>	824 South Gateway Drive; northwest corner of Olive Avenue & South Gateway Drive.
<i>Project Area:</i>	0.74 acre
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C2 – Heavy Commercial
<i>Site Characteristics</i>	Developed with a convenience store, carwash, and fueling island

SUMMARY

The applicant is proposing to:

- Alter the interior floor space by converting a restaurant service counter and dining area to a walk-in cooler for retail sales
- Modifications to the existing commercial kitchen
- Enclose an existing outdoor dining area (the existing dining area provides 6 customer seats; the proposed is also 6 seats)
- There are no proposed modifications to the existing fuel island, self-service vacuums, or the carwash.

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>	Light industrial/heavy commercial	C – Commercial	I – Industrial
<i>East</i>	Madera Automatic Transmission	C – Commercial	I – Industrial
<i>South</i>	City Corporation Yard	Public Facility	Public Facility
<i>West</i>	Residential	C – Commercial	R2 - Residential

BACKGROUND AND PROJECT PROPOSAL

Site and Entitlement History:

The following table provides a synopsis of entitlements and their status.

Table 3: Entitlement History

<i>Permit #</i>	<i>Project</i>	<i>Status</i>
CUP 2003-03 & REZ 2003-04	Conversion of a restaurant into a mini mart/deli along with the addition of a gas station and self-serve car wash. The use permit approval included the allowance for beer and wine sales for off-site consumption. Rezone from I (Industrial) to C-2 (Heavy Commercial)	Complete

CUP 2003-03 MOD	Allowed for the sale of beer and wine for on-site consumption as a component of the taqueria, in addition to the previously approved allowance for sale of beer and wine for off-site consumption. The use permit modification also allowed for outdoor seating to serve the taqueria.	Complete
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Prior to the conversion into a mini mart/taqueria, the building was a restaurant and prior to that it was known as Rancho Madera. Before Rancho Madera was opened, another restaurant and a drive-in occupied the existing building. A Use Permit was approved in 1990 to allow the sale of alcoholic beverages, including mixed drinks. The Alcoholic Beverage Control Board License for the establishment was revoked and the Use Permit lapsed in 1999. Another License was obtained, and a Use Permit approved for a restaurant and bar known as Pedro's Place in 2001. The northerly portion of the project site contained a six-unit apartment building and a single-family residence that was demolished in 1996.

Proposal

The applicant is proposing to enclose the outdoor dining area, beneath the existing building roofline. Other modifications include changes to the walk-in cooler and the service counter area for the restaurant. Overall, the dining area will be reduced considering that a portion will be converted for prep and/or the order window.

It is noted that project site has sufficient parking for the existing and proposed uses within the building. The subject parcel was developed with 23 parking stalls to serve the site. Overall site configuration, parking and circulation were fully addressed during the previous site plan review and use permit application process for the entire development. If the applicant proposes changes to the mix of mini-mart and restaurant square footage in the future, the site will need to be reevaluated to ensure that parking standards were still met. No such changes are proposed as part of the current application.

Building Design

The applicant is proposing similar building materials in comparison to the existing building. Moreover, no changes to the roofline are proposed considering that the impacted area is currently a covered outdoor dining area. In short, the enclosure will not appear as an addition, rather it will appear as though it was part of the original construction.

ENVIRONMENTAL REVIEW

The project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15301 of the State California Environmental Quality Act (CEQA) Guidelines.

COMMISSION ACTION:

The Commission will be acting on CUP 2003-03 MOD 2 and SPR 2021-34. Staff recommends that the Commission:

Findings to Approve a Conditional Use Permit

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

The property is zoned for commercial uses, which is consistent with the existing General Plan land use designation of commercial. The proposed modifications are consistent with the purpose and intent of the commercial zoning district and do 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. The project site is located within a commercial area and is surrounded by other commercial and/or industrial uses.

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

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed use will result in an enhanced store and restaurant to better serve patrons and 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 for commercial uses, which is consistent with the existing General Plan land use designation of commercial. The proposed modifications are consistent with the purpose and intent of the commercial zoning district and do not conflict with City standards or other provisions of the Code.

- *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 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.

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

Existing off-site improvements are adequate to serve the site and the enclosure of an outdoor dining area for a similar use will not have impacts on traffic or the environment.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the June 14, 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 June 14, 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:

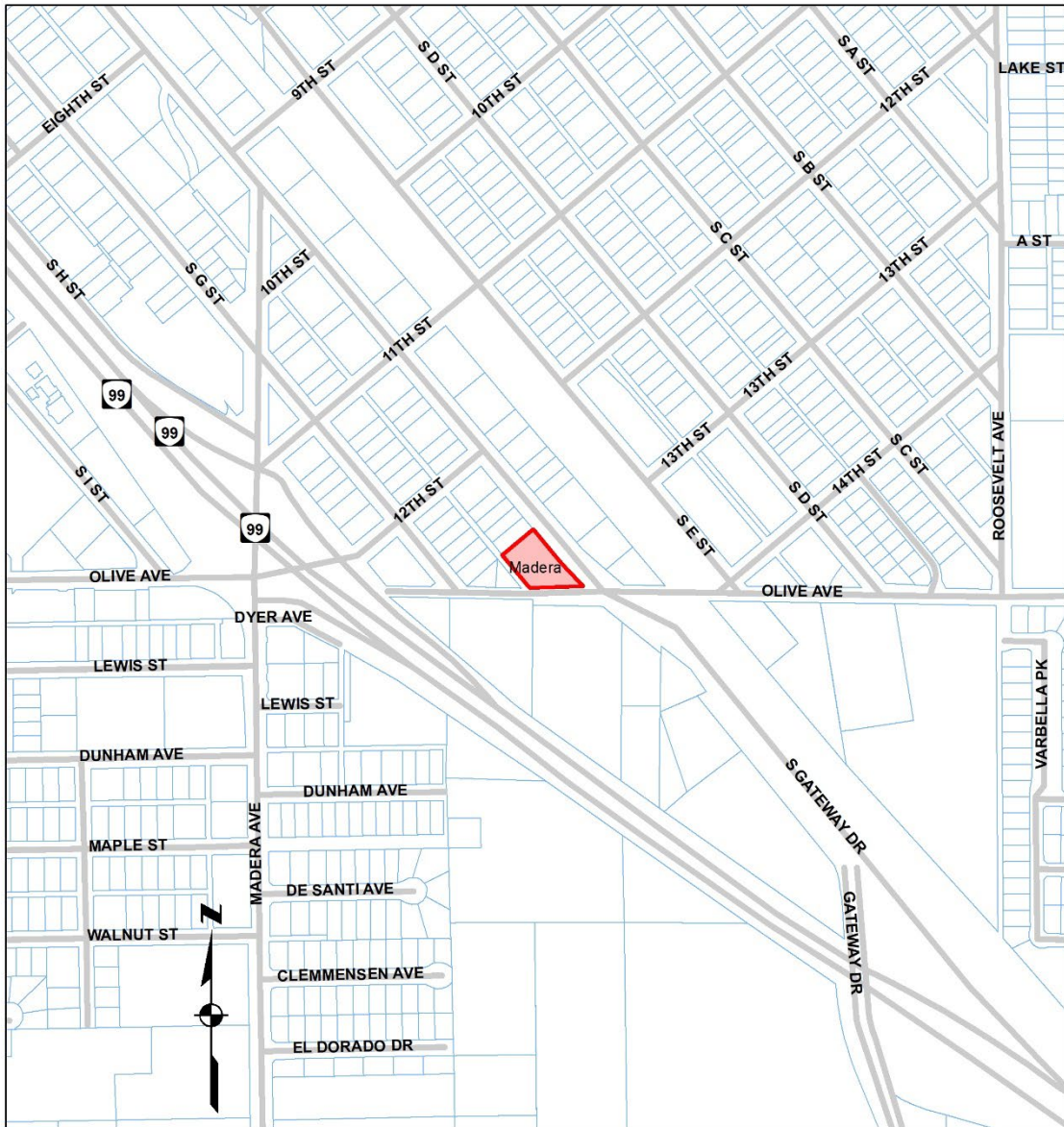
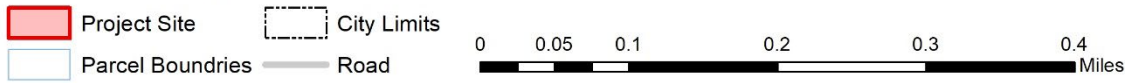
1. Vicinity Map
2. Aerial Photo
3. Site Plan, Elevations, Floor Plans (Existing and Proposed)
4. Planning Commission Resolution
Exhibit "A" – Conditions of Approval

Attachment 1: Vicinity Map

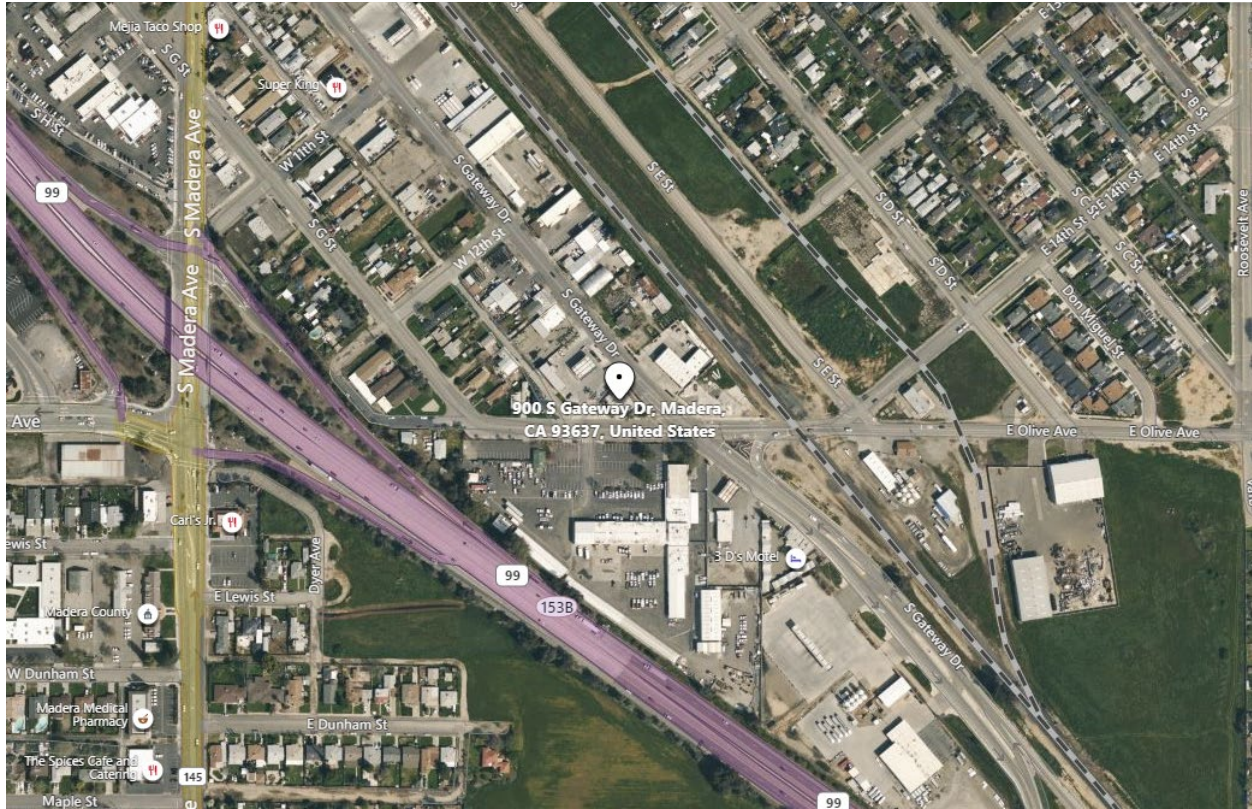
Vicinity Map

CUP 2003-03 MOD & SPR 2021-34
La Plaza Gas Station

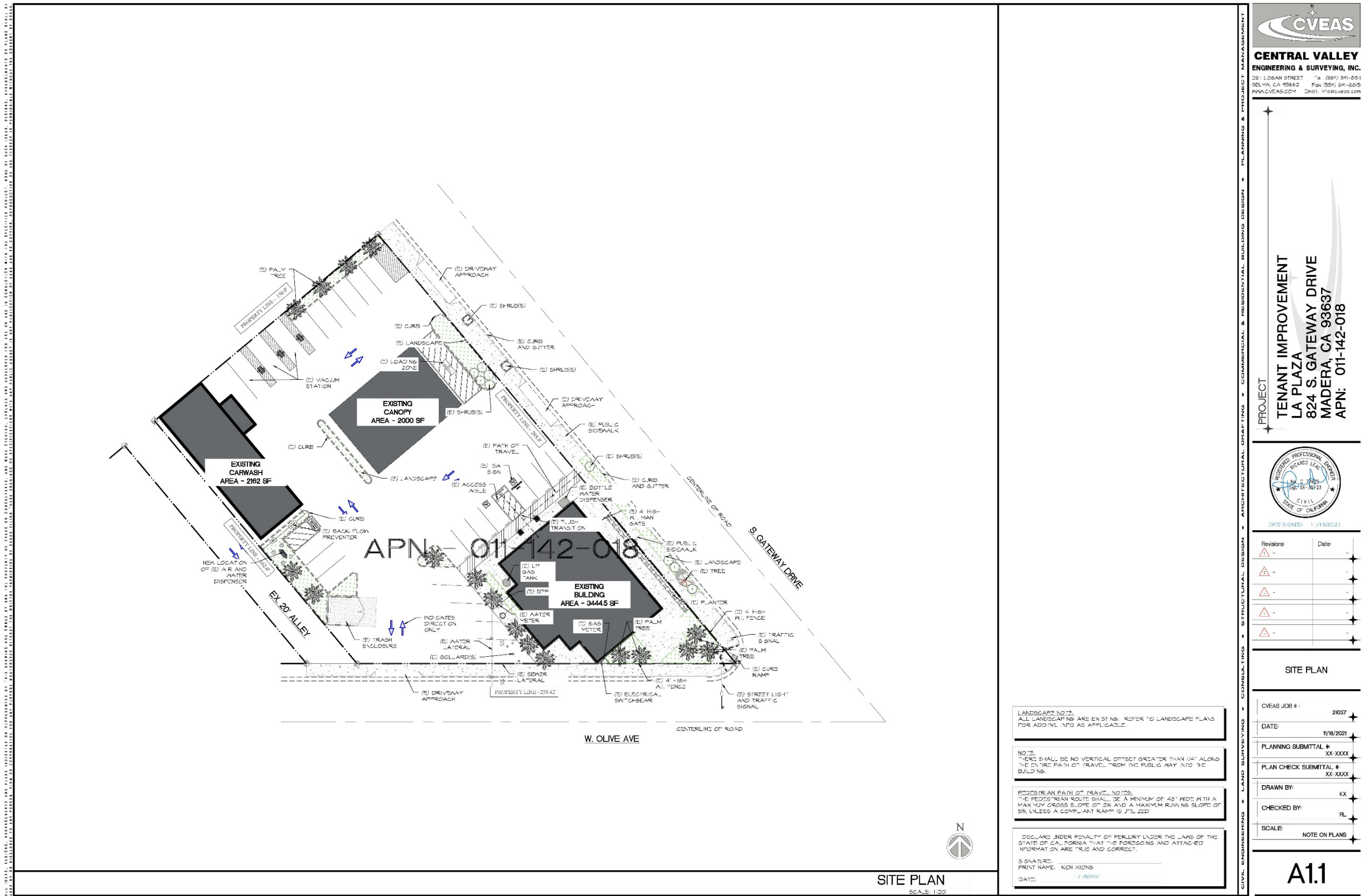
Legend



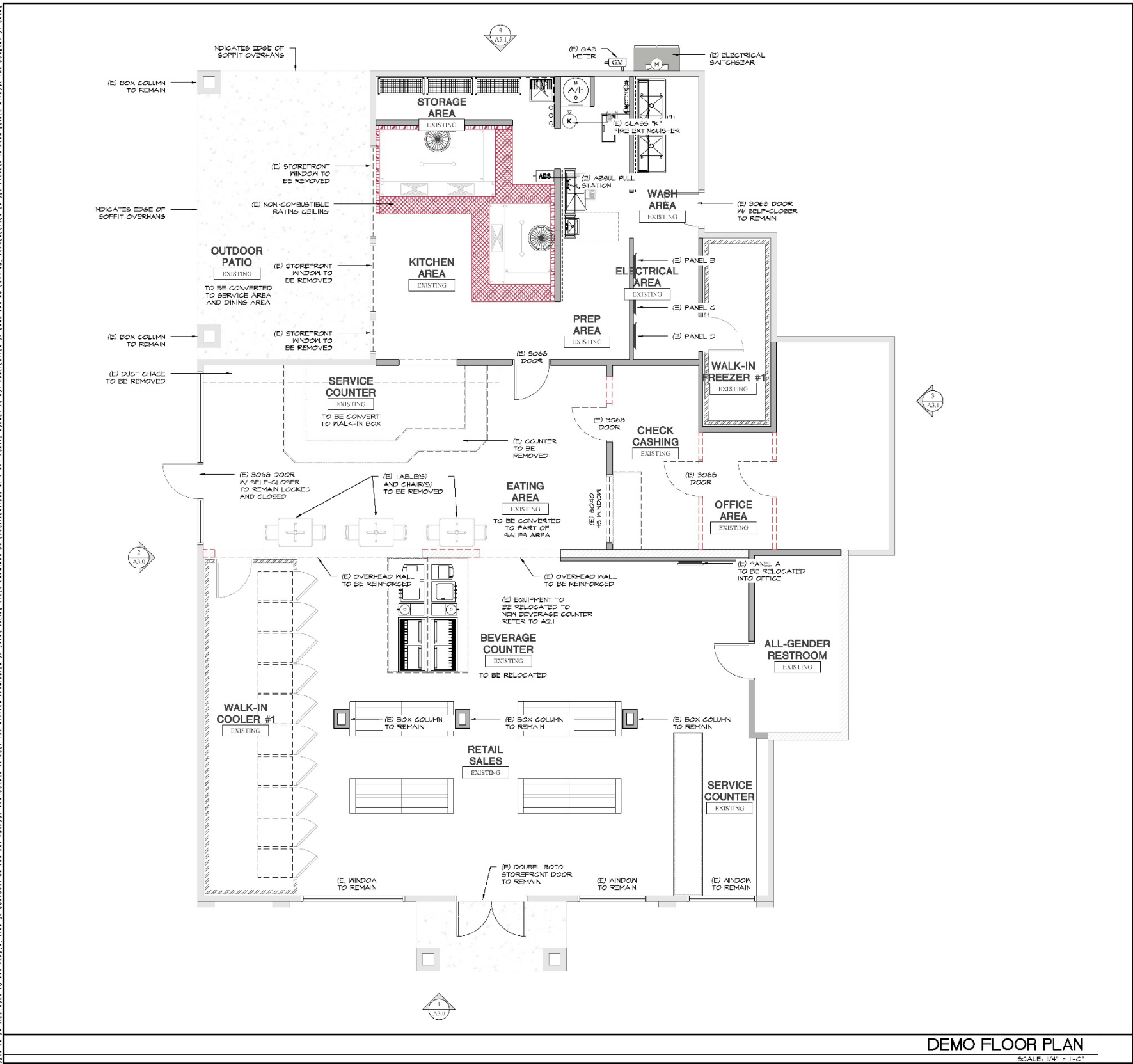
Attachment 2: Aerial Photo



Attachment 3: Site Plan



ALL NOTES, REVISIONS, DIMENSIONS AND VALUES INDICATED OR REPRESENTED BY THIS DRAWING ARE SUBJECT TO THE PROPERTY OF THE PROJECT. ANY CHANGES, REVISIONS AND DEVELOPMENT FOR THE PROJECT SHALL BE IN ACCORDANCE WITH THE PROJECT. ANY CHANGES, REVISIONS AND DEVELOPMENT FOR THE PROJECT SHALL BE IN ACCORDANCE WITH THE PROJECT. ANY CHANGES, REVISIONS AND DEVELOPMENT FOR THE PROJECT SHALL BE IN ACCORDANCE WITH THE PROJECT.



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PROJECT
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LA PLAZA
824 S. GATEWAY DRIVE
MADERA, CA 93637
APN: 011-142-018



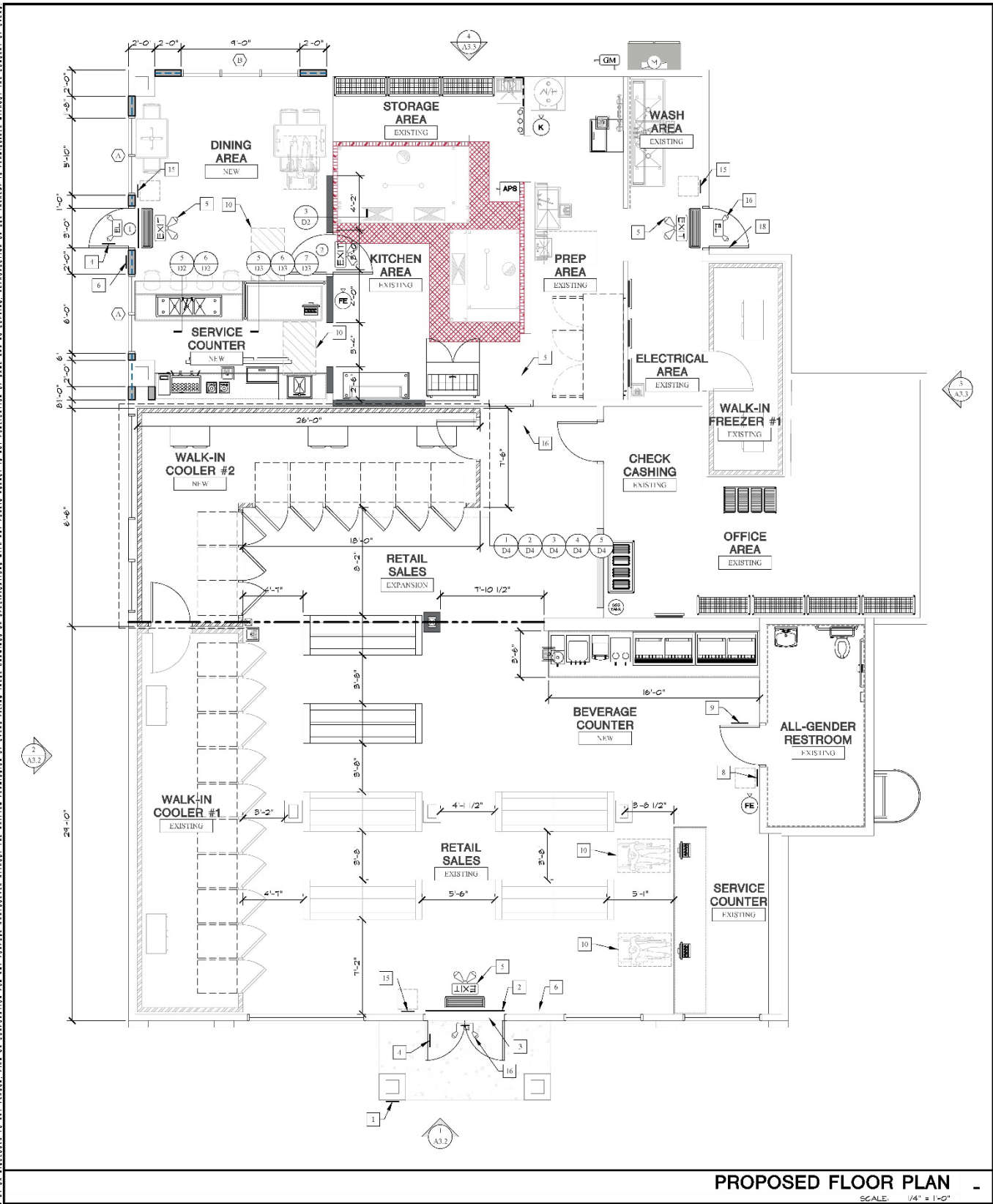
Revisions	Date
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DEMO FLOOR PLAN

CVEAS JOB #:	2057
DATE	11/7/2021
PLANNING SUBMITTAL #	XX-XXXX
PLAN CHECK SUBMITTAL #	XX-XXXX
DRAWN BY:	KX
CHECKED BY:	RL
SCALE	NOTE ON PLANS

A2.0

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PROPOSED FLOOR PLAN

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

ANSUL PULL STATION NOTES

1. A READILY ACCESSIBLE MEANS FOR MANUAL ACTIVATION SHALL BE LOCATED BETWEEN 42 INCHES AND 48 INCHES ABOVE THE FINISHED FLOOR, BE ACCESSIBLE IN THE EVENT OF A FIRE, BE LOCATED IN A PATH OF EGRESS, AND CLEARLY IDENTIFY THE HAZARD PROTECTED.
2. NOT LESS THAN ONE MANUAL ACTUATION DEVICE SHALL BE LOCATED NOT LESS THAN 10 FEET (3048mm) AND NOT MORE THAN 20 FEET FROM THE PROTECTED EXHAUST SYSTEM(S) WITHIN THE PATH OF EGRESS OR AT AN ALTERNATIVE LOCATION ACCEPTABLE TO THE AUTHORITY HAVING JURISDICTION.
3. MANUAL ACTUATION USING A CABLE-OPERATED PULL STATION SHALL NOT REQUIRE MORE THAN 40 LBS-FORCE (177N) OF FORCE, WITH A PULL MOVEMENT NOT TO EXCEED 14 INCHES (356mm) TO ACTIVATE THE AUTOMATIC FIRE EXTINGUISHING SYSTEM.
4. THE AUTOMATIC AND MANUAL MEANS OF SYSTEM ACTIVATION EXTERNAL TO THE CONTROL HEAD OR RELEASES DEVICE SHALL BE SEPARATE AND INDEPENDENT OF EACH OTHER SO THAT FAILURE OF ONE WILL NOT IMPAIR THE OPERATION.

FLOOR PLAN NOTES

1. INSTALL 12-INCH HIGH ADDRESS ON THE BUILDING IF NOT EXISTING. A SEPARATE SUITE SIGN SHALL BE TACTILE WITH SUITE NUMBERS IN RAISED NUMBERS AND BRAILLE AT THE MAIN ENTRY IF NOT EXISTING.
2. IN BUILDING(S) IN OCCUPANCY GROUP A HAVING AN OCCUPANCY LOAD OF 300 OR LESS, GROUPS B, F, M, AND S, AND IN PLACES OF RELIGIOUS WORSHIP, THE MAIN DOOR OR DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE EXTERIOR SIDE PROVIDED:
 - A. THE LOCKING DEVICE IS READILY DISTINGUISHABLE AS LOCKED;
 - B. A READILY VISIBLE DURABLE SIGN POSTED OVER THE PRIMARY DOOR AT EACH SPACE STATING "THIS DOOR SHALL REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED" WITH 1" HIGH LETTERS ON A CONTRASTING BACKGROUND;
 - C. THE USE OF THE KEY-OPERATED LOCKING DEVICE IS REVOCABLE BY THE FIRE CODE OFFICIAL FOR DUE CAUSE.
3. THERE SHALL BE NO VERTICAL OFFSET GREATER THAN 1/2 INCH ALONG THE ENTIRE PATH OF TRAVEL FROM THE PUBLIC WAY / ACCESSIBLE PARKING STALL INTO THE BUILDING OR RESTROOMS.
4. INSTALL 6" X 6" ACCESSIBILITY SIGN AT FRONT MAIN ENTRANCE.
5. PROVIDE ILLUMINATED EXIT SIGNS AT EXTERIOR EXIT DOORS WITH A BATTERY BACKUP OR AN APPROVED ALTERNATIVE.
6. INSTALL AN APPROVED OCCUPANT LOAD SIGN THAT READS "MAXIMUM OCCUPANCY - XX" IN A CONSPICUOUS PLACE IN THE ROOM OR SPACE. REFER TO OCCUPANT LOAD PLAN SHEET A2.3 FOR MAXIMUM LOAD OF EACH ROOM.
7. INSTALL 2A-0BC FIRE EXTINGUISHERS (MAXIMUM 15 FOOT TRAVEL DISTANCE FROM ANY POINT IN THE BUILDING) SHALL BE INSTALLED SO THAT THE TOP IS NOT MORE THAN 5 FEET ABOVE THE FLOOR. THE CLEARANCE BETWEEN THE FLOOR AND THE BOTTOM OF THE EXTINGUISHER SHALL NOT BE LESS THAN 5 FEET.
8. NEW BRAILLE SIGN(S) AT THE WALL ADJACENT TO THE RESTROOM ENTRY DOORS. REFER TO DETAIL 3/D.
9. NEW TACTILE DOOR SIGN(S) ON RESTROOM ENTRY DOORS. REFER TO DETAIL 2/D.
10. INDICATES 30" X 48" FORWARD APPROACH TO THE 36" WIDE COUNTER AT 34" MAX HEIGHT WITH "KNEE CLEARANCE 29" CLEAR HEIGHT AND 17" MIN CLEAR DEPTH.
11. 6'X5' LANDING AREA.
12. PROVIDE THE FOLLOWING FOR FLOORS AND WALLS IN WATER CLOSET COMPARTMENTS:
 - A. FLOORS: TOILET ROOM FLOORS SHALL HAVE A SMOOTH, HARD ABSORBENT SURFACE SUCH AS PORTLAND CEMENT, CONCRETE, CERAMIC TILE OR OTHER APPROVED MATERIAL THAT EXTENDS UPWARD ONTO THE WALLS AT LEAST 5 INCHES.
 - B. WALLS: WALLS WITHIN 2 FEET OF THE FRONT AND SIDES OF URINALS AND WATER CLOSETS SHALL HAVE SMOOTH, HARD ABSORBENT SURFACE OF PORTLAND CEMENT, CONCRETE, CERAMIC TILE OR OTHER SMOOTH, HARD NONABSORBENT SURFACE TO A HEIGHT OF 4 FEET. THE MATERIALS USED IN SUCH WALLS SHALL BE OF A TYPE THAT IS NOT ADVERSELY AFFECTED BY MOISTURE.
13. ALL DECORATIVE MATERIALS SHALL BE OF NON-COMBUSTIBLE OR APPROVED FLAME RETARDANT TREATED MATERIALS.
14. PROVIDE AN ANSUL PULL STATION NEAR THE TYPE I HOOD. REFER TO ANSUL PULL STATION NOTES THIS SHEET.
15. EACH EXIT DOOR THAT LEADS DIRECTLY TO A GRADE-LEVEL EXTERIOR OR EXIT SHALL HAVE A TACTILE EXIT SIGN WITH THE WORD "EXIT" IN RAISED CHARACTER. PROVIDE 18" X 18" CLEAR SPACE IN FRONT OF SIGNAGE.
16. PROVIDE EMERGENCY LIGHTS WITH A BATTERY BACKUP OR AN APPROVED ALTERNATIVE.
17. PROVIDE REQUIRED PATCHING TO MAINTAIN 1-HOUR RATINGS FOR MEP WORK IN THE WALLS COMMON WITH OTHER TENANTS. PENETRATIONS INTO OR THROUGH FIRE WALLS, FIRE BARRIERS, SMOKE BARRIERS, WALLS, AND FIRE PARTITIONS MUST COMPLY WITH CBC 7.4, THRU 8. REFER TO DETAIL 4/P2 FOR ANY PLUMBING OR MECHANICAL PENETRATIONS THROUGH THESE WALLS.
18. PROVIDE SELF-CLOSER AT DESIGNATED DOOR(S).

