

RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

2037 W. Cleveland Avenue
Madera, CA 93637
(559) 675-7821
FAX (559) 675-6573
TDD (559) 675-8970
mc_planning@madera-county.com

Norman L. Allinder, AICP
Director *NCA*

PLANNING COMMISSION DATE: December 4, 2012

AGENDA ITEM: #5

VA	#2012-001	A height variance to allow an 80'-0" high on-premise sign for an existing gas station
APN	#029-260-051	Applicant: Dennis Quigley
CEQA	ND #2012-09	Negative Declaration

REQUEST:

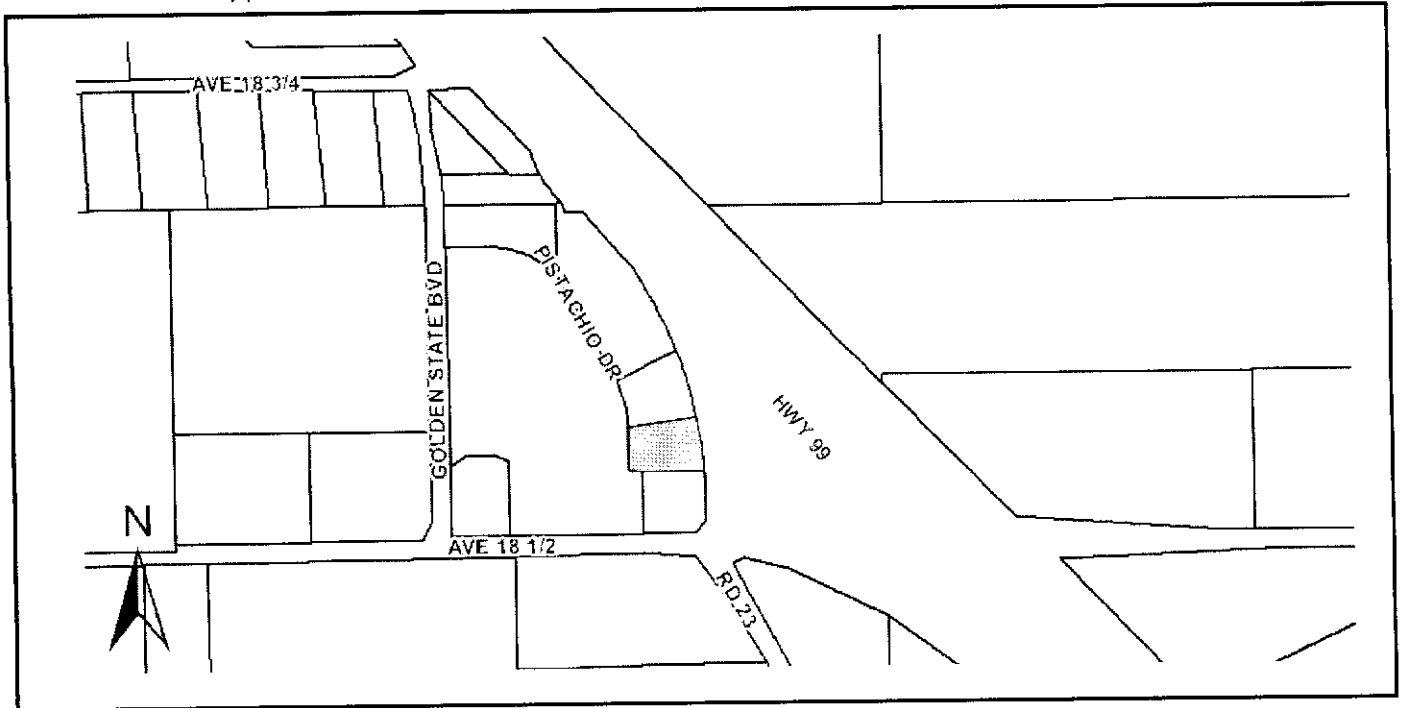
The application is for a variance in order to allow a height of 80'-0" for on-premise sign for an existing gas station.

LOCATION:

The project is located on the east side of Pistacchio Drive approximately 300 feet north of its intersection with Avenue 18 1/2 (18555 Pistacchio Drive), Madera.

ENVIRONMENTAL ASSESSMENT:

A Negative Declaration (ND #2012-09) has been prepared and is subject to the review and approval of the Planning Commission.



RECOMMENDATION: Approval of Variance #2012-001, Negative Declaration #2012-08, and Monitoring and Reporting Program.

GENERAL PLAN DESIGNATIONS (Exhibit A):

SITE: HSC (Highway Service Commercial) Designation
SURROUNDING: HSC (Highway Service Commercial) Designation , AR (Agricultural Residential) Designation

ZONING (EXHIBIT B)

SITE: CRG (Commercial, Rural, General) District
SURROUNDING: CRG (Commercial, Rural, General) AR-5 (Agricultural, Rural, 5-Acre) District, IL (Industrial, Light) District, ARE-40 (Agricultural, Rural, Exclusive, 40-Acre) District

LAND USE:

SITE: Commercial
SURROUNDING: Commercial, Agricultural and rural residential

SIZE OF PROPERTY (EXHIBIT C): 1 acre

ACCESS (EXHIBIT C):

The property would be accessed along Pistachio Drive.

WILLIAMSON ACT:

The property involved in this proposal is not subject to a Williamson Act (Agricultural Preserve) contract.

BACKGROUND AND PRIOR ACTIONS:

The subject was a part of Parcel Map #3565 that was recorded on February 28, 1995. The lot had the existing gas station permitted through the Building Permit process in 2009.

PROJECT DESCRIPTION:

The application is for a variance to allow an 80'-0" high, on-premise sign for the existing gas station.

ORDINANCES/POLICIES:

Madera County County Code 18.30 governs allowed uses within the CRG (Commercial, Rural, General) district.

Madera County County Code 18.106 governs the requirements for processing and findings for variances.

ANALYSIS:

The proposed project consists of the construction of an 80'-0" high sign for an existing gas station. The proposed sign would be approximately 331 square feet which would accompany approximately 138 square feet of building signage for a total of about 470 square feet of signage for the building. The sign would have about 130 square feet of signage available for other uses on the property.

Within the CRG (Commercial, Rural, General) zone district, structure heights are limited to 35'-0" by ordinance. There have been other signs which have received height variances in the immediate area due to the unique nature of the commercial development. The proximity of the commercial area to the highway requires additional height for signage in order to notify motorists in a timely matter of the businesses and services available at the location. The added height for signs allows for proper

preparation to exit the highway safely in order to use the commercial center. Highway oriented services, as designated in the General Plan, are designed to be convenient and provide immediate service needs for motorists. Without added height for a sign, it would be increasing difficult for businesses of a highway nature to be viable. This unique feature of highway commercial centers meets the requirement for special circumstances for granting a variance. Moreover, the granting of the variance would be consistent and not a granting of special privileges for this property as other properties in the area have also been granted additional height for signage.

The sign would only advertise the existing, on-site business, a Chevron gas station, with the proposed signage. However, the sign was not a part of the previously approved sign plan for commercial developed center. There is an existing sign for the Pilot Truck Stop, which also advertises the Denny's and Subway restaurant, directly north of the proposed sign. That sign was approved through a previous sign plan and granted a variance to allow its height of 80'-0" in 1993. The proposed sign would be directly behind the existing Pilot sign to southbound Highway 99 traffic and may be difficult to see. Conversely, the sign would be easily visible to northbound Highway 99 traffic and would not be obstructed by the existing Pilot sign.

Comments were received from the California Department of Transportation (CalTrans) in regards to the proposal. CalTrans states that if the sign encroaches within the state highway right-of-way that an encroachment permit. In addition, CalTrans also requires that if the use to be used for advertising that it will need to be permitted through the Outdoor Advertising Division. However, it appears, according to the site plan, that the sign is proposed to be completely contained on-site and would strictly show the logo of the existing gas station as well as the prices for fuel only. In addition, if the sign were to be used for advertising, it would also be considered an off-premise sign and would require a zoning permit.

GENERAL PLAN CONSISTENCY STATEMENT:

The proposed variance would be consistent with the Madera County General Plan and its commercial land use policies. Policies promoting commercial centers for travelers and motorists (1.D.4) would be consistent with the project approval as it allows the existing gas station to promote its services for Highway 99 traffic. Moreover, the HSC (Highway Service Commercial) general plan designation allows for service stations. Approval of a variance for the sign is considered essential for the viability of highway commercial areas in order to signal motorists of upcoming commercial opportunities. Without the signage, the existing commercial use would likely have a more difficult time sustaining its business, which would also be inconsistent with the existing economic development policies within the General Plan.

FINDINGS

The Madera County Zoning Ordinance requires that the following findings of fact must be made by the Planning Commission to grant approval of this permit:

1. *There are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same zoning district.*

The property is a highway service commercial designated property located adjacent to Highway 99. The need to safely notify travelers and motorists is unique to areas near the highway. With traffic going a high rates of speed, it is

essential to give ample time to motorists so that they may make the decision to enter the commercial area safely.

- 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.*

In order to properly utilize the highway commercial property, the variance would be needed in order to ensure that the property keeps its value. The height required to notify motorists is more than that needed for regular commercial areas. Therefore, for the applicant to retain the designated use of the property, the variance for an 80'-0" high sign is needed to preserve the underlying rights of the property.

