

## **REGULAR MEETING OF THE MADERA PLANNING COMMISSION**

205 W. 4<sup>th</sup> Street, Madera, California 93637

### **NOTICE AND AGENDA**

**Tuesday, September 13, 2022  
6:00 p.m.**

**Council Chambers  
City Hall**

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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: 86522655474# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/86522655474>. Comments will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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#### **CALL TO ORDER:**

#### **ROLL CALL:**

Chairperson Robert Gran Jr.  
Vice Chair Ramon Lopez-Maciel  
Commissioner Rohi Zacharia  
Commissioner Khubaib Sheikh  
Commissioner Balwinder Singh  
Commissioner Saim Mohammad  
Commissioner Jose Eduardo Chavez

#### **INTRODUCTION OF STAFF:**

#### **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. DOU 2022-02 – Tobacco (Ricardo Olea)**

**Subject:** Consideration of a Determination of Use to reaffirm by Resolution the allowance for smoke shops, tobacco stores, vape lounges, hookah bars, and similar uses to operate in C1 (Light Commercial), C2 (Heavy Commercial) and I (Industrial) zones upon the issuance of a conditional use permit.

**Recommendation:**

- a. Adopt a Resolution reaffirming the allowance for smoke shops to operate in the C1 (Light Commercial, C2 (Heavy Commercial) and I (Industrial) zone districts with an approved conditional use permit.

### **2. CUP 2022-16 & SPR 2021-30 – Super Auto Smog (Ricardo Olea)**

**Subject:** An application for a Conditional Use Permit and Site Plan Review to allow for an auto smog shop in an existing building located at 409 S. Gateway Dr.

**Recommendation:**

- a. Adopt a Resolution adopting findings of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 of the California Environmental Quality Act and approving Conditional Use Permit 2022-16 and Site Plan Review 2021-30 to allow for the operation of a smog shop at 409 S. Gateway Dr.

### **3. CUP 2022-15 & SPR 2022-22 – Adult Day Care Facility (James Troyer)**

**Subject:** An application for a Conditional Use Permit and Site Plan Review to allow for an adult/senior citizen day care facility which will include physical therapy, occupational therapy, social workers, nurses, dieticians, speech therapy and other related services including recreational activities at 629 East Yosemite Ave.

**Recommendation:**

- a. Adopt a Resolution adopting findings of Categorical Exemption pursuant to CEQA Guidelines Section 15301 of the California Environmental Quality Act and approving Conditional Use Permit 2022-15 and Site Plan Review 2022-22 to allow for the operation of an Adult Day Care Facility at 629 E. Yosemite Ave.

### **4. CUP 2022-20 & SPR 2022-31 – East Almond Pharmacy (Ricardo Olea)**

**Subject:** An application for a Conditional Use Permit and Site Plan Review to reestablish the allowance of a pharmacy use in an existing business and professional office located at 483 E. Almond Ave.

**Recommendation:**

- b. Adopt a Resolution adopting findings of Categorical Exemption pursuant to CEQA Guidelines Section 15301 of the California Environmental Quality Act and approving Conditional Use Permit 2022-20 and Site Plan Review 2022-31 to allow for the operation of a pharmacy at 483 E. Almond Ave.

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

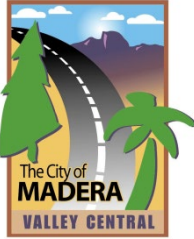
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

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

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Ricardo Olea, Assistant Planner

**Meeting of:** September 13, 2022

**Agenda Item:** 1

**SUBJECT:**

Determination of Use (DOU) 2022-02 to affirm by resolution the allowance for tobacco shops, tobacco stores, vape lounges, hookah bars and similar uses to operate in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial Districts subject to a use permit.

**RECOMMENDATION:**

Conduct a public hearing and:

1. Adopt a resolution adopting a Categorical Exemption Pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and Approving Determination of Use (DOU 2022-02) (Smoke Shops, Tobacco Shops, Vape Lounges, and Hookah Bars).

**PROPOSAL:**

Staff is requesting that the City's Planning Commission make a determination of use (DOU) to allow for smoke shops, tobacco stores, vape lounges, hookah bars, and similar uses to operate in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts upon the issuance of a conditional use permit.

Table 1: Project Overview	
<i>Project Number:</i>	DOU 2022-02
<i>Applicant:</i>	City of Madera
<i>Property Owner:</i>	N/A
<i>Location:</i>	Citywide
<i>Project Area:</i>	Citywide
<i>Plan Land Use:</i>	C – Commercial, I – Industrial
<i>Zoning District:</i>	C1 – Light Commercial, C2 – Heavy Commercial, I – Industrial
<i>Site Characteristics</i>	Citywide

**SUMMARY:**

The characteristics of a smoke shop have changed dramatically over the years and increasing interest in establishing new variants of smoke shops in the community have been observed. The use of electronic cigarettes, commonly referred to as vapes, has also been a topic of concern as they have gain major popularity among the youth and raise health hazard concerns. Moreover, with the rise of acceptance of recreational cannabis use, tobacco stores now offer and sell a wide range of cannabis related products specific to the enjoyment of recreational cannabis use.

This matter was first brought to the City's Planning Commission on September 8, 2015. Staff at the time requested for Commission to make a determination of use to allow for this type of business to operate in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts upon the issuance of a conditional use permit. The Planning Commission approved this request absent a resolution. In the interest of precautions, staff is now requesting the Commission to approve the DOU by resolution.

## **BACKGROUND:**

In the past, a smoke shop typically only sold tobacco products, including single packs and cartons of cigarettes, pipe tobacco and pipes, lighters and lighter accessories, and other sundries associated with the enjoyment of tobacco. Today, smoke shops have evolved into something much more complex than the smoke shops of the past. Smoke shops today now offer a myriad of other types of merchandise not typical of past merchandise mixes. Moreover, smoke shops were permitted retail uses under a general observation that, since a drug store or department store might also sell these products, then a tobacco store should also be considered a permitted use in commercial zones.

With the rise in acceptance of recreational cannabis use, smoke shops now also carry a wide range of cannabis related products including, but not limited to, smoking glassware specific to cannabis use (e.g., bongs), cannabidiol (CBD) creams, lotions and other topicals, CBD vapes, CBD consumable products, cannabis enhancement products, and other paraphernalia specific to the enjoyment of recreational cannabis use.

Smoke shops also want to market electronic cigarettes (e.g., vapes) and hookah (e.g., flavored charcoal) as an additional component of their merchandise mix. These products have gained major popularity among the youth and raises pressing concerns related to health hazards. There is also a growing tendency for smoke shops to provide on-site "lounge areas" for their patrons to sample their new products and/or assemble and commune with other patrons.

The shift from store-front smoke shops limited to the sale of tobacco products to smoke shops with lounge areas offering a myriad of products that go beyond tobacco changes the complexity and intensity of everyday operations. This change in complexity and intensity changes the relationship of a smoke shop to other uses in close proximity and may render the use incompatible with surrounding uses in any given location. Additional analysis for each individual smoke shop or similar use proposal is required to determine its compatibility and impact on existing and future surrounding uses on a case-by-case basis.

## **ANALYSIS:**

### *Additional Uses Permitted*

#### *MMC § 10-3.403 Additional Permitted Uses*

Uses other than those specifically mentioned in the Madera Municipal Code (MMC) as uses permitted in each of the zones may also be allowed therein, provided such additional uses are similar to those mentioned and are, in the opinion of the Commission as evidenced by resolution of record, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones.

### *Determination of Use (DOU)*

A DOU is intended to recognize the fact that zoning regulations relating to land use do not address every conceivable use that may be permitted, conditionally permitted, or prohibited within a given zoning district. The use determination procedure allows consideration of land use proposals not specifically permitted, conditionally permitted, or prohibited in a zone district, but which may be appropriate uses

given their similarity to other permitted or conditionally permitted uses. However, a use determination is not intended to be used and shall not be used in lieu of a zone change.

An example of a use explicitly identified as a permitted use in a C1 – Light Commercial zone district would be “banks” and “offices, business or professional”. An example of a use that is allowed because of similarity to permitted uses would be a “payday loan store”, since both “banks” and “offices, business or professional” are permitted uses.

### Staff Request

Contemporary smoke shops possess characteristics very different and in contrast to traditional smoke shops. Staff, therefore, requests the Planning Commission make a determination of use requiring that smoke shops, tobacco stores, vape lounges and hookah bars and other similar uses be allowed in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts, subject to the approval of a conditional use permit on a case-by-case basis. The current ordinance allows for other uses that are, in the opinion of the Commission similar in nature, be allowed pursuant to securing a conditional use permit in the respective zone.

### **ENVIRONMENTAL REVIEW:**

Staff performed a preliminary environmental assessment and has determined that the project is categorically exempt under Section 15061(b)(3) (General Rule) of the California Environmental Quality Act (CEQA) Guidelines because the activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

### **COMMISSION ACTION:**

The Commission will be acting on the DOU 2022-02 and the CEQA Categorical Exemption. Staff recommends that the Commission:

1. Adopt a resolution adopting a Categorical Exemption Pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and Approving a Determination of Use (DOU 2022-02) (Smoke shops, tobacco shops, vape lounges, and hookah bars).

### **ALTERNATIVES:**

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to October 11, 2022 Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or appropriate findings modifying the project and/or conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications).
2. Move to continue the public hearing to October 11, 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. Resolution

## **RESOLUTION NO. 1932**

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3) (GENERAL RULE) AND APPROVING DETERMINATION OF USE (DOU 2022-02) (SMOKE SHOPS, TOBACCO SHOPS, VAPE LOUNGES, AND HOOKAH BAR USES)**

**WHEREAS**, on September 8, 2015, staff requested the Planning Commission to make a determination of use (“DOU”) in order to allow for the establishment of tobacco stores, smoke shops, vape lounges, hookah bars, and similar uses in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts subject to the approval of conditional use permit by the Planning Commission; and

**WHEREAS**, a use determination is intended to recognize the fact that zoning regulations relating to land use do not address every conceivable use that may be permitted, conditionally permitted, or prohibited within a given zoning district; and

**WHEREAS**, the use determination procedure allows consideration of land use proposals not specifically permitted or prohibited in a zone district, but which may be appropriate uses given their similarity to other permitted or conditionally permitted uses; and

**WHEREAS**, a use determination is not intended to be used and shall not be used in lieu of a zone change; and

**WHEREAS**, the impetus behind the staff-initiated request were numerous inquiries from the community regarding the ability to establish varying types of tobacco stores and related uses; and

**WHEREAS**, traditional tobacco stores were typically limited to the sale of tobacco and tobacco related products, including single packs and cartons of cigarettes, pipe tobacco and pipes, lighters and lighter accessories, and other sundries associated with the enjoyment of tobacco; and

**WHEREAS**, tobacco stores have generally been considered a permitted retail use in commercial zone districts under the general observation that, since a general retail and/or department store might also sell these products, then a tobacco store should also be considered a similar and permitted use; and

**WHEREAS**, present-day tobacco stores have evolved to offer more than just tobacco and tobacco related products; and

**WHEREAS**, with the rise of acceptance of recreational cannabis use, tobacco stores now offer and sell a wide range of cannabis related products including, but not limited to smoking glassware specific to cannabis use (e.g., bongs), CBD creams, lotions and other topicals, CBD vapes, CBD consumable products, cannabis enhancement products, and other paraphernalia specific to the enjoyment of recreational cannabis use; and

**WHEREAS**, tobacco stores have also begun to market and sell hookah products (e.g., flavored charcoal), electronic cigarette (e-cig) devices (e.g., vapes), flavored juices for the use of e-cigs, and batteries and other accessories for the use of “vaping”; and

**WHEREAS**, there is growing tendency for tobacco stores to provide “lounge areas” for their patrons to sample or simply enjoy their products on-site; and

**WHEREAS**, the shift from store-front tobacco stores limited to the sale of tobacco products only to tobacco stores that offer lounge areas and products not related to tobacco changes the complexity of everyday operations; and

**WHEREAS**, the increase of intensity of the “new” tobacco store changes the relationship of the tobacco store to other uses in close proximity and may render the use incompatible with surrounding uses in any given location; and

**WHEREAS**, additional analysis for each individual tobacco store or similar use proposal is required to determine its compatibility and impact on existing and future surrounding uses on a case-by-case basis; and

**WHEREAS**, staff has been unable to locate the original resolution establishing a determination of use and therefore, out of an abundance of caution, staff has requested the Planning Commission to make a determination of use by resolution requiring tobacco stores, smoke shops, vape lounges, hookah bars, and related uses be allowed in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts, subject to the approval of conditional use permit on a case-by-case basis; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission is authorized to review and approve requests for use determinations on uses not explicitly mentioned as permitted, conditionally permitted, or prohibited uses; and

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

**WHEREAS**, the Planning Commission received and reviewed DOU 2022-02 at a duly noticed meeting on September 13, 2022; and

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

**WHEREAS**, the Planning Commission now desires to approve DOU 2022-02. +

**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 activity in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the request for a use determination is exempt under CEQA Guidelines Section 15061(b)(3) (General Rule) of the State CEQA Guidelines because the activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, similar use types are already allowed in the in C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zone districts, subject to the approval of conditional use permit, and confirming this use through stores dedicated to tobacco and related uses will not result in any significant impact above the current baseline, and certainly not an adverse environmental impact. As such a finding under CEQA Guidelines Section 15061(b)(3) is appropriate.

3. Findings to Approve DOU 2022-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of DOU 2022-02. 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. Tobacco stores, smoke shop, vape lounges, hookah bars and similar businesses possess operational characteristics that merit review on a case-by-case basis.
  - b. Currently, tobacco stores have generally been considered a permitted retail use in commercial zone districts as a general retail and/or department store might also sell tobacco products, then tobacco stores, etc., should also be considered a similar and permitted use.
  - c. Tobacco stores, smoke shops, vape lounges, hookah bars, and similar uses within the C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zoned districts, subject to the approval of a conditional use permit, is consistent with the Madera General Plan principles, goals, and policies.
  - d. The allowance for tobacco stores, smoke shops, vape lounges, hookah bars and similar uses in the C1 – Light Commercial, C2 – Heavy Commercial and I – Industrial zoned districts, subject to the approval of a conditional use permit, provides consistency with the Zoning Ordinance.
4. Approval of DOU 2022-02: Given that all findings can be made, the Planning Commission hereby approves DOU 2022-02 and determines that tobacco stores, smoke shops, vape lounges, hookah bars, and similar uses shall be allowed in the C1 – Light Commercial, C2 – Heavy Commercial, and I – Industrial zoned districts subject to the approval of a conditional use permit on a case-by-case basis.
5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of September 2022,  
by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

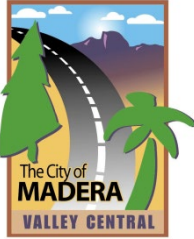
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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP  
Planning Manager



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Ricardo Olea, Assistant Planner

**Meeting of:** September 13, 2022

**Agenda Item:** 2

**SUBJECT:**

Super Auto Smog Conditional Use Permit 2022-16 and Site Plan Review 2021-30

**RECOMMENDATION:**

Conduct a public hearing and:

1. Adopt a resolution adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and approving Conditional Use Permit 2022-16 and Site Plan Review 2021-30, subject to the findings and conditions of approval.

**PROPOSAL:**

An application for a Conditional Use Permit (CUP) and Site Plan Review (SPR) to establish an auto smog shop (Super Auto Smog) in an existing building located at 409 South Gateway Drive. The 0.2-acre subject site is approximately 150 feet south from the intersection of West 8<sup>th</sup> Street and South Gateway Drive (refer to Attachment 1). The subject site is in a C2 – Heavy Commercial district with a General Plan land designation of C – Commercial (refer to Attachments 2 and 3, respectively).

The smog shop will offer California certified smog services and small parts replacement specific to assisting vehicles passing a smog check. The applicant, Hector Mejia, proposes to remodel and repurpose a vacant commercial office/retail building of approximately 1,275 square feet (sf). The interior of the building and portions of the existing building's southern exterior wall would be subject to demolition to facilitate the proposed service bays. In addition, the project would include site improvements such as a newly paved drive isle and parking area, fencing and landscaping. Access to the site is provided by a single driveway on South Gateway Drive.

**Table 1: Project Overview**

<i>Project Number:</i>	CUP 2022-16, SPR 2021-30
<i>Applicant:</i>	Super Auto Smog
<i>Property Owner:</i>	Hector Mejia
<i>Location:</i>	409 S. Gateway Drive; 150 feet south of the intersection of West 8 <sup>th</sup> Street and South Gateway Drive (Assessor's Parcel Number (APN) 011-011-001)
<i>Project Area:</i>	0.20 Acre or 8,808 sf; developed with a commercially zoned building
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C2 – Heavy Commercial
<i>Site Characteristics</i>	The subject site is approximately 8,808 sf with an existing building that encompasses 1,275 sf. The existing building offers office space that covers 136

	sf and a restroom. The Union Pacific Railroad right-of-way is located to the rear of the property. The primary surrounding uses are heavy commercial. The parcel is zoned for C2 – Heavy Commercial and has a commercial General Plan land use designation.
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## SUMMARY:

The applicant and property owner (Hector Mejia) proposes to establish and operate an auto smog shop and related limited automotive repair services in an existing 1,275 sf vacant building on a 0.2-acre parcel site (APN 011-11-001). The existing building faces and abuts South Gateway Drive and the rear of the subject property abuts the Union Pacific Railroad corridor (refer to Attachment 4). An east-west directional Madera Irrigation District (MID) surface lateral (City Canal) is located directly to north of the subject site. To the west and east of the subject site, the lateral is sub-surfaced and piped. The site can be accessed by a driveway approach on South Gateway Drive and offers capacity for on-site parking. On-street parking is permitted on South Gateway Drive.

The property is presently used for the unlawful storage of vehicles in connection with adjacent used auto and truck dealership to the south (Super Auto Sales) also owned by the applicant and property owner, Hector Mejia. A six-foot high chain link is present along the property perimeter with a gated entrance at the drive isle. The northern perimeter fence is topped with barbwire.