WALL LEGEND

	EXISTING WALL TO REMAIN
	NEW INTERIOR WALL - 2x OF #2 AT 16" O.C. MATCH EXISTING AS APPLICABLE. REFER TO DETAIL 3/D2.
	NEW EXTERIOR WALL - 2x OF #2 AT 16" O.C. MATCH EXISTING AS APPLICABLE. REFER TO DETAIL 3/D2.
	EXISTING NON-COMBUSTIBLE WALL
	NEW HALF PARTITION WALL - 2 x 4 OF #2 @ 16" O.C. REFER TO DETAIL 1/D3. PROVIDE SNEEZE-GUARD AND REFER TO DETAIL(S) 5/D3 AND 6/D3.
	NOT USED
	NEW 4" HIGH FRP BEHIND ALL SINKS.



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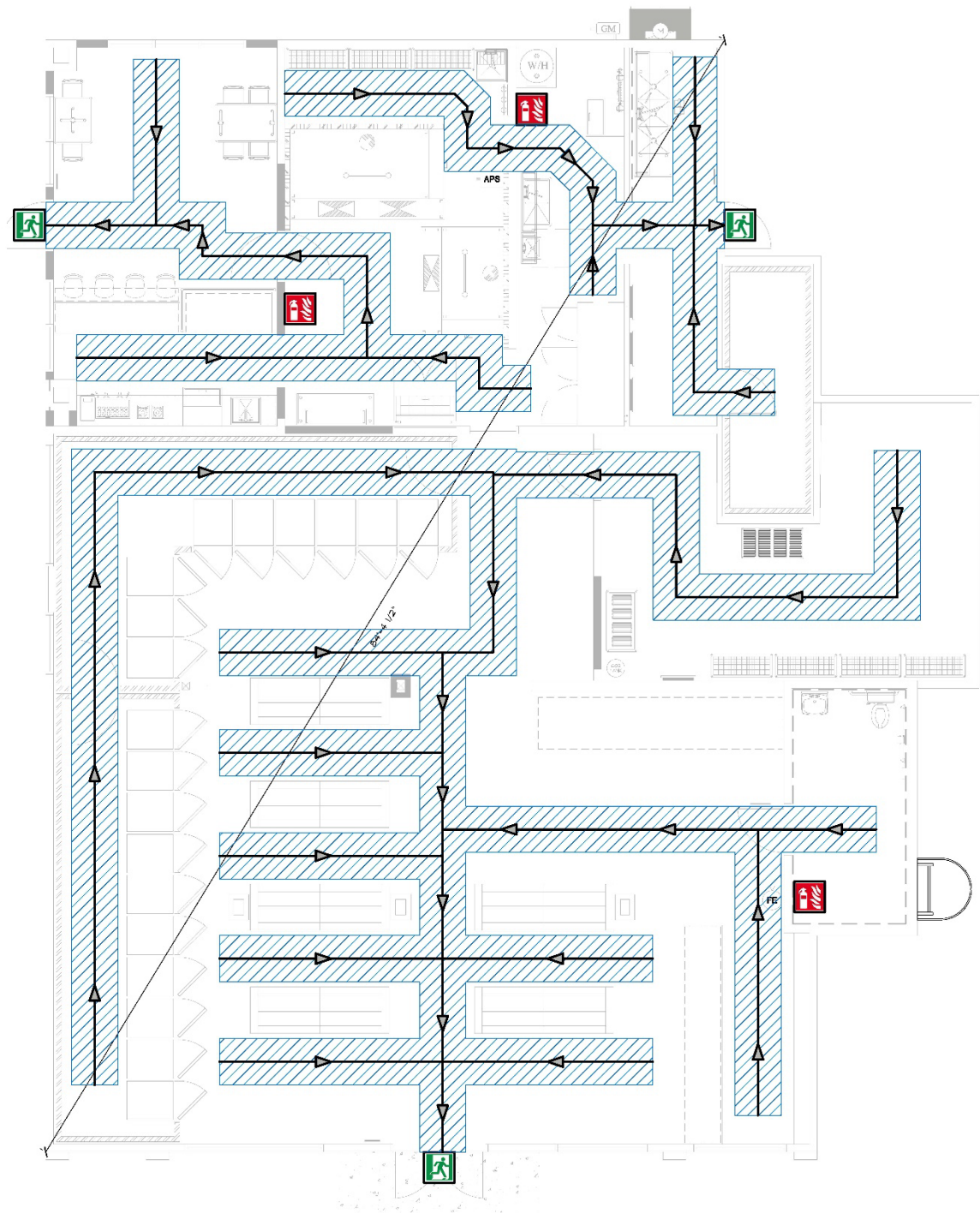
Revisions	Date
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PROPOSED FLOOR PLAN

CVEAS JOB #	20057
DATE	1/18/2021
PLANNING SUBMITTAL #	XX-XXXX
PLAN CHECK SUBMITTAL #	XX-XXXX
DRAWN BY	KX
CHECKED BY	RL
SCALE	NOTE ON PLANS


A2.1

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EMERGENCY EXIT PLAN
SCALE: 1/4" = 1'-0"


LEGEND:	
	TACTILE EXIT SIGN
	ESCAPE ROUTE
	ESCAPE WIDTH OF 36" MIN.
	FIRE EXIT
	FIRE EXT. EXTINGUISHER 2A-10BC
	EXIT SIGN W/ BATTERY BACK-UP
	EMERGENCY LIGHT W/ BATTERY BACK-UP



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PROJECT

**TENANT IMPROVEMENT
LA PLAZA
824 S. GATEWAY DRIVE
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APN: 011-142-018**



DATE SIGNED: 1/18/2021

Revisions	Date
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**EMERGENCY
EXIT PLAN**

CVEAS JOB #: 21057

DATE: 11/18/2021

PLANNING SUBMITTAL #: XX-XXXX

PLAN CHECK SUBMITTAL #: XX-XXXX

DRAWN BY: KX

CHECKED BY: RL

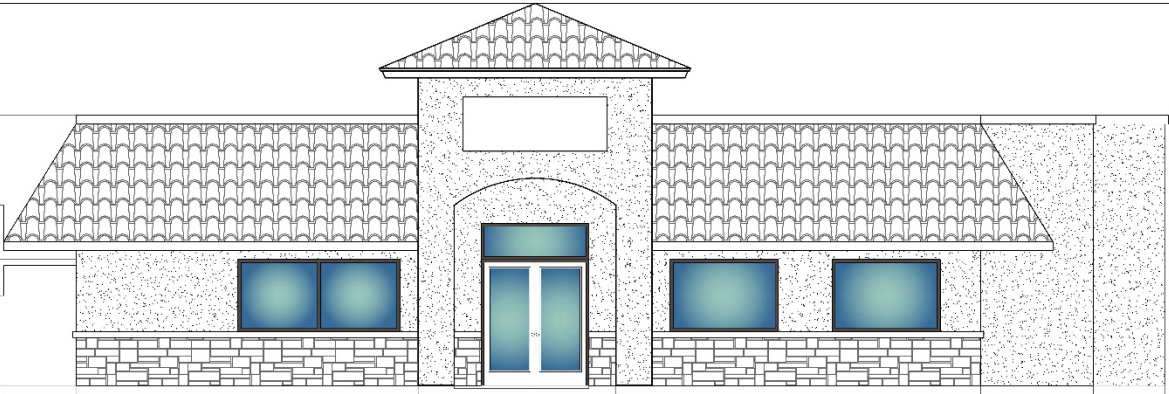
SCALE: NOTE ON PLANS

A2.6

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- 22'-2.5" - ROOF APEX
- 16'-4" - ROOF PARAPET
- 9'-0" - PLATEAU HEIGHT
- 7'-0" - WINDOW OPENING HGT
- 6'-8" - DOOR OPENING HGT
- 0'-0" - FINISHED FLR
- (0'-4") - GROUND



FRONT ELEVATION - NORTHWEST

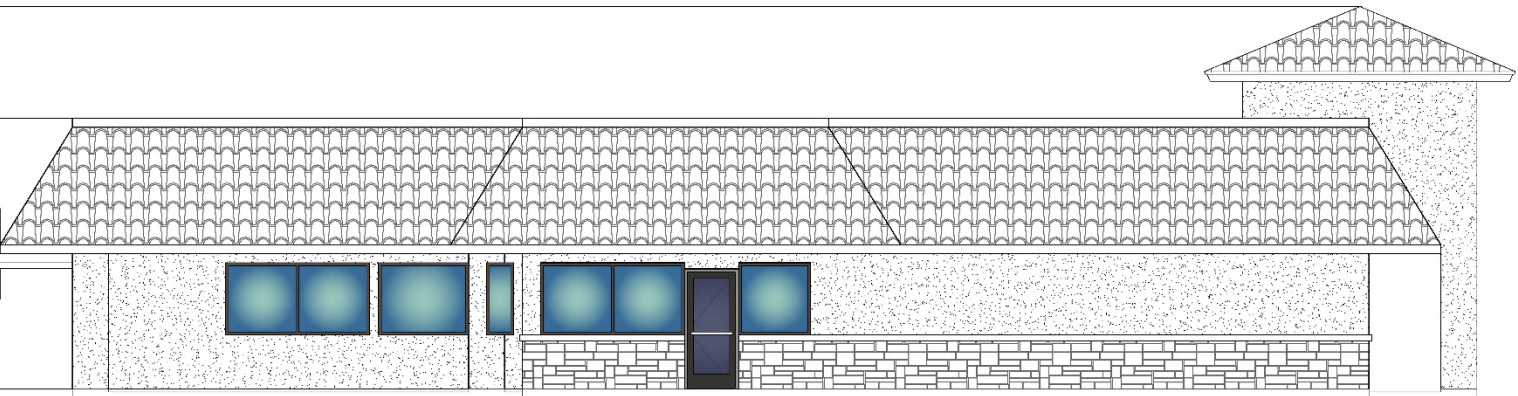
SCALE: 1/4" = 1'-0"

1

ELEVATION KEYED NOTES

- 1 EXISTING WALL STUCCO.
- 2 EXISTING CEILING STUCCO.
- 3 EXISTING DOOR OPENING.
- 4 EXISTING WINDOW OPENING.
- 5 ROOF MATERIAL - EXISTING ROOF TILE.
- 6 EXISTING BRICK VENEER.
- 7 EXISTING CORNICE FLASHING.
- 8 EXISTING BRICK VENEER TRIM.

- 22'-2.5" - ROOF APEX
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- 7'-0" - WINDOW OPENING HGT
- 6'-8" - DOOR OPENING HGT
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- (0'-4") - GROUND



LEFT SIDE ELEVATION - NORTHEAST

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

2



CENTRAL VALLEY
ENGINEERING & SURVEYING, INC.
2511 LOGAN STREET TEL: (559) 841-8811
SELMA, CA 93662 FAX: (559) 841-8815
WWW.CVEAS.COM EMAIL: INFO@CVEAS.COM

TENANT IMPROVEMENT
LA PLAZA
824 S. GATEWAY DRIVE
MADERA, CA 93637
APN: 011-142-018



DATE SIGNED: 1/17/2021

Revisions	Date
1	
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3	
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EXISTING ELEVATIONS

CVEAS JOB #	21057
DATE	11/17/2021
PLANNING SUBMITTAL #	XX-XXXX
PLAN CHECK SUBMITTAL #	XX-XXXX
DRAWN BY	KX
CHECKED BY	RL
SCALE	NOTE ON PLANS

A3.0

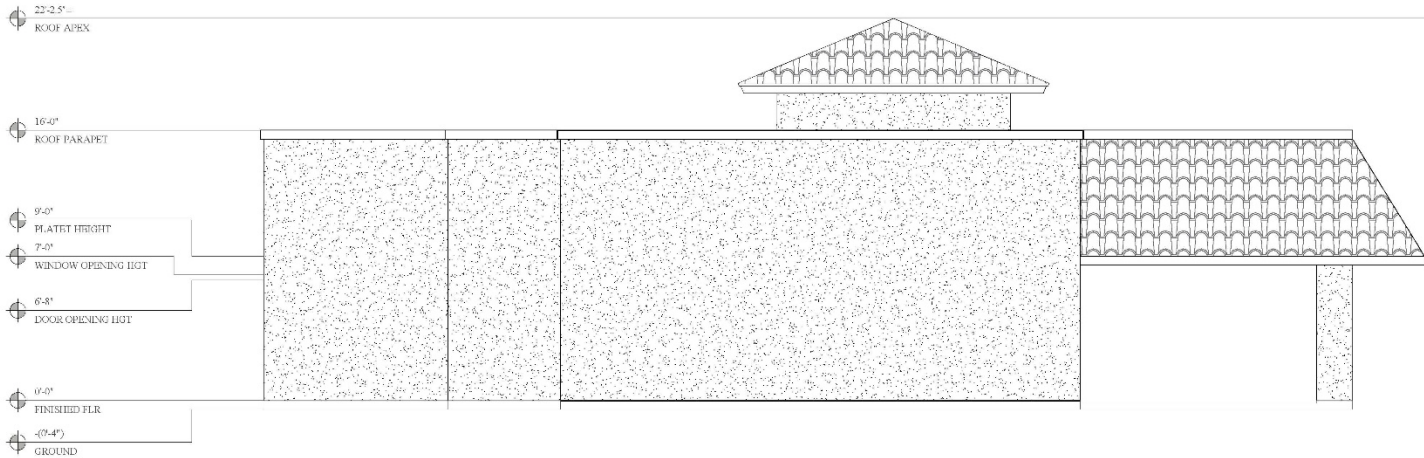
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RIGHT SIDE ELEVATION - SOUTHEAST

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

3



REAR ELEVATION - SOUTHEAST

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

4

ELEVATION KEYED NOTES

- EXISTING WALL STUCCO
- EXISTING CEILING STUCCO
- EXISTING DOOR OPENING
- EXISTING WINDOW OPENING
- ROOF MATERIAL - EXISTING ROOF TILE
- EXISTING BRICK VENEER
- EXISTING CORNER FLASHING
- EXISTING BRICK VENEER TRIM



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SCALE:	NOTE ON PLANS

A3.1

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- 22'-2.8" ROOF APEX
- 16'-4" ROOF PARAPET
- 9'-0" PLAFET HEIGHT
- 7'-0" WINDOW OPENING HGT
- 6'-8" DOOR OPENING HGT
- 0'-0" FINISHED FLR
- (0'-4") GROUND



FRONT ELEVATION - NORTHWEST

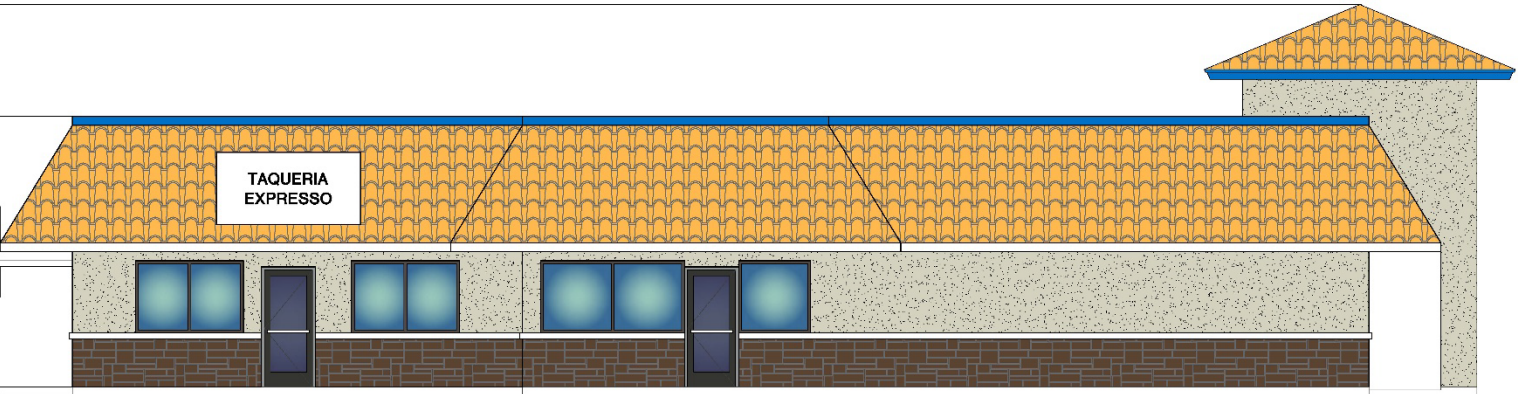
SCALE: 1/4" = 1'-0"

1

COLOR SCHEDULE	
A	STUCCO FINISH #1: SHERWIN WILLIAMS SA 6643 COLOR - LILY OR EQUAL
B	ROOF TILE(S): SHERWIN WILLIAMS SA 6681 COLOR - NAVEL OR EQUAL
C	CORNICE FINISH: SHERWIN WILLIAMS SA 6405 COLOR - HYPER BLUE OR EQUAL
D	PORCELAIN VENEER FINISH: CROSSVILLE 5" PORCELAIN TILE COLOR - SWEET GEORGIA BROWN AV263 OR EQUAL PH: 1-800-484-8100 WWW.CROSSVILLEINC.COM
E	TRIM FINISH: SHERWIN WILLIAMS SW6255 COLOR - OLYMPIUS WHITE OR EQUAL

ELEVATION KEYED NOTES	
1	5 COAT STUCCO FINISH #1: 7/8" MIN. THICKNESS OVER 1 GA. X 1-1/2" HEXAGONAL PAPER BACKED WIRE LATH OVER 2-LAYERS OF TYPE "D" PAPER UNDER-LAYMENT OVER PLYWOOD.
2	REFER TO KEEP SCALED DETAIL 1/D1 FOR EXTERIOR WALLS.
3	REFER TO KEEP SCALED DETAIL 2/D1 FOR STEM WALLS.
4	REFER TO KEEP SCALED DETAIL 3/D1 FOR BOX COLUMNS.
5	5 COAT STUCCO FINISH: 7/8" MIN. THICKNESS OVER HI-RIB LATH OVER 2-LAYERS OF TYPE "D" PAPER UNDER-LAYMENT OVER PLYWOOD.
6	DOOR OPENING - REFER TO DOOR SCHEDULE ON SHEET A2, AND DETAILS ON SHEET D2.
7	WINDOW OPENING - REFER TO WINDOW SCHEDULE ON SHEET A2, AND DETAILS ON SHEET D2.
8	ROOF MATERIAL - EXISTING ROOF TILE - PAINT PER COLOR SCHEDULE.
9	EXISTING BRICK VENEER.
10	EXISTING CORNICE FLASHING - PAINT PER COLOR SCHEDULE.
11	EXISTING BRICK VENEER TRIM.

- 22'-2.8" ROOF APEX
- 16'-4" ROOF PARAPET
- 9'-0" PLAFET HEIGHT
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- 0'-0" FINISHED FLR
- (0'-4") GROUND



LEFT SIDE ELEVATION - NORTHEAST

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

2



PROJECT
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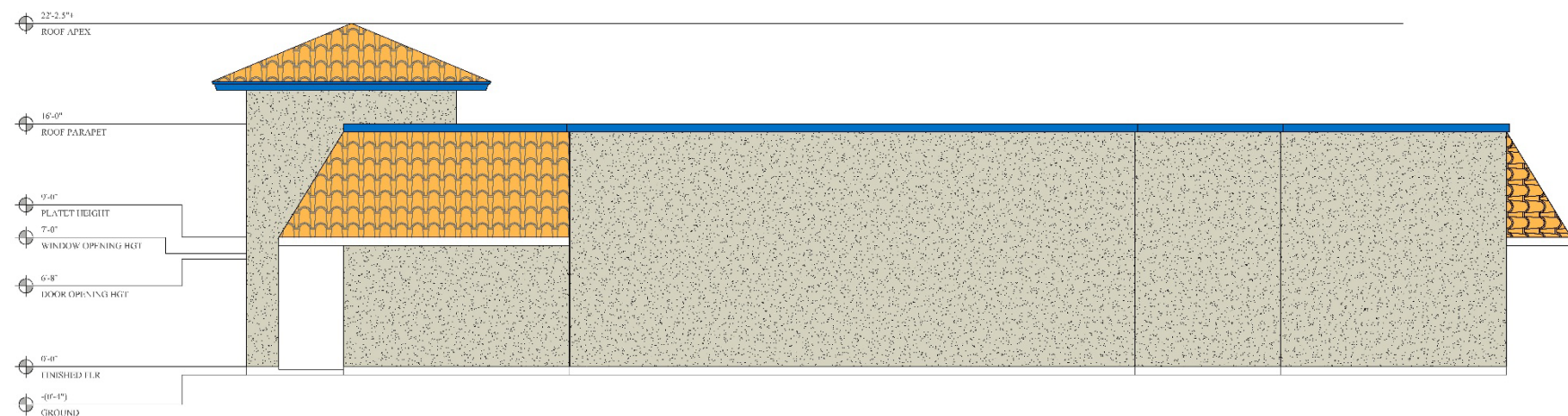
DATE SIGNED: 1/18/2021

Revisions	Date
1	-
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5	-

NEW ELEVATIONS

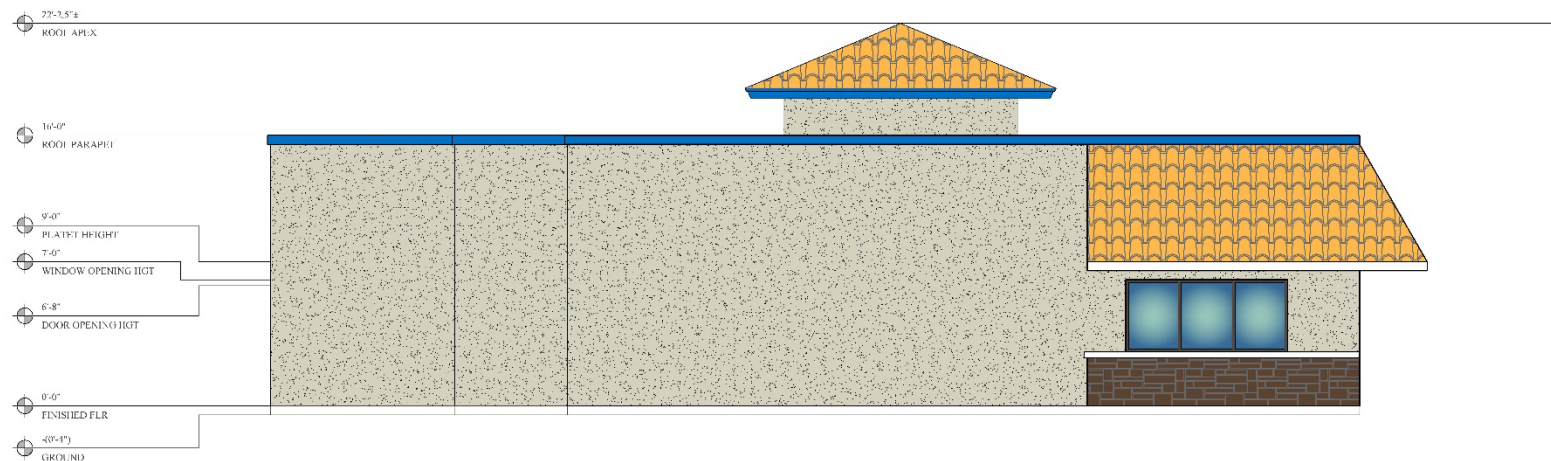
CVEAS JOB #:	21057
DATE	11/18/2021
PLANNING SUBMITTAL #:	XX-XXXX
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	KX
CHECKED BY:	RL
SCALE	NOTE ON PLANS

A3.2








SCALE:	1/4" = 1'-0"
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3



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

4

COLOR SCHEDULE	
A	 <p>STUCCO FINISH #1: SHERWIN WILLIAMS SW 66493 COLOR = LILY OR EQUAL</p>
B	 <p>ROOF TILE(S): SHERWIN WILLIAMS SW 68001 COLOR = NIVALL OR EQUAL</p>
C	 <p>CORNICE FINISH: SHERWIN WILLIAMS SW 6968 COLOR = HYPER BLUE OR EQUAL</p>
D	 <p>PORCELAIN VENEER FINISH: CORVILLE B* PORCELAIN TILE COLOR = SATIN GLOSS A BROWN AV28 OR EQUAL P4: 1-431-484810 www.corvilletile.co.com</p>
E	 <p>TRIM FINISH: SHERWIN WILLIAMS SW6258 COLOR = OLYMPIA WHITE OR EQUAL</p>

ELEVATION KEYED NOTES	
	<p>3 COAT STUCCO FINISH—H:</p> <p>1/2" MIN THICKNESS OVER 1/8" GA X 1/2" HEMASOVA.</p> <p>PAFIER BACKEED LATH OVER 2- LAYERS OF "TYPE 1"</p> <p>PAFIER UNDER-LAYMENT OVER FLYNOOD.</p>
1	<p>REFER TO KEEP SCREED DETAIL 1/D1 FOR EXTER OR WALLS.</p> <p>REFER TO KEEP SCREED DETAIL 2/D FOR 5" STEM WALLS.</p> <p>REFER TO KEEP SCREED DETAILS 3/D FOR BOX COLUMNS.</p>
	<p>3 COAT STUCCO FINISH—H:</p> <p>1/2" MIN THICKNESS OVER H-1/8" LATH OVER 2-LAYERS OF "TYPE 1" PAFIER UNDER-LAYMENT OVER FLYNOOD.</p> <p>DOOR OPENING - REFER TO DOOR SCHEDULE ON SHEET A4 AND DETAILS(1) ON SHEET D2.</p> <p>WINDOW OPENING - REFER TO WINDOW SCHEDULE ON SHEET A4 AND DETAILS(1) ON SHEET D2.</p>
5	<p>ROOF MATERIAL - EXISTING ROOF T-2 - PAINT PER COLOR SCHEDULE.</p>
6	<p>EXISTING BRICK VENEER.</p>
7	<p>EXISTING CORNICE FLASHING. PAINT PER COLOR SCHEDULE.</p>
8	<p>EXISTING BRICK VENEER TRIM.</p>



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DATE SIGNED: 1/17/2021

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1 -	-
2 -	-
3 -	-
4 -	-
5 -	-

NEW ELEVATIONS

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PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	KX
CHECKED BY:	RL
SCALE:	NOTE ON PLANS

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Attachment 4: Resolution

RESOLUTION NO. 1907

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2003-03 MOD 2 AND SITE PLAN REVIEW
2021-34 (LA PLAZA GAS STATION)**

WHEREAS, AMG Family Inc (“Owner”) owns the subject site in Madera, California (“site”) and has authorized Malkait Singh (“Applicant”) to submit applications for improvements on the site; and

WHEREAS, the site is developed with a convenience store, carwash and fueling island and is planned C (Commercial) and zoned C2 (Heavy Commercial); and

WHEREAS, the Applicant is seeking a conditional use permit modification (CUP 2003-03 MOD 2) and site plan review (SPR 2021-34) to enclose an existing outdoor dining area and alter the interior floor space by converting a restaurant service counter and dining area to a walk-in cooler for retail sales; and

WHEREAS, project has been determined to be categorically exempt from the preparation of environmental documents pursuant to Section 15301 of the State California Environmental Quality Act (CEQA) Guidelines; 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 the project at a duly noticed meeting on March 8, 2022; and

WHEREAS, at the March 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 2003-03 MOD 2 and SPR 2021-34 to an unspecified Planning Commission hearing with direction to staff to work with Applicant in resolving the Applicant’s objection to Conditions of Approval Numbers 22 and 23; and

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

WHEREAS, the Planning Commission received and reviewed the project at a duly noticed meeting on May 5, 2022; and

WHEREAS, at the May 10, 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 1 Categorical Exemption per the California Environmental Quality Act and approve CUP 2003-03 MOD 2 and SPR 2021-34, 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 1 Categorical Exemption set forth in CEQA Guidelines Section 15301 as the project is characterized as minor alteration and addition to an existing structure 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 0.75 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 15301 (Existing Facilities) for this project.