- 3. The granting of such application will not, under the circumstances of this particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, in the circumstances of this particular case, be materially detrimental to the public welfare or injurious to the property or improvements in that neighborhood.*

The granting of the variance would not be contrary to public health or safety. In fact, the granting of the variance would enhance motorist safety by allowing for ample time to exit the highway to utilize the commercial properties of the area.

- 4. The granting of the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.*

The limitations of the zone district would prevent the property owner from exhibiting similar uses allowed by adjacent commercial properties in the area. Existing signs exceed the highway requirement as a necessity within the highway commercial area in order to notify motorists of the existing commercial businesses.

- 5. Because of special circumstances, applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.*

The strict application of the height limitation for structures, in this case, a sign advertising the use of the commercial property, would deprive the property owner of the privileges of surrounding commercial properties in the area. The location as a highway oriented commercial requires special considerations that involves sign height in order to properly notify motorists of the uses available.

RECOMMENDATION:

The analysis provided in this report supports approval of Variance #2012-001, Negative Declaration #2012-08 subject to conditions and the Monitoring and Reporting Program.

CONDITIONS:

Engineering Department

No Comments. Comply with Statutes.

Environmental Health Department -

No comments. Comply with Statutes

Fire Department

No Comments. Comply with Statutes

Planning Department:

1. The proposed business shall comply with the submitted operational statement. Any changes or alteration will require an amendment to the Conditional Use Permit.
2. Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.
3. The variance is not granting additional signage area for the proposed sign. The proposed sign must comply with the size requirements within County Code for a commercial sign.

Road Department - Exhibit L

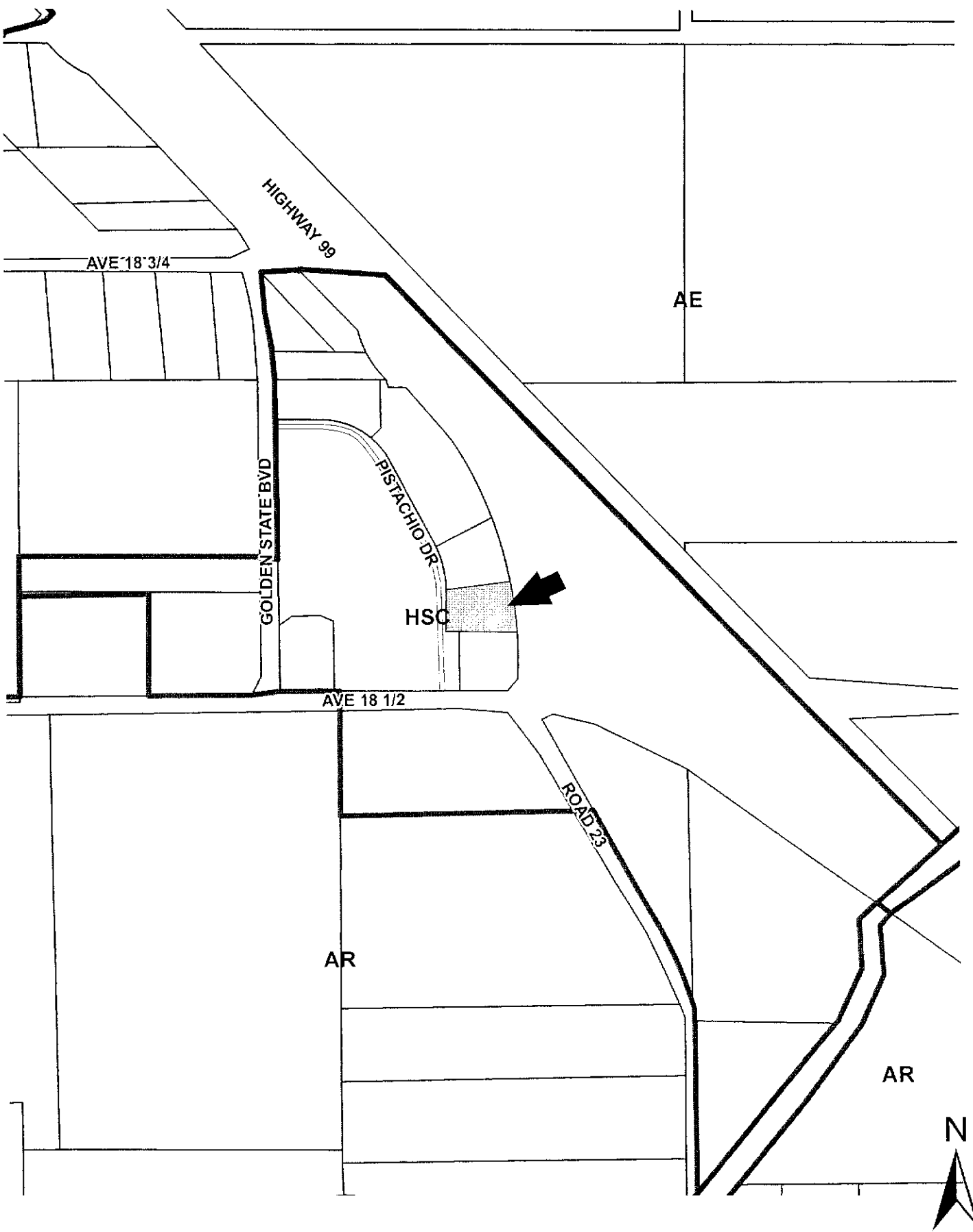
No Comments.

Department of Transportation, Exhibit P

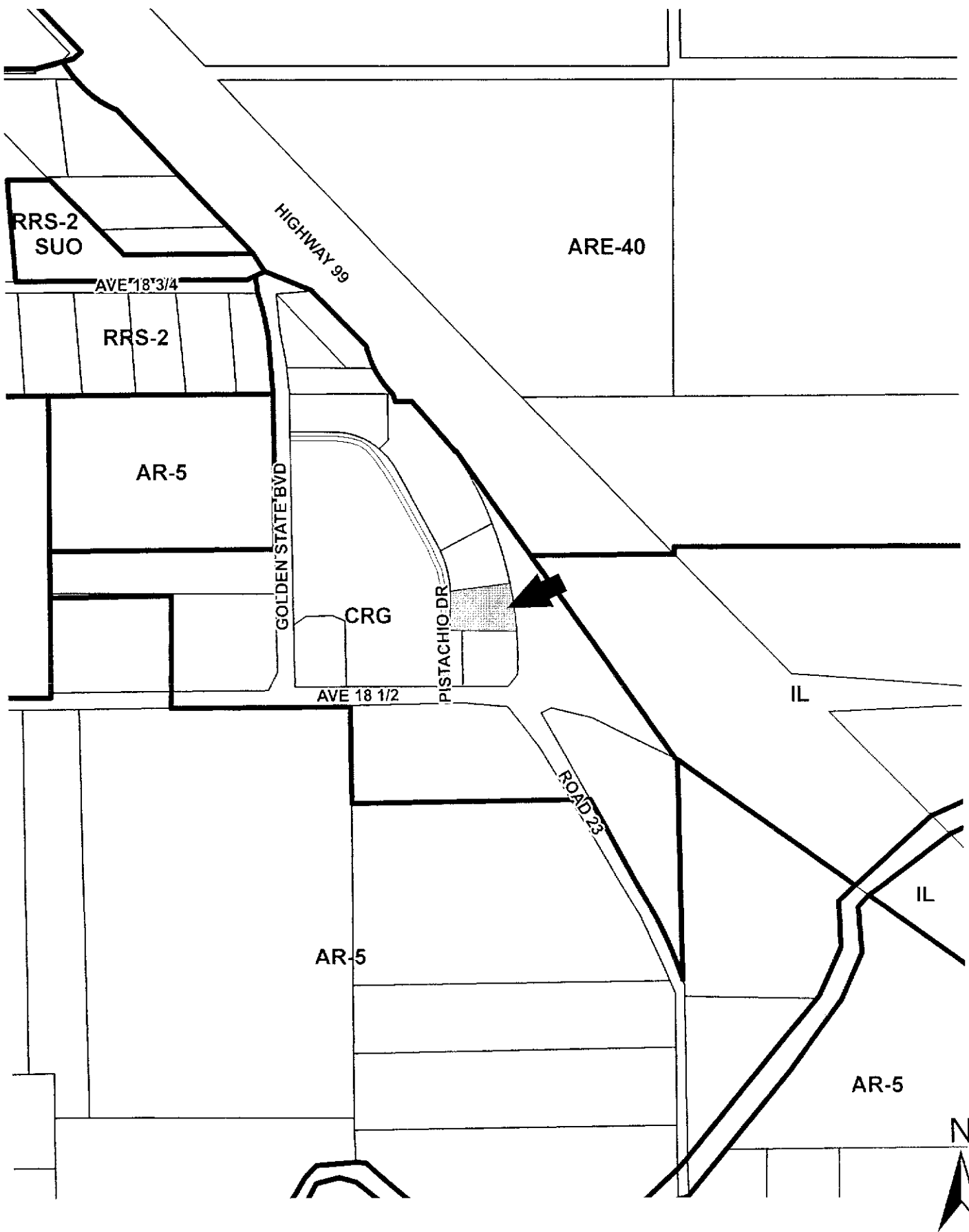
1. If the sign encroaches within the highway right-of-way, the applicant shall obtain an encroachment permit from CalTrans.
2. The applicant shall confer with CalTrans whether the sign requires an outdoor advertising permit and obtain a permit if required. If the sign does not require a permit, the applicant shall obtain in writing from CalTrans that a permit is not needed.