The present building was constructed in 1956. The building's street frontage exterior architecture is representative of the "Art Deco" design characteristics made popular between 1925 and the end of World War II. The applicant proposes to completely renovate the interior of the existing building to accommodate two (2) car bays, each approximately 470 sf, where smog check services will be conducted (refer to Attachment 5). Access to the new smog check bays will be provided by two new 10 ft x 10 ft metal roll-up doors on southern exterior wall. The existing office, restroom and mechanical room walls and fixtures will be removed. In addition to the two smog test bays, interior improvements will include a new 137 sf office with customer waiting area and restroom. Renovations to the office space and restroom are proposed to meet compliance with current building standards. A lean-to attached to the rear (eastern) wall of the building will also be removed.

Exterior building renovations include constructing a four-foot, six-inch (4' 6") high parapet wall above the existing CMU wall, raising the southern wall to 16.5 feet. Raising the height of the southern wall will enhance and visually balance the new smog check bay doors and the exterior wall. A stone veneer base with a trim cap trim is proposed along the southern building elevations and around the smog check bay doors. Three new access doors will also be placed along the southern elevation – 2 to provide access to the smog check bays and 1 to provide customer access to the new office. A coat of stucco would be applied over the existing CMU wall. With respect to the front elevation, the existing windows and overhang canopy will remain; however, the applicant is proposing to remove the access door and planter box. Similar to the southern wall, a two (2) foot high parapet wall is proposed to be constructed above the existing CMU wall. A coat of stucco would be applied over the existing CMU wall and the new parapet wall. The existing northern and eastern elevation CMU walls will remain.

The applicant is proposing 5 parking spaces, 1 of which will be compliant with the Americans with Disabilities Act (ADA). Parking will be provided at the rear of the existing building. Bicycle parking provisions are also provided. The proposed site plan also includes a trash enclosure with a defined access route to the enclosure. Placement of the trash enclosure is proposed behind the building and out of the

public viewshed. In addition, the site plan conceptually identifies landscape improvements lining the perimeter of the site consisting of trees, shrubs and groundcover.

#### **SURROUNDING LAND USES:**

The subject site is primarily surrounded by commercial uses. Property immediately to the north and east are designated C – Commercial and zoned for commercial uses (C2 – Heavy Commercial). Property immediately to the south and west across South Gateway Drive are also designated for C – Commercial and zoned for C2 – Heavy Commercial. Table 2 below lists all the immediate uses adjacent to the proposed site.

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>Land Use</i>	<i>Zone District</i>
<i>North</i>	Vacant lot	C – Commercial	C2 – Heavy Commercial
<i>East</i>	Super Auto Sales	C – Commercial	C2 – Heavy Commercial
<i>South</i>	Multi-unit Commercial Center	C – Commercial	C2 – Heavy Commercial
<i>West</i>	Caliber Collision	C – Commercial	C2 – Heavy Commercial

South Gateway Drive in the immediate vicinity of the project site is a planned 4-lane Arterial and State Highway (State Route 145). South Gateway Drive is also a designated Bike Route. Presently, south Gateway Drive is 2-lane road with a shared 2-way left turn lane used for vehicles entering commercial uses abutting South Gateway Drive. South Gateway Drive improvements include an existing monolithic curb, gutter, and sidewalk along the property frontage. The bridge rail and sidewalk over the MID lateral to the north extends into the property frontage. The bridge was constructed in 1935.

The subject site is located outside any designated special flood hazard area or other area of flood hazard. Federal Emergency Management Agency (FEMA) designates the subject site Zone X – an area of one (1) percent annual chance of flooding with an average depth of less than one (1) foot or with a drainage area of less than one (1) square mile.

#### **ANALYSIS:**

##### *Site and Entitlement History:*

Records pertaining to the site are sparse. The building was originally constructed in 1956 as an office. In 1990, the Planning Commission denied a request for a use permit (CUP 1990-19) to allow the site to operate as a cardroom and to sell beer and wine for on-site consumption purposes. No records were found regarding the use of the property prior to or following the use permit request in 1990. On-building signage suggests the building was last occupied by an auto and truck accessories business. The following table provides a synopsis of previous entitlements relative to the site and their status.

<b>Table 3: Entitlement History</b>		
<i>Permit #</i>	<i>Project</i>	<i>Status</i>
CUP 1990-19	Cardroom and Beer & Wine Sales/Morganti	Denied

##### *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.

#### Conditional Use Permit

##### *MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits*

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.

#### Signage

##### *MMC § 10-6.01 – Sign Regulations*

The proposal is subject to Section 10-6.09 of the City's Sign Regulations. No signs are approved with this site plan review and a separate sign permit must be applied for. Permanent window signage is prohibited, and temporary window signage is subject to the City's Sign Regulations. Temporary signage, such as for a grand opening, is subject to a separate sign permit independent from any on building or freestanding sign permit issued.

#### Site Plan and Elevations

Demolition and remodel of the building proposed under SPR 2021-30 is conditioned to conform with the site plan and elevation drawings, including color and materials scheduled as shown in Attachments 6 through 8. The building elevations and materials submitted align with the City Commercial Design Guidelines. In addition, the submitted elevations would be consistent with the existing building design. The project is conditioned to remove the gated entrance and replace the existing chain link fence with wrought iron fence.

Given the age of the building, the building was likely constructed using hazardous materials such as asbestos and leaded paint. Asbestos and leaded paint were widely used in building materials prior to 1984. Buildings containing hazardous materials when disturbed may release asbestos fibers and lead base paint that can be harmful to the environment or humans if inhaled. Demolition of commercial properties are subject to and regulated under the Federal Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulation and are subject to the notification, handling, and disposal requirements. Prior to commencement of any demolition activity, the project will be required to comply with NESHAP requirements including the submittal of an asbestos notification, providing a thorough asbestos survey of the affected property and complying with all governmental requirements of the handling, removal and transportation of hazardous debris. The project is conditioned to comply hazardous air pollutants NESHAP regulations.

### Landscaping

The applicant will be required to submit a landscape plan to ensure compliance with state water efficient landscaping requirements. The interior and perimeter of the site is required to be landscaped, except where walks or accessways are proposed. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance. Landscaping installed as part of the project will be required to adhere to the guidelines set forth in the City's Commercial Design and Development Guidelines. Per the conditions of approval, landscape improvements will be required to show a 50 percent shade coverage within the parking area on the landscape plan submitted for approval.

### Operations

Days and hours of operation are listed six (6) days a week from 8:00 AM to 5:00 PM. Daily operations are manageable with one (1) certified technician with no expectation of future employees. The applicant anticipates servicing 10 to 15 customers per day. A waiting room will be provided for patrons to wait while their vehicle is being serviced. Given the limited number of on-site parking spaces to be provided (5 spaces), staff recommends smog check services be provided by appointment only.

The services offered are limited to smog checks and small part replacements specific to assisting vehicles pass a smog check. Small part replacements shall occur on a need-only basis. Typical repairs may include replacing sensors, spark plugs, wires and other hardware which require little to no mechanical equipment. All operations are expected to be conducted inside the building with no allowance for services to be provided outside or on the parking lot. No overnight storage of vehicles shall be allowed on the premises unless the vehicles are stored inside the building. Should there be a need to store a vehicle inside the building overnight, storage is limited to two (2) vehicles per night. There is no allowance for auto body work, painting, engine overhauling, or any mechanical work that requires the dismantling of the vehicle.

### Circulation and Parking

South Gateway Drive in the vicinity of the subject site is a planned 4-lane Arterial and a designated State highway and bike route. Presently, South Gateway Drive is 2-lane road with a shared 2-way left turn lane. Additional right-of-way is necessary for South Gateway Drive to achieve 4-lane Arterial status. The project has been conditioned to dedicate 10 feet of right-of-way along the entire subject property's frontage on South Gateway Drive.

The City of Madera Off-Street Parking Ordinance (10-3.12) requires auto repair garages to provide one (1) parking space for each 400 square feet of gross floor area plus one (1) space for every two (2) employees. The gross floor area of the project is 1,275 sf with only one (1) employee. A minimum of four (4) parking spaces are required for the project, with spaces marked in accordance with the Madera Municipal Code (MMC) and the Americans with Disabilities Act (ADA). The ADA requires any project/parcel with less than 26 parking spaces to provide one (1) van-accessible parking stall. Based on the proposed site plan, the project contains five (5) parking spaces, including one (1) van accessible parking stall located closest to the building entrance. A clear and safe pedestrian path from the public sidewalk to the building must also be provided. To be considered clear, the path must be distinctly paved and/or marked. To be considered safe, a path must be dedicated to pedestrian use and not cross within any space to be used for vehicle reversing.

In addition to on-site vehicular parking requirements, the project is also required to provide provisions for short-term and long-term bicycle parking facilities to serve the needs of customers and employees that may travel to and from the project site by bicycle. Based on proposed building total gross square footage,

the project is to provide a minimum of two (2) bicycle parking spaces for employees and patrons. Bicycle racks should be a park alongside, bollard-style rack. Aluminum grid-style bicycle parking is not permitted.

Given the present condition of the on-site asphalt conditions, the applicant will be required to repair, resurface and/or replace, as applicable the deteriorated asphalt in compliance with City standards. Existing sidewalk, curb and/or gutter defects will need to be repaired. Any work completed within the City right-of-way will require an encroachment permit from the Engineering Department, and any work completed within the State of California right-of-way will require an encroachment permit from Caltrans.

#### **ENVIRONMENTAL REVIEW:**

Staff conducted a preliminary environmental assessment and has determined that the project is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because the project will occupy an existing building on an existing parcel with existing services and utilities, and no major modifications or expansion to the structure are to occur. Moreover, no expansion of existing or former commercial uses will occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

#### **COMMISSION ACTION:**

The Commission will be acting on the CUP 2022-16, SPR 2021-30, and the CEQA Categorical Exemption. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 for the project and approving Conditional Use Permit 2022-16 and Site Plan Review 2021-30, based on and subject to the findings and conditions of approval.

#### **ALTERNATIVES:**

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the October 11, 2022 Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or appropriate findings modifying the project and/or conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications).
2. Move to continue the public hearing to October 11, 2022 Planning Commission hearing with direction to staff to return within updated resolution with appropriate findings for denial for the following reasons (Specify – Planning Commission should articulate reasons for denial).

**ATTACHMENTS:**

1. Vicinity Map
  2. General Plan Land Use Map
  3. Zoning Map
  4. Aerial Map
  5. Site Plan
  6. Demolition Plan
  7. Floor Plan
  8. Elevations
  9. Resolution
- Exhibit "A" Conditions of Approval

**RESOLUTION NO. 1933**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES  
SECTION 15301 (EXISTING FACILITIES), APPROVING CONDITIONAL USE PERMIT  
(CUP 2022-16), AND SITE PLAN REVIEW (SPR 2021-30) (SUPER AUTO SMOG – 409  
SOUTH GATEWAY DRIVE)**

**WHEREAS**, Hector Mejia (“Owner”) owns the property located at 409 South Gateway Drive in Madera, California (“site”); and

**WHEREAS**, 409 South Gateway Drive is identified as Assessor Parcel Number (APN) 011-011-001 by the Madera County Assessor’s Office; and

**WHEREAS**, the site consists of an existing building planned for and surrounded by commercial uses; and

**WHEREAS**, Super Auto Smog (“Applicant”) proposes to operate an auto smog shop in the existing vacant building located at 409 South Gateway Drive; and

**WHEREAS**, the Applicant’s proposal is subject to a conditional use permit (CUP) pursuant to Madera Municipal Code (MMC) 10-3.902; and

**WHEREAS**, the Applicant’s proposal is subject to a site plan review (SPR) pursuant to Madera Municipal Code (MMC) 10-3.902; and

**WHEREAS**, the Applicant is limited to smog check and small part replacements specific to assisting vehicles pass a smog check; and

**WHEREAS**, small part replacements shall occur on a need-only basis; and

**WHEREAS**, small part replacements typically consist of replacing sensors, spark plugs, wires, and other hardware which require little to no mechanical equipment; and

**WHEREAS**, auto body work, painting, engine overhauling, or any mechanical work that requires the dismantling of the vehicle is strictly prohibited; and

**WHEREAS**, no overnight storage of vehicles is permitted unless vehicles are stored inside the building; and

**WHEREAS**, the surrounding uses to the south and west are automotive repair related; and

**WHEREAS**, a smog shop located at 409 South Gateway Drive would not be more detrimental to the surrounding uses; and

**WHEREAS**, a Categorical Exemption under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities) has been prepared for the proposed project in accordance with 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 and environmental assessments for associated projects on behalf of the City; and

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

**WHEREAS**, the Planning Commission received and reviewed CUP 2022-16 and SPR 2021-30 at a duly noticed meeting on September 13, 2022; and

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

**WHEREAS**, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2022-16 and SPR 2021-30.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior and exterior changes involving negligible or no relative expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings to Approve CUP 2022-16: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-16, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The General Plan designates the subject site for commercial uses and is consistent with its zoning district of C2 – Heavy Commercial. CUP 2022-16 is found to be consistent with all regulations set forth by MMC § 10 3.405 (Uses).

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

The project site is suited for commercial uses. The proposal is for an existing building zoned commercial and is surrounded by like uses to the north, east, west, and south of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

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

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff to mitigate any potential concerns related to auto emissions. These conditions ensure that the general welfare and safety of the surrounding uses and the City at large are not negatively impacted. The surrounding uses are also similar in nature and therefore an auto smog shop at this location will not be detrimental or injurious to property and improvements in the neighborhood.

4. Findings to Approve SPR 2021-30: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-30, 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 site is zoned C2 – Heavy Commercial which is consistent with the General Plan designation of Commercial. The project consists of the renovation of a 1,275 square foot (sf) commercial automotive service building on an 8,808-sf (0.2 acre) site. The intended use is consistent with the intent and purpose of the C2 zone, and the conditions of approval ensure the project does not conflict with any City standards or Municipal Code requirements

*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 proposed project has been found to be consistent with surrounding uses. Conditions of approval will ensure improvements are made and adequate parking spaces are provided such that traffic and pedestrian safety are maintained. The proposed plan and associated activities will not generate an excessive amount of light, noise, or traffic.

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

The proposed project will install on-site improvements consistent with City standards. As conditioned, adequate parking is provided, and vehicular access is arranged such that traffic and pedestrian safety are maintained. The proposed uses will not have a significant impact on traffic or cause significant degradation to the surrounding environment.

5. Approval of CUP 2022-16 and SPR 2021-30: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-16 and SPR 2021-30 as conditioned and set forth in the Conditions of Approval attached as Attachment A.
6. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of September 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP  
Planning Manager

**EXHIBIT "A"**  
**CUP 2022-16 & SPR 2021-30 (SUPER AUTO SMOG)**  
**CONDITIONS OF APPROVAL**  
**September 13, 2022**

**Notice to Applicant**

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

**IMPORTANT: PLEASE READ CAREFULLY**

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

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

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

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

All discretionary conditions of approval for CUP 2022-16 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 2021-30 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 409 South Gateway Drive that are being developed under CUP 2022-16 and SPR 2021-30. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

### Conditions of Approval

- Conditional Use Permit 2022-16 (Auto Smog Services) is subject to Conditions of Approval numbers 1 through 13 and numbers 67 through 75.
- Site Plan Review 2021-30 is subject to Conditions of Approval 1 through 66 and numbers 76 through 101.

### General

1. Approval of this conditional use permit and 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 conditional use permit and site plan review shall become null and void if the applicant, the operators, and/or successor is found to be in violation of all City and State regulation regulating auto smog testing.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2022-16 and SPR 2021-30.**

5. CUP 2022-16 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
6. SPR 2021-30 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).
7. 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.
8. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2022-16 and/or SPR 2021-30. However, should the Planning Manager determine that modifications are substantive, they may require that an amendment to CUP 2022-16 and/or SPR 2021-30 be filed for review and approval through the applicable City process.
9. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
10. 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.
11. 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.
12. Approval of CUP 2022-16 and SPR 2021-30 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.

13. 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 surrounding properties.

## **Planning Department**

### **General**

14. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2022-16 and SPR 2021-30 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
15. 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.
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 the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
18. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
19. Hours of business operation shall be limited as follows:
  - a. Monday through Saturday from 8:00 AM to 5:00 PM.

### **Building Architecture, Materials and Colors**

20. The proposed building elevations, as conditioned herein, shall include a minimum three (3) color exterior painting scheme.
21. All entry doors shall provide a covered entrance (awning or roof overhang) of adequate form and size to protect persons entering the building from inclement weather conditions.
22. All exterior utility and mechanical equipment shall be located along the east elevation and be significantly screened with landscaping as to be not visible to the public.
23. Roof access shall be located within the interior of the building.

24. Prior to submittal of building permit application, applicant and / or successor-in-interest shall submit a materials and color presentation board(s) detailing building and trash enclosure materials and color to the Planning Department for review and approval.

#### HVAC and Utility Placement / Screening Requirements

25. Prior to submittal of a building permit, applicant and / or successor-in-interest shall identify the following information on one (1) or more site plans for Planning Department review and approval:
26. Location of natural gas and electrical utility meters.
27. Location of all exterior heating, ventilation and air conditioning (HVAC) equipment.
28. Location of exterior mechanical and electrical equipment.
29. All roof and ground mounted equipment shall be screened from public view.
30. Natural gas and electrical utility meters and mechanical equipment shall not be located within the public viewshed visible from South Gateway Drive
31. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet(s) shall be located to the rear (east) property boundary and from the public viewshed visible from South Gateway Drive.

#### Signage

32. No signs are approved as part of CUP 2022-16 or SPR 2021-30. Signs shall be reviewed and approved under separate permit in accordance with the Madera Municipal Code.
33. The combined total square footage of on-building signs shall not exceed the City's maximum allowable on-building sign coverage of 75 square feet.
34. Any proposed freestanding sign shall be placed within a landscaped area.
35. No window signs shall be permitted.