3. Findings for CUP 2003-03 MOD 2 and SPR 2021-34: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of this item, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code. 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 for commercial uses, which is consistent with the existing General Plan land use designation of commercial. The proposed modifications are consistent with the purpose and intent of the commercial zoning district and do 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. The project site is located within a commercial area and is surrounded by other commercial and/or industrial uses.

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

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed use will result in an enhanced store and restaurant to better serve patrons and 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 for commercial uses, which is consistent with the existing General Plan land use designation of commercial. The proposed modifications are consistent with the purpose and intent of the commercial zoning district and do not conflict with City standards or other provisions of the Code.

- *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 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.

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

Existing off-site improvements are adequate to serve the site and the enclosure of an outdoor dining area for a similar use will not have impacts on traffic or the environment.

4. Approval of CUP 2003-03 MOD 2 and SPR 2021-34: Given that all findings can be made, the Planning Commission hereby approves CUP 2003-03 MOD 2 and SPR 2021-34 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 10th day of May 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

Exhibit "A"
CUP 2003-03 MOD 2 & SPR 2021-34
(LA PLAZA MINI MART MODIFICATION)
CONDITIONS OF APPROVAL
May 10, 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 2003-03 MOD2 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. Approval for SPR 2021-34 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 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 to the City of Madera Planning Department no later than three (3) days following action on SPR 2021-34.
- 3) CUP 2003-03 MOD 2 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 2021-34 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 approved subject to the conditions noted herein. Minor modifications to the approved SPR 2021-34 necessary to meet regulatory, engineering, or similar constraints may, at the discretion of the Planning Manager, be undertaken without an amendment to CUP 2003-03 MOD 2 and SPR 2021-34. However, should the Planning Manager determine that modifications are substantive, they may require that an

amendment to CUP 2003-03 MOD 2 and SPR 2021-34 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 2003-03 MOD 2 and SPR 2021-34 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.

Engineering Department

GENERAL

- 11) Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 12) Improvement plans, if required, 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.
- 13) The improvement plans, if required, shall include the most recent version of the City's General Notes.
- 14) In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
- 15) Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

WATER

- 16) New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way.
- 17) A separate water meter and backflow prevention device will be required for landscape area.
- 18) Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

SEWER

- 19) New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
- 20) Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.

STREETS

- 21) 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.
- 22) An Irrevocable Offer of Dedication shall be made to dedicate sufficient right-of-way along a portion of the parcel's frontage on Gateway Drive to provide a half street width of fifty (50) feet, west of the centerline, at such time as Gateway Drive is widened for two travel lanes in each direction. Limits of dedication include a point between the northerly property line and a point 140 feet south of the northerly line. No project is currently scheduled for change.
- 23) The developer shall dedicate a Public Utility Easement 10-feet wide along a portion of the Olive Avenue frontage of the offer for right-of-way. Limits of easement include a point between the westerly property line and a point 90 feet east of the westerly property line. A

\$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

- 24) The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

Madera County Environmental Health Division (MCEHD)

- 25) The project shall be served by a public water system. Water services for any structure(s), within this development, must be connected to an appropriate public water system and approved by MCEHD and/or State Division of Drinking Water (DDW).
- 26) Any structure, regardless of use, that produces wastewater shall have adequate wastewater treatment and disposal as required by the California Plumbing Code Appendix H and Madera County Code Title 13. Wastewater dispersal shall either be accomplished by means of an approved onsite wastewater treatment system or connection to a public/community sewer. If the project is located within 200 feet of a public sanitary sewer, it shall connect to the sewer system [MCC 13.54.070].
- 27) MCEHD food facility plan check will be required for review and approval prior to construction.
- 28) The facility will be regulated under the Hazardous Material Business Plan (Article I, Chapter 6.95 of the California Health & Safety Code). As of January 2013, all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.calepa.ca.gov

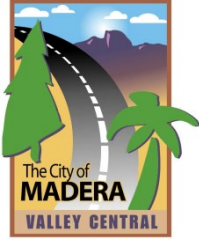
Planning Department

- 29) 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.
- 30) CUP 2003-03 MOD2 and SPR 2021-34 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.
- 31) 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 2003-03 MOD2 and SPR 2021-34. Such conditions that constitute such violation include, but are not limited to:
 - a) 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.
 - b) 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.

- c) 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.
- 32) 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.
- 33) All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2003-03 MOD2 and SPR 2021-34 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.
- 34) Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
- 35) 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.
- 36) 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.
- 37) Off-site alcohol sales shall be restricted to the convenience store section of the site. No sale of alcohol for off-site consumption shall be permitted at or as a part of the restaurant or its operations.
- 38) On-site alcohol sales shall be restricted to the restaurant section of the site.
- 39) Consumption of alcohol on the premises shall be restricted to the interior of the restaurant. If, in the future, the property owner or successors in interest wish to expand the service of alcohol to outdoor areas, a modification of SPR 2021-34 and CUP 2003-03 MOD2 demonstrating a designated and enclosed area in which said service will occur shall be required.
- 40) 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.
- 41) 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.

- 42) The construction/ remodel of all buildings approved as part of CUP 2003-03 MOD 2 and SPR 2021-34 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: May 10, 2022

Agenda Item: 2

SUBJECT:

CVI Tentative Subdivision Map Extension (TSM 2017-02 EXT)

RECOMMENDATION:

Conduct a public hearing and adopt a resolution approving a 12-month time extension to Tentative Subdivision Map 2017-02.

PROPOSAL:

An application for a 12-month time extension of the CVI Tentative Subdivision Map (TSM 2017-02) approved by Planning Commission (Commission) in August 2018 allowing for the creation of a residential 19-lot tentative subdivision map. All previously approved conditions of approval remain in effect with minor modifications to bring some conditions up to date without significant amendments to the project. Two new conditions have been added: (1) extend the life of the map for the requested 12-month extension; and (2) require TSM 2017-02 to comply with the City's adoption of the Parkland Acquisition Ordinance Act authorizing the City to require dedication of parkland or the payment of fees in-lieu of such dedication in effect since May 21, 2018.

Table 1: Project Overview

<i>Project Number:</i>	Tentative Subdivision Map Extension (TSM 2017-02 EXT)
<i>Applicant:</i>	CVI-2 Group, LLC
<i>Property Owner:</i>	CVI-2 Group, LLC
<i>Location:</i>	Southwest of Adell Street and Kennedy Street
<i>Project Area:</i>	3.52-acres
<i>Plan Land Use:</i>	LD (Low Density Residential)
<i>Zoning District:</i>	PD(4500 - Planned Development (one unit for each 4,500 square feet of site area)
<i>Site Characteristics</i>	The project site is vacant and disced for vegetation management and is generally surrounded by single-family residential homes. North of the project site is the James Monroe elementary school and south of the site is a sixty-five (65) unit apartment complex (Madera Garden Apartments).

SUMMARY:

Tentative Subdivision Map TSM 2017-02 allows for the creation of nineteen (19) single-family residential lots from two (2) existing parcels. The applicant has been working diligently to complete the final mapping process and comply with the required conditions of approval attached to the original application. A number of City infrastructure improvements were conditioned with the original approval due to the undeveloped nature of the site and its surroundings. Although largely complete and ready to submit the final map, the applicant is requesting a 12-month extension to allow requirements to be finalized with the City and recording the final map to take place. As a component of the subdivision map, a new collector street (Kennedy Street) will be developed along with underground City utilities (sewer, water and storm drain), curb, gutter, sidewalk, streetlights and fire hydrants. The 12-month extension request would extend the life of the Map to February 14, 2023. A precise plan is required to address any subsequent development within the subdivision. Pursuant to MMC Section 10-3-4.103, no construction, grading or new development activity shall commence in a P-D zone prior to the approval of a precise plan by the Commission.

PRIOR ACTION:

TSM 2017-02 was approved by Planning Commission on August 14, 2018.

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 and religious facility	LD - Low Density Residential	P-D (4500) – Planned Development (one unit for each 4,500 square feet of site area)
<i>East</i>	Single family residential	LD - Low Density Residential	R1 (one unit per each 6,000 square feet)
<i>South</i>	Multifamily residential	LD - Low Density Residential	P-D (3000) – (one unit for each 3,000 square feet of site area)
<i>West</i>	Vacant	LD - Low Density Residential	R1 (one unit per each 6,000 square feet)

ANALYSIS:

TSM 2017-02 was approved by the Commission on August 14, 2018. MMC Section 10-2.402.8.1(A) stipulates an approval of a tentative subdivision map shall expire 24 months from the date of approval of the map. Thus, the approval of TSM 2017-02 was scheduled to expire on August 14, 2020. However, the State of California has the ability to grant statutory extensions to maps that met certain criteria (Government Code Sections 66452.22 – 66452.25).

Assembly Bill 1561 (AB 1561), signed by Governor Newsom on September 29, 2020, extended approved “housing entitlements” including tentative subdivision maps approved prior to, and effective on, March 4, 2020, and that would have expired prior to December 31, 2021, an additional 18 months. The signing of AB 1561 into law in effect extended the life of TSM 2017-02 to February 14, 2022. The Applicant submitted a 12-month extension request in January 2022, more than fifteen days prior to the scheduled expiration on February 14, 2022. The proposed extension request (TSM 2017-02 EXT) would extend the life of TSM 201-02 to February 14, 2023, which would be 12 months from the statutory extension allowed by the Governor’s action in September 2020.

The applicant is requesting an additional extension of 12 months to allow sufficient time to record the final map and subsequent build-out of the subdivision and improvements. An extension of the existing TSM would enhance the possibility that the subdivision will be fully developed. Considering the applicants extensive preparatory activity conducted with the Engineering Department, extending the map would allow final infrastructure requirements and the final map to be completed and filed prior to a further Precise Plan application being submitted to complete the planning permitting process.

The City typically is required to act on Map extension requests within 60 days, according to state law (Government Code Section 66452.6(e)). Due to the required scheduling arrangements to bring this project before Planning Commission and Staff resourcing limits, this hearing is the earliest date staff were able to schedule the project. Planning Commission is requested to act on the Map outside the required 60 days in order to not penalize the applicant for delays caused by the City.

ENVIRONMENTAL REVIEW:

A Negative Declaration (ND) was adopted for the project by the Planning Commission as part of the original TSM 2017-02 approval on August 14, 2017. The setting for the project has not substantially changed since the adoption of the ND and no additional development in the area has occurred since the approval that would require additional environmental analysis of the project. The extension of time for a tentative subdivision map does not involve any physical changes in the environment and hence does not have the potential for causing a significant effect on the environment beyond what has previously been studied. Therefore, the adopted ND is sufficient and pursuant to State CEQA Guidelines Section 15162, which identifies the requirements for which subsequent analysis is warranted, no further environmental review is required.

RECOMMENDED ACTION:

Conduct a public hearing and make the necessary findings to:

1. Adopt a resolution recommending approval of a resolution approving a 12-month time extension to the Tentative Subdivision Map 2017-02.

ALTERNATIVES:

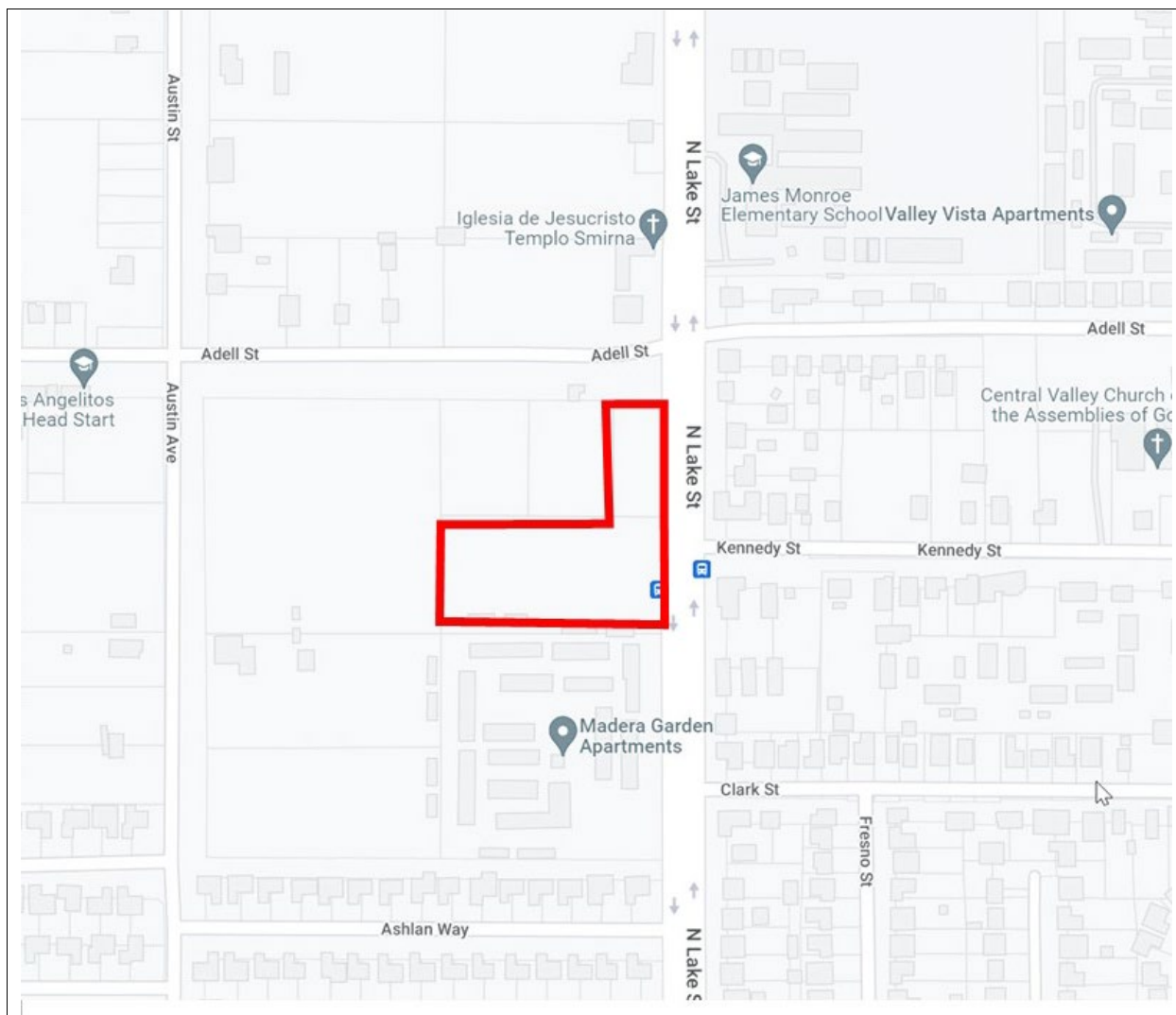
As an alternative, the Commission may elect to:

- Move to continue the public hearing to the June 14, 2022, Commission meeting.
- Move to deny the request, based on the following findings: (specify)

ATTACHMENTS:

1. Vicinity Map
2. Aerial Map
3. Tentative Subdivision Map 2017-02
4. Planning Commission Resolution
5. Planning Commission Staff Report approving TSM 2017-02

Attachment 1 – Vicinity Map



Attachment 2 – Aerial Map



Attachment 4 – Resolution

RESOLUTION NO. 1917

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING A TWELVE-MONTH TIME EXTENSION FOR CVI TENTATIVE
SUBDIVISION MAP 2017-02**

WHEREAS, Planning Commission of the City of Madera (Commission) on August 14, 2018 adopted a Negative Declaration and approved the CVI Subdivision Map (TSM 2017-02) to subdivide approximately 3.52-acres to create 19 single family lots; and

WHEREAS, the approval of TSM 2017-02 was scheduled to expire August 14, 2020, 24 months from the date of approval by the Commission; and

WHEREAS, California Assembly Bill 1561 (AB 1561), signed by Governor Newsom on September 29, 2020, and codified as California Government Code Section 65914.5, extended approved “housing entitlements” including tentative subdivision maps issued prior to, and effective on, March 4, 2020 and that would expire prior to December 31, 2021, by additional 18 months; and

WHEREAS, TSM 2017-02 was approved prior to and effective on March 4, 2020, and would expire prior to December 31, 2021; and

WHEREAS, California Government Code Section 65914.5 automatically extended the life of TSM 2017-02 an additional 18 months to February 14, 2022; and

WHEREAS, prior to the expiration of TSM 2017-02 Dale. G Mell and Associates on behalf of CVI-2 Group LLC, filed a request for a twelve-month extension for TSM 2017-02, herein reference as TSM 2017-02 EXT; and

WHEREAS, based on a preliminary environmental assessment, TSM 2017-02 EXT was determined to be consistent with the Negative Declaration prepared and adopted for the original CVI Tentative Subdivision Map (TSM 2017-02) and no further analysis is required; and

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

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

WHEREAS, the Planning Commission received and reviewed TSM 2017-02 EXT at a duly noticed meeting on May 10, 2022; and

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

WHEREAS, at the May 10, 2022, public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. Planning Commission finds that pursuant to CEQA Guidelines Section 15162 subsequent environmental review is not required for TSM 2017-02 EXT based on the following:
 - a. No substantial changes are proposed in the project which will require major revisions of the previous negative declaration (ND) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application maintains the same density, intensity and is otherwise consistent with the development originally proposed for the subject site as contemplated by the ND. As such, no further environmental review is necessary or required.
 - b. No substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, the application is consistent with the originally approved tentative map that was assessed by the ND and there are no new substantial changes in the physical environment that were not anticipated in the ND, including its analysis in light of development contemplated in the General Plan.
 - c. There is no new information, which was not known and could not have been known at the time of the previous ND that the project will have significant effect not discussed in the ND. The project will not have any more significant effects than that already discussed and assessed in the ND. As a negative declaration was previously adopted for the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, it has been determined that no further environmental documents are required for this application.

3. Findings for TSM 2017-02 EXT: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support approval, as conditioned. With the conditions, the project is consistent with the requirements of the Municipal Code, including Sections 10-2.402.8.1 and 10-2.402.8.2. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:
 - a. *There have been no changes to the provisions of the General Plan, any applicable specific plan or the development code applicable to the project since the approval of the tentative map.*

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

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

Surrounding property existing conditions and uses remain relatively unchanged since the approval of the tentative subdivision map. The project, with the approval of the additional condition of approval, will remain consistent with the City's Zoning Ordinance.

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

Adequate service capacity remains available to service the subject site.

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

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

4. Approval of TSM 2017-02 EXT: Given that all findings can be made, the Planning Commission hereby approves TSM 2017-02 EXT as conditioned as set forth in the Conditions of Approval attached as Exhibit "A." and shall now expire on February 14, 2023.
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 10th day of May 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

EXHIBIT "A"
TSM 2017-02 EXT
CONDITIONS OF APPROVAL
(Amended May 10, 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 this 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 the project site that are being developed under this project by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

Conditions of Approval

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
 2. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approved by the Planning Manager.
 3. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
- 3(a) This tentative map approval (TSM 2017-02) shall expire on February 14, 2023, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.

Engineering Department

General

4. Prior to recording of the final map, all action necessary for the formation of a Community Facilities District shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.
5. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone "LLMD" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain existing landscaping improvements and new improvements which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved, but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.

6. A final subdivision map shall be required per Section 10-2.502 of the Municipal Code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
7. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.
8. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Division prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
9. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. Improvement plans shall be sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
12. The developer shall pay all required fees for processing subdivision map and completion of project. Fees due include, but shall not be limited to, the following: subdivision map review and processing fee, plan review, easement acceptance, map recording and improvement inspection fees.
13. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.
16. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two (2") inches of type "B" asphalt over six (6") inches of ninety (90%) percent compacted native soil or four (4") inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.

17. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on a 24" x 36" tracing with City of Madera logo on the bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards. The plans are to include the City of Madera title block and the following:

- a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
- b. Street plans and profiles;
 - i. Drainage ditches, culverts and other structures (drainage calculations to be submitted with the improvement plans).
 - ii. Street lights.
 - iii. Traffic signals.
 - iv. Construction details including traffic signage and striping plan.
- c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
- d. Grading plan indicating flood insurance rate map community panel number and effective date;
- e. Landscape and irrigation plans for off-site landscaping improvements shall be prepared by a landscape architect or engineer;
- f. Storm water pollution control plan and permit;
- g. Itemized quantities of the off-site improvements to be dedicated to the City.

18. Submittals shall include:

- a. Engineering Plan Review Submittal Sheet.
- b. Civil Plan Submittal Checklist – all required items shall be included on the drawings.
- c. Four copies of the final map.
- d. Two sets of traverse calculations.
- e. Two preliminary title reports.
- f. Two signed copies of conditions.
- g. Six sets of complete improvement plans.
- h. Three sets of landscaping plans.
- i. Two sets of drainage calculations.
- j. Two copies of the engineer's estimate.

Partial submittals will not be accepted by the Engineering Division.

19. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a three-sack sand slurry mix extending one (1') foot past curb and gutter in each direction.

20. The applicant shall coordinate with the pertinent utility companies, as required, regarding establishment of appropriate easements and under-grounding of service lines. A ten (10') foot public utility easement shall be required along all interior lot frontages.

21. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All

public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

22. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
23. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code shall be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
24. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
25. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 of the Madera Municipal Code, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a one-hundred (100%) percent performance bond, additional bond (50% of labor and material) and insurance certificate prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by the City Council and shall be paid at time of permit.
26. The developer's engineer, upon completion of subdivision-related improvements, shall certify to the City Engineer that the improvements shall be made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.
27. The development of individual parcels shall be consistent with provisions of the Precise Plan that require driveway designs that remove the necessity for vehicles to back into or out of driveways. Achieving this can be accomplished through the application of measures but are not necessarily limited to construction of hammer head driveways or circular driveways that are fully contained on individual parcels or shared with adjacent parcels, or as directed by City Engineer.

Sewer

28. Sewer lines installed to serve this subdivision shall be sized accordingly and shall be a minimum of eight (8") inches in diameter. Sewer main connections to any existing City main six (6") inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.

29. The developer shall construct and eight (8") inch sewer main in Adell Street from its current termination point at the intersection of Lake Street and Adell Street to the westernmost property line of lot 18 of the tentative subdivision map in accordance with the lines and grades shown on the City of Madera Redevelopment Agency Adell Street Improvement Project. The sewer main shall be constructed to current City standards.
30. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards and identified on the curb face. Termination of service shall be ten (10') feet past the property line. Where contiguous sidewalks are installed, the four (4") inch sewer clean out shall be located eighteen (18") inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed ten (10') feet beyond the property lines as a part of the sewer system installation for testing purposes.
31. Existing septic tanks, if found, shall be removed with the appropriate building permit(s) required by the City of Madera Building Department.
32. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on Lake Street.

Storm Drain

33. Storm runoff from this project site is planned to go to the Sherwood basin located to the southwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate basin to an amount equivalent to this project's impact on the basin. The developer shall have the option of constructing a temporary basin and enter into a maintenance covenant given funding is not available to reimburse for master plan pipe improvements. Should this option be selected, all improvements shall be designed to allow for future connection to master plan improvements when constructed later as part of a City initiated project. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.

Streets

34. The developer shall dedicate a ten (10') foot Public Utility Easement (PUE) along Lake Street, Adell Street and Kennedy Street, adjacent to the entire project site.
35. The developer shall dedicate an eighty (80') foot wide easement for street and utility purposes to accommodate the new Kennedy Street alignment.
36. Kennedy Street along the entire project frontage shall be improved to an eighty (80') foot collector street standard per City of Madera standards with a five (5') foot sidewalk, park strip, curb and gutter, lighting, striping, signage and travel lanes.
37. The south half of Adell Street along the entire project frontage shall be improved to match improvements to the east, including but not limited to, five (5') foot sidewalk, curb and gutter, lighting and travel lanes. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.

38. The developer shall install the traffic signal pole and pole box on the northwest and southwest corners of Kennedy Street and Lake Street along with an underground conduit on the west leg of the intersection. These improvements are reimbursable under the Traffic Signal component of the Development Impact Fee Program, subject to funds being available. In lieu of installing new poles, the developer may relocate poles from the intersection of Adell Street and Lake Street, replacing them with streetlights subject to those poles meeting the required current design standards.
39. The tentative map shall illustrate the proposed future circulation pattern and improvements wherein the subdivision constructs the first portion of an interconnect roadway between Adell Street and Kennedy Street, cul-de-sac of Adell Street west of Austin Street and construction of a worm island at Lake Street and Adell Street that prohibits the ability for vehicles to turn left or drive straight through from the east or west side of the intersection.
40. An approved on-site turn-around shall be provided at the end of the Kennedy Street interconnect. The cul-de-sac shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of the final map. The developer is responsible for all fees associated with the approval of all documents.
41. The developer shall not oppose annexation into existing Landscape Maintenance District Zone 51. If the expansion of the existing Landscape Maintenance District Zone 51 is not attainable, the developer shall, at their sole expense, form a Lighting and Landscape Maintenance District zone for Lake Street median landscaping and landscaping adjacent to the subdivision along the park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to the recording of any final map.
42. Access ramps shall be installed at all curb returns per current City Standards.
43. Driveway approaches shall be constructed per current City Standards.
44. "No parking" signs shall be installed along the new Kennedy Street frontage per City standards.
45. Curb fronting the new Kennedy Street alignment shall be painted red.
46. The developer shall be required to install metered streetlights along the new Kennedy Street frontage and in accordance with current City spacing standards. Streetlights shall be metered. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
47. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall, at occupancy, have full, uninterrupted ADA access from the front door to the nearest collector, arterial or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as part of the improvement plan approval and subdivision agreement, and bonding for incomplete work in conjunction with the subdivision's public improvements will not be required.

Water

48. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the Fire Department and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
49. The developer shall construct an eight (8") inch water main along the new Kennedy Street alignment from its current termination point at the intersection of Lake Street and Kennedy Street to the western property line of the proposed project site. Water main installation shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of eighteen (18') feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections shall be a hot tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs shall be required at each termination point.
50. The developer shall construct a twelve (12") inch water main in Adell Street from its current termination point at the intersection of Lake Street and Adell Street to a point five (5') feet west of the westernmost property line of lot 18 of the tentative subdivision map in accordance with the lines and grades shown on the City of Madera Redevelopment Agency Adell Street Improvement Project. The water main shall be constructed to current City standards. The oversize component (difference in cost between twelve (12") inch and eight (8") inch pipe) of the construction of this line is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.
51. Prior to the beginning of any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
52. Water services shall be placed three (3') feet from either property line, opposite of streetlight and fire hydrant installations, installed and tested at the time the water main is installed and identified on the curb face. Water meters shall not be located within the driveway approaches, sidewalk areas, or at fire hydrant or street light locations.
53. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks and/or storage tanks shall be inspected for proper air gaps or back-flow prevention devices.
54. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
55. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
56. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on Lake Street and Adell Street.

Subdivision Improvement Inspections

57. Engineering Department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at time that all other fees are due per the subdivision agreement.
58. Prior to installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector shall verify prior to inspection that the submitted plans from the contractor are signed by the City Engineer.
59. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.
60. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five (5) working days.

Special Engineering Conditions

61. The Successor Agency to the former Madera Redevelopment Agency has determined that the use of Successor Agency bond funds to incentivize a realignment of a portion of Adell Street to intersect with Kennedy Street represent a benefit to the project and would not otherwise be constructed without this incentive. As such, the Successor Agency will reimburse the developer for all costs of constructing the first segment of a realigned Adell Street up to an amount that does not exceed \$265,000. Those items that are reimbursable include: all elements of a sewer line and laterals up to the property line, all elements of a water line, blow-off assemblies, fire hydrants and laterals up to the property line and full street construction including paving, curb and gutter, sidewalk and streetlights.
62. Project grading shall not interfere with the natural flow or adjacent lot drainage and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls, if required, shall be approved as to design and calculations prior to issuance of a grading permit, therefore.
63. Lot fill in excess of twelve (12") inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of twelve (12") inches or more will require construction of a retaining wall.
64. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
65. Any construction work on MID facilities shall not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment permit upon, removal or modification of MID facilities, the sub-divider shall submit two (2) sets of preliminary plans for MID approval. Permits shall be obtained from MID for said encroachments, removal or modification. Upon

project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities shall require removal of MID facilities at the owner's expense. Turnouts and gates shall be salvaged and returned to the MID yard.

66. Prior to recording the subdivision map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
67. The developer of the property can expect to pay current and future development impact fees, including, but not limited to, sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time of building permit issuance.
68. Final street names shall be approved by the Building Official prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing County roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts shall utilize the name of the nearest subdivision street.
69. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

Fire Department

70. Street fire hydrants shall be provided in accordance with City standards. Fire hydrants shall be installed and operable prior to construction of any new homes.

Planning Department

General

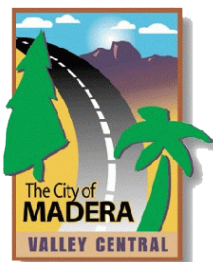
71. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant/owner's signature on the required Acknowledgement and Acceptance of Conditions of Approval form.

Precise Plan

72. Prior to any construction, grading or new development occurring, an application for a Precise Plan shall be approved by the Planning Commission for all nineteen (19) lots.
73. Subdivider shall provide payment of fees in-lieu of parkland dedication in accordance with the City's Parkland Acquisition Ordinance.

-END OF CONDITIONS-

Attachment 5 – Planning Commission Staff Report for TSM 2017-02



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: CVI Subdivision TSM 2017-02 and Negative Declaration Item #3 - August 14, 2018

PROPOSAL: A tentative subdivision map and negative declaration to allow for the development of a 19-lot subdivision map.

APPLICANT:	City of Madera	OWNER:	City of Madera
ADDRESS:	No address currently assigned.	APN:	008-102-003, 007 & 008
APPLICATIONS:	TSM 2017-02	CEQA:	Negative Declaration

LOCATION: The project site is located at the southwest corner of the intersection of Adell Street and Lake Street.

STREET ACCESS: The proposed subdivision will create one (1) new curvilinear collector road segment connecting Adell Street and Kennedy Street between Austin Street and Lake Street. The new collector street (Kennedy Street) will provide direct access to the newly created parcels.

PARCEL SIZE: The project parcels encompass a total of approximately 3.52 acres. The subdivision will create nineteen (19) single-family residential parcels.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: PD-4500 (Planned Development)

SITE CHARACTERISTICS: The site is generally surrounded by single-family residential homes. North of the project site is the James Monroe elementary school and south of the site is a sixty-five (65) unit apartment complex (Madera Garden Apartments).

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

SUMMARY: The tentative subdivision map proposes the creation of nineteen (19) single-family residential lots from two (2) existing parcels. As a component of the subdivision map, a new collector street (Kennedy Street) will be developed along with underground City utilities (sewer, water and storm drain), curb, gutter, sidewalk, street lights and fire hydrants. A precise plan is required to address any subsequent development in the subdivision.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones
MMC §10-3.1501, Amendments
MMC § 10-2.401 Subdivision Maps (five or more parcels)

PRIOR ACTION

No prior action has been taken on the project properties.

ANALYSIS

Tentative Subdivision Map

The tentative subdivision map proposes to create nineteen (19) single family residential parcels ranging in size from between 4,126 to 7,403 square feet. The average lot size is 5,226 square feet, generally consistent with the requirements of the PD-4500 (Planned Development) Zone District and LD (Low-Density Residential) General Plan land use designation.

Recently, the Planning Commission and City Council approved a General Plan Amendment (GPA) to add a collector street section connecting Adell Street and Kennedy Street between Austin Street and Lake Street. That section is in response to the submittal of this subdivision map. The Successor Agency determined that the use of bond funds to incentivize the realignment of Kennedy Street represents a benefit to the project area. The Successor Agency will reimburse the developer for the following not to exceed \$265,000:

- Sewer line and laterals
- Water line
- Blow-off assemblies
- Fire hydrants and laterals
- Street construction
- Curb, gutter, sidewalk and streetlights

Tentative Subdivision Map Design

The subdivision proposal provides for the northwestward extension of Kennedy Street, with the intent to ultimately connect Kennedy Street with the Adell Street alignment. This “interconnect” was recently added to the City’s General Plan Circulation Master Plan. The map’s proposed extension is the beginning of resolution of potential major circulation and traffic congestion issues at the Adell Street and Kennedy Street intersections along Lake Street, where traffic currently must make multiple stops and turns to travel from Adell Street to Kennedy Street.

Whereas the subdivision accommodates the extension of Kennedy Street and conformance with the General Plan Circulation Master Plan, the extension also creates an issue with General Plan Policy CI-18, which states, “Direct access from a residential lot onto an arterial, collector, or local/branch collector is allowed only where there is no feasible alternative.” The extension fronts fifteen (15) residential lots onto a collector street, Kennedy Street, resulting in non-conformance with the General Plan.

Without abandoning a single-family lotting pattern and requiring an alternative development design schema, there is no feasible alternative to fronting the residential lots onto the collector street. Rezoning the project area to a multifamily use could act to solve the immediate access concern, but also could unintentionally create issues since surrounding lands are primarily envisioned for low-density single family residential uses. In an effort to mitigate the issue of vehicles backing onto a collector street, staff recommends, as part of a precise plan for the development of these parcels, that driveway designs remove the necessity for vehicles to back into or out of driveways to the extent feasible. Because many lots are below 4,500 square feet in size, this may be very difficult to accomplish without eliminating yard areas.

The extension of the collector street across the map property, in some cases, creates lot sizes and dimensions that challenge construction of homes in the subdivision. In large part because of the additional twenty feet of width required for a collector street, lot dimensions vary throughout the subdivision. Although the average density of the lots exceed 5,000 square feet, over half of the lots are below 4,500 square feet and vary in width and depth. Some have a larger width of 60 feet, but a shorter depth of 72 feet. Others have a shorter width of 52 feet and a longer depth of 81 feet. Lot 15 is particularly unusual in that it has a maximum depth of 71 feet, but a curvilinear length of 173 feet. This may create difficulties and mandate that developers construct a variety of different style homes on these properties. The required precise plan will be tasked with addressing these challenges.

Essentially, the desire to provide the very important extension of Kennedy Street through the heart of the subdivision directly impacts the quality of subdivision design. The net outcome is a tradeoff wherein the importance of the street section has outweighed the map's lotting pattern and design. Staff has worked with the applicant to mitigate the impacts of the street lotting on the subdivision as much as is practical within a single family residential development proposal, but the map still reflects the compromises made to accommodate the wider street at the expense of lot design.

Public Infrastructure

Public infrastructure and utilities required by the Madera Municipal Code and the Madera General Plan will be constructed in support of the tentative subdivision map. Required infrastructure includes sewer, water, and storm drainage infrastructure consistent with the City's master plans. Street improvements include the development of a new collector street that will provide access to the parcels. The existing segment of Adell Street between Lake Street and Austin Street will eventually be converted into a cul-de-sac that will provide access from and extend approximately 550 feet west of Lake Street.

Street Names

The processing for naming streets calls for the applicant to propose names on the face of the tentative map which are reviewed and approved as part of the overall project. Because this street segment will connect two (2) existing streets, the street name will be as follows:

- East Kennedy Street

Precise Plan

The properties being subdivided are located within a Planned Development zone district, which requires approval of a precise plan by the Planning Commission when development is proposed. Precise plans, when applicable, typically accompany subdivision maps as a component of the project. The property owner does not plan to construct homes as a component of the subdivision map. Staff recommends the approval of a precise plan by the Planning Commission prior to any construction occurring.

Other Department and Agency Comments

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four vision statements, "A Well-Planned City," states "Promote and encourage development and redevelopment of low- and moderate-cost housing." An Action Plan was developed with specific ideas to implement the vision statements. Approval of this project is specifically consistent with the aforementioned vision statement and Action 101.8.

RECOMMENDATION

The information presented in this report supports adoption of the Negative Declaration and recommendation for approval of the Tentative Subdivision Map, subject to the recommended findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Negative Declaration and Tentative Subdivision Map 2017-02.

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

Findings

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

Motion 1b: Move to approve Tentative Subdivision Map 2017-02, subject to the findings and conditions of approval as listed.

Findings

- Tentative Subdivision Map 2017-02 is consistent with the development standards of the PD-4500 (Planned Development) Zone District.
- Tentative Subdivision Map 2017-02 is consistent with the goals and policies of the General Plan.
- The proposed nineteen (19) lot tentative subdivision does not conflict with City standards or other provisions of the code.
- City services are available to serve the site.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved map or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Engineering Department

General

4. Prior to recording of the final map, all action necessary for the formation of a Community Facilities District shall have been taken, and all property included in said subdivision shall be made a part of such district and subject to its taxes.

5. Prior to the approval of any final maps, the developer shall submit a cash deposit in an amount sufficient to maintain lighting and landscaping within the required Lighting and Landscape Maintenance District zone" LLMD" zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on landscape plans approved by the Parks and Community Services Department and the Engineer's Report for the required improvements. The deposit will be used to maintain existing landscaping improvements and new improvements which are required to be constructed by the developer and included in the City-wide LLMD, after the improvements for the subdivision have been approved, but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. Any funds deposited by the developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the developer.
6. A final subdivision map shall be required per Section 10-2.502 of the Municipal Code. If the project is phased, the phasing pattern is subject to approval by the City Engineer to ensure that the applicable conditions of approval are satisfied.
7. All lots are to be numbered in sequence throughout the entire subdivision, including all phases, with the last lot in each phase circled for identification. As an alternative, subject to the approval of the City Engineer, lots may be numbered in sequence within blocks that are also separately identified. A consecutive subdivision name and a consecutive phase number shall identify multiple final maps filed in accordance with an approved tentative map.
8. A benchmark shall be established per City Standards and related data shall be submitted to the Engineering Division prior to acceptance of the subdivision improvements. The City Engineer shall designate the location.
9. All construction vehicles shall access the site by a route approved by the City Engineer, which will minimize potential damage to other streets and disruption to the neighborhood. A construction route and traffic control plan to reduce impact on the traveling public shall be approved prior to any site construction or initiation of work within a public right-of-way.
10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. Improvement plans shall be sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
12. The developer shall pay all required fees for processing subdivision map and completion of project. Fees due include, but shall not be limited to, the following: subdivision map review and processing fee, plan review, easement acceptance, map recording and improvement inspection fees.
13. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.

15. Prior to the issuance of any building permits or any construction on the subdivision, a storm water pollution plan shall be prepared and a storm water permit obtained as required by the State Regional Water Quality Control Board for developments of over one acre in size.
16. If developed in phases, each phase shall have two (2) points of vehicular access within a recorded easement for fire and other emergency equipment and for routes of escape which will safely handle evacuations as required by emergency services personnel. An all-weather access road shall be two (2") inches of type "B" asphalt over six (6") inches of ninety (90%) percent compacted native soil or four (4") inches of Class II aggregate base capable of withstanding 40,000 pounds of loading. A maintenance covenant and easement along with associated fees shall be recorded prior to recording the final map for any phased development.
17. Improvement plans prepared in accordance with City Standards by a registered civil engineer shall be submitted to the City Engineer for review and approval on a 24" x 36" tracing with City of Madera logo on the bottom right corner. The cover sheet shall indicate the total lineal feet of all streets, fire hydrant and street water main lineal feet, sewer line lineal feet, a list of items and quantities of all improvements installed and constructed for each phase respectively, as well as containing an index schedule. This subdivision is subject to the City Standards. The plans are to include the City of Madera title block and the following:
 - a. Detailed site plan with general notes, including the location of any existing wells and septic tanks;
 - b. Street plans and profiles;
 - i. Drainage ditches, culverts and other structures (drainage calculations to be submitted with the improvement plans).
 - ii. Street lights.
 - iii. Traffic signals.
 - iv. Construction details including traffic signage and striping plan.
 - c. Water and sewer plans (sewage flow and water demand calculations to be submitted with the improvement plans);
 - d. Grading plan indicating flood insurance rate map community panel number and effective date;
 - e. Landscape and irrigation plans for off-site landscaping improvements shall be prepared by a landscape architect or engineer;
 - f. Storm water pollution control plan and permit;
 - g. Itemized quantities of the off-site improvements to be dedicated to the City.
18. Submittals shall include:
 - a. Engineering Plan Review Submittal Sheet.
 - b. Civil Plan Submittal Checklist – all required items shall be included on the drawings.
 - c. Four copies of the final map.
 - d. Two sets of traverse calculations.
 - e. Two preliminary title reports.
 - f. Two signed copies of conditions.
 - g. Six sets of complete improvement plans.
 - h. Three sets of landscaping plans.
 - i. Two sets of drainage calculations.
 - j. Two copies of the engineer's estimate.Partial submittals will not be accepted by the Engineering Division.
19. All utilities (water, sewer, electrical, phone, cablevision, etc.) shall be installed prior to curb and gutter installation. Trench compaction shall be as required for curb and gutter

installation. If curb and gutter is installed prior to utility installation, then all trenches shall be back-filled with a three-sack sand slurry mix extending one (1') foot past curb and gutter in each direction.

20. The applicant shall coordinate with the pertinent utility companies, as required, regarding establishment of appropriate easements and under-grounding of service lines. A ten (10') foot public utility easement shall be required along all interior lot frontages.
21. All public utilities shall be underground, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the subdivision and along peripheral streets shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.
22. A preliminary title report and plan check fees along with the engineer's estimated cost of installing the subdivisions improvements shall be submitted with the initial improvement plan submittal. Inspection fees shall be paid prior to initiating construction.
23. A final soils report including "R" values in future streets prepared by a registered civil engineer in accordance with the California Health and Safety Code shall be submitted for review prior to the approval of the improvement plans and the filing of the final map, if required by the City Engineer. The date and name of the person who prepared the report are to be noted on the final map.
24. The sub-divider shall enter a subdivision agreement in accordance with the municipal code prior to recording of the final map. The subdivision agreement shall include for deposit with the City a performance bond, labor, material bond, cash bond, or other bonds as required by the City Engineer, prior to acceptance of the final map.
25. The sub-divider may commence off-site construction prior to approval of the final map in accordance with Section 7-2.02 of the Madera Municipal Code, provided that an encroachment permit has been issued and improvement plans have been submitted and approved. As a component of the encroachment permit, the applicant shall submit a one-hundred (100%) percent performance bond, additional bond (50% of labor and material) and insurance certificate prior to initiating any construction work within any street or right-of-way which is dedicated or proposed to be dedicated by the subdivision. The encroachment permit fee shall be per City of Madera Development Application Fees as approved by the City Council and shall be paid at time of permit.
26. The developer's engineer, upon completion of subdivision-related improvements, shall certify to the City Engineer that the improvements shall be made in accordance with City requirements and the approved plans. As-built plans showing final existing conditions and actual grades of all improvements and facilities shall also be submitted prior to acceptance of the subdivision improvements by the City.
27. The development of individual parcels shall be consistent with provisions of the Precise Plan that require driveway designs that remove the necessity for vehicles to back into or out of driveways. Achieving this can be accomplished through the application of measures, but are not necessarily limited to construction of hammer head driveways or circular driveways that are fully contained on individual parcels or shared with adjacent parcels.

Sewer

28. Sewer lines installed to serve this subdivision shall be sized accordingly, and shall be a minimum of eight (8") inches in diameter. Sewer main connections to any existing City

main six (6") inches or larger in diameter shall require the installation of a manhole. All sewer mains shall be air-tested, mandrelled and videotaped after the trench compaction has been approved and prior to paving. DVD's shall be submitted to the City Engineer and be approved prior to paving with all costs to be borne by the sub-divider.

29. The developer shall construct and eight (8") inch sewer main in Adell Street from its current termination point at the intersection of Lake Street and Adell Street to the westernmost property line of lot 18 of the tentative subdivision map in accordance with the lines and grades shown on the City of Madera Redevelopment Agency Adell Street Improvement Project. The sewer main shall be constructed to current City standards.
30. Sewer services shall be located at the approximate centerline of each lot or as required for construction of commercial or industrial buildings with a clean-out installed per City Standards, and identified on the curb face. Termination of service shall be ten (10') feet past the property line. Where contiguous sidewalks are installed, the four (4") inch sewer clean out shall be located eighteen (18") inches back of sidewalk in a dedicated public utility easement. Sewer clean-outs shall not be located within sidewalk or approach areas unless approved by the City Engineer. Sewer services shall be installed ten (10') feet beyond the property lines as a part of the sewer system installation for testing purposes.
31. Existing septic tanks, if found, shall be removed with the appropriate building permit(s) required by the City of Madera Building Department.
32. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on Lake Street.

Storm Drain

33. Storm runoff from this project site is planned to go to the Sherwood basin located to the southwest of the proposed project site. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate basin to an amount equivalent to this project's impact on the basin. A detailed drainage study shall be provided to support the chosen path of conveyance and design of any necessary conveyance facilities.

Streets

34. The developer shall dedicate a ten (10') foot Public Utility Easement (PUE) along Lake Street, Adell Street and Kennedy Street, adjacent to the entire project site.
35. The developer shall dedicate an eighty (80') foot wide easement for street and utility purposes to accommodate the new Kennedy Street alignment.
36. Kennedy Street along the entire project frontage shall be improved to an eighty (80') foot collector street standard per City of Madera standards with a five (5') foot sidewalk, park strip, curb and gutter, lighting, striping, signage and travel lanes.
37. The south half of Adell Street along the entire project frontage shall be improved to match improvements to the east, including but not limited to, five (5') foot sidewalk, curb and gutter, lighting and travel lanes. Adequate transitions with the existing improvements relative to grade and alignment shall be provided.
38. The developer shall install the traffic signal pole and pole box on the northwest and southwest corners of Kennedy Street and Lake Street along with an underground conduit on the west leg of the intersection. These improvements are reimbursable under the Traffic Signal component of the Development Impact Fee Program, subject to funds being available. In lieu of installing new poles, the developer may relocate poles from the

intersection of Adell Street and Lake Street, replacing them with street lights subject to those poles meeting the required current design standards.

39. The tentative map shall illustrate the proposed future circulation pattern and improvements wherein the subdivision constructs the first portion of an interconnect roadway between Adell Street and Kennedy Street, cul-de-sac of Adell Street west of Austin Street and construction of a worm island at Lake Street and Adell Street that prohibits the ability for vehicles to turn left or drive straight through from the east or west side of the intersection.
40. An approved on-site turn-around shall be provided at the end of the Kennedy Street interconnect. The cul-de-sac shall be no longer than 450 feet. Any off-site turn-around shall have a maintenance covenant and easement recorded prior to recording of the final map. The developer is responsible for all fees associated with the approval of all documents.
41. The developer shall not oppose annexation into existing Landscape Maintenance District Zone 51. If the expansion of the existing Landscape Maintenance District Zone 51 is not attainable, the developer shall, at their sole expense, form a Lighting and Landscape Maintenance District zone for Lake Street median landscaping and landscaping adjacent to the subdivision along the park strip. The sub-divider shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to the recording of any final map.
42. Access ramps shall be installed at all curb returns per current City Standards.
43. Driveway approaches shall be constructed per current City Standards.
44. "No parking" signs shall be installed along the new Kennedy Street frontage per City standards.
45. Curb fronting the new Kennedy Street alignment shall be painted red.
46. The developer shall be required to install metered street lights along the new Kennedy Street frontage and in accordance with current City spacing standards. Street lights shall be metered. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
47. Except for streets not having direct residential access, installation of sidewalks and approaches may be deferred and constructed at the builder's expense with residential development after the acceptance of the subdivision improvements. Each dwelling shall, at occupancy, have full, uninterrupted ADA access from the front door to the nearest collector, arterial or other street that provides ADA access provisions. Provisions for construction in conjunction with building permits shall be established as part of the improvement plan approval and subdivision agreement, and bonding for incomplete work in conjunction with the subdivision's public improvements will not be required.

Water

48. The water system shall be designed to meet the required fire flow for this type of development and shall be approved by the Fire Department, and shall be operational prior to any framing construction on-site. Fire flows shall be determined by Uniform Fire Code Appendix III-A.
49. The developer shall construct an eight (8") inch water main along the new Kennedy Street alignment from its current termination point at the intersection of Lake Street and Kennedy Street to the western property line of the proposed project site. Water main installation

shall be per City of Madera installation procedures and guidelines. Any new water main or fire hydrant line installations of eighteen (18') feet or more shall be sterilized in accordance with the water main connection procedures, including the temporary use of a reduced pressure assembly. Water service connections shall be a hot tap type connection to the existing City main. If the subdivision is constructed in phases, blow-offs shall be required at each termination point.

50. The developer shall construct a twelve (12") inch water main in Adell Street from its current termination point at the intersection of Lake Street and Adell Street to a point five (5') feet west of the westernmost property line of lot 18 of the tentative subdivision map in accordance with the lines and grades shown on the City of Madera Redevelopment Agency Adell Street Improvement Project. The water main shall be constructed to current City standards. The oversize component (difference in cost between twelve (12") inch and eight (8") inch pipe) of the construction of this line is considered reimbursable, subject to availability of funds, under the City's Development Impact Fee Program.
51. Prior to the beginning of any framing construction, approved fire hydrants shall be installed in accordance with spacing requirements for residential development (400 feet). A copy of the preliminary water and hydrant location plan shall be provided to the City Engineer and the fire protection planning officer for review and approval. Fire hydrants shall be constructed in accordance with City Standard W-26. Fire hydrant pavement markers shall be installed as soon as the permanent pavement has been installed.
52. Water services shall be placed three (3') feet from either property line, opposite of street light and fire hydrant installations, installed and tested at the time the water main is installed and identified on the curb face. Water meters shall not be located within the driveway approaches, sidewalk areas, or at fire hydrant or street light locations.
53. All water sources used for construction activities shall have an approved back-flow device installed. All water trucks and/or storage tanks shall be inspected for proper air gaps or back-flow prevention devices.
54. Water service connections shall be constructed per current City standards including water meters located within the City right-of-way.
55. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.
56. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on Lake Street and Adell Street.

Subdivision Improvement Inspections

57. Engineering Department plan check and inspection fees along with the engineer's estimated cost of installing off-site improvements shall be submitted along with the improvement plans. Inspection fees shall be due at time that all other fees are due per the subdivision agreement.
58. Prior to installation of any improvements or utilities, the general contractor shall notify the Engineering Department 48 hours prior to construction. The inspector shall verify prior to inspection that the submitted plans from the contractor are signed by the City Engineer.
59. No grading or other construction activities, including preliminary grading on site, shall occur until the City Engineer approves the improvement plans or grading plans. The inspector will verify prior to inspection that the contractor requesting inspection is using plans signed by the City Engineer.

60. No occupancy of any buildings within the subdivision shall be granted until subdivision improvements are completed to the satisfaction of the City Engineer. After request for final improvement inspection, the generation of a written punch list will require a minimum of five (5) working days.

Special Engineering Conditions

61. The Successor Agency to the former Madera Redevelopment Agency has determined that the use of Successor Agency bond funds to incentivize a realignment of a portion of Adell Street to intersect with Kennedy Street represent a benefit to the project and would not otherwise be constructed without this incentive. As such, the Successor Agency will reimburse the developer for all costs of constructing the first segment of a realigned Adell Street up to an amount that does not exceed \$265,000. Those items that are reimbursable include: all elements of a sewer line and laterals up to the property line, all elements of a water line, blow-off assemblies, fire hydrants and laterals up to the property line and full street construction including paving, curb and gutter, sidewalk and streetlights.
62. Project grading shall not interfere with the natural flow or adjacent lot drainage, and shall not adversely impact downstream properties. Grading plans shall indicate the amount of cut and fill required for the project, including the necessity for any retaining walls. Retaining walls, if required, shall be approved as to design and calculations prior to issuance of a grading permit therefore.
63. Lot fill in excess of twelve (12") inches shall require a compaction report prior to issuance of any building permits. Soil shall not slope onto any adjacent property. Lot grade elevation differences with any adjacent properties of twelve (12") inches or more will require construction of a retaining wall.
64. Retaining walls, if required, shall be concrete blocks. Design calculations, elevations, and locations shall be shown on the grading plan. Retaining wall approval is required in conjunction with grading plan approval.
65. Any construction work on MID facilities shall not interfere with either irrigation or storm water flows, or MID operations. Prior to any encroachment permit upon, removal or modification of MID facilities, the sub-divider shall submit two (2) sets of preliminary plans for MID approval. Permits shall be obtained from MID for said encroachments, removal or modification. Upon project completion, as-built plans shall be provided to MID. Abandonment of agricultural activities shall require removal of MID facilities at the owner's expense. Turnouts and gates shall be salvaged and returned to the MID yard.
66. Prior to recording the subdivision map, any current and/or delinquent MID assessments, plus estimated assessments for the upcoming assessment (calendar) year, as well as any outstanding crop water charges, standby charges or waiver fees must be paid in full. Assessments are due and payable in full November first of the year preceding the assessment year.
67. The developer of the property can expect to pay current and future development impact fees, including, but not limited to, sewer (special service area), water, streets, bridge, public works, parks, public safety and drainage, that are in place at the time of building permit issuance.
68. Final street names shall be approved by the Building Official prior to recording the map for each phase of the development or approval of the improvement plans. Road names matching existing County roads must maintain the current suffix. All streets, even the small segments, shall have street names on the final map. Entry streets, cul-de-sacs and courts

shall utilize the name of the nearest subdivision street.

69. The applicant shall coordinate with the United States post office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

Fire Department

70. Street fire hydrants shall be provided in accordance with City standards. Fire hydrants shall be installed and operable prior to construction of any new homes.

Planning Department

General

71. Project approval is conditioned upon acceptance of the conditions of approval contained herein within thirty (30) days, as evidenced by the applicant/owner's signature on the required Acknowledgement and Acceptance of Conditions of Approval form.

Precise Plan

72. Prior to any construction occurring, an application for a Precise Plan shall be approved by the Planning Commission for all nineteen (19) lots.

Motion 2: Move to continue the public hearing on Tentative Subdivision Map 2017-02 to the September 11, 2018 Planning Commission hearing, for the following reasons: (specify)

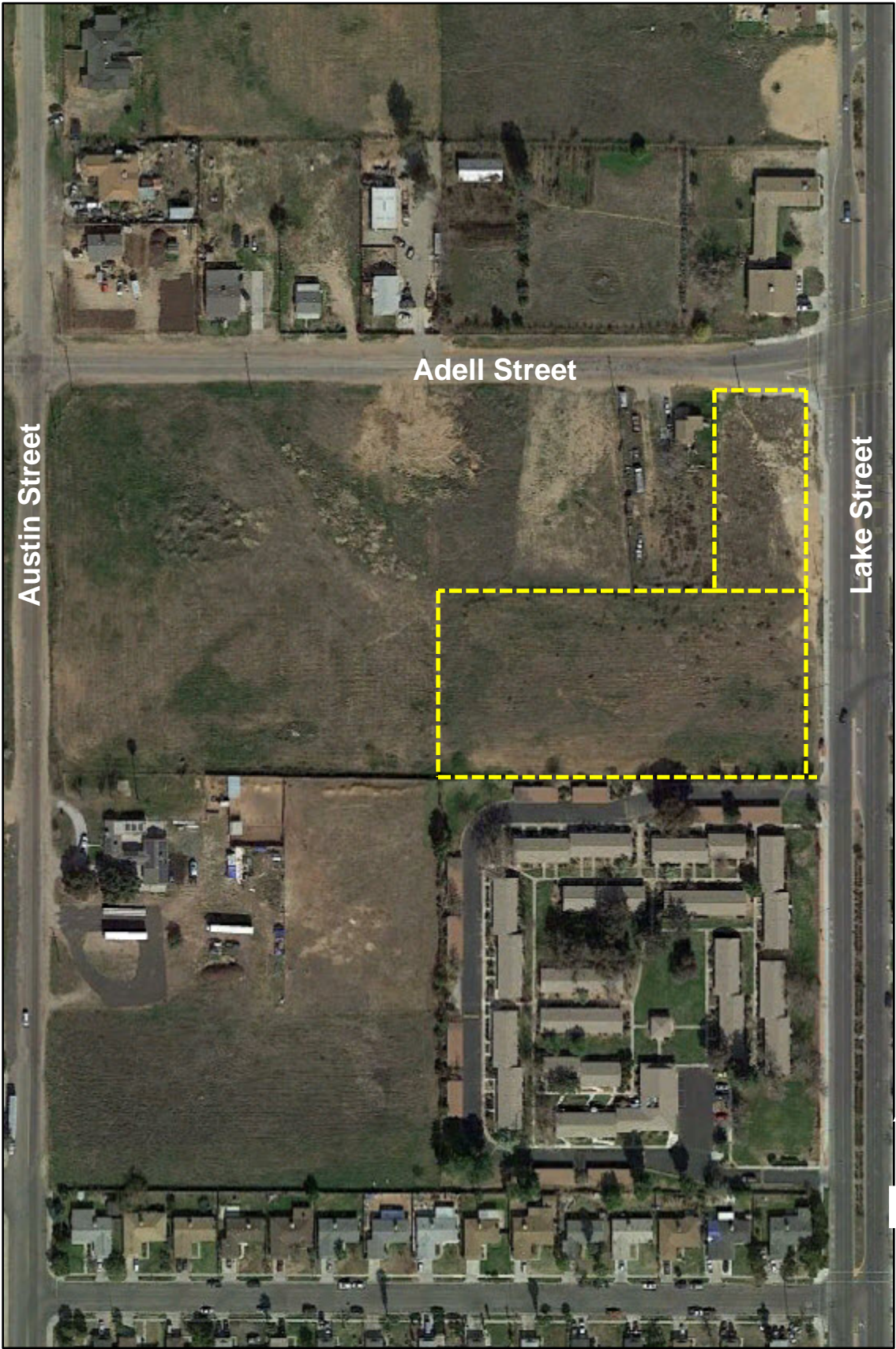
(OR)

Motion 3: Move to deny Tentative Subdivision Map 2017-02, based on the following findings: (specify)

ATTACHMENTS

Aerial Map
Tentative Subdivision Map 2017-02
Initial Study and Negative Declaration

Aerial Map



[illegible]

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

CVI Subdivision Tentative Subdivision Map (TSM) 2017-02

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

Project: Tentative Subdivision Map 2017-02

Applicant: Edward Gallegos
2141 Tuolumne Street, Suite J
Fresno, CA 93721

Owner: C.V.I. Group, LLC
2141 Tuolumne Street, Suite J
Fresno, Ca 93721

Location: The project site is located at the southeast corner of the intersection of Adell Street and Austin Street.

Proposal: An application for a tentative subdivision map to subdivide two (2) parcels (APNs: 004-170-007 and 008) encompassing approximately 3.52 acres into a nineteen (19) lot single family residential subdivision. Parcels range in size from 4,126 to 7,403 square feet, with an average lot size being approximately 5,226 square feet. Public infrastructure and utilities will be constructed as part of the project. A public street, utilities and infrastructure will also be developed within the boundaries of the subdivision to provide access and services to the parcels created by the map. The new street section will be a curvilinear collector street that connects Kennedy Street to Adell Street, between Lake Street and Austin Street.

Zone District: PD 4500 (Planned Development)

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

Surrounding Land Uses and Zoning:

- South – Apartment complex and single-family residential
- North – Single-family residential
- West – Single-family residential
- East – Single-family residential

Responsible and Interested Agencies:

- Madera Irrigation District (MID)
- Madera Unified School District (MUSD)
- San Joaquin Valley Air Pollution Control Board (SJVAPCD)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature: _____

Date: May 2, 2018

Printed Name: Robert Holt, Assistant Planner

Explanation of Environmental Checklist

I. AESTHETICS.

Would the project:

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

Discussion: The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light, including the installation of street lights, and future residential development will add additional sources of light

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

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

Would the project:

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

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

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

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

Would the project:

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

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

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

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

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

The type of proposed development is not subject to Rule 9510 (Indirect Source Review) by the SJVAPCD because the project would develop less than fifty (50) residential units. The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to SJVAPCD review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.

The project will be required to comply with all applicable rules and regulations of the SJVAPCD, including but not limited to Rules 4102, 4601 and 4641.

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

IV. BIOLOGICAL RESOURCES.

Would the project:

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

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

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

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

V. CULTURAL RESOURCES.

Would the project:

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

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

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

VI. GEOLOGY AND SOILS.

Would the project:

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

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

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

VII. GREENHOUSE GAS EMISSIONS.

Would the project:

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

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

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

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

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

Discussion: The project will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or future residents of the project. The project will not emit hazardous emissions or handle hazardous materials to the existing Martin Luther King, Jr. Middle School adjacent to the east/northeast of the project site. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees.

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

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

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

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

Discussion:

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

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

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

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

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

X. LAND USE AND PLANNING.

Would the project:

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

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

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

XI. MINERAL RESOURCES.

Would the project:

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. No Impacts. The project would not result in the loss or availability of mineral resources.				
b. No Impacts. The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.				

XII. NOISE.

Would the project result in:

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

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

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

- c. **No Impacts.** The proposed project would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- d. **Less than Significant Impacts.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e. **No Impacts.** The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport.
- f. **No Impacts.** The project will is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING.

Would the project:

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

Discussion: The proposed project will not induce additional substantial growth in this area. The property involved does not have any existing residential uses and the project would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a. **Less than Significant Impacts.** The proposed project will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Roads and other infrastructure will be improved to handle the proposed development.
- b. **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c. **No Impacts.** The proposed project would not displace any people.

XIV. PUBLIC SERVICES.

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

Discussion: The project will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the nature of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

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

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

- iv. Parks. **Less than Significant Impacts.** The proposed project would not generate a significant impact to the park facilities in Madera.
- v. Other public facilities. **Less than significant Impacts.** The proposed project would not have any impacts on other public facilities.

XV. RECREATION

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

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

- a. **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b. **No Impacts.** The project does not propose the construction of recreational facilities. The project will not have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC.

Would the project:

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

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

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

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

XVII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in the Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe, and that is;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site location is not listed or eligible for listing in the California Register of Historical Resources. It does not provide any significance of resource to a California Native American tribe. Cumulatively, the project proposal and site will not cause a substantial adverse change in the significance of a tribal cultural resource, as defined in the Public Resources Code Section 21074.

- a. **No Impacts.** The project will not cause a substantial adverse change in the significance of a tribal cultural resource. As defined in the Public Resources Code Section 21074, the project site is not a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe.

- i. **No Impacts.** The proposed project site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k).
- a) **No Impacts.** The proposed project is not a resource that is of significance to a California Native American tribe, as defined in Public Resources Code 5024.1(c).

XVIII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

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

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

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

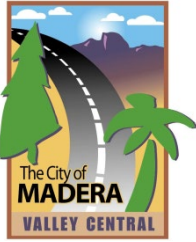
XIX. MANDATORY FINDINGS OF SIGNIFICANCE.

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

Determination:

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

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



REPORT TO THE PLANNING COMMISSION

Prepared by: Wyatt Czesinski, Contract Planner

Meeting of: May 10, 2022

Agenda Item: 3

SUBJECT:

Madera Commerce Center Conditional Use Permit 2021-18

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the project, and approving Conditional Use Permit 2021-18, subject to the findings and conditions of approval.

PROPOSAL:

An application for a Conditional Use Permit (CUP) 2021-18 for the use of tenant occupied spaces for automotive uses, a micro brewer, and the outdoor storage of materials on the existing 0.74-acre site located at 100 East 7th Street. The applicant, Ubaldo Garcia Hernandez, originally applied for a large array of conditional uses to be allowed under CUP 2021-18; however, due to the requirements for how CUPs are processed and limitations of the Madera Municipal Code, the application request has been refined to the uses listed in the *Summary* section below.

Table 1: Project Overview	
<i>Project Number:</i>	Conditional Use Permit 2021-18
<i>Applicant:</i>	Ubaldo Garcia Hernandez
<i>Property Owner:</i>	Madera Apiaries
<i>Location:</i>	100 East 7 th Street (APN 007-184-023).
<i>Project Area:</i>	0.74 Acres; Proposal to allow conditionally permitted uses within specific existing tenant suites on-site.
<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C-2 (Heavy Commercial)
<i>Site Characteristics:</i>	The site is previously developed containing a building that is 15,543 square feet (sf) in size, split into 12 tenant suites.

SUMMARY:

The applicant proposes the use of Suites 108, 110, 112, 114, 116, 118, 120, and 122 to be used for automotive repair and service, suite 100 to be occupied by a micro brewer, and for outdoor storage to be allowed within the designated outdoor storage area, including two storage containers located within the designated outdoor storage area. See Attachment 5 for the location of the outdoor storage area and suite numbers referenced herein.

As noted above, the applicant originally proposed a number of conditional uses to be permitted within any of the suites located on site. However, due to requirements for the processing and analysis of conditional uses under the Madera Municipal Code and Planning and Zoning Law, the list of conditional uses was refined to include only the following uses within the specified suites for consideration under CUP 2021-18:

Automotive repair and service. The uses listed below were all allowed under previously approved CUPs for the subject site, with the exception of tire and wheel sales and installation (including alignments), which has been added for consideration. Automotive repair and service uses, as evaluated under this application, include the following:

- Lube, oil and filter services
- Tune-ups and fuel system repairs
- Brake services
- Installation of shocks and struts, and other suspension repair
- Spark plug and spark plug wire replacements
- Computer diagnostics and electronic troubleshooting
- Air conditioning service and repair
- Emissions systems certification and repair
- Engine, transmission and driveline repair and replacement
- Muffler and exhaust services
- Radiator rebuilding and replacement
- Tire and wheel sales and installation (including alignments)
- Installation of automobile accessories, including:
 - Window tinting
 - Car alarms
 - Car audio
 - Automotive upholstery
 - Automotive restoration
 - Auto glass

Uses specifically not allowed under the automotive repair and services use listing considered under this application include:

- Auto body repair
- Collision repair
- Painting of vehicles

Automotive repair and service uses are being evaluated for occupancy within Suites 108 (1,826 sf), 110 (1,703 sf), 112 (2,390 sf), 118 (1,744 sf), and 120 (1,433 sf). Taking into account accessibility factors, size of the suites, and suite locations, automotive repair and service uses are not recommended for Suites 108, 114, 116, and 122 and would not be authorized under CUP 2021-18.

Micro brewer. Sales or consumption of alcohol on-site are not being considered under this application. The micro brewer would be a wholesaler, which is not intended for direct consumer transactions and is being evaluated for occupancy of Suite 100 (875 sf). The use of the suite would include brewing on-site and storage of materials and equipment related to their operation.

Outdoor storage. The outdoor storage yard would allow each of the 12 suites to store materials within this designated area. Outdoor storage of materials is being evaluated for location within the designated outdoor storage yard (approximately 7,630 sf).

No construction is proposed to occur under this application, and Site Plan Review (SPR 2016-20 MOD) has been previously approved for the site. Any required modifications to the existing site plan to comply with the conditions of approval recommended for CUP 2021-18 would require the submittal and approval of an updated site plan to the Planning Manager. Modifications necessary for compliance with the conditions are expected to be minor and may, at the discretion of the Planning Manager, be approved without an amendment to SPR 2016-20 MOD.

The site currently has two existing CUPs that would be affected as a result of this approval. CUP 2016-09 allows for general and specifically determined auto-related uses to occupy Suite 120, while CUP 2016-11 allows for these uses in Suite 112. These two CUPs would be replaced by CUP 2021-18 and neither of the existing CUPs would remain in effect.

The proposed uses of automotive repair and service, a micro brewer, and outdoor storage are consistent with the General Plan land use designation of Commercial (C), which allows heavy commercial development. The proposed uses are conditionally permitted within the Heavy Commercial (C-2) zoning district, which allows for automotive uses, a micro brewer, and outdoor storage with the approval of a CUP. The proposed uses are compatible with surrounding uses.

SURROUNDING LAND USES:

The site is surrounded by commercial uses on all sides except to the south, which is a vacant property. All surrounding properties are planned and zoned for commercial uses (see Table 2).

<i>Table 2: Bordering Site Information</i>			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>Northeast</i>	Boyle Electric	C – Commercial	C-2 – Heavy Commercial
<i>Southeast</i>	Vacant Lot (Madera RDA)	C – Commercial	C-2 – Heavy Commercial
<i>Southwest</i>	Evans Feed & Livestock Supply	C – Commercial	C-2 – Heavy Commercial
<i>Northwest</i>	Evans Feed & Livestock Supply	C – Commercial	C-2 – Heavy Commercial

ANALYSIS:

The MMC establishes procedures for the review and approval of Conditional Use Permits (Section 10-3.13). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the C-2 (Heavy Commercial) zoning districts as well as other generally applicable

development standards, such as parking requirements. The proposed development is consistent with the applicable standards (Table 3), as reviewed and approved under SPR 2016 16-20 MOD. The conditions of approval for SPR 2016-20 MOD. CUP 2022-18 is required to comply with such conditions, as reflected in the conditions of approval for CUP 2022-18.

Table 3: Zone District Development Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
<i>Street setback (minimum)</i>	No minimum	Along 7 th Street: 0 ft. (existing building) Along E Street: 0 ft. (existing building)
<i>Rear setback</i>	No minimum	27 ft. 4 in. (existing building)
<i>Side Setback</i>	No minimum	87 ft (existing building)
<i>Building height</i>	65 ft.	34 ft. (existing building)
<i>FAR</i>	0.3	0.48 (existing building)
<i>Parking Spaces</i>	16 Vehicle Spaces 1 Accessible Spaces	36 Vehicle Spaces 2 Accessible Spaces ¹

¹ The number of proposed parking spaces listed are reflective of the minimum required per the Conditions of Approval.

Conditional Uses and Related Standards

All related standards summarized below for each of the conditional uses being considered under CUP 2022-18 have been incorporated into the conditions of approval, as included in Exhibit A of the resolution (see Attachment 10).

Automotive Uses

Suites allowed for automotive uses (Suites 110, 112, 118, and 120) must maintain adequate access for vehicle ingress, egress, and storage entirely within the suite being utilized. Vehicle doors must be a minimum of 10 feet wide and provide adequate vertical clearance. In addition, the suite must have unobstructed drive access to enter/exit the suite and cars will not be permitted to drive over pedestrian paths where a drive approach does not exist. Further, pedestrian paths are not permitted to be blocked by vehicles. No more than one vehicle will be allowed to be parked waiting for service or repair within the parking area at a time. Automotive uses will not be allowed to store cars within the parking area or on East 7th Street and South E Street during the day or overnight. Any overnight parking must occur within the building or the designated outdoor storage yard.

Micro Brewer

The micro brewer allowed to operate in Suite 100 will not be allowed to sell alcohol for on- or off-site consumption. In addition, the micro brewer will be required to hold all applicable permits and licenses from the California Department of Alcoholic Beverage Control.

Outdoor Storage

Outdoor storage of materials will only be permitted within the designated storage yard shown at the northern end of the property on the approved site plan. The designated outdoor storage yard will be screened by fencing and the height that materials can be stacked will be limited to six feet. A maximum of two storage containers not exceeding eight feet in height will be allowed within the storage yard and adequate access must be maintained for fire access. The storage containers' exterior shall be painted to

harmonize with site's building exterior color scheme. No permanent structures are allowed to be located within the Madera Irrigation District Easement that runs through the storage yard.

Circulation and Parking

Site parking will be provided as conditioned under SPR 2016-20 MOD, which requires a minimum of 36 parking stalls on-site. The project will comply with, and exceed, minimum parking requirements set by the MMC. The MMC Section 10-3.1205(A) does not require parking standards for buildings that existed on or before August 1, 1978. According to County tax records, the building that existed on-site at that time was 10,500 sf in size. Therefore, parking requirements will apply only to the 5,043 sf of building that was added after August 1, 1978, resulting in 16 total parking stalls required for the site, based on a rate of one stall for every 300 sf of retail building space. However, in order to maintain sufficient parking for each tenant, their customers, and delivery and/or fleet vehicles that may exist on-site based on the range of permitted uses previously approved under SPR 2016-20 MOD and proposed under CUP 2021-18, the project is required to provide a total of three stalls per each suite for a total of 36 stalls. The Project will be required to comply with the conditions of approval of the previously approved site plan for the site (SPR 2016-20 MOD), including for circulation and parking.

To facilitate automotive uses on-site, modifications to the internal parking area may be required in order to provide appropriate access, as noted under *Conditional Use and Related Standards* above, to designated suites recommended for approval of automotive uses, including Suites, 118, and 120. Suite 112 is also recommended for approval of automotive uses even though its access is limited to E Street and would be require internal parking area modification.

Site Plan and Elevations

CUP 2021-18 is a request to allow for several conditionally permitted uses within various tenant spaces of an existing building. SPR 2016-20 MOD has been previously approved for the site. No modifications to the site or building elevations are proposed under CUP 2021-18. However, should modifications to the site be necessary for compliance with the conditions of approval for CUP 2021-18, minor modifications may be allowed without a required amendment to SPR 2016-20, as determined by the Planning Manager.

Landscaping

The site was previously required to submit landscape and irrigation plans under SPR 2016-20 MOD. CUP 2021-18 proposes the use of two storage containers within the outdoor storage area, which are not currently reflected on the landscape and irrigation plans submitted under SPR 2016-20 MOD. Revised landscape and irrigation plans are required to be submitted for review and approval by the Planning Manager.

Public Infrastructure

The project site is previously developed within the City of Madera. All public infrastructure has been previously installed and no additional public infrastructure improvements are required at this time.

ENVIRONMENTAL REVIEW:

Categorical Exemption Class 1 (California Environmental Quality Act section 15301), Existing Facilities, was deemed appropriate for the project. Due to only minor alterations being proposed to the site, further environmental analysis was considered not to be required. Class 1 consists of operation, repair, maintenance, permitting, leasing, licensing, minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

The project site occupies a 0.74-acre parcel that currently contains a 15,543-sf building that is split into 12 suites. No construction or modification of the project site is proposed as a part of the application for CUP 2021-18. Under CUP 2021-18 conditionally permitted uses would be allowed to occupy suites within the existing building, subject to conditions of approval for the site. No changes to the existing building are proposed as a part of this project. Any modifications to the site required to facilitate CUP 2021-18 would be minor in nature. Due to minor alterations occurring on the site, the project qualifies for the use of Categorical Exemption 15301 for existing facilities and no further environmental analysis is required.

COMMISSION ACTION:

The Commission will be acting on CUP 2021-18. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 for the project, and approving Conditional Use Permit 2021-18, based on and subject to the findings and conditions of approval.

ALTERNATIVES:

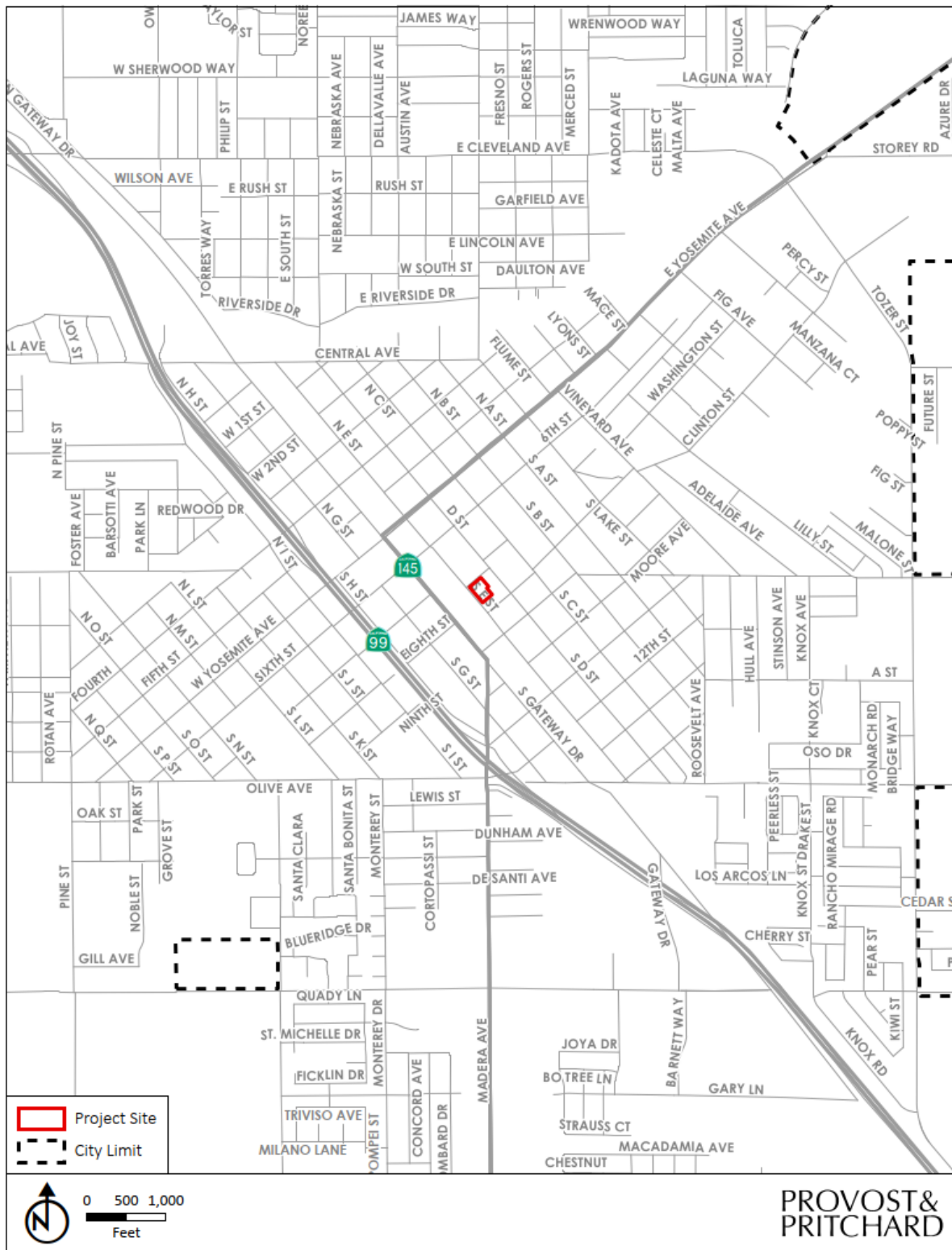
As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the June 14, 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 June 14, 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.)

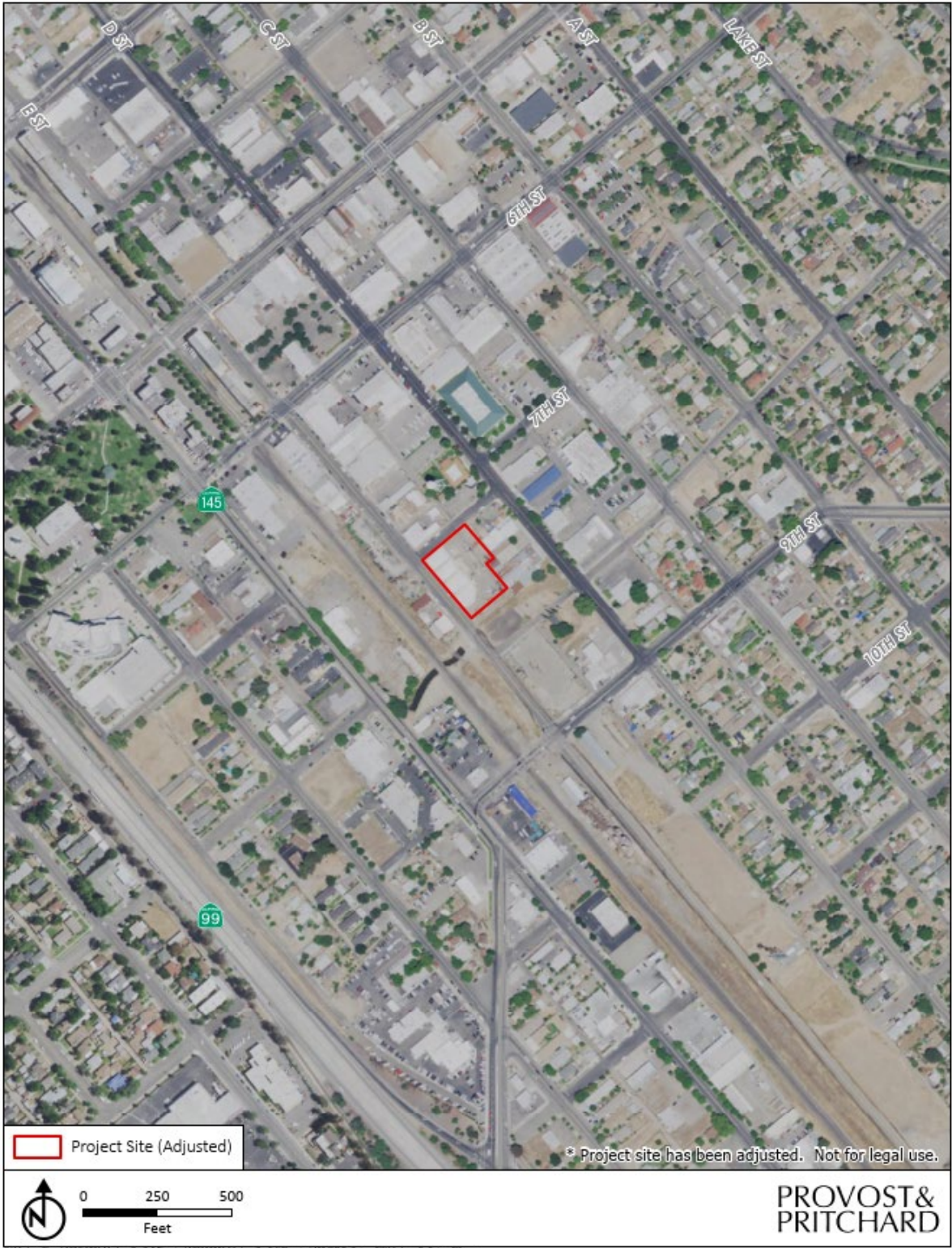
ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Exhibit A, Site Plan
6. Exhibit B-1, Elevations – Front and Back
7. Exhibit B-2, Elevations – Sides
8. Exhibit C, Floor Plan
9. Exhibit D, Landscape Plan
10. Planning Commission Resolution

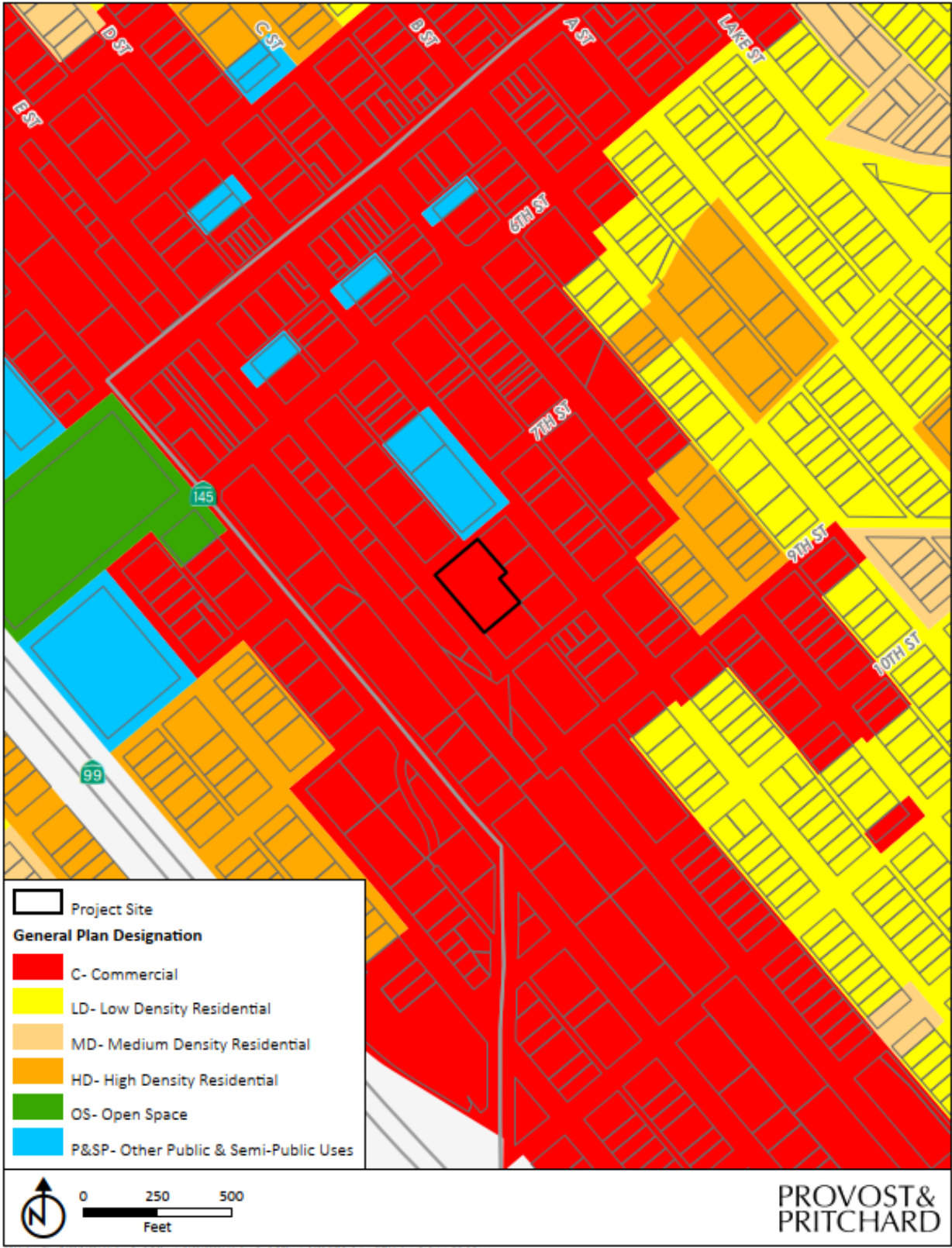
Attachment 1: Vicinity Map



Attachment 2: Aerial Map



Attachment 3: General Plan Land Use Map



Project Site

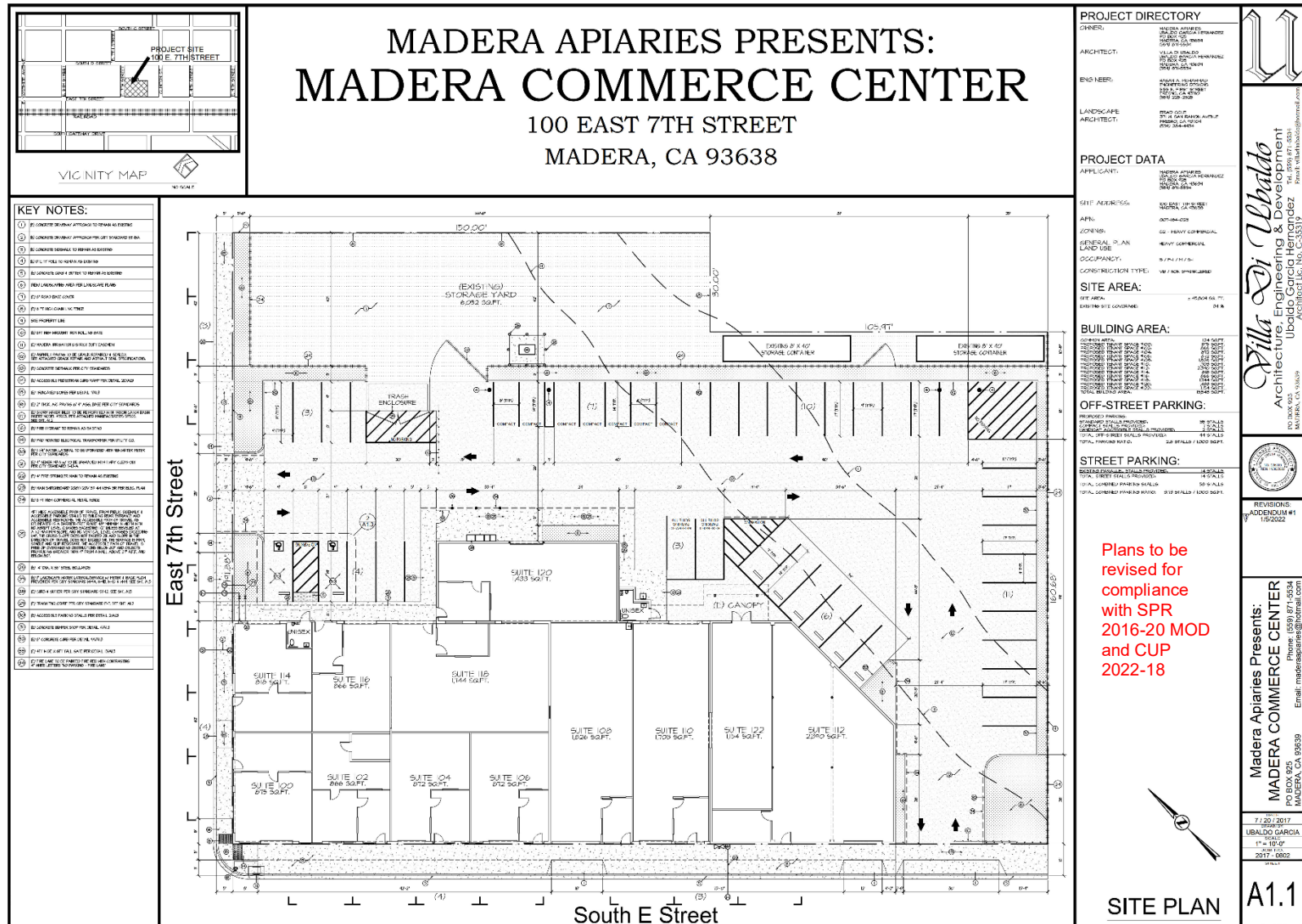
Zone Districts

- R1 (One unit per each 6,000 sqft)
- R2 (One unit per each 3,000 sqft)
- R3 (One unit per each 1,800 sqft)
- PD (4500)- Planned Development (One unit for each 4,500 sqft of site area)
- C1- Light Commercial
- C2- Heavy Commercial
- CR- Restricted Commercial
- I- Industrial
- PF- Public Facility
- RCO- Resource Conservation & Open Space
- Special Provision

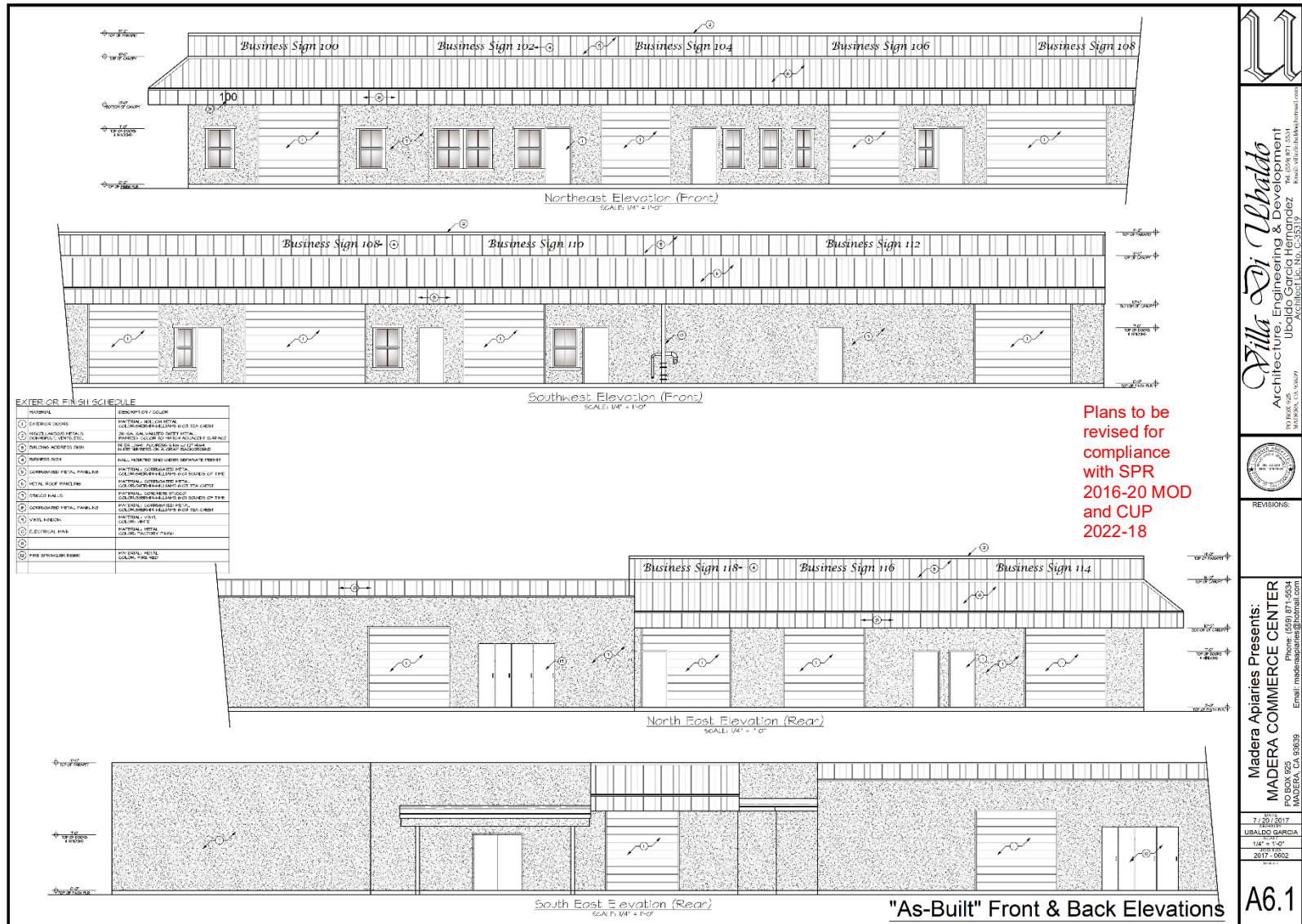
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PROVOST & PRITCHARD

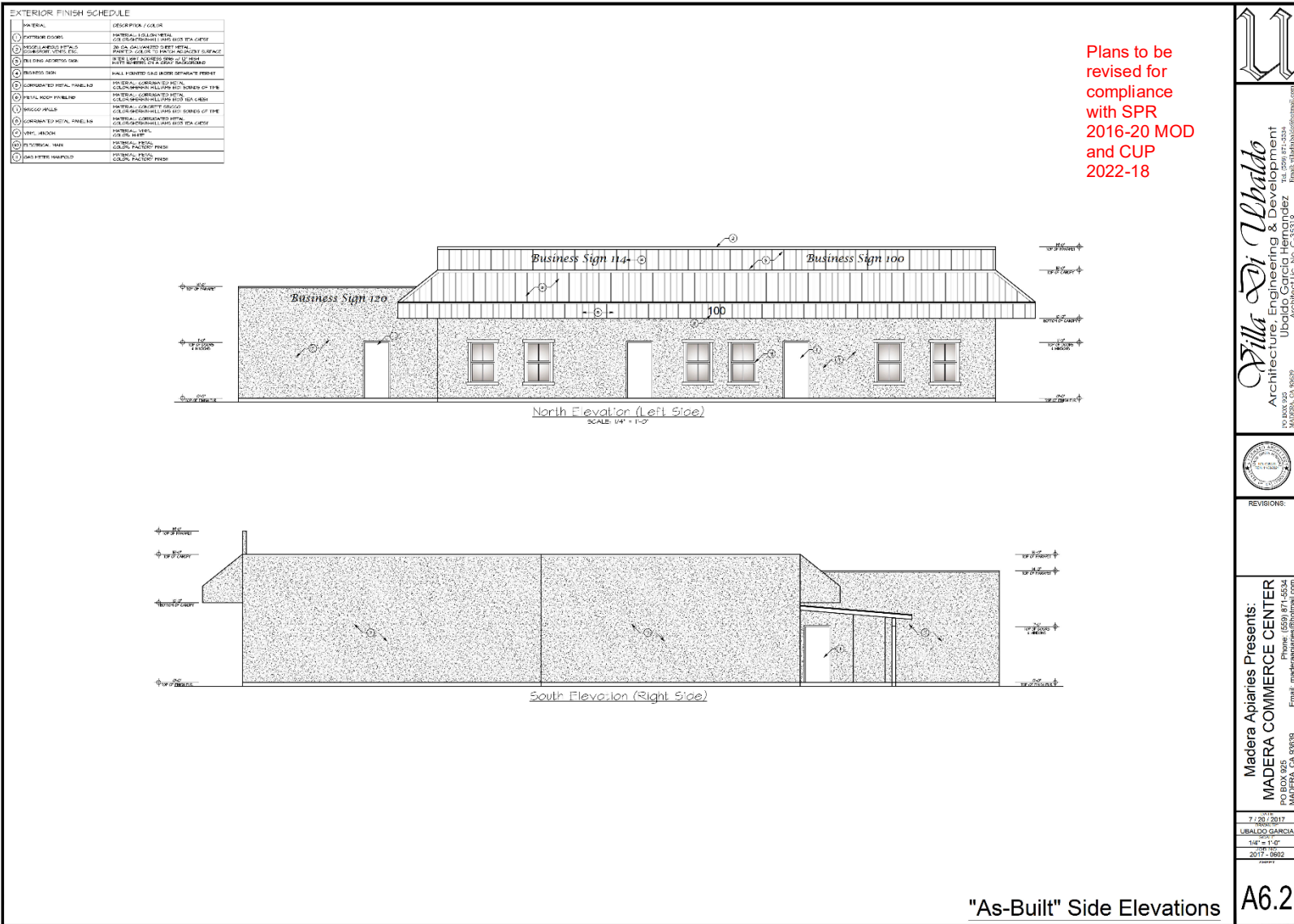
Attachment 5: Exhibit A, Site Plan



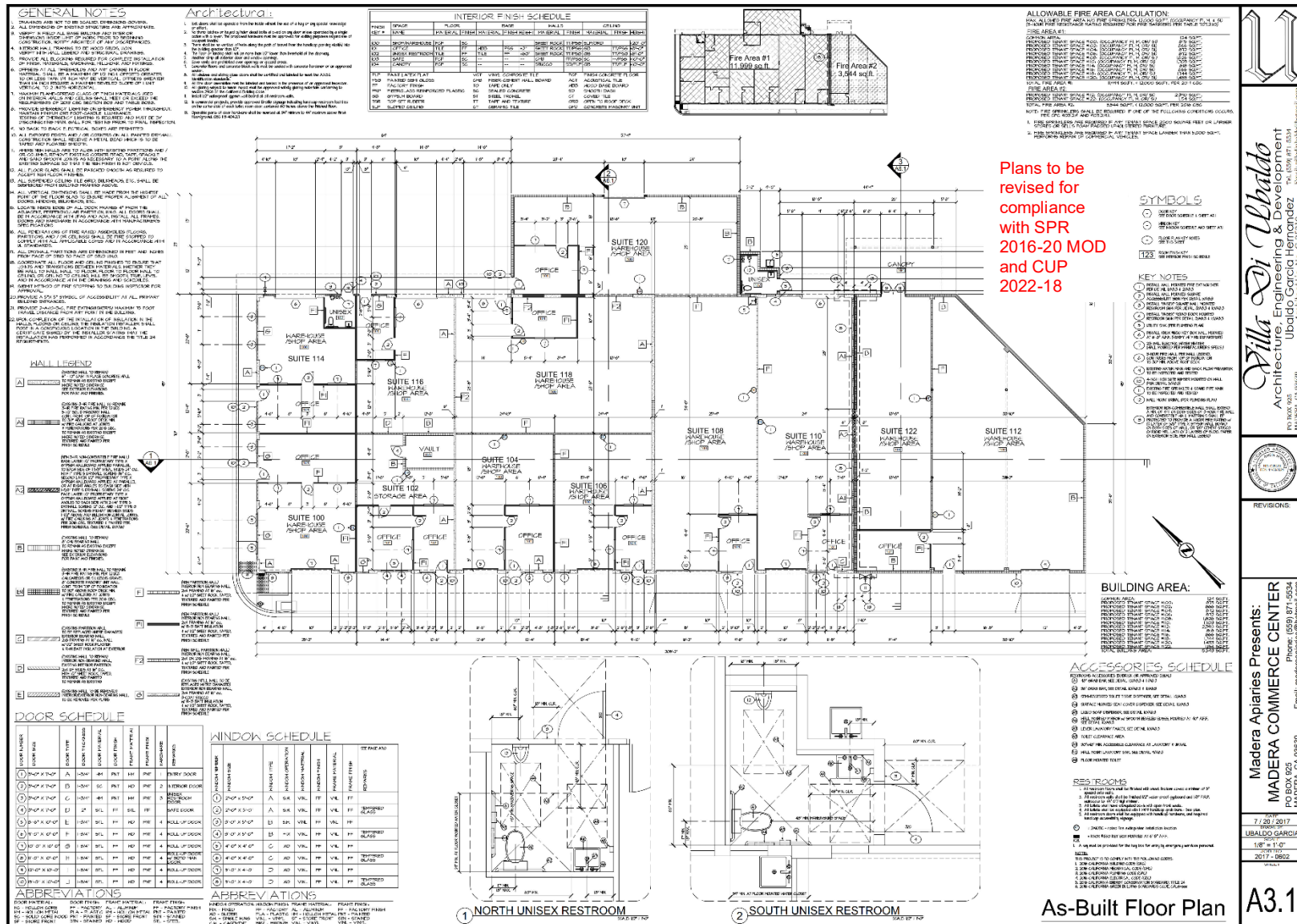
Attachment 6: Exhibit B-1, Elevations – Front and Back



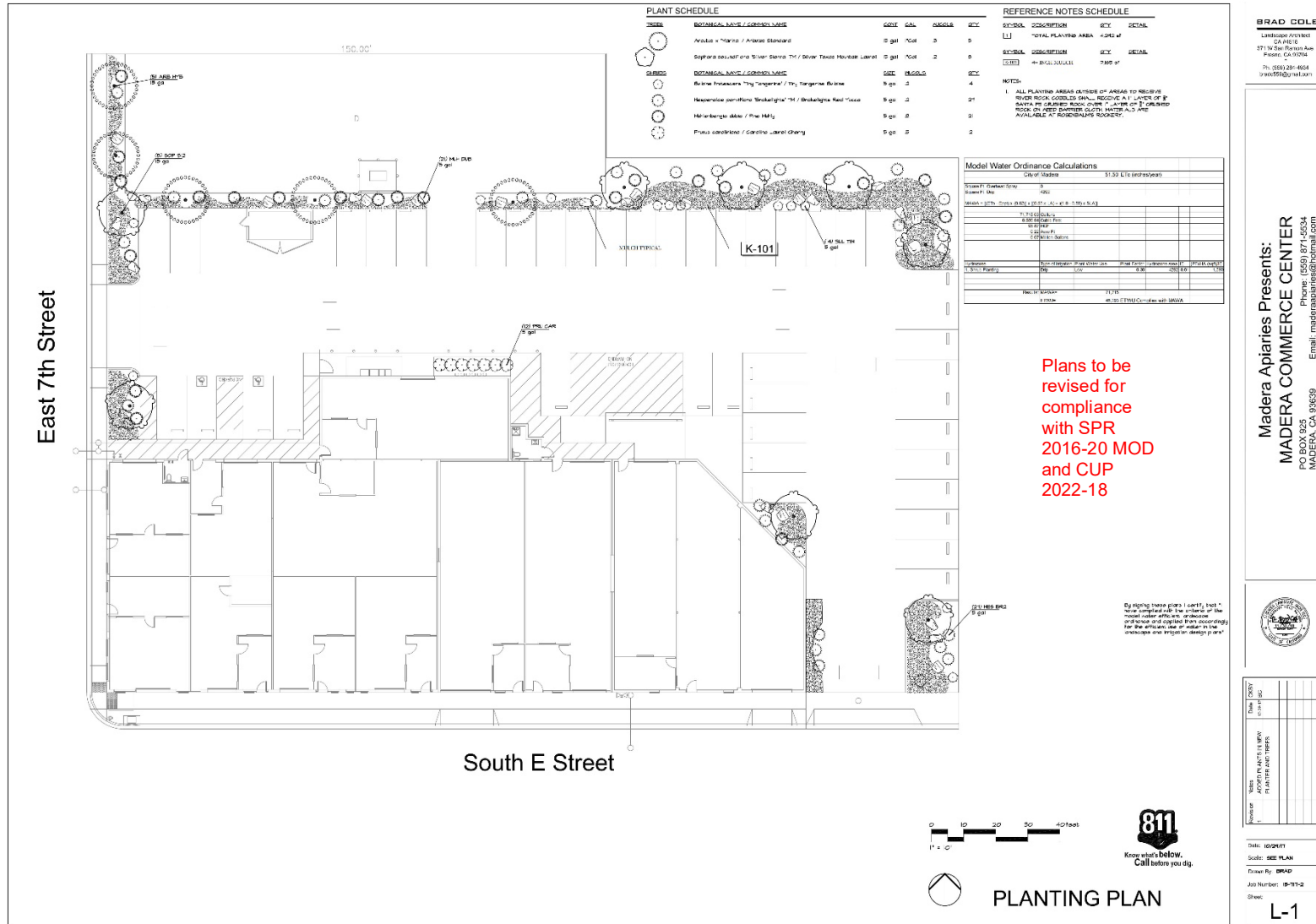
Attachment 7: Exhibit B-2, Elevations - Sides



Attachment 8: Exhibit C, Floor Plan



Attachment 9: Exhibit D, Landscape Plan



Attachment 10: Planning Commission Resolution

RESOLUTION NO. 1918

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2021-18, SUBJECT TO CONDITIONS, AND
FINDING THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO
CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES)
(MADERA COMMERCE CENTER)**

WHEREAS, Madera Apiaries, (“Owner”) owns APN 007-184-023 in Madera, California (“site”) and has authorized Ubaldo Garcia Hernandez (“Applicant”) to submit applications for development on the site; and

WHEREAS, the 0.74-acre site, located at 100 East 7th Street, is a previously developed site and is planned C (Commercial) and zoned C-2 (Heavy Commercial) for commercial land uses; and

WHEREAS, the Applicant is seeking Conditional Use Permit (CUP) 2021-18 to allow automotive service and repair uses to occupy Suites 110, 112, 118, and 120, a micro brewer to occupy Suite 100, and outdoor storage in the existing storage yard on-site; and

WHEREAS, Site Plan Review 2016-20 MOD has previously been approved for 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 15301 of the California Environmental Quality Act (CEQA) Guidelines as the project is characterized as an existing facility; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve 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 2021-18 at a duly noticed meeting on May 10, 2022; and

WHEREAS, at the May 10, 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 1 Categorical Exemption per the California Environmental Quality Act and approve CUP 2021-18, 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 1 Categorical Exemption set forth in CEQA Guidelines Section 15301 as the project is characterized as an existing facility 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 project site occupies a 0.74-acre parcel that currently contains a 15,543 square foot building that is split into 12 suites. No construction or modification of the project site is proposed as a part of the application for CUP 2021-18. Under CUP 2021-18 conditionally permitted uses would be allowed to occupy suites within the existing building, subject to conditions of approval for the site. No changes to the existing building are proposed as a part of this project. Any modifications to the site required to facilitate CUP 2021-18 would be minor in nature. Due to minor alterations occurring on the site, the project qualifies for the use of Categorical Exemption 15301 for existing facilities and no further environmental analysis is required. As such, the Planning Commission adopts a finding of a Categorical Exemption under CEQA Guidelines section 15301 (Existing Facilities) for this project.

3. Findings for CUP 2021-18: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-18, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits). The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Findings to Approve a Conditional Use Permit

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

The property is zoned C-2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2021-18 is consistent with the purpose and intent of the C-2 (Heavy Commercial) zoning 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. The project site is located within a commercial area and is surrounded by other commercial uses to all sides. As conditioned, automotive uses, a micro brewer, and outdoor storage at the 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 conditioned, the proposed uses are 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 people residing or working in the neighborhood.

4. Approval of CUP 2021-18: Given that all findings can be made, the Planning Commission hereby approves CUP 2021-18 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 10th day of May 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 2021-18

“Exhibit A”:
CUP 2021-18 (MADERA COMMERCE CENTER)
CONDITIONS OF APPROVAL
May 10, 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 2021-18 will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Director. In the event you wish to appeal the Director'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 Director 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. The Conditions of Approval for SPR 2016-20 MOD shall apply to CUP 2021-18 and remain in full force and effect, with the exception of Conditions 65-71 of CUP 2016-09, 10 & 11 and SPR 2016-20, as included in Attachment 2 of the Approval Letter for SPR 2016-20 MOD, which are replaced with the conditions contained herein for CUP 2021-18.
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 to the City of Madera Planning Department no later than three (3) days following action on CUP 2021-18.**
3. CUP 2021-18 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
4. Approval of CUP 2021-18 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.

Automotive Service and Repair

5. Automotive uses may occur within Suites 110, 112, 118, and 120, as shown on CUP 2021-18 Exhibit A, Site Plan. Automotive uses allowed to occupy these suites are limited to the following:
 - Lube, oil and filter services
 - Tune-ups and fuel system repairs
 - Brake services
 - Installation of shocks and struts, and other suspension repair
 - Spark plug and spark plug wire replacements
 - Computer diagnostics and electronic troubleshooting
 - Air conditioning service and repair
 - Emissions systems certification and repair
 - Engine, transmission and driveline repair and replacement
 - Muffler and exhaust services
 - Radiator rebuilding and replacement
 - Tire and wheel sales and installation (including alignments)
 - Installation of automobile accessories, including:
 - Window tinting
 - Car alarms
 - Car audio
 - Automotive upholstery
 - Automotive restoration
 - Auto glass
6. All automotive services and repairs shall occur within the designated suites. No work shall be conducted in the parking area.
7. No automotive equipment, parts or materials may be displayed or stored in the parking area.
8. Adequate access for vehicle ingress, egress, and storage entirely within the suite shall be provided. The following standards shall be used to determine adequate access. Minor modifications to the site plan to ensure compliance with the conditions contained herein may be approved by the Planning Manager without amendment to SPR 2016-20 MOD.

- Vehicle doors shall be a minimum of 10-feet wide and shall provide adequate vertical clearance.
 - Unobstructed drive access to and from the suite. Drive access to and from the suite shall not be permitted to encroach into parking spaces or block designated pedestrian travel paths.
 - Cars shall not be required to drive over a designated pedestrian travel path where a drive approach does not exist.
9. No more than one vehicle per suite waiting for service or repair may be parked within the parking spaces at any given time.
 10. Automotive service and repair uses shall not be allowed to store cars within the parking area or on East 7th Street and South E Street during the day or overnight. Any overnight parking must occur within the building or within the designated outdoor storage yard.
 11. The property owner shall ensure that no abandoned or wrecked vehicles are stored on the project site or within street parking stalls on the site's East 7th Street and South E Street frontages.

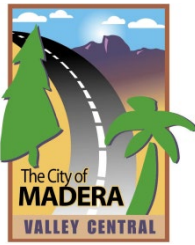
Outdoor Storage

12. Outdoor storage shall be allowed within the storage yard area shown on Exhibit A, Site Plan. Outdoor storage is not allowed outside of this designated storage yard.
13. The height of materials stored in the outdoor storage yard shall not be in excess of six feet.
14. The designated storage yard shall be screened by fencing. Fencing used shall be made of material so that the interior of the storage yard is not visible from the outside and in compliance with Section 10-3.412 of the Madera Municipal Code.
15. A maximum of two outdoor storage containers not to exceed eight feet in height to be located on-site, within the designated storage yard, as shown on Exhibit A, Site Plan. The exterior of the storage container shall be painted to harmonize with the site's building exterior color scheme. Submittal of revised landscape plans shall be required reflecting the location of the storage containers.
16. Adequate access shall be maintained for fire protection.
17. No permanent structures are allowed to be constructed on the Madera Irrigation District Easement that runs through the storage yard.

Micro Brewer

18. A micro brewer shall be allowed to operate within Suite 100, as shown on Exhibit A, Site Plan.

19. The sale of alcohol for on- or off-site consumption shall not be allowed from any suite on-site.
Any alcohol sales associated with a tenant must occur at a location other than the site associated with CUP 2021-18.
20. All applicable permits and licenses from the California Department of Alcoholic Beverage Control shall be obtained prior to occupying the suite.



REPORT TO THE PLANNING COMMISSION

Prepared by: Wyatt Czesinski, Contract Planner

Meeting of: May 10, 2022

Agenda Item: 4

SUBJECT:

Conditional Use Permit 2022-10 and Site Plan Review 2015-14 MOD 3 for Madera Ford.

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15332 for the project, approving Conditional Use Permit 2022-10 and Site Plan Review 2015-14 MOD 3, subject to the findings and conditions of approval.

PROPOSAL:

An application for the expansion of the Madera Ford automotive dealership site from 3.83 acres to 4.2 acres and construction of a new 36,220 square foot (sf) vehicular service and maintenance shop building on-site. Demolition of an existing 11,770 sf maintenance shop building and demolition of an existing apartment complex composed of eight residential units is also proposed to accommodate the proposed maintenance shop building and site expansion. In addition, the project would include other site improvements including the introduction of newly paved areas, fencing, landscaping, and a driveway. The apartment complex to be demolished is located on Assessor's Parcel Numbers (APNs) 010-212-014 and 010-212-015, which are owned by Dealer Properties LLC. Access to the site would be provided from two driveways on South G Street. A private driveway with gate is also proposed on South H Street.

Table 1: Project Overview

<i>Project Number:</i>	Conditional Use Permit 2022-10, Site Plan Review 2015-14 MOD 3
<i>Applicant:</i>	Lak Brar, Madera Ford
<i>Property Owner:</i>	Dealer Properties LLC
<i>Location:</i>	530 South G Street. Southwest corner of South G Street and Madera Avenue (APNs 010-212-012, 010-212-014, 010-212-015); Bounded by residential uses to the northwest, South G Street to the northeast, Madera Avenue (State Route (SR) 145) to the southeast, and SR 99 to the southwest
<i>Project Area:</i>	Approximately 4.2 acres; Proposal for approximately 36,220 sf of new building and demolition of 11,770 sf of existing commercial building and eight residential units.
<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C-1 (Light Commercial)
<i>Site Characteristics</i>	The project is located on a site currently operating as Madera Ford, with eight residential units also on-site. Surrounding uses include high density residential uses to the

	northwest and northeast, commercial uses to the northeast and southeast, and SR 99 to the southwest.
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SUMMARY:

The applicant proposes to expand the Madera Ford automotive dealership site from 3.83 acres to 4.2 acres and construct a 36,220-sf building addition to the existing Madera Ford Dealership for use as a new vehicular service and maintenance shop area, to be added to the existing dealership and sales area, which is approximately 5,453 sf. To facilitate the expansion, the existing 11,770 sf vehicular service and maintenance building and eight residential units would be demolished and removed. The residential units are located on parcels owned by the Dealer Properties LLC and are surrounded by the parcel occupied by Madera Ford. The majority of sales display parking on the site would be located on the portion of the property that abuts Madera Avenue/SR 145 and SR 99. The area abutting SR 99 was formerly South H street connecting South H Street to Madera Avenue/SR 145. The summary vacation and abandonment of this section of South H Street was previously approved by the City for a prior expansion of the Madera Ford dealership, which was known at that time as the Silva Ford automobile dealership, allowing Madera Ford to operate here (refer to Attachment 1).

Conditional Use Permit 2022-10 (CUP 2022-10) would allow for the sale of new and used cars on the site. Despite the site historically being used for car sales as Madera Ford, no record of a previous approved conditional use permit was found. Along with the construction of the new addition and the demolition of existing structures, the project would be required to make on-site improvements including newly paved areas, fencing, landscaping, and a driveway. The applicant is also proposing to relocate the existing storm drainage and sewer facilities on-site to accommodate the expansion.

The use of the project site as Madera Ford is consistent with the General Plan land use designation of Commercial (C), which allows for commercial development. The proposed use is consistent with the Light Commercial (C-1) zoning district which allows for new and used car sales under a CUP and is compatible with surrounding land uses. While the project would result in the loss of eight residential units, the site is planned and zoned for commercial use. As a result, the project would promote consistency with both the General Plan and City zoning. Site Plan Review Modification 2015-14 (SPR 2015-14 MOD 3) would allow for the expansion of buildings and other on-site improvements. CUP 2022-10 would memorialize the current use of the site as an automobile dealership and allowing for the sale of new and used cars at the site, as well as vehicle maintenance and repair to occur within the Madera Ford maintenance shop building.

PRIOR ACTIONS:

SPR 2015-14, approved May 7, 2015, permitting the remodel and expansion of the Silva Ford automotive dealership to add 3,287 sf of showroom and office space, addition of 2,266 sf second floor office space and to add 287 sf of service office space. The existing building floor space combined with the building remodeling and expansion results in total of 20,054 sf of building space.

ABN 2015-02, approved January 12, 2016, for the summary vacation of a 600 linear feet segment of South H Street between the intersection of South H Street and Madera Avenue/SR 145 paralleling the Silva Ford automotive dealership, closure of the South H Street and Madera Avenue/SR 145 intersection and the construction of a cul-de-sac on South H Street at Madera Canal No. 1.

SPR 2015-14 MOD, approved July 25, 2016, incorporating the closure and abandonment of South H Street paralleling Silva Ford and the closure of the South H Street/Madera Avenue (SR 145) intersection into the Silva Ford automotive dealership site plan development.

SPR 2015-14 MOD 2, approved August 10, 2017, modifying the remodel and expansion plans approved on May 7, 2015, to include an additional 265 sf to the second-floor office space to serve as a storage room, and for alterations to the eastern building elevation.

SURROUNDING LAND USES:

The site is bordered to the northwest and northeast by residential uses, to the northeast by the Mejia Taco Shop, to the southeast by Madera Avenue/SR 145 and a Valero Gas Station, and to the southwest by SR 99 (refer to Attachment 2). Land abutting the site to the north is planned HD (High Density Residential), and to the east and south for C (Commercial) (refer to Attachment 3). Land to the north is zoned R3 (One unit per each 1,800 square feet), while land to the east and south is zoned C-1 (Light Commercial) (refer to Attachment 4).

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>Northwest</i>	Residential	HD – High Density Residential	R3 – (One unit per each 1,800 square feet)
<i>Northeast</i>	Residential and Mejia Taco Shop	C – Commercial	C1 – Light Commercial
<i>Southeast</i>	Valero Gas Station	C – Commercial	C1 – Light Commercial
<i>Southwest</i>	SR 99	N/A	N/A

ANALYSIS:

The Madera Municipal Code (MMC) establishes procedures for the review and approval of Site Plan Reviews (Section 10-3.4) and for the review and approval of Conditional Use Permits (Section 10-3.13). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the C-1 (Light Commercial) zoning district as well as other generally applicable development standards, such as parking requirements. The proposed development is consistent with the applicable standards (Table 3). The proposal is also consistent with the General Plan which includes community design, land use, circulation, and infrastructure goals.

Table 3: Zone District Development Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
<i>Front setback (South G Street)</i>	20 ft.	106 ft.
<i>Street side setback (Madera Ave)</i>	0 ft.	44 ft.
<i>Interior side setback</i>	10 ft.	57 ft.
<i>Rear setback (SR 99)</i>	0 ft.	83 ft.
<i>Building height</i>	50 ft.	27 ft.
<i>Floor Area Ratio (FAR)</i>	0.3	0.22
<i>Parking Spaces</i>	124 spaces (1 per each 400 sf of gross floor area, and 1 per each 2 employees)	191 spaces (118 for sales display; 73 for customer and employee parking)

Circulation and Parking

The project proposes to have a total of 191 parking spaces on-site, including 118 parking spaces for sales display and 73 parking spaces for customer and employee parking. ADA accessible spaces will be provided in accordance with California Building Code requirements. Location of ADA stalls will be approved by the Planning Manager prior to issuance of building permits. Parking available for customers and employees wraps around the building from the South G Street frontage to the northwestern boundary of the site, and along the portion of the site abutting SR 99. Parking for sales display occurs along the SR 145/Madera Avenue frontage and where the site abuts SR 99. In conformance with the Madera Municipal Code, parking is required to be provided at a rate of one space for every 400 sf of gross floor area and one space for every two employees. With a gross floor area of 41,673 sf and an estimated employee count of 40 people, the site is required to have a minimum of 124 parking spaces. The site plan proposes 191 spaces, which exceeds the minimum number required. The two existing most northwesterly drive approaches on South G Street will be removed and replaced with concrete sidewalk, curb, and gutter per City standards. The proposed drive approach on South G Street will be constructed to City and ADA standards. Any work completed within the City right of way will require an encroachment permit from the Engineering Division, and any work completed within the State of California right of way will require an encroachment permit from Caltrans.

Site Plan and Elevations

Construction of the buildings proposed under SPR 2015-14 MOD 3 is conditioned to conform with the site plan and elevation drawings, including the color and materials schedule, as shown in Attachments 5 through 8. The building elevations and materials submitted align with the City Commercial Design Guidelines. In addition, the submitted elevations and materials would be consistent with the existing building design. The project will be conditioned to construct a six-foot high block wall along the northwestern property line where the site abuts residential uses.

Landscaping

The applicant will be required to submit a landscaping plan to ensure compliance with state water efficient landscaping requirements. The interior and perimeter of the site is required to be landscaped, except where walks or accessways are proposed. A landscape buffer of at least eight feet in width will be required where the property abuts residential uses along the northwestern property line. 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 be required to adhere to the guidelines set forth in the Commercial Design and Development Guidelines. Per the conditions of approval, landscape improvements will be required to show a 50 percent shade coverage within the parking lot on the landscape plan submitted for approval.

Public Infrastructure

The project would be required to make on-site improvements, including the relocation of storm drainage and sewer facilities as shown on the site plan. In addition, the construction of drive approaches along South G Street shall meet all ADA requirements, and the two most northwesterly existing drive approaches along South G Street shall be removed and replaced with concrete sidewalk, curb, and gutter per City standards.

Water runoff from the site would drain into the Madera Irrigation District (MID) Canal. Water runoff would be required to be cleaned before entering the existing storm drain system to the satisfaction of MID through the use of an on-site oil/water separator or inserts at drop inlets that receive runoff from the site.

In addition, prior to building construction commencing, a detailed drainage study is required to be completed and submitted to the City Engineer for approval. No additional flow as a result of site regrading will be permitted into MID facilities as a result of the project.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and 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 five 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.

COMMISSION ACTION:

The Commission will be acting on CUP 2022-10 and SPR 2015-14 MOD 3. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15332 for the project and approving Conditional Use Permit 2022-10 and Site Plan Review 2015-14 MOD 3, based on and subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the June 14, 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 June 14, 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).

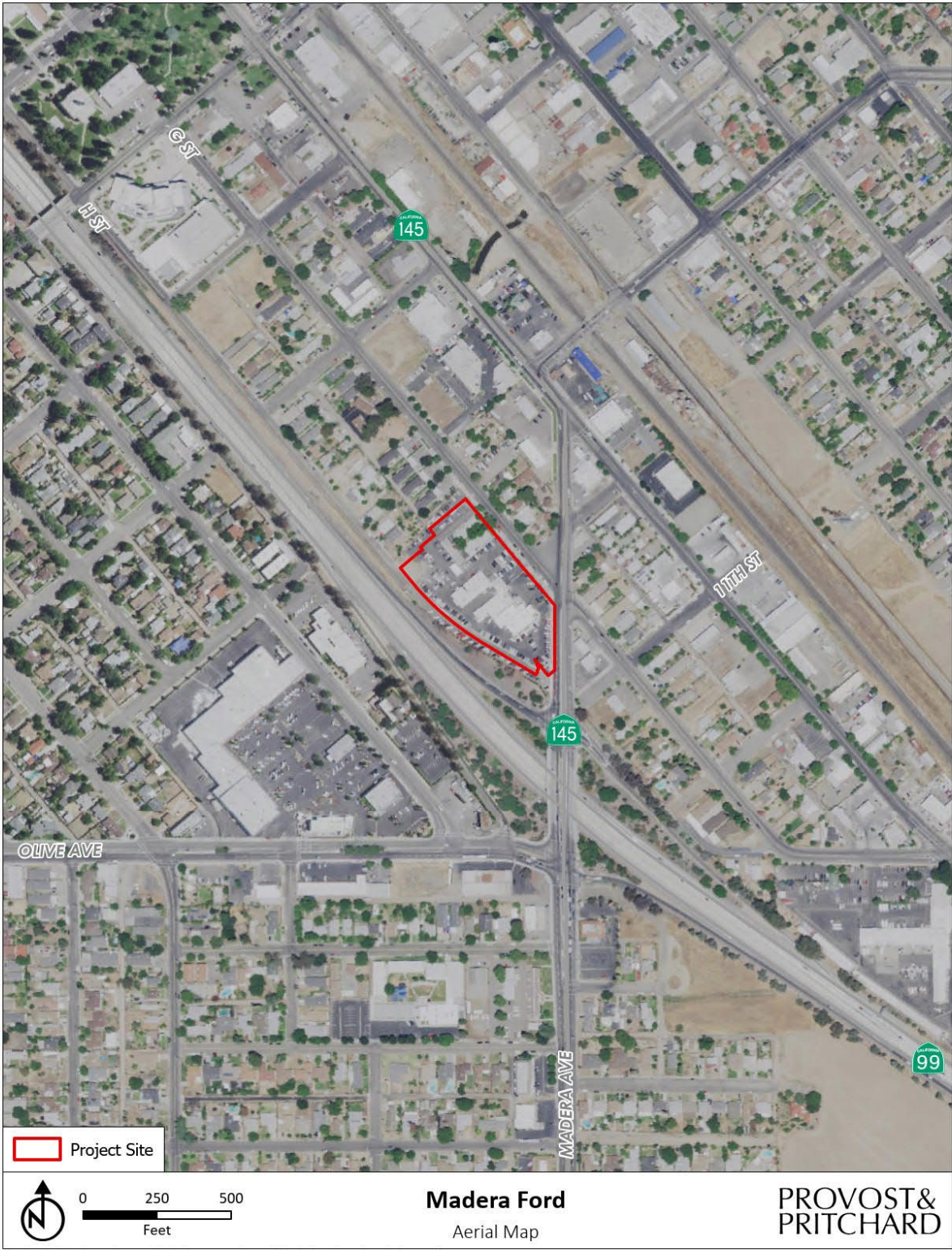
ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Exhibit A, Site Plan (Redlined)
6. Exhibit B, Demolition Floor Plan
7. Exhibit C, Floor Plan
8. Exhibit D, Elevations
9. Planning Commission Resolution

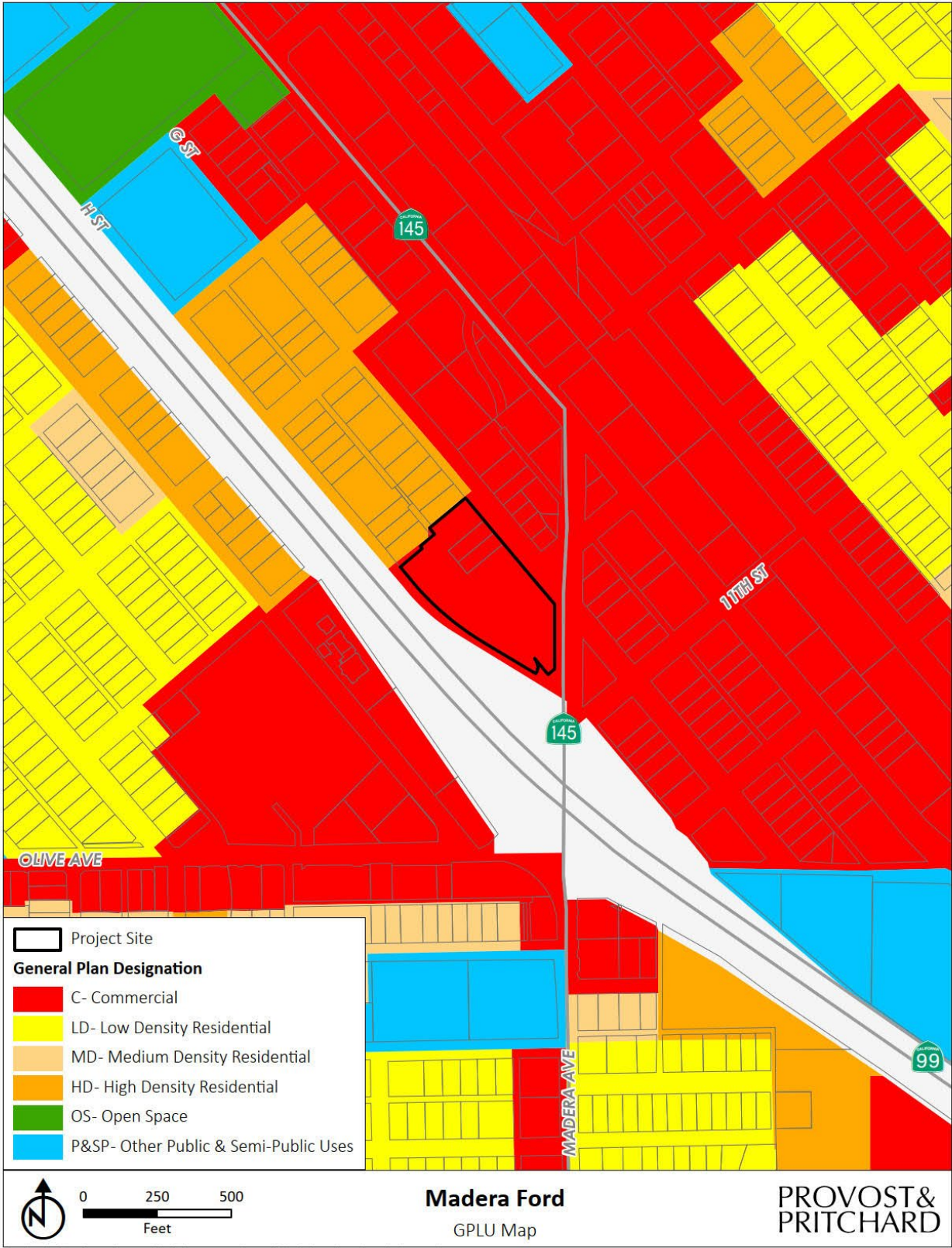
Attachment 1: Vicinity Map



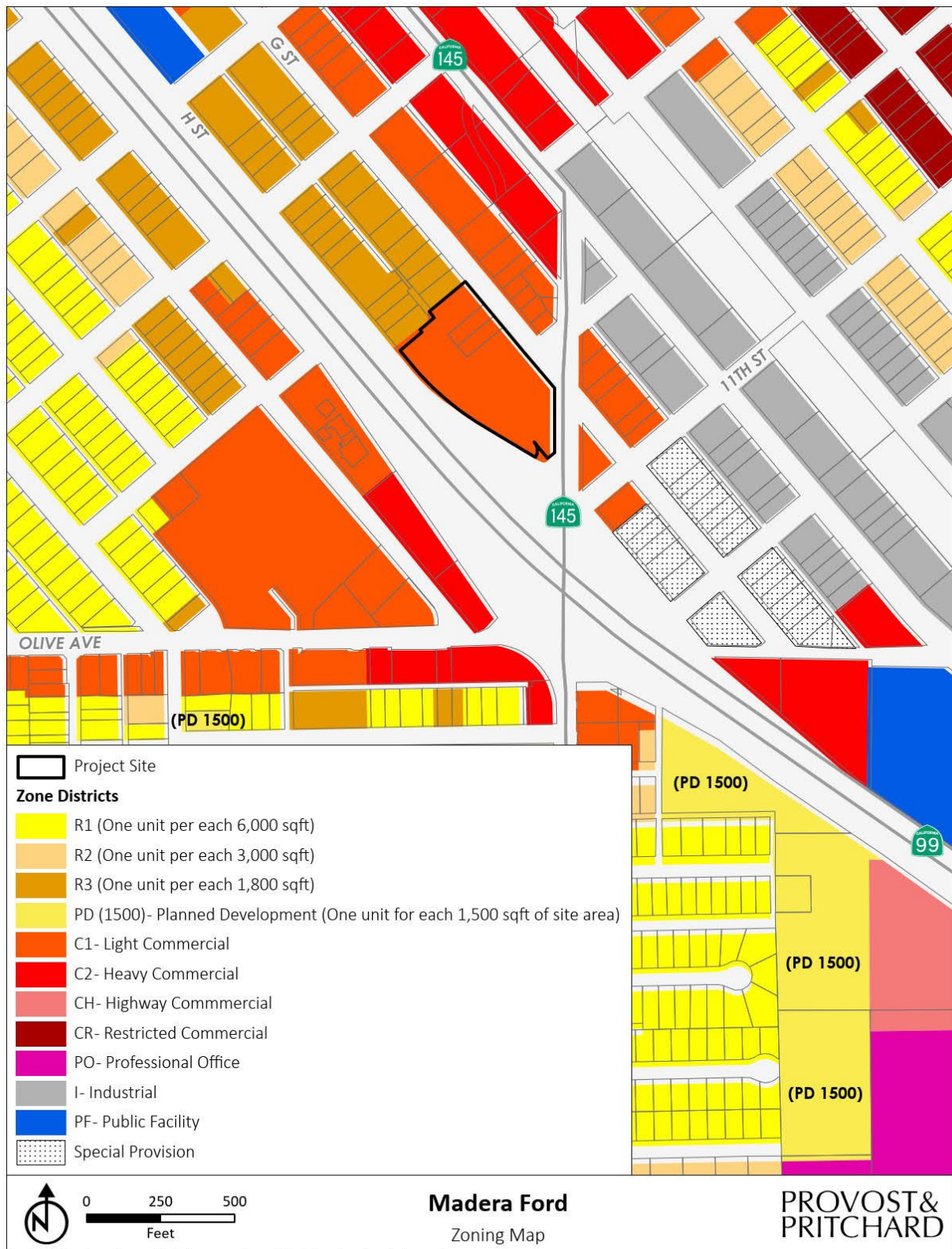
Attachment 2: Aerial Map



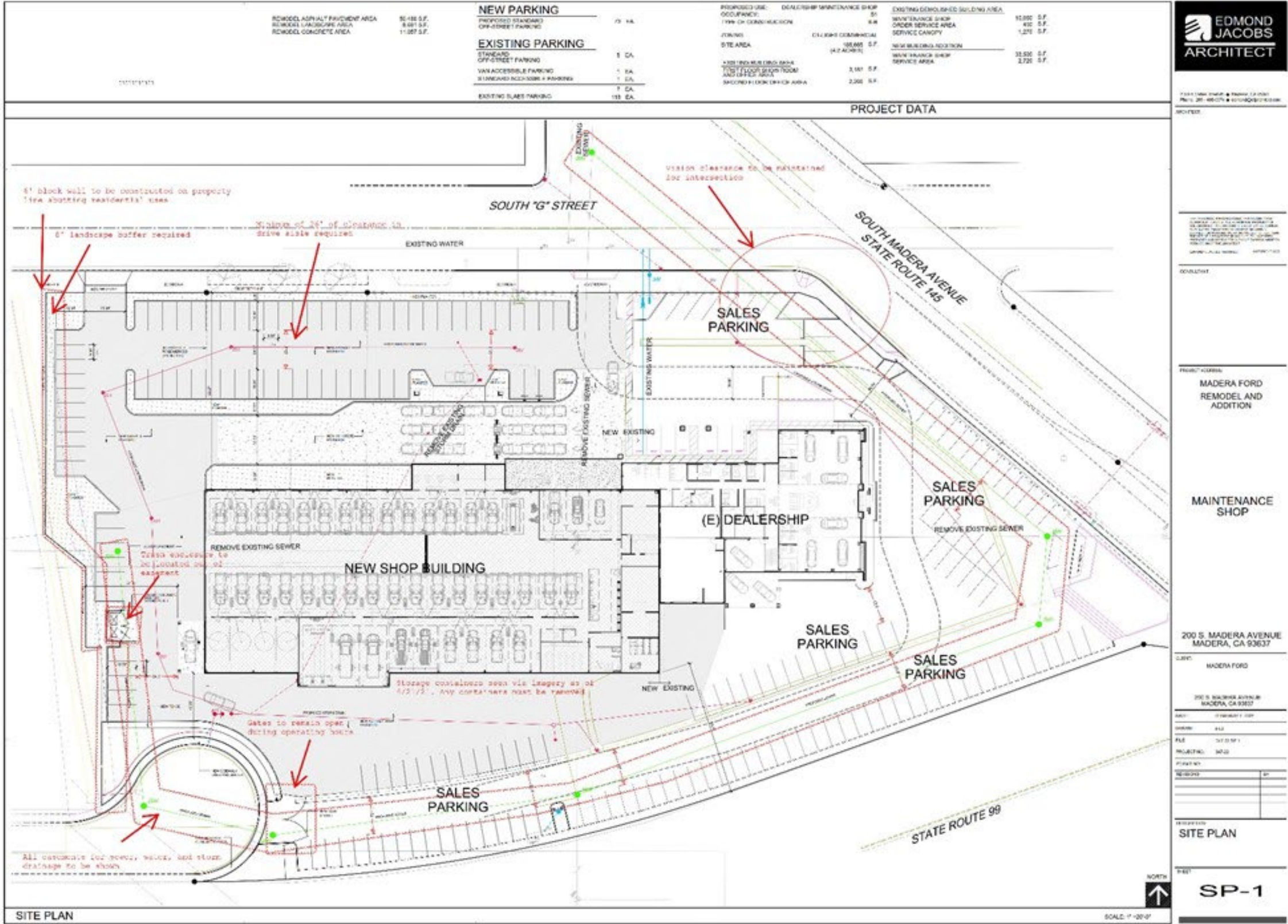
Attachment 3: General Plan Land Use Map



Attachment 4: Zoning Map



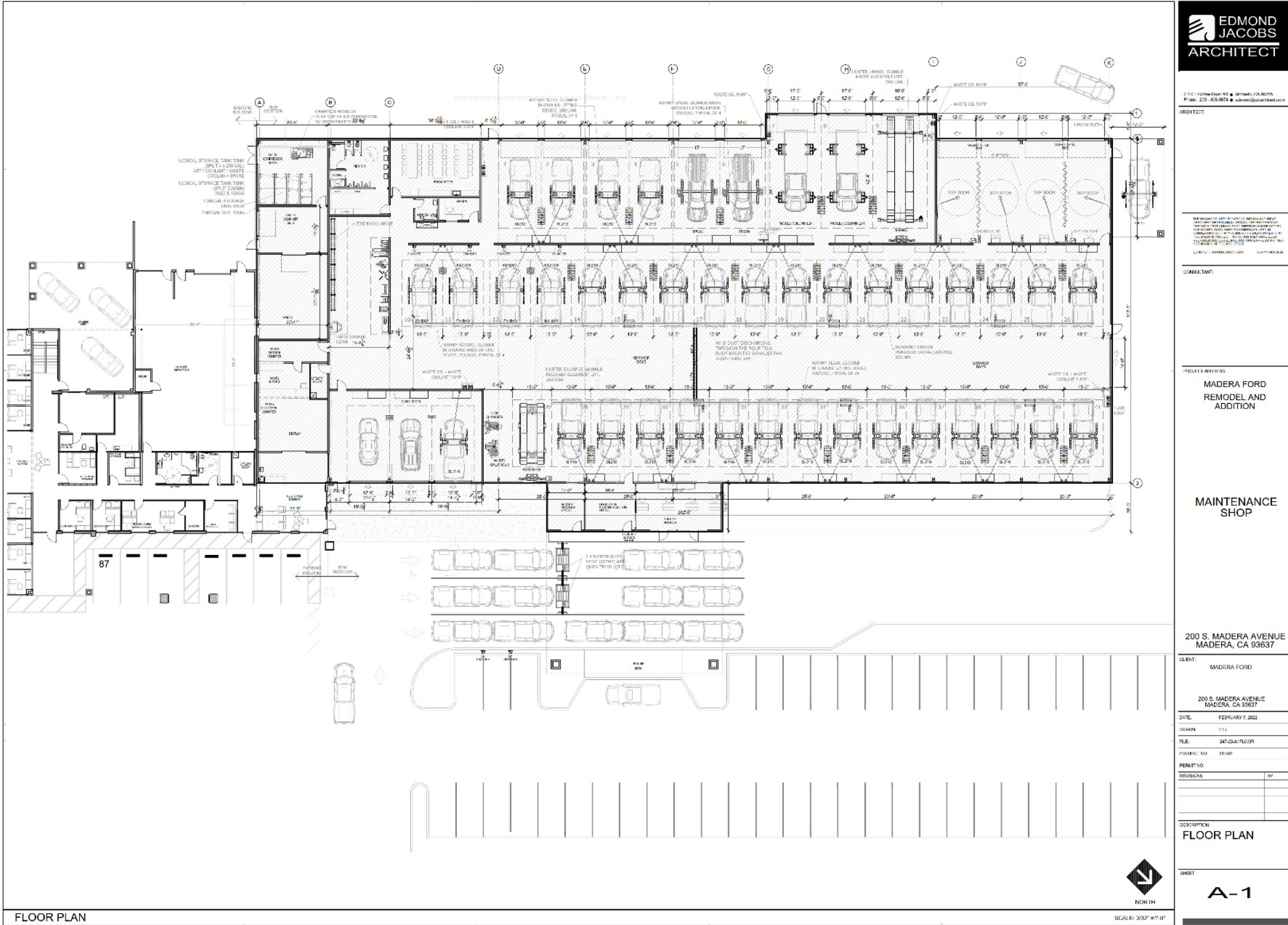
Attachment 5: Exhibit A, Site Plan (Redlined)

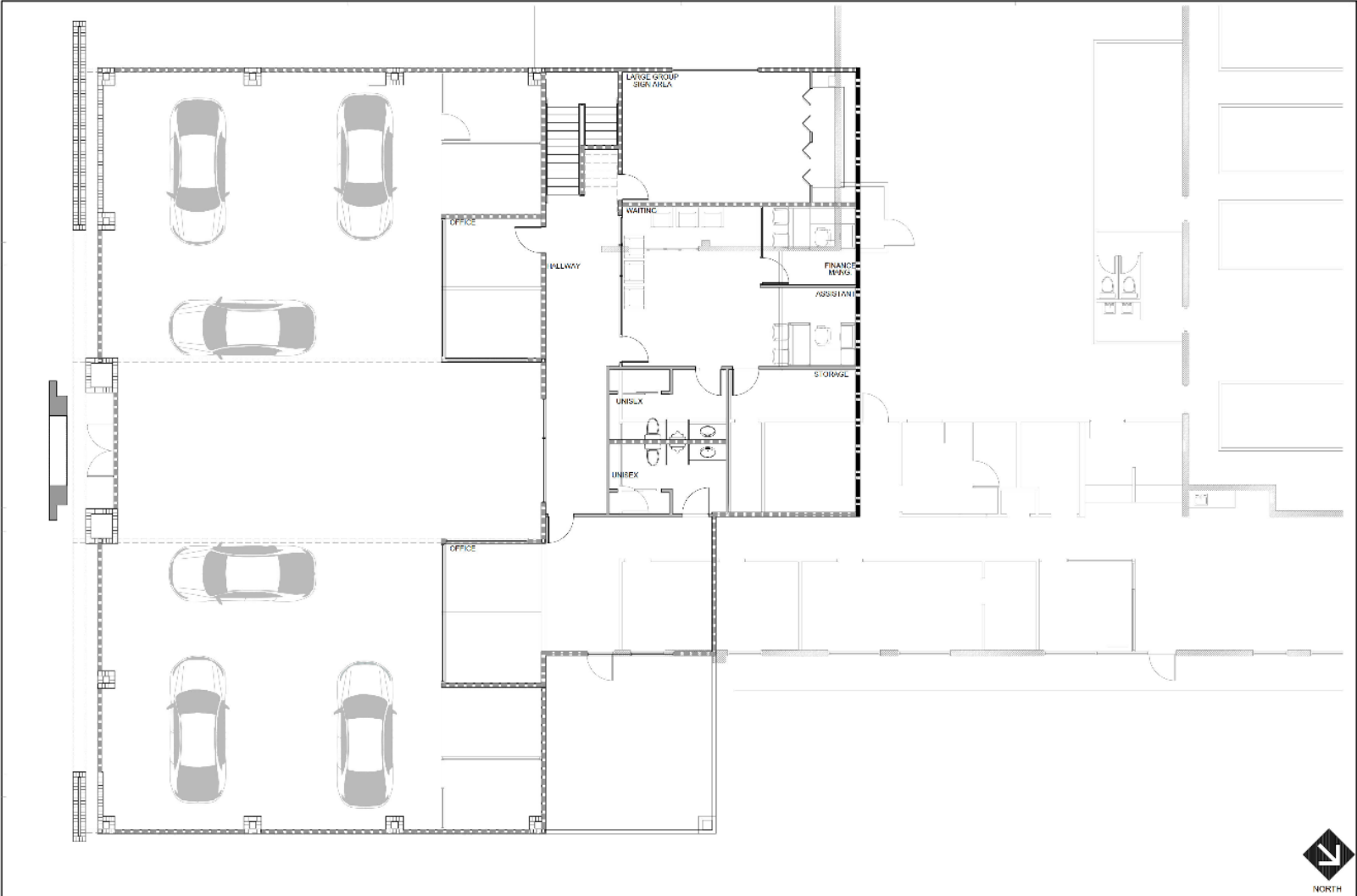


Attachment 6: Exhibit B, Demolition Floor Plan



Attachment 7: Exhibit C, Floor Plan





EXISTING SECOND FLOOR PLAN

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



2321 Coffee Road #9 • Madera, CA 93637
Phone: 209 438 5574 • edmond@edmondjacobson.com

ARCHITECT

ALL DRAWINGS SHALL BE PRINTED ON 24" X 36" ARCHITECTURAL PAPER. DRAWINGS SHALL BE SUBMITTED TO THE CITY OF MADERA FOR REVIEW AND APPROVAL. THE CITY OF MADERA IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PROFESSIONAL SEALS AND STAMPS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY NOTES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DETAILS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SPECIFICATIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGENDS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TITLES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INDEXES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY REFERENCES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY NOTES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY DETAILS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SPECIFICATIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGENDS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TITLES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INDEXES.

CONSULTANT

PROJECT ADDRESS:

MADERA FORD
REMODEL AND
ADDITION

MAINTENANCE
SHOP

200 S. MADERA AVENUE
MADERA, CA 93637

CLIENT:

MADERA FORD

200 S. MADERA AVENUE
MADERA, CA 93637

DATE: FEBRUARY 7, 2022

DRAWN: P-1.1

FILE: 247-20 A-1.1 2ND FLOOR

PROJECT NO.: 347-22

PERMIT NO.:

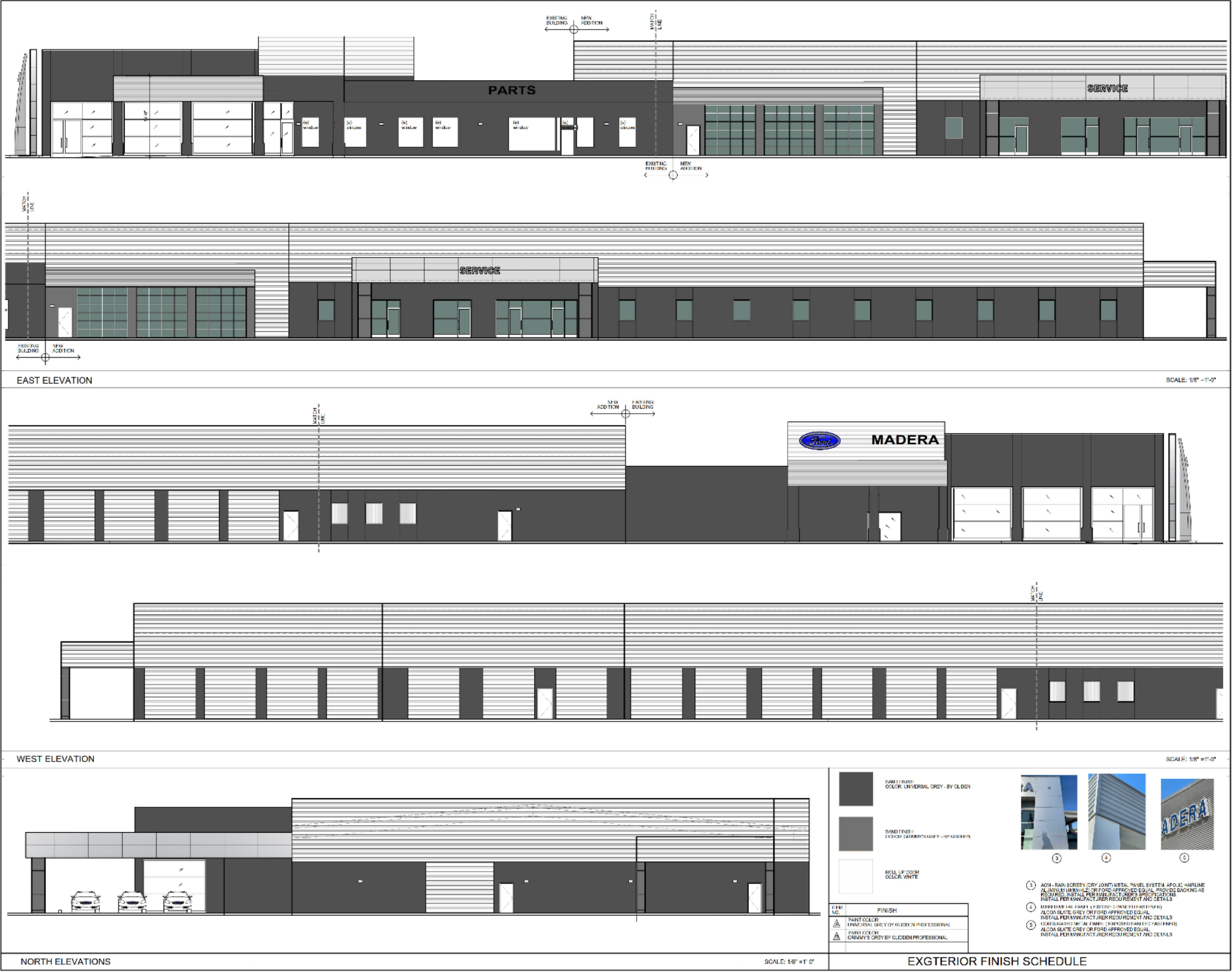
REVISION	DATE

DESCRIPTION:

EXISTING SECOND
FLOOR PLAN

SHEET

A-1.1



EDMOND JACOBS
ARCHITECT

2301 O'Fallon Road, Suite 100 • Madera, CA 93635
Phone: 509-405-9074 • edmond@edmondjacobs.com

ARCHITECT:

THE ARCHITECT'S RESPONSIBILITY IS TO PREPARE ARCHITECTURAL DRAWINGS THAT COMPLY WITH THE REQUIREMENTS OF THE CALIFORNIA BUILDING CODE AND THE CALIFORNIA PROFESSIONAL ARCHITECT ACT. THE ARCHITECT DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE RESULTS OF THE DESIGN PROCESS. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AND DOES NOT EXTEND TO OTHER MATTERS.

CONSULTANT:

PROJECT: MADERA FORD
REMODEL AND ADDITION

MAINTENANCE SHOP

200 S. MADERA AVENUE
MADERA, CA 93637

CLIENT: MADERA FORD

200 S. MADERA AVENUE
MADERA, CA 93637

DATE: FEBRUARY 2, 2022

DRAWN: RJG

FILE: MADERA FORD 2022

PROJECT NO: 2022

PERMIT NO:

REVISIONS:

NO.	DESCRIPTION	BY

DESCRIPTION:
**EXTERIOR ELEVATIONS
FINISH SCHEDULE**

SHEET:
A-2.1

Attachment 9: Planning Commission Resolution

RESOLUTION NO. 1919

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2022-10 AND SITE PLAN REVIEW 2015-
14 MOD 3, SUBJECT TO CONDITIONS, AND FINDING THE PROJECT IS
CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES
SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS) (MADERA FORD)**

WHEREAS, Dealer Properties LLC (“Owner”) owns APN 010-212-012, 010-212-014, and 010-212-015 in Madera, California (“site”) and has authorized Lak Brar (“Applicant”) to submit applications for development on the site; and

WHEREAS, the 4.2-acre site is a previously developed site and is planned C (Commercial) and zoned C-1 (Light Commercial) for commercial land uses; and

WHEREAS, Silva Ford automotive dealership previously occupied a portion of the site; and

WHEREAS, on May 7, 2015, the Planning Department conditionally approved SPR 2015-14 permitting the remodel and expansion of Silva Ford adding 3,287 square feet (sf) of showroom and office space, an addition of 2,266 sf second floor office space and adding 287 sf of service office space; and

WHEREAS, on January 12, 2016, the City approved the summary vacation of a 600 linear feet segment of South H Street between the intersection of South H Street and Madera Avenue/State Route (SR) 145 paralleling the Silva Ford automotive dealership site and the closure of the South H Street/Madera Avenue (SR 145) intersection and construction of a cul-de-sac on South H Street at Madera Canal No. 1; and

WHEREAS, on July 25, 2016, the Planning Department conditionally approved SPR 2015-14 MOD incorporating the closure and abandonment of South H Street paralleling Silva Ford from Madera Avenue/SR 145 intersection into the Silva Ford automotive dealership site plan expansion and development; and

WHEREAS, SPR 2015-14 MOD conditions of approval superseded SPR 2015-14 conditions of approval; and

WHEREAS, on August 10, 2017, the Planning Department conditionally approved SPR 2015-14 MOD 2 modifying the May 7, 2015 remodel and expansion plans to include an additional 265 sf to the second floor office space to serve as a storage room and alterations to the eastern building elevation; and

WHEREAS, the Applicant is seeking Conditional Use Permit (CUP) 2022-10 to allow for new and used car sales on-site and allow for operation of the proposed maintenance shop building for vehicle maintenance and repair; and

WHEREAS, the Applicant is seeking Site Plan Review (SPR) 2015-14 MOD 3 to expand the Madera Ford automotive dealership site 0.37 acres to allow for construction of an approximately 36,220 square feet (sf) addition to the existing Madera Ford building, and related site improvements; and

WHEREAS, approximately 11,770 sf of the existing Madera Ford building and an apartment complex composed of eight (8) residential units would be demolished to allow for construction of the proposed addition; 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 2022-10 and SPR 2015-14 MOD 3 at a duly noticed meeting on May 10, 2022; and

WHEREAS, at the May 10, 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 2022-10 and SPR 2015-14 MOD 3, 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 4.2 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 2022-10 and SPR 2015-14 MOD 3: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-10 and SPR 2015-14 MOD 3, 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 C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2022-10 and SPR 2015-14 MOD 3 are consistent with the purpose and intent of the C-1 (Light Commercial) zoning district and do 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. The project site is located within a commercial area and is surrounded by primarily other commercial uses to the northeast and southeast, with residential uses to the northwest, and State Route 99 to the southwest. As conditioned, the sale of new and used cars at the 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 sale of new and used cars, which has historically existed on the project site in the past. 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 C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2022-10 and SPR 2015-14 MOD 3 are consistent with the purpose and intent of the C-1 (Light Commercial) zoning district and do not conflict with City standards or other provisions of the Code.

- *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.*

SPR 2015-14 MOD 3 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Light Commercial zoning district. 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 2015-14 MOD 3 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 will not have a significant impact on traffic or the environment.

4. Approval of CUP 2022-10 and SPR 2015-14 MOD 3: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-10 and SPR 2015-14 MOD 3 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 10th day of May 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 2022-10 and SPR 2015-14 MOD 3

EXHIBIT "A"
CUP 2022-10, SPR 2015-14 MOD 3 (MADERA FORD)
CONDITIONS OF APPROVAL
May 10, 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 SPR 2015-14 MOD 3 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. All discretionary conditions of approval for CUP 2022-10 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. 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. Conditions 13-19 and 22-32 of the Conditions of Approval for SPR 2015-14 MOD, dated July 25, 2016, and conditions 12-18 and 21-31 of the Conditions of Approval for SPR 2015-14 MOD 2, dated August 10, 2017, shall remain in full force and effect, unless previously completed and confirmed by City staff. Conditions outside of those specified above for the previous approvals of the project shall no longer apply. If there is a conflict between the conditions contained herein with any of the previous conditions of approval, the later condition shall apply as confirmed by the Planning Manager. Conditions of Approval being carried forward for SPR 2015-14 MOD and SPR 2015-14 MOD 2 are contained herein as "Attachment 1".
2. 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.
3. 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 to the City of Madera Planning Department no later than three (3) days following action on SPR 2015-14 MOD 3.**
4. CUP 2022-10 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
5. SPR 2015-14 MOD 3 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).
6. 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.

7. Development of the project shall conform to the plans designated by the City as Exhibits A through D, subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2022-10 and/or SPR 2015-14 MOD 3. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2022-10 and/or SPR 2015-14 MOD 3 be filed for review and approval through the applicable City process.
8. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
9. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
10. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
11. Approval of CUP 2022-10 and SPR 2015-14 MOD 3 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

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

PLANNING DEPARTMENT

General

12. Approval of this application 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.
13. CUP 2022-10 and SPR 2015-14 MOD 3 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.
14. 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 2022-10. 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.
15. 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.
16. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2022-10 and SPR 2015-14 MOD 3 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.
17. The property owner shall meet all applicable requirements for notifying existing tenants prior to demolition of the residential units.
18. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.

19. The property owner, operator and/or manager shall operate in a manner that does not generate excessive noise, odor, blight or vibration that is demonstrated to adversely affect-adjacent properties.
20. 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.
21. 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

22. 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.
23. All parking lot lights/lighting shall be incorporated into landscaped areas.
24. 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.

Fencing

25. A six-foot high double-sided split face block wall with a cap stone shall be constructed along the northwest property line where the project site abuts residential uses. Decorative pilasters raising a minimum of 12 inches, but no higher than 18 inches shall be placed uniformly within the wall structure spaced at a maximum of 50 feet on-center interval and at the wall terminuses. The six-foot high block wall shall not, however, extend within the limits of any adjacent residential front yard setback. Within the limits of adjacent residential front yard setback, the height of the block wall shall not exceed three feet. The decorative wall shall be reviewed and approved by the Planning Manager prior to issuance of a building permit.
26. The use of Concertina wire (razor wire) or barbed wire as a component of any fencing is not allowed.

Landscaping

27. Trees shall be required to achieve fifty percent shading of all parking areas, inclusive of parking stalls and drive aisles, within 10 years. Carports may be used to account for shading of paved areas. Landscape plan shall illustrate achievement of the 50 percent shade coverage requirement.
28. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);

- b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground; 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.
29. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under CUP 2022-10 and SPR 2015-14 MOD 3.
 30. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
 31. Street trees shall be provided in accordance with City standards along the South G Street, South H Street cul-de-sac and Madera Avenue/State Route (SR) 145 frontages and shall be consistent with the existing street tree planting along South G Street, South H Street and Madera Avenue/SR 145 and the City's Street Master Tree List, as determined by the City.
 32. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.
 33. A landscape buffer of at least eight feet (8') shall be installed along the northwest property line where the project site abuts residential uses.

Parking

34. As approved under CUP 2022-10 and SPR 2015-14 MOD 3 and shown on the Exhibit A, Site Plan, a minimum of 191 total parking spaces shall be required. The required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.
35. 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.
36. All proposed parking areas shall be marked and striped to City standards. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet. No compact stalls shall be incorporated into the parking area. The minimum drive aisle width shall be 26 feet. Conformance with parking standards shall be shown on the site plan before acquisition of a building permit.
37. Where new pavement is not being installed, existing pavement shall be slurry sealed to provide a uniform parking lot surface at time of final inspections.

38. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street or alley, and shall be located so that sufficient area is available for maneuvering purposes.
39. 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

40. 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 subject to approval by the Planning Manager prior to the issuance of building permits.
41. 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.
42. All enclosures must be at least six feet (6') in height and rise a minimum of six (6) inches above the height of any collector placed within structure.
43. Trash containers/enclosures shall not be placed within the public right of way or driveways in such a way that they may potentially cause traffic hazards.
44. Trash containers/enclosures shall not be constructed within an easement or an offer of dedication.
45. Trash containers/enclosures must be screened by landscaping when located near a property line that abuts residential uses.
46. Plans for trash enclosure should be drawn to scale and submitted for review.

Signage

47. All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, with the exception of required signs in accordance with City standards, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
48. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.

Building and Site Aesthetics

49. Building permits are required for demolition of existing structures as well as all on site improvements.
50. Accessible routes are required from all means of egress.
51. Mechanical ventilation is required from the shop area per the CMC.
52. Calculations are required to show the building complies with allowable area limits or the project must comply with the requirements for unlimited area.
53. The construction of all buildings approved as part of CUP 2022-10 and SPR 2015-14 MOD 3 shall be in close conformance with the site plan and elevation drawings, as reviewed and approved

by the Planning Commission. Any substantial alterations shall require Planning Commission approval.

54. The construction of buildings approved as part of CUP 2022-10 and SPR 2015-14 MOD 3 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 Planning Commission approval.
55. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
56. Roof access ladders shall be located within the interior of the building.
57. 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.
58. All rooftop ducts and vents should be directed away from the public street/sidewalk to minimize their appearance, visibility, and noise pollution.
59. There shall be no allowance for storage containers (sea trains) on the project site. Any existing storage containers shall be removed.
60. There shall be no allowance for non-permitted structures on the property, including carports. All non-permitted structures shall be removed.

CUP 2022-10 (New and Used Car Sales)

61. Vehicles shall not be located within landscaped areas on-site. All display vehicles and vehicles for sale shall be located on within areas designated for display.
62. Vehicles displayed for sale shall not obstruct the vision clearance for the intersection of South G Street and Madera Avenue/SR 145.
63. The access gate connecting to H Street shall remain open during regular business hours.

BUILDING DEPARTMENT

64. 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
65. 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

General

66. All previous conditions of approval for SPR 2015-14 MOD and SPR 2015-14 MOD 2 remain in effect unless otherwise noted herein.
67. The applicant shall complete a lot merger to incorporate the two parcels associated with the existing residential buildings into the larger parcel.
68. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
69. The improvement plans for the project shall include the most recent version of the City's General Notes.
70. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
71. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
72. Improvements within the State of California right-of-way require an Encroachment Permit from Caltrans.
73. Applicant shall cooperate with the City as needed in the event of construction of the future water main in the H Street Public Utility Easement (PUE). This may include investigations as needed to confirm existing utilities for connection or abandonment.

Water

74. Existing or new water service connection(s) shall be upgraded or constructed to meet current City standards including Automatic Meter Reading (AMR) water meter installed within the City right-of-way and backflow prevention device installed within private property.
75. A separate water meter and backflow prevention device will be required for landscape area.
76. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

Sewer

77. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
78. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
79. The developer shall dedicate a thirty-foot (30') wide Public Utility Easement along the relocated twenty-four-inch (24") sewer main.
80. The developer shall dedicate a twenty-foot (20') wide Public Utility Easement along the relocated eight-inch (8") sewer main.
81. The developer shall dedicate a forty five-foot (45') wide Public Utility Easement where eight (8") inch and twenty-four (24") inch sewer and water lines will be installed on former South H Street.

Storm Drain

82. 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.
83. A detailed drainage study shall be provided that supports the design of the drainage conveyance facilities constructed by the developer.
84. In conformance with the design drawings entitled Silva Ford Dealership Improvement Plans, no additional flow as a result of site regrading will be permitted in MID facilities.

Streets

85. The two existing most northwesterly drive approaches on South G Street shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards.
86. The proposed drive approach on South G Street shall be constructed per current City and ADA standards.

FIRE DEPARTMENT

87. Fire sprinklers are required throughout the building.
88. On-site fire hydrants are required. The location of fire hydrants shall be subject to the approval of the Fire Department prior to the issuance of building permits.
89. A fire sprinkler supervisory alarm must be connected to the new fire sprinkler riser.
90. Fire Access lanes are required around the premises and must be posted in accordance with the California Fire Code and California Vehicle Code.
91. Hazardous materials including waste oil must be fully documented and within the limits set by the CBC and CFC.
92. Fire extinguishers are required. At least 12, 2A10BC rated fire extinguishers are required for the new structure.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

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

MADERA COUNTY OFFICE OF ENVIRONMENTAL HEALTH

94. The owner/operator shall submit the Hazardous Waste Tank Closure Certificate prior to initiating any cleaning, cutting, dismantling, or excavation of a tank system (see below) on the California Environmental Reporting System (CERS).

A Hazardous Waste Tank Closure Certificate must be submitted prior to initiating any cleaning, cutting, dismantling, or excavation of a tank system that 1) previously held a hazardous material or a hazardous waste, 2) is identified as a hazardous waste, and 3) is destined to be disposed, reclaimed or closed in place. This does not apply to tank systems regulated under a hazardous

waste facility permit, other than permit by rule (PBR), or to tank systems regulated under a grant of interim status, nor to a tank system or any portion thereof, that meets the definition of scrap metal in 22 CCR §66260.10 and is excluded from regulation pursuant to 22 CCR §66261.6(a)(3)(B). Refer to 22 CCR §67383.3 and 23 CCR §2672 for disposal requirements for tank systems.

95. If 1,000 kilograms or more of hazardous waste or 1 kilogram of acutely hazardous waste will be generated than the owner/operator shall obtain and maintain a written assessment reviewed and certified by an independent, qualified, professional engineer prior to placing a tank system in service. The written assessment shall state that, the new hazardous waste tank system has sufficient structural integrity, is acceptable for the transferring, storing and treating of hazardous waste, and that the tanks and containment system including the foundation, structural support, seams, connections, and pressure controls (if applicable) are suitably designed to meet the regulation. 22 CCR §66262.34(a)(1); 22 CCR §66265.192(a).

Attachment 1:

Conditions of Approval SPR 2015-14 MOD 1, SPR 2015-14 MOD 2

SPR 2015-14 MOD 1 Conditions of Approval 13-19 and 22--32, dated July 25, 2016

Engineering Department

General

13. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
14. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: plan review, encroachment permit processing, improvement inspection fees and agreement processing fee.
15. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
16. Improvements within the City right-of-way requires an Encroachment Permit from the Engineering Division.
17. Improvements within the State of California right-of-way requires an Encroachment Permit from Caltrans.

Sewer

18. Existing sewer service connection shall be upgraded to current City standards.
19. As shown on the submitted civil plans provided by Dale G. Mell & Associates dated May 5, 2016, the developer shall relocate the existing sewer lines as illustrated. The developer's Engineer shall support the proposed sizing and slopes of the relocated pipes.

Storm Drain

22. 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.

23. A detailed drainage study shall be provided that supports the design of the drainage conveyance facilities constructed by the developer.
24. Any redistribution of runoff as currently proposed shall be evaluated to determine its impact on downstream facilities and assumptions contained within the City's Storm Drainage Master Plan.

Streets

25. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southwest corner of South Madera Avenue and South G Street to current ADA standards.
26. An Irrevocable Offer of Dedication shall be made to dedicate a thirteen foot (13') wide strip of land for street purposes on South Madera Avenue along the entire parcel frontage.
27. The developer shall dedicate a Public Utility Easement forty-five feet (45') wide along the abandoned segment of South H Street where both sewer and water mains are present.
28. The developer shall construct a cul-de-sac including landscaping, street light, concrete sidewalk, and curb and gutter at the proposed terminus point of South H Street per City standards. Sidewalk/accessible route shall extend from the existing property line on the east side of South H Street to the opposite side of the proposed driveway.
29. The extent of improvements along South Madera Avenue shall be determined by Caltrans as South Madera Avenue is a State Highway (SR 145).
30. The developer shall make sure that a formal street vacation/abandonment process for the section of the project along South H Street is approved by the City.

Water

31. Existing water service connection(s) shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within the City right-of-way and backflow prevention device located within private property.
32. City-owned fire hydrants within the vacated right-of-way shall be removed. Private fire hydrants shall be installed from the private water system.

SPR 2015-14 MOD 2 Conditions of Approval 12-18 and 21-31, dated August 10, 2017

General

12. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. 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, encroachment permit processing, improvement inspection fees and agreement processing fee.
14. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
15. Improvements within the City right-of-way requires an Encroachment Permit from the Engineering Division.
16. Improvements within the State of California right-of-way requires an Encroachment Permit from Caltrans.

Sewer

17. Existing sewer service connection shall be upgraded to current City standards.
18. As shown on the submitted civil plans provided by Dale G. Mell & Associates dated May 5, 2016, the developer shall relocate the existing sewer lines as illustrated. The developer's Engineer shall support the proposed sizing and slopes of the relocated pipes.

Storm Drain

21. 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.
22. A detailed drainage study shall be provided that supports the design of the drainage conveyance facilities constructed by the developer.
23. Any redistribution of runoff as currently proposed shall be evaluated to determine its impact on downstream facilities and assumptions contained within the City's Storm Drainage Master Plan.

Streets

24. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southwest corner of South Madera Avenue and South G Street to current ADA standards.
25. An Irrevocable Offer of Dedication shall be made to dedicate a thirteen foot (13') wide strip of land for street purposes on South Madera Avenue along the entire parcel frontage.
26. The developer shall dedicate a Public Utility Easement forty-five feet (45') wide along the abandoned segment of South H Street where both sewer and water mains are present.
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28. The extent of improvements along South Madera Avenue shall be determined by Caltrans as South Madera Avenue is a State Highway (SR 145).
29. The developer shall make sure that a formal street vacation/abandonment process for the section of the project along South H Street is approved by the City.

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30. Existing water service connection(s) shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within the City right-of-way and backflow prevention device located within private property.
31. City-owned fire hydrants within the vacated right-of-way shall be removed. Private fire hydrants shall be installed from the private water system.