ATTACHMENTS:

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, Site Plan
5. Exhibit D-2, Elevations
6. Exhibit E, Aerial Map
7. Exhibit F, Topographical Map
8. Exhibit G-1, 2, 3, Existing Signs Onsite
9. Exhibit H, Operational Statement
10. Exhibit I, Initial Study
11. Exhibit J, Negative Declaration #2012-08
12. Exhibit K, Monitoring and Reporting Program
13. Exhibit L, Department of Transportation Comments



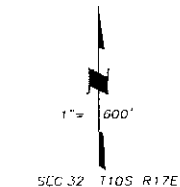
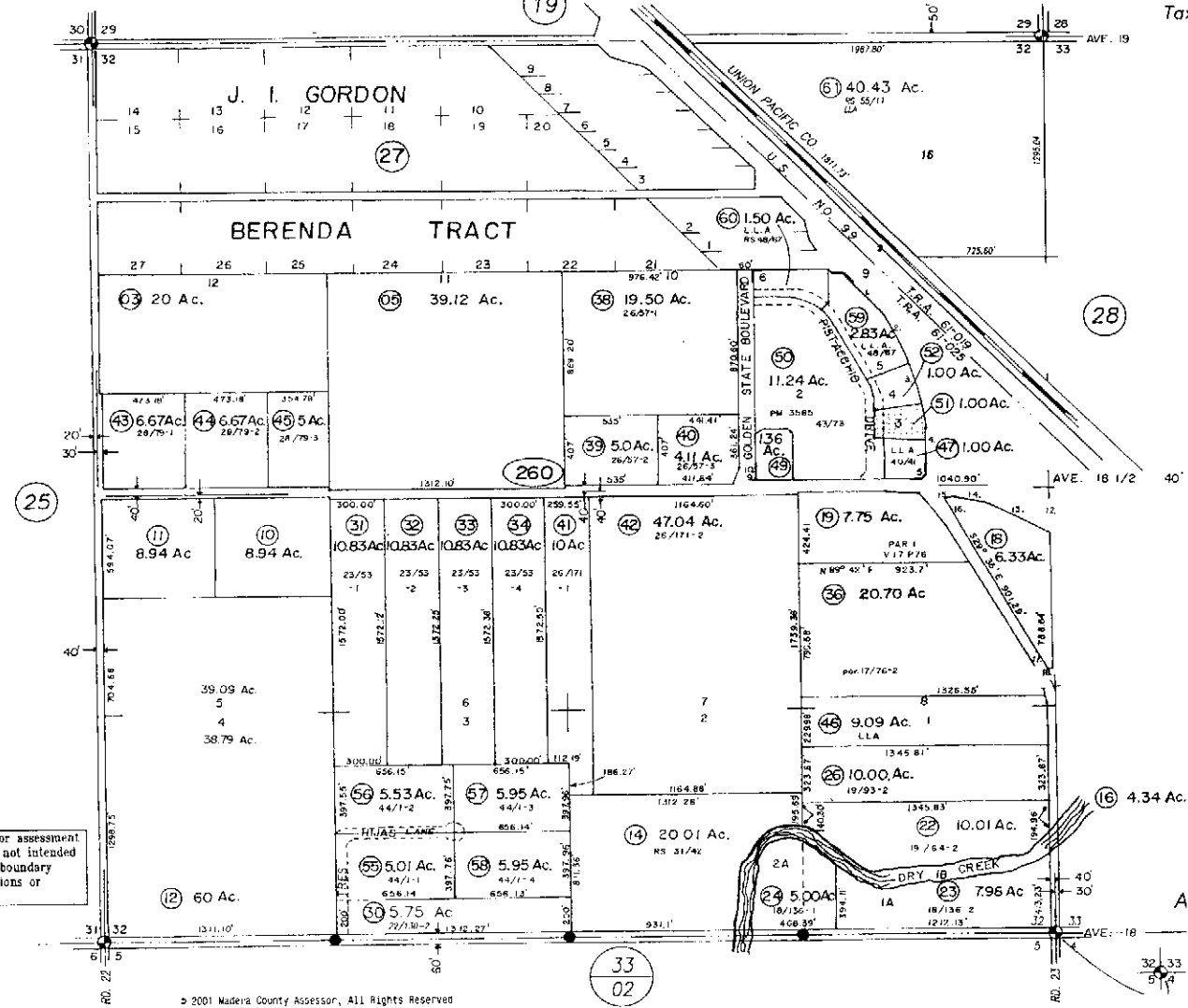
GENERAL PLAN MAP



ZONING MAP

MILLER & LUX SUB. SEC. 32 T.10S. R.17E. M.D.B.&M.

Tax Area Code 29-26
61-019
61-025



1. Cur. Lt. 4876'R 3'49" 325.80'
2. S29°41'E 207.67'
3. Cur. Rt. 952' 29' 24" 488.50'
4. S00°15'E 316.83'
5. S44°42'W 20.89'
- 6.
7. S00°17'E 20.00'
8. S89°42'W 130.20'
9. N5°18'W 10.93'
10. N12°32'W 23.80'
- 11.
12. S00°57'E 266.57'
13. N61°59'W 374.83'
14. N76°42'W 186.96'
15. S70°19'W 45.74'
16. S20°50'E 131.53'
17. Cur. Rt. 106.82'
18. N66°21'E 25.05'

ORIGINAL

ASSESSOR'S MAP

NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

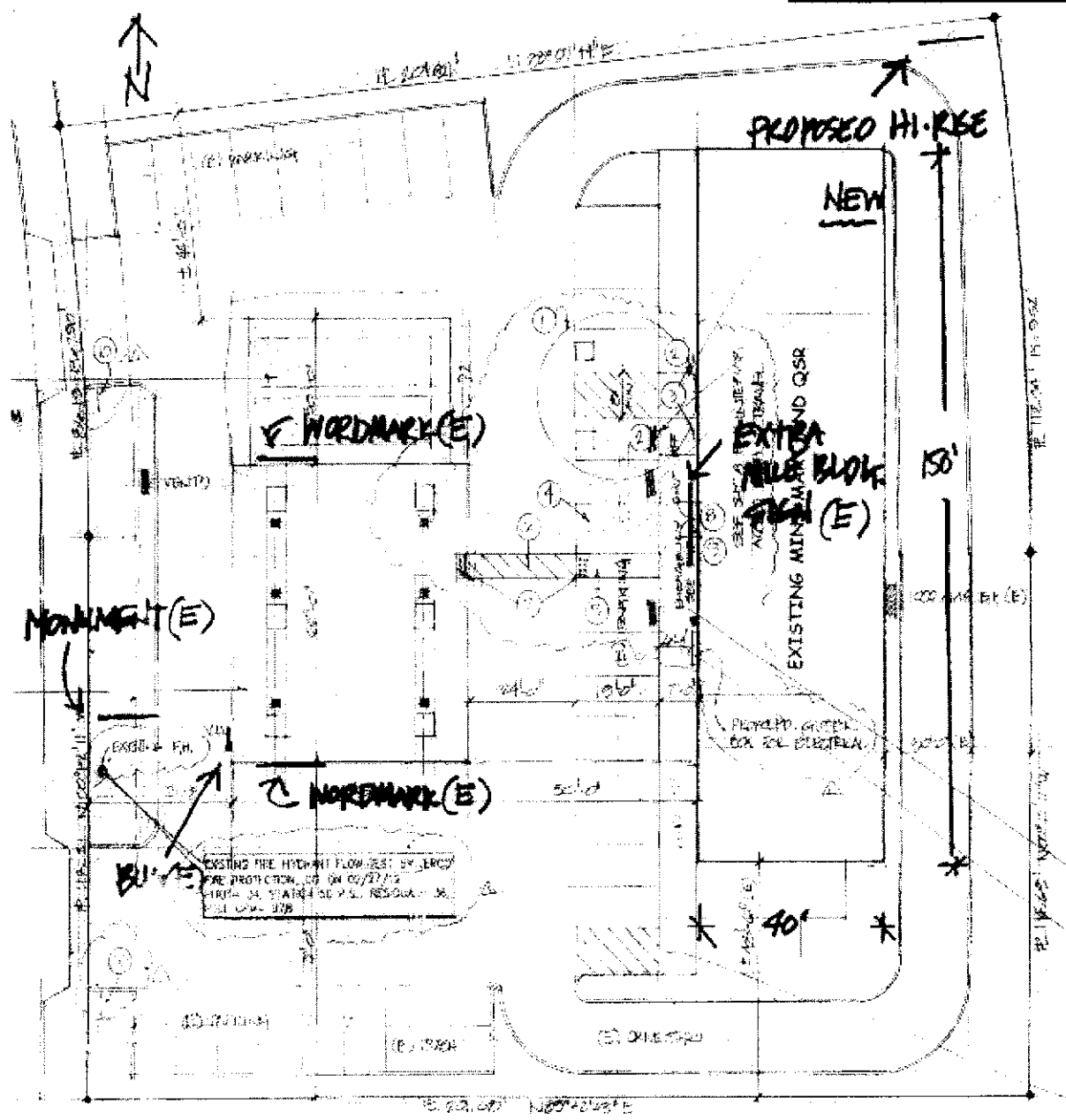
Assessor's Map No. 29-26
Madera Unified
County of Madera, Calif.
1955