#### Trash Enclosure

36. Outdoor trash enclosure shall be located outside of the required side and rear yard setbacks and shall be screened on three sides with masonry wall composed of an exterior cement plaster finish consistent with building cement plaster finish material, texture and color.
37. Landscaping shall be provided to screen the enclosure to the extent the enclosure is not visible from South Gateway Drive public viewshed or adjacent properties within five (5) years of planting. All enclosures shall be at least five feet-eight inches (5'8") in height or rise a minimum of six (6) inches above the height of any collector placed within the structure, whichever is greater.
38. Trash enclosure shall be sized to accommodate a minimum of one (1) general waste bin and one (1) recycle bin in accordance with the City's waste hauler bin specifications.
39. Trash enclosure gates be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
40. Driveways or travel aisles shall provide unobstructed access for collection vehicles to directly access trash enclosure without need of the waste hauler to rollout or reorient waste bins for

loading operations and provide a minimum of 15 feet vertical clearance. In loading areas, the minimum overhead vertical clearance shall be 22 feet for loading operations.

#### Landscaping

41. Applicant shall submit a landscape plan prepared by a licensed landscape architect. The landscape plan, subject to approval by the Planning Department, shall conform with the State Water Efficient Landscape standards and shall comply with the following sizing requirements:
42. Shrubs shall be a minimum one (1) gallon size. A mix of one (1) and five (5) gallon shrubs is encouraged.
43. Accent trees shall be planted at a minimum of fifteen (15) gallon size.
44. Street trees shall be planted at a minimum fifteen (15) gallon size.
45. Where landscaping is intended (or required) to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial plantings shall be sufficient to provide a functional screen within a single growing season.
46. Planters should be guarded from autos by raised curbs.
47. One (1) street tree shall be planted along South Gateway Drive, north of the site driveway. Street tree shall be composed of the same species as the existing street tree south of the driveway.
48. A minimum of five (5) percent of any parking lot area shall be landscaped, interspersed throughout the parking lot. Shade trees shall be provided in these areas at a minimum ratio of one tree per 30 feet or one (1) tree per three (3) parking spaces. Shade trees shall provide 50 percent shade coverage over parking bays at high noon, with full foliage within five (5) years of planting. Landscape plans shall delineate required shade coverage.
49. Wheel stops are discouraged except where needed to protect features such as trees, bushes, utilities and buildings. Where vehicles are constrained from movement by a curb in front of an area covered in low landscaping or in a walkway wider than six (6) feet, two (2) feet of that area may be counted as part of the required parking dimension. If the walkway is at least eight (8) feet in width, two and one half (2.5) feet within that dimension may be counted as part of the required parking dimension.
50. Trees located in front of “pull in” parking spaces should be placed in-line with painted lines that designate parking stalls to minimize potential damage from vehicle overhang.
51. Landscape screening shall be provided along the property side and rear perimeter.
52. Raised planters shall be used against commercial buildings where pedestrian movement takes place and should accentuate the architecture of the building.
53. Seventy (70) percent of the required landscaping shall be planted/covered in vegetative materials. Where 70 percent coverage is not feasible, alternative landscaping materials and spacing may be substituted if determined by the Planning Manager to be durable and to have comparable visual appeal. A permanent irrigation system shall be required. Whenever possible, drip irrigation should be used in place of sprinklers.

54. All other areas of the site not used for driveways, parking, or buildings shall be maintained for weed control.
55. 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, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation with drought tolerant plantings.

#### Fencing

56. The existing fencing surrounding the property shall be removed. Replacement of the fence shall be approved by the Planning Manager as to the type of material the fence shall be. Acceptable fencing material include ornamental wrought iron or powder coated aluminum spaced picket and shall not exceed a height of six (6) feet. Use of chain link fencing or barbwire is prohibited. Placement of fencing or gate between the building and the southern site boundary is also prohibited.

#### Lighting

57. Prior to submittal of building permit application, applicant and /or successor-in-interest shall submit type and specifications of exterior lighting fixtures to be installed on the site to the Planning Department for review and approval.
58. Exterior building elevation lighting and site lighting shall incorporate a uniformed and cohesive decorative lighting scheme. Wall pack lighting fixtures are prohibited on the front and side elevations.
59. All doorway entries shall provide lighting.
60. The use of cut-off shields shall be incorporated where necessary. Prior to the issuance of a final certificate of occupancy, and upon installation of all light fixtures, City shall inspect site lighting levels and, if necessary, adjustments to lighting levels shall be made to ensure that there is no off-site glare that impacts adjacent or surrounding properties or is directed into the night sky.
61. Lighting in parking areas shall be focused downward, in order to respect adjacent properties and to effectively provide light for the safety of both the pedestrian and vehicular users of the parking area. It is important that the entrances and exits to parking areas are well lit.
62. All parking area lighting, including lighting poles shall be incorporated into landscape areas.
63. Light poles shall not exceed twenty (20) feet in height above ground.
64. Concrete lighting bases/pillars shall not exceed three (3) feet above ground and should include a finished surface of a material capable of withstanding weathering.

#### Parking

65. All parking and loading areas shall be marked, striped and maintained at all times in conformance with City standards and shall be consistent with the SPR 2021-030 Site Plan as conditioned. All modifications in the approved parking layout shall require the approval by the Planning Manager.

66. Site plan improvement plans submitted for plan check shall incorporate bicycle parking facilities for employees and patrons to be approved by the Planning Manager. Bicycle parking facilities shall be located near the rear of the building in the vicinity of the office/customer waiting room.

#### Conditional Use Permit 2022-16

##### Permitted Services

67. CUP 2022-16 allows for the following automotive services:
- a. Car emission (smog) testing
  - b. Engine and ignition computer diagnostics
  - c. Emissions testing related repairs to include: replacement of sensors, spark plugs and wires, computer boards and other emissions diagnostic related repairs
  - d. Small part replacements as needed

##### Prohibited Services

68. All automotive services not specifically approved by the above Condition 23 shall be prohibited, including, but not limited to the following:
- e. Major mechanical/electrical repairs
  - f. Heavy engine/transmission repair services
  - g. General repair and maintenance: oil, lube and filter, tune-ups
  - h. Heating and cooling
  - i. Steering and suspension
  - j. Undercar services: brakes and anti-lock brakes
  - k. Auto detailing and window tinting
  - l. Auto body services such as painting and wrapping
69. Smog check and automotive services shall be done by appointment only.
70. All smog check services shall be conducted inside the building.
71. There shall be no allowance for smog check and small part replacement services to be conducted outside the building or on the parking lot.
72. CUP 2022-16 shall be subject to periodic reviews and inspections 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 of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.
73. No overnight storage of vehicles shall be allowed unless the vehicles are stored inside the building.
74. Should there be a need to store vehicles overnight, only two (2) vehicles per night shall be allowed to be stored inside the building.
75. No outdoor display of merchandise and/or outdoor storage of goods and materials shall be allowed.

## **Building Department**

- 76. Submit (5) five complete sets (hard copies) of plans to the Building Department for review and approval prior to obtaining all required permits for construction of project.
- 77. Site development shall be consistent with the Conditionally Approved SPR 2021-30 site plan, floor plan and elevations. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
- 78. State and federal handicap 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 inspections.

## **Fire Department**

- 79. All improvements shall be built consistent with the current adopted California Uniform Building and Fire Codes at the time of Building Permit Application submittal.
- 80. A knox box is required for rapid entry by fire personnel.
- 81. All Fire access lanes shall be clearly posted.

## **Engineering Department**

### General

- 82. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 83. 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.
- 84. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
- 85. The improvement plans for the project shall include the most recent version of the City's General Notes.
- 86. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
- 87. All off-site improvements shall be completed prior to issuance of final occupancy.
- 88. Improvements within the State of California right-of-way require an Encroachment Permit from Caltrans.

### Water

- 89. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.

90. A separate water meter and backflow prevention device will be required for landscape area.
91. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

#### Sewer

92. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
93. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
94. Sewer main connections 6" and larger in diameter shall require manhole installation.

#### Streets

95. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk to current City of Madera and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
96. An Irrevocable Offer of Dedication shall be made to dedicate ten (10) feet of right-of-way along the entire project/parcels' frontage on South Gateway Drive to provide a half street width of fifty (50) feet, east of the center line.
97. The extent of improvements along South Gateway Drive shall be determined by Caltrans as South Gateway Drive is a State Highway.

#### Dry Utilities

98. 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.

#### **San Joaquin Valley Air Pollution Control District**

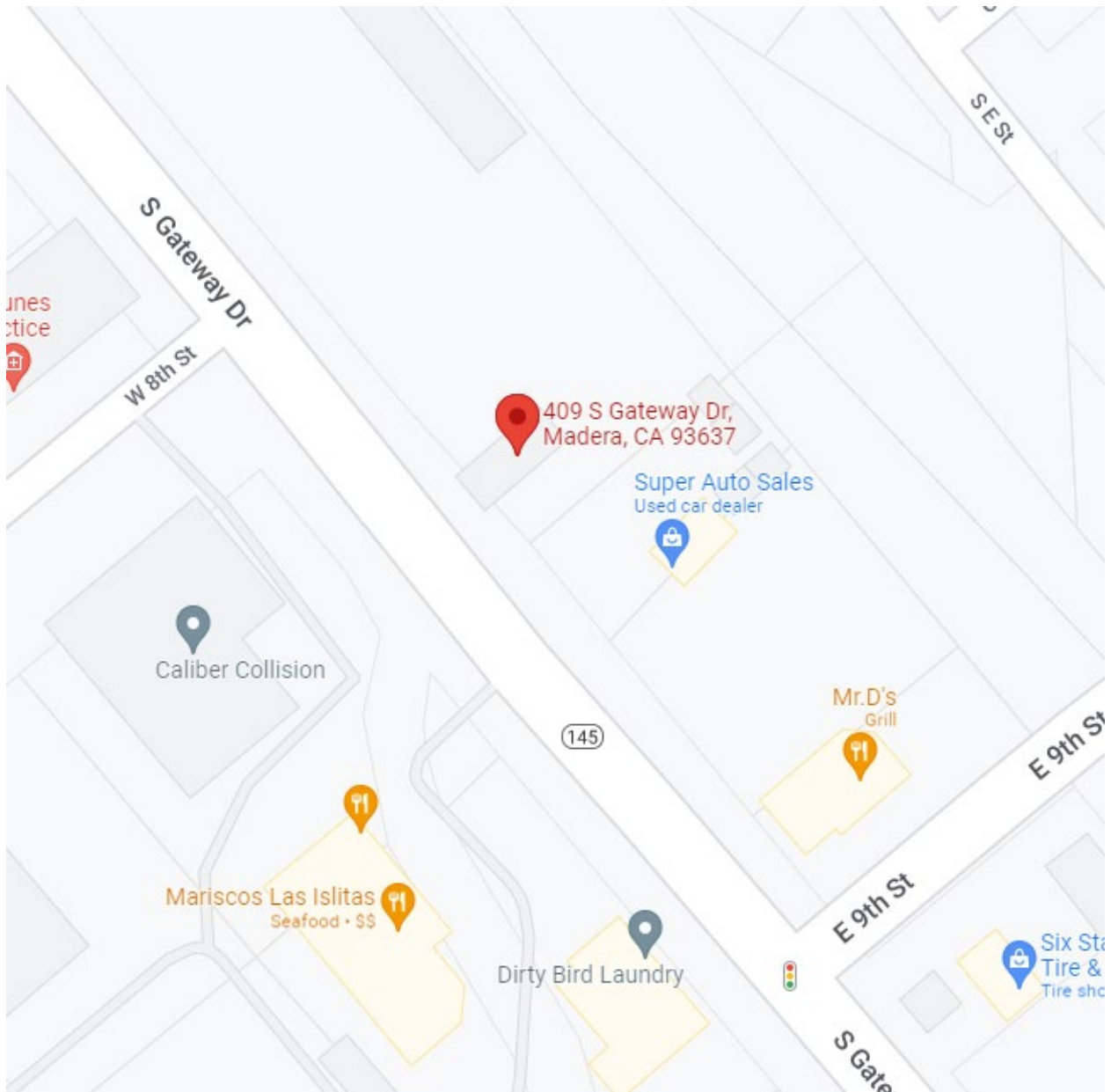
99. Applicant, property owner and/or successors-in-interest shall comply with the Federal Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations and are subject to the notification, handling, and disposal requirements all applicable rules, regulations, and fees of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Prior to issuance of any demolition permit, applicant shall submit to, and have approved by, the SJVAPCD an Asbestos notification/certification.
100. Applicant, property owner and/or successors-in-interest shall have approval by the SJVAPACD.  
Applicant, property owner and/or successors-in-interest shall submit to, and have approved by,

the SJVAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.

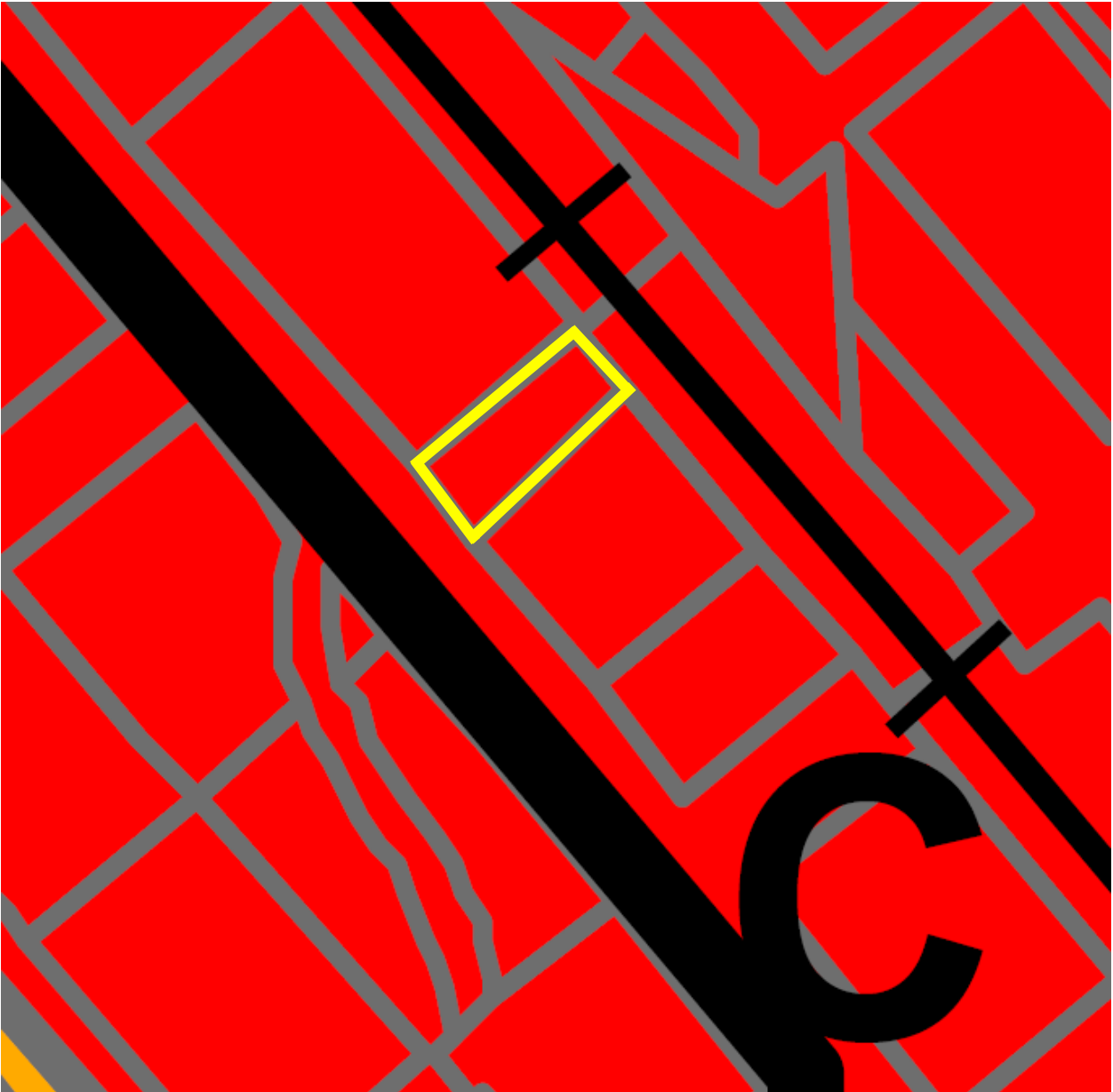
101. Applicant, property owner and/or successors-in-interest shall submit to and have approved by the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.



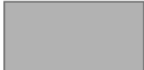
END OF CONDITIONS

## Attachment 1: Vicinity Map

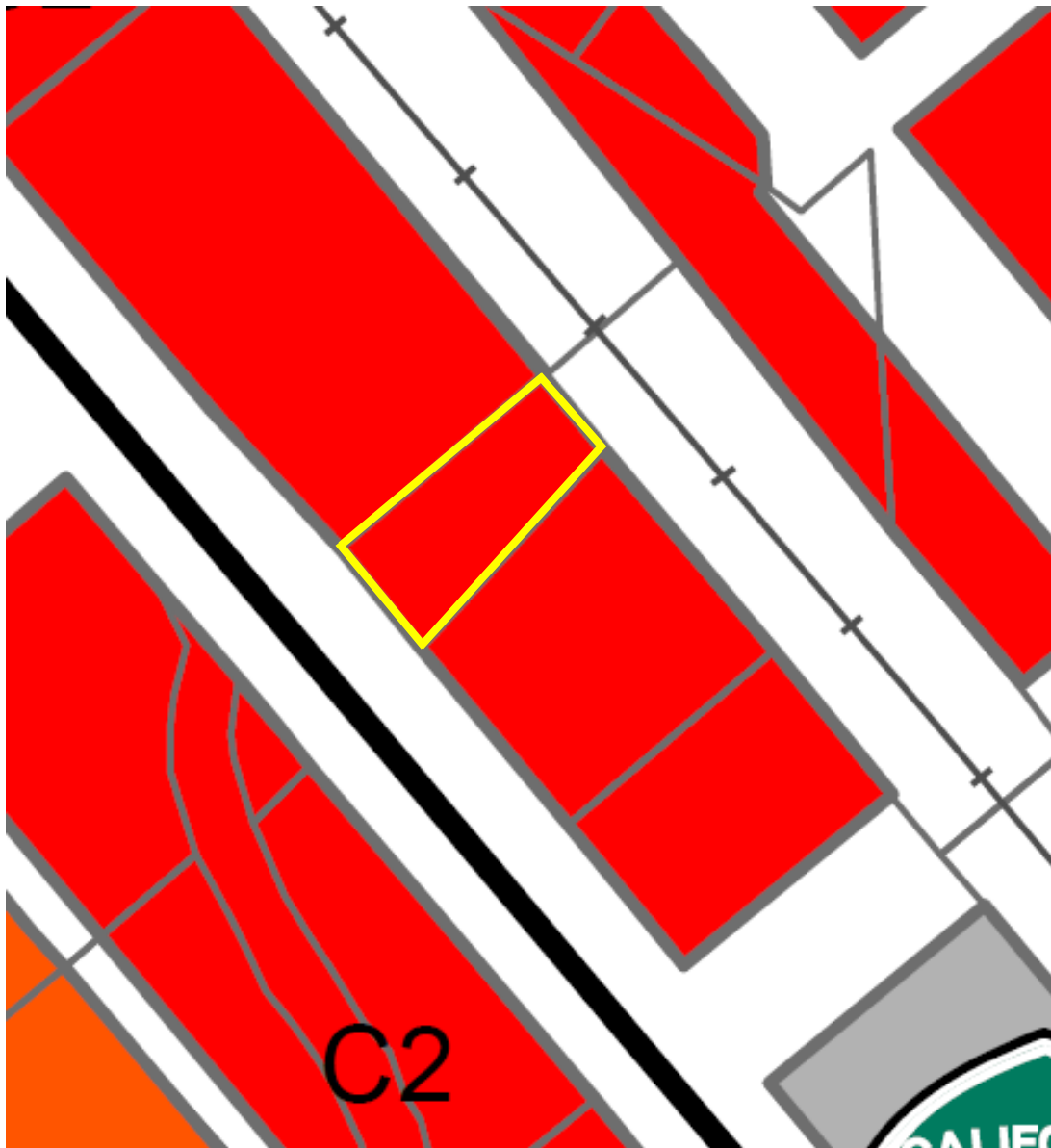


Attachment 2: General Plan Land Use Map





-  C - Commercial
-  O - Office
-  I - Industrial

### Attachment 3: Zoning Map



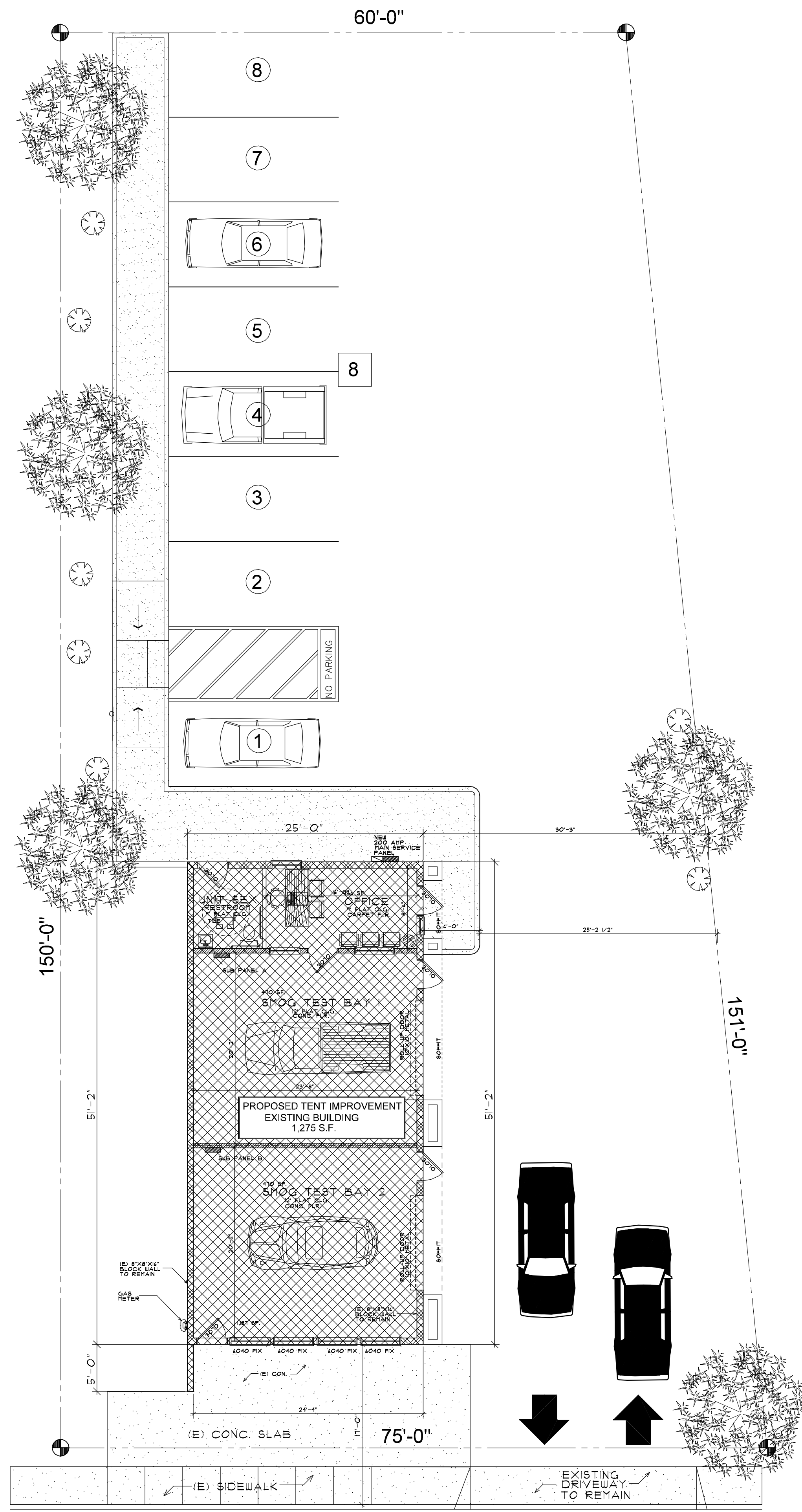
#### Commercial Districts

-  C1 - Light Commercial
-  C2 - Heavy Commercial

Attachment 4: Aerial Map



## **Attachment 5: Site Plan**



409 S. GATEWAY DR.



EXISTING FRONT LEFT VIEW



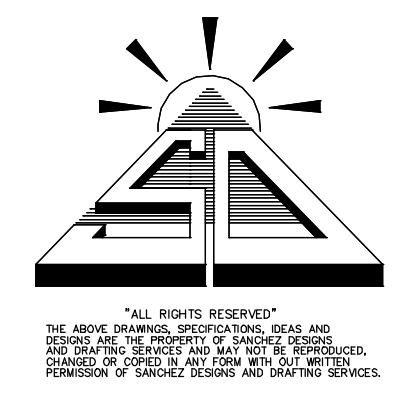
EXISTING FRONT VIEW



EXISTING FRONT RIGHT VIEW



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



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CONSTRUCTION**  
P.O. BOX 191  
Madera, CA 93639  
Lic. #934834 (559) 718-7099

**Proposed Tent Improvement For:**  
**Hector  
Meija**  
**409 S. Gateway  
Madera Ca. 93637**

City of Madera  
Department of  
Public Works  
& Planning

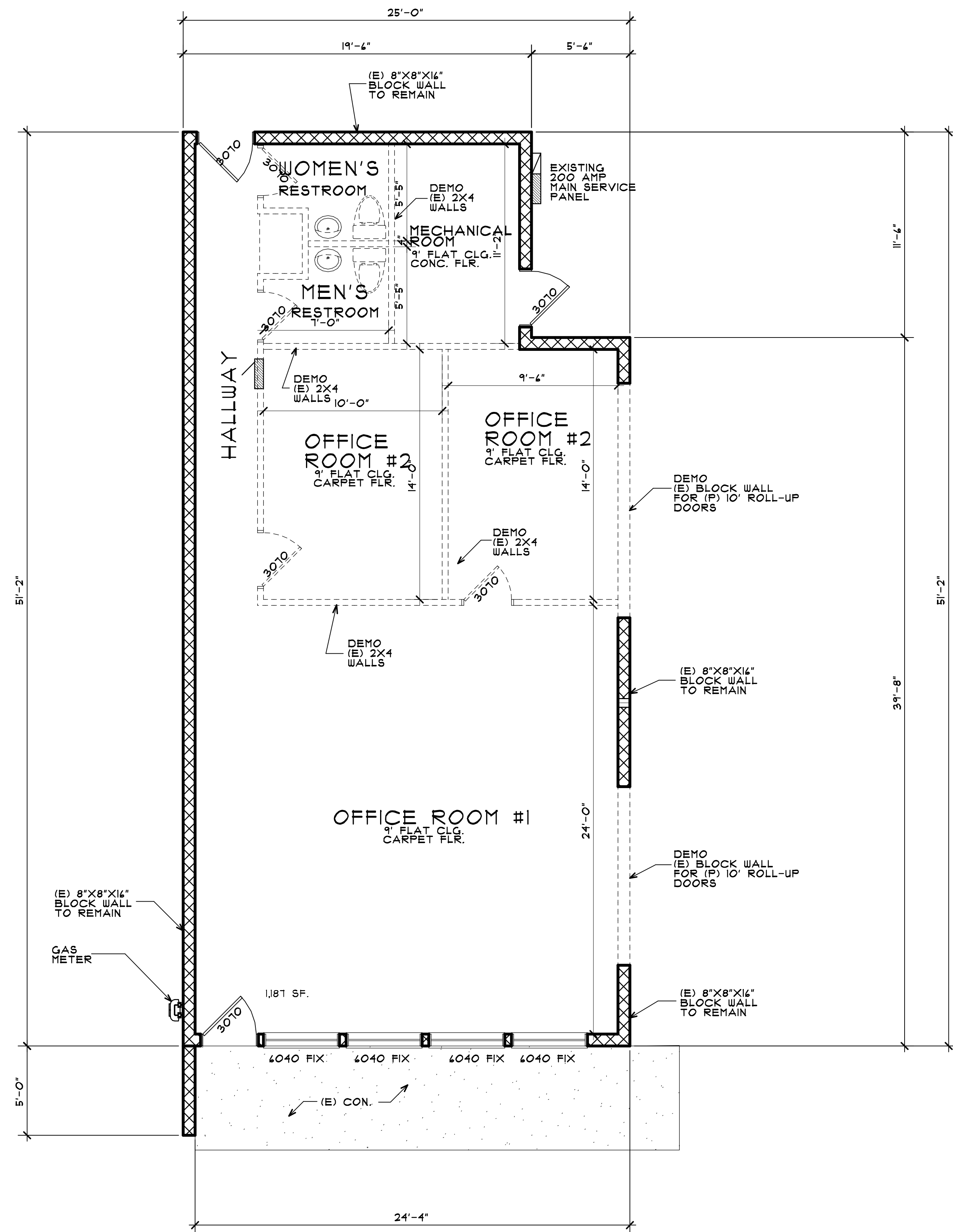
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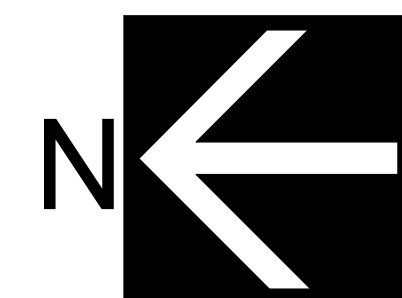
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JOB NO. 21-15	PLAN LIVING SQ. FT.
ADDENDUM #1	DATE

## **Attachment 6: Demolition Plan**



EXISTING  
DEMO FLOOR PLAN

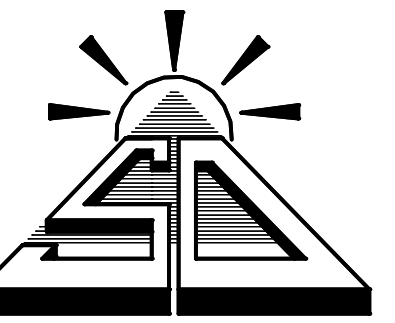


EXISTING  
DEMO FLOOR PLAN

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

FLOOR AREA : 1,187 S.F.

LEGEND	
	DEMOLITION CONSTRUCTION TO BE REMOVED
	EXISTING 8"X8"X16" CMU BLOCK WALL
	EXISTING WALLS TO REMAIN
	PROPOSED CONSTRUCTION 2x4 D.F. @ 16" O.C.
	PROPOSED CONSTRUCTION 2x6 D.F. @ 16" O.C.
	SHEAR WALL BRACE PANEL
	BATT INSULATION
	FRAMING MEMBER OR BLOCKING
N.I.C.	NOT IN CONTRACT
N.T.S.	NOT TO SCALE
U.N.O.	UNLESS NOTED OTHERWISE
V.I.F.	VERIFY IN FIELD
D.I.F.	DETERMINE IN FIELD
F.F.F.	FOIL FACED FIBERGLASS
A.F.F.	ABOVE FINISHED FLOOR
SIP	SHELF AND POLE



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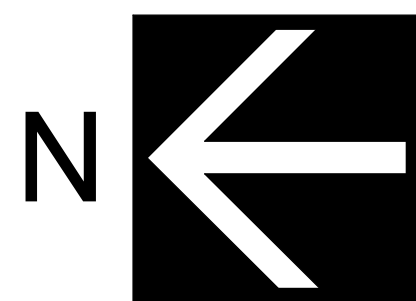
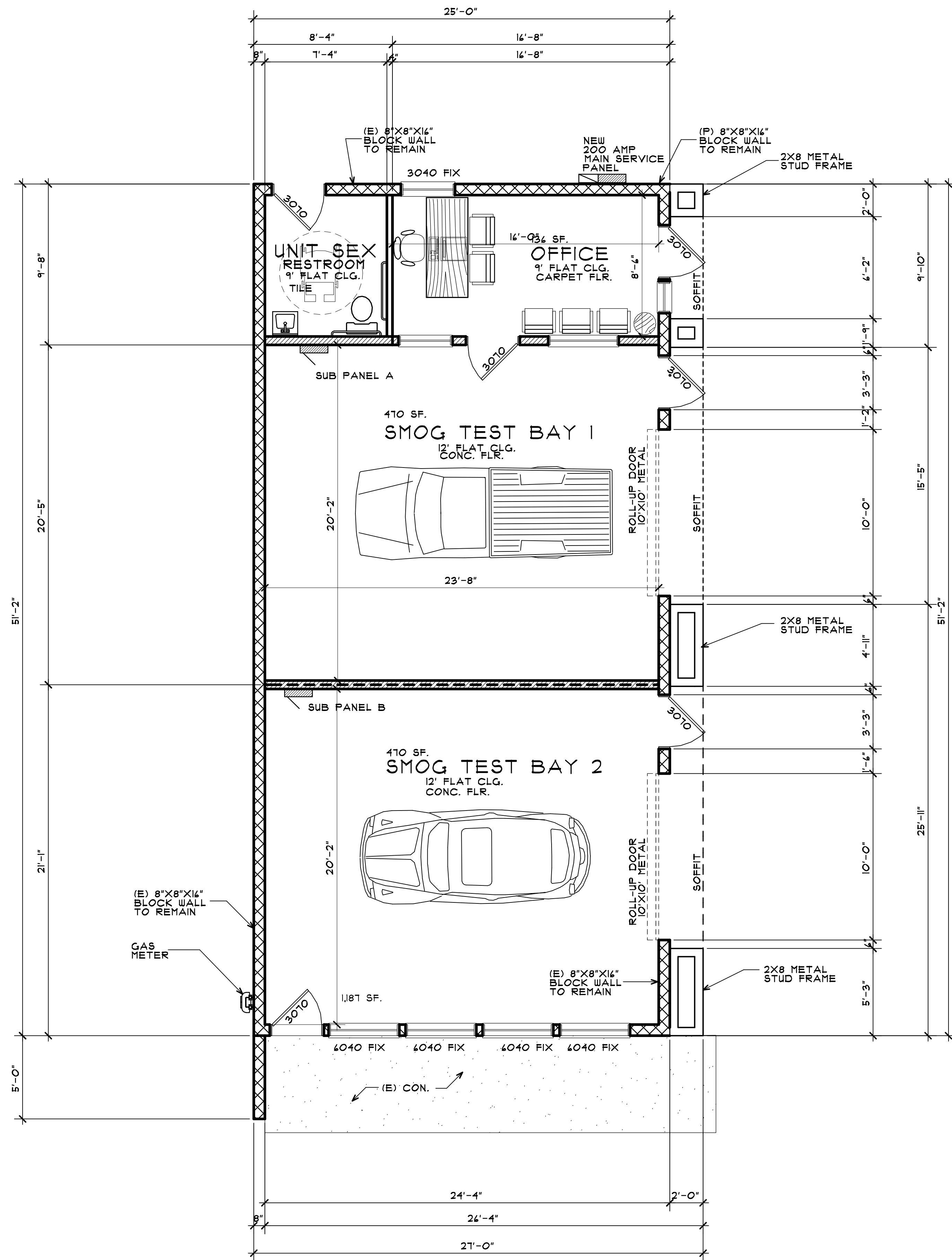
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SHEET  
**A2**

JOB NO. 21-15	PLAN LIVING SQ. FT.
ADDENDUM #1	DATE

## **Attachment 7: Floor Plan**



# PROPOSED FLOOR PLAN

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

FLOOR AREA : 1,275 S.F.

## LEGEND

	EXISTING 2x4 BEARING WALLS TO REMAIN
	DEMO WALLS
	PROPOSED CONSTRUCTION (NEW WALLS)
	2x4 D.F. #2 STUDS @ 16" O.C.
	2x4 D.F. #2 STUDS @ 16" O.C. (NEW WALLS)
	8"x16" CMU BLOCK WALL (EXISTING)
	SHEAR WALL BRACE PANIAL
	BATT INSULATION
	FRAMING MEMBER OR BLOCKING
	N.I.C.
	NOT IN CONTRACT
	N.T.S.
	NOT TO SCALE
	U.N.O.
	UNLESS NOTED OTHERWISE
	V.I.F.
	VERIFY IN FIELD
	D.I.F.
	DETERMINE IN FIELD
	F.F.F.
	FOIL FACED FIBERGLASS
	A.F.F.
	ABOVE FINISHED FLOOR
	SHP
	SHELF AND POLE

## GENERAL NOTES

### BUILDING SAFETY REGULATIONS

1. PROVIDE ONE LAYER OF 5/8" THK. TYPE "X" GYP. BRD. TYP. AT HOUSE/GARAGE COMMON WALLS (PER TABLE (CBC 302.4)) APPLY TO GARAGE SIDE OF ALL SUPPORTING WALLS AND CEILING.
2. PROVIDE 1 3/8" SOLID CORE DOOR WITH SELF CLOSER BETWEEN GARAGE AND RESIDENCE.
3. ALL BEDROOMS SHALL BE PROVIDED WITH AT LEAST ONE WINDOW OR EXTERIOR DOOR APPROVED FOR EMERGENCY ESCAPE OR RESCUE. WINDOWS SHALL HAVE A CLEAR OPENING OF 5.7 SQ. FT. AND MINIMUM OPENINGS OF 20" WIDE AND 24" HIGH.
4. THE MAXIMUM SILL HEIGHT FOR WINDOWS USED FOR EMERGENCY EXIT SHALL BE 44".
5. SAFETY GLAZING SHALL BE PROVIDED IN THE FOLLOWING APPLICATIONS:
  - A. SHOWER DOORS
  - B. WINDOWS LOCATED IN OR ADJACENT TO A DOOR, WITHIN A 24" ARC OF DOOR.
  - C. WINDOWS GREATER THAN 18" WIDE AND CLOSER THAN 18" TO THE FLOOR.
  - D. ALL PATIO AND SLIDING GLASS DOORS.
6. SAFETY GLAZING ON DOORS OR WINDOWS SHALL BE LABELED AS SUCH FOR INSPECTION PURPOSES.
7. LOW FLUSH WATER CLOSETS TO BE INSTALLED (MAX. 128 GALLONS PER FLUSH).
8. PROVIDE EXHAUST VENTILATION FOR THE COOKTOP TO THE EXTERIOR OF THE BUILDING AS PER (IT 15.020). PROVIDE EXHAUST DUCT UNDER SLAB AS PER UBC 104.3.3.
9. PROVIDE 2" WIDE X 24 GAUGE METAL STRAP AT UPPER AND LOWER 1/3 OF THE WATERHEATER TANK.
10. ALL SHOWER VALVES SHALL BE PRESSURE BALANCING AND THERMOSTATIC TYPE. UPC, SECTION 410.1.
11. AIR DUCTS IN GARAGE THAT PASS THROUGH THE LIVING / GARAGE COMMON WALL SHALL BE NO. 24 GAUGE STEEL OR THICKER. CBC 302.4. EXCEPTION 3.
12. SHOWERS MUST HAVE WATERPROOF WALL FINISH UP AT LEAST 10" ABOVE THE SHOWER DRAIN. SHOWER CURTAINS OR SHOWER ENCLOSURES ARE REQUIRED. SHOWER ENCLOSURES SHALL BE OF TEMPERED GLASS.
13. SHOWER DOORS SHALL BE MIN. 22" WIDE.
14. PROVIDE MANUFACTURER'S INSTALLATION INSTRUCTIONS AT JOB SITE FOR ALL CIRCULATING TYPE TUBS.
15. PROVIDE A 12" X 12" TUB MOTOR ACCESS HATCH WHEN INSTALLING A CIRCULATING TYPE TUB.
16. PROVIDE MANUFACTURER'S INSTALLATION INSTRUCTIONS FOR MANUFACTURED FIREPLACES AT THE TIME OF THE FRAMING INSPECTION.
17. HOSE BIBBS SHALL BE EQUIPPED W/ BACKFLOW PREVENTERS.
18. ALL TUB / SHOWER OPENINGS SHALL BE RODENT PROOF WITH 1" CEMENT COVERING, IN AN APPROVED MANNER.

### DOOR LANDINGS:

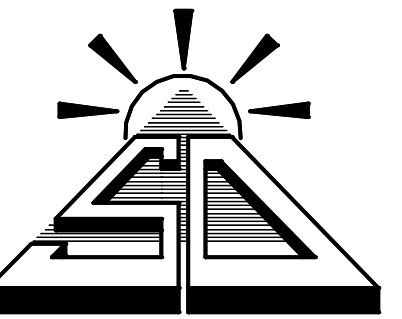
1. THE WIDTH OF THE LANDING SHALL BE THE WIDTH OF THE DOOR WITH 34" BEING THE MINIMUM WIDTH.
2. THE LANDING SHALL NOT BE MORE THAN 1" LOWER THAN THE TOP OF THE THRESHOLD OF THE DOORWAY AT DOORS THAT SWING OUT OVER THE LANDING.
3. THE LANDING SHALL NOT BE MORE THAN 8" LOWER THAN THE TOP OF THE THRESHOLD PROVIDED THAT THE DOOR DOES NOT SWING OUT OVER THE LANDING.
4. THE MINIMUM LATERAL DIMENSION FROM THE DOOR TO THE EDGE OF THE LANDING SHALL BE 34".

### SECURITY CODE REQUIREMENTS

1. PROVIDE A STEEL PLATE AT ALL DEAD BOLT STRIKERS. PROVIDE SOLID WOOD SHIMS, 4" ABOVE AND BELOW WITH 2 #8 BY 2" SCREWS.
2. WINDOWS SHALL MEET MINIMUM STANDARDS AS ESTABLISHED BY U.B.C. STD. 412.
3. PROVIDE A PEEP HOLE OR VISION PANEL AT ENTRY DOOR.
4. PROVIDE DEAD BOLT AT THE EXTERIOR DOORS. (HOUSE TO GARAGE, GARAGE TO EXTERIOR).
5. DEAD BOLTS AT ALL EXTERIOR DOOR.
6. MAX. SILL HEIGHT OF 44" ABOVE FLOOR. ALL WINDOWS TO BE EMERGENCY EXISTS
7. DOOR LANDINGS W/ OF DOOR WITH 34" MINIMUM 8" MAX STEPDOWN FOR SLIDERS AND DOORS SWINGING IN, MEASURED FROM TOP OF FLOOR.

### THRESHOLD NOTES

- A) FLOOR LEVEL CHANGES GREATER THAN .25" SHALL BE BEVELED WITH A SLOPE NOT TO EXCEED 2:1 (50% SLOPE).
- B) LANDINGS AT EXTERIOR DOORWAYS CAN HAVE A MAXIMUM 1.75" CHANGE IN ELEVATION MEASURED FROM THE TOP OF THRESHOLD, PROVIDED THE DOOR DOES NOT SWING OVER THE LANDING.
- C) THRESHOLD HEIGHT SHALL NOT BE MORE .75" AT SLIDING DOOR SERVING DWELLING UNITS, AND NOT MORE THAN .50" FOR FOR ALL OTHER DOORS.
- D) THRESHOLDS SHALL BE LIMITED TO 1.75" IN HEIGHT PROVIDED THE DOOR IS AN EXTERIOR DOOR AND DOES NOT SWING OVER THE LANDING. (CBC. 1008.14).



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Proposed Tent Improvement For:

**Hector Meija**  
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City of Madera  
Department of  
Public Works  
& Planning

	PLOT DATE 6-9-21
PLAN CHECK NUMBER *****	

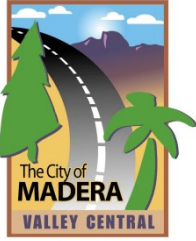
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SHEET	A3
JOB NO. 21-15	PLAN LIVING SQ. FT.
ADDENDUM #1	DATE

## **Attachment 8: Elevations**



## **Attachment 9: Resolution**



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

James Troyer, Senior Planner

**Meeting of:** September 13, 2022

**Agenda Item:** 3

**SUBJECT:**

Consideration of Conditional Use Permit 2022-15 and Site Plan Review 2022-22 to approve a 15,700+- square foot Senior Adult Day Care Facility.

**RECOMMENDATION:**

Conduct a public hearing and adopt a Resolution adopting a Finding of a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and approving Conditional Use Permit 2022-15 (CUP 2022-15) and Site Plan Review 2022-22 (SPR 2022-22) for property located at 629 East Yosemite Avenue for the purpose of establishing a Senior Adult Day Care Facility.

**PROPOSAL:**

Entitlements to allow for the establishment of a Senior Adult Day Care Facility

- Conditional Use Permit (CUP) 2022-15 allows for the establishment of a Senior Adult Day Care Facility.
- Site Plan Review (SPR) 2022-22 reviews the entire site for compatibility with the municipal code in terms of compliance for parking, circulation, landscaping and other site issues.

**Table 1: Project Overview**

<i>Project Number:</i>	CUP 2022-15, SPR 2022-22
<i>Applicant:</i>	Arthur Koroyan
<i>Property Owner:</i>	Bill Allessini
<i>Location:</i>	629 East Yosemite Madera, CA 93638 (APNs 007-122-004 and 007-122-008)
<i>Project Area:</i>	56,755 square feet (1.3 acres)
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	The project site is 56,755 square foot (sf) in-fill lot area and is developed with a 15,741-sf commercial building that is currently vacant and was previously used for a County of Madera Social Services Building.

**SUMMARY:**

The project site, located at 629 East Yosemite Avenue, consists of two parcels (APNs 007-122-004 and 007-122-008) totaling approximately 1.3 acres (56,755 sf) that is developed with a vacant 15,700+- sf

commercial building and approximately one-half acre of parking. A 20-foot wide north-south trending alley separates the two parcels from one another. The project site is bound by Fume Street to the east, East Yosemite Avenue to the south and North Lake Street to the west (refer to Attachment 1). Surrounding property to the north, northwest is composed of residential uses. A chain link fence with vinyl slats separates the project site from the abutting residential properties. A National Guard Armory is located east of the subject site and a variety of commercial uses are present south, southwest of the subject site. Medical and dental offices are present to the west of the site. The property is bound to the northwest (refer to Attachment 2). The building fronts on East Yosemite Avenue which is a Caltrans State Highway (State Route 145).

The project site is in a C1 (Light Commercial) district with a General Plan land designation of Commercial (C). Property abutting the project site to the north is in a C1 (Light Commercial) district with a General Plan land designation of High Density Residential (HD). Property across Flume Street, east of the project site is in a PF (Public Facilities) district with a General Plan land use designation of Other Public and Semi-Public Uses (P&SP). Property across East Yosemite Avenue and South Lake Street, south and west of the project site, respectively are in a C1 (Light Commercial) district with a General Plan land use designation of Commercial (refer to Attachments 3 and 4).

The parking area east of the building is accessible by two driveway approaches on Flume Street. The parking area west of the building is accessible by one driveway approach on North Lake Street and by the Alley access driveway approach on East Yosemite Avenue. The north-south trending alley also has an access driveway approach on East 5<sup>th</sup> Street.

Entrance to the building is accessed on Flume Street. The site suffers from deferred maintenance and the building, and the parking lot is in need of repairs. The proposed business is part of the State of California's Department of Aging Community Based Adult Services Program (CBAS) a community-based day health program that provides services to older adults and adults with chronic medical, cognitive, or behavioral health conditions and/or disabilities that make them at risk for institutional care.

The CBAS Program is an alternative to institutional care for Medi-Cal beneficiaries who can live at home with the aid of appropriate health, rehabilitative, personal care and social services. The Program stresses partnership with the participant, the family and/or caregiver, the primary care physician, and the community in working toward maintaining personal independence. Each CBAS center has health professionals who assess each potential participants to identify and plan services needed to meet the individual's specific health and social needs. Services provided at these types of centers include:

- Professional nursing services
- Physical, occupational and speech therapies
- Mental Health Services
- Therapeutic activities
- Social services
- Personal care
- Hot Meals and Nutritional Planning
- Transportation to and from the participants residence

#### Conditional Use Permit

Madera Municipal Code (MMC) §10-3.802(C)(21) states that any use permitted in any residential zone requires a use permit in a light commercial zone. MMC §10-3.504(A)(3) permits day cares in residential

zones. Therefore, the MMC requires a use permit for the establishment of this Senior Adult Day Care Facility. The operations statement states that the Senior Adult Day Care Facility will have 200 participants a day with a maximum capacity of 230 participants. The following medical and occupational professionals are proposed to be employed onsite: (1) physical therapist; (2) occupational therapist; (3) social workers; (4) nurses; (5) speech therapists; (6) nurse practitioners; (7) dietitians; (8) occupational speech therapists and workers to support recreational activities. In addition to recreational activities, participants are scheduled to be served meals twice a day. The applicant has been directed to show more detail to the food prep area and a condition has been added that the food prep area be approved by the County of Madera Environmental Health, if required.

The building interior has unpermitted construction in the interior and a condition of approval has been added that require complete construction plans for the interior of the building. A revised floor plan and site plan is required to be approved by the Planning Department. A condition has been added that no construction plan submission shall occur until an approval of the site and floor plan has been given by the Planning Department. The hours of operation are proposed to be 8 AM to 3 PM, Monday through Friday. The facility is proposed to start at 2 employees and will grow to 22 employees. A condition of approval has been added that any copies of State required licenses and contracts be submitted to the Planning Department prior issuance of building permits.

#### Site Plan

Pursuant to Section 10-3.4.0103 of the MMC, a site plan review is required for all projects which require a use permit, including a change in use where on-site construction is proposed. SPR 2022-22 establishes the site's layout for the Senior Adult Day Care Facility.

#### Parking

Because "Senior Adult Day Care" is not a specified use in MMC in § 10-3.1201 et seq ("Off-Street Parking Regulations"), the Planning Commission has the authority to set the parking required for this use, per MMC in § 10-3.1203. The building was designed with a parking capacity of 4 spaces per 1,000 sf of building area in accordance with the MMC and the Americans with Disabilities Act (ADA). Up to 25 percent of the parking spaces may be designated "compact." Staff is recommending that the Planning Commission adopt that ratio since the applicant is being required to mitigate potential parking impacts by picking up and dropping off all participants. This is part of the applicant's contract with the Department of Aging. The applicant states he will employ 12 to 14 transportation vans to transport all participants. A code required loading/unloading area and a transportation plan that will detail pickups and drop offs of participants is also required as a condition of approval. The building use is being intensified by the number of occupants visiting the site and will have a great degree of non-fixed seating.

The proposed adult day care center building is 15,741 sq ft. Based on a parking space ratio of 4 spaces per 1,000 sf of building area, a minimum of 63 parking spaces are required for the project, with spaces marked in accordance with the Madera Municipal Code (MMC) and the American with Disabilities Act (ADA). Based on the applicant's site plan, the proposed project will provide 81 parking spaces, three (3) of which are identified as handicap accessible (refer to Attachment 5). The ADA requires a project providing more than 75 parking spaces but less than 100 parking spaces to provide 1 handicap van accessible parking space with a minimum 96-inch-wide drive aisle and 3 handicap parking spaces with a minimum 60-inch-wide access aisle. Based on the proposed site plan, the project will need to provide one (1) additional ADA compliant space which is reflected in the conditions of approval. A condition of approval has also been added that the parking lot be reconstructed, reslurried and restriped, and all drive approach entrances be

reconstructed. A clear and safe pedestrian path from the perimeter public sidewalks to the building must also be provided. To be considered clear, the path must be distinctly paved and/or marked. Moreover, to be considered safe, the must be dedicated to pedestrian use and not cross within any space to be used for vehicle reversing.

In addition to on-site vehicular parking requirements, the project is also required to provide provisions for short-term and long-term bicycle parking facilities to serve the needs of employees and visitors that may travel to and from the project site by bicycle. Based on proposed building total gross square footage, the project is to provide a minimum of four (4) bicycle parking spaces for employees and visitors. Bicycle racks should be a park alongside, bollard-style rack. Aluminum grid-style bicycle parking is not permitted. For security purposes, the bicycle facilities are to be placed in close proximity to the building entrance.

### Landscaping

Landscape planters are shown conceptually on the site plan and landscape plan provided by the applicant (refer to Attachments 5 and 7). The applicant will be required to submit a landscape/irrigation plan as a condition of approval to ensure compliance with state water efficient landscaping requirements and shall meet all City landscaping requirements. The interior and perimeter of the site is required to be landscaped, except where walks or accessways are proposed. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance. Landscaping installed as part of the project will be required to adhere to the guidelines set forth in the City's Commercial Design and Development Guidelines. Per the conditions of approval, landscape improvements will be required to show a 50 percent shade coverage within the parking area on the landscape plan submitted for approval. In addition, 5% of the parking lot area is required to be landscaped.

### Floor Plan

As previously mentioned, the interior of the building has unpermitted partitions that have been constructed and the Building Department is requiring a complete tenant improvement and construction plans prior to issuance of building permits. Staff previously directed the applicant to revise the floor plan to include professional office space and provide detail of non-fixed seating areas that participants will use, and to detail the interior areas that will be used for recreational activities, and to show areas where meal service will occur. More detail was also requested on the floor layout of the restroom space and kitchen area (refer to Attachment 6).

### Elevations

Brick façade work that was not reviewed by the Planning Department has been installed on portions of the building. A condition of approval has been added that the brick façade work is to be continued on all four sides of the building and that 360-degree architectural elevations be submitted to the Planning Department for review and approval prior to any building permits being issued.

### General Plan Conformance

CUP 2022-15 and SPR 2022-22 support goals and policies established in the General Plan. The Commercial designation allows for a variety of office and commercial uses. In allowing this establishment to expand to include office and medical uses these entitlements support Vision Madera 2025 and encourage, "economic opportunities and underscores the need to attract commercial businesses. CUP 2022-15 and SPR 2022-22 also support goals and policies outlined in the General Plan's Sustainability Element:

- Goal SUS-1 – Establish and maintain a diverse and sustainable local economy
- Policy SUS-11 – The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

#### **ENVIRONMENTAL REVIEW:**

Staff has performed a preliminary environmental assessment and has determined that the project is categorically exempt under Section 15301 of the State CEQA Guidelines because the project will occupy an existing building on an existing parcel with existing services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

#### **COMMISSION ACTION:**

The Commission will be taking action on the CUP, SPR, and Categorical Exemption. All the required findings for approval under the Municipal Code and law can be made and are described in the proposed Resolution attached to this report. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission adopting a Finding of a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and approving Conditional Use Permit 2022-15 (CUP 2022-15) and Site Plan Review 2022-22 (SPR 2022-22) for property located at 629 East Yosemite Avenue for the purpose of establishing a Senior Adult Day Care Facility.

#### **ALTERNATIVES:**

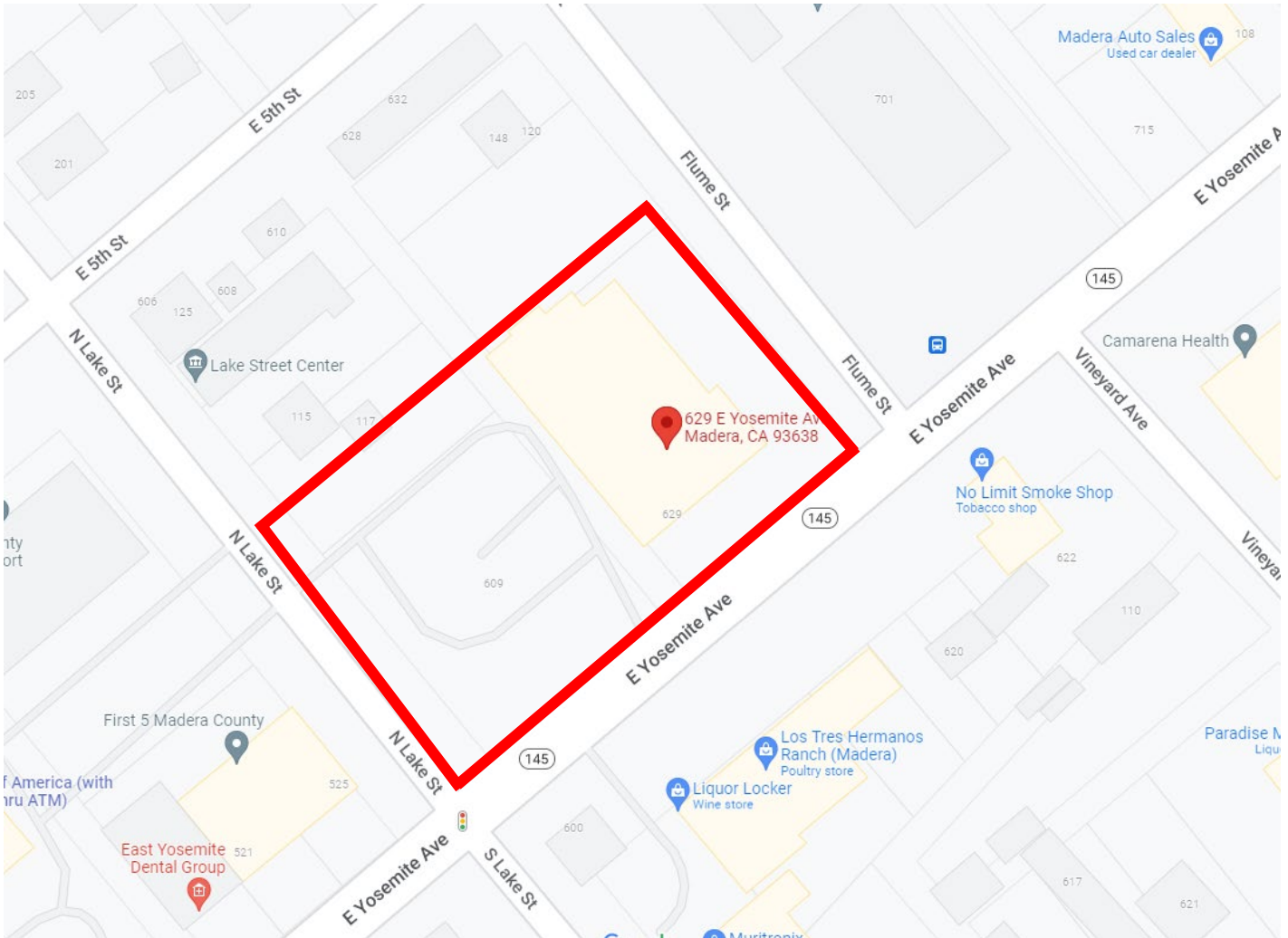
As an alternative, the Commission may elect to:

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 based on the following findings (please specify reasons).

#### **ATTACHMENTS:**

1. Vicinity Map
2. Aerial Map
3. General Plan Land Use Map
4. Zoning Map
5. Site plan
6. Floor layout
7. Landscape Plan
8. Resolution
  - Exhibit "A" Conditions of Approval

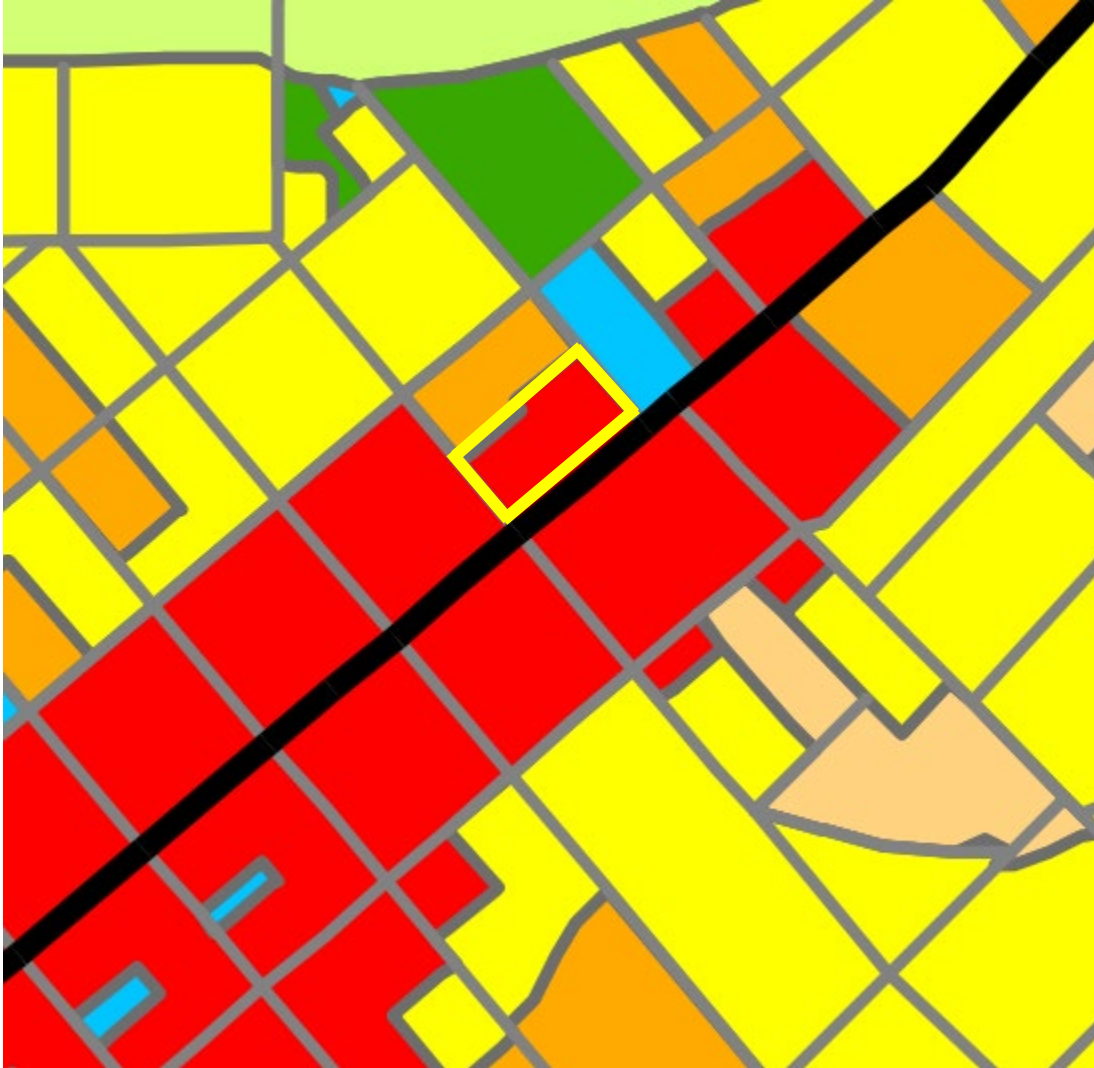
## Attachment 1: Vicinity Map



## Attachment 2: Aerial Map

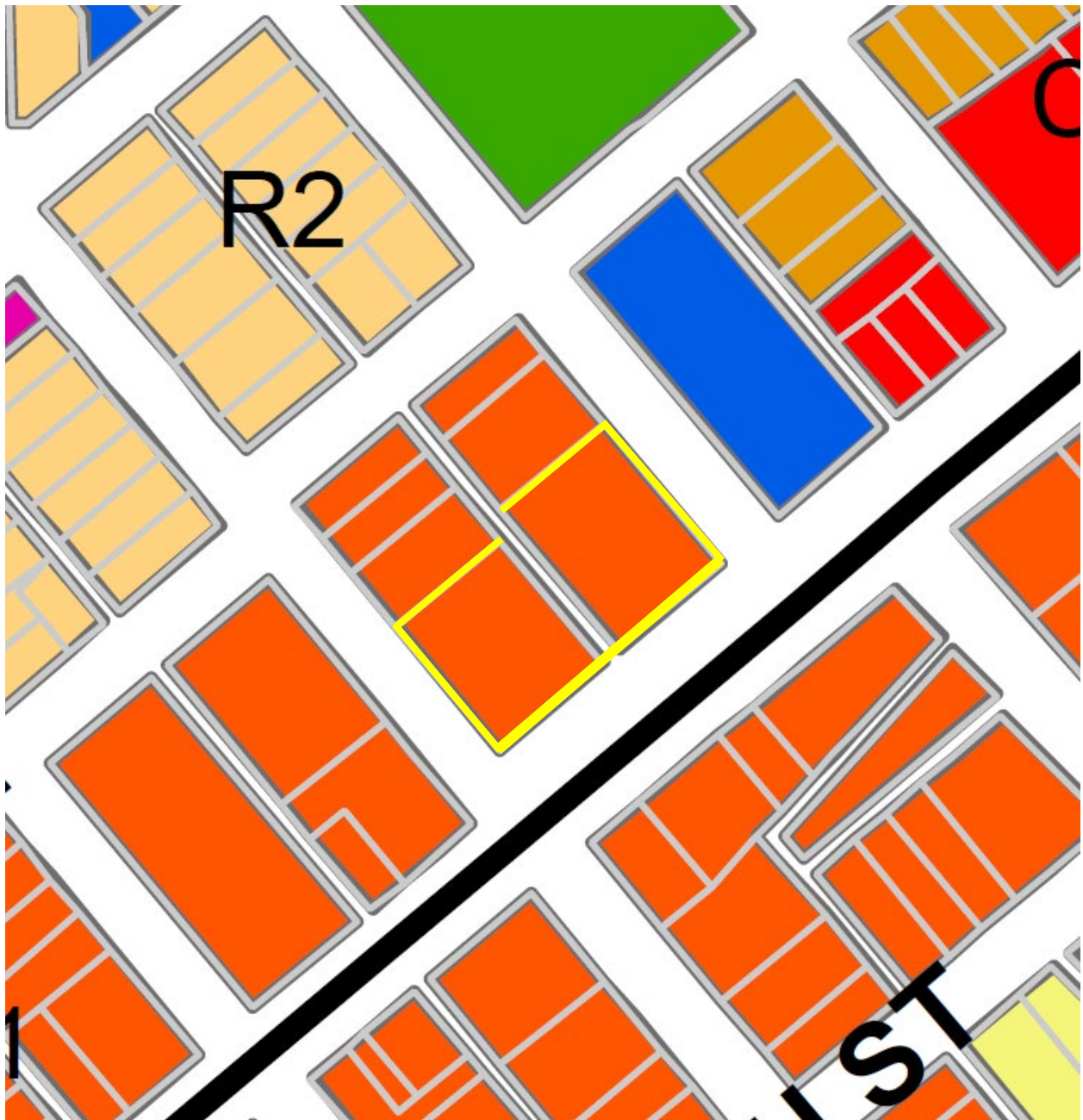


### Attachment 3: General Plan Land Use Map





- C - Commercial
- O - Office
- I - Industrial

#### Attachment 4: Zoning Map

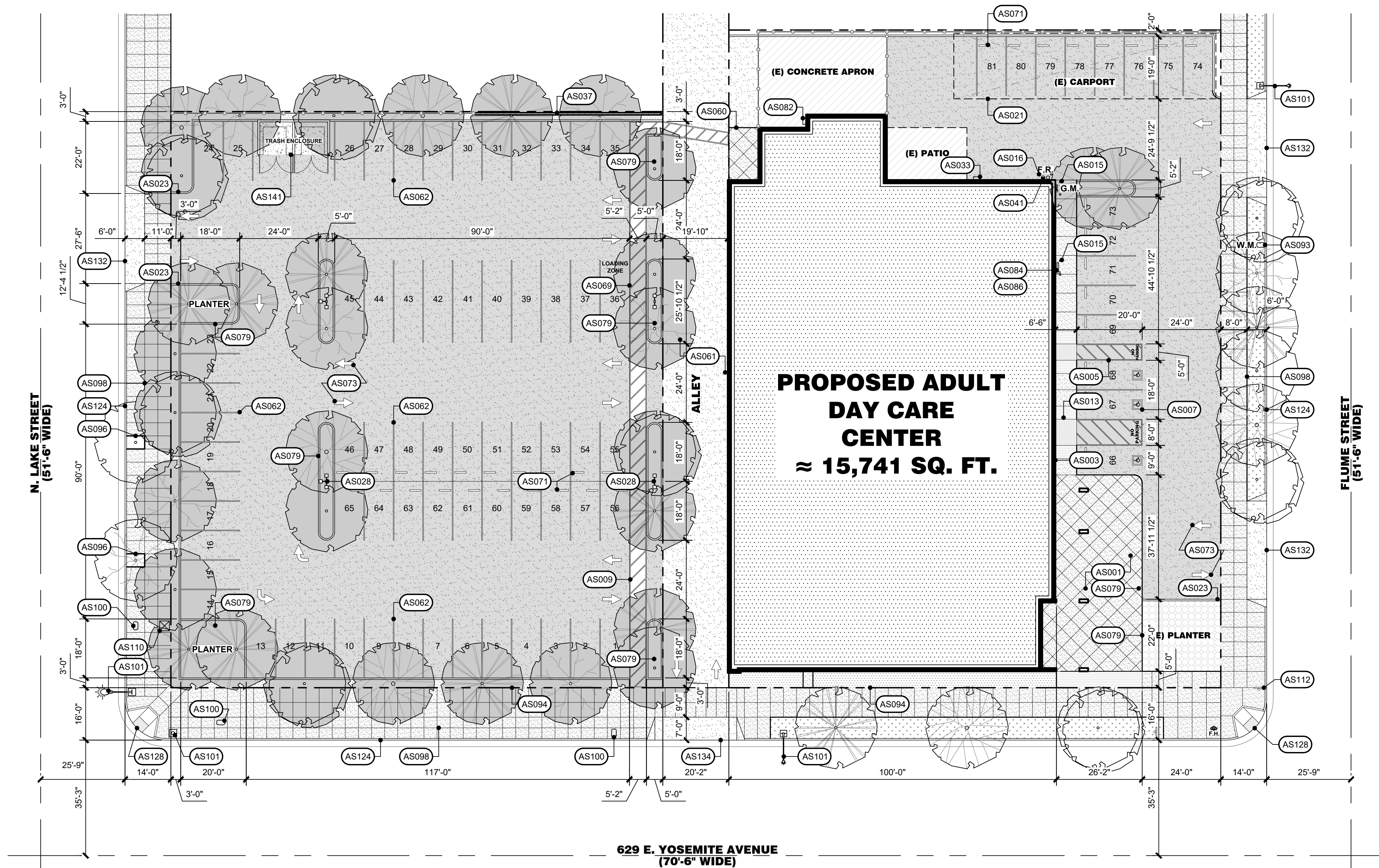


#### Commercial Districts

-  C1 - Light Commercial
-  C2 - Heavy Commercial

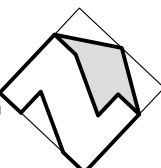
## **Attachment 5: Site Plan**

S:\1 - PROJECT\YEAR 2022\20805 KOROVANU, DEVELOPMENT PERMIT\02 CAD FILES\DP-3 SITE PLAN AND NOTES.DWG



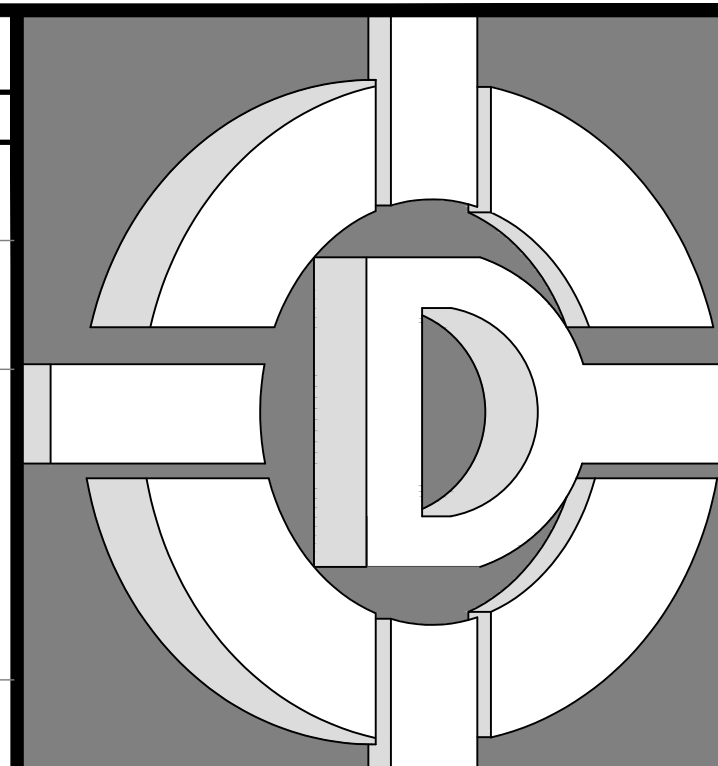
## SITE PLAN

SCALE: 1" = 20'-0"



## SITE KEY NOTES

#	DESCRIPTION
AS001	CONCRETE FLATWORK (5% MAXIMUM SLOPE WITH 2% MAXIMUM CROSS SLOPE). REFER TO ACCESSIBILITY NOTES AND DETAIL SHEETS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS003	"ACCESSIBLE PARKING ONLY" SIGN POLE MOUNTED AT +80" ABOVE CURB WITH "VAN ACCESSIBLE" SIGNAGE PER TITLE 24 ACCESSIBILITY STANDARDS. REFER TO ACCESSIBILITY NOTES AND DETAIL SHEETS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS005	STRIPING AT ACCESSIBLE PARKING STALL(S) PER CBC 11B-802. ALL PERIMETER / BOARDER STRIPING OF UNLOAD ZONE SHALL BE PAINTED BLUE. INFILL AND PARKING STRIPING SHALL BE PAINTED WHITE (INFILL STRIPING SHALL BE 45 DEGREES AND 36" ON CENTER MAXIMUM WITHIN "NO PARKING" ZONE). 2% MAXIMUM SLOPE IN ALL DIRECTIONS AT ACCESSIBLE PARKING STALLS AND ACCESS AISLES PER CBC 1129B.3.4. 8'-0" WIDE ACCESSIBLE UNLOADING SPACE WITH WARPED CONCRETE WHEELCHAIR RAMP AND STRIPING TO COMPLY WITH THE TITLE 24 ACCESSIBILITY STANDARDS. 12" HIGH LETTERS PAINTED TRAFFIC WHITE STATING "NO PARKING" AS SHOWN. REFER TO ACCESSIBILITY NOTES AND DETAIL SHEETS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS007	INTERNATIONAL SYMBOL OF ACCESSIBILITY STRIPING. SYMBOL STRIPING TO BE PAINTED ON AC PAVING AS SHOWN. REFER TO ACCESSIBILITY NOTES AND DETAIL SHEETS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS009	PATH OF TRAVEL IS A BARRIER FREE ACCESS WITHOUT ANY ABRUPT VERTICAL CHANGES EXCEEDING 1/2" AT 12" MAXIMUM SLOPE. EXCEPT THAT LEVEL CHANGES DO NOT EXCEED 1/4" VERTICAL. PATH OF TRAVEL IS A MINIMUM OF 48" WIDE WITH A SLIP RESISTANT SURFACE WITH A 5% MAXIMUM SLOPE AND 1/48 MAXIMUM CROSS SLOPE. PASSING SPACES OF 60" X 80" MINIMUM ARE TO BE LOCATED NOT MORE THAN 200' APART. WALKS WITH CONTINUOUS GRADIENTS ARE TO HAVE A 60' IN LENGTH OF LEVEL AREAS NOT MORE THAN 400' APART. PATH OF TRAVEL SHALL BE MAINTAINED FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM ABOVE FINISHED FLOOR AND PROTRUDING OBJECTS GREATER THAN 4" PROJECTING FROM THE WALL / VERTICAL SURFACE FROM 27" ABOVE THE FLOOR SURFACE TO 80" ABOVE THE FLOOR SURFACE. THERE IS TO BE NO DROP-OFF GREATER THAN 4" AT THE EDGE OF WALK OR LANDING UNLESS IDENTIFIED BY A GUARD, A HANDRAIL, OR A 6" HIGH MINIMUM WARNING CURB ABOVE THE WALK. 48" WIDE MARKED CROSSING (CROSSWALK) TO IDENTIFY A PATH INTENDED FOR PEDESTRIAN USE IN CROSSING A VEHICULAR WAY. CROSSWALK SHALL BE PAINTED AT 45 DEGREES WITH 3" WIDE STRIPES AT 36" ON CENTER WITH WHITE TRAFFIC PAINT. THE REQUIRED 4'-0" MINIMUM PATH OF TRAVEL SHALL BE PROVIDED ALONG THE PUBLIC SIDEWALK DIRECTLY IN FRONT OF PROPERTY, AS REQUIRED BY THE CALIFORNIA ADMINISTRATION CODE (TITLE 24) ARCHITECT CONTRACTOR, AND / OR SUB-CONTRACTOR SHALL VERIFY THAT ALL BARRIERS ON THE PATH OF TRAVEL HAVE BEEN REMOVED. "DETECTABLE WARNING" AT HAZARDOUS VEHICULAR AREAS SHALL HAVE A WIDTH OF 24" TO 36" PLACED AT THE EDGE OF THE DROP-OFF OR SAFE AREA. THE DETECTABLE WARNING SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES, EITHER LIGHT ON DARK OR DARK ON LIGHT. THE MATERIAL USED TO PROVIDE CONTRAST SHALL BE AN INTEGRAL PART OF THE WALKING SURFACE. WARNING SURFACES SHALL DIFFER FROM ADJOINING WALKING SURFACES IN RESILIENCY OR SOUND ON CANE CONTACT. COLOR YELLOW CONFORMING TO FEDERAL COLOR NUMBER 35358, AS SHOWN IN TABLE IV OF STANDARD NUMBER 5558. REFER TO ACCESSIBILITY NOTES AND DETAIL SHEETS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS013	CONCRETE CURB CUT RAMP-MEDIUM BROOM FINISH. MAXIMUM 1:12 SLOPE WITH TRUNCATED DOMES LOCATED AT THE BOTTOM OF THE SLOPE. REFER TO ACCESSIBILITY NOTES AND DETAIL SHEETS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS015	6" DIAMETER CONCRETE FILLED STEEL PIPE BARRIERS. CONTRACTOR TO PAINT 2 COATS OF ENAMEL OVER PRIMER. REFER TO ELEVATION DRAWINGS FOR COLOR/MATERIAL SCHEDULE.
AS016	EXISTING PIPE BOLLARD. CONTRACTOR TO PAINT 2 COATS OF ENAMEL OVER PRIMER. REFER TO ELEVATION DRAWINGS FOR COLOR/MATERIAL SCHEDULE.
AS021	EXISTING CARPORT / SOLAR PANEL STRUCTURE. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS023	6" CONCRETE CURB ROUND-DOWN TO FINISH GRADE OF BACK OF WALK. REFER TO CIVIL ENGINEERING DRAWING FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS028	20'-0" HIGH PARKING LOT LIGHT POLE WITH 400-WATT LIGHT(S). REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS033	EXISTING 800 AMP, 120/208V, 3 PHASE, 4W ELECTRICAL MAIN SWITCHBOARD GEAR BOX. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS037	EXISTING 6'-0" HIGH CONCRETE BLOCK WALL. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS041	EXISTING FIRE SERVICE RISER LOCATION. 2-1/2" WET FIRE STANDPIPE. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO FIRE SPRINKLER DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS060	GENERAL CONTRACTOR SHALL PROVIDE A SMOOTH TRANSITION FROM CONCRETE FLATWORK TO AC PAVING AND / OR CONCRETE PARKING AREA. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION.
AS061	ALLEY ASPHALT CONCRETE PAVING OVER PREPARED BASE PER CITY OF MADERA PUBLIC WORKS STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS062	PARKING STALL 4" WIDE STRIPING PAINTED TRAFFIC WHITE. 9'-0"x18'-0" PARKING STALL WITH 6" HIGH CONCRETE WHEEL STOP. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS069	12"x25" "MINI-BUS" LOADING ZONE, PAINTED 4" WIDE WHITE STRIPES AT 3' ON CENTER. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS071	6"x42" CONCRETE TIRE STOP. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS073	DIRECTIONAL ARROW PAINTED ON PAVING. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS079	PLANT AND TREE WELL PLANTER. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS082	EXISTING 4" DIAMETER WASTE CLEANOUT POINT OF CONNECTION. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS084	EXISTING WATER 1 1/2" SHUT-OFF VALVE, POINT OF CONNECTION. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO PLUMBING DRAWINGS FOR CONTINUATION INTO BUILDING FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS086	EXISTING RP DEVICE. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS089	EXISTING WATER METERS. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO PLUMBING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS094	EXISTING PROPERTY LINE.
AS096	TREE WELL PLANTER. PLANTING OF STREET TREES SHALL CONFORM TO THE MINIMUM SPACING GUIDELINES AS STATED IN THE STANDARD SPECIFICATION, SECTION 26-2.11(6), PER CITY OF MADERA PUBLIC WORKS STANDARD. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS096	EXISTING TREE WELL PLANTER. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS098	EXISTING CONCRETE SIDE WALK WHERE SIDEWALK IS GREATER THAN 2% CROSS SLOPE. REPLACE WITH A CONCRETE SIDEWALK TO A COMMERCIAL PATTERN TO PUBLIC WORKS STANDARD P-5 AND CONSTRUCT 4'-0"x6'-0" TREE WELLS TO PUBLIC WORK STANDARD P-8. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS100	EXISTING PLUMBING UTILITY CHRISTY BOX. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS101	EXISTING STREET LIGHT. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS110	EXISTING LOCAL UTILITY VAULT. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS112	EXISTING "STOP" SIGN. REMOVE, PROTECT AND RE-INSTALL AS PER CITY OF MADERA STANDARDS. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO ARCHITECTURAL DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS124	EXISTING CONCRETE CURB AND GUTTER. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS126	EXISTING CONCRETE CURB CUT RAMP. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS132	EXISTING DRIVEWAY APPROACH. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS134	EXISTING ALLEY APPROACH. GENERAL CONTRACTOR TO VERIFY COMPLIANCE WITH CURRENT CODE STANDARDS. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
AS141	6'-0" HIGH SPLIT FACED CONCRETE MASONRY TRASH ENCLOSURE. PROVIDE 6'-0" HIGH METAL GATES. REFER TO CIVIL ENGINEERING DRAWINGS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.



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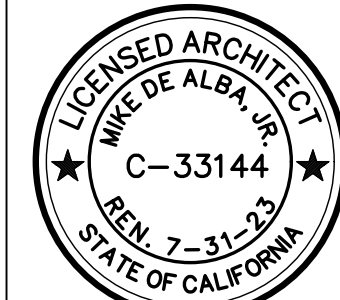
OWNER:  
**ARTHUR AND  
ERIKNAZ KOROVAN**  
10802 N. EAGLECREST, FRESNO, CA 93730  
559-500-4000  
DRAWINGS PREPARED FOR:  
**ADULT DAYCARE  
CENTER**  
629 E YOSEMITE AVENUE, MADERA, CA 93638

CONTRACTOR:

REVISIONS		
NO.	DESCRIPTION	DATE

REGULATORY AUTHORITIES STAMP

ENGINEER'S SEAL ARCHITECT'S SEAL



SITE PLAN AND NOTES

SHEET TITLE

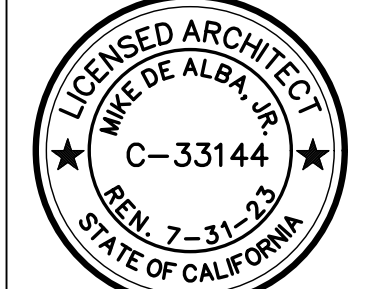
JOB# : 220805 SHEET NO.  
DATE : September 7, 2022  
DRAWN BY: CHRISTINE  
APPROVED BY: M.D.A.  
**DP-3**

PLOT TIME: 9/8/2022 3:43 PM

## **Attachment 6: Floor Layout**



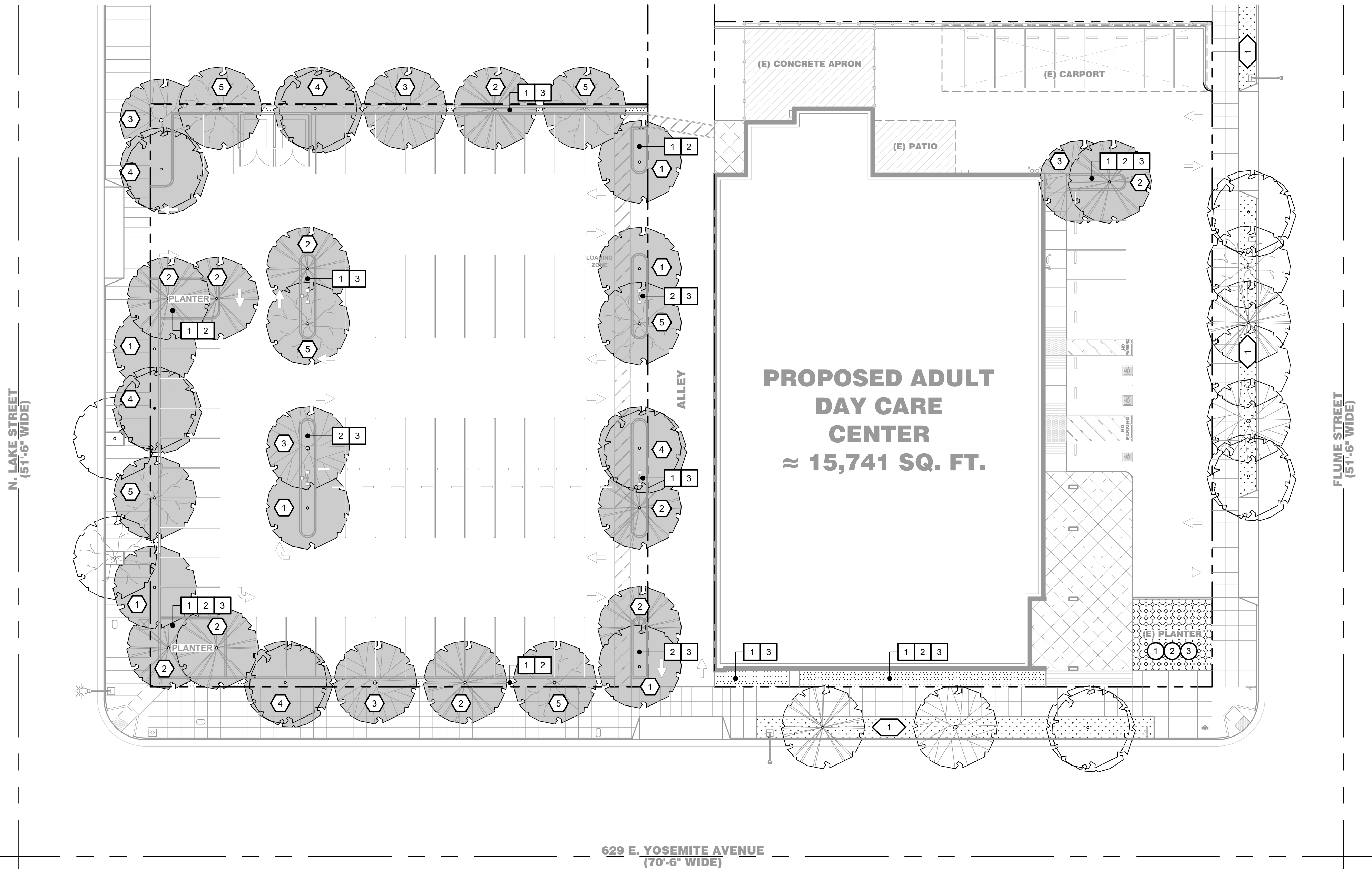
1. ONE EXIT REQUIRED PER ROOM PER C.B.C. TABLE 1006.2.1.
2. ALL "A", "B", "M" OCCUPANCIES WITH A MAXIMUM OCCUPANT LOAD OF 49 REQUIRE ONE EXIT PER C.B.C. TABLE 1006.2.1.



DRAWN BY: CHRISTINE

## **Attachment 7: Conceptual Landscape Plan**

S:\1 - PROJECT\YEAR 2022\20805 KORONADO DEVELOPMENT PERMIT\2 CAD FILES\DP-2 LANDSCAPE PLAN.DWG



## LANDSCAPE PLAN

SCALE: 1" = 20'-0"

### TREE, PLANT, AND SHRUB TABLE

LANDSCAPE SCHEDULE				
TREES				
#	SIZE	COMMON NAME	SCIENTIFIC NAME	QTY.
1	15' - GAL.	CHINESE PISTACHE	PISTACIA CHINENSIS	8
2	15' - GAL.	GRAPE MYRTLE (WHITE)	LAGERSTROEMIA INDICA 'NATCHEZ'	10
3	15' - GAL.	GOLDENRAIN TREE	KOELREUTERIA PANICULATA	5
4	15' - GAL.	ITALIAN CYPRESS	CUPRESSUS SEMPERVIRENS	5
5	15' - GAL.	HOLLY OAK	QUERCUS ILEX	32
				TOTAL 32
SHRUBS				
#	SIZE	COMMON NAME	SCIENTIFIC NAME	QTY.
1	1-GAL@36" O.C.	POWIS CASTLE ARTEMISIA	ARTEMISIA X 'POWIS CASTLE'	15
2	1-GAL@36" O.C.	CRIMSON SPOT ROCKROSE	CISTUS LADANIFER	15
3	1-GAL@36" O.C.	TUSCAN BLUE ROSEMARY	ROSMARINUS OFFICINALIS 'TUSCAN BLUE'	15
				TOTAL 45
GROUND COVERS				
#	SIZE	COMMON NAME	SCIENTIFIC NAME	QTY.
1	1-GAL@18" O.C.	HEAT-TOLERANT TALL FESCUE	FESTUCA X 'CROSSFIRE'	21
2	1-GAL@18" O.C.	PINK MUHLY GRASS	MUHLENBERGIA CAPILLARIS 'REGAL MIST'	21
3	1-GAL@18" O.C.	WHITE MUHLY GRASS	MUHLENBERGIA CAPILLARIS 'WHITE CLOUD'	21
				TOTAL 63
SOD				
#	SIZE	SCIENTIFIC NAME	COMMON NAME	QTY.
1			TALL FESCUE	
NOTES:				
1) PLANT LIST IS PROVIDED FOR CONVENIENCE ONLY. CONTRACTOR TO VERIFY AND INSTALL QUANTITIES. CONTRACTOR TO VERIFY AND INSTALL QUANTITIES AS SHOWN ON PLAN.				
2) CONTRACTOR TO PROVIDE AND PLANT 2" OF SHREDDED BARK MULCH IN ALL PLANTED AREAS.				
3) NO TREES OR SHRUBS SHALL BE PLANTED ADJACENT TO FIRE DEPARTMENT CONNECTIONS. REFER TO CIVIL PLANS FOR LOCATIONS.				
4) ALL TREES WITHIN 15' OF LEACH FIELDS TO BE PLANTED IN DEEP ROOT PLANTERS.				

LANDSCAPE GENERAL NOTES	
#	DESCRIPTION
026	THE IRRIGATION CIRCUITS HAVE BEEN DESIGNED TO CORRESPOND TO THE PLANTING HYDROZONES. CHANGES TO THE IRRIGATION LAYOUT AND TYPES OF EMISSION DEVICES ARE NOT TO BE MADE WITHOUT THE WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.
027	THE OVERALL IRRIGATION SYSTEM HAS BEEN DESIGNED TO CORRESPOND TO THE PLANTING HYDROZONES. CHANGES TO THE IRRIGATION LAYOUT AND TYPES OF EMISSION DEVICES ARE NOT TO BE MADE WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
028	THE IRRIGATION SYSTEM HAS BEEN DESIGNED SO THAT EACH CIRCUIT HAS MATCHED PRECIPITATION RATES WITHIN THE CIRCUIT AND HIGH DISTRIBUTION UNIFORMITY. THE CONTRACTOR SHALL NOT SUBSTITUTE WITHOUT WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.
029	SWING JOINTS SHALL BE INSTALLED ON ALL PIP-UP HEADS PER THE PLANS AND DETAILS.
030	AREAS LESS THAN 8' IN WIDTH HAVE BEEN IRRIGATED WITH SUBSURFACE, DRIP, OR LOW VOLUME IRRIGATION. IF CONSTRUCTION SITE MODIFICATIONS REDUCE SPRAY IRRIGATED PLANTER AREAS LESS THAN 8', CONTACT THE ARCHITECT.
031	OVERHEAD SPRAY IRRIGATION HEADS AND NOZZLES ARE NOT ALLOWED WITHIN 24" OF NON-PERMEABLE PAVING THAT DRAINS INTO LANDSCAPE BEFORE ENTERING THE STORM DRAIN SYSTEM.
032	SLOPED PLANTING AREAS GREATER THAN 25% (4:1) HAVE BEEN DESIGNED WITH IRRIGATION WHOSE PRECIPITATION RATE DOES NOT EXCEED 75"/HOUR OR ANOTHER MEANS HAVE BEEN EMPLOYED AND DESCRIBED ON THE PLANS.
033	TREES MAY BE DESIGNED WITH A SEPARATE DEEP ROOT BUBBLER SYSTEM. REFER TO THE PLANS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
034	THE SIGNATURE ON THE IRRIGATION PLANS IS APPLICABLE TO THE STATEMENT-1 HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM ACCORDINGLY FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.
035	LANDSCAPE DESIGN (PLANTING): THE LANDSCAPE HAS BEEN DESIGNED AND PLANTS SELECTED TO BE COMPLIANT WITH THE REQUIREMENT OF MWEL. THE CONTRACTOR SHALL NOT MAKE CHANGES WITHOUT WRITTEN APPROVAL BY THE LANDSCAPE ARCHITECT. IF THE CONTRACTOR DEVIATES FROM THE PLAN AND IT IS NOT ACCEPTABLE TO THE ARCHITECT, THE CONTRACTOR WILL BE REQUIRED TO MAKE CHANGES AT HIS/HER EXPENSE TO BRING THE LANDSCAPE INTO COMPLIANCE.
036	PLANTS HAVE BEEN PLACED IN 'HYDROZONES' OF SIMILAR WATER USE REQUIREMENTS. THE EXTENT OF THE HYDROZONES ARE DELINEATED BY THE GROUPS OF IRRIGATION CIRCUITS AS LISTED IN THE HYDROZONE TABLE, INCLUDED WITH THESE PLANS.
037	TURF IS NOT ALLOWED ON SLOPES GREATER THAN 25% (4:1).
038	MULCH IS REQUIRED FOR ALL PLANTING AREAS EXCEPT FOR TURF, CREEPING OR ROOTING GROUNDCOVERS, DIRECT SEEDING APPLICATIONS, COBBLE AREAS, OR OTHER AREAS SPECIFICALLY NOTED ON THE PLANS. THE MULCH SHALL BE MINIMUM OF 3", BUT THE DEPTH AS LISTED IN THE PLANTING LEGEND SHALL TAKE PRIORITY.
039	STABILIZING MULCHES SHALL BE USED ON ALL SLOPES EXCEEDING 4:1. REFER TO PLAN OR COORDINATE WITH THE LANDSCAPE ARCHITECT.
040	SOIL AMENDMENTS SHALL BE INCORPORATED PER THE SOIL REPORT AND SHALL ACHIEVE A FERTILE CONDITION.
041	FOR LANDSCAPE INSTALLATIONS, COMPOST AT A RATE OF A MINIMUM OF FOUR CUBIC YARDS PER 1,000 SQUARE FEET OF PERMEABLE AREA SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES INTO THE SOIL. SOILS WITH GREATER THAN 6% ORGANIC MATTER IN THE TOP 6 INCHES OF SOIL ARE EXEMPT FROM ADDING COMPOST AND TILLING.
042	THE SIGNATURE ON THE LANDSCAPE PLANS IS APPLICABLE TO THE STATEMENT-1 HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
043	LANDSCAPE DOCUMENTATION PACKAGE: PROJECT INFORMATION AND SIGNATURES- THE SIGNATURE OF THE LANDSCAPE ARCHITECT ON THESE LANDSCAPE PLANS IS APPLICABLE TO THE STATEMENT-1 AGREE TO THE BEST OF MY ABILITY TO COMPLY WITH THE REQUIREMENTS OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE LANDSCAPE DOCUMENT PACKAGE.
044	WATER EFFICIENT LANDSCAPE WORKSHEET- REFER TO MAWA AND ETWU, AS WELL AS HYDRO-ZONE INFORMATION TABLE FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
045	SOIL MANAGEMENT REPORT- REFER TO NOTES AND REQUIREMENTS AS DESCRIBED BELOW FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
046	LANDSCAPE DESIGN PLAN- REFER TO PLANTING PLANS AND DETAILS CONTAINED WITHIN THIS SET OF DOCUMENTS FOR ADDITIONAL INFORMATION AND REQUIREMENTS. STANDARD DETAILS PER THE CITY OF KINGSBURG WHEN REFERENCED IN THIS SET OF DOCUMENTS ARE CONSIDERED PART OF THE DOCUMENTS.
047	IRRIGATION DESIGN PLAN- REFER TO IRRIGATION PLANS AND DETAILS CONTAINED WITHIN THIS SET OF DOCUMENTS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
048	GRADING DESIGN PLAN- TO BE PROVIDED BY THE CIVIL ENGINEER. REFER TO CIVIL ENGINEER'S PLANS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
049	MATERIALS: A. QUALITY: ALL PLANTS SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY. ALL PLANTS SHALL HAVE NORMAL, WELL DEVELOPED BRANCHES AND VIGOROUS ROOT SYSTEMS. THEY SHALL BE SOUND, HEALTHY, VIGOROUS, FREE FROM DEFECTS, DISFIGURING KNOTS, ABRASIONS OF TRUNK, BARK, SUN SCALD, INJURIES, PLANT DISEASES, AND INSECT INFESTATIONS. ALL PLANTS SHALL BE NURSERY GROWN FROM STOCK THAT HAVE PROVEN HARDY TO THE LOCATION OF THIS PROJECT. PLANTS SHALL HAVE BEEN GROWN UNDER SIMILAR CLIMATIC CONDITIONS AS THE LOCATION OF THIS PROJECT AND SHALL HAVE BEEN PROPERLY ACCLIMATED TO THE SITE. B. SIZE: SIZE AND GRADING STANDARDS SHALL CONFORM TO THOSE AMERICAN STANDARDS FOR NURSERY STOCK. C. SOIL CONDITIONING: 1) BACK-FILL FOR ALL TREES AND SHRUBS SHALL CONTAIN THE FOLLOWING VOLUMES OF MATERIALS PER CUBIC YARD: CLEAN ON-SITE SOIL - 0.6 CUBIC YARDS NITROGEN STABILIZED SAWDUST - 0.4 CUBIC YARDS GRO-POWER PLUS - 15 POUNDS 2) PRE-EMERGENT HERBICIDE: APPLY 'RONSTAR' 2% GRANULAR PER-EMERGEN HERBICIDE, ACCORDING TO MANUFACTURER'S RECOMMENDATIONS, TO ALL GROUND COVER AREAS. ANY PLANT MATERIALS SHOWING LOSS OF VIGOR OR HEALTH DUE TO IMPROPER APPLICATION OF HERBICIDE SHALL BE REPLACED BY CONTRACTOR. 3) SOIL CONDITIONING FOR GROUND COVER AREAS SHALL CONSIST OF THE FOLLOWING VOLUMES OF MATERIAL APPLIED PER 1,000 SQUARE FEET AND THOROUGHLY RETOLLED INTO THE SOIL TO A MINIMUM DEPTH OF 6 INCHES. NITROGEN STABILIZED SAWDUST - 3.0 CUBIC YARDS GRO-POWER PLUS - 15 POUNDS.
050	SOIL CONDITIONING: UPON COMPLETION OF ALL ROUGH GRADING OF THE LANDSCAPE PLANTING AREAS, THE LANDSCAPE INSTALLER SHALL TAKE A REPRESENTATIVE SAMPLE OF THE ON-SITE SOIL AND SUBMIT IT TO A CERTIFIED SOIL TESTING LABORATORY FOR ANALYSIS. ALL SOIL SAMPLES SHOWING ADVERSE RATES OF COMPACTION SHALL RECEIVE MITIGATION RECOMMENDATIONS IN THE SOIL REPORT. THE SOILS REPORT MUST PROVIDE THE FOLLOWING INFORMATION: * SOIL TEXTURE * CAUTION EXCHANGE CAPACITY, SOIL FERTILITY INCLUDING TESTS FOR NITROGEN, POTASSIUM, * PHOSPHOROUS, PH, ORGANIC MATTER AND SPECIFIC CONDUCTANCE (ELECTRICAL CONDUCTIVITY) * SOIL PERMEABILITY RATE IN INCHES PER HOUR * RECOMMENDATIONS FOR AMENDMENTS TO THE PLANTING AREA SOIL. UPON RECEIPT OF THE SOILS REPORT FROM THE CONTRACTOR THE ARCHITECT SHALL PREPARE THE SOIL AMENDING SCHEDULE FOR THE OWNER. REFER TO SOIL CONDITIONING NOTES FOR BIDDING SOIL CONDITIONING.
051	SOIL MANAGEMENT REPORT: AFTER MASS GRADING THE CONTRACTOR SHALL PROVIDE FOR A SOIL ANALYSIS THAT SHALL COMPLY WITH THE REQUIREMENTS PROVIDED BELOW. THE ANALYSIS REPORT IS TO BE FORWARDED TO THE ARCHITECT, OWNER, AND GOVERNING JURISDICTION.
052	SOIL SAMPLES SHALL BE COLLECTED IN ACCORDANCE WITH THE LABORATORY PROTOCOL, INCLUDING ADEQUATE SAMPLING DEPTH: AT LEAST ONE SAMPLE SHALL BE PROVIDED FOR EACH 20,000 SQUARE FEET OF LANDSCAPE UNLESS OTHERWISE NOTED BY THE LANDSCAPE ARCHITECT. SAMPLES SHALL BE TAKEN FROM DIFFERENT AREAS OF THE SITE AS DIRECTED BY THE LANDSCAPE ARCHITECT.
054	THE SOIL ANALYSIS SHALL INCLUDE THE FOLLOWING: - SOIL TEXTURE - INFILTRATION RATE (DETERMINED BY LAB TEST OR SOIL TEXTURE INFILTRATION RATE TABLE). - PH - TOTAL SOLUBLE SALTS - SODIUM - PERCENT ORGANIC MATTER - RECOMMENDATIONS FOR SOIL AMENDMENTS, FERTILIZER, ETC. FOR THE TYPE OF LANDSCAPE PLANTING PROPOSED.
055	SOIL ANALYSIS SHALL BE CONDUCTED BY AN APPROVED SOIL TESTING LAB. THE FOLLOWING ARE ACCEPTABLE (BUT NOT REQUIRED) LABS: SUNLAND ANALYTICAL 11419 SUNRISE GOLD CIRCLE, SUITE 10, RANCHO CORDOVA, CALIFORNIA 95742, (916) 852-8557, WWW.SUNLAND-ANALYTICAL.COM SOIL AND PLANT LAB, 110 SOUTH WINCHESTER BOULEVARD, SUITE G-173, SAN JOSE, CALIFORNIA 95128, (408) 727-0330, WWW.SOILANDPLANTLABORATORY.COM SOIL AND PLANT LAB, 4741 EAST HUNTER AVENUE, SUITE A, ANAHEIM, CALIFORNIA 92807, (714) 282-8777, WWW.SOILANDPLANTLABORATORY.COM
056	THE RECOMMENDATIONS OF THE SOIL ANALYSIS ARE TO BE IMPLEMENTED IN THE LANDSCAPE SOIL PREPARATION. THE CONTRACTOR SHALL PROVIDE DOCUMENTATION PRIOR TO PLANTING, VERIFYING THAT RECOMMENDATIONS HAVE BEEN IMPLEMENTED TO THE LANDSCAPE ARCHITECT AND THE GOVERNING JURISDICTION.
057	WORK INCLUDED: PROVIDE ALL LABOR, TOOLS, MATERIALS, EQUIPMENT, AND SUPERVISION NECESSARY AND APPROPRIATE FOR THE INSTALLATION OF: A. COMPLETE LANDSCAPE PLANTING, INCLUDING TREES, SHRUBS, AND GROUND COVER. B. LANDSCAPE FINISH GRADING INCLUDING LANDSCAPE BERM. C. MAINTENANCE SERVICES.
#	DESCRIPTION
001	CLEAN UP: A. DURING CONSTRUCTION, THE CONTRACTOR SHALL KEEP THE SITE FREE OF TRASH AND DEBRIS AND KEEP THE SITE IN AS NEAR A CONDITION AS IS PRACTICAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DAILY REMOVAL OF ALL TRASH AND DEBRIS FROM THE SITE. B. UPON COMPLETION OF THE WORK, THE ENTIRE SITE SHALL BE CLEARED OF EQUIPMENT, UNUSED MATERIAL, AND RUBBISH, SO AS TO PRESENT A TIDY APPEARANCE.
002	INSTALLATION: TREES PLANTED IN THE RIGHT-OF-WAY SHALL BE PLANTED BY THE PROPERTY OWNER AFTER FIRST OBTAINING STREET TREE PLANTING PERMIT AND A STREET WORK PERMIT. NOTIFY PARKS DIVISION TO VERIFY THE TREE PLANTING LOCATIONS 72 HOURS PRIOR TO ANY EXCAVATION (498-4239).
003	TREES PLANTED WITHIN THE RIGHT-OF-WAY SHALL BE LOCATED WITH THE FOLLOWING MINIMUM SETBACKS: 30' FROM STREET CORNERS FOR VISIBILITY 15' FROM DRIVEWAYS, STOP SIGNS, ALLEYS, LIGHT POLES, AND POWER POLES 10' FROM FIRE HYDRANTS AND 10' FROM SEWER LINES 5' FROM BUILDING OVERHANGS 2' FROM ADJACENT CONCRETE AND ADJOINING PROPERTY LINES 5' FROM GAS, ELECTRICAL, AND WATER LINES, AND ROOT DRAINS
004	DRILLING TO PIERCE HARDPAN SHALL BE REQUIRED PRIOR TO PLANTING EACH STREET TREE. NOTIFY PARKS INSPECTOR (559) 498-4906 TWO WORKING DAYS IN ADVANCE OF DRILLING DATE FOR INSPECTION OF DRILLING OPERATIONS AND TO CHECK BACKFILLING PROCEDURES AND SAFETY BARRIERS.
005	DRILLING SHALL BE COMPLETED WITHIN THE 14 DAYS FOR WHICH CLEARANCE WAS OBTAINED FOR APPROVED LOCATIONS. HOLES SHALL BE 2 FEET IN DIAMETER AND DRILLED TO A DEPTH WHERE VISUAL EVIDENCE OF THE SUBSURFACE SAND OR GRAVEL DRAINAGE STRATUM IS APPARENT. THE DRAINAGE HOLE SHALL BE DRILLED TO A MINIMUM OF 10 FEET DEEP. IMMEDIATELY FOLLOWING DRILLING, THE HOLE SHALL BE BACKFILLED WITH SOIL DRILLED FROM THE HOLE, USING SUFFICIENT WATER TO THOROUGHLY SATURATE THE BACKFILL MATERIAL. IMMEDIATELY FOLLOWING BACKFILLING, THE WHITE SPOT DESIGNATING THE PLANTING SITE IS PAINTED BLACK TO INDICATE THE SITE HAS BEEN DRILLED. THE DRILLED SITES ARE BARRICADED AND ONE (1) PERSON SHALL BE ON SITE FOR 5 WORKING DAYS FOR SOIL SETTLING. SOIL LEVELS ARE ADJUSTED AS NECESSARY DURING THIS TIME. AFTER 7 DAYS, THE BARRICADES AND EXCESS SOIL ARE REMOVED. SOIL SHALL BE ALLOWED TO SETTLE FOR A MINIMUM OF 20 DAYS PRIOR TO PLANTING.
006	TREES SHALL BE MAINTAINED IN GOOD HEALTH. HOWEVER, TREES MAY NOT BE TRIMMED OR PRUNED TO REDUCE THE NATURAL HEIGHT OR OVERALL CROWN OF THE TREE. EXCEPT AS NECESSARY FOR THE HEALTH OF THE TREE AND PUBLIC SAFETY, OR AS MAY OTHERWISE BE APPROVED BY THE DEVELOPMENT DEPARTMENT.
007	LANDSCAPING MUST BE IN PLACE BEFORE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.
008	PRIOR TO FINAL INSPECTION: A WRITTEN CERTIFICATION, SIGNED BY A LANDSCAPE PROFESSIONAL APPROVED BY THE DIRECTOR, SHALL BE SUBMITTED STATING THAT THE REQUIRED LANDSCAPING AND IRRIGATION SYSTEM WAS INSTALLED IN ACCORDANCE WITH THE LANDSCAPE AND IRRIGATION PLANS APPROVED BY THE PLANNING DIVISION, DEVELOPMENT DEPARTMENT.
009	NO STRUCