

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, March 8, 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: 86937189159# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/86937189159> . Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

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

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened.

PUBLIC HEARINGS:

- 1. Conditional Use Permit 2021-19 & Site Plan Review 2021-39 filed by In-N-Out Burger for a new drive-thru restaurant located 1830 West Cleveland Avenue**

Recommendation:

- A. Continue to the Planning Commission meeting of April 12, 2022

- 2. Conditional Use Permit 2020-07 MOD, Site Plan Review 2020-04 MOD & Environmental Assessment 2021-38 filed by Miles Chemical for property located at 2345 West Pecan Avenue**

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution adopting a Mitigated Negative Declaration for the project and approving CUP 2020-07 MOD and SPR 2020-04 MOD, subject to the findings and conditions of approval that would authorize the construction of new structures on the site and allow for the storage, blending, repackaging and transport of both liquid and dry products for use by food, agricultural, drinking water, and wastewater industry customers. The proposal also includes the allowance for the outdoor storage of chemicals and related equipment (APN's: 009-350-031 & 032).

- 3. Site Plan Review 2021-41 & Environmental Assessment 2021-61 filed by Amond World Cold Storage Warehouse for vacant property north of Aviation Drive and west of Golden State Boulevard**

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution adopting a Mitigated Negative Declaration for the project and approving SPR 2021-41, subject to the findings and conditions of approval that would authorize the construction of cold storage warehouse building of 253,947 sf including ancillary areas for employee office, shipping office and attached annex building with site improvements including on-site parking, landscaping, stormwater treatment, and extension of the public street Condor Road north from Aviation Drive up to and along the entire western property frontage. No development is proposed for the remaining 15.00-acre neighboring parcel to the west which will be part of a future phase of development (APN's: 013-200-004 and 005).

- 4. General Plan Amendment 2021-01 & Environmental Assessment 2021-64 filed for 1.18 acres located on the west side of Torres Way between West Lincoln Avenue and West South Street**

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution to adopt a Negative Declaration and amend the General Plan Land Use designation from LD (Low Density) residential to HD (High Density) residential. No development is proposed for the site as part of this proposal (APN: 003-031-017).

5. Amendment to Conditional Use Permit 2003-03 MOD 2 & Site Plan Review 2021-34 filed for La Plaza Gas Station located 824 South Gateway Drive

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution approving CUP 2003-03 MOD 2 and SPR 2021-34 to enclose an existing outdoor dining area and create a separate tenant space for an existing in store restaurant at the current convenience store and gas station/restaurant. The project also includes adoption of a Categorical Exemption pursuant to the California Environmental Quality Act (APN: 012-133-025).

6. Conditional Use Permit 2022-02 & Site Plan Review 2022-07 filed by Pistorresi Ambulance Service for property located at 108 Amerine Avenue

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution approving CUP 2022 and SPR 2022-07 to allow for sleeping quarters for two ambulance crew members, including deploying emergency personnel from the subject site. The project also includes adoption of a Categorical Exemption pursuant to the California Environmental Quality Act (APN: 009-091-011).

7. Rezone 2021-02, Conditional Use Permit 2021-15, Site Plan Review 2021-32 & Variance 2022-01 filed for 801 South Gateway Drive

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution approving Rezone 2021-02, CUP 2021-15, SPR 2021-32, and VAR 2022-01 for the previously developed property. The rezone would change the current zoning from I (Industrial) to a C2 (Heavy Commercial) zone district, the CUP would permit auto repair (small engine repair), the SPR would establish permitted uses, while the variance would allow for the reduction of the number of required parking stalls. The project also includes adoption of a Categorical Exemption pursuant to the California Environmental Quality Act (APN: 011-151-008).

8. Site Plan Review 2020-23 and Variance 2021-03 filed for 608 East Yosemite Avenue

Recommendation:

- A. Conduct a public hearing and make the necessary findings to:
- B. Adopt a resolution approving SPR 2020-23 and VAR 2021-03 for the previously developed property. The existing site is developed with an 8,754-sf building and 20 parking spaces and lacks adequate space to add off-street parking. Commercial activities would be restricted to those designation and agreed upon in the associated Site Plan Review. The project also includes adoption of a Categorical Exemption pursuant to the California Environmental Quality Act (APN: 007-173-002).

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.

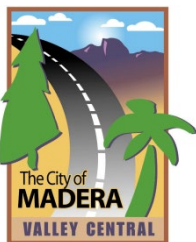
All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION 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.

[Return to Agenda](#)

CUP 2021-19 & SPR 2021-39 – In-N-Out

The applicant is requesting this item be continued to the April 12, 2022 meeting.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Meeting of: March 8, 2022

Agenda Number: 2

SUBJECT:

Miles Chemical Company

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Mitigated Negative Declaration and approving CUP 2020-07 MOD and SPR 2020-04 MOD, subject to the findings and conditions of approval. (Miles Chemical).

PROPOSAL:

An application for a site plan review (SPR 2020-04 MOD) for the construction of expanded facilities at the Miles Chemical Company site, including additional warehousing, chemical tanks, and storage equipment as well as other operational components, on a 7.24-acre site. The applicant has also applied for Conditional Use Permit (CUP) 2020-07 MOD, which would allow for storage, blending, repackaging, and transport of hazardous materials on-site.

Table 1: Project Overview	
<i>Project Number:</i>	Conditional Use Permit 2020-07 MOD, Site Plan Review 2020-04 MOD, and Environmental Assessment 2021-38
<i>Applicant:</i>	Joseph Grossi Jr., Miles Chemical
<i>Property Owner:</i>	Kevin Herman
<i>Location:</i>	The northeasterly corner of Pecan Avenue and Road 25, bounded by a vacant lot to the east, Pecan Avenue to the south, and a Union Pacific rail line to the north and west.
<i>Project Area:</i>	7.24 Acres; Proposal for approximately 70,762 sf of new buildings
<i>Plan Land Use:</i>	I (Industrial)
<i>Zoning District:</i>	I (Industrial)
<i>Site Characteristics</i>	The project is located on a site that contains buildings that supported a former industrial use for the site. The project would result in an expansion of existing buildings, as well as the introduction of new structures. Surrounding uses include industrial uses to the north, west and south, agriculture to the south, and vacant land to the east.

SUMMARY:

The applicant proposes to construct additions to existing buildings, new buildings to serve the Miles Chemical Company operation, chemical tank containment structures, truck loading/unloading areas, new canopies, and drainage basin improvements. The site will have one ingress/egress point at the eastern most point of the site’s boundary along Pecan Avenue. Proposed onsite parking consists of surface level stalls for standard vehicles and industrial sized loading stalls for trucks and trailers.

Project activities include the following:

- Construction of a 57,985 sf warehouse building
- Construction of a 10,125 sf “flammables” building
- Expansion of the existing “food grade” building by 2,052 sf
- Construction of a 600 sf equipment building
- Construction of a 2,700 sf blending canopy
- Construction of a new loading dock at the existing canopy to service the main warehouse
- Construction of a loading dock at the flammables building
- Construction of a Peroxide tanks containment structure of 1,056 sf
- Construction of an acid tanks containment structure of 2,567 sf
- Construction of a base tanks containment structure of 2,567 sf
- Construction of a flammable tanks containment structure of 2,784 sf
- Construction of a miscellaneous tanks containment structure of 2,394 sf
- Construction of truck loading/unloading containment areas for each tank storage containment structure
- Concrete paved areas for truck circulation
- Installation of a truck scale
- Reconfiguring of the existing drainage basin to be approximately 0.63 acres in total size

The proposed use as a chemical storage warehouse is consistent with the General Plan land use designation of Industrial (I), which allows light and heavy industrial development. The proposed use is consistent with the Industrial (I) zoning district which allows for storage plants and is compatible with surrounding land uses. SPR 2020-04 MOD would allow for the expansion of buildings and other on-site improvements. CUP 2020-07 MOD would allow for the storage, blending, loading, and shipment of chemical materials at the site.

SURROUNDING LAND USES:

The site is bordered to the east by a vacant lot, to the south by agricultural land and an industrial user (Innovative Rotational Molding) and to the north and west by the Union Pacific rail line and an industrial user (Color Box). Land abutting the site on all sides is planned I (Industrial). Land to the northwest and south is zoned I (Industrial), while land to the east is located outside the City limits and zoned IH (Industrial, Urban or Rural, Heavy District) by the County.

<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Industrial (Color Box)	I – Industrial	I – Industrial
<i>East</i>	Vacant Lot	I – Industrial	IH – Industrial, Urban or Rural, Heavy (County)
<i>South</i>	Industrial (Innovative Rotational Molding) Agriculture	I – Industrial	I – Industrial

West	Industrial (Color Box)	I – Industrial	I – Industrial
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ANALYSIS:

The MMC establishes procedures for the review and approval of Site Plan Reviews (Section 10-3.4). The MMC also 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 I (Industrial) 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). The proposal is also consistent with the General Plan which includes community design, land use, circulation, infrastructure goals. The maximum General Plan Floor Area Ratio (FAR) is 0.8, where an FAR of 0.29 is proposed.

Table 3: Zone District Development Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
<i>Street setback (minimum)</i>	No minimum	11 ft. 3 in.
<i>Rear and side setback</i>	No minimum	24 ft. 11 in. northwest 33 ft. 4 in. east
<i>Building height</i>	65 ft.	34 ft.
<i>FAR</i>	0.8	0.29
<i>Parking Stalls</i>	40 Vehicle Stalls 2 Accessible Stalls 9 Loading Stalls	42 Vehicle Stalls 2 Accessible Stalls 9 dedicated loading areas shown on site plan, with several more areas capable of providing loading/unloading activities

Circulation and Parking

The project includes one “right-in, right-out” driveway allowing for ingress and egress from Pecan Avenue. The driveway shall be shared with the parcel to the east of the project site (APN 034-050-052) as required by the conditions of approval and reflected on the Site Plan (see Attachments 5 and 6). The site contains a circulation loop around the proposed warehouse that would allow trucks to move throughout the site and load/unload materials. The interior surfaced drive aisle will serve the warehouse tenant employees, client parking area, and truck traffic with access to the tenant space and truck loading/unloading docks.

The City’s parking standards specifically identify parking ratios for “warehouse space” occupancy (Section 10-3.1202) as follows:

One (1) space for each two (2) employees, plus one (1) space for each 300 sf of office space and customer net floor area, plus one loading space for each 10,000 square feet of gross floor area.

The project meets the required parking standards of 18 required stalls (1 for each 300 sf) for the 5,472 sf office space (1 space for each 300 sf) and an additional 22 stalls for the 45 employees (1 space for each 2 employees), requiring 40 total parking stalls. The site plan shows 42 parking spaces on-site. Two of these parking spaces shall meet the American with Disabilities Act (ADA) requirements, as required. The proposed warehouse space requires nine loading stalls, which is also reflected on the site plan.

Site Plan and Elevations

Construction of the buildings proposed under SPR 2020-04 MOD is conditioned to conform with the site plan and elevation drawings, including the color and materials schedule, as shown in Attachments 5 through 11.

Landscaping

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

Public Infrastructure

The project would utilize a temporary storm drainage basin on the western area of the project site. Usage of an on-site, temporary storm drain basin would be subject to conditions of approval regulating such use. The necessary water, wastewater, storm drainage, and roadway improvements to serve the project site have been reflected in the conditions of approval for CUP 2020-07 MOD and SPR 2020-04 MOD. Improvements are limited to the frontage of the project's eastern most parcel, until such time that the western most parcel is proposed for a use other than as a drainage basin, or until funding is identified for further improvements and the design of the intersection of Pecan Avenue and Granada Drive is determined.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with CEQA. The City has prepared an initial study and determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Initial Study/Mitigated Negative Declaration (IS/MND) was published for a 21-day local review and comment period commencing on February 12, 2022 and ending on March 4, 2022. Additionally, based on new state legislation, the IS/MND was published with the State Clearinghouse (SCH No. 2022020348) for a 20-day review and comment period commencing on February 15, 2022 and ending on March 6, 2022. No comments have been received as of the date this report was prepared.

COMMISSION ACTION:

The Commission will be acting on CUP 2020-07 MOD and SPR 2020-04 MOD, as well as adoption of a Mitigated Negative Declaration (ENV 2021-38) and associated mitigation monitoring and reporting program. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Mitigated Negative Declaration, and approving CUP 2020-07 MOD and SPR 2020-04 MOD, based on and subject to the findings and conditions of approval as follows:

Findings to Approve a Conditional Use Permit

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). CUP 2020-07 MOD and SPR 2020-04 MOD are consistent with the purpose and intent of the I (Industrial) 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 industrial uses. The project site is located within an industrial area and is surrounded by other industrial uses to the north, west, and south, and a vacant lot to the east, as well as some agricultural uses to the south. As conditioned, the storage, blending, loading, and shipment of chemical materials 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 storage, blending, loading, and shipment of chemical materials at the project site. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). CUP 2020-07 MOD and SPR 2020-04 MOD are consistent with the purpose and intent of the I (Industrial) 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 2020-04 MOD has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Industrial 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 2020-04 MOD 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. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

ALTERNATIVES:

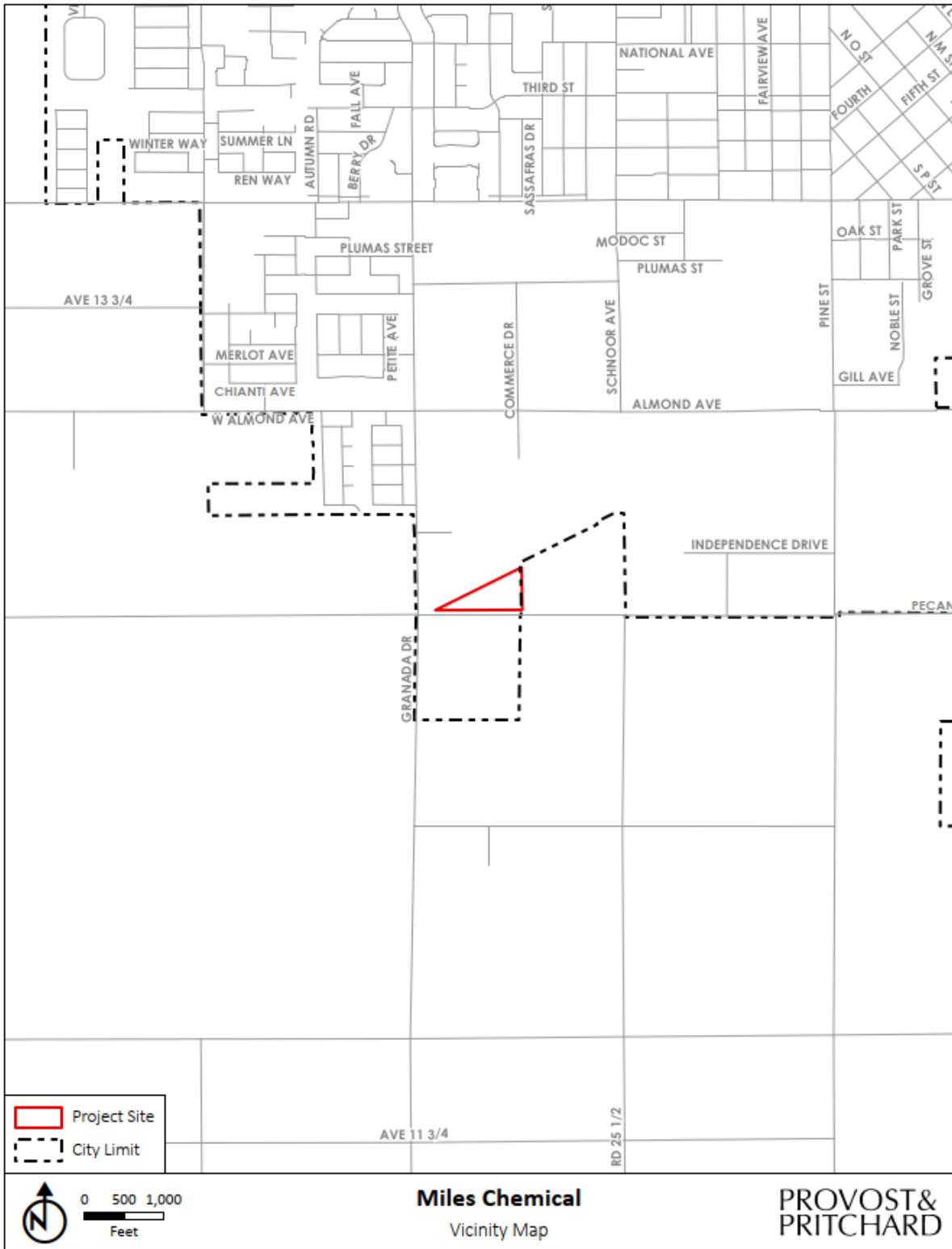
As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the April 12, 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 April 12, 2022 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

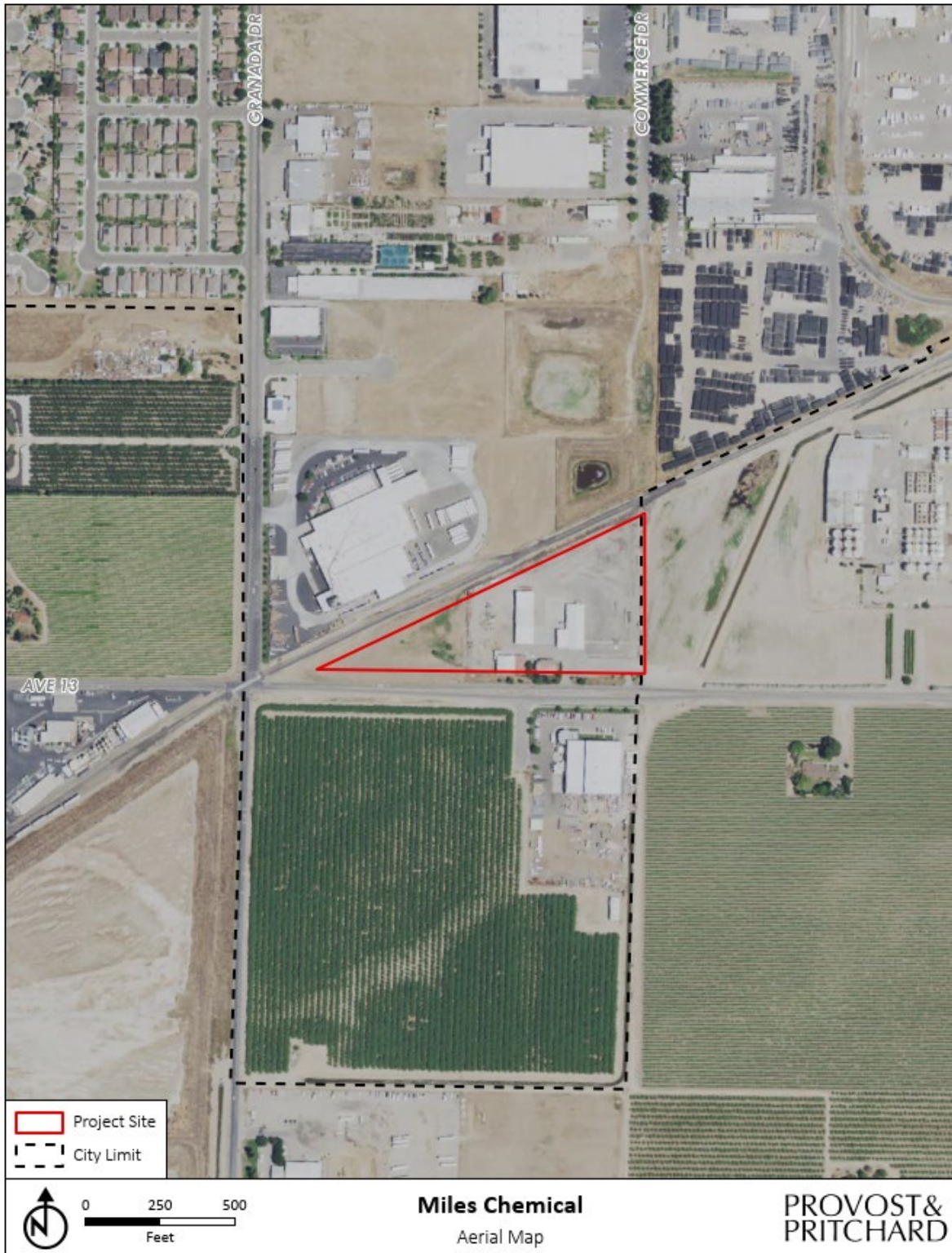
ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Exhibit A-1, Site Plan - Phase 1
6. Exhibit A-2, Site Plan - Phase 2
7. Exhibit B-1, Elevations - Equipment Housing Phase 1
8. Exhibit B-2, Elevations - Blending Canopy Phase 1
9. Exhibit B-3, Elevations - Warehouse Phase 2
10. Exhibit B-4, Elevations - Flammables Building Phase 2
11. Exhibit B-5, Elevations - Food Grade Building Phase 2
12. Initial Study/ Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program for CUP 2020-07 MOD and SPR 2020-04 MOD
13. Planning Commission Resolution

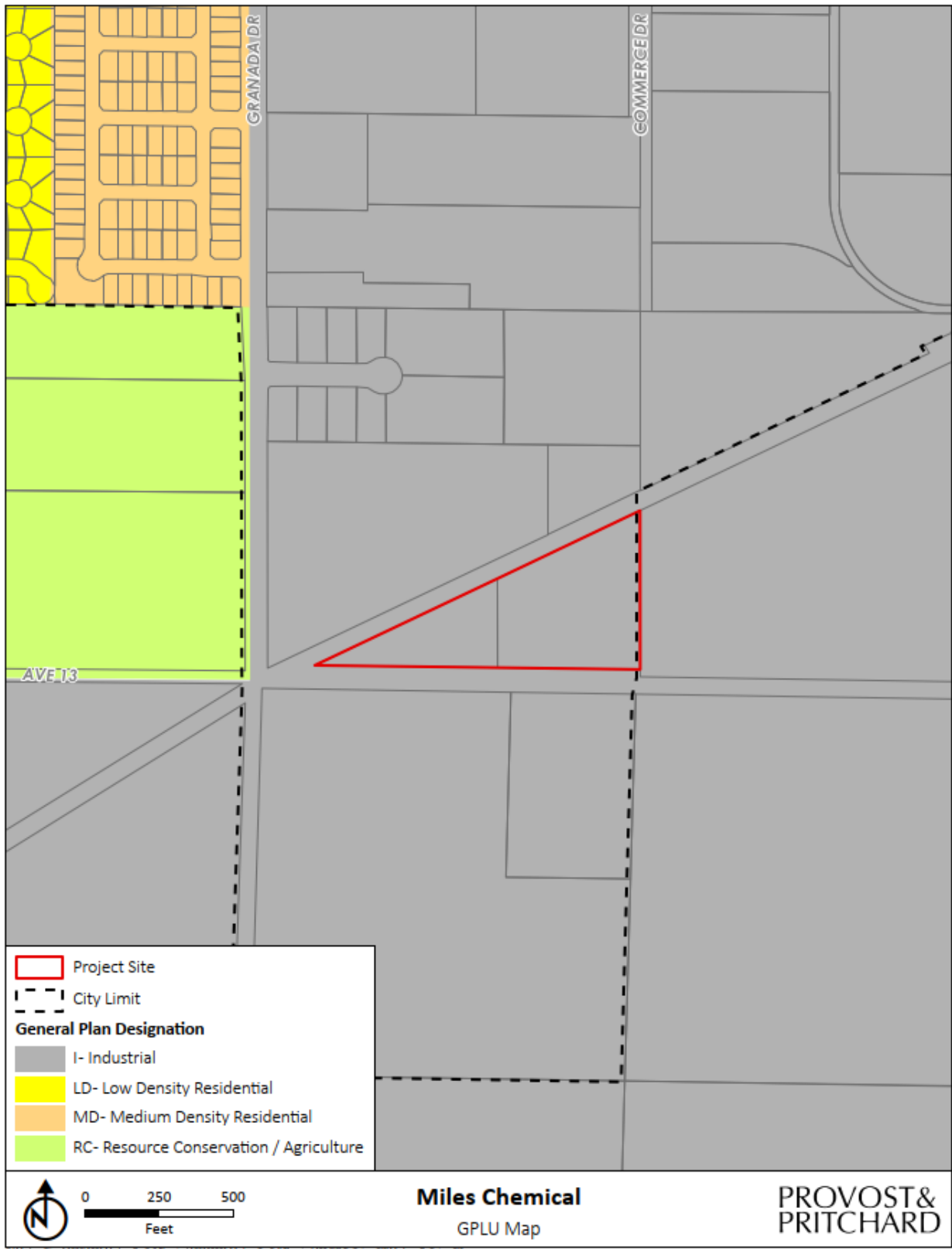
Attachment 1: Vicinity Map



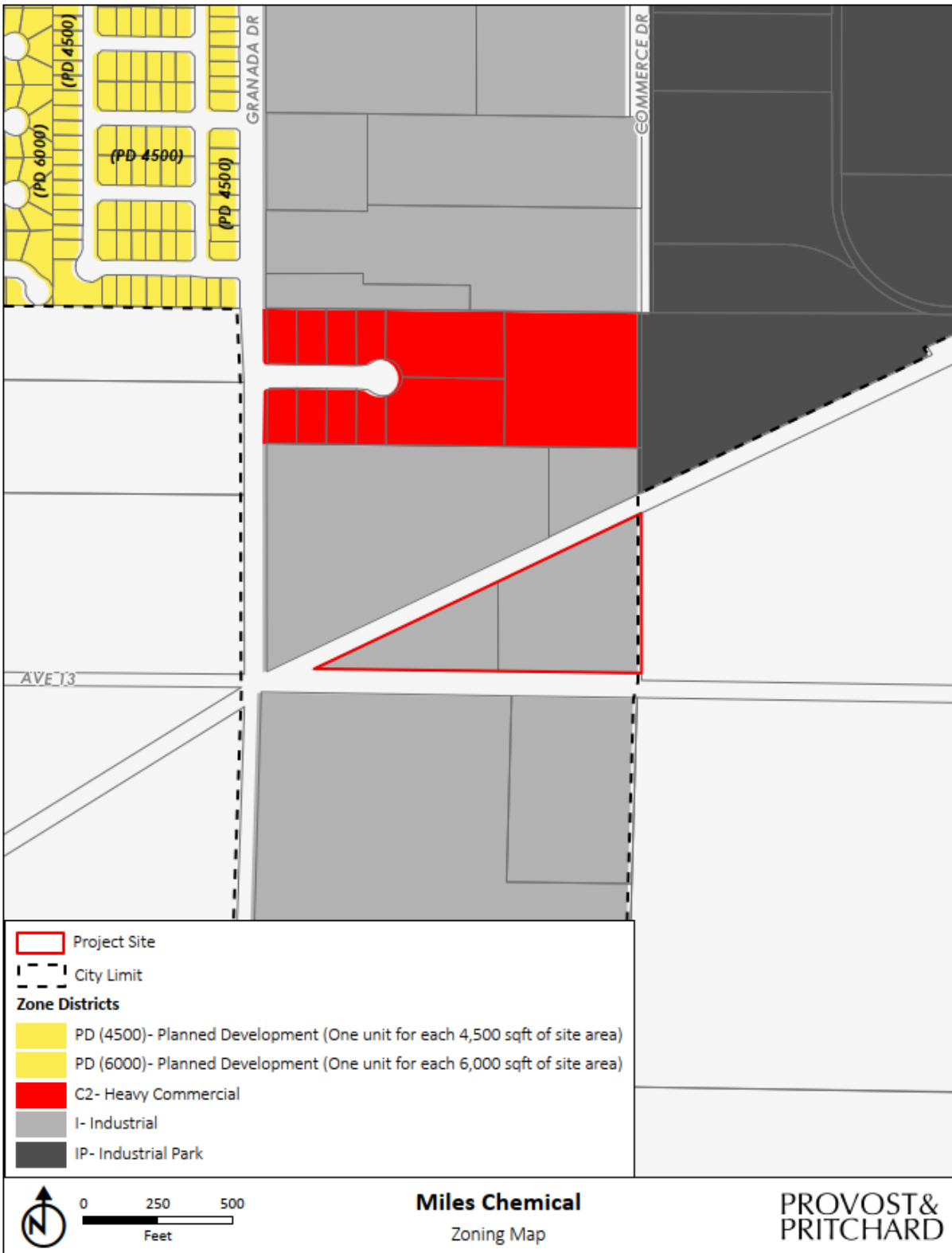
Attachment 2: Aerial Map



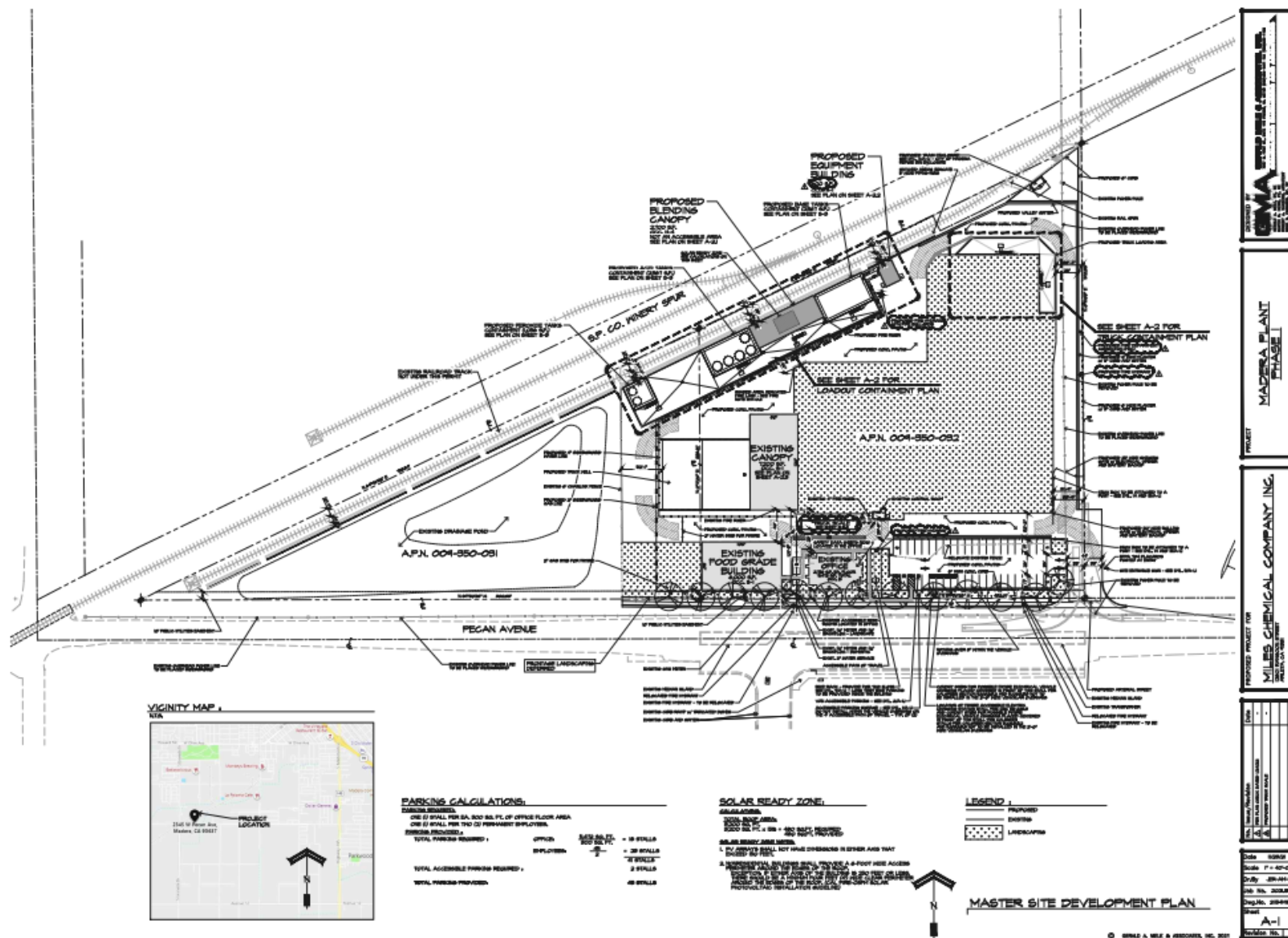
Attachment 3: General Plan Land Use Map



Attachment 4: Zoning Map



Attachment 5: Exhibit A-1, Site Plan - Phase 1



PARKING CALCULATIONS

ONE (1) SPALL PER 500 SQ. FT. OF OFFICE FLOOR AREA
ONE (1) SPALL PER TWO (2) PERMANENT EMPLOYEES

OFFICE EMPLOYEES	SPALLS
TOTAL PARKING REQUIRED	10 SPALLS
TOTAL ACCESSIBLE PARKING REQUIRED	2 SPALLS
TOTAL PARKING PROVIDED	10 SPALLS

SOLAR READY ZONE

REGULATIONS:
SOLAR READY ZONE
SOLAR READY ZONE
SOLAR READY ZONE

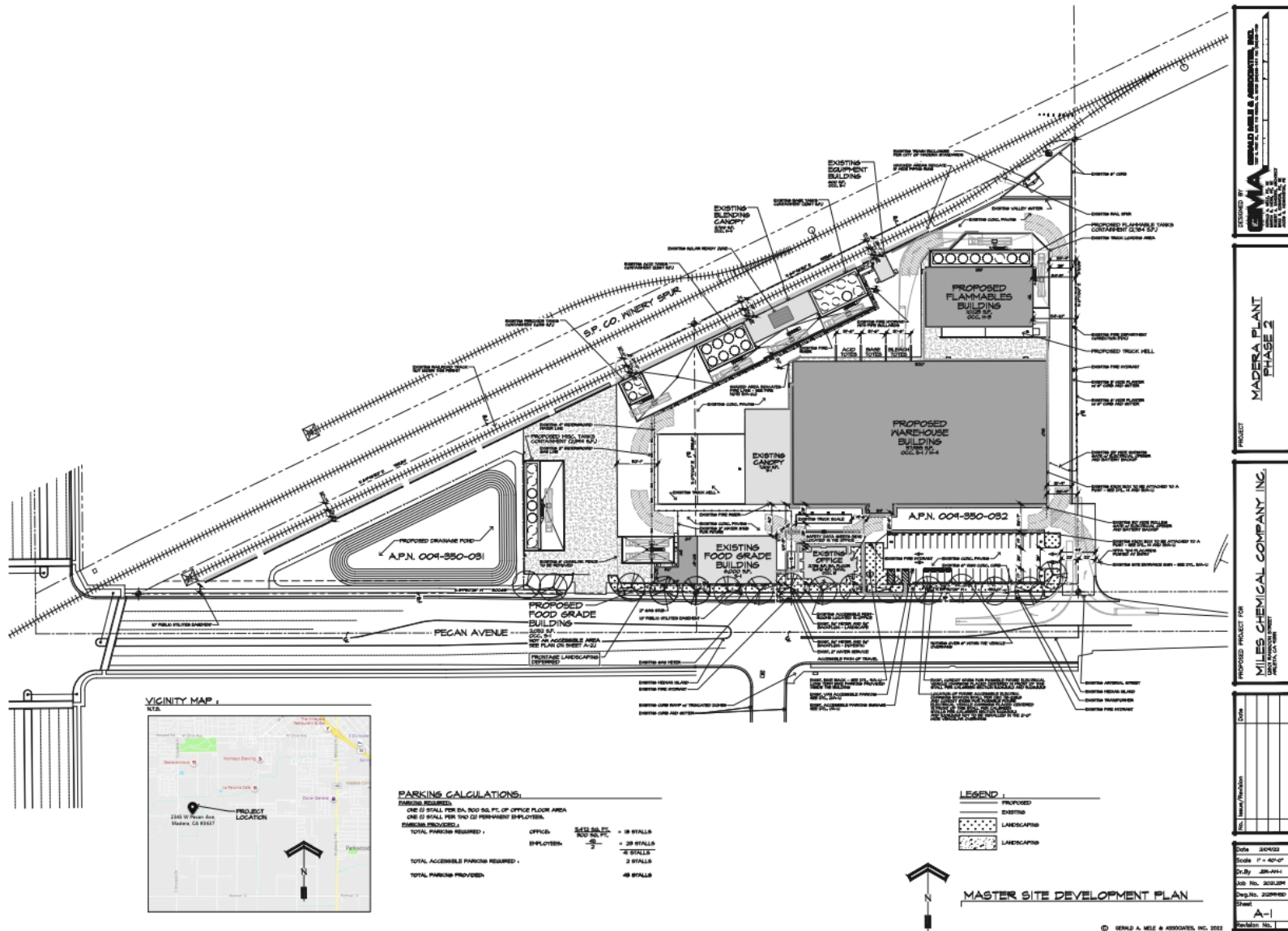
LEGEND

(Symbol)	PROPOSED
(Symbol)	EXISTING
(Symbol)	LANDSCAPING

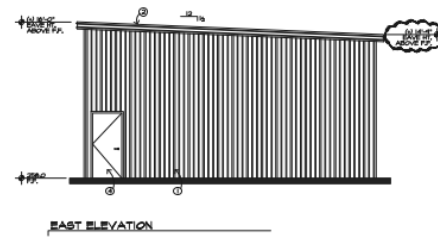
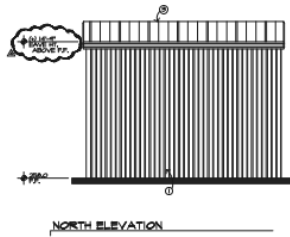
MASTER SITE DEVELOPMENT PLAN

DATE: 08/22/2022
SCALE: 1" = 40'-0"
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
DATE: 08/22/2022
PROJECT: MADRAS PLANT PHASE 1
CLIENT: MILES CHEMICAL COMPANY, INC.

Attachment 6: Exhibit A-2, Site Plan - Phase 2

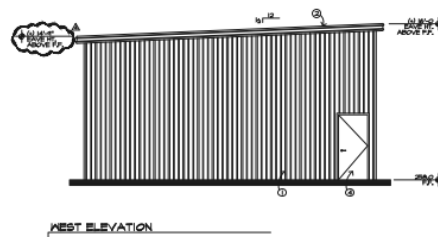
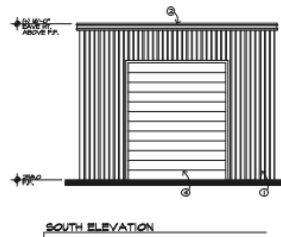


Attachment 7: Exhibit B-1, Elevations - Equipment Housing Phase 1



EXTERIOR MATERIAL LIST:

- MARK DESCRIPTION
- ① METAL SIDING
- ② METAL TRIM
- ③ METAL ROOFING
- ④ DOOR - SEE PLAN



EQUIPMENT HOUSING
EXTERIOR ELEVATIONS

© GERALD A. MILE & ASSOCIATES, INC. 2021

DESIGNED BY
GMA
GERALD A. MILE & ASSOCIATES, INC.
ARCHITECTS
1000 W. 10TH AVENUE, SUITE 200
DENVER, CO 80202
TEL: 303.733.1100
WWW.GMA-ARCHITECTS.COM

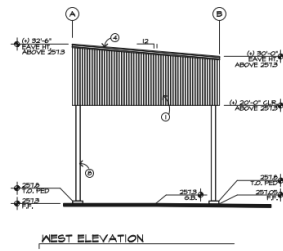
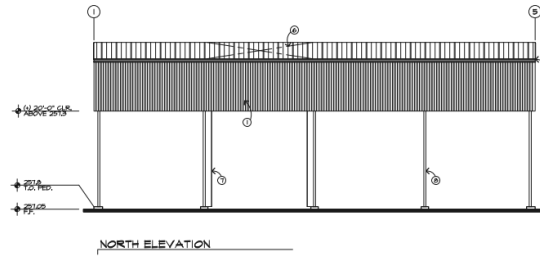
PROJECT
**MADERA PLANT
PHASE I**

PROPOSED PROJECT FOR
MILES CHEMICAL COMPANY, INC.
1000 W. 10TH AVENUE, SUITE 200
DENVER, CO 80202

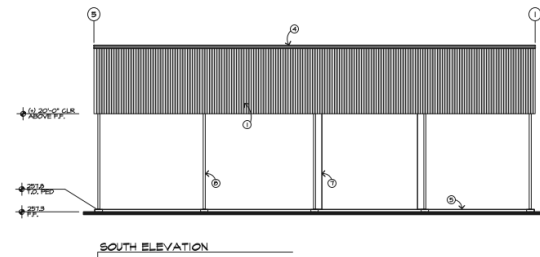
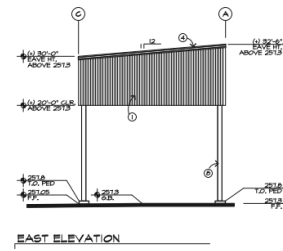
No.	Issued/Revised	Date
1	Initial Release for Review	10/20/21

Date	10/20/21
Scale	1/4" = 1'-0"
Dr. By	280-441
Job No.	2020-04
Proj. No.	289-01V
Sheet	A-9.2
Revision No.	

Attachment 8: Exhibit B-2, Elevations - Blending Canopy Phase 1



- EXTERIOR MATERIAL LIST**
 MARK DESCRIPTION
 ① METAL SIDING - BY M.B.M.
 ② METAL ROOFING - BY M.B.M.
 ③ METAL MULTIGUTTER - BY M.B.M.
 ④ METAL TRIM - BY M.B.M.
 GRID IF REQUIRED
 ⑤ X-BRACING - BY M.B.M.
 HIND BENT COLUMN - BY M.B.M.
 COLUMN - BY M.B.M.



BLENDING CANOPY EXTERIOR ELEVATIONS

© GERALD A. MELE & ASSOCIATES, INC. 2021

DESIGNED BY
GMA
 GERALD MELE & ASSOCIATES, INC.
 CONSULTING ARCHITECTS
 1000 S. GARDEN ST.
 SUITE 100
 ANAHEIM, CA 92805

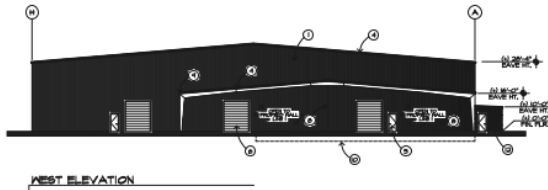
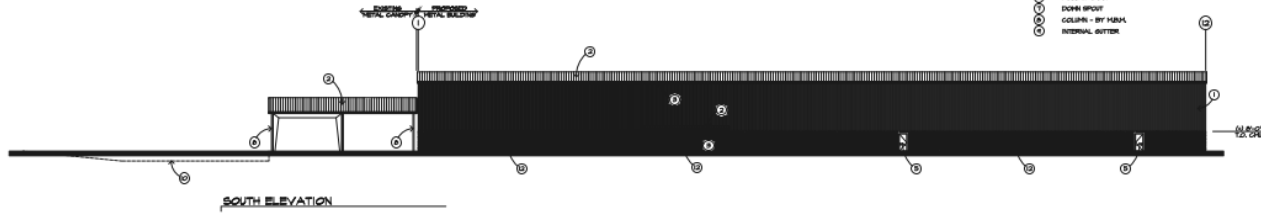
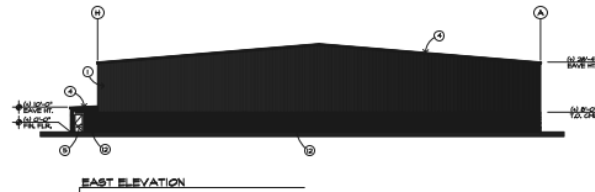
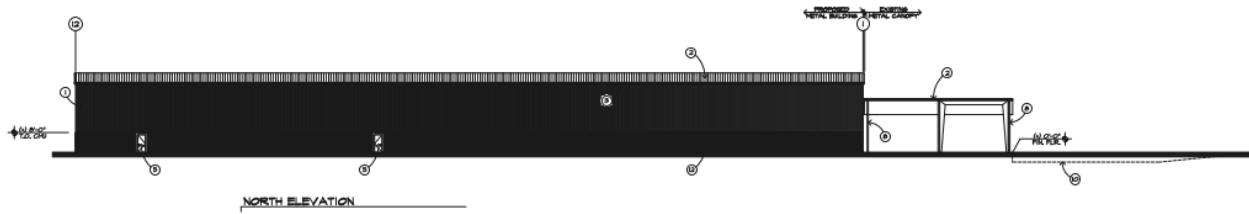
PRODUCT
**MADERA PLANT
 PHASE 1**

PROPOSED PROJECT FOR
MILES CHEMICAL COMPANY INC.
 1000 S. GARDEN ST.
 SUITE 100
 ANAHEIM, CA 92805

Date	
No. / Name / Revision	

Date	1/28/22
Scale	1/4" = 1'-0"
Dr. By	JEM-AMH
Job No.	2020-04
Draw. No.	2020-04-V
Sheet	A-3.1
Revision No.	

Attachment 9: Exhibit B-3, Elevations - Warehouse Phase 2



EXTERIOR MATERIAL LIST

- MARK DESCRIPTION
- METAL SIDING - BY MBM
 - METAL ROOFING - BY MBM
 - METAL HALTITER - BY MBM
 - METAL RAKE TRIM - BY MBM
 - MBM DOOR
 - ROLL UP DOOR
 - DOWN SPOT
 - COLUIN - BY MBM
 - METAL GUARDRAIL
 - DEPRESSION DOCK
 - DOOR LEVELOR
 - SPLIT PAGE CHS VENER

EXISTING EXTERIOR MATERIAL LIST

- MARK DESCRIPTION
- BRICKO FRSH
 - METAL ROOFING
 - METAL HALT BUTTER
 - METAL RAKE TRIM
 - MBM DOOR
 - ROLL UP DOOR
 - DOWN SPOT
 - COLUIN - BY MBM
 - INTERNAL BUTTER

**WAREHOUSE BUILDING
EXTERIOR ELEVATIONS**

© GERALD A. WILE & ASSOCIATES, INC. 2021

DESIGNED BY
GMA
GERALD A. WILE & ASSOCIATES, INC.
ARCHITECTS
1000 WEST 10TH AVENUE, SUITE 200
DENVER, CO 80202
TEL: 303.733.1100
WWW.GMA-ARCHITECTS.COM

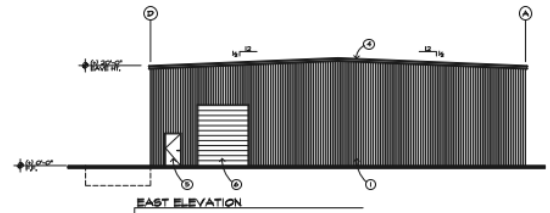
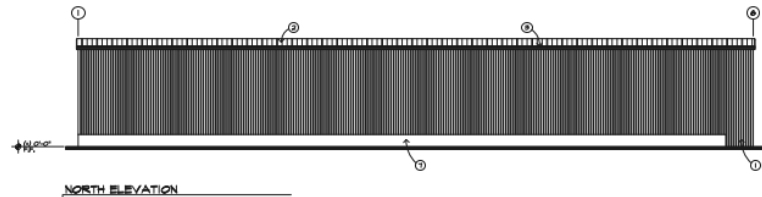
PROJECT
**MADERA PLANT
PHASE 2**

PROPOSED PROJECT FOR
MILES CHEMICAL COMPANY INC.
1000 WEST 10TH AVENUE, SUITE 200
DENVER, CO 80202

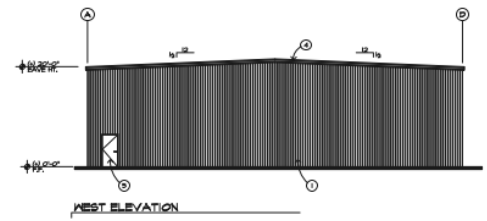
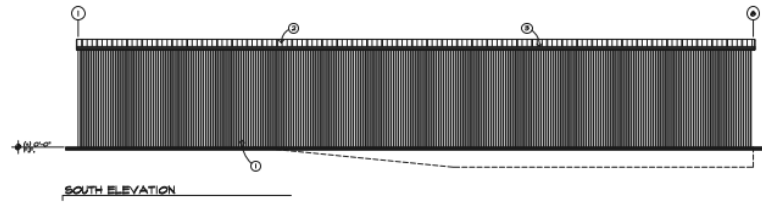
NO.	DATE/REVISION

Date	20/02/22
Scale	1/4" = 1'-0"
Dr. By	JER-AH-1
ISS. No.	2020-04
Draw. No.	2020-04
Sheet	A-3-2
DATE	

Attachment 10: Exhibit B-4, Elevations - Flammables Building Phase 2



- EXTERIOR MATERIAL LIST**
 MARK DESCRIPTION
 ① METAL SIDING - BY K&B/C
 ② METAL ROOFING - BY K&B/C
 ③ METAL PULTRUDEX - BY K&B/C
 ④ METAL RAKE TRIM - BY K&B/C
 ⑤ MAN DOOR
 ⑥ ROLL UP DOOR
 ⑦ CONCRETE FLOOR CONFINEMENT
 ⑧ SOLE TANKS NOT SHOWN FOR CLARITY

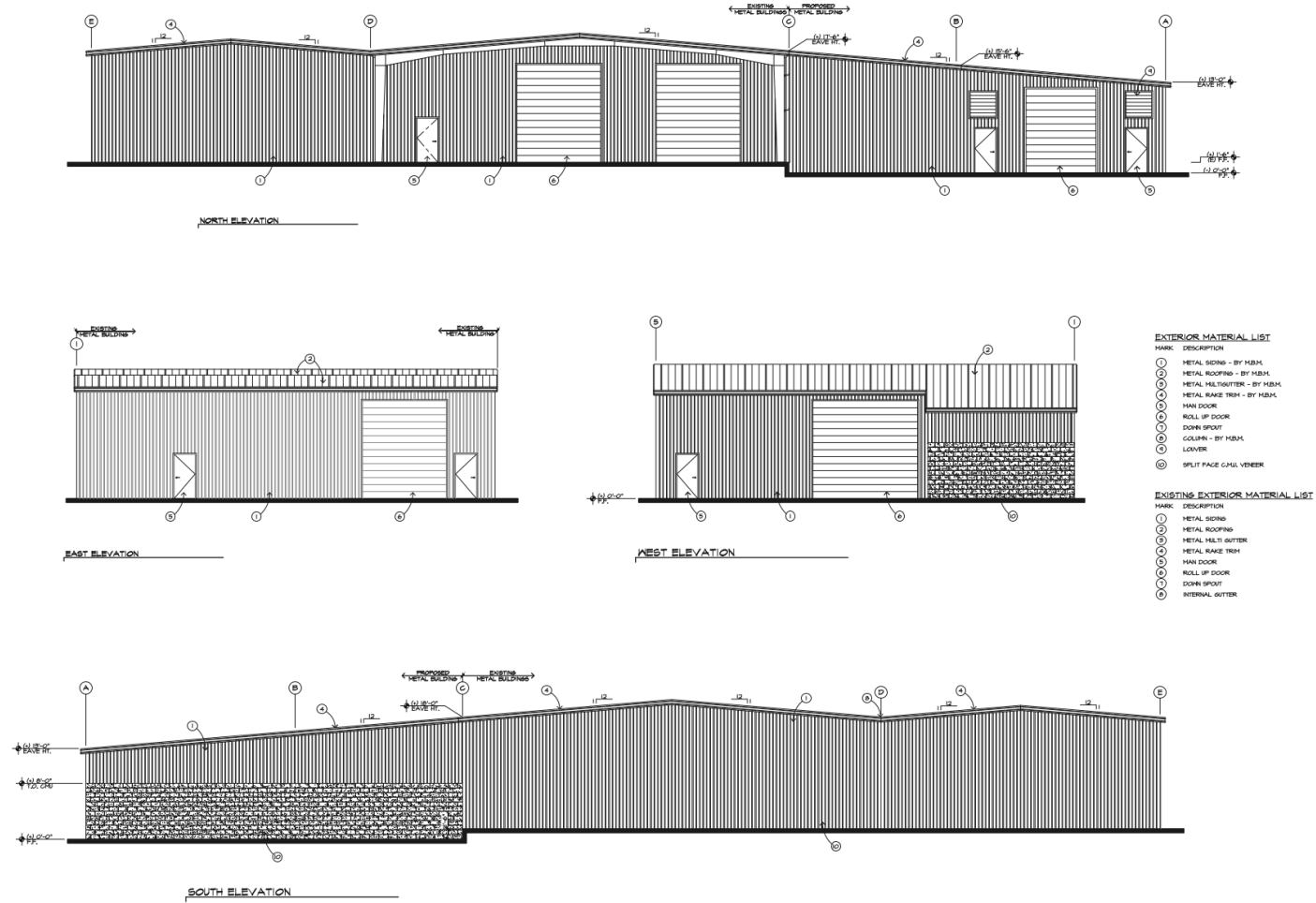


FLAMMABLES BUILDING
 EXTERIOR ELEVATIONS

© GERALD A. MELE & ASSOCIATES, INC. 2022

DESIGNED BY GMA GERALD A. MELE & ASSOCIATES, INC. 1000 W. 10TH AVENUE SUITE 200 DENVER, CO 80202	PROJECT
	MADERA PLANT PHASE 2
PROPOSED PROJECT FOR	MILES CHEMICAL COMPANY INC. 1000 W. 10TH AVENUE SUITE 200 DENVER, CO 80202
No. Issues/Revisions	
Date	
Date	2/14/22
Scale	1/8" = 1'-0"
Drawn By	JRM-444
Job No.	2020-284
Draw No.	2020-284-V
Sheet	A-33
Revision No.	

Attachment 11: Exhibit B-5, Elevations - Food Grade Building Phase 2



- EXTERIOR MATERIAL LIST**
- | MARK | DESCRIPTION |
|------|-----------------------------|
| ① | METAL SIDING - BY HEBM |
| ② | METAL ROOFING - BY HEBM |
| ③ | METAL MESH/TITTER - BY HEBM |
| ④ | METAL RAIZE TRIM - BY HEBM |
| ⑤ | MAN DOOR |
| ⑥ | ROLL UP DOOR |
| ⑦ | DOWN SPOT |
| ⑧ | COLUMN - BY HEBM |
| ⑨ | LOUVER |
| ⑩ | SPLIT FACE CHALK VENEER |
- EXISTING EXTERIOR MATERIAL LIST**
- | MARK | DESCRIPTION |
|------|-------------------|
| ① | METAL SIDING |
| ② | METAL ROOFING |
| ③ | METAL MESH/GUTTER |
| ④ | METAL RAIZE TRIM |
| ⑤ | MAN DOOR |
| ⑥ | ROLL UP DOOR |
| ⑦ | DOWN SPOT |
| ⑧ | INTERNAL GUTTER |

**FOOD GRADE BUILDING
EXTERIOR ELEVATIONS**

© GERALD A. MELE & ASSOCIATES, INC. 2022

DESIGNED BY
GMA
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100 N. HIGHT, SUITE 100, SAN ANTONIO, TEXAS 78201
TEL: 214.343.1111 FAX: 214.343.1112
WWW.GMA-ARCHITECTS.COM

PROJECT
**MADERA PLANT
PHASE 2**

PROPOSED PROJECT FOR
MILES CHEMICAL COMPANY, INC.
1000 N. MOORE STREET
SAN ANTONIO, TEXAS

No.	Issue/Revision

Date	2/04/22
Scale	1/4" = 1'-0"
Drawn By	JBR/mml
Check No.	2022-04
Check No.	2022-04
Sheet	A-3
Revision No.	

Attachment 12: Initial Study

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

Attachment 13: Planning Commission Resolution

RESOLUTION NO. 1904

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A MITIGATION NEGATIVE DECLARATION AND APPROVING
CONDITIONAL USE PERMIT 2020-07 MOD AND SITE PLAN REVIEW 2020-04 MOD
(Miles Chemical)**

WHEREAS, Kevin Herman (“Owner”) owns APN 009-350-031 and 009-350-032 in Madera, California (“site”) and has authorized Joseph Grossi Jr. with Miles Chemical (“Applicant”) to submit applications for development on the site; and

WHEREAS, the 7.24-acre site is a previously developed site and is planned I (Industrial) and zoned I (Industrial) for industrial land uses; and

WHEREAS, the Applicant is seeking Conditional Use Permit (CUP) 2020-07 MOD to allow for storage, blending, repackaging, and transport of hazardous materials on-site; and

WHEREAS, the Applicant is seeking Site Plan Review (SPR) 2020-04 MOD to allow for construction of approximately 70,762 square feet (sqft) of warehousing and storage buildings, with associated canopy structures, containment tanks and structures, and related site improvements; and

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

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews and 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 2020-07 MOD and SPR 2020-04 MOD 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 now desires to adopt a Mitigated Negative Declaration per the California Environmental Quality Act and approve CUP 2020-07 MOD and SPR 2020-04 MOD, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds an environmental assessment initial study and mitigation monitoring and reporting program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the

distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA. As such, the Planning Commission adopts a Mitigated Negative Declaration (ENV 2021-38) and the mitigation monitoring and reporting program (page 5-1 of ENV 2021-38) for the project.

3. Findings for CUP 2020-07 MOD and SPR 2020-04 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2020-07 MOD and SPR 2020-04 MOD, 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 I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). CUP 2020-07 MOD and SPR 2020-04 MOD are consistent with the purpose and intent of the I (Industrial) 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 industrial uses. The project site is located within an industrial area and is surrounded by other industrial uses to the north, west, and south, and a vacant lot to the east, as well as some agricultural uses to the south. As conditioned, the storage, blending, loading, and shipment of chemical materials 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 storage, blending, loading, and shipment of chemical materials at the project site. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). CUP 2020-07 MOD and SPR 2020-04 MOD are consistent with the purpose and intent of the I (Industrial) 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 2020-04 MOD has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Industrial 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 2020-04 MOD 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. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

4. Approval of CUP 2020-07 MOD and SPR 2020-04 MOD: Given that all findings can be made, the Planning Commission hereby approves CUP 2020-07 MOD and SPR 2020-04 MOD as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Arnoldo Rodriguez, AICP
City Manager

Exhibit "A" – Conditions of Approval for CUP 2020-07 MOD and SPR 2020-04 MOD

EXHIBIT "A"
SPR 2020-04 MOD, CUP 2020-07 MOD (Miles Chemical)
CONDITIONS OF APPROVAL
March 8, 2022

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for SPR 2020-04 MOD and CUP 2020-07 MOD will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2020-04 MOD and CUP 2020-07 MOD.
3. CUP 2020-07 MOD 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 2020-04 MOD shall expire one year from date of issuance, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Development of the project shall conform to the plans designated by the City as Exhibits A-1 through B-5, subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may be made at the discretion of the Planning Manager without an amendment to CUP 2020-07 MOD and SPR 2020-04 MOD. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2020-07 MOD and SPR 2020-04 MOD be filed for review and approval through the applicable City process.
7. Deferrals are not permitted for any condition included herein, unless specifically stated otherwise and/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 2020-07 MOD and SPR 2020-04 MOD is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

PLANNING DEPARTMENT

General

11. Approval of this application shall be considered null and void in the event of failure by the applicant and/or the authorized representative to disclose and delineate all facts and information relating to the subject property and proposed uses.

12. CUP 2020-07 MOD and SPR 2020-04 MOD 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, building, or other applicable permits.
13. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation. Such conditions that constitute such violation include, but are not limited to:
 - The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
 - The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
 - The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.
14. Project site shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
15. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2020-07 MOD and SPR 2020-04 MOD Conditions of Approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion, occupancy permit and/or issuance of a business license.
16. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
17. The property owner, operator and/or manager shall operate in a manner that does not generate excessive noise, odor, blight or vibration that is demonstrated to adversely affect adjacent properties.
18. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.
19. The applicant shall comply with all mitigation measures identified in the Initial Study/Mitigated Negative Declaration (ENV 2021-38), dated February 2022.

Lighting

20. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits.

All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.

21. The project proponent shall contact the City Engineer when all site lighting is operational. Additional light screening may be required to ensure compliance with City standards and conditions of approval.

Landscaping

22. 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.
23. 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 2020-07 MOD and SPR 2020-04 MOD.
24. 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.
25. Street trees shall be provided in accordance with City standards along the Pecan Avenue frontage and shall be consistent with the City's Street Master Tree List, as determined by the City.
26. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

Parking and Loading

27. A minimum of 40 parking spaces and 9 loading zones shall be provided on-site. The required number of ADA compliant parking spaces shall be provided in accordance with the Building Code.

28. 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.
29. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet except that up to 25% of the required parking spaces may be designated for compact car use.
30. 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.
31. 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

32. Prior to the issuance of building permits the location of all existing and planned trash enclosures shall be shown on the site plan. All new trash enclosures shall be constructed in accordance with City standards and applicable requirements of the waste provider. Any existing trash enclosures shall meet the applicable standards regarding trash facilities or be modified to do so.
33. All exterior trash facilities should be fully enclosed on all sides by either some type of wall or opaque structure congruent with the massing and design of the principle building.
34. All enclosures must be at least five feet-eight inches (5'8") in height and rise a minimum of six (6) inches above the height of any collector placed within structure.
35. Trash containers/enclosures should not be placed within the public right of way or driveways in such a way that they may potentially cause traffic hazards.
36. Plans for trash enclosure should be drawn to scale and submitted for review.

Signage

37. 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.
38. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.

Building and Site Aesthetics

39. The construction of all buildings approved as part of CUP 2020-07 MOD and SPR 2020-04 MOD shall be in close conformance with Exhibits B-1 through B-5, as reviewed and approved by the Commission.
40. The construction of buildings approved as part of CUP 2020-07 MOD and SPR 2020-04 MOD 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 Manager.

41. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
42. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers. Any electrical/mechanical equipment located outside of the building shall be screened with landscaping and must be approved by the Planning Manager.
43. Roof access ladders shall be located within the interior of the building.
44. 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.
45. All rooftop ducts and vents should be directed away from the public street/sidewalk to minimize their appearance, visibility, and noise pollution.

BUILDING DEPARTMENT

46. 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
47. 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

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

50. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
51. Civil plans shall be submitted to the Engineering Division per plan submittal procedures.
52. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
53. The improvement plans for the project shall include the most recent version of the City's General Notes.
54. Improvements constructed within the City right-of-way require issuance of an Encroachment Permit.
55. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Deferral of Public Improvement Construction Requirements

56. Consistent with City standards, the repurposing and/or redevelopment of the site will require the construction and installation of public improvements along the frontage of the subject parcel(s). Depending on project details, Staff supports the deferral of certain public improvements in order to facilitate early occupancy and utilization of the site. The improvements for which deferral may be supported are specifically noted within the specific conditions below.

A formal deferral agreement between the City (City Council) and the developer is required to allow the deferral. The terms of that agreement would specify that failure to complete said improvements within the identified time frame of 10 years will result in a lien being placed upon the property. Additionally, a hearing may be scheduled that would result in the revocation of the approvals allowing the business to operate.

Scope of Frontage Improvements

57. The use under consideration involves two properties, with the westerly property (APN 009-350-031) currently being utilized for a temporary storm drainage basin. The developer has requested that frontage improvements be limited to the area along the easterly most parcel (APN 009-350-032). Frontage improvements will be limited to APN 009-350-032 until either of the two events noted below occur, which will trigger frontage improvements for APN 009-350-31:
 - a) When/if the City makes application and receives EDA or other grant funding to make frontage improvements to facilitate industrial development, including the proposed use.
 - b) When/if the area currently utilized for a temporary storm drainage basin is converted for productive use as part of the operation on the easterly parcel or it is otherwise developed.

Streets

58. The north side of Pecan Avenue along the project frontage shall be improved to a 100-foot arterial street per City of Madera Standard ST-5, with a 16-foot landscaped median island, two 12-foot eastbound lanes, sidewalk, curb and gutter within two years of occupancy. Adequate transition with the existing improvements relative to grade and alignment shall be provided in

accordance with plans approved by the City Engineer. The median island and west bound center lane (28-feet total) are eligible for reimbursement through the City's Impact Fee program, subject to availability of funds. *[Landscaping and sidewalks improvements are eligible for deferral.]*

59. The developer shall install a traffic signal pole at the intersection of Pecan Avenue and Granada Drive at its ultimate location. This improvement would occur with frontage improvements on westerly parcel. *[This improvement is eligible for deferral.]*
60. The developer shall dedicate a ten (10) foot Public Utilities Easement (PUE) on Pecan Avenue along the entire project frontage.
61. "No Parking" signs shall be installed adjacent to Pecan Avenue along the entire project frontage.
62. Any on-site improvements, including those to the westerly most parcel (APN 009-350-031), shall be located outside the ultimate right-of-way and the required 10-foot PUE. The ultimate right-of-way along Pecan Avenue shall be determined in coordination with the City Engineer and shall account for future anticipated improvements to the Pecan Avenue and Granada Drive intersection, which shall accommodate dual left turn lanes on all approaches.
63. The developer shall install street lights along the Pecan Avenue frontage in accordance with current City spacing standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards. *[This improvement is eligible for deferral.]*
64. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. *[This improvement is eligible for deferral.]*
65. Developer shall be a proponent of annexing 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. The developer shall sign and submit a landscape district formation and inclusion form, an engineer's report and map prior to final inspection.

Driveway

66. Driveway access along the project frontage(s), including existing driveways, is prohibited except where specifically permitted by the City Engineer.
67. One "right-in-right-out" driveway is allowed at the easterly edge of the subject property. Driveway approach shall be constructed as a street type entrance with a minimum face of curb radius of 25 feet.
68. The easterly edge driveway will need to allow for common or reciprocal access with the property to the east. Such reciprocal access would only be granted/provided at the same time that the property to the east participates equally in development of a common access driveway.

Water

69. 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.
70. A separate water meter and backflow prevention device will be required for landscape area.
71. Fire hydrants shall be installed along Pecan Avenue frontage in accordance with City standards.
72. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
73. Developer shall reimburse its fair share cost to the city for previously constructed water main along the entire project frontage.
74. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.

Sewer

75. New or existing sewer service connection(s) shall have sewer cleanout constructed per current City standards.
76. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
77. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
78. Sewer main connections 6" and larger in diameter shall require manhole installation in accordance with City standards.
79. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.

Storm Drainage

80. Storm runoff from this project site is planned to go to future Master Plan Basin P11 located to the south of the proposed project. In-lieu of purchase of property and construction of master plan Basin P11, an on-site temporary basin may be allowed. Use of an on-site temporary basin shall require a Drainage Basin Covenant.
81. Developer will need to prepare a drainage study to determine how site and street frontage runoff will be incorporated into master planned facilities. A preliminary evaluation, to be confirmed by Developer's study, suggests the following probable improvements:
 - a) Easterly property frontage: Surface drainage probable, no storm drainage pipe is likely to be required other than to intercept runoff from the widened Pecan Avenue.
 - b) Westerly property frontage: Installation of 18" storm drainage pipe and appropriate drainage inlets that would be installed with the intent of connecting into Basin P11 to the south of the project. Street runoff would temporarily be directed into the on-site temporary basin.

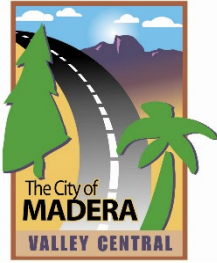
82. All storm drain facilities shall be installed in accordance with City Standards and as directed by City Engineer. Gutter runoff shall not exceed gutter capacity as specified in the current Master Plan. *[Storm Drainage Pipe installation is eligible for deferral.]*
83. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

FIRE DEPARTMENT

84. 2A10BC-rated fire extinguishers shall be required for each 3,000 square feet of floor area and within 75 feet of travel distance of all portions of the building.
85. A Knox Box must be provided for access. The location of the Knox Box shall be subject to the approval of the Fire Department prior to the issuance of building permits.
86. Installation of fire sprinklers and a fire alarm system shall be required.
87. Fire lanes shall be posted.
88. All building construction and site development features, including high-pile storage, will be evaluated for compliance with applicable codes at time of plan check. Additional information, as determined by the Fire Marshal, may be required in order to clarify project details or support conformance with code provisions. The project's architect or engineer shall consult with the Fire Marshal in advance of submittal for building permit plan check to determine any required additional information.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD)

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



REPORT TO PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: March 8, 2022

Agenda Item: 3

SUBJECT:

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

RECOMMENDATION:

Conduct a public hearing and adopt a resolution recommending Planning Commission approve Site Plan Review 2021-41 (SPR 2021-41), subject to conditions of approval, and Mitigated Negative Declaration prepared as detailed in Environmental Assessment 2021-61 (ENV 2021-61), subject to mitigation measures (Amound World Cold Storage Warehouse Project)

PROPOSAL:

An application to develop a vacant 15.6-acre parcel with construction of a cold storage warehouse of 253,947 square feet (sf) with site improvements including on-site parking, landscaping, stormwater treatment, trash enclosure and extension of the public right of way, Condor Drive north from Aviation Drive up to and along the entire western property frontage.

Table 1: Project Overview	
<i>Project Number:</i>	Site Plan Review (SPR) 2021-41 and Environmental Assessment ENV 2021-61
<i>Applicant:</i>	Rex Ramsey - VR Design Inc
<i>Property Owner:</i>	Adam Hayner - Origo Madera Cold, LLC
<i>Location:</i>	Existing vacant parcel north of Aviation Drive and west of Golden State Blvd.
<i>Project Area:</i>	15.6-acres, for a 253,947-sf building
<i>Plan Land Use:</i>	I (Industrial)
<i>Zoning District:</i>	I (Industrial)
<i>Site Characteristics</i>	The site is generally level over the entirety of the site, disced for vegetation management and was formerly agricultural land. The existing biotic condition is ruderal, composed of herbaceous vegetation, with no shrubs or trees present on the site, but large mature trees exist in limited areas along neighboring property lines in the vicinity. Aviation Drive, a single-lane east-west Collector runs along the south of neighboring parcels to the south of the project site.

	The proposed extension to Condor Drive will create a new public right of way to access the project site. The right of way will be developed at a width of 48' along the length of the property frontage narrowing to 24' at the neighboring parcels to the south and expanding back to 42' at the intersection with Aviation Drive.
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SUMMARY:

Construction of a 253,947-sf cold storage warehouse with employee office, shipping office, attached annex building, trash enclosure, on-site parking, loading, site landscaping, stormwater treatment, site fencing, and truck docks is consistent with the General Plan land use and Zoning District. Off-site improvements include a new right of way from Aviation Drive, terminating at the northerly property boundary with curb, gutter, installation/extension of public utilities, and other requirements to meet City right of way standards. The site will have two access/egress points at the south and north onto Condor Drive. The card access entry gate will provide for site security. Proposed onsite parking consists of surface level stalls for standard vehicles, industrial sized loading stalls for trucks, trailers, and additional Madera Municipal Code (MMC) required loading stalls.

SURROUNDING LAND USES:

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

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

ANALYSIS:

The MMC establishes procedures for the review and approval of Site Plan Reviews (Section 10-3.4). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the I (Industrial) zoning districts (Table 2). The proposal is consistent with the Zoning District Standards, General Plan including community design, land use, circulation, infrastructure goals and Specific Plan number one.

Table 3: Zone District Development Standards		
<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
Street setback (minimum)	No minimum	0-170 ft. (landscape buffer) 260 and 210 ft (fence) 230 ft. (main building)

Rear and side setback	No minimum	60 ft. north 170 ft. south 200 ft. west
Building height	65 ft.	34 ft.
FAR	0.8 max	0.6
Parking Stalls	26 Vehicle Stalls 2 Accessible Stalls 14 Loading Stalls	26 Vehicle Stalls 2 Accessible Stalls 14 Loading Stalls

Circulation and Parking

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

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

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

Section 10-3.1207 (L) Loading spaces:

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

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

Site Plan and Elevations

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

Building Architecture

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

- Development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high-quality design principles, including:
- Offices and enclosed structures oriented toward street frontages.

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

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

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

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

Landscaping

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

Signage

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

Tenant Occupancy Limitations

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

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

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with CEQA. The City has prepared an initial study and determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Initial Study/Mitigated Negative Declaration (IS/MND) was published for a 21-day review and comment period commencing on February 12, 2022 and ending on March 7, 2022.

RECOMMENDED ACTION:

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

1. Adopt a resolution adopting a Mitigated Negative Declaration for the project and approving SPR 2021-41 as conditioned (Motion 1).
2. Move to adopt a resolution of the Planning Commission adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving Site Plan Review 2021-41, based on and subject to the findings and conditions of approval as follows:

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

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

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

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

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

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

The project (SPR 2021-41) will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for curb, gutter, storm

drainage, utilities and other related street infrastructure in conformance with City standards. The project site has access to Aviation Drive via the proposed Condor Drive street improvement, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

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

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the April 12, 2022, Commission meeting with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)
2. Move to continue the application for SPR 2021-41 to the April 12, 2022, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Site Plan
6. Elevations
7. Landscape Plan
8. Planning Commission Resolution for SPR 2021-41
9. Initial Study/ Mitigated Negative Declaration (IS/MND) for SPR 2021-41

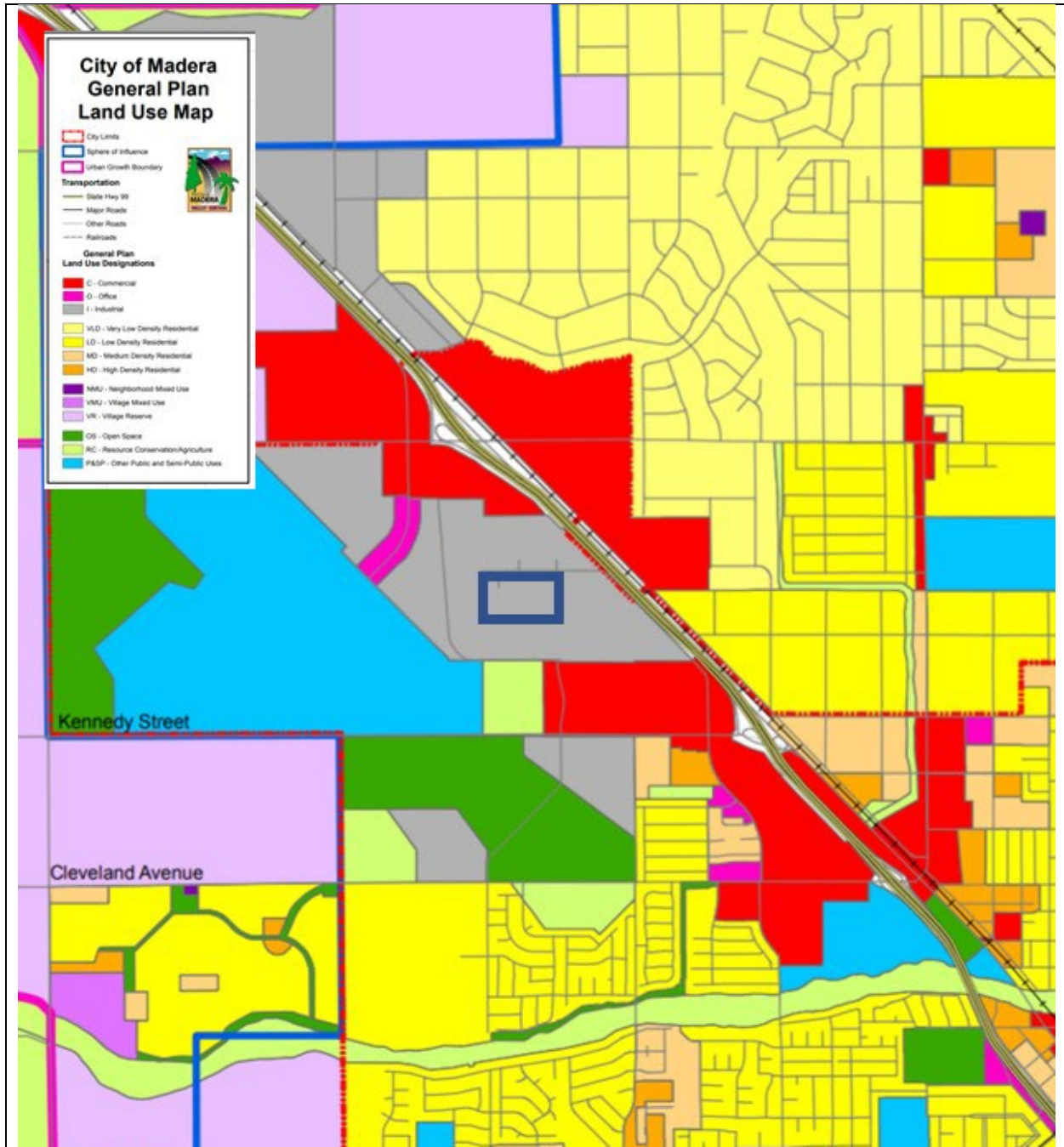
Attachment 1: Vicinity Map



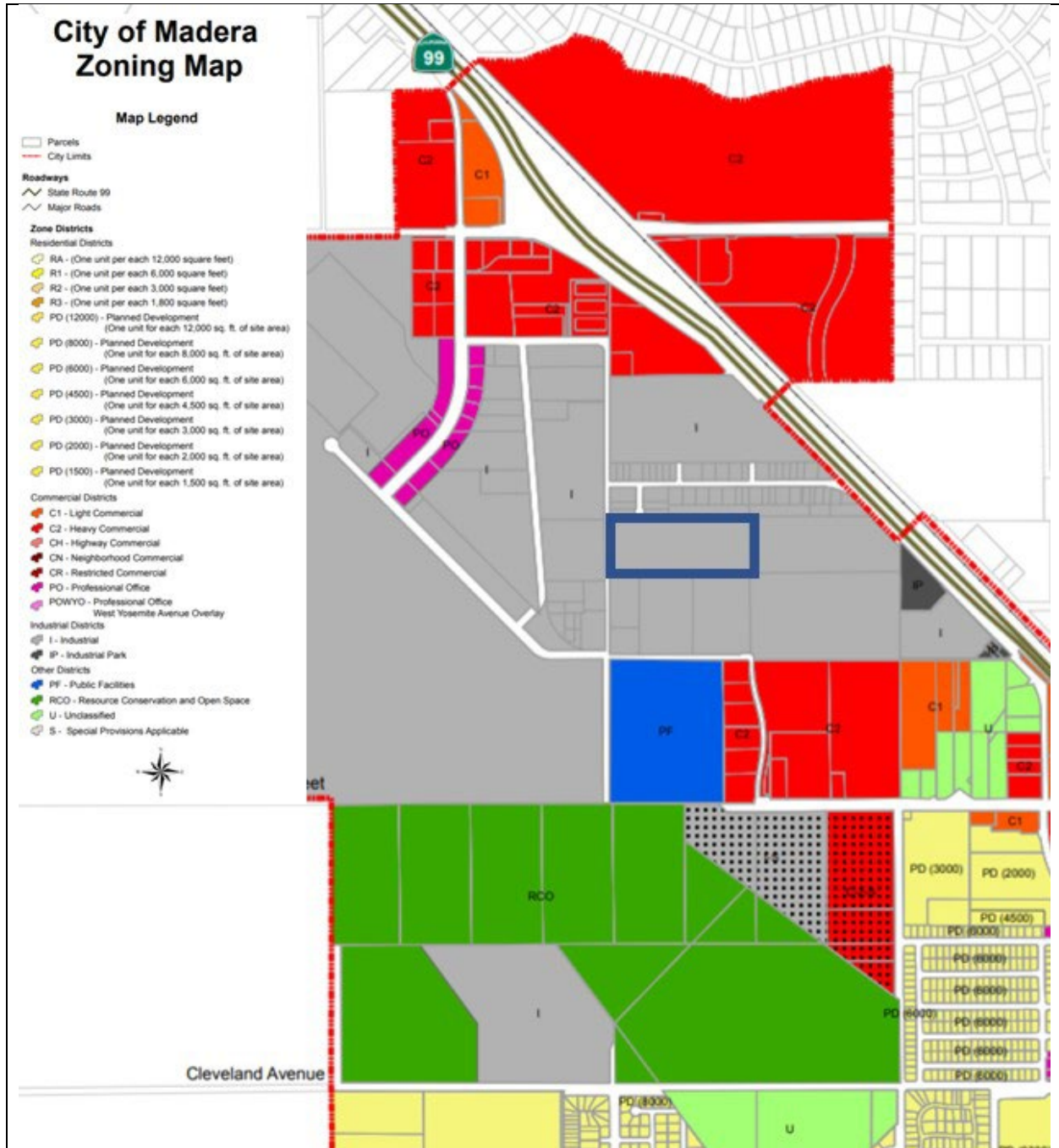
Attachment 2: Aerial Photo



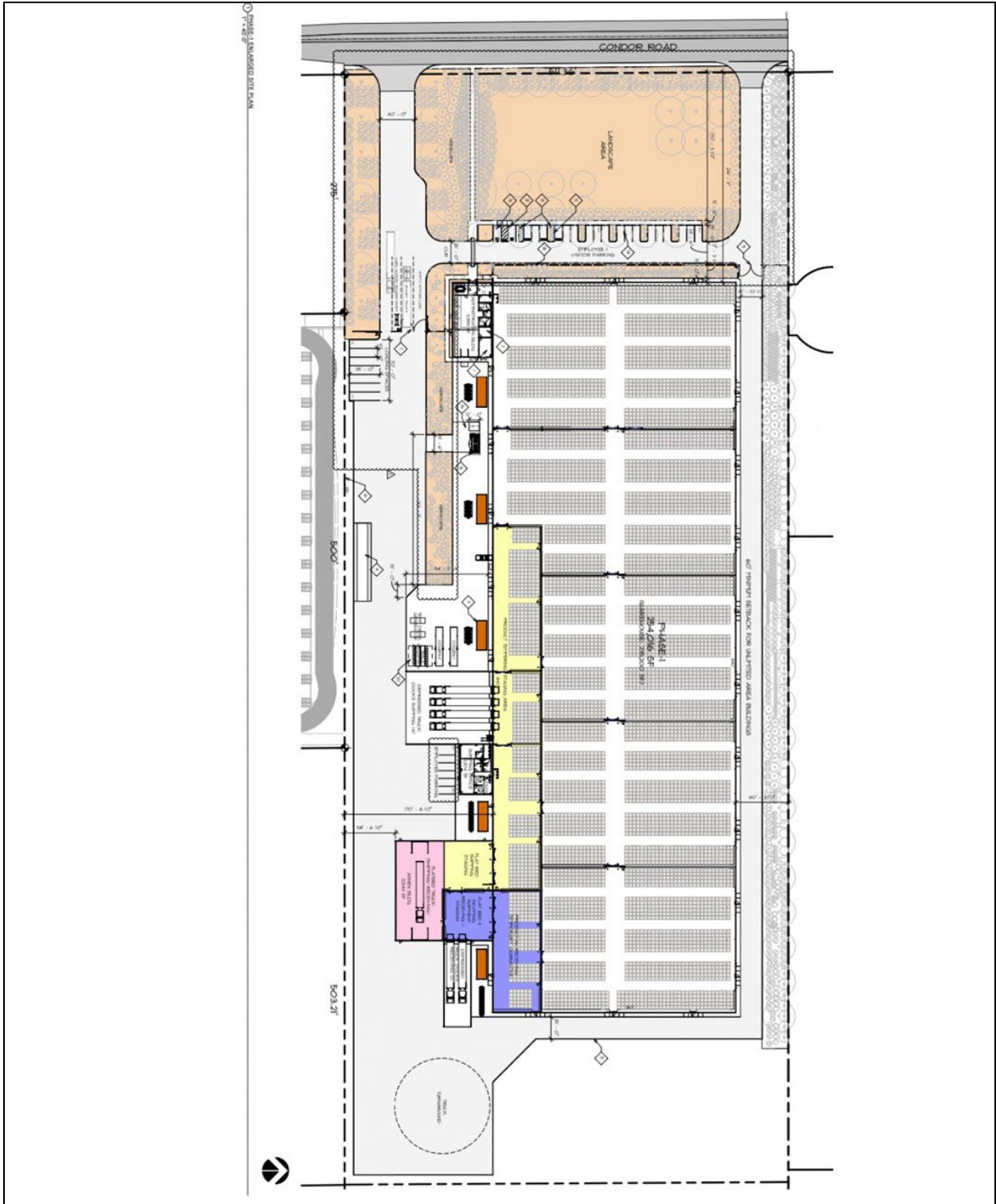
Attachment 3: General Plan Land Use Map



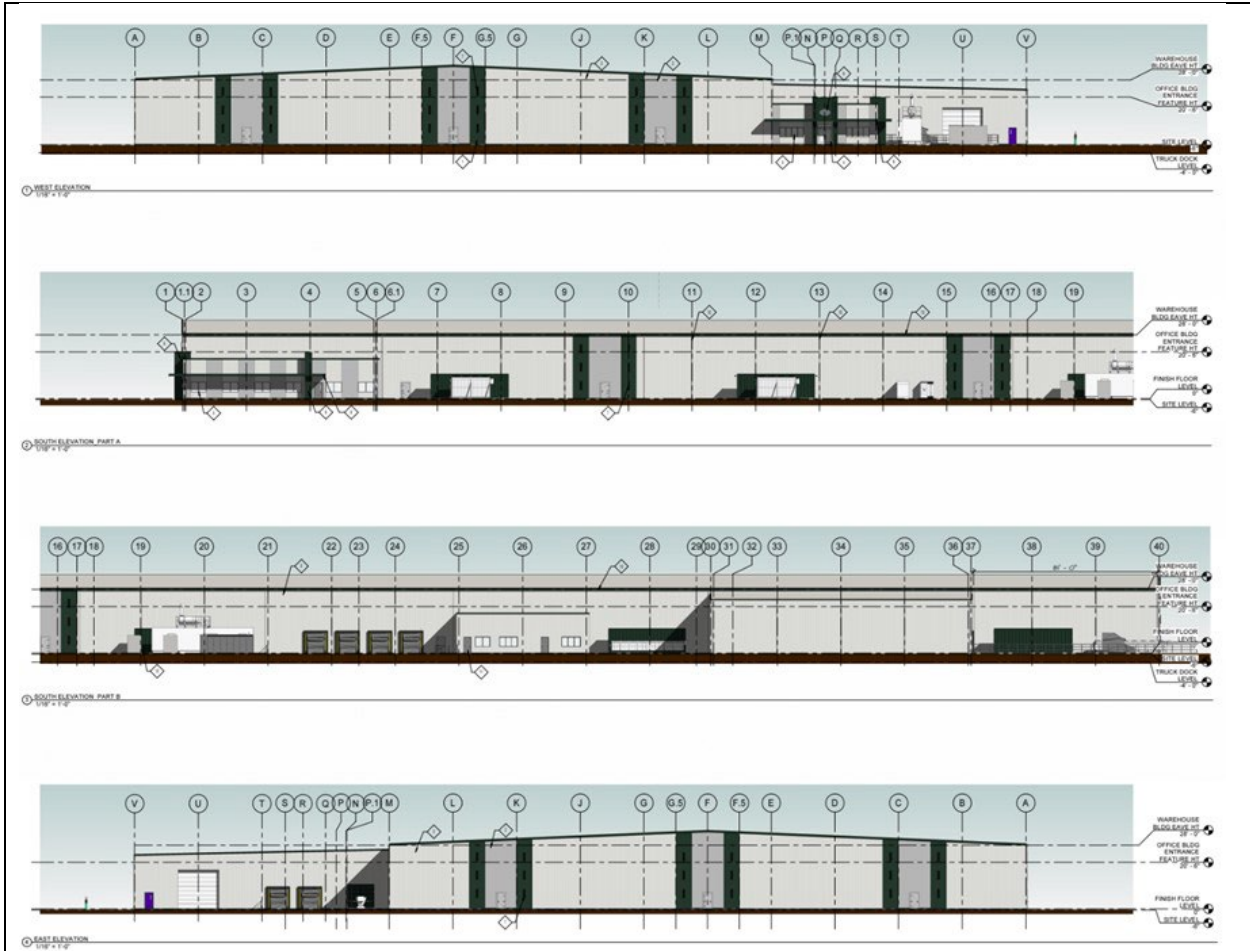
Attachment 4: Zoning Map



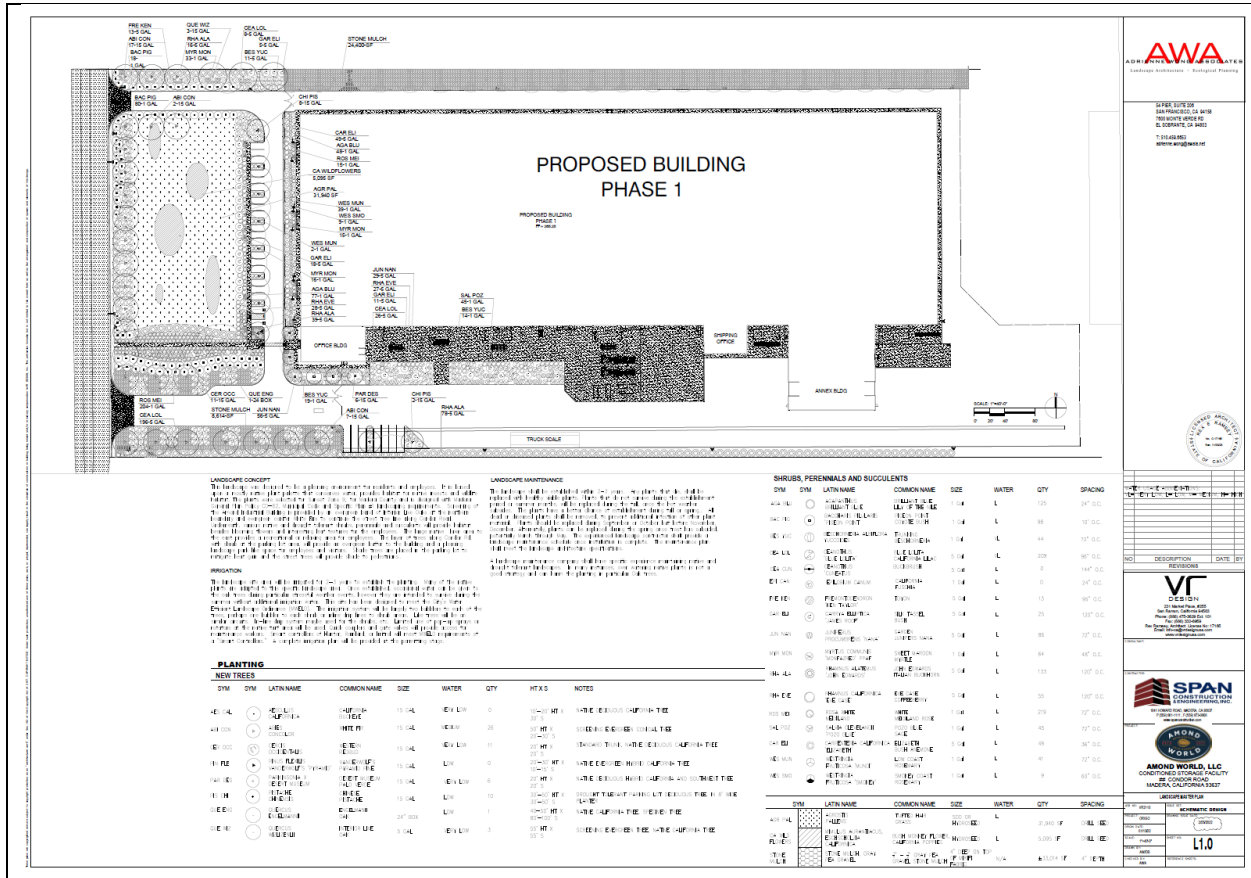
Attachment 5: Site Plan



Attachment 6: Elevations



Attachment 7: Landscape Plan



Attachment 8: Resolution

RESOLUTION NO. 1905

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

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

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

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

WHEREAS, Environmental Assessment 2021-61 (ENV 2021-61), which includes an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program, has been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

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

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

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

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

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

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds an environmental assessment initial study and mitigation monitoring and reporting program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested

organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA. As such, the Planning Commission adopts a Mitigated Negative Declaration (ENV 2021-61) and the mitigation monitoring and reporting program for the project.

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

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

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

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

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

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

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

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

The project (SPR 2021-41) will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for curb, gutter, storm drainage, utilities and other related street infrastructure in conformance with City

standards. The project site has access to Aviation Drive via the proposed Condor Dr. street improvement, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

4. Approval of SPR 2021-41: Given that all findings can be made, the Planning Commission hereby approves SPR 2021-41 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Arnoldo Rodriguez, AICP
City Manager

Exhibit "A" – Conditions of Approval for SPR 2021-41
Exhibit "B" – Mitigation Monitoring and Reporting Program for ENV 2021-61

EXHIBIT "A"
SPR 2021-41 AND ENV 2021-61 AMOND WORLD COLD STORAGE WAREHOUSE PROJECT
CONDITIONS OF APPROVAL AND MITIGATION MONITORING AND REPORTING PROGRAM
March 8, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for SPR 2021-41 (Amond World Cold Storage Warehouse Project) will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10)

days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of APN 013-200-005 that are being developed under SPR 2021-41 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2021-41.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. SPR 2021-41 will expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan review or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Deferrals are not permitted for any condition included herein, unless otherwise stated.
7. Development of the project shall conform to the plans designated by the City including those submitted and dated 02.23.2022 and comprising 29 pages (including L 1.0 received 2/25/2022), subject to the conditions noted herein. Minor modifications to the approved Site Plan Review 2021-41 Improvement Plans necessary to meet regulatory, engineering or similar constraints may at a minimum be made at the discretion and approval of the Planning Manager. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2021-41 be filed for review and approval through the applicable City process.
8. Any proposed modifications to the approved site plan and elevations of SPR 2021-41, including but not limited to building exteriors, access drive locations, parking/loading areas, fence/walls, lighting, new buildings, landscaping or use of the site shall require an amendment (modification) to SPR 2021-41 as specified in the MMC.

9. Site Plan Review 2021-41 approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading, encroachment, or building permits.
10. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
11. It shall be the responsibility of the applicant, property owner and/or successor-in-interest to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
12. The applicant, property owner and/or successors-in-interest shall comply with all federal, State and local laws. Material violation of any applicable laws concerning the use of subject site will be cause for revocation of SPR 2021-41.
13. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").

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

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

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

PLANNING DEPARTMENT

General Conditions

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

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

Building Architecture, Materials and Colors

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

Parking

28. Parking areas shall be constructed according to the conditionally approved site plan. Any deviation from the conditionally approved site plan shall be evaluated by the Planning Manager to determine the need for modification to the site plan. Flow through planters shall be incorporated to all landscape parking areas.
29. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
30. Parking areas shall be constructed in accordance with City of Madera Standard E-4, have a width of not less than nine (9) feet and a length of not less than nineteen (19) feet except that up to 25 percent of the required parking spaces may be designated for compact car use.
31. No wheel stops shall be incorporated into the parking field/parking space layout except to allow for the protection of plantings, buildings, structures, trees, etc. In no case, will any parking space incorporate a wheel stop to provide for less than a nine (9) foot by nineteen (19) foot dimension parking space.
32. No overnight outdoor storage of materials or equipment shall be permitted. Parking of vehicles in parking lot shall be limited to seventy-two (72) consecutive hours. Storage or parking of inoperative vehicles in the parking lot shall be prohibited.
33. The site's parking area shall not be used for alternative uses other than parking of vehicles.
34. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.

Trash Enclosures

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

Fencing

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

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

Landscaping

41. Landscaping shall be installed in accordance with the submitted landscape sheets L1.0, showing landscaping on the south and west property lines, subject to final approval by the Planning Manager prior to issuance of building permits.
42. The Landscaping plan shall include a landscaped 10' berm along the eastern property line, subject to final approval by the Planning Manager prior to issuance of building permits.
43. The Landscaping plan shall include a landscaping along the northern property line, subject to final approval by the Planning Manager prior to issuance of building permits.
44. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
- a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
 - c) Provide vegetative matter coverage of a minimum of seventy five percent (75%) of all landscaped areas;
 - d) Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be established to the satisfaction of the planning Manager after five (5) years or shall be enhanced or replaced subject to the above condition for a further five (5) year period of establishment or to the Planning Managers satisfaction;
 - e) Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and
 - f) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as tree staking, soil preparation techniques for all landscaped areas.
 - g) Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.

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

Signage

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

ENGINEERING

General Conditions

53. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
54. Impact fees shall be paid at time of building permit issuance.
55. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
56. Improvement plans shall be signed and sealed by an engineer and submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist 'Fire sprinklers'

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

Water

61. The developer shall confirm the existence of a 12-inch water main along Condor Road from Aviation Drive to Yeager Drive from which water service connections can be made. Should it be determined that said water line does not exist, the developer shall install water line between Aviation Drive and Yeager Drive.
62. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. Each parcel shall have a separate water service.
63. A separate water meter and backflow prevention device will be required for landscape areas.
64. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
65. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

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

Storm Drain

71. Storm runoff from this project is planned to go to the Airport Basin located south of this project. Runoff volume calculations shall be provided, and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin. Dirt shall be stockpiled in a location

designated by the Madera Irrigation District (MID). MID shall be contacted prior to contractor securing permission to enter basin. Water runoff from the site must be cleaned prior to entering the existing City owned storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.

72. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
73. The developer shall verify whether the storm drain outlet to the west of the proposed project parcel will need to be addressed in regard to cleaning runoff prior to entering the outlet to the satisfaction of MID.
74. Developer shall construct a 48-inch storm drain pipeline from Aviation Drive to the southern project property line and a 42-inch pipeline along the property frontage to the northern property line in Condor Road in accordance with the City's Storm Drainage Master Plan. The construction of this line is considered 100% reimbursable, subject to the availability of funds, under the City's Development Impact Fee Program.
75. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall be subject to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition relative to retention or treatment of storm water. This portion of this condition with regard to post development runoff volume shall be satisfied subject to the Madera Irrigation District acceptance of increased in runoff volume.

Streets

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

80. A permanent curb return shall be constructed on the east half of Condor Road at the intersection of Condor Road and Aviation Drive in its ultimate location in accordance with City and ADA Standards.
81. Curb access ramps shall be constructed at all curb returns in accordance with current City and ADA standards.
82. All proposed drive approaches on Condor Road shall be constructed to street-type entrances in accordance with City and ADA standards with minimum face of curb radii of 15 feet and maximum width of 40 feet to accommodate truck turn movements into the site without impacting egress.
83. The driveway approach shall have a minimum throat length of thirty (30) feet from face of curb. The throat length shall be justified based on anticipated operation of the facility and the ability to ensure vehicle queues do not extend into the public right-of-way.
84. The developer shall confirm adequate sight distance is provided for vehicles exiting Condor Road at Aviation Drive and provide any necessary mitigation measures if sight distance at this location is insufficient. Mitigation of sight distance concerns may also be addressed through extension of Condor Road north to Yeager Drive. The paved portion of any extension using permanent structural section would be considered reimbursable.
85. "No Parking" signs shall be installed along the Condor Road project frontage in accordance with City standards.
86. The developer shall install streetlights along the Condor Road project frontage in accordance with current City Standards. Streetlights shall be LED using Beta Lighting standards or equivalent in accordance with City of Madera Standards.
87. The developer shall dedicate a Public Utility Easement 10-foot wide along the entire project parcel frontage on Condor Road. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
88. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 1 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
89. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

BUILDING DEPARTMENT

90. Submit five (5) full sets and one (1) full digital set in Portable Document Format (PDF) of plans for review and approval prior to obtaining all required permits for construction of project.
91. A building permit is required for all construction on the site.
92. A business license is required, and a business license inspection shall be conducted prior to operation.
93. State and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be verified at the permit stage and confirmed at final inspection.

FIRE DEPARTMENT

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

AIRPORT LAND USE COMMISSION

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

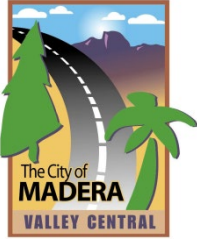
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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

-END OF CONDITIONS-

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

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



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: March 8, 2022

Agenda Item: 4

SUBJECT:

Torres Way General Plan Amendment (GPA 2021-01) and related Negative Declaration (ENV 2021-64)

RECOMMENDATION:

Conduct a public hearing and adopt a resolution recommending the City Council adopt a resolution adopting the Negative Declaration for the project (ENV 2021-64) pursuant to the California Environmental Quality Act (CEQA) and amending the General Plan land use designate at the West side of Torres Way from LD (Low Density) to HD (High Density) General Plan land use designation consistent with the existing R-3 (High Density) zoning district (GPA 2021-01).

PROPOSAL:

An application for General Plan Amendment, to amend the General Plan Land Use designation from LD (Low Density) residential to HD (High Density) residential. No development is proposed for the 1.18-acre site as part of this proposal.

Table 1: Project Overview	
<i>Project Number:</i>	General Plan Amendment (GPA) 2021-01
<i>Applicant:</i>	Alfredo Martinez
<i>Property Owner:</i>	Mario Nava
<i>Location:</i>	West side of Torres Way between West Lincoln Avenue and West South Street
<i>Project Area:</i>	1.18 acres, 51,400 square feet
<i>Plan Land Use:</i>	LD (Low Density Residential)
<i>Zoning District:</i>	R3 (High Density)
<i>Site Characteristics</i>	The project site is vacant with surrounding parcels predominantly developed with single family and multifamily residences to the north, south and east. To the west of the site is a large overflow parking area associated with Madera 2, a drive-in movie theatre. A small number of surrounding sites are undeveloped. Street frontage improvements vary between parcels, with some parcel frontages undeveloped and others including curb, gutter, and sidewalk.

SUMMARY:

The proposed GPA will bring consistency with the current R3 (High Density) zoning district. Should the GPA be adopted, the applicant intends to develop one lot with a duplex residential unit consistent with the R3 zoning standards; however, the City has not received an entitlement for development.

It is noted that the Madera Municipal Code (MMC) allows single family dwellings and duplex dwellings to be reviewed ministerially as part of the building permit application. The duplex is anticipated to provide compatible single-family residences surrounding the site. The GPA is compatible with surrounding land uses and the project site is consistent with the Zoning Ordinance, General Plan and other applicable City plans and policies.

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>	Single family residential	Low Density	R3 – High Density
<i>East</i>	Single family residential	Low Density	R1 - Low Density
<i>South</i>	Vacant lot with single family residential beyond	Low Density	C1 – Commercial
<i>West</i>	Parking lot associated with drive-in movie theater	High Density	R3 – High Density

ANALYSIS:

The MMC establishes procedures for the review and approval of GPA’s (Section 10-3.1501). Additional development standards exist in the MMC, such as parking, setback, height, etc. should physical development come forward on the site if the GPA is adopted. In addition to the MMC, the City’s General Plan includes community design, land use, circulation and infrastructure goals and policies specific to development within the City. The GPA is supported by policies within the Housing Element which include Policy H-1.1; Policy H-1.2; Policy H-1.3; and Policy H-3.2, discussed below in more detail.

Project proposal

The project proposes a GPA from LD (Low Density) residential to HD (High Density) residential land use designation. This will make the existing R3 (High Density) residential zoning district consistent with the General Plan as amended.

The General Plan in Chapter 8 ‘Land Use Element’ identifies low density residential as:

“...residential development at a density of 2.1 to 7 units per acre, with a target density of 5.25 units per acre. The Low Density Residential category represents the traditional single-family neighborhood with a majority of single-family detached homes. This is the predominant land use category of the City’s residential areas. ”

High density residential is identified as:

“...residential development at a range of 15.2 To 50 units per acre, with a target density of 22.5 units per acre. High density residential is the most urban residential category available. The predominant style of development is larger apartment and condominium complexes. Vertical

mixed-use projects with residential use are typically developed in the high-density category. Parking for these facilities is often provided in traditional surface lots located around the complex, although at higher densities parking may be in a parking structure or underground. This designation is intended to be applied to lands within walking distance of existing or planned shopping districts, and in Village Centers”

General Plan Amendment

The proposed project would be consistent with the General Plan as it recognizes the natural evolution of land uses over time. The General Plan currently designates the project site as LD (Low Density) residential land use. The low-density designation provides for residential development at a density of 2.1 to 7 units per acre, with this category representing the traditional single-family neighborhood. The R3 zone allows for a greater number of residential units. The R3 zoning district allows for residential development at a ratio of one unit for every 1,800 square feet of site area. This amendment would promote the goals, policies, and objectives of the General Plan for the following reasons:

- Policy H-1.1: The City shall ensure continued availability of suitable sites for construction of a variety of housing.
- Policy H-1.2: The City shall promote infill development and reuse of underutilized parcels, consistent with maintaining or enhancing the positive qualities of the surrounding neighborhoods.
- Policy H-1.3: Where appropriate, the City shall encourage developers/builders to develop their projects at the maximum density allowed under the General Plan land use designations and zoning provisions.
- Policy H-3.2: The City shall work to improve housing availability and conditions of lower- income households.

The proposed GPA adapts to changing needs to ensure continued availability of housing sites, promoting infill development, maximizing density and improving housing availability. The GPA promotes the fulfillment of these policy objectives.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with CEQA. The City has prepared an initial study and determined that the project could not have a significant effect on the environment, and that a Negative Declaration is appropriate for this project. The Initial Study/Negative Declaration (IS/ND) was published for a 21-day review and comment period commencing on February 10, 2022 and ending on March 4, 2022. No comments have been received as of the date of this report.

RECOMMENDED ACTION:

Conduct a public hearing and make the necessary findings to:

1. Adopt a resolution recommending the City Council adopt a resolution adopting the Negative Declaration for the project (ENV 2021-64) pursuant to the California Environmental Quality Act (CEQA) and amending the General Plan land use designation at the West side of Torres Way

from LD (Low Density) to HD (High Density) General Plan land use designation consistent with the existing R-3 (High Density) zoning district (GPA 2021-01).

COMMISSION ACTION:

The Commission's recommendation will be forwarded for consideration by the City Council.

ALTERNATIVES:

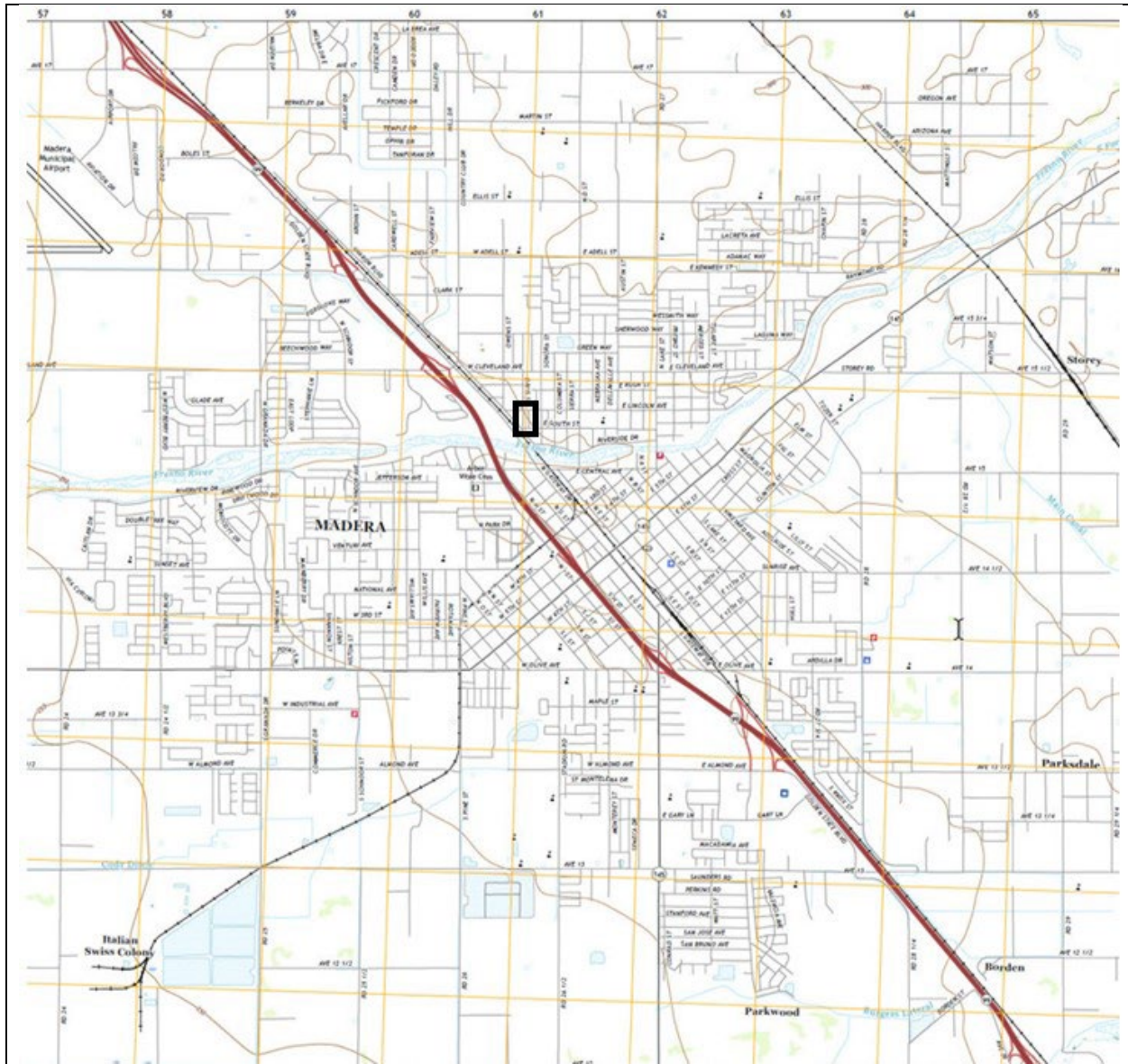
As an alternative, the Commission may elect to:

- Move to continue the public hearing to the April 12, 2022, Commission meeting.
- Move to deny the request, based on the following findings: (specify)

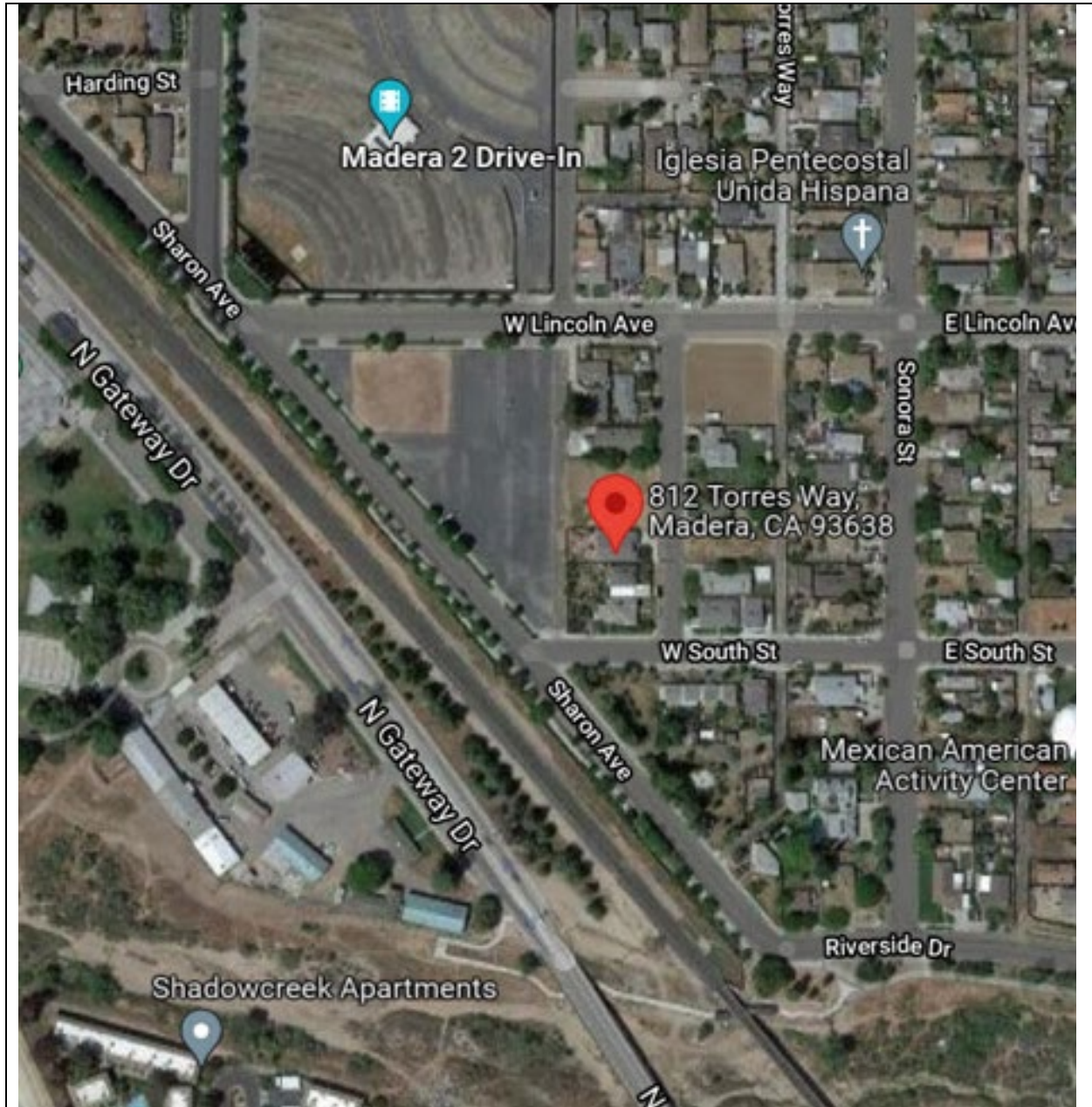
ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map - existing
4. General Plan Land Use Map - proposed
5. Zoning Map
6. Site Plan
7. Resolution
8. Initial Study/Negative Declaration (IS/ND) for SPR 2021-01

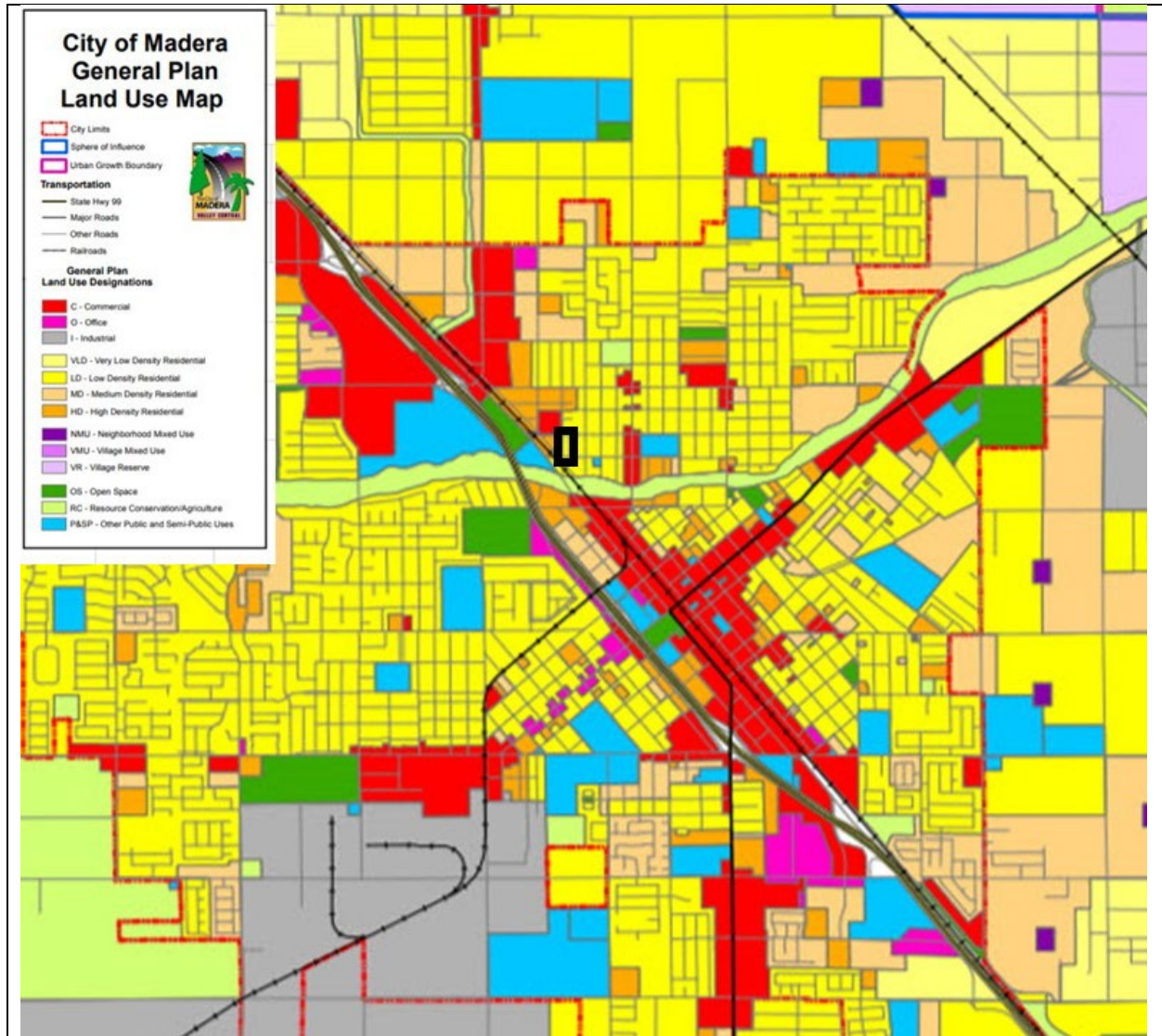
Attachment 1: Vicinity Map



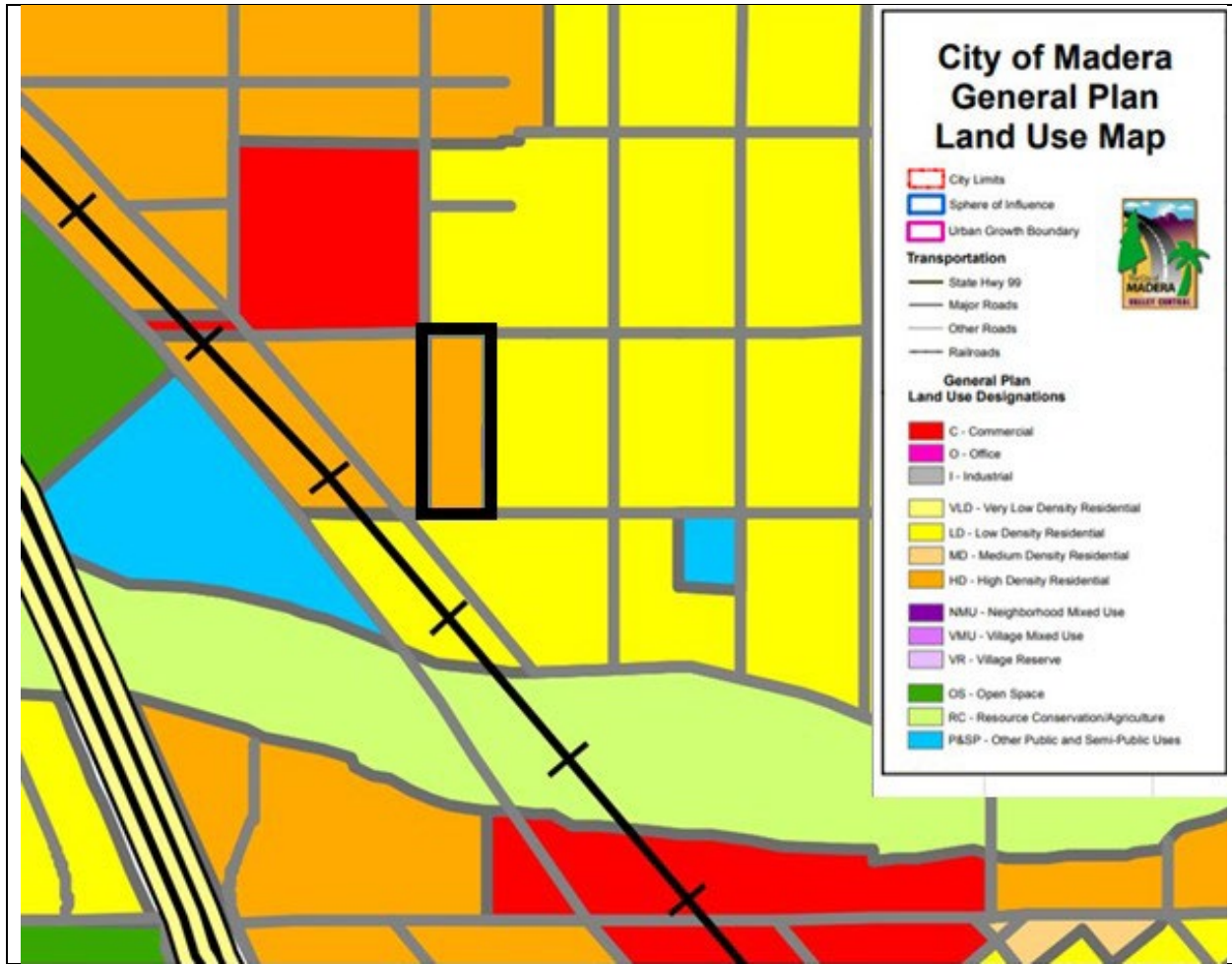
Attachment 2: Aerial Photo



Attachment 3: General Plan Land Use Map - Existing



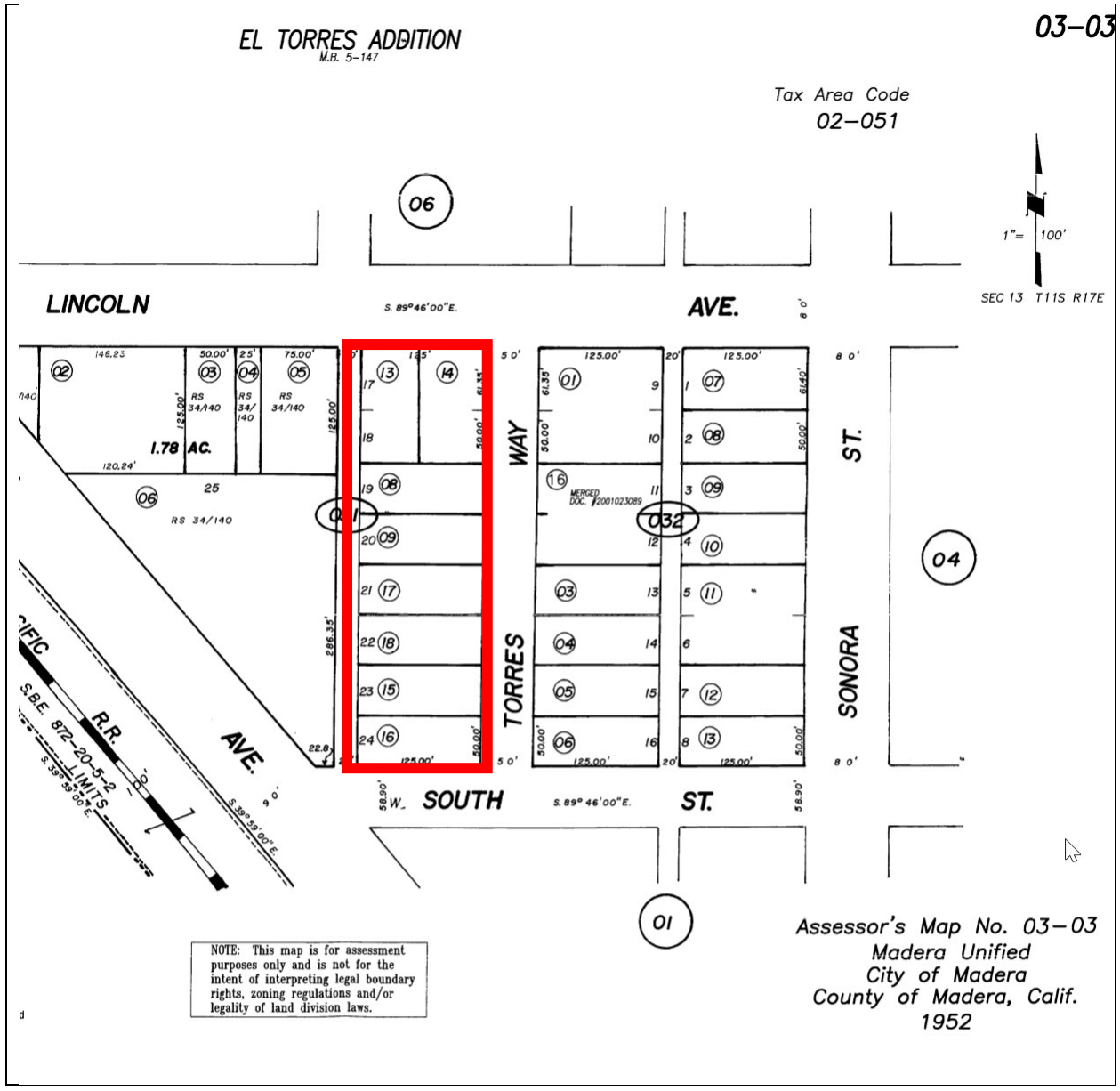
Attachment 4: General Plan Land Use Map - Proposed



Attachment 5: Zoning Map



Attachment 6: Site Plan



Attachment 7: Initial Study/Negative Declaration (IS/ND) for GPA 2021-01

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

Attachment 8: Resolution

RESOLUTION NO. 1906

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION ADOPTING
THE NEGATIVE DECLARATION FOR THE PROJECT (ENV 2021-64)
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AND AMENDING THE GENERAL PLAN LAND USE DESIGNATION AT THE
WEST SIDE OF TORRES WAY FROM LD (LOW DENSITY) TO HD (HIGH
DENSITY) GENERAL PLAN LAND USE DESIGNATION CONSISTENT WITH
THE EXISTING R-3 (HIGH DENSITY) ZONING DISTRICT (GPA 2021-01)**

WHEREAS, State Law requires that local agencies adopt General Plans containing specific mandatory elements; and

WHEREAS, the City of Madera has adopted a Comprehensive General Plan Update and Environmental Impact Report, and the City of Madera is currently in compliance with State mandates relative to Elements of the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various plans; and

WHEREAS, a proposal has been made requesting an amendment to the Madera General Plan amending the land use designation for approximately 1.18 acres of property located on the west side of Torres Way from LD (Low Density) land use designation to HD (High Density) land use designation, as shown in the attached Exhibit A; and

WHEREAS, the proposed General Plan amendment will provide the required consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the proposed General Plan amendment is compatible with the neighborhood and not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the City of Madera, acting as the Lead Agency, prepared an initial study and negative declaration for the project in compliance with the California Environmental Quality Act; and

WHEREAS, the negative declaration, General Plan amendment were distributed for public review and comment to various local agencies and groups, and public notice of this public hearing was given by mailed and published notice, in accordance with the applicable State and Municipal Codes and standard practices; and

WHEREAS, the Planning Commission has completed its review of the Staff Report and documents submitted for the proposed project, evaluated the information contained in the

negative declaration, and considered testimony received as a part of the public hearing process; and

WHEREAS, the Planning Commission now desires to recommend that the City Council adopt ENV 2021-64 and GPA 2021-01.

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 incorporated herein by reference.

2. CEQA and Recommendation of Approval of ENV 2021-64: The Planning Commission finds an environmental assessment initial study was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds there is no substantial evidence in the record that this project may have a significant direct, indirect or cumulative effects on the environment, and that a Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Negative Declaration were timely and properly published and notices as required by CEQA. As such, the Planning Commission recommends that the City Council adopt a Negative Declaration for the project by approving ENV 2021-64.

3. General Plan Findings: The Planning Commission finds that GPA 2021-01 is consistent with the General Plan goals and policies. The Planning Commission further recommends that the City Council find that GPA 2021-01 is consistent with the General Plan goals and policies. The project does not affect the implementation of the General Plan with respect to surrounding properties. The proposed amendment essentially consists of a minor change of General Plan land use designation from low density residential to high density residential. This change will assist in the implementation of the goals, objectives, and policies of the General Plan regarding provision of housing and promote future residential growth. Ensuring viable development would also assist with the implementation of the Housing Element goals and policies in providing opportunity site for necessary housing, including policies and goals H-1.1; Policy H-1.2; Policy H-1.3; and Policy H-3.2. The proposed amendment would support the City's efforts to meet the Regional Housing Need Allocation (RHNA) as directed by the State of California Department of Housing and Community Development and as required by the City's Housing Element of the General Plan. All the planned uses and proposed modifications are consistent with the General Plan policies and objectives and as such the proposed amendment would continue to implement the General Plan policies. Approval of GPA 2021-01 is in the public interest.

4. Public Health, Safety, and Welfare: The Planning Commission finds that approval of GPA 2021-01 is in the best interest of the City, and is not detrimental to public health, safety, or welfare, and recommends that the City Council find the same.

5. Recommendation of Approval of GPA 2021-01: Given all of the findings can be made, the Planning Commission recommends the City Council adopt General Plan Amendment No. 2021-01, as set forth in Exhibit A, which amends the General Plan land use designation for the project site from Low Density to High Density.

6. Effective Date: This resolution is effective immediately.

* * * * *

Passed, approved and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

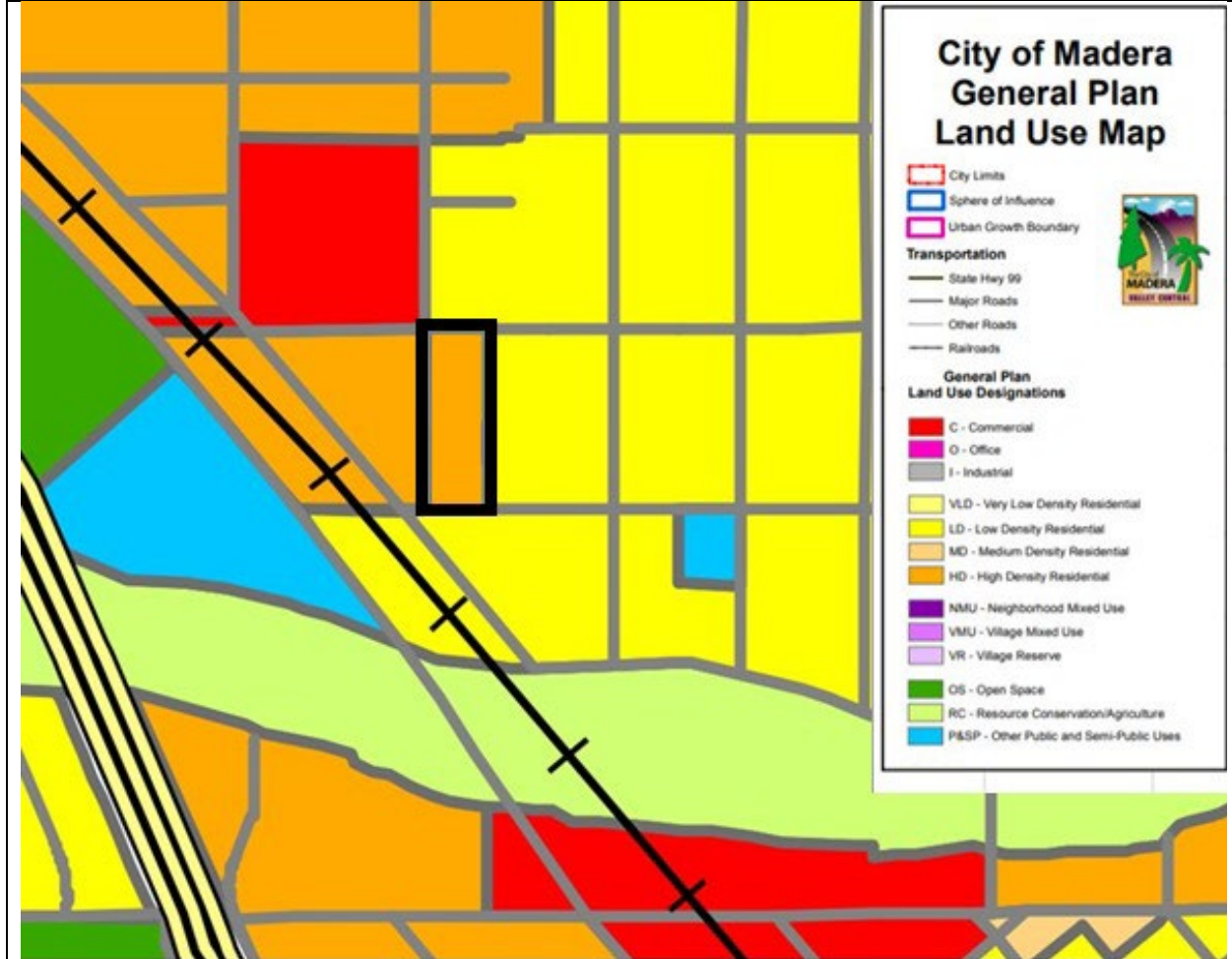
Attest:

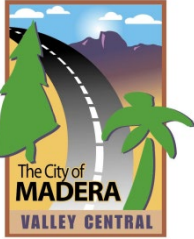
Arnoldo Rodriguez, AICP
City Manager

Exhibit A: General Plan Land Use Map - Proposed

PLANNING COMMISSION RESOLUTION NO. 1906
EXHIBIT 'A'

General Plan Land Use Map - Proposed





REPORT TO THE PLANNING COMMISSION

Prepared by:

Arnoldo Rodriguez, City Manager

Meeting of: March 8, 2022

Agenda Item: 5

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 and Site Plan Review 2021-34, as conditioned

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

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 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 April 12, 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 April 12, 2022, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS:

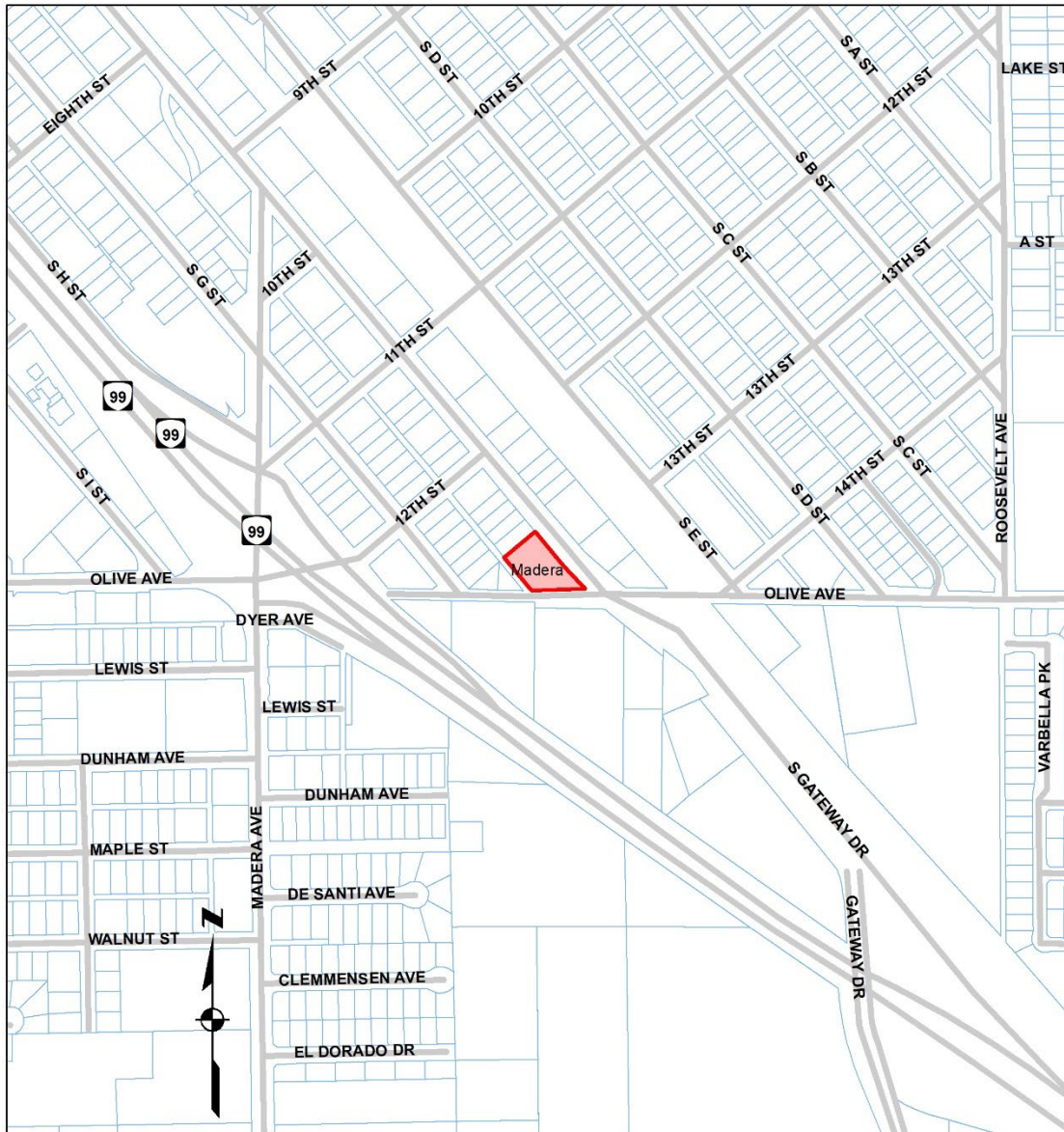
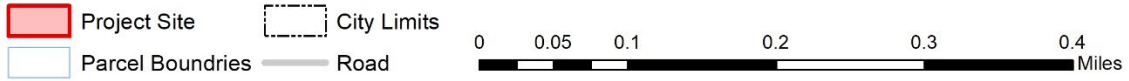
1. Vicinity Map
2. Aerial Photo
3. Site Plan, Elevations, Floor Plans (Existing and Proposed)
4. Planning Commission Resolution

Attachment 1: Vicinity Map

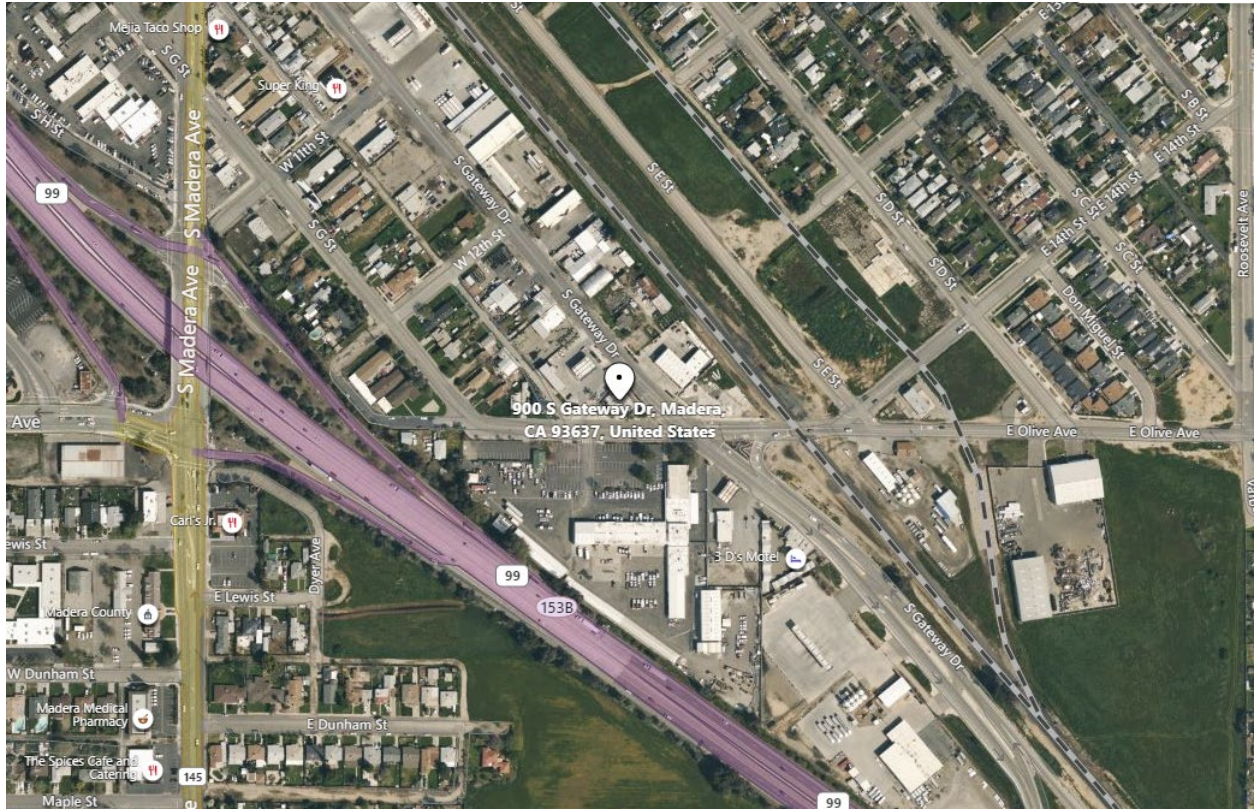
Vicinity Map

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

Legend

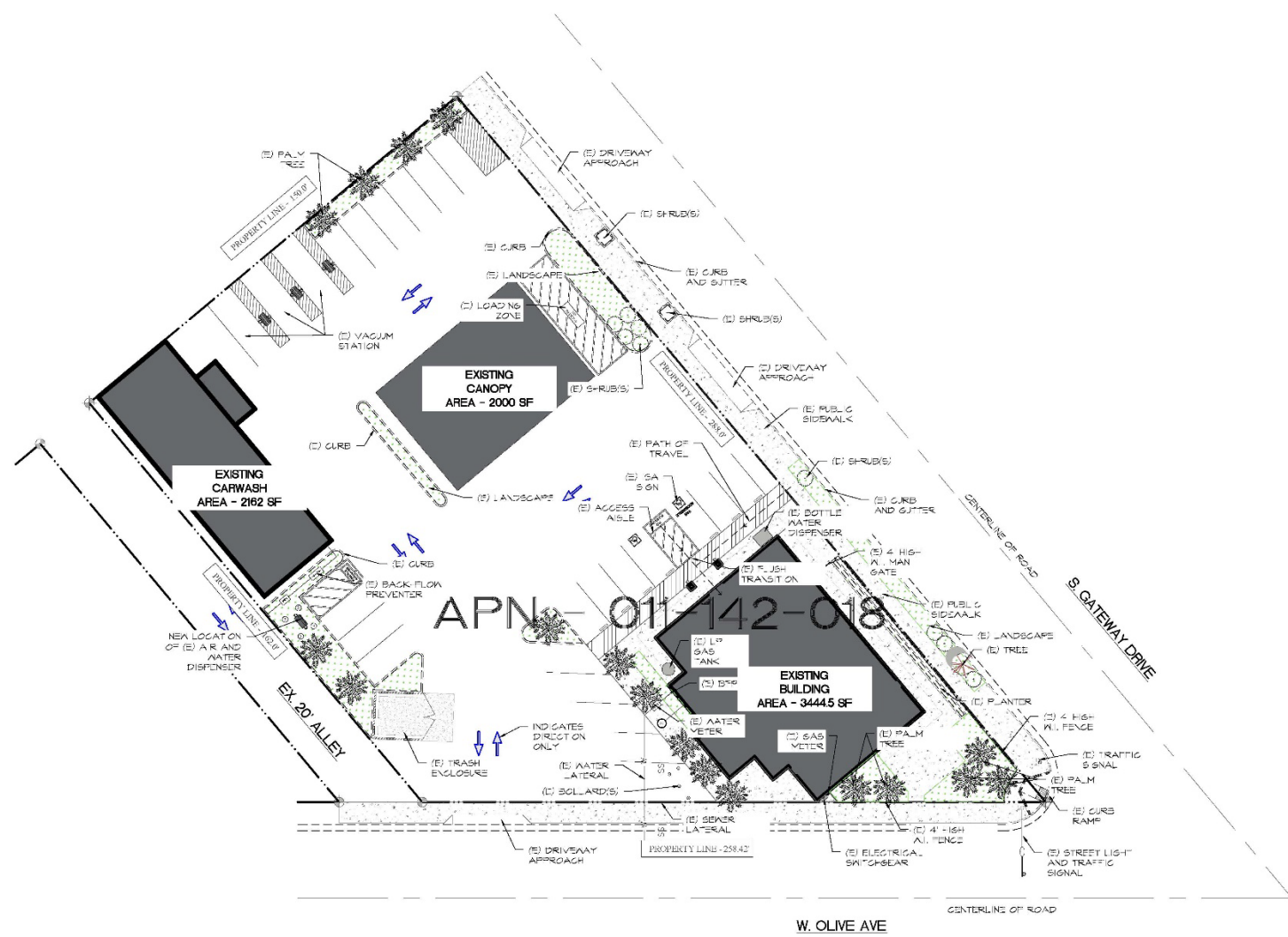


Attachment 2: Aerial Photo



Attachment 3: Site Plan

ALL DESIGN, ENGINEERING, ARCHITECTURE AND PLANNING SERVICES ARE PROVIDED BY THE DESIGNER AND DEVELOPER FOR THE PROJECT. THE DESIGNER AND DEVELOPER ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DESIGNER AND DEVELOPER ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DESIGNER AND DEVELOPER ARE NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



SITE PLAN
 SCALE: 1/8" = 1'-0"

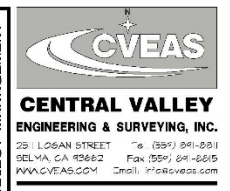
LANDSCAPE NOTES:
 ALL LANDSCAPING ARE EXISTING. REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFO AS APPLICABLE.

PEDESTRIAN PATH OF TRAVEL NOTES:
 THERE SHALL BE NO VERTICAL OFFSET GREATER THAN 1/4" ALONG THE PATH OF TRAVEL FROM THE PUBLIC WAY INTO THE BUILDING.

THE PEDESTRIAN ROUTE SHALL BE A MINIMUM OF 48" WIDE WITH A MAXIMUM CROSS SLOPE OF 2% AND A MAXIMUM RUNNING SLOPE OF 5%, UNLESS A COMPLIANT RAMP IS PROVIDED.

DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING AND ATTACHED INFORMATION ARE TRUE AND CORRECT.

SIGNATURE: _____
 PRINT NAME: KEN XIGNS
 DATE: 1/18/2021



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



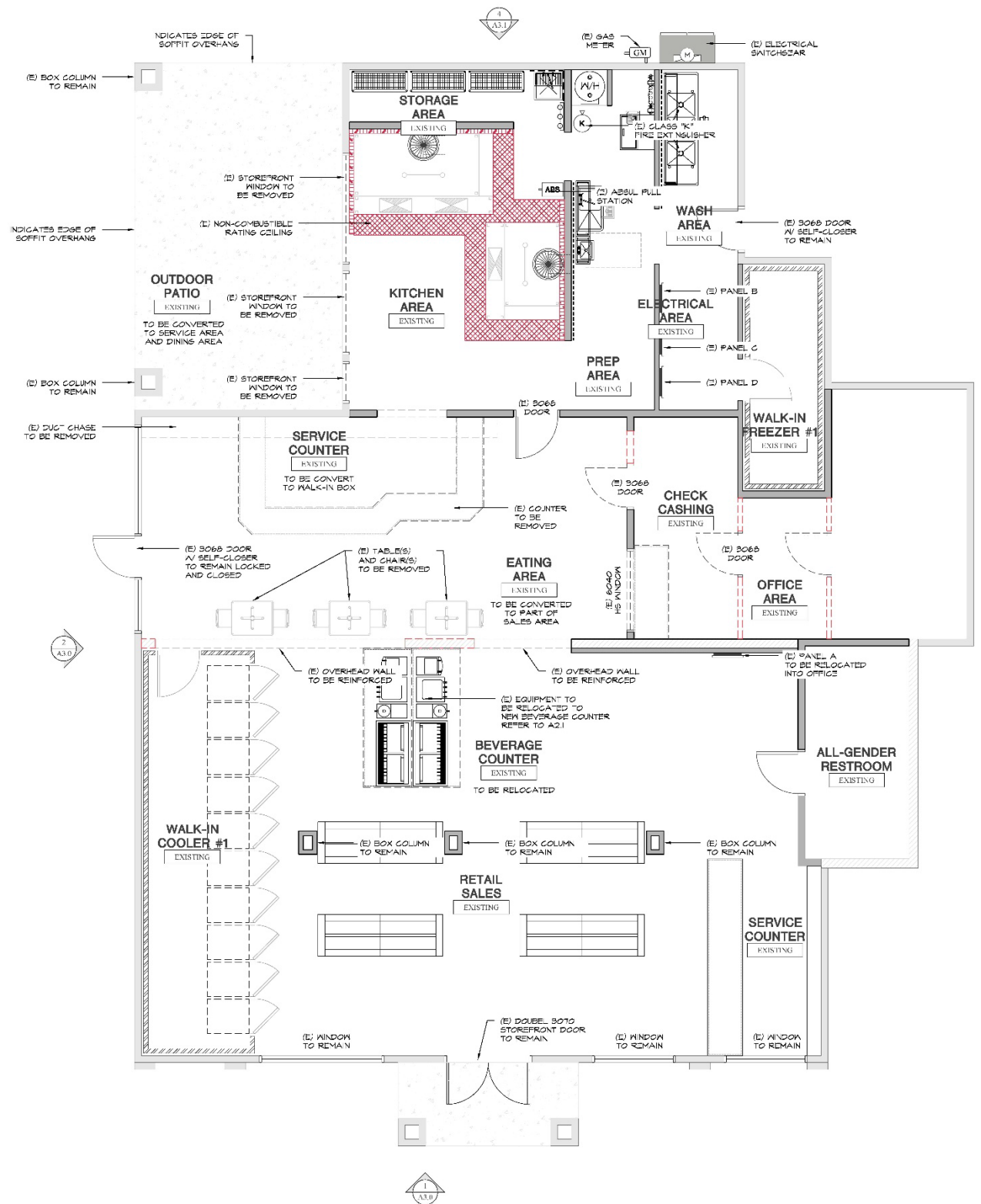
Revisions	Date
△ -	-
△ -	-
△ -	-
△ -	-
△ -	-

SITE PLAN

CVEAS JOB #: 21057
 DATE: 1/18/2021
 PLANNING SUBMITTAL #: XX-XXXX
 PLAN CHECK SUBMITTAL #: XX-XXXX
 DRAWN BY: KX
 CHECKED BY: RL
 SCALE: NOTE ON PLANS

A1.1

ALL LOCAL, NATIONAL, INTERNATIONAL AND STATE REGULATIONS OR APPROVED BY THE SERVICE LINE OFFICE BY AND THE PROPERTY OF THE PROJECT. THE PROJECTOR'S RESPONSIBILITY IS TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE PROJECTOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE INFORMATION PROVIDED BY THE ARCHITECTURAL DRAFTING. THE PROJECTOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR THE INFORMATION PROVIDED BY THE ARCHITECTURAL DRAFTING.



DEMO FLOOR PLAN
SCALE: 1/4" = 1'-0"

ALL EQUIPMENT ON THIS PLAN ARE EXISTING UNLESS NOTED OTHERWISE.

WALL LEGEND	
	EXISTING WALL TO REMAIN
	EXISTING WALK-IN BOX WALL
	EXISTING WALL TO BE REMOVED
	EXISTING NON-COMBUSTIBLE HOOD WALL TO REMAIN
	EXISTING BLOCK WALL TO REMAIN

CVEAS
CENTRAL VALLEY
ENGINEERING & SURVEYING, INC.
281 LOGAN STREET Tel: (954) 841-8811
SELMA, CA 93662 Fax: (954) 841-8813
WWW.CVEAS.COM Email: info@cvuas.com

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



Revisions	Date
1	
2	
3	
4	
5	

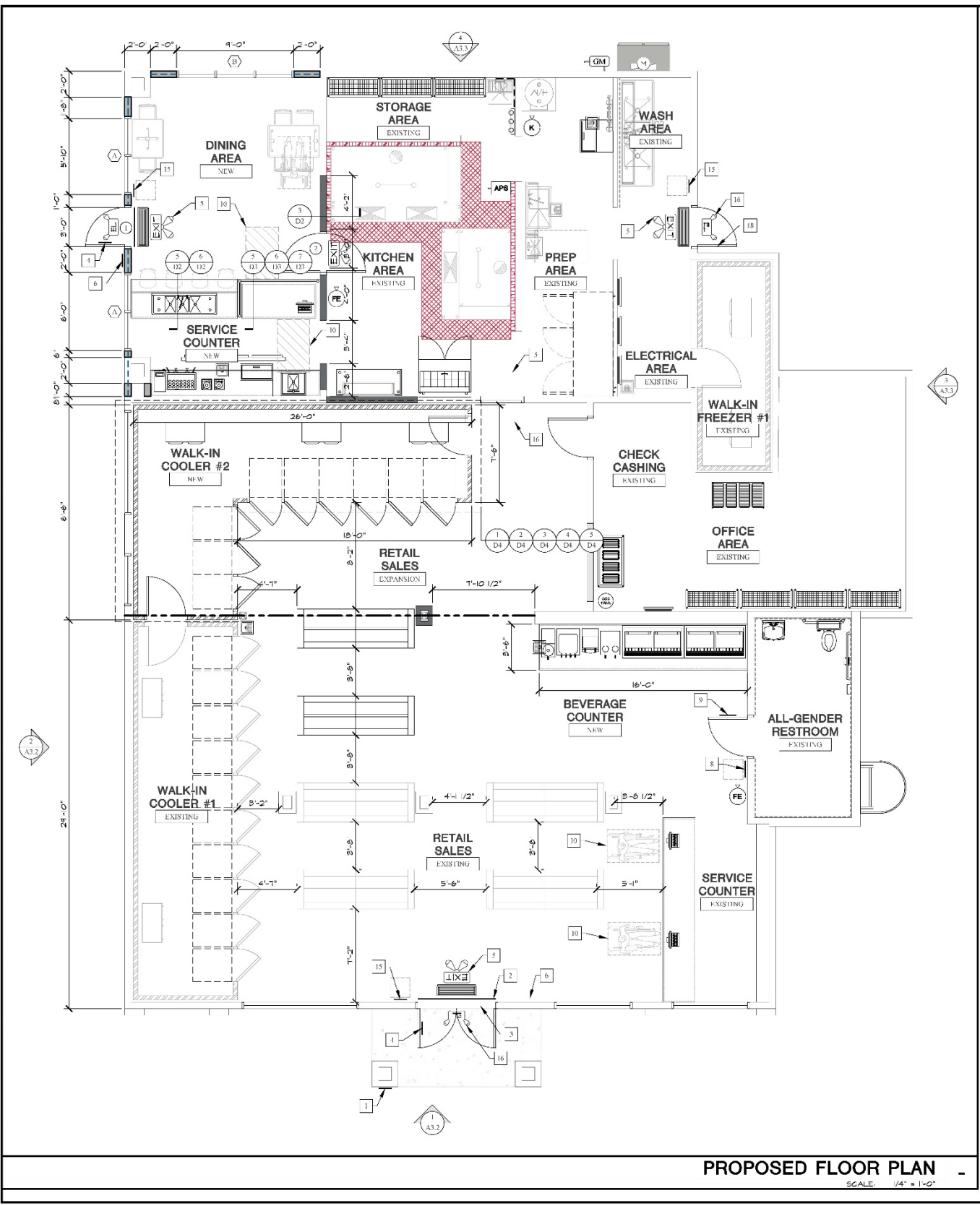
DEMO FLOOR PLAN

CVEAS JOB #:	2007
DATE:	11/17/2021
PLANNING SUBMITTAL #:	XX-XXXX
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	KX
CHECKED BY:	RL
SCALE:	NOTE ON PLANS

A2.0

CIVIL ENGINEERING • LAND SURVEYING • CONSULTING • STRUCTURAL DESIGN • ARCHITECTURAL DRAFTING • COMMERCIAL & RESIDENTIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT

ALL LEGAL, PROPERTY, ENVIRONMENTAL AND PLANNING INFORMATION IS REPRESENTED BY THE DRAWING AND NOT TO BE CONSIDERED AS A CONTRACT DOCUMENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



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 ACTIVATION DEVICE SHALL BE LOCATED NOT LESS THAN 20 FEET (3049mm) 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 ACTIVATION USING A CABLE-OPERATED PULL STATION SHALL NOT REQUIRE MORE THAN 40 LBS-FORCE (178N) OF FORCE, WITH A PULL MOVEMENT NOT TO EXCEED 14 INCHES (356mm) TO ACTIVATE THE AUTOMATIC FIRE EXTINGUISHING SYSTEM. THE AUTOMATIC AND MANUAL MEANS OF SYSTEM ACTIVATION EXTERNAL TO THE CONTROL HEAD OR RELEASING 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 A23 FOR MAXIMUM LOAD OF EACH ROOM.
7. INSTALL 2A-02C FIRE EXTINGUISHERS (MAXIMUM 75 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 B/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 26" KNEE CLEARANCE 27" CLEAR HEIGHT AND 17" MIN CLEAR DEPTH.
11. 6' X 5' 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 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 HOUR RATINGS FOR MFP 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 9. 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 - 2x12 @ 16' O.C. MATCH EXISTING AS APPLICABLE. REFER TO DETAIL 5/D2.
	NEW EXTERIOR WALL - 2x12 @ 16' O.C. MATCH EXISTING AS APPLICABLE. REFER TO DETAIL 5/D2.
	EXISTING NON-COMBUSTIBLE WALL
	NEW HALF PARTITION WALL - 2 x 4 @ 48" O.C. REFER TO DETAIL 1/D3. PROVIDE SNEEZE-GUARD AND REFER TO DETAIL(S) 1/S/3 AND 6/D3.
	NOT USED
	NEW 4 HIGH FRP BEHIND ALL SINKS.



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LA PLAZA
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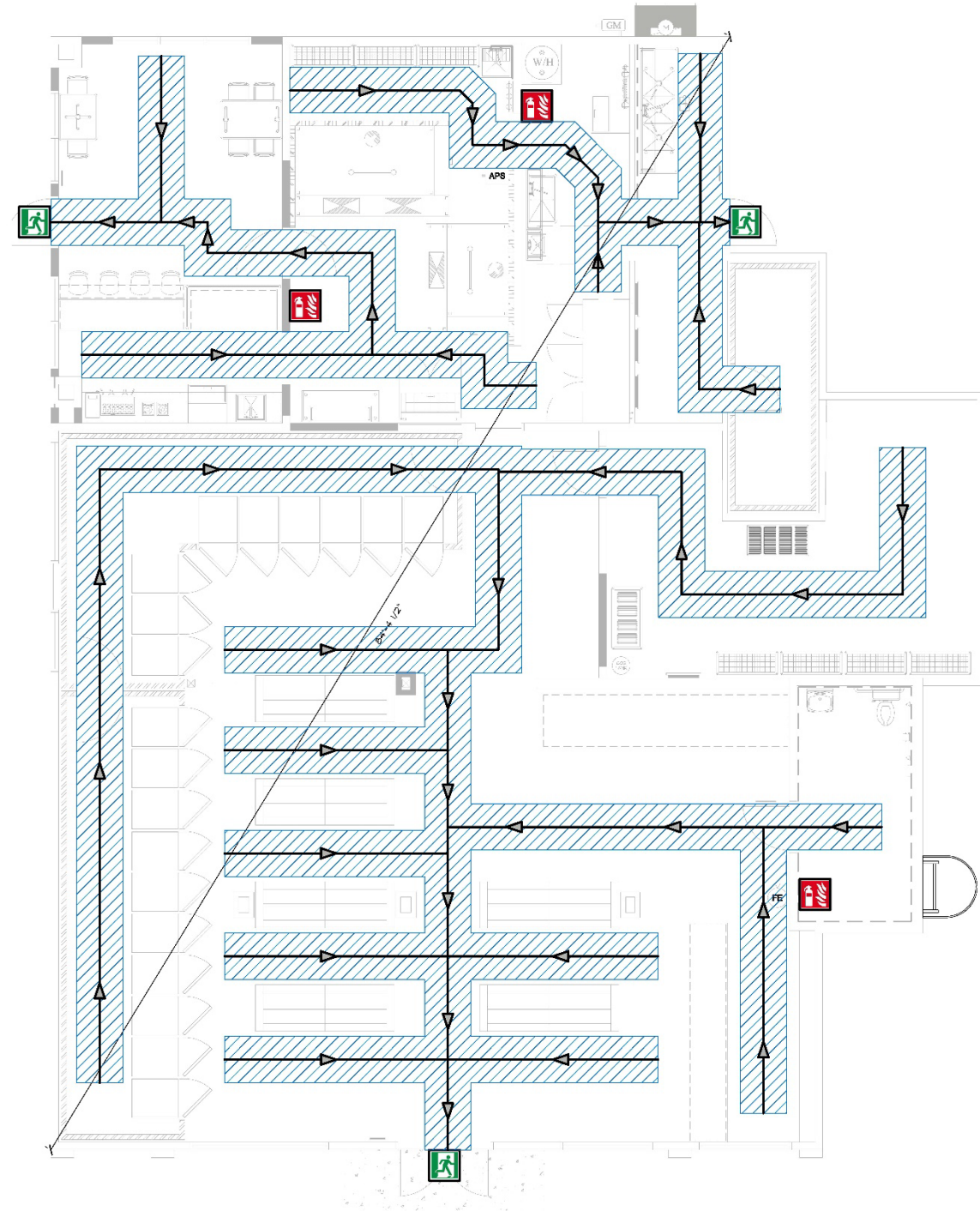
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PROPOSED FLOOR PLAN

CVEAS JOB #:	2007
DATE:	11/8/2021
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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EMERGENCY EXIT PLAN

CVEAS JOB #: 2007

DATE: 11/18/2021

PLANNING SUBMITTAL #: XX-XXXX

PLAN CHECK SUBMITTAL #: XX-XXXX

DRAWN BY: KX

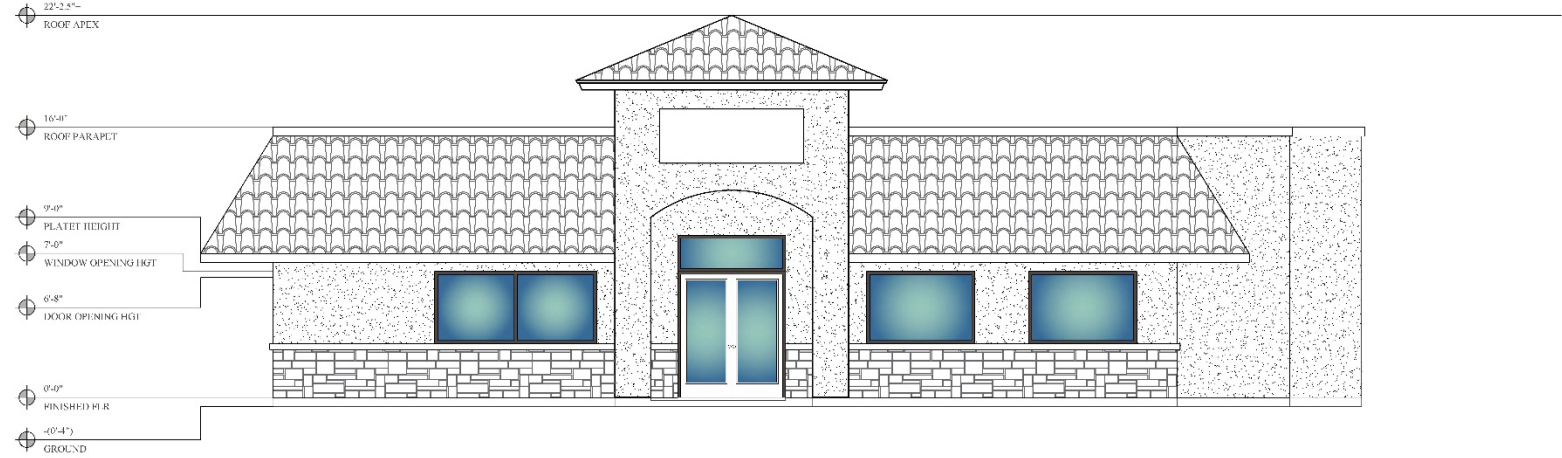
CHECKED BY: RL

SCALE: NOTE ON PLANS

A2.6

CIVIL ENGINEERING • LAND SURVEYING • CONSULTING • STRUCTURAL DESIGN • ARCHITECTURAL DRAFTING • COMMERCIAL & RESIDENTIAL BUILDING DESIGN • PLANNING & PROJECT MANAGEMENT

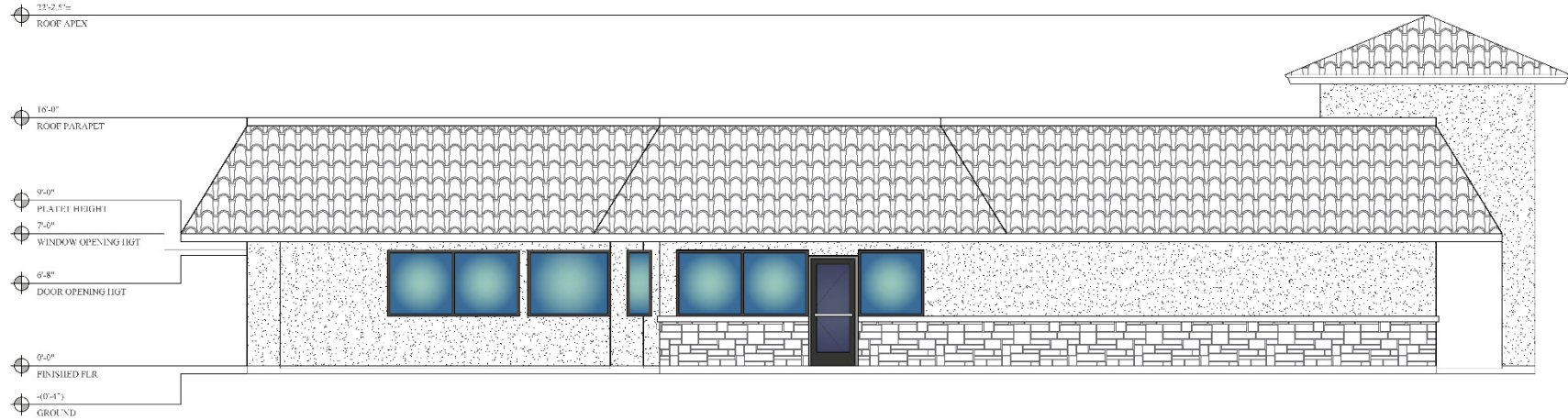
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FRONT ELEVATION - NORTHWEST 1

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

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.



LEFT SIDE ELEVATION - NORTHEAST 2

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



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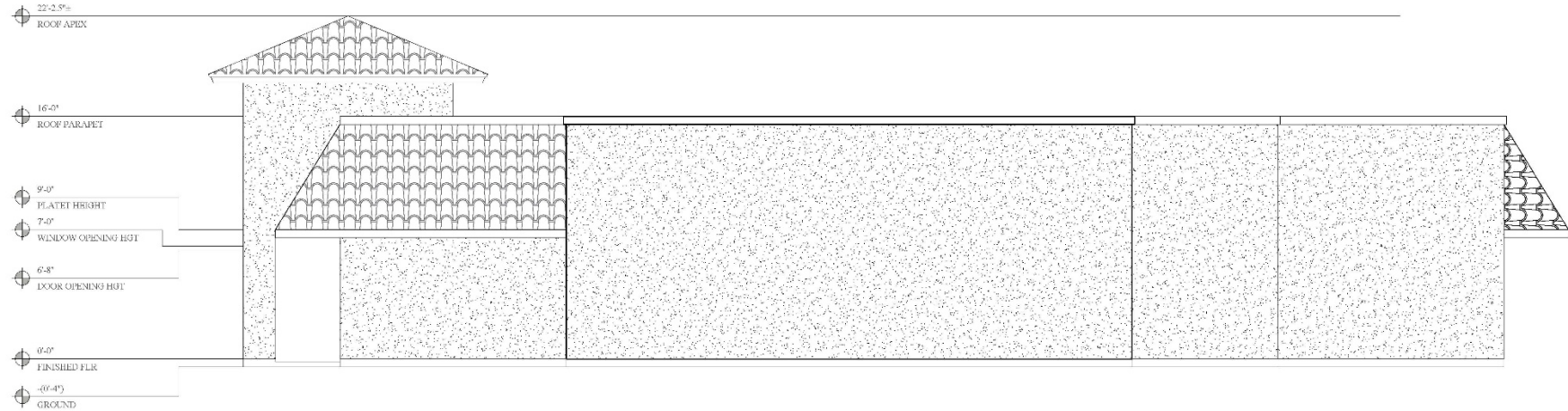


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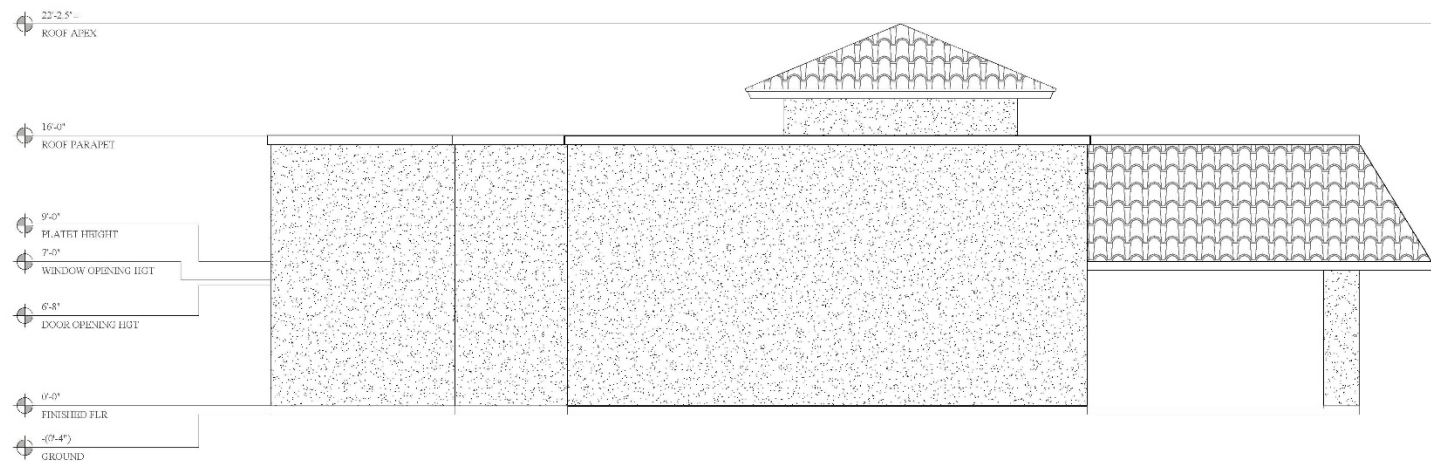
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DATE:	11/17/2021
PLANNING SUBMITTAL #:	XX-XXXX
PLAN CHECK SUBMITTAL #:	XX-XXXX
DRAWN BY:	KX
CHECKED BY:	RL
SCALE:	NOTE ON PLANS

A3.0

ALL LOCAL, REGIONAL, APPROVED AND NOT APPROVED PROJECTS OR REPRESENTED BY THIS FIRM ARE SUBJECT TO THE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT LAW AND THE PROVISIONS OF THE CALIFORNIA PROFESSIONAL ENGINEERING AND ARCHITECTURE ACT. THE ARCHITECTURE ACT PROVIDES THAT AN ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN OF A PROJECT AND SHALL BE RESPONSIBLE FOR THE DESIGN OF A PROJECT AND SHALL BE RESPONSIBLE FOR THE DESIGN OF A PROJECT.

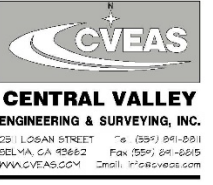


RIGHT SIDE ELEVATION - SOUTHEAST 3
SCALE: 1/4" = 1'-0"



REAR ELEVATION - SOUTHEAST 4
SCALE: 1/4" = 1'-0"

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 GARAGE FLOORING
8	EXISTING BRICK VENEER TRIM



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EXISTING ELEVATIONS

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

A3.1

ALL DATA, MATERIALS, APPROPRIATIONS AND INFORMATION ON THIS DRAWING ARE OBTAINED BY THE DESIGNER FROM THE ARCHITECTURAL RECORDS, PLANS AND DEVELOPER FOR THE JOB IN CONNECTION WITH THE DESCRIBED PROJECT. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED AND HAS FOUND IT TO BE REASONABLY ACCURATE. THE DESIGNER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE INFORMATION PROVIDED AND HAS FOUND IT TO BE REASONABLY ACCURATE.

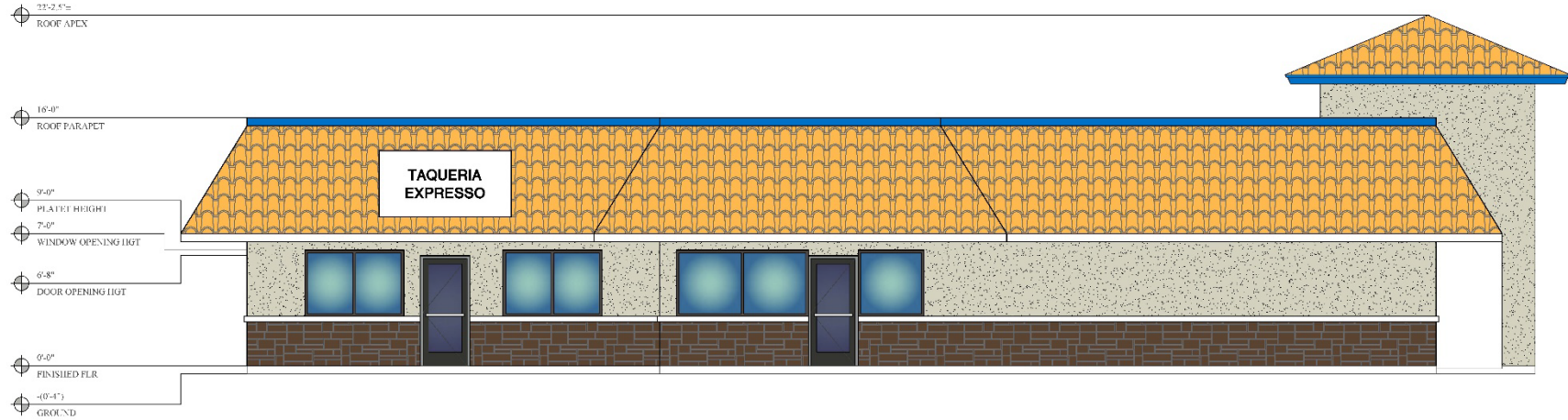


FRONT ELEVATION - NORTHWEST 1

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

COLOR SCHEDULE	
A	STUCCO FINISH #1: SHERWIN WILLIAMS SW 6693 COLOR - LILY OR EQUAL
B	ROOF TILE(S): SHERWIN WILLIAMS SW 6687 COLOR - NAVEL OR EQUAL
C	CORNICE FINISH: SHERWIN WILLIAMS SW 6908 COLOR - HYPER BLUE OR EQUAL
D	PORCELAIN VENEER FINISH: CROSSVILLE 5" PORCELAIN TILE COLOR - SHEET GEORGIA BROWN AV263 OR EQUAL PH: 1-434-4849-10 WWW.CROSSVILLE.COM
E	TRIM FINISH: SHERWIN WILLIAMS SW6269 COLOR - OLYMPIA WHITE OR EQUAL

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



LEFT SIDE ELEVATION - NORTHEAST 2

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



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DATE SHOWN: 1/13/2021

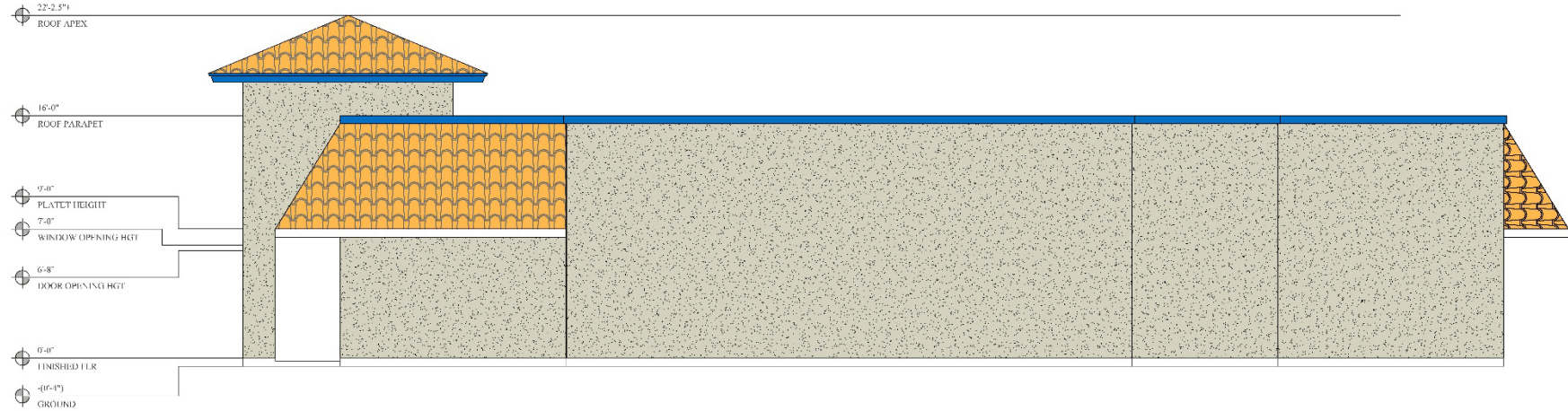
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NEW ELEVATIONS

CVEAS JOB #:	2007
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PLANNING SUBMITTAL #:	XX-XXXX
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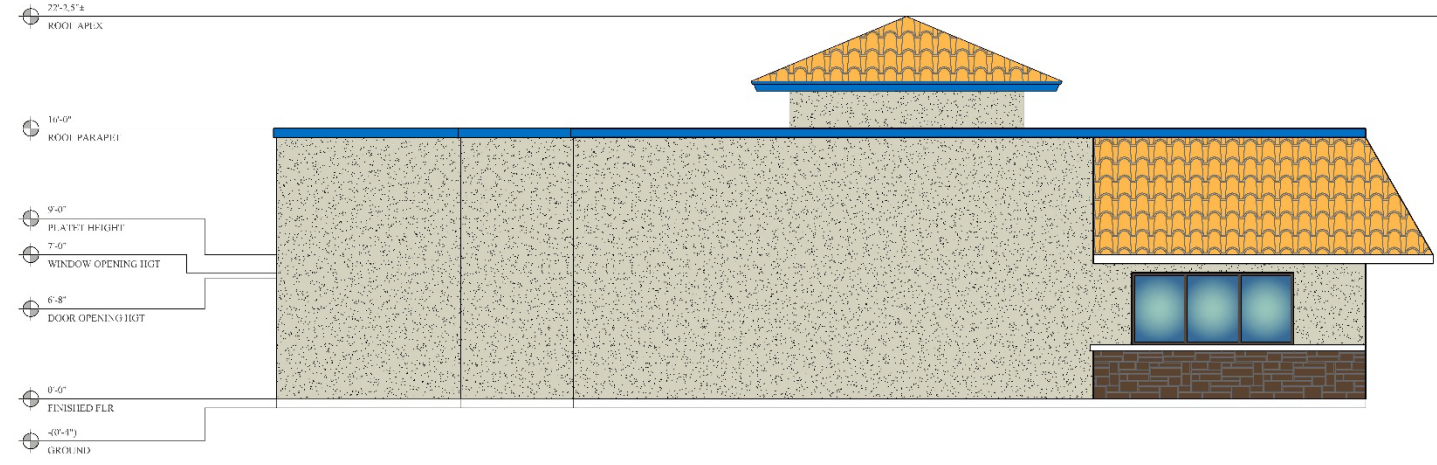
A3.2

ALL LEGAL, MATERIAL, PERFORMANCE OR VALUE IMPLIED OR REPRESENTED BY THIS DRAWING IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.



RIGHT SIDE ELEVATION - SOUTHEAST 3

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



REAR ELEVATION - SOUTHEAST 4

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

COLOR SCHEDULE	
A	STUCCO FINISH #1: SHERWIN WILLIAMS SW 6613 COLOR - LILY OR EQUAL
B	ROOF TILES: SHERWIN WILLIAMS SW 6801 COLOR - NAVEL OR EQUAL
C	CORNICE FINISH: SHERWIN WILLIAMS SW 6465 COLOR - HYPER BLUE OR EQUAL
D	PORCELAIN VENEER FINISH: CROSSVILLE 6" PORCELAIN TILE COLOR - SHERWIN WILLIAMS SW 6465 OR EQUAL PH: 1-888-484810 WWW.CROSSVILLE.TS.COM
E	TRIM FINISH: SHERWIN WILLIAMS SW 6253 COLOR - OLYMPIUS WHITE OR EQUAL

ELEVATION KEYED NOTES	
1	3 COAT STUCCO FINISH - #1: 1/2" MIN. THICKNESS OVER 1/2" X 1-1/2" HEXAGONAL PAPER BACKED WIRE LATH OVER 2-LAYERS OF TYPE "D" PAPER UNDER-LAYMENT OVER PLYWOOD. REFER TO KEEP SCREED DETAIL 1/D1 FOR EXTER OR WALLS. REFER TO KEEP SCREED DETAIL 2/D1 FOR STEM WALLS. REFER TO KEEP SCREED DETAILS 3/D2 FOR BOX COLUMNS.
2	3 COAT STUCCO FINISH - #1: 1/2" MIN. THICKNESS OVER 1/2" X 1-1/2" HEXAGONAL PAPER BACKED WIRE LATH OVER 2-LAYERS OF TYPE "D" PAPER UNDER-LAYMENT OVER PLYWOOD. DOOR OPENINGS - REFER TO DOOR SCHEDULE ON SHEET A2 AND DETAIL(S) ON SHEET D2.
3	WINDOW OPENINGS - REFER TO WINDOW SCHEDULE ON SHEET A2 AND DETAIL(S) ON SHEET D2.
4	ROOF MATERIAL - EXISTING ROOF TILE - PAINT PER COLOR SCHEDULE.
5	EXISTING BRICK VENEER.
6	EXISTING CORNICE FLASHING. PAINT PER COLOR SCHEDULE.
7	EXISTING BRICK VENEER TRIM.

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NEW ELEVATIONS	
YEAR JOB #:	2007
DATE	1/17/2021
PLANNING SUBMITTAL #	XX-XXXX
PLAN CHECK SUBMITTAL #	XX-XXXX
DRAWN BY:	KX
CHECKED BY:	RL
SCALE:	NOTE ON PLANS

A3.3

Attachment 4: Resolution

RESOLUTION NO. 1907

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2003-03 MOD 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 authorization 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.

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: That the project is categorical exempt pursuant to the California Environmental Quality Act and the State CEQA Guidelines.
3. Findings for CUP 2003-03 MOD 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 and SPR 2021-34 MOD: Given that all findings can be made, the Planning Commission hereby approves CUP 2003-03 MOD and SPR 2021-34 MOD as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Arnoldo Rodriguez, AICP
City Manager

Exhibit "A" – Conditions of Approval

Exhibit "A"

**CUP 2003-03 MOD2 & SPR 2021-34
(La Plaza Gas Station)
Conditions of Approval
March 8, 2022**

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for CUP 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 no later than three (3) days following action on SPR 2021-34.
- 3) CUP 2003-03 MOD2 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 MOD2 and SPR 2021-34. However, should the Planning Manager determine that modifications are substantive, they may require that an

amendment to CUP 2003-03 MOD2 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 MOD2 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 the entirety 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. No project is currently scheduled for change.
- 23) The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Gateway Drive and Olive Avenue outside of the offer for right-of-way. 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)

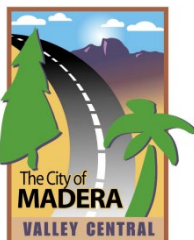
- 25) The project shall be served by a public water system. Water services for any structure(s), within this development, must be connected to an appropriate public water system and approved by MCEHD and/or State Division of Drinking Water (DDW).
- 26) Any structure, regardless of use, that produces 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) The property owner, operator, and/or manager shall/replant the missing shrubs and trees along Gateway Drive.
- 38) 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.
- 39) All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, with the exception of required signs in accordance with City standards, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
- 40) The construction/ remodel of all buildings approved as part of CUP 2003-03 MOD2 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:

Adam Klier, Assistant Planner

Meeting of: March 8, 2022

Agenda Item: 6

SUBJECT:

Conditional Use Permit 2022-02, Site Plan Review 2022-07, and related Categorical Exemption for 108 Amarine Avenue filed by Pistoresi Ambulance

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a finding of categorical exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities).
2. Adopt the resolution which outlines the necessary findings approving Conditional Use Permit 2022-02 and Site Plan Review 2022-07 as conditioned.

PROPOSAL:

A request for a Conditional Use Permit (CUP) for consideration to allow the operation of a semi-public use (Pistoresi Ambulance Service) in the existing structure. Allowable activities will be restricted to those designated and agreed upon in the associated Site Plan Review.

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2022-02, SPR 2022-07
<i>Applicant:</i>	Ted Pistoresi
<i>Property Owner:</i>	Berry & Berry Inc
<i>Location:</i>	108 Amarine Avenue between Howard Road and West 5 th Street
<i>Project Area:</i>	0.2 Acre; developed with a Single-Family home and Detached Garage
<i>Plan Land Use:</i>	LD (Low-Density Residential)
<i>Zoning District:</i>	R1 (One Unit/6,000sf)
<i>Site Characteristics</i>	The building is a single-family residence. The parcel has bi-directional access to Amarine Avenue via a single-width curb cut and driveway. The parcel sits on the boundary between a residential district and a commercial district.

SUMMARY:

The applicant has requested a use permit to allow for the use of the existing structure as a crew living quarters and dispatch location for a single ambulance. Such uses are allowed in Residential zones provided a use permit is first acquired.

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>	Single-Family Residences	LD	R1 – Residential
<i>East</i>	Single-Family Residences	LD	R1 – Residential
<i>South</i>	Auto-oriented Light Commercial	C	C1 – Commercial
<i>West</i>	Single-Family Residences	LD	R1 – Residential

ANALYSIS:

Site Plan Review

MMC § 10-3.4.0102 Site Plan Review Applicability

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

Conditional Use Permit

MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits

MMC § 10-3.405(E) General Provisions; Uses

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

Proposed Usage

The applicant proposes that the building be used for the dispatch of a single ambulance as well as for the sleeping/support quarters for the two-person crew for that ambulance. The building is an existing residence with a single-car garage as well as space to park two vehicles in the driveway. The applicant proposes no changes to the structures.

The ambulance operations will be run on a two-shift rotation with shifts changing at 8:00 am/pm. Each shift will consist of a two-person crew. The crew will park their personal vehicles in the garage and driveway while the ambulance will be kept at the end of the drive to facilitate rapid dispatch. The existing home will be used to support the crew as sleeping quarters and galley during their shift. The ambulance will use Amerine Ave to access Howard Rd and will be prohibited from starting the sirens until they reach Howard Rd.

Potential Impacts

The continuous impacts of this use on surrounding properties will be minimal and there are few discrete impacts. Both the continuous and discrete impacts are mitigatable.

The only continuous impact is the minor increase in traffic and parked vehicles from the shift change and personal vehicles of the crew members. To mitigate these impacts, crew will be required to park their personal vehicles in the off-street parking facilities.

The discrete impacts are the potential for increased noise and higher-speed traffic associated with the dispatch of the ambulance to an emergency call. The applicant has agreed to restrict siren use until the ambulance departs the residential district which would mitigate the majority of noise concerns. Separately, the ambulance will be stationed at the end of the driveway on Amarine facing the street. This disposition will maximize the ambulance driver's awareness of the traffic on Amarine, minimizing risk to drivers and nearby residents. Additionally, the short distance between the end of the driveway and Howard Rd would preclude excessive speeds.

Justification

Pistoresi Ambulance is the provider of EMT and Emergency Medical Transportation for the City. In the past, Pistoresi Ambulance has used Fire Station 57, located on South Schnoor Avenue, to dispatch and crew support facility. The City allowed Pistoresi Ambulance to house an ambulance at Fire Station 57 since 1982. This arrangement enabled Pistoresi Ambulance to rapidly deploy personnel in the area. However, shifting needs in emergency response provision and fire suppression equipment have resulted in additional equipment and space needs. As a result, City staff notified Pistoresi Ambulance that it requires the space.

In response, Pistoresi Ambulance identified appropriate replacement facilities for most of their operations. However, in this area of the city, they have had difficulty locating a more traditionally appropriate facility. To prevent a coverage gap, Pistoresi Ambulance has proposed this location. Without this location, emergency medical services response time in this area of the City may be detrimentally increased.

ENVIRONMENTAL REVIEW:

The project has been determined to be categorically exempt under Section § 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

COMMISSION ACTION:

The Commission's action is final unless appealed for consideration by the City Council. The information in this report provides the information required to approve an Environmental Exemption (Section 15301), CUP 2022-02, and SPR 2022-07 based on the following findings:

Findings for CUP 2022-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-02, 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:

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

Basis for Finding: The parcel is zoned R1 which does allow for quasi-public uses with the issuance of a use permit. The parcel is designated R (Residential) in the General Plan which matches with the zone designation R1.

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

Basis for Finding: The property is located on the boundary between a residential zone and a commercial zone which will minimize any potential impacts which will need to be mitigated. Additionally, as conditioned, all impacts to surrounding properties have been mitigated such that the use is compatible with surrounding uses.

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

Basis for Finding: As conditioned, the proposed use will not present any significant impacts. The potential impacts, which include traffic safety and noise disturbance, have been mitigated with appropriate measures outlined in the conditions of approval.

Findings for SPR 2020-23: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-23, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

Basis for Finding: The parcel is zoned R1 which does allow for quasi-public uses with the issuance of a use permit. The parcel is designated R (Residential) in the General Plan which matches with the zone designation R1.

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

Basis for Finding: The project site is not subject to any specific plans.

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

Basis for Finding: Site Plan Review 2022-07 has been reviewed and, as conditioned, is consistent with surrounding uses and with all applicable requirements for development in the R1 zone district including provisions for access to and from the site, drainage, and lighting. As conditioned, the project will not generate significant amounts of additional noise, light, or traffic.

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

Basis for Finding: Site Plan Review 2022-07 requires no street dedications as it is located in a developed area. Moreover, as conditioned, the parcel will provide offsets to vehicle traffic and the use restrictions will limit the number of automobile trips generated. Based on the project's preliminary environmental review, the project will not have a significant impact on traffic or the environment.

ALTERNATIVES:

As an alternative, the Commission may elect to:

- Move to continue the public hearing to the April 12, 2022, Commission meeting.
- Move to deny the application for Variance 2021-03 to the April 12, 2022, Commission meeting with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – The Commission should articulate reasons for denial)

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Zoning Map
4. Site Plan
5. Resolution

Attachment 1: Vicinity Map

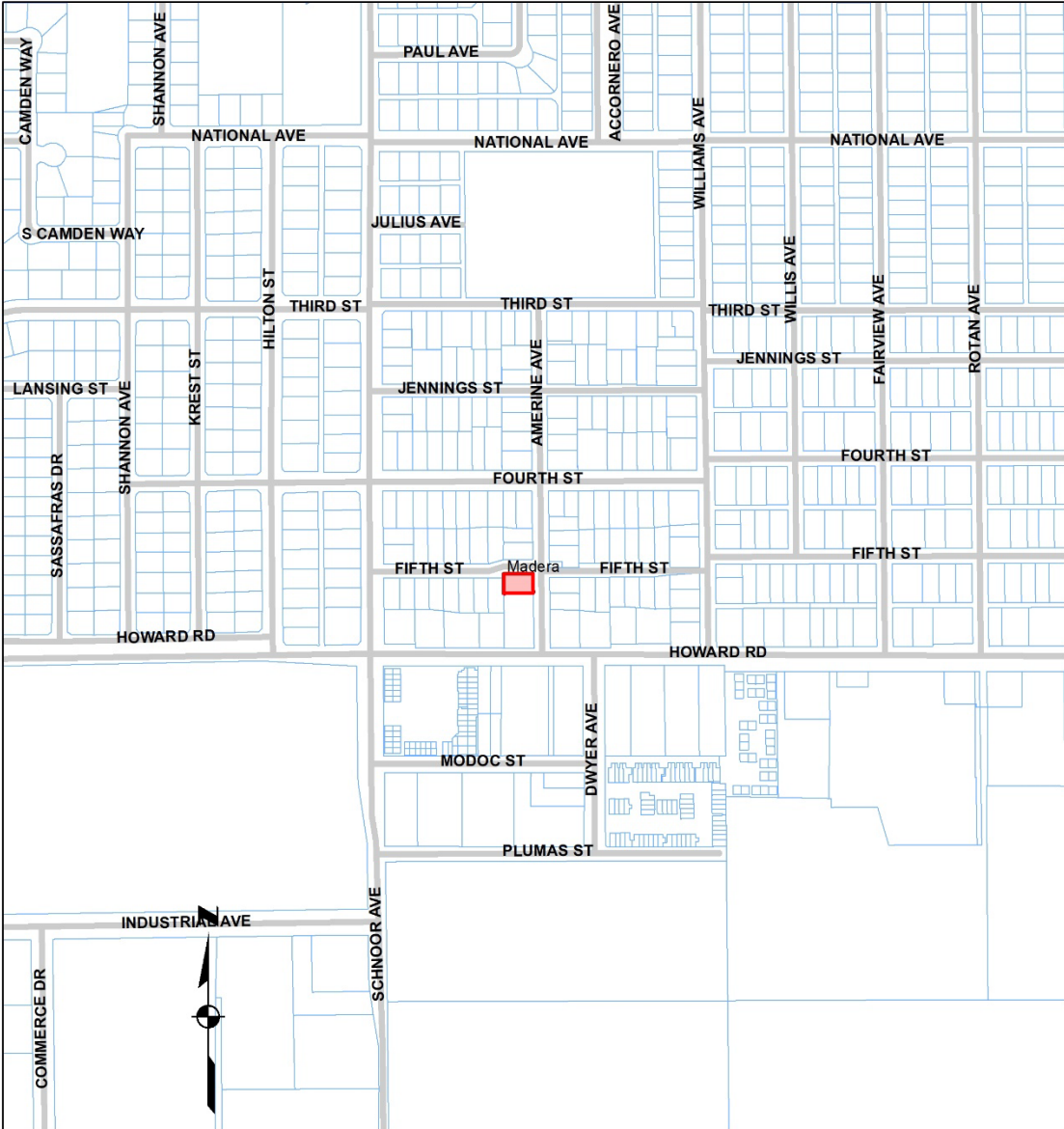
Vicinity Map

CUP 2022-02 & SPR 2022-07
Pistoresi Ambulance Services

Legend

 Project Site  City Limits
 Parcel Boundaries  Road

0 0.04 0.08 0.16 0.24 0.32
Miles



Attachment 2: Aerial Photo




Attachment 3: Zoning Map



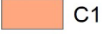


Zoning Map

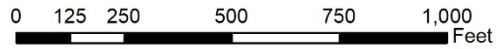
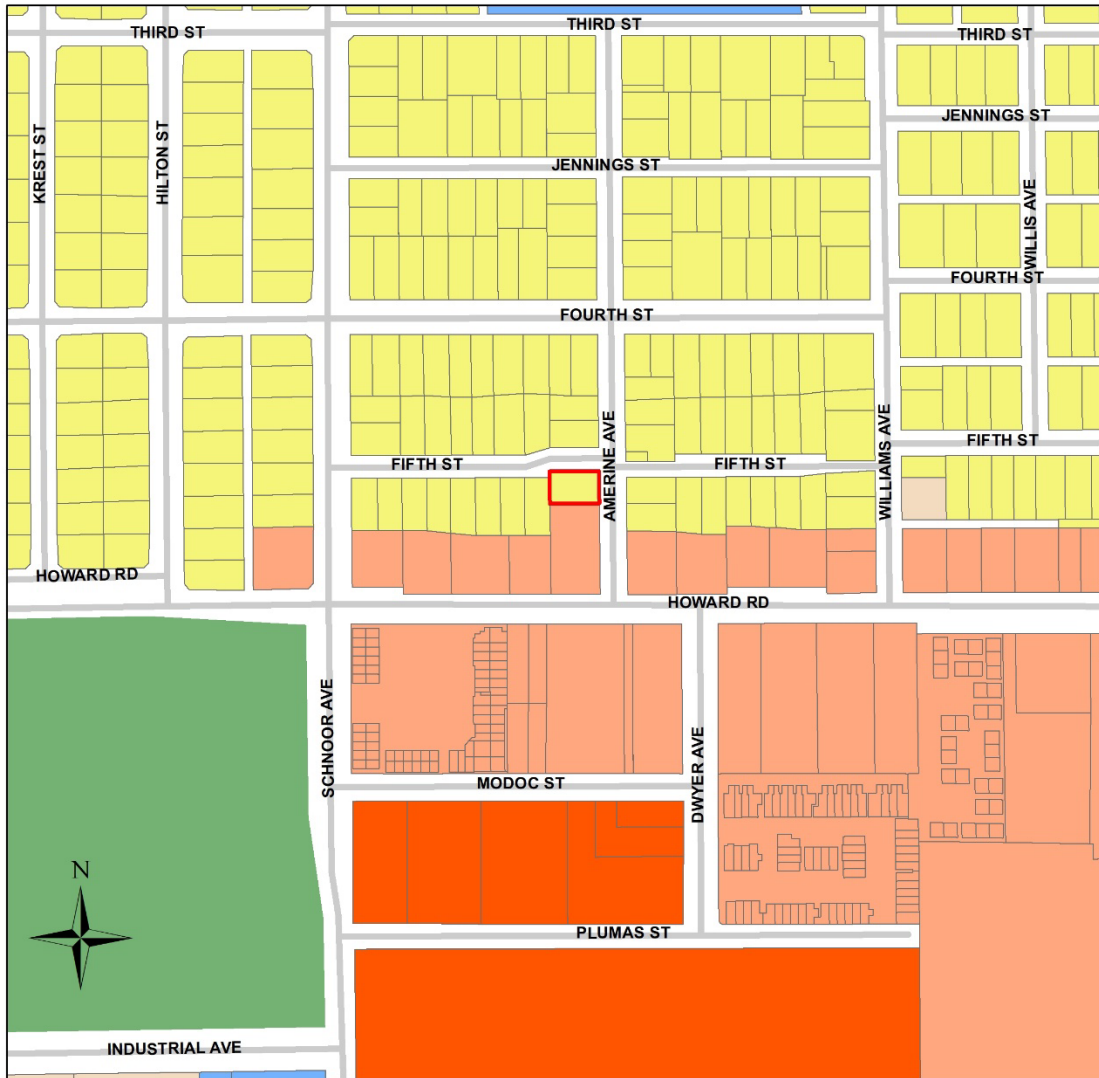
CUP 2022-02 & SPR 2022-07
Pistoresi Ambulance Service

Legend

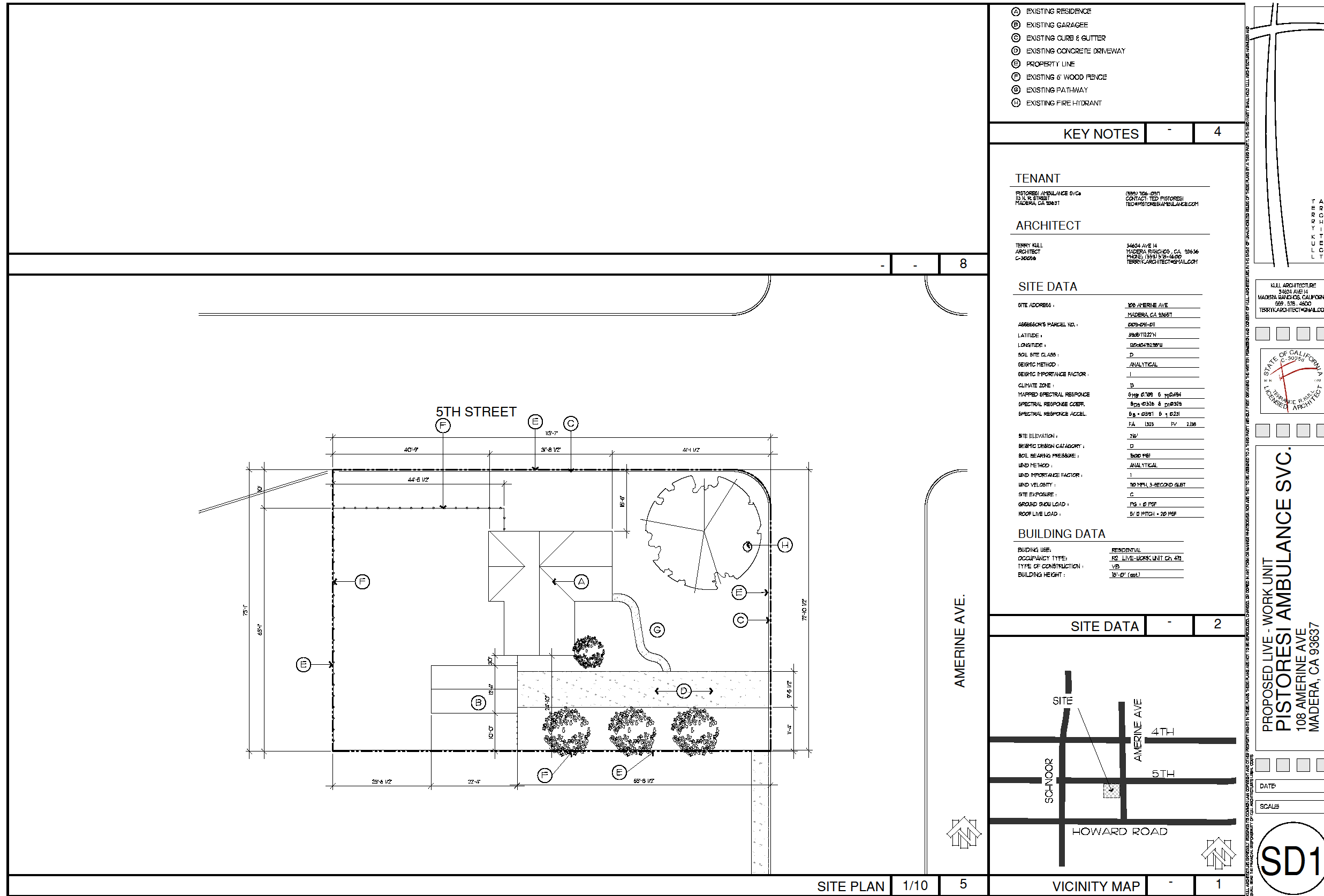
-  Subject Parcel
-  City_Roads

ZONE

-  PF
-  R1
-  C1
-  C2
-  RCO



Attachment 4: Site Plan



- (A) EXISTING RESIDENCE
- (B) EXISTING GARAGE
- (C) EXISTING CURB & GUTTER
- (D) EXISTING CONCRETE DRIVEWAY
- (E) PROPERTY LINE
- (F) EXISTING 6' WOOD FENCE
- (G) EXISTING PATHWAY
- (H) EXISTING FIRE HYDRANT

KEY NOTES - 4

TENANT
 PISTORESII AMBULANCE SVC
 13 1/2 R STREET
 MADERA CA 93637
 (999) 706-0911
 CONTACT: TED PISTORESII
 TED@PISTORESIAMBULANCE.COM

ARCHITECT
 TERRY KULL
 ARCHITECT
 C-36056
 34624 AVE 14
 MADERA SANCHOIS, CA 93636
 PHONE: (999) 576-4600
 TERRY@ARCHITECTKULL.COM

SITE DATA

SITE ADDRESS: 108 AMERINE AVE
 MADERA CA 93637

ASSASSON'S PARCEL NO.: 0829-091-011

LATITUDE: 39.611227°N

LONGITUDE: 120.449239°W

SOIL SITE CLASS: D

SEISMIC METHOD: ANALYTICAL

SEISMIC IMPORTANCE FACTOR: 1

CLIMATE ZONE: 3

MAPPED SPECTRAL RESPONSE: S₁ = 0.708 & S₂ = 0.494

SPECTRAL RESPONSE COEFF: S₁ = 0.376 & S₂ = 0.376

SPECTRAL RESPONSE ACCEL: S₁ = 0.2951 & S₂ = 1.0231

FA: 1325 FV: 238

SITE ELEVATION: 216'

SEISMIC DESIGN CATEGORY: D

SOIL BEARING PRESSURE: 8000 PSF

WIND METHOD: ANALYTICAL

WIND IMPORTANCE FACTOR: 1

WIND VELOCITY: 100 MPH, 3-SECOND GUST

SITE EXPOSURE: C

GROUND SNOW LOAD: 0 PSF

ROOF LIVE LOAD: 5/8 PITCH = 20 PSF

BUILDING DATA

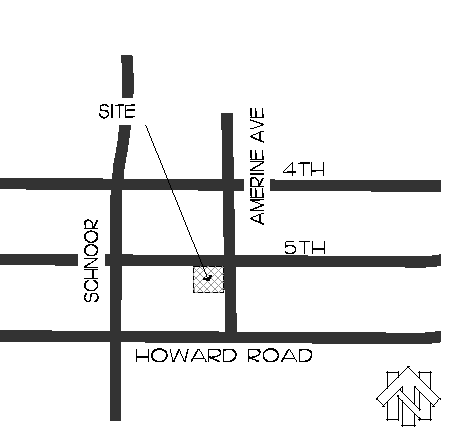
BUILDING USE: RESIDENTIAL

OCCUPANCY TYPE: R2 - LIVE-WORK UNIT CH 4B

TYPE OF CONSTRUCTION: V-B

BUILDING HEIGHT: 10'-0" (est.)

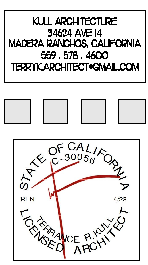
SITE DATA - 2



VICINITY MAP - 1

SITE PLAN 1/10 5

TERRY KULL ARCHITECT



PROPOSED LIVE - WORK UNIT
PISTORESI AMBULANCE SVC.
 108 AMERINE AVE
 MADERA, CA 93637

DATE: _____
 SCALE: _____

SD1

Attachment 5: Resolution

RESOLUTION NO. 1908

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES
SECTION 15301 (EXISTING FACILITIES) AND APPROVING CONDITIONAL USE
PERMIT 2022-02 AND SITE PLAN REVIEW 2022-07 (PISTORESI AMBULANCE, 108
AMARINE AVENUE)**

WHEREAS, Berry & Berry Inc (“Owner”) owns an existing residential structure at 108 Amerine Avenue in Madera, California (“site”); and

WHEREAS, Pistoresi Ambulance Service of Madera Inc (“Applicant”) is acting on behalf of the Owner; and

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

WHEREAS, the Applicant is seeking a Conditional Use Permit and Site Plan Review to allow for operation of an ambulance dispatch and crew support facility in association with Pistoresi Ambulance, as proposed by CUP 2022-02 and SPR 2022-07; and

WHEREAS, quasi-public uses are permitted to operate on any residentially zoned property provided a use permit is first acquired as stated in Section 10-3.405(E) of the Madera Municipal Code, “General Provision; Uses”; and

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

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

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

WHEREAS, the Planning Commission received and reviewed SPR 2022-02 and SPR 2022-07 at a duly noticed meeting on March 8, 2022; and

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

WHEREAS, the Planning Commission now desires to adopt a Categorical Exemption for the project, and approve CUP 2022-02 and SPR 2022-07, 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: The Planning Commission finds and determines that the project is exempt under Section 15301 of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings for CUP 2022-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-02, 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:

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

Basis for Finding: The parcel is zoned R1 which does allow for quasi-public uses with the issuance of a use permit. The parcel is designated R (Residential) in the General Plan which matches with the zone designation R1.

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

Basis for Finding: The property is located on the boundary between a residential zone and a commercial zone which will minimize any potential impacts which will need to be mitigated. Additionally, as conditioned, all impacts to surrounding properties have been mitigated such that the use is compatible with surrounding uses.

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

Basis for Finding: As conditioned, the proposed use will not present any significant impacts. The potential impacts, which include traffic safety and noise disturbance, have been mitigated with appropriate measures outlined in the conditions of approval.

4. Findings for SPR 2020-23: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-23, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

Basis for Finding: The parcel is zoned R1 which does allow for quasi-public uses with the issuance of a use permit. The parcel is designated R (Residential) in the General Plan which matches with the zone designation R1.

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

Basis for Finding: The project site is not subject to any specific plans.

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

Basis for Finding: Site Plan Review 2022-07 has been reviewed and, as conditioned, is consistent with surrounding uses and with all applicable requirements for development in the R1 zone district including provisions for access to and from the site, drainage, and lighting. As conditioned, the project will not generate significant amounts of additional noise, light, or traffic.

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

Basis for Finding: Site Plan Review 2022-07 requires no street dedications as it is located in a developed area. Moreover, as conditioned, the parcel will provide offsets to vehicle traffic and the use restrictions will limit the number of automobile trips generated. Based on the project’s preliminary environmental review, the project will not have a significant impact on traffic or the environment.

5. Approval of CUP 2022-02 and SPR 2022-07: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-02 and SPR 2022-07 as conditioned as set forth in the Conditions of Approval attached as Exhibit “A.”

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

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Arnoldo Rodriguez, AICP
City Manager

Exhibit “A” – Conditions of Approval for CUP 2022-02 and SPR 2022-07

Exhibit "A"
CUP 2022-02 & SPR 2022-07
(Pistoresi Ambulance)
Conditions of Approval
March 8, 2022

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for CUP 2022-07 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 2022-07 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 no later than three (3) days following action on SPR 2022-07.
- 3) CUP 2022-02 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 2022-07 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 2022-07 necessary to meet regulatory, engineering, or similar constraints may, at the discretion of the Planning Manager, be undertaken without an amendment to CUP 2022-02 and SPR 2022-07. However, should the Planning Manager determine that modifications are substantive, they may require that an amendment to CUP 2022-02 and SPR 2022-07 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 2022-02 and SPR 2022-07 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

Fire Department

- 11) Applicant shall apply for a change in occupancy with the Madera Building Department.
- 12) The subject property and structure shall adhere to and make any necessary improvements to comply with the California Building Code as determined by the Fire Marshal.

Engineering Department

GENERAL

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

WATER

- 18) 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.

SEWER

- 19) New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
- 20) Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

STREETS

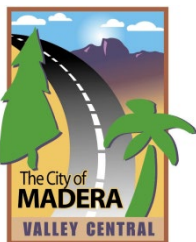
- 21) The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
- 22) The existing drive approach on Amerine Avenue shall be removed and reconstructed or modified, as necessary, to meet current City and ADA standards.
- 23) The developer shall construct ADA accessible concrete sidewalk along the entire project parcel frontage on Amerine Avenue and West 5th Street per current City standards.
- 24) The developer shall construct an ADA access ramp at the southwest corner of Amerine Avenue and West 5th Street in accordance with current City and ADA standards.

If the applicant believes that a hardship waiver is applicable based on the cost of ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Planning Department

- 25) CUP 2022-02 allows for the operation of an ambulance dispatch station and crew facility at the subject property, 108 Amerine Avenue, by Pistorresi Ambulance Service of Madera Inc.

- 26) To respect the residential nature of the district, quiet hours shall be enforced from 21:00 to 08:00. During these hours, outdoor activity at the property shall be restricted to those necessary to conduct emergency services operations.
- 27) Emergency sirens for the ambulance shall not be utilized until the vehicle has reached the intersection of Howard Rd and Amerine Ave.
- 28) No signage shall be approved in conjunction with this use other than those required by law or to fulfill a requirement of these conditions.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Ricardo Olea, Assistant Planner

Council Meeting of: March 8, 2022

Agenda Item: 7

SUBJECT:

Rezone to heavy commercial, Variance related to parking, Conditional Use Permit and Site Plan Review for proposed uses, and related Categorical Exemption for 801 South Gateway Drive

RECOMMENDATION:

Conduct a public hearing and adopt a resolution recommending Planning Commission adopt a categorical exemption pursuant to CEQA guidelines Section 15301 (Existing Facilities), recommend approval of Rezone (REZ 2021-02), and approve Variance (VAR 2022-02), Conditional Use Permit (CUP 2021-15), and Site Plan Review (2021-32) (801 S. Gateway Drive Auto Uses).

PROPOSAL:

An application for a rezone, variance, conditional use permit, and site plan review to allow for consistency between the General Plan land use designation and the zoning ordinance, as well as establish a master site plan and use permit for the site that specifies permitted uses. More specifically, the entitlements propose the following:

- Rezone (REZ) 2021-02: Proposes a change from an I – Industrial zone to a C2 – Heavy Commercial zone district.
- Variance (VAR) 2022-01: Addresses the proposed site’s parking stall deficiency.
- Conditional Use Permit (CUP) 2021-15: Allows for small engine and auto repairs, and transmission overhauling, tire rebuilding and comparable uses to operate in one of the existing units.
- Site Plan Review (SPR) 2021-23: Establishes the site’s layout and design.

Table 1: Project Overview

<i>Project Number:</i>	REZ 2021-02, VAR 2022-01, CUP 2021-15, SPR 2021-23
<i>Applicant:</i>	Hardev Singh
<i>Property Owner:</i>	Hardev Singh
<i>Location:</i>	801 South Gateway Drive on the northeast corner of the intersection of West 12 th Street and South Gateway Drive.
<i>Project Area:</i>	0.27 acre or approximately 15,000 square feet (sf)
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	I – Industrial
<i>Site Characteristics</i>	The project proposal sits on a 0.27-acre lot and has an existing structure divided into 4 units, as follows: <ul style="list-style-type: none"> ▪ Unit A: 1,290 sf

	<ul style="list-style-type: none"> ▪ Units B & C are combined: 2,570 sf ▪ Unit D: 1,171 sf ▪ Unit E: 1,397 sf <p>Units A, D, and E each have their own interior office space and units B and C share a singular area dedicated for office use. Unit A is office/vacant, unit B and C are a smog/repair shop, unit D is an auto repair, and unit E is a muffler shop. The existing site offers 12 standard parking stalls and one (1) parking stall compliant with the American Disabilities Act (ADA). The Union Pacific Railroad right-of-way is located immediately northeast of the project site. The primary surrounding uses are industrial and commercial with the exception of some single-family homes west of the project site.</p>
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SUMMARY:

An application for a rezone, variance, conditional use permit, and site plan review to allow for consistency between the site’s General Plan land use designation and the zoning ordinance, as well as establish a master site plan and use permit for the site that specifies uses allowed. The rezone proposes a change from an I – Industrial zone to a C2 – Heavy Commercial zone district. The variance addresses the insufficient space needed to accommodate all proposed uses and their corresponding parking requirements. The conditional use permit allows for small engine and auto repairs to operate in one of the existing units and the site plan establishes the site’s layout and design. The applicant is proposing light retail (e.g., hair salon, floral business, professional offices) for unit A and heavy commercial (e.g., glass repair, window tint/auto wrap shop, landscaping company) for units B, C, D, and E.

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>	Thrift Shop	C – Commercial	I – Industrial
<i>East</i>	Union Pacific Railroad	-	-
<i>South</i>	Torres Auto Body & Paint	C – Commercial	I – Industrial
<i>West</i>	Tire & Wheel Zone	C – Commercial	I – Industrial

ANALYSIS:

Site and Entitlement History:

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

Table 3: Entitlement History		
<i>Permit #</i>	<i>Project</i>	<i>Status</i>
SPR 1985-01	Development of existing building	Complete
SPR 1986-12	Building improvements	Complete
SPR 1987-19	Building improvements	Complete
CUP 2015-27 & 2015-31	Memorialized the use of an auto repair shop in one of the existing units. <i>Note:</i> Conditions of approval were attached and accepted by the applicant on November 30, 2015. Neighboring tenants submitted formal complaints citing non-compliance with several of the accepted	Complete

	conditions. Consequently, on November 14, 2017, the Commission temporarily revoked CUP 2015-27 and moved to approve monthly site assessments for a period of 6 months to ensure compliance with the conditions of approval. CUP 2015-27 was reinstated on May 8, 2018 after the violations were remedied.	
CUP 2016-03 & SPR 2016-09	Permit to operate a religious institution in unit A.	Complete

Rezone

The applicant is proposing a rezone from an I – Industrial zone to a C2 – Heavy Commercial zone to create consistency between the site’s General Plan land use designation and zone district. The uses allowed by right in an I – Industrial zone district range from automobile dismantling and use parts storage to machine shops and textile manufacturing. Its General Plan land use designation is commercial, also known as the City’s retail commercial land use category. A broad range of commercial uses are allowed, including professional offices.

The site’s zone designation and land use designation become inconsistent in the uses allowed in an industrial zone and the general intention and direction set forth by a commercial land use designation. Industrial zone districts are commonly used for areas involving businesses that conduct manufacturing and packaging, while a commercial land use designation generally involve areas for businesses that interact with the public. Such inconsistency must be corrected per CGC § 7-1.4.65850, but also to ensure that the City’s Land Use Core Principles are met to the fullest extent possible. Specifically, in ensuring consistency between the site’s General Plan land use designation and its zone district, this rezone would support “comprehensive planning to ensure individual projects are integrated with existing and future projects and considers the form and function of the surrounding area” (City of Madera General Plan, p. 8-7). This rezone will also ensure that all future proposed uses are subject to the building rules and regulations of a C2 – Heavy Commercial zone district, allowing for better functionality with all surrounding current and future uses.

REZ 2021-02 is consistent with i) the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public’s health, safety, peace, comfort, convenience and general welfare; and iii) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. The project is consistent with the General Plan goals and policies including:

- A. GOAL SUS-1: Establish and maintain a diverse and sustainable local economy.
- B. Policy SUS-11: The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.
- C. Policy SUS-13: The City shall support the location and continued operation of local businesses that supply goods and services needed in City.

- D. Policy SUS-15: The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.

It is noted that the City Council serves as the action body for the Rezone, thus the CUP, Site Plan Review, and Variance are subject to affirmative action by the City Council. Should the Council deny the rezone, Commission action on the CUP, Site Plan Review, and Variance shall be null and void. A condition has been included indicating such.

Proposed Uses

The applicant proposes a conditional use permit that would allow for auto engine and transmission overhauling, tire rebuilding and comparable uses to operate in one of the existing units. Table 4 provides an overview of the proposed uses.

Table 4: Overview Proposed Uses per CUP 2021-15 (refer to Attachment 3 for exhaustive list)	
<i>Unit A</i>	<i>Unit B, C, D, E</i>
Hair Salon/Barber	Window Tint/Auto Wrap shop
Beauty/Nail/Lashes/Massage Therapy	Smog shop
Office (as outlined in Attachment 3)	Auto repair
Cell phone/computer repair	Small engine repair
Floral business	
Light retail, specialized comic book, collectibles, video games, niche items	

Analysis of Proposed Uses

- Unit A:
 - The proposed uses align with light commercial
- Units: B, C, D, and E:
 - Are more compatible with heavy commercial. MMC § 10-3.902 (Heavy Commercial, Uses Permitted) permits any uses listed in MMC § 10-3.802 (Light Commercial, Uses Permitted) to operate in heavy commercial zones and is therefore more encompassing of the uses proposed by the applicant.

The uses that the applicant has proposed at the time of this review, and those defined as by-right uses in a C2 – Heavy Commercial zone district per MMC, shall be the only by right uses allowed. Any proposed used that is not listed may require additional review to ensure consistency with any existing uses on the property and with surrounding uses. It is noted that the Conditions of Approval (COA) also precludes any future use that would require a higher number of parking stalls than the uses categorized as commercial and industrial defined in MMC § 10-3.1202 or uses that require more than 1 space for each 400 sf of building area, plus 1 space for each 2 employees, whichever is higher.

Parking Requirements

All new and/or expanded development and change of use proposals in the City are subject to the rules and regulations established by MMC § 10-3.1202 (Parking Spaces Required). Table 5 provides an analysis of the parking.

Table 5: Required Parking per the MMC per use	
<i>Use</i>	<i>Required # of stalls</i>
Personal Service Establishments	1 stall per 300 sf of gross floor area
Commercial and Industrial	1 stall per 400 sf of gross floor area; plus, 1 space for each 2 employees

Table 6: Required Parking of Project Site based on Use & Building Area				
<i>Unit</i>	<i>Floor Area (sf)</i>	<i>Required # of stalls</i>	<i>Required # of employee stalls</i>	<i>Assumed Use</i>
A	1,290	5	N/A	Refer Table 4
B, C	2,570	7	Determined at time of proposed use	Refer to Table 4
D	1,171	3		
E	1,397	4		
Total:	6,428	19		

It is noted that the calculations in Table 6 do not account for the number of employees each tenant employs as number of employees fluctuates with the change of tenant and business.

At a minimum, the site is required to provide 19 parking stalls, 1 accessible space, and 1 van-accessible parking space to meet the strict application of the MMC and CBC. As evidenced by the table above, the site does not provide adequate parking. This parking deficiency may be corrected through the issuance of a parking variance.

Parking Variance

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

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

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

To support a parking variance and minimize any future parking deficiencies, CUP 2021-15 and SPR 2021-32 preclude any use that:

- Would require a higher number of parking stalls than the uses categorized as commercial and industrial defined in MMC § 10-3.1202; or
- Uses that require more than 1 space for each 400 sf, plus 1 space for each 2 employees, whichever is higher.

For example, medical, dental, and clinic office uses require 4 spaces for each doctor plus 1 space for each employee or 1 space for each 250 sf of gross floor area, whichever is greater. Similarly, retail food store uses are subject to 1 space for each 250 sf of gross floor area. In both cases, CUP 2021-15 would preclude these uses to operate at this location as both use types require higher number of parking stalls than available space allows for.

Parking Variance Findings

Parking requirements established in MMC § 10-3.1202 are calculated based on the land use type being proposed and its corresponding square footage. With a total of 6,428 sf of working heavy commercial area on a 15,000-sf parcel, the site lacks the space needed to accommodate all the proposed uses and their corresponding parking requirements. While the construction of the existing building occurred in 1985, there are no City records, permits, or variances on file addressing this parking deficiency. Strict and literal application of MMC § 10-3.1202 would then result in practical difficulties, inconsistencies with goals and policies established in the General Plan, and deprivation of economic privileges enjoyed by surrounding properties.

Strict application of MMC § 10-3.1202 would render the site non-compliant based on insufficient space resulting from the size of the applicant's property and creates practical difficulties. However, previous uses have proven to be able to operate with the limited parking stalls available as recognized through the 6 months of site assessments ordered by CUP 2015-27 (Frank's Auto Repair – Performance Review). The proposed uses listed by the applicant do not deviate in character from the uses that have been operating since 1985 and therefore should be able to operate with the existing parking.

Strict application of MMC § 10-3.1202 would also require denial of SPR 2021-32, as all proposals are mandated to operate in compliance with all rules and regulations established in the MMC, unless a variance is granted. Without approval:

- A portion of the building would need to remain vacant. For example, Units B and C would need to remain vacant given that they require 7 stalls, yet the site only provides 12
- The applicant may also demolish a portion of the building and provide parking; however, the inability to lease the existing units deprives the applicant of the same economic privileges granted to properties in the vicinity under identical zoning classification. A vacant and inoperable building is also inconsistent with the Madera Vision 2025 and its goal for good jobs and economic opportunity. It is the City's desire to welcome business, economic, and employment opportunities, but strict and literal application of MMC § 10-3.1202 to the site would not allow for this.

General Plan Conformance

The land use entitlements have been submitted to allow for consistency between the site's General Plan land use designation and its zone district designation. Request for a rezone and use permit for this location provides conformance with the General Plan by supporting land use goals and policies. Specifically, staff

finds this rezone and use permit to support, “a well-planned city prepared for growth through comprehensive planning which balances growth demands with resources and infrastructure, to facilitate high quality development” (Land Use Goal LU-1, City of Madera General Plan, p. 8-9). In requesting a rezone, REZ 2021-02 also acts on land use policy LU-3, which requires all zoning in the City’s limit be consistent with the General Plan Land Use Map.

ENVIRONMENTAL REVIEW:

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

COMMISSION ACTION:

The Planning Commission will be acting on the following findings recommending the approval of REZ 2021-02, VAR 2022-01, CUP 2021-15, and SPR 2021-32.

Motion 1: Move to recommend approval of REZ 2021-02 and approve VAR 2022-01, CUP 2021-15, and SPR 2021-32 in conjunction with the findings and conditions of approval as listed below.

1. Findings to Support a Rezone (REZ 2021-02)

The Planning Commission finds that REZ 2021-02 is consistent with the General Plan. The Planning Commission further recommends that the City Council find that REZ 2021-02 i) is consistent with the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public’s health, safety, peace, comfort, convenience and general welfare; and iii) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. The project is consistent with the General Plan goals and policies including:

- A. GOAL SUS-1: Establish and maintain a diverse and sustainable local economy.
- B. Policy SUS-11: The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.
- C. Policy SUS-13: The City shall support the location and continued operation of local businesses that supply goods and services needed in City.
- D. Policy SUS-15: The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.

2. Findings to Support a Parking Variance (VAR 2022-01)

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

- Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.
- Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

The property's size and configuration does not allow for the sufficient space needed to accommodate all proposed uses and their corresponding parking requirements as required by MMC § 10-3.1202. In addition, the existing building was constructed to accommodate a specific use while the applicant is attempting to provide a different variety of uses. This creates practical difficulties related to everyday operations for the businesses in the existing units. Any proposal found to be noncompliant with any of the provisions established in the MMC requires denial unless a variance is granted. Without approval, the applicant's building will remain vacant and inoperable. A vacant and inoperable building is in direct contradiction to the Madera Vision 2025 and its goal for good jobs and economic opportunity. In addition, the applicant may demolish a portion of the building and provide parking; however, the inability to lease the existing units deprives the applicant of the same economic privileges granted to properties in the vicinity under identical zoning classification

3. Findings to Support Conditional Use Permit (CUP 2021-15)

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

The General Plan designates the subject site for commercial uses. If approved by City Council, the new zoning district would be C2, consistent with the General Plan.

The proposed uses are similar in character to the uses that have been in use since the building was constructed in 1985. They are also uses comparable to the uses defined and outlined in MMC § 10-3.902 (Heavy Commercial, Permitted Uses).

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

The project site is suited for commercial uses. The project site is located within a commercial corridor and is surrounded by like uses to the north, west, and south, and a railroad line to the east. As conditioned, the uses 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 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. Findings to Approve a Site Plan Review

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

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

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

The property is not located within the boundary of a specific plan.

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

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

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

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

The Commission's action on the Rezone and CEQA for the project will serve as a recommendation to the City Council. The Commission's action on the Variance, Use Permit, and Site Plan Review is contingent upon the Council's approval of the rezone, at which time it will become final unless timely appealed for consideration by the City Council.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the request to a date specified, for the following reasons or in order for the following information to be provided: (please specify date and reasons for continuance).
2. Move to deny the request for based on the following findings (please specify reasons).

ATTACHMENTS:

1. Aerial photo
2. Site Plan
3. List of Proposed Uses
4. Letter from applicant
5. Resolution

Attachment 1 – Aerial Photo



SE St

SE St

SE St

Fix it now auto body

Madera Smog & Repair

Torres Body Shop
Auto body shop

Labo Auto Repair

S Gateway Dr

S Gateway Dr

S Gateway Dr

Gateway Dr

W 12th St

Tire & Wheel Zone
Tire shop

Godínez Auto Body
Parts Recemplazos De...

721

717

801

819

815

728

724

716

712

725

729

W 12th St

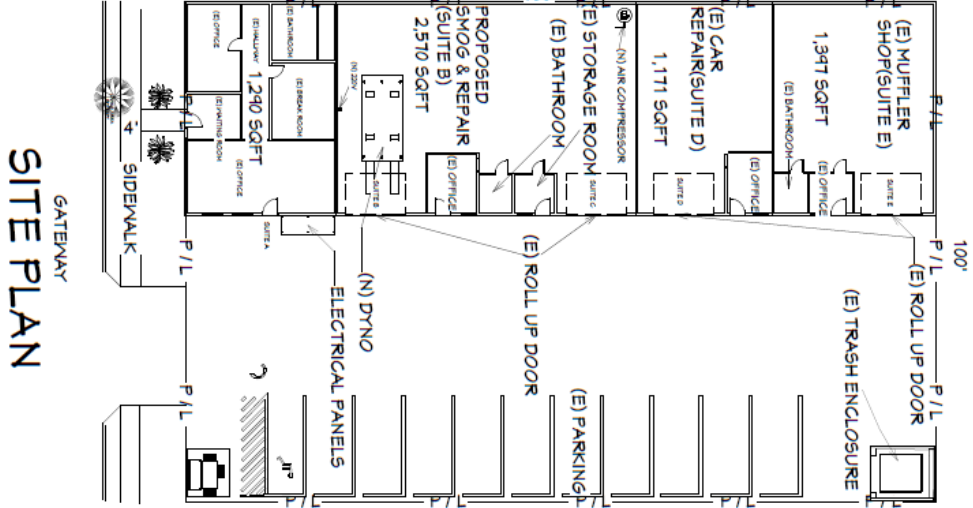
W 12th St

Moneygrip
Temporarily closed

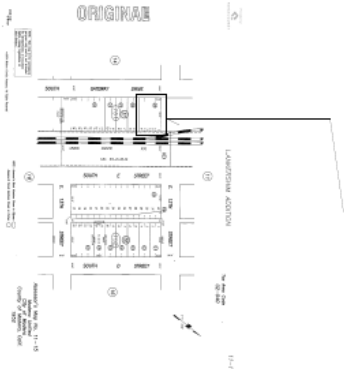
Google

Attachment 2 – Site Plan

PROJECT INFORMATION	
OWNER: ADDRESS: 801 S. GATEWAY DR MADERA, CA 95635 APN: 011-151-008-000	
OCCUPANCY GROUP: TO BE: F-1 CONSTRUCTION TYPE TO BE: TYPE V	
SCAFFOLD FOOTAGE	EXISTING
	PROPOSED
LOT SIZE: 15,000 SQFT	
SCOPE OF WORK: PROPOSED SHOG & REPAIR SHOP	
CODES TO BE USED AND FOLLOWED: CALIFORNIA BUILDING CODE 2019 EDITION CALIFORNIA MECHANICAL CODE (CMC) 2019 EDITION CALIFORNIA PLUMBING CODE (CPC) 2019 EDITION CALIFORNIA ELECTRICAL CODE (CEC) 2019 EDITION CALIFORNIA RESIDENTIAL CODE (CRC) 2019 EDITION CALIFORNIA ENERGY CODE 2019 EDITION CALIFORNIA GREEN BUILDING CODE 2019 EDITION	
LOCATION OF PROPERTY	



PARCEL LOCATION



SPEEDY DRAFTING & DESIGN LLC, RAYMOND ROSALES 45 MONARCH RD. MADERA, CA 95635 564-640-0291 SPEEDYDRAFTING@GMAIL.COM <i>Raymond Rosales</i>	801 S GATEWAY DR MADERA, CA 95635 APN: 011-151-008-000	SITE PLAN	SCALE AS NOTED	SHEET NUMBER
			DATE AUG. 2021	A-0
			DRAWN BY: R.R.	

Attachment 3 – List of Proposed Uses

Suite A Proposed Use

- Hair Salon/ Barber
- Beauty/Nail/Lashes/Massage Therapy
- Professional Office (accounting, property mgmt. , insurance, real estate, ag business, call center, legal, Govt related, chiropractor, professional counseling, bookkeeper, billing office, consulting
- Cell phone/Computer repair
- Floral business
- Light retail, specialized comic books, collectibles, video games, niche items

Suite B/C/D/E Proposed Use

- Window Tint/Auto Wrap Shop
- Upholstery (auto, home)
- Glass Repair (home and auto)
- Smog Shop
- Welding/ fabrication
- Auto Repair (electric, maintenance)
- Light Industrial, packaging, ship
- Auto Detailing
- Transportation Company Storage (car, limo, etc.)
- Pest/Termite Company Services
- Small Engine Repair
- Motorcycle Repair
- Storage Warehouse (not open to public business)
- Cabinet Shop
- Landscaping Company
- Online Business (using for storage)
- Rental Company Storage (Tables, Chairs, Ect.)

Attachment 4 – Variance Request Letter

Hardev Singh
801 S. Gateway Drive
Madera, CA 93637

February 11, 2022

Re: Parking Variance for 801 S. Gateway Drive

Dear City of Madera Planning Commission,

I am writing in regards to my application for a parking variance application at the subject property of 801 S. Gateway Drive. As a property owner, I am currently only able to operate at 40% occupancy, as I have filed for a rezone to allow other businesses to operate out of this property. To maximize my use, I am writing this letter to request a parking variance to allow parking for proposed businesses to operate. With current units remaining empty for over two years, I have not been able to collect any source of income. I believe it is in the best interest of myself and the city to be able to move forward with variance, allowing new businesses to operate. I have a written agreement with current tenants allowing only two spaces per unit to utilize.

My other option may be to sell property if I cannot move forward with variance. I cannot afford to lease a building only collecting less than half of potential rental income. I will continue to work with the city to make this happen. I look forward to a response at your earliest convenience on this matter.

Best,

Hardev Singh

Attachment 5: Resolution

RESOLUTION NO. 1909

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND REZONE 2021-02 (REZ 2021-02), AND CONTINGENT APPROVAL OF VARIANCE 2022-01 (VAR 2022-01), CONDITIONAL USE PERMIT 2021-15 (CUP 2021-15), AND SITE PLAN REVIEW 2021-23 (SPR 2021-23) (AUTO USES, 801 SOUTH GATEWAY DRIVE)

WHEREAS, Hardev Singh (“Owner”) owns an existing commercial structure at 801 South Gateway Drive in Madera, California (“site”); and

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

WHEREAS, the Applicant is seeking a parking variance to allow for reduced parking requirements associated with the commercial activities on the site, as proposed by SPR 2021-23; and

WHEREAS, the existing site would require additional parking spaces to provide for the existing commercial area on-site as stated in Section 10-3.1202 of the Madera Municipal Code, “Parking Spaces Required”; and

WHEREAS, the parcel has no excess space on which to provide additional parking; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities); and

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

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

WHEREAS, the Planning Commission received and reviewed REZ 2021-02, VAR 2022-01, CUP 2021-15, and SPR 2021-23 at a duly noticed meeting on March 8, 2022; and

WHEREAS, CUP 2021-15 shall only apply and allow for small engine and auto repairs, transmission overhauling, tire rebuilding and other comparable uses to operate in one of the existing unit; and

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

WHEREAS, the Planning Commission now desires to recommend the City Council adopt a Categorical Exemption for the project pursuant to CEQA, and recommend approve REZ 2021-02. The Planning Commission also desires to contingently approve VAR 2022-01, CUP 2021-15, and SPR 2021-23, 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 Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission recommends the City Council find and determine that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Recommendation of City Council Approval of REZ 2021-02: The Planning Commission finds, and recommends the City Council find, that REZ 2021-02 is consistent with the General Plan. The Planning Commission further recommends that the City Council find that REZ 2021-02 i) is consistent with the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; and iii) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. The project is consistent with the General Plan goals and policies including:
 - A. GOAL SUS-1: Establish and maintain a diverse and sustainable local economy.
 - B. Policy SUS-11: The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

- C. Policy SUS-13: The City shall support the location and continued operation of local businesses that supply goods and services needed in City.
 - D. Policy SUS-15: The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.
4. Findings to Approve VAR 2022-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of VAR 2022-01, 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:

Finding a: Strict and literal application of MMC § 10-3.1202 (Parking Spaces Required) would result in practical difficulties.

The property's size does not allow for the sufficient space needed to accommodate all proposed uses and their corresponding parking requirements as required by MMC § 10-3.1202. This creates practical difficulties related to everyday operations for the businesses in the existing units.

Finding b: Strict and literal application of MMC § 10-3.1202 (Parking Spaces Required) results in inconsistencies with goals and policies established in the General Plan.

Any proposal found to be noncompliant with any of the provisions established in the MMC requires denial unless a variance is granted. Without approval, the applicant's building will remain vacant and inoperable. A vacant and inoperable building is in direct contradiction to the Madera Vision 2025 and its goal for good jobs and economic opportunity.

Finding c: Strict and literal application of MMC § 10-3.1202 (Parking Spaces Required) results deprivation of economic privileges enjoyed by surrounding properties.

The applicant may demolish a portion of the building and provide parking; however, the inability to lease the existing units deprives the applicant of the same economic privileges granted to properties in the vicinity under identical zoning classification.

5. Findings to Approve CUP 2021-15: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-15, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The proposed uses are similar in character to the uses that have been in use since the building was constructed in 1985. They are also uses comparable to the uses defined and outlined in MMC § 10-3.902 (Heavy Commercial, Permitted Uses).

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

The project site is suited for commercial uses. The project site is located within a commercial corridor and is surrounded by like uses to the north, west, and south, and a railroad line to the east. As conditioned, the uses 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 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.

6. Findings to Approve SPR 2021-23: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-23, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

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

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

The property is not located within the boundary of a specific plan.

Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects

on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

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

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

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

- 7. Approval of VAR 2022-01, CUP 2021-15, and SPR 2021-23: Given that all findings can be made, the Planning Commission hereby approves VAR 2022-01, CUP 2021-15, and SPR 2021-23 as conditioned and set forth in the Conditions of Approval attached as Attachment A, which approvals are contingent upon the following:

The approval of VAR 2021-01, CUP 2021-15, and SPR 2021-23 shall become final and effective immediately only after the City Council of the City of Madera adopts REZ 2021-02 (“Council Approval”). If the Council Approval is not made within 180 days of the adoption of this Resolution, then VAR 2021-01, CUP 2021-15, and SPR 2021-23, shall be returned to the Planning Commission for further consideration and a final decision. If the Council Approval is made within 180 days of the adoption of this Resolution, but any change is made by the Council to the Council Approval in a manner that could reasonably affect the findings of the Planning Commission herein, or require a modification or addition of a condition of approval to be consistent with the Council Approval, then VAR 2021-01, CUP 2021-15, and SPR 2021-23 shall be returned to the Planning Commission for further consideration and a final decision.

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

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.

Planning Commission Chairperson

Attest:

Arnoldo Rodriguez, AICP

City Manager

Exhibit A: Conditions of Approval for CUP 2021-15 & SPR 2021-23

REZ 2021-02, VAR 2022-01, CUP 2021-15 SPR 2021-23

801 S. Gateway Dr.

Conditions of Approval, March 8, 2022

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for CUP 2021-15 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2021-03 (Auto Uses, 801 South Gateway Drive) 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 801 South Gateway Drive that are being developed under CUP 2021-15 and SPR 2021-03 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

General

1. Approval of this site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this site plan review may become null and void if development is not completed in accordance with all the conditions and requirements imposed on this site plan review and all City standards and specifications.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.

Planning Department

4. VAR 2022-02, CUP 2021-15, and SPR 2021-32 are contingent upon City Council approving REZ 2021-02. VAR 2022-02, CUP 2021-15, and SPR 2021-32 shall not come into effective until REZ 2021-02 is approved by City Council.
5. All parking stalls, including ADA parking, shall be restriped to City standards.
6. With a total of 12 standard parking stalls, applicant shall dedicate and limit three (3) parking spaces per each unit. This shall be done by marking the letter of each suite on the three (3) parking spaces closest to that unit.
7. The three (3) diagonal striped parking stalls fronting suites A, B, C, and E shall be removed before final approval.
8. The uses that the applicant has proposed at the time of this review, and those defined as by-right uses in a C2 – Heavy Commercial zone district per MMC, shall be the only by-right uses allowed.

Any future proposed use not listed by the applicant shall require additional review by the Planning Manager or planning staff.

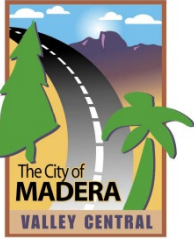
9. CUP 2021-15 and SPR 2021-32 shall preclude any use that would require a higher number of parking stalls than the uses categorized as commercial and industrial defined in MMC § 10-3.1202 or uses that require more than one (1) space for each 400 sq. ft., plus one (1) space for each two (2) employees, whichever is higher.
10. Table 4 below lists all the permissible uses (Refer to Attachment 2 for exhaustive list). However, CUP 2021-15 shall only apply and allow for small engine and auto repairs, transmission overhauling, tire rebuilding and other comparable uses to operate in one of the existing units. Uses not listed under CUP 2021-15 shall require additional review.

<i>Unit A</i>	<i>Unit B, C, D, E</i>
Hair Salon/Barber	Window Tint/Auto Wrap shop
Beauty/Nail/Lashes/Massage Therapy	Smog shop
Office (as outlined in Attachment 2)	Auto repair
Cell phone/computer repair	Small engine repair
Floral business	

11. Unit B and C shall be occupied by one (1) single tenant operating one (1) single business.
12. There shall be no overnight parking and/or storage of any vehicles and/or equipment.
13. The tree fronting the property shall be kept and maintained by the applicant/owner.
14. Any damage to on-site landscaping resulting from on-site improvements shall be addressed and corrected by the applicant/owner and /or contractor.

Fire Marshall

15. Fire and life safety requirements shall be maintained for the existing businesses in accordance with the California Fire Code. Any changes to the existing conditions will require fire approval for code compliance.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adam Klier, Assistant Planner

Meeting of: March 8, 2022

Agenda Item: 8

SUBJECT:

Parking Variance 2021-03, Site Plan Review 2020-23, and related Categorical Exemption for 608 East Yosemite Avenue

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a finding of categorical exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities).
2. Adopt the resolution which outlines the necessary findings approving Variance 2021-03 related to off-street parking and Site Plan Review 2020-23 as conditioned.

PROPOSAL:

A request for a variance from the off-street parking requirements from the Madera Municipal Code (MMC) for consideration to allow the existing parking facilities to suffice for commercial operations in the existing structure. Commercial activities will be restricted to those designated and agreed upon in the associated Site Plan Review.

Table 1: Project Overview	
<i>Project Number:</i>	Variance 2021-03, Site Plan Review 2020-23
<i>Applicant:</i>	Saul Sanchez
<i>Property Owner:</i>	Yon H. Kim
<i>Location:</i>	608 East Yosemite Avenue between South Lake Street and Vineyard Avenue
<i>Project Area:</i>	0.42 Acres; developed with a 8,754 sf multi-tenant building
<i>Plan Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics</i>	The building has eight leasable commercial tenant spaces. The parcel has bi-directional access to East Yosemite Avenue via two curb-cuts along its north boundary as well access to Vineyard Avenue and East 6 th Street via an alleyway which only serves the rear of the property. Parking is currently provided in two separate sections: a set of slanted parking along the front façade of the building and a set of perpendicular spaces in the rear of the building.

SUMMARY:

The applicant has requested a deviation from the parking requirement of the MMC to allow for the continued use of the full floor area of the existing structure despite a less-than-compliant number of off-street parking spaces.

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>	Auto-oriented Light Commercial	C	C1 – Commercial
<i>East</i>	Auto-oriented Light Commercial	C	C1 – Commercial
<i>South</i>	Auto-oriented Light Commercial	C	C1 – Commercial
<i>West</i>	Auto-oriented Light Commercial	C	C1 – Commercial

ANALYSIS:

Site History:

The MMC requires that a Site Plan Review (SPR) shall be required of all new, expanded, or changed uses of property which involve the construction or placement of new structures or building additions on the site or new uses which necessitate on-site improvements, including uses subject to a variance. The applicant has indicated that the site does not provide adequate parking, thus they are requesting relief from the strict application of the MMC. In order to gain reprieve, a Variance is required.

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

In cities, such as Madera, where mobility options are best described as “car-dependent”, parking is an important consideration for a project’s traffic impacts, accessibility, and safety. The MMC provides a set of regulations which are intended to provide for private parking in a manner which:

- Is ample to the needs of the community and given use;
- Minimizes the burden on individual property owners; and
- Provides enough flexibility so as not to discourage investment.

Variances affecting these regulations should be considered based on how the most flexible interpretation of said regulations would impact the given property.

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

Entitlement History:

The subject site has a history of entitlements. The following provides a summary:

- SPR 1980-12: Building Remodel
- ZAP 2013-02: Allowance for Used Tool Sales associated with Ace-Hi
- SPR 2018-31: Minor SPR revision for ethnic food store
- SPR 2018-36: Minor SPR revision for Athletic Equipment Sales
- SPR 2019-01: SPR Revision for bulky item retail associated with a mattress store

The building was originally constructed prior to the adoption of the City's most recent parking ordinance in 1978. It has since undergone 2 major remodels in 1980 and 2006. While those remodels updated the façade, changed interior layouts, and updated the structure to match contemporary building codes, no change to the original footprint has taken place.

No comprehensive Site Plan Review has been undertaken since before the 2006 remodel. Since that time, the City has engaged in spot/suite specific review and permitting. Past conditions of approval have been aimed at bringing the property into compliance with City standards. Enforcement has been a concern as compliance has been inconsistent.

Since 1990 the site has been utilized for the sale of alcohol for off-site consumption at the business called "Liquor Locker". This use predates the need for a Conditional Use Permit for alcohol sales, thus it is considered a non-conforming use.

Off-Street Parking Ordinance

The MMC provides criteria for required parking spaces based on more specific use categories than those outlined by the City's zone districts (MMC §10-3.1202). The requirements for commercial uses range from:

- 1 space for every 450 sf of gross floor area in the case of retail establishments specializing in bulky items;
- 1 space per 50 sf of service area; or
- 1 for every 3 fixed-seats in restaurant uses

This broad range of uses makes planning for all uses in a given development difficult at best.

The standard method of addressing this issue is to require a SPR whenever a tenant changes from one use sub-type to another. If the proposed new use would require more parking than is currently provided or proposed, the insufficiency can be addressed at that time. However, this model requires significant analysis, time consuming, and is costly to all. As such, City staff have taken to conditioning sub-type uses by suite or by floor area so that Tenant Improvement permits, and Business License applications can be processed based on the SPR conditions alone.

In the case of this site, no comprehensive SPR is on record. This is likely due both to the age of the building and past department policy regarding the SPR process. As stated in the "Entitlement History" section above, the site was constructed prior current parking ordinance being in place, although the site has been remodeled. Such remodeling activities require buildings and properties to be brought into compliance with contemporary code. As such, a comprehensive SPR and will be held to contemporary development standards.

Proposed Usage and Parking Insufficiencies

The applicant proposes that the building continue be used for general commercial purposes. The building is 8,754 sf in gross floor area and the site provides 20 parking spaces. Unless demolished, the site is unlikely to accommodate additional building area or parking.

As described above, the general use category is insufficient for determining parking requirements and therefore use sub-type must be considered. In this particular case, the property was previously denied a restaurant use due to, among other reasons, insufficient parking. If the building in question were to be used entirely for the most common use sub-type, general retail, then 30 spaces, including 2 ADA spaces would be required. That would not account for uses with stricter parking requirements such as restaurants. Therefore, the parking is insufficient for the proposed use.

It is noted that the State of California outlines the number of necessary accessible parking spaces. While ADA spaces are counted towards meeting the required off-parking requirements, they may not be exempted via a variance and the number of ADA spaces is calculated based on the statutory required number of spaces.

<i>Use</i>	<i>Spaces Required</i>
General Retail/Professional Office	30
Bulky Retail	22
Retail Food Stores/Banks	36
Restaurant (assuming 40% space is for seating)	71
Parking Provided	20

Potential Offsets

While parking infrastructure in automobile dependent communities is a critical concern, alternative transportation options exist and can be supported through intentional design. The most applicable alternatives in this case are walking, biking, and public transportation.

The parcel is within a reasonable half-mile walk of most properties located in the area east of the Union Pacific rail line, south of the Fresno River, north of 9th Street, and west of Fig Street. While there are some infrastructural concerns along those routes, there are steps the property owner can take to make the site itself more welcoming to pedestrians. A sheer grade or curb separation between pedestrian and motor vehicle areas and a raised grade and/or textured path-of-travel through vehicular areas make pedestrians feel safer. Decorative bollards or integrated planters provide a visually appealing separation of the storefront access and parking areas.

Bicycling is a possible alternative provided the availability of supporting facilities. Specifically, the availability of secure and visible bike racks where bikers can lock up their bike while shopping or being served.

Finally, there is a bus stop with a quality bus shelter less than 600 ft from the parcel. This could be an important accessibility factor as Madera continues to develop its public transportation master plan. Once riders are on the property, they will benefit from many of the same infrastructural improvements that benefit pedestrians.

Justification for Variance

The approval of a variance from the MMC follows the same path as required for all variances. While it would be ideal for all sites to provide adequate parking, the MMC anticipated scenarios where said parking would be impractical, considering that it reads:

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

Findings in support of a variance can be made based on the consistency of the request with the purpose and intent of the parking ordinance itself. More specially, § 10-3.1201 MMC states:

(A) It is the purpose of this section to allow evaluation of off-street parking requirements for vehicles to prevent or lessen the traffic congestion and parking problems on public streets and to leave street parking available to persons making short-term visits for shopping, personal business and related activities...On-site parking is a normal part of land use development and satisfying Code requirement will be the rule and not the exception. Allowing large scale or high intensity land uses an exception to Code requirements, or to pay in-lieu fees, may have a tendency to over-load the city's existing parking inventory on at least a short-term basis, and in the case of some areas, exceed the city's ability to satisfy long-term needs. The number of parking spaces and the number of loading berths prescribed in this subchapter, or to be prescribed by the Planning Commission, shall be proportional to the need for such facilities created by the particular type of land use...The provisions of this subchapter are intended to:

- (1) Provide clear standards for parking requirements;*
- (2) Provide parking requirements that are appropriate for specified land uses;*
- (3) Provide for flexibility in meeting parking requirements;*
- (4) Ensure that parking requirements are consistent with the land use goals of the community; and*
- (5) Discourage unnecessary curb cuts and the loss of on-street parking spaces through the construction of driveways downtown.*

The provisions of this subchapter are also intended to deal with major problems, conditions, and needs which are apparent in attempting to provide sufficient off-street parking facilities in areas of intense commercial development, including:

- (1) The difficulty in assembling land by private means;*
- (2) The often excessive time required in assembling land by private means;*
- (3) The varying financial capabilities and traffic generating characteristics among the various types of commercial enterprises;*
- (4) The importance of avoiding the development of a fragmented pattern of off-street parking facilities which may bear little relation to the needs of a commercial area as a whole;*
- (5) The importance of prescribing regulations which will not inadvertently discourage private investment within the community while alleviating or preventing traffic congestion; and*

- (6) *The importance of achieving a reasonable distribution of burden among private interests and the public at large consistent with their individual and collective responsibilities to provide off-street parking and loading facilities.*

While the site has undergone renovations since 1979, the building and parcel remain unchanged. Open space available outside of the footprint of the building, but within the parcel boundaries, have been utilized to their maximum extent for the purposes of parking. Despite this maximization, the parcel is still deficient according to the City's parking ordinance.

Without approval of the variance, the property owner would need to abandon and potentially demolish a section of the structure in order to provide the required parking for the uses on the parcel. This would seem contradictory to the ordinance intent to prescribe "regulations which will not inadvertently discourage private investment in the community while alleviating or preventing traffic congestion" as well as to "provide for flexibility in meeting parking requirements." Approval of the variance resolves practical difficulties, reconciles unnecessary hardships, and provides results most consistent with the general purposes of the Parking Ordinance by allowing parking, conditioned upon restricted uses, within the scope of the existing parcel size and open space.

Limitations on Land Uses

Considering that providing additional parking is impractical without demolishing existing buildings, staff recommends that the following condition be added to the Site Plan Review that would limit future uses to minimize impacts to surrounding sites:

Due to the parking constraints as well as the varied parking demands and requirements of specific uses, the uses allowed on the property shall be restricted to the following:

- a. General Retail not to include Grocery or Convenience Store shall be permitted
- b. Retail of primarily bulky goods shall be permitted
- c. Business and Professional Offices Shall be permitted
- d. Services except as an accessory to a primary retail use shall not be permitted.
- e. Personal Service, Banks, Restaurants with a dine-in component, and places of assembly shall not be permitted.
- f. Other uses permitted in the C-1 zone, to include off-site alcohol sales will be assessed by the Planning Department for parking impacts and will require the written permission of the Planning Director or their designated agent prior to issuance of a related permit.

Existing businesses which would otherwise violate these restrictions shall be allowed to continue operations without expansion (spatial, volume, or otherwise). All new businesses shall be held to the standards listed above.

Precedent

It is possible that approval of the parking variance could set a precedence for other future parking variances. The Commission should consider the implications of their decision. Any decision by the Commission could set a pattern for future requests for parking requirement exemptions in Commercial Districts of the City. Commissioners should carefully consider the language of a resolution adopting this variance to ensure they are comfortable with any precedent which it may set.

ENVIRONMENTAL REVIEW:

The project has been determined to be categorically exempt under Section § 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

COMMISSION ACTION:

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

ALTERNATIVES:

As an alternative, the Commission may elect to:

- Move to continue the public hearing to the April 12, 2022, Commission meeting.
- Move to deny the application for Variance 2021-03 to the April 12, 2022, Commission meeting with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – The Commission should articulate reasons for denial)

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. Site Plan
4. Resolution

Attachment 1: Vicinity Map

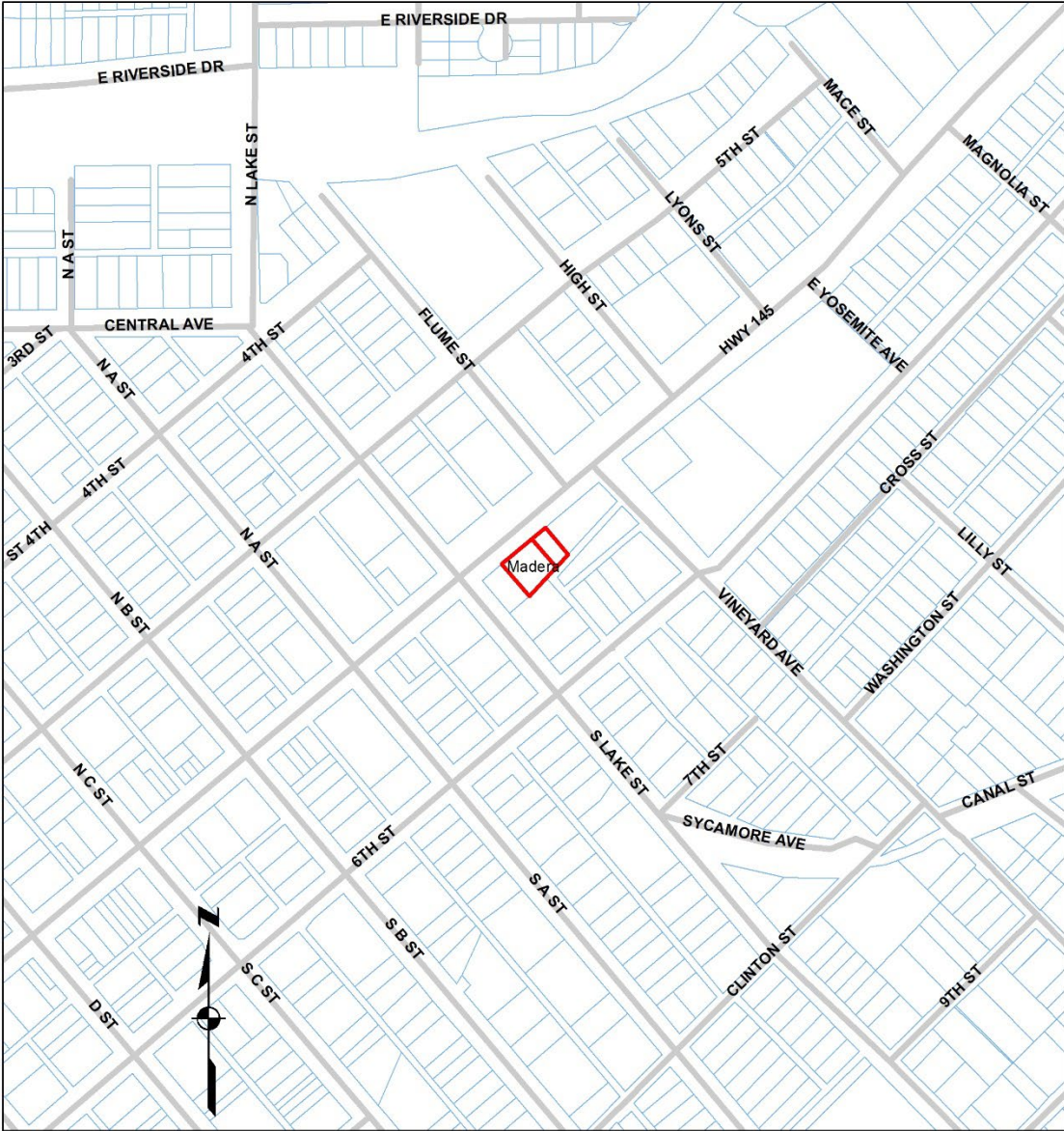
Vicinity Map

VAR 2021-03 & SPR 2020-23
608 East Yosemite Retail Center

Legend

 Project Site  City Limits
 Parcel Boundaries  Road

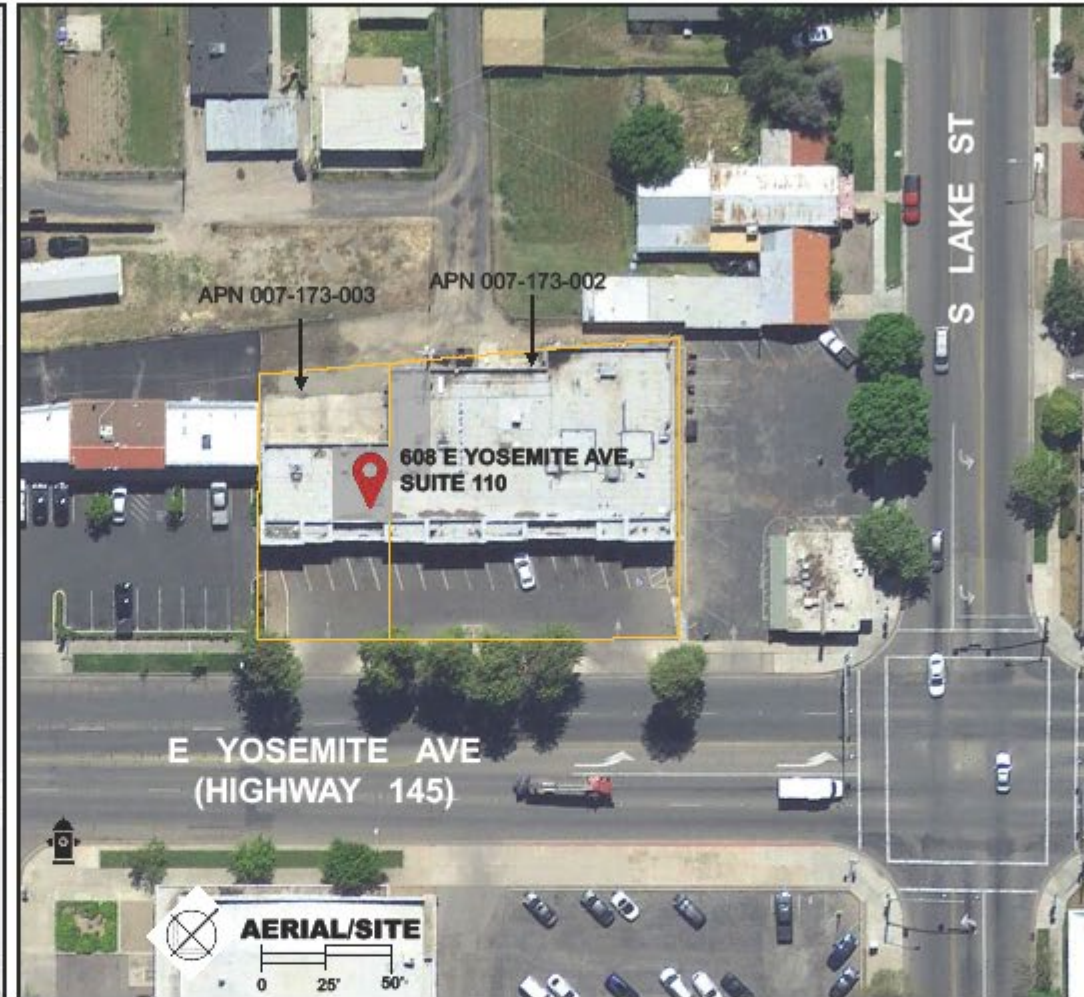
0 0.03 0.06 0.12 0.18 0.24 Miles



Attachment 2: Aerial Photo



Attachment 3: Site Plan



Project:
LOS TRES
HERMANOS
RANCH

Project Address:
608 E Yosemite Ave
Suite 110
Madera, CA 93638

Assessor's Parcel
Number:
007-173-002 and
007-173-003

Tenant/Applicant:
Saul Sanchez
1620 Todd St
Selma CA 93662
(651) 331-8873

Landlord:
Byong & Yon Kim
1153 Littleoak Cir
San Jose CA 95129
(408) 509-5656

Tenant Coordinator:
Jason J. Burns
1643 N Schnoor Ave.#105
Madera CA 93637
(559) 930-9989



ALL STRUCTURES AND BUILDING SYSTEMS ARE EXISTING. BUILDING AND PROPERTY IS EXISTING. THE PROPOSED TENANT SPACE WILL NOT BE MODIFIED. THERE WILL BE NO CHANGES TO THE STRUCTURE NOR WILL THERE BE CHANGES TO ANY ELECTRICAL, PLUMBING, MECHANICAL, OR OTHER SYSTEMS.

BLDG: APPROXIMATELY 8754 SF
LOT SIZE: APPROXIMATELY 17,777 SF
TENANT:
SUITE 110/LARGE
SIZE: 1250 SF

drawn by JJB, Fresno CA, jasonjburns@yahoo.com

Site Plan Review package has already submitted. This is additional information to be included.

This is a proposed retail refrigerated chicken market at an existing commercial building. The chicken is processed at the company's Selma location, and shipped pre-packaged and refrigerated to Madera. The fresh packaged chicken is stored refrigerated and ready for retail sale. Suite 110 is restaurant use, but no cooking will be done at this suite.

**TITLE SHEET/
 LOCATION
 MAPS**

SHEET 1

Attachment 4: Resolution

RESOLUTION NO. 1910

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES
SECTION 15301 (EXISTING FACILITIES) AND APPROVING VARIANCE 2021-03 AND
SITE PLAN REVIEW 2020-23 (RETAIL CENTER, 608 EAST YOSEMITE AVENUE)**

WHEREAS, Yon H. Kim (“Owner”) owns an existing commercial structure at 608 East Yosemite Avenue in Madera, California (“site”); and

WHEREAS, Jason Burns (“Applicant”) is acting on behalf of the Owner; and

WHEREAS, the site contains an existing 8,754 square foot commercial building, with 8 tenant spaces, that is planned for and surrounded by commercial uses; and

WHEREAS, the Applicant is seeking a Variance and Site Plan Review to allow for reduced parking requirements associated with the commercial activities on the site, as proposed by SPR 2020-23; and

WHEREAS, the site would require additional parking spaces to provide for the existing commercial area on-site as stated in Section 10-3.1202 of the Madera Municipal Code, “Parking Spaces Required”; and

WHEREAS, the parcel has no excess space on which to provide additional parking; and

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

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

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

WHEREAS, the Planning Commission received and reviewed VAR 2021-03 and SPR 2020-23 at a duly noticed meeting on March 8, 2022; and

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

WHEREAS, the Planning Commission now desires to adopt a Categorical Exemption for the project, and approve VAR 2021-03 and SPR 2020-23, 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: The Planning Commission finds and determines that the project is exempt under Section 15301 of the State CEQA Guidelines because the project will occupy an existing

building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings for VAR 2021-03: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of VAR 2021-03, 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:

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

Basis for Finding: The building on the site was constructed prior to the current parking standards. While the property has been renovated in the interim, the site footprint has not been expanded in any way and no area is available on which to site additional parking. If strict interpretation of the code were followed through, an abandonment and demolition of a section of the building would be required both to reduce the overall commercial space as well as to provide additional parking. This would contradict the parking ordinance's goal of not imposing undue hardship.

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

Basis for Finding: The property is zoned C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The C-1 district permits shopping centers. All current and proposed uses are in agreement with the allowances and restrictions of that zone district.

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

Basis for Finding: As conditioned, the limited relief from parking requirements will be compatible with the surrounding properties. The project site is part of a larger shopping corridor with retail sales, restaurants and other commerce type uses distributed along the corridor. Most businesses are neighborhood oriented and service nearby residences. As such, automobile trips generated are fewer than a major commercial shopping center and viable alternative modes of transportation exist. The project is in compliance with CEQA, and will not have any substantial, adverse impacts on the surrounding environment as it is subject to a Categorical Exemption as discussed above.

With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City, will not constitute a grant of special privileges, etc.

4. Findings for SPR 2020-23: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-23, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

Basis for Finding: The property is zoned C1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). As conditioned, Site Plan Review 2020-23 is consistent with the purpose and intent of the C1 (Light Commercial) zone district and does not conflict with City standards or other provisions of the Code outside of the variance allowed by VAR 2021-03.

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

Basis for Finding: The project site is not subject to any specific plans.

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

Basis for Finding: Site Plan Review 2020-23 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the C1 zone district including provisions for access to and from the site, drainage, and lighting. The project will not generate significant amounts of additional noise, light, or traffic.

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

Basis for Finding: Site Plan Review 2020-23 requires no street improvements as it is located in developed area. Moreover, as conditioned, the parcel will provide offsets to vehicle traffic and the use restrictions will limit the number of automobile trips generated. Based on the project's preliminary environmental review, the project will not have a significant impact on traffic or the environment.

5. Approval of VAR 2021-03 and SPR 2020-23: Given that all findings can be made, the Planning Commission hereby approves VAR 2021-03 and SPR 2020-23 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

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

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Arnoldo Rodriguez, AICP
City Manager

Exhibit "A" – Conditions of Approval for VAR 2021-03 & SPR 2020-23

Exhibit "A"
VAR 2021-03 & SPR 2020-23
(608 E Yosemite Retail Center)
Conditions of Approval
March 8, 2022

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for VAR 2021-03 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 2020-23 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 no later than three (3) days following action on SPR 2020-23.
- 3) VAR 2021-03 shall expire if the use authorized therein is or has been unused, abandoned, or discontinued for a period of six months, or if the conditions of the variance have not been complied with. In such a case the variance shall become null and void and of no effect. An exception will be made in the case that construction of buildings, structures, and/or facilities is necessary, work on such construction is actually commenced within the aforesaid six-month period and is diligently prosecuted to completion; otherwise, the variance shall be automatically null and void and of no effect as described above. (MMC Section 10-3.1411, Termination).
- 4) SPR 2020-23 shall expire one year from date of issuance, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
- 5) It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
- 6) Development of the project shall conform to the plans designated by the City as presented to the Commission subject to the conditions noted herein. Minor modifications to the approved SPR 2020-23 necessary to meet regulatory, engineering, or similar constraints may, at the discretion of the Planning Manager, be undertaken without an amendment to VAR 2021-03 and SPR 2020-23. However, should the Planning Manager determine that modifications are

substantive, they may require that an amendment to CUP 2021-19 and SPR 2021-39 be filed for review and approval through the applicable City process.

- 7) Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
- 8) All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
- 9) All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
- 10) Approval of VAR 2021-03 and SPR 2020-23 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.

Fire Department

- 11) Fire engine and emergency vehicle access via the alley at the rear of the property shall be maintained at all times. Any future modifications which would otherwise impede access, such as a gate, shall include a means of emergency services access, such as a “Knox Box”, and shall be subject to the Planning Manager’s and the Fire Marshall’s prior written approval.

Planning Department

- 12) In the event that VAR 2021-03 is cancelled, voided, revoked, or otherwise nullified either by the owner/successors in interest or by the City under the circumstances detailed in condition numbers 3, 24 or 25, SPR 2020-23 shall be subject to review and potential revision or revocation according to City ordinance and procedure at the time VAR 2021-03 is extinguished.
- 13) Due to the parking constraints as well as the varied parking demands and requirements of specific uses, the uses allowed on the property shall be restricted to the following:
 - a) General Retail not to include the sale of food shall be permitted
 - b) Retail of primarily bulky goods not to include food shall be permitted
 - c) Business and Professional Offices Shall be permitted
 - d) Services except as an accessory to a primary retail use shall not be permitted.
 - e) Personal Service, Banks, Restaurants with a dine-in component, and places of assembly shall not be permitted.
 - f) Other uses permitted in the C-1 zone will be assessed by the Planning Department for parking impacts and will require the written permission of the Planning Director or their designated agent prior to issuance of a related permit.
- 14) Recognizing the limited space on the parcel and to ensure safe and unobstructed travel, no outdoor sale, display, or storage of good or other materials shall be permitted. Deliveries of goods and materials shall be received at the rear of the property. This condition shall not apply to postal services.
- 15) A minimum of eighteen (18) parking spaces shall be maintained on the property at all times. The parking spaces shall include one (1) accessible and 1 van accessible parking space as defined by the Americans with Disabilities Act (ADA). Parking shall be arranged in accordance with the final Site Plan approved by the Planning Manager as detailed in condition number 18. All parking spaces shall be painted, marked, and indicated in accordance with the City’s parking ordinance (MMC §10-3.1200) as well as with the design requirements of the ADA.
- 16) To allow for safe and easy pedestrian access from the public right-of-way and in compliance with ADA, a clear and safe path of travel shall be maintained. The path shall be located along the southwestern edge of the parking lot. The path shall be differentiated by varying the paving texture, the paving material, and painted striping such that the designated path is clearly indicated to both drivers and pedestrians in multiple ways. Final design shall be indicated on the final Site Plan and subject to the Planning Manager’s approval as indicated in condition number 19.

- 17) To further ensure pedestrian safety a series of decorative bollards shall be placed between the two driveways where the property abuts the sidewalk. The bollards shall be spaced closely enough and installed in a manner to ensure protection of pedestrians on the sidewalk from moving vehicles in the parking area. The bollards shall be of a compatible material, color, and design with the primary structure. Placement and design of the bollards shall be indicated on the final Site Plan and subject to the Planning Manager's approval as indicated in condition number 18. Structural and installation details of the bollards shall be included in the Site Plan sheets shall be subject to approval by the Engineering Manager or their designee.
- 18) Bike racks shall be installed on the property to provide a minimum of bicycle parking spaces. Bike rack design is subject to City approval.
- 19) To verify conformance with these conditions of approval and establish the current suite layout in the public record, a final site plan shall be included with the first building permit application for this property from the date of approval. The site plan shall include:
 - a) all the required details laid out in MMC §10-3.4.0104 "Drawings to be Submitted" unless specifically waived in writing by the Planning Manager or their designee
 - b) Any items specified within these conditions of approval to be included on the final site plan.
 - c) Callouts for any item required to provide design and/or installation specifications.
 - d) A separate sheet(s) to include all design and installation specifications required by these conditions or by any applicable statute such as ADA.
- 20) All signage shall comply with the sign ordinance MMC §10-6. Individual businesses may apply for signs individually or the owner may opt to apply for approval of a Master Sign Program. No signs are approved with VAR 2021-03 or SPR 2020-23.
- 21) The parking access traffic shall be unidirectional in conformance with Engineering Drawing E-04. To improve driver awareness and public safety, the directionality shall be clearly indicated by painting a directional arrow at each driveway as well as clear signs indicating the entrance and the exit. The design of the signs shall be closely matching the design and color of the primary structure. Design and dimensions of both requirements shall be indicated on the site plans as detailed in condition number 18 and shall be subject to MMC §10-6 and the approval of the Planning Manager.
- 22) VAR 2021-03 Permits exceptions to the parking requirements as stated in MMC §10-3.1202 as well as to the parking design standards as shown in Engineering Drawing E-04 subject to the restrictions, specifications, appropriate mitigation measures detailed in the conditions listed herein.
- 23) Future redevelopment of the subject property, exclusive of refurbishment or renovation, shall render VAR 2021-03 null and void. Any redevelopment of the site will be held to the standards and regulations of the City at that time. Any deviation from those standards and regulations shall be required to be addressed at that time according to the appropriate approvals process.
- 24) In the case that the property is damaged in such a way which requires reconstruction, repair, or rebuilding costing in excess of 75% of the appraised value as detailed in MMC 10-3.406(D), VAR 2021-03 shall be rendered null and void. The site will be required to develop in accordance with the standards and regulations of the City at that time. Any deviation from

those standards and regulations shall be required to be addressed at that time according to the appropriate approvals process.