06030-0-61-0A

© 2001 Madera County Assessor, All Rights Reserved

EXHIBIT C

EXHIBIT D-1



SITE PLAN

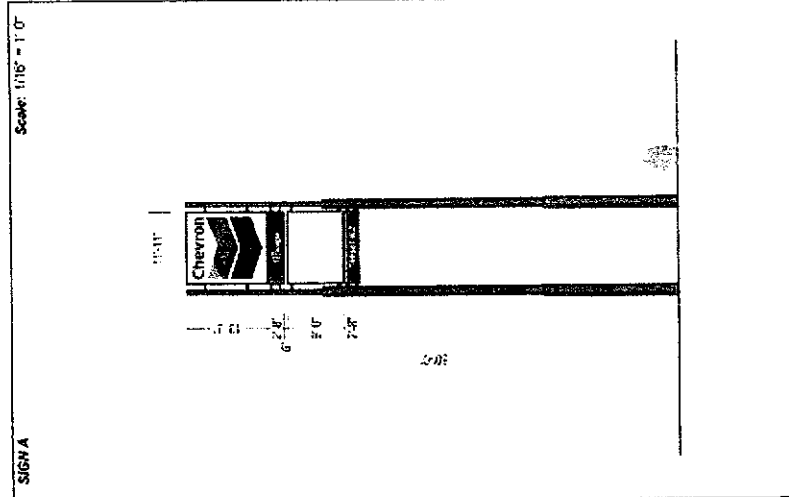
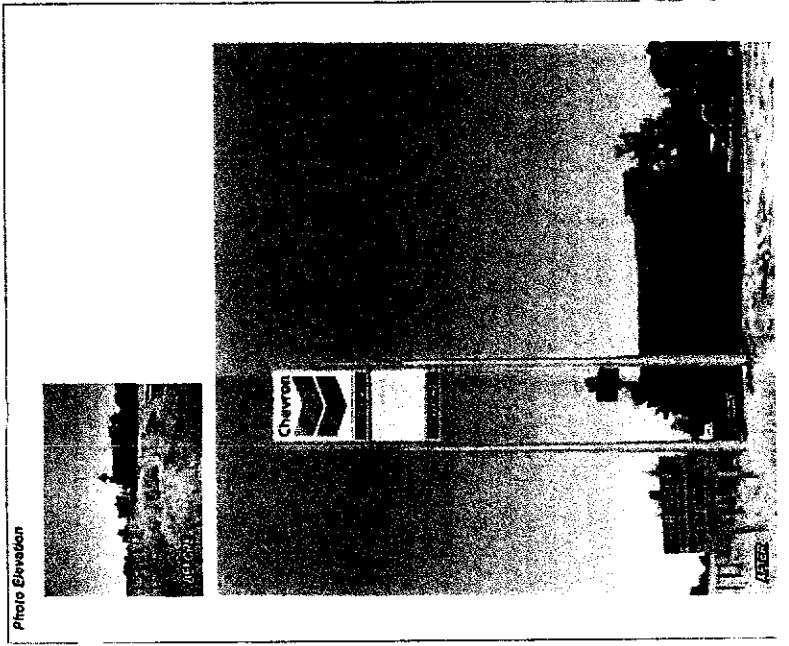
165 Pristachio Dr.
 exist. signage = 137.9 sq ft (to remain)
 proposed new = 331.08 sq ft
 TOTAL SQ. FT. ALLOWED:
 Bldg sq. ft. = 6000 sq ft x 10% = 600 sq ft
 TOTAL WITH PROPOSED = 468.98 sq ft

SITE PLAN

Scope of Work
 SIGN A
 20' x 110' x 10' High Pole Sign
 18355 Pistachio Dr. Modesto, CA 95352

Finish Schedule
 Notes: Colors shown are approximate
 X: Painted Chevron Bar

Primary Electrical By Others
 Provided by: []
 Sprinklers: [] (noted 20 amp circuits by others)



Start Date: 7/11/12
 Design #: 38766
 Subcontractor: Dennis Quigley
 Designer: Jim
 Production: []
 Page 1 of 1

Chevron
 18355 Pistachio Dr.
 Modesto, CA

COPIES: 20 - 1/4" x 3/8" x 1/4" (1/4" x 3/8" x 1/4")
 1 - 1/4" x 3/8" x 1/4" (1/4" x 3/8" x 1/4")
 1 - 1/4" x 3/8" x 1/4" (1/4" x 3/8" x 1/4")

Revisions

NUMBER	DATE	BY	DESCRIPTION

Customer Approval:

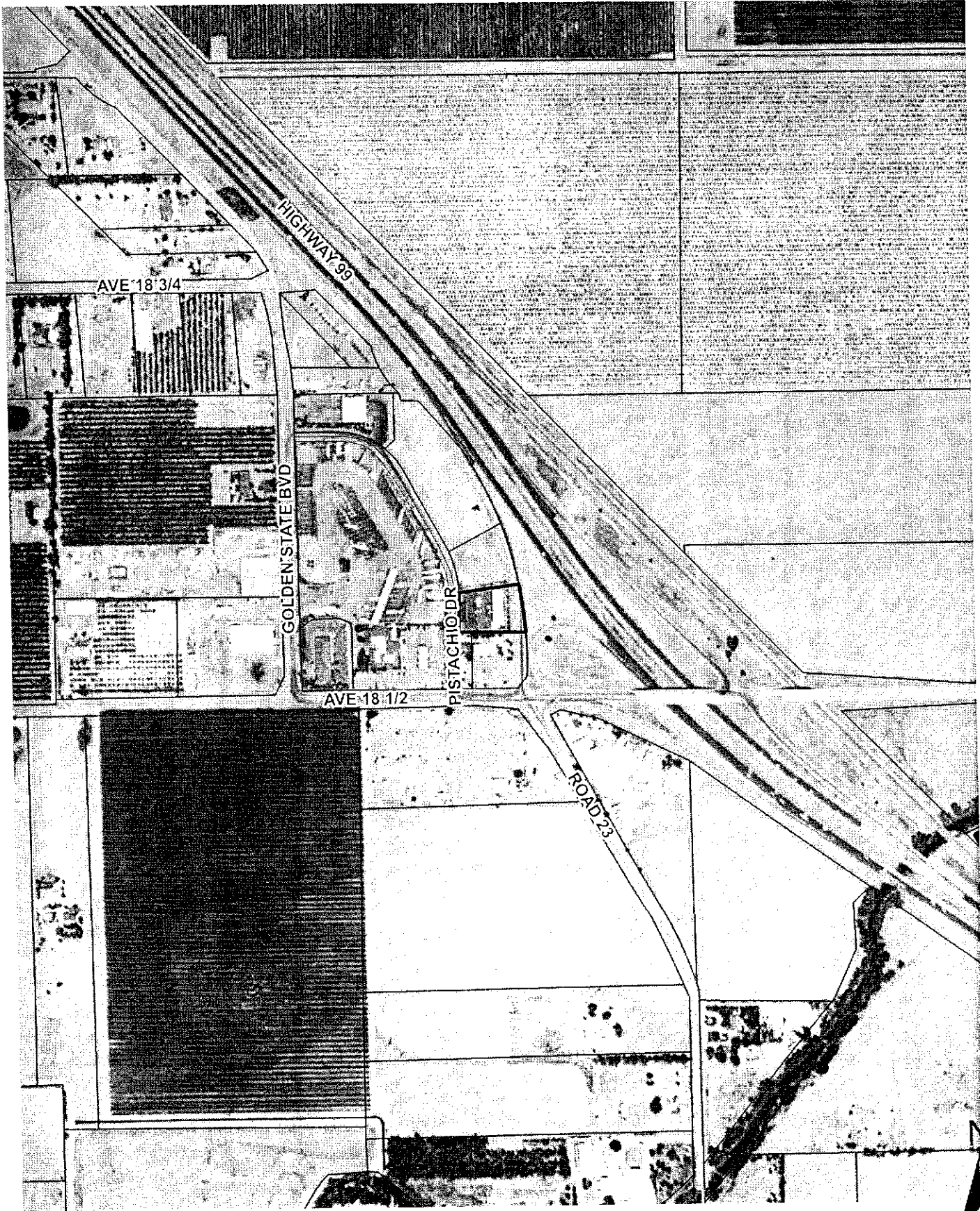
Landlord Approval:

Signs Approval:

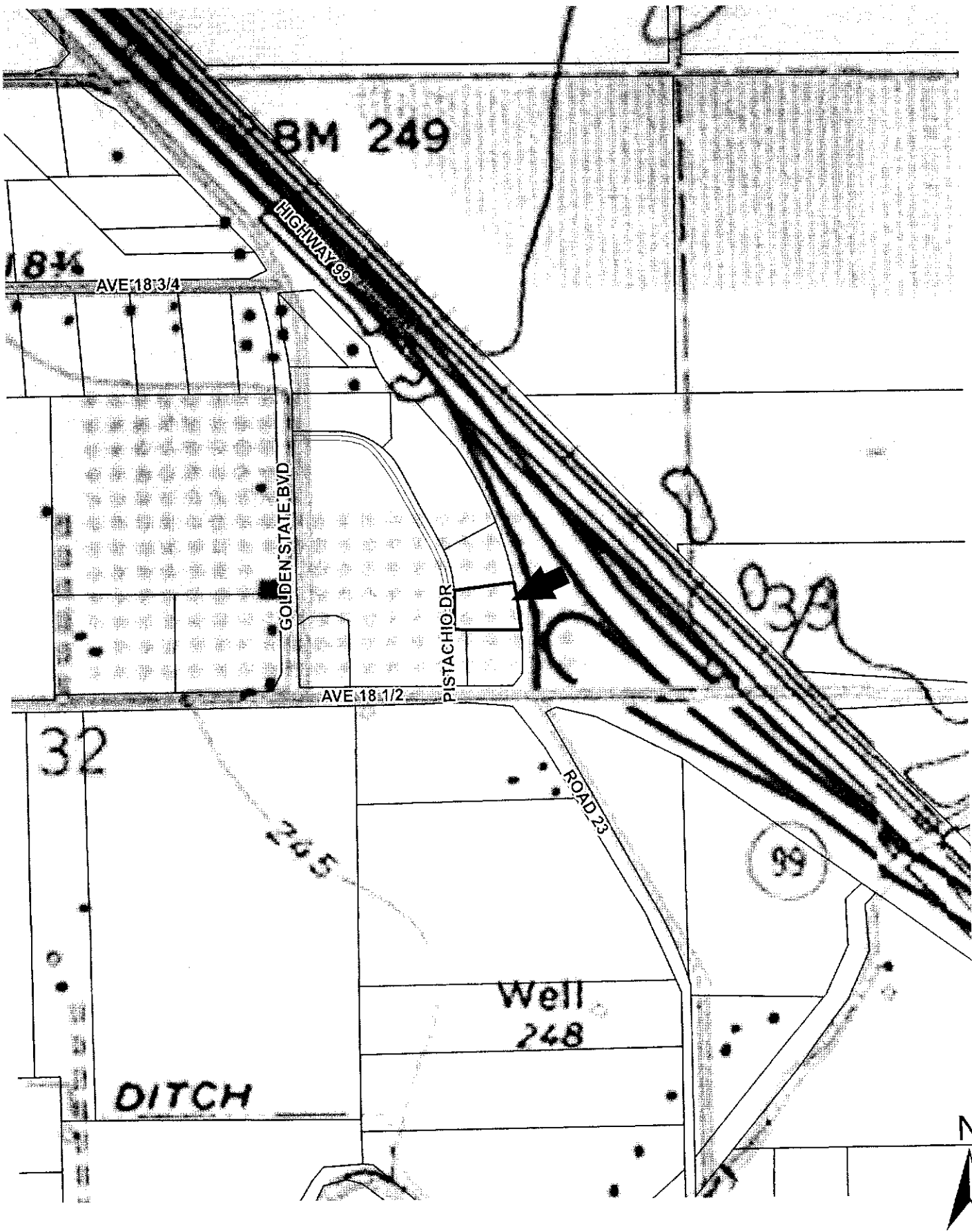
SIGN DESIGNS
 Since 1971

P.O. Box 4830
 204 Campus Way
 Modesto, CA 95352
 (530) 526-4484
 Fax (209) 821-0272
 C. S. C. L. 263501/C-45

This design is the exclusive property of SIGN DESIGNS, INC. It is issued as part of an authorization or identification program being claimed for you by SIGN DESIGNS, INC. It is requested the material not to be shown or otherwise divulged until transferred by actual sale.



AERIAL MAP



TOPOGRAPHICAL MAP

10555 Pistachio Dr.

Exst. monument
to remain =

10'-6" N x 5'-0" H

52.5 sq

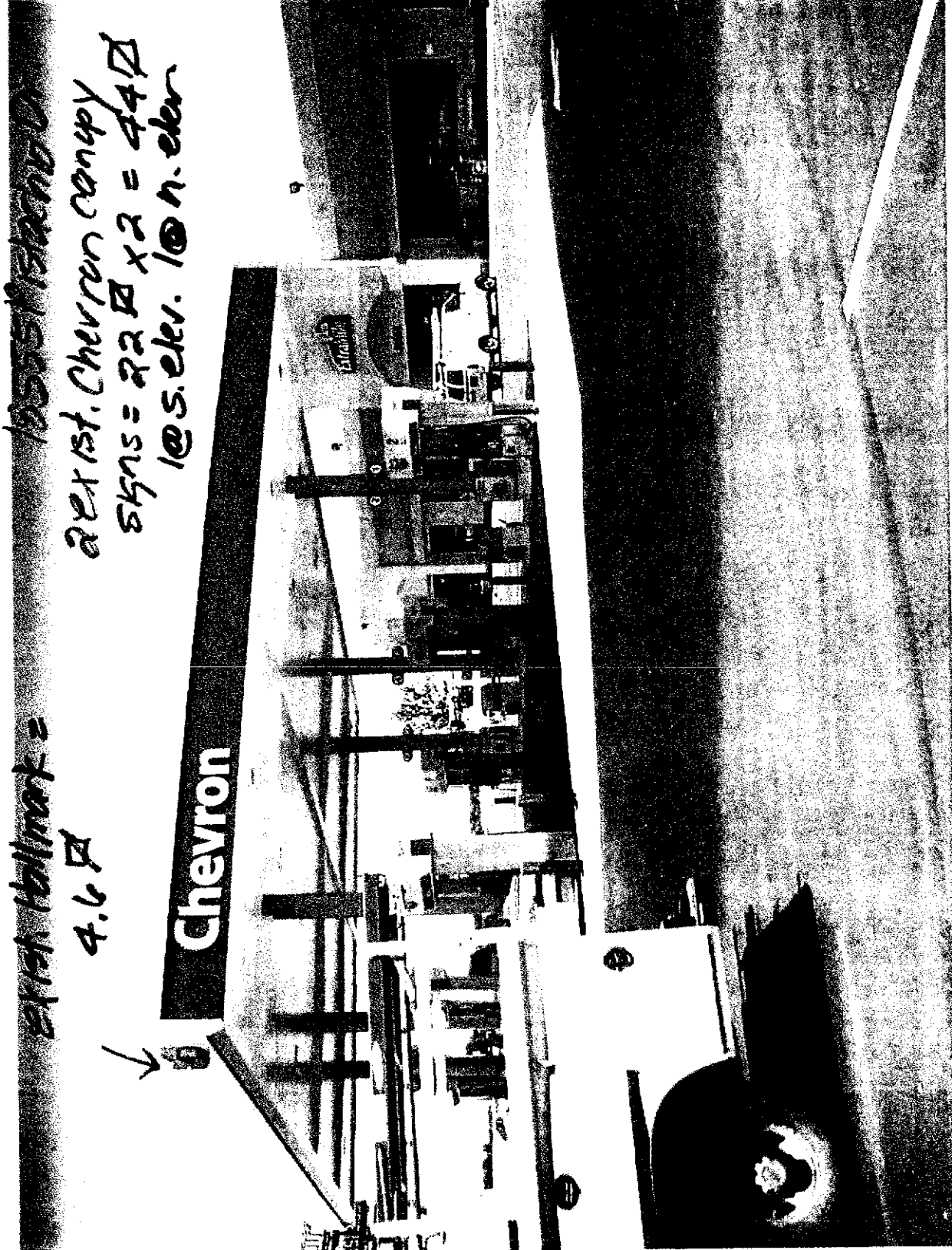


EXISTING SIGNS

18555 Pistachio Dr
exist. bldg. sign =
36.6 sq



EXISTING SIGNS



EXISTING SIGNS

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

APN:

**Sign Designs, Inc.
204 Campus Way
Modesto, CA. 95350
(209) 524 4484**

2. Describe the nature of your proposal operation:

Installation of a freeway sign.

3. What is the existing use of the property:

Gas station and convenience store.

4. What products will be produced by the operation?

Not applicable.

5. What are the proposed operational time limits?

No change in existing time limits.

6. Will there be any special activities?

Not applicable.

7. How many customers or visitors are expected?

We are hoping to increase the number.

8. How many employees will there be?

Same as at present.

9. What equipment, materials, or supplies will be used?

Not applicable.

10. Will there be any service and delivery vehicles?

No change.

11. Number of parking spaces for employees, customers, and service/delivery vehicles.

No change.

12. How will access be provided to the property/project?

Existing: Pistachio Drive.

13. Estimate the number and type (i.e. cars, trucks) of vehicular trips per day that will be generated by the proposed development.

None. Traffic is existing.

14. Describe any proposed advertising including size, appearance and placement.

We wish to install a Chevron sign consisting of a Hallmark, an ancillary sign beneath the Hallmark reading: “with Techron” and beneath that sign another ancillary sign reading: Diesel”.

The overall height is to be 80’ to the top the bottom of the signage will be at, approximately, 60’.

The overall size of the signage is : 226.5 square feet.

The proposed sign location is at the northeast corner of the property.

15. Will existing buildings be used or will new buildings be constructed?

Not applicable.

16. Is there any fencing or landscaping proposed?

No.

17. What are the surrounding land uses to the north, south, east and west boundaries?

To the north is a vacant lot. To the south is a Wendy’s restaurant. To the east is highway 99 and an off ramp. To the east are auto and truck service businesses.

18. Will this operation or equipment generate noise above existing parcels in the area?

No.

19. On a daily or annual basis, estimate how much water will be used by the proposed development.

None.

20. On a daily or weekly basis, how much wastewater will be generated by the proposed project?

None.

21. On a daily or weekly basis, how much solid waste will be generated by the proposed project?

None.

22. Will there be any grading? Tree removal?

No.

23. Are there any archeological or historically significant sites located on this property?

No.

24. Locate and show all bodies of water on application plot plan or attached map.

None.

25. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

None.

26. Will hazardous materials or waste be produced as part of this project?

No.

27. Will your proposal require the use of any public services or facilities?

No.

28. How do you see this project impacting the surrounding area?

We see no impact.

29. How do you see this development impacting schools, parks, fire and police protection or special districts?

No Impact.

30. If your proposal is for commercial or industrial development, please, complete the following:

Not applicable.

31.If your proposal is for a land division.

It is not such a proposal.

Environmental Checklist Form

Title of Proposal: Variance #2012-001 - Dennis Quigley

Date Checklist Submitted: November 5, 2012

Agency Requiring Checklist: Madera County

Agency Contact: Jerome Keene, Planner III

Phone: (559) 675-7821

Description of Project:

The applicant has a variance to allow an 80'-0" height for a proposed sign where a 35'-0" height is allowed by ordinance.

The Initial Study is a public document used by the decision-making lead agency to determine whether a project may have significant effects on the environment. In the case of the proposed project, the Madera County Planning Department, acting as lead agency, will use the initial study to determine whether the project has a significant effect on the environment. In accordance with CEQA, Guidelines (Section 15063[a]), an environmental impact report (EIR) must be prepared if there is substantial evidence (such as results of the Initial Study) that a project may have significant effect on the environment. This is true regardless of whether the overall effect of the project would be adverse or beneficial. A negative declaration (ND) or mitigated negative declaration (MND) may be prepared if the lead agency determines that the project would have no potentially significant impacts or that revisions to the project, or measures agreed to by the applicant, mitigate the potentially significant impacts to a less-than-significant level.

The initial study considers and evaluates all aspects of the project which are necessary to support the proposal. The complete project description includes the site plan, operational statement, and other supporting materials which are available in the project file at the office of the Madera County Planning Department.

Project Location:

The proposal is located on the east side of Pistacchio Drive approximately 300 feet north of its intersection with Avenue 18 1/2 (18555 Pistacchio Drive), Madera.

Applicant Name and Address:

Dennis Quigley
204 Campus Way
Modesto, CA 95350

General Plan Designation:

HSC (Highway Service Commercial)

Zoning Designation:

CRG (Commercial, Rural, General)

Surrounding Land Uses and Setting:

Commercial and Agricultural

Other Public Agencies whose approval is required:

Department of Transportation (possibly)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input 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 Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

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

I. AESTHETICS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a - d) Less than Significant Impact. The proposal is located within a highly commercial area along the state highway. The area has existing signs within the area that are similar. The area is allowed to have a sign in accordance with County Code. The sign requirement simply do not allow a sign of this height. There are not any scenic resources in the area that would be affected or changed if this sign were permitted. The sign would add to the commercial development's sign inventory which has limited impact to aesthetics to the area as it is already an allowed use.

III. AGRICULTURE AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resource Code section 12220(g)) or timberland (as defined by Public Resources Code section 4526) or timberland zoned Timberland Protection (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest land?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which,				

due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Discussion:

(a - e) No Impact. The project consists of an on-premise sign. No changes to the environment will occur from the project which could result in the conversion of farmland to non-agricultural uses or conflict with the Williamson Act.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which 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 checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion:

(a - e) *Less than significant Impact.* The project as a sign will not have any impacts to air quality. However, the construction activities which are mandated to operate in accordance with San Joaquin Air Pollution Control District rules would limit any impacts, which were already considered less than significant, further as the site is already development and air pollution will be minimal due to construction activities.

Global Climate Change

Climate change is a shift in the "average weather" that a given region experiences. This is measured by changes in temperature, wind patterns, precipitation, and storms. Global climate is the change in the climate of the earth as a whole. It can occur naturally, as in the case of an ice age, or occur as a result of anthropogenic activities. The extent to which anthropogenic activities influence climate change has been the subject of extensive scientific inquiry in the past several decades. The Intergovernmental Panel on Climate Change (IPCC), recognized as the leading research body on the subject, issued its Fourth Assessment Report in February 2007, which asserted that there is "very high confidence" (by IPCC definition a 9 in 10 chance of being correct) that human activities have resulted in a net warming of the planet since 1750.

CEQA requires an agency to engage in forecasting "to the extent that an activity could reasonably be expected under the circumstances. An agency cannot be expected to predict the future course of governmental regulation or exactly what information scientific advances may ultimately reveal" (CEQA Guidelines Section 15144, Office of Planning and Research commentary, citing the California Supreme Court decision in Laurel Heights Improvement Association v. Regents of the University of California [1988] 47 Cal. 3d 376).

Recent concerns over global warming have created a greater interest in greenhouse gases (GHG) and their contribution to global climate change (GCC). However at this time there are no generally accepted thresholds of significance for determining the impact of GHG emissions from an individual project on GCC. Thus, permitting agencies are in the position of developing policy and guidance to ascertain and mitigate to the extent

feasible the effects of GHG, for CEQA purposes, without the normal degree of accepted guidance by case law.

Greenhouse Gas (GHG) Emissions: The potential effect of greenhouse gas emission on global climate change is an emerging issue that warrants discussion under CEQA. Unlike the pollutants discussed previously that may have regional and local effects, greenhouse gases have the potential to cause global changes in the environment. In addition, greenhouse gas emissions do not directly produce a localized impact, but may cause an indirect impact if the local climate is adversely changed by its cumulative contribution to a change in global climate. Individual development projects contribute relatively small amounts of greenhouse gases that when added to other greenhouse gas producing activities around the world would result in an increase in these emissions that have led many to conclude is changing the global climate. However, no threshold has been established for what would constitute a cumulatively considerable increase in greenhouse gases for individual development projects. The State of California has taken several actions that help to address potential global climate change impacts.

California Assembly Bill (AB) 1493 (Pavley) enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHG emitted by passenger vehicles and light duty trucks. Regulations adopted by CARB will apply to 2009 and later model year vehicles. CARB estimates that the regulation will reduce climate change emissions from light duty passenger vehicle fleet by an estimated 18 percent by 2020 and by 27 percent in 2030 (CARB 2004a).

California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S3-05, the following GHG emission targets: by 2010 reduce GHG emissions to 2000 levels; by 2020, reduce GHG emissions by 1990 levels; by 2050, reduce GHG emissions to 80 percent below 1990 levels.

IV.	BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, 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:

(a - f) No Impact. This project was sent to the California Department of Fish and Game for comment, no response was received.

Special Status Species include:

- Plants and animals that are legally protected or proposed for protection under the California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA);
- Plants and animals defined as endangered or rare under the California Environmental Quality Act (CEQA) §15380;
- Animals designated as species of special concern by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Game (CDFG);
- Animals listed as "fully protected" in the Fish and Game Code of California (§3511, §4700, §5050 and §5515); and
- Plants listed in the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Vascular Plants of California.

General Information

Effective January 1, 2007, Senate Bill 1535 took effect that has changed de minimis findings procedures. The Senate Bill takes the de minimis findings capabilities out of the Lead Agency hands and puts the process into the hands of the Department of Fish and Game.

V. CULTURAL RESOURCES -- Would the project:

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

Discussion:

Public Resource Code 5021.1(b) defines a historic resource as "any object building, structure, site, area or place which is historically significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California." These resources are of such import, that it is codified in CEQA (PRC Section 21000) which prohibits actions that "disrupt, or adversely affect a prehistoric or historic archaeological site or a property of historical or cultural significance to a community or ethnic or social groups; or a paleontological site except as part of a scientific study."

Archaeological importance is generally, although not exclusively, a measure of the archaeological research value of a site which meets one or more of the following criteria:

- Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing

scientifically consequential and reasonable archaeological research questions.

- Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Is at least 100 years old and possesses substantial stratigraphic integrity (i.e. it is essentially undisturbed and intact).
- Involves important research questions that historic research has shown can be answered only with archaeological methods.

Reference CEQA Guidelines §15064.5 for definitions.

(a - d) No Impact. No archaeological or historical resources are known to exist on the site. No paleontological resources or unique geological features are known to exist in the vicinity of the site. The project will not involve activities which would substantially disturb any subsurface resources.

No known unique geological features in the vicinity of the project site exist. There are no known fossil bearing sediments on the project site. No impact has been identified.

Most of the archaeological survey work in the County has taken place in the foothills and mountains. This does not mean, however, that no sites exist in the western part of the County, but rather that this area has not been as thoroughly studied. There are slightly more than 2,000 recorded archaeological sites in the County, most of which are located in the foothills and mountains. Recorded prehistoric artifacts include village sites, camp sites, bedrock milling stations, pictographs, petroglyphs, rock rings, sacred sites, and resource gathering areas. Madera County also contains a significant number of potentially historic sites, including homesteads and ranches, mining and logging sites and associated features (such as small camps, railroad beds, logging chutes, and trash dumps).

VI. GEOLOGY AND SOILS -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<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?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Discussion:

(a - e) No Impact. The proposed project is being built on a parcel that has already been developed within an area with little to no fault activity.

Madera County is divided into two major physiographic and geologic provinces: the Sierra Nevada Range and the Central Valley. The Sierra Nevada physiographic province in the northeastern portion of the county is underlain by metamorphic and igneous rock. It consists mainly of homogenous types of granitic rocks, with several islands of older metamorphic rock. The central and western parts of the county are part of the Central Valley province, underlain by marine and non-marine sedimentary rocks.

The foothill area of the county is essentially a transition zone, containing old alluvial soils that have been dissected by the west-flowing rivers and streams which carry runoff from the Sierra Nevada's.

Seismicity varies greatly between the two major geologic provinces represented in Madera County. The Central valley is an area of relatively low tectonic activity bordered by mountain ranges on either side. The Sierra Nevada's, partly within Madera County, are the result of movement of tectonic plates which resulted in the creation of the mountain range. The Coast Ranges on the west side of the Central Valley are also a result of these forces, and continued movement of the Pacific and North American tectonic plates continues to elevate the ranges. Most of the seismic hazards in Madera County result from movement along faults associated with the creation of these ranges.

There are no active or potentially active faults of major historic significance within Madera County. The County does not lie within any Alquist Priolo Special Studies Zone for surface faulting or fault creep.

However, there are two significant faults within the larger region that have been and will continue to be, the principle sources of potential seismic activity within Madera County.

San Andreas Fault: The San Andreas Fault lies approximately 45 miles west of the county line. The fault has a long history of activity and is thus a concern in determining activity in the area.

Owens Valley Fault Group: The Owens Valley Fault Group is a complex system containing both active and potentially active faults on the eastern base of the Sierra Nevada Range. This group is located approximately 80 miles east of the County line in Inyo County. This system has historically been the source of seismic activity within the County.

The *Draft Environmental Impact Report* for the state prison project near Fairmead identified faults within a 100 mile radius of the project site. Since Fairmead is centrally located along Highway 99 within the county, this information provides a good indicator of the potential seismic activity which might be felt within the County. Fifteen active faults (including the San Andreas and Owens Valley Fault Group) were identified in the *Preliminary Geotechnical Investigation*. Four of the faults lie along the eastern portion of the Sierra Nevada Range, approximately 75 miles to the northeast of Fairmead. These are the Parker Lake, Hartley Springs, Hilton Creek and Mono Valley Faults. The Remaining faults are in the western portion of the San Joaquin Valley, as well as within the Coast Range, approximately 47 miles west of Fairmead. Most of the remaining 11 faults are associated with the San Andreas, Calaveras, Hayward and Rinconada Fault Systems which collectively form the tectonic plate boundary of the Central Valley.

In addition, the Clovis Fault, although not having any historic evidence of activity, is considered to be active within quaternary time (within the past two million years), is considered potentially active. This fault line lies approximately six miles south of the Madera County line in Fresno County. Activity along this fault could potentially generate more seismic activity in Madera County than the San Andreas or Owens Valley fault systems. However, because of the lack of historic activity along the Clovis Fault, there is inadequate evidence for assessing maximum earthquake impacts.

Seismic ground shaking, however, is the primary seismic hazard in Madera County because of the County's seismic setting and its record of historical activity (General Plan Background Element and Program EIR). The project represents no specific threat or hazard from seismic ground shaking, and all new construction will comply with current local and state building codes. Other geologic hazards, such as landslides, lateral spreading, subsidence, and liquefaction have not been known to occur within Madera County.

According to the Madera County General Plan Background Report, groundshaking is the primary seismic hazard in Madera County. The valley portion of Madera County is located on alluvium deposits, which tend to experience greater groundshaking intensities than areas located on hard rock. Therefore, structures located in the valley will tend to suffer greater damage from groundshaking than those located in the foothill and mountain areas.

Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking. According to the Madera County General Plan Background Report, although there are areas of Madera County where the water table is at 30 feet or less below the surface, soil types in the area are not conducive to liquefaction because they are either too coarse in texture or too high in clay content; the soil types mitigate against the potential for liquefaction.

VII. GREENHOUSE GAS EMISSIONS - Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact. The proposed use would have little impact on greenhouse emissions as it must be constructed using current building and green codes as mandated by the State of California.

(b) No Impact. The project would not be contrary to the Air Quality of the General Plan and would be required to comply with building and green codes which were adopted by the State of California for all development..

VIII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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:

(a - f) No Impact. The project would not create a significant hazard to the public or the environment through routine operation. The project presents no significant risk of upset, accident conditions, or other health hazards involving the release of hazardous materials into the environment.

The project site is not located on any list of hazardous or contaminated sites. The site is not located within ¼ mile of an existing or proposed school.

The project would not result in interference with any emergency response plan. No component of the project site would constitute a threat or hazard to any existing or planned airport or airstrip.

IX. HYDROLOGY AND WATER QUALITY – Would the project:

- | | Potentially Significant Impact | Less Than Significant with Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 which 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:

(a - j) No Impact. The property is already developed, all that is being proposed on-site is the addition of an on-premise sign. The project site has already been developed and mitigated for the drainage through the use of a community basin. This project will have no significant affect on the hydrology or water quality of the site.

X. LAND USE AND PLANNING – Would the project result in:

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

Discussion:

(a - c) No Impact. The project will not divide any existing communities, or conflict with any adopted plans, policies, or regulations. The proposal has been distributed to all agencies which are believed to have an interest in the project. These agencies have provided comments, where appropriate. No significant conflicts have been noted. The proposal, if approved, would not conflict with any habitat conservation plans or natural community conservation plans.

XI. MINERAL RESOURCES – Would the project result in:

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

Discussion:

(a - b) No Impact. The site is currently developed and no known minerals have been identified during development.

XII. NOISE – Would the project result in:

	Potentially Significant Impact	Less Than Significant 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 levels in the project vicinity above levels existing without the project?	<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 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:

General Discussion

The Noise Element of the Madera County General Plan (Policy 7.A.5) provides that noise which will be created by new non-transportation noise sources shall be mitigated so as not to exceed the Noise Element noise level standards on lands designated for noise-sensitive uses. However, this policy does not apply to noise levels associated with agricultural operations. All the surrounding properties, while include some residential units, are designated and zoned for agricultural uses. This impact is therefore considered less than significant.

Construction noise typically occurs intermittently and varies depending upon the nature or phase of construction (e.g. demolition/land clearing, grading and excavation, erection). The United States Environmental Protection Agency has found that the average noise levels associated with construction activities typically range from approximately 76 dBA to 84 dBA Leq, with intermittent individual equipment noise levels ranging from approximately 75 dBA to more than 88 dBA for brief periods.

Short Term Noise

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given the noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g. trees, buildings, fences), outdoor receptors within approximately 400 feet of construction site could experience maximum noise levels of greater than 70 dBA when onsite construction-related noise levels exceed approximately 89 dBA at the project site boundary. Construction activities that occur during the more noise-sensitive eighteen hours could result in increased levels of annoyance and sleep disruption for occupants of nearby existing residential dwellings. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact. However with implementation of mitigation measures, this impact would be considered less than significant.

Long Term Noise

Mechanical building equipment (e.g. heating, ventilation and air conditioning systems, and boilers), associated with the proposed structures, could generate noise levels of approximately 90 dBA at 3 feet from the source. However, such mechanical equipment systems are typically shielded from direct public exposure and usually housed on rooftops, within equipment rooms, or within exterior enclosures.

Landscape maintenance equipment, such as leaf blowers and gasoline powered mowers, associated with the proposed operations could result in intermittent noise levels that range from approximately 80 to 100 dBA at 3 feet, respectively. Based on an equipment noise level of 100 dBA, landscape maintenance equipment (assuming a noise attenuation rate of 6 dBA per doubling of distance from the source) may result in exterior noise levels of approximately 75 dBA at 50 feet.

Excessive groundborne vibration or noise levels are not anticipated during either construction or operations.

(a - f) Less than Significant. The site is not located within an airport land use plan. This project will not permanently create a major increase to noise already experienced on-site. With measures taken to control construction noise, the project would not expose any people residing or working in the vicinity of the site to excessive noise levels.

XIII. POPULATION AND HOUSING -- Would the project:

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

Discussion:

(a) No Impact.

The proposed project is not designed to induce population growth, and will not result in substantial direct or indirect growth inducement. No housing will be displaced as a result of the project. No people will be displaced as a result of the project.

According to the California Department of Finance, in October 2006, there were 59,400 jobs in Madera County. Of those, 23,800 jobs were in the cities of Madera and Chowchilla, and 23,800 were in the unincorporated areas. This leads to a jobs/housing ratio of 1.27:1 for the County and 1.19:1 for the unincorporated areas.

(b) No Impact. Homes will not be displaced as a part of this project.

(c) No Impact. People will not be displaced as a part of this project.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant 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 checked="" type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion:

(a, i-v) Less than Significant and No Impact. The project will not have any discernable impacts on schools or parks. The proposal may require the need for fire or police protection. These services may be necessary in the event of theft, vandalism, or health issues. Mitigation measures as provided by the County Fire Department should assist in reducing project-related impacts to local fire services. Police protection for this operation should not differ considerably from commercial uses allowed within the CRG (Commercial, Rural, General) zone district.

Madera County Fire Department provides fire protection services to all unincorporated areas of Madera County, which has an estimated 2000 population of 74,734 persons. MCFD is a full service fire department and is comprised of 15 fire stations, a fleet of approximately 50 fire apparatus and support vehicles, 19 full-time career fire suppression personnel and 185 paid on-call firefighters, and 11 support personnel. The career fire suppression personnel and department administration are provided through a contract with the California Department of Forestry and Fire Protection (CDF). Fire prevention, clerical, and automotive support personnel are County employees. Based on the estimated 2006 population the unincorporated portion of Madera County has a current fire protection personnel ratio of 2.52:1000 to the populations (2.52 full-time career and paid on-call personnel to 1000 residents).

(a-ii) Less Than Significant Impact. Upon construction of new structures, impact fees will have to be paid for emergency services.

The Federal Bureau of Investigations suggests a law enforcement officer to population ratio of 1.7 – 2.2 per thousand in rural counties.

(a-iii) Less Than Significant Impact. Upon construction of new structures, impact fee will have to be paid for school services.

Single Family Residences have the potential for adding to school populations. The average per Single Family Residence is:

Grade	Student Generation per Single Family Residence
K – 6	0.425
7 – 8	0.139
9 – 12	0.214

(a-iv) No Impact. The proposed project will have no impact on local parks and will not create demand for additional parks.

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

(a – v) No Impact. No other public services are provided to this area of the County.

XV. RECREATION

	Significant Impact	Significant with Mitigation Incorporation	Significant Impact	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 which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

(a) No Impact. The project would have no discernable impacts to existing parks or require the provision of new or additional facilities.

The Madera County General Plan allocates three acres of park available land per 1,000 residents' population.

(b) No Impact. This project does not include recreational facilities or require the construction of recreational facilities.

XVI. TRANSPORTATION/TRAFFIC -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards, established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) 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:

(a - c) Less Than Significant Impact. The project may attract more commuters off the freeway to use the commercial gas station associated with the sign. This would be a limited impact as a sign currently exists and many commuters are aware of the location.

According to the Institute of Traffic Engineers (7th Edition, pg. 268-9) the trips per day for one single-family residence are 9.57.

This project will not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system. The amount of new traffic created by this project will be less than significant.

Madera County currently uses Level Of Service "D" as the threshold of significance level for roadway and intersection operations. The following charts show the significance of those levels.

Level of Service	Description	Average Control Delay (sec./car)
A	Little or no delay	0 – 10
B	Short traffic delay	>10 – 15
C	Medium traffic delay	> 15 – 25
D	Long traffic delay	> 25 – 35
E	Very long traffic delay	> 35 – 50
F	Excessive traffic delay	> 50

Unsignalized intersections.

Level of Service	Description	Average Control Delay (sec./car)
A	Uncongested operations, all queues clear in single cycle	< 10
B	Very light congestion, an occasional phase is fully utilized	>10 – 20
C	Light congestion; occasional queues on approach	> 20 – 35
D	Significant congestion on critical approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks. No long-standing queues formed.	> 35 – 55
E	Severe congestion with some long-standing queues on critical approaches. Traffic queues may block nearby intersection(s) upstream of critical approach(es)	> 55-80
F	Total breakdown, significant queuing	> 80

Signalized intersections.

Level of service	Freeways	Two-lane rural highway	Multi-lane rural highway	Expressway	Arterial	Collector
A	700	120	470	720	450	300
B	1,100	240	945	840	525	350
C	1,550	395	1,285	960	600	400
D	1,850	675	1,585	1,080	675	450
E	2,000	1,145	1,800	1,200	750	500

Capacity per hour per lane for various highway facilities

Emissions of CO (Carbon Monoxide) are the primarily mobile-source criteria pollutant of local concern. Local mobile-source CO emissions near roadway intersections are a direct function of traffic volume, speed and delay. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). As a result, the SJVAPCP recommends analysis of CO emissions of at a local rather than regional level. Local CO concentrations at intersections projected to operate

at level of service (LOS) D or better do not typically exceed national or state ambient air quality standards. In addition, non-signalized intersections located within areas having relatively low background concentrations do not typically have sufficient traffic volumes to warrant analysis of local CO concentrations.

(d) No Impact. The proposed structure for the operation is proposed to be away from the roadway and will not pose any sort of hazard with traffic.

(e) No Impact. All proposed parcels will have adequate emergency access to Avenue 26.

(f) No Impact. There are no adopted policies, plans, or programs supporting alternative transportation within the vicinity of the project site.

XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<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:

(a - g) No Impact. The proposed project would not require additional facilities to be brought onsite. The only utility to be used for the construction of the sign would likely be power, which currently exists and is being utilized by the existing signage on site.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- 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)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Discussion:

CEQA defines three types of impacts or effects:

- Direct impacts are caused by a project and occur at the same time and place (CEQA §15358(a)(1).
- Indirect or secondary impacts are reasonably foreseeable and are caused by a project but occur at a different time or place. They may include growth inducing effects and other effects related to changes in the pattern of land use, population density or growth rate and related effects on air, water and other natural systems, including ecosystems (CEQA §15358(a)(2).
- Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts (CEQA §15355(b)). Impacts from individual projects may be considered minor, but considered retroactively with other projects over a period of time, those impacts could be significant, especially where listed or sensitive species are involved.

(a) Less than Significant. The project will have limited impacts overall. The impacts to aesthetics and slight traffic increase are not considered to be significant.

(b) Less Than Significant Impact. The project will not generate significant environmental impacts. The incremental effect of the current project, when viewed in light of both existing development and reasonably foreseeable future projects, does not yield impacts which are cumulatively considerable.

(c) Less than Significant. The effect of the project will have a limited effect on humans as there are not any within direct proximity of the proposal.

**Documents/Organizations/Individuals Consulted
In Preparation of this
Initial Study**

Madera County General Plan

California Department of Finance

USDA - National Resources Conservation Service

California Integrated Waste Management Board

California Environmental Quality Act Guidelines

United States Environmental Protection Agency

Madera County Environmental Health

Madera County Roads Department

Caltrans website http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm accessed October 31, 2008

California Department of Fish and Game "California Natural Diversity Database" <http://www.dfg.ca.gov/biogeodata/cnddb/>

ND 2012-09

1

November 8, 2012

NEGATIVE DECLARATION

ND

Project Name

VA #2012-001

Name of Proponents

Dennis Quigley

Project Location:

The project is located on the east side of Pistacchio Drive approximately 300 feet north of its intersection with Avenue 18 1/2 (18555 Pistacchio Drive), Madera.

Project Description:

The applicant has a variance to allow an 80'-0" height for a proposed sign where a 35'-0" height is allowed by ordinance,

PROPOSED FINDINGS

- An Initial Study has been conducted and a findings made that the proposed project will have no significant effect on the environment (CEQA 15070(a)).
- An Initial Study has been conducted and a finding made that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because Mitigation Measures have been added to the project (CEQA 15070(b)).

Madera County Environmental Committee

A copy of the negative declaration and all supporting documentation is available for review at the Madera County Planning Department, 2037 West Cleveland Avenue, Madera, California.

DATED:

FILED:

PROJECT APPROVED:

CONDITIONS OF APPROVAL

PROJECT NAME:

VA #2012-001 - Dennis Quigley

PROJECT LOCATION:

The proposal is located on the east side of Pistacchio Drive approximately 300 feet north of its intersection with Avenue 18 1/2 (18555 Pistacchio Drive), Madera.

PROJECT DESCRIPTION:

The applicant has a variance to allow an 80'-0" height for a proposed sign where a 35'-0" height is allowed by ordinance.

APPLICANT:

Dennis Quigley

CONTACT PERSON/TELEPHONE NUMBER:

Dennis Quigley, (209) 524-4484

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Engineering					
	None				
Environmental Health					
	None				
Fire					
	None				
Planning					
1	The proposed business shall comply with the submitted operational statement. Any changes or alteration will require an amendment to the Conditional Use Permit.	Planning			
2	Development shall be in accordance with the plan(s) as submitted by the applicant and/or as modified by the Planning Commission.	Planning			
3	The variance is not granting additional signage area for the proposed sign. The proposed sign must comply with the size requirements within County Code for a commercial sign.	Planning			
4	If the sign encroaches within the highway right-of-way, the applicant shall obtain an encroachment permit from CalTrans.	CalTrans			
5	The applicant shall confer with CalTrans whether the sign requires an outdoor advertising permit and obtain a permit if required. If the sign does not require a permit, the applicant shall obtain in writing from CalTrans that a permit is not needed.	CalTrans			
Road					
	None				

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 488-7307

FAX (559) 488-4088

TTY (559) 488-4066

*Flex your power!
Be energy efficient!*

October 5, 2012

2131-IGR/CEQA
6-MAD-99-16.331+/-
VA 2012-001
DENNIS QUIGLEYMr. Jerome Keene
County of Madera
Planning Department
2037 W. Cleveland Avenue
Madera, CA 93637

Dear Mr. Keene:

We have completed our review of the request to allow an 80'0" height for a proposed sign where a 35'0" height is allowed by ordinance. The site where the sign will be placed is located on Pistachio Drive and abuts the southbound State Route (SR) 99 off-ramp at Avenue 18 ½. Caltrans has the following comments:

Based on the operational statement and description of the project, it appears the proposed sign might encroach upon the State right-of-way. As such the applicant will need to submit a copy of the encroachment permit for all proposed activities within the State highway rights-of-way. If the applicant does not have a permit, an encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway rights-of-way. Activity and work planned in or near the State right-of-way shall be performed to State standards and specifications, at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English Units. The Permit Department and the Environmental Planning Branch will review and approve the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permits will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations." Encroachment permits do not run with the land. A change of ownership requires a new permit application. Only the legal property owner or his/her authorized agent can pursue obtaining an encroachment permit.

Advertising signs within the immediate area outside of the State right-of-way needs to be cleared through the Caltrans Right-of-Way Division, Office of Outdoor Advertising. The project proponent must construct and maintain the advertising signs without access to the State Routes.

Mr. Jerome Keene
October 5, 2012
Page 2

Contact *Jason Canger* at (916) 651-1254 for additional information or to obtain a sign permit application. Additional information on Caltrans' Outdoor Advertising Permit requirements may also be found on the Internet at www.dot.ca.gov/hq/oda.

If you have any questions, please call me at (559) 488-7307.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Bryan-Sanchez", written in a cursive style.

JENNIFER BRYAN-SANCHEZ
Office of Transportation Planning
District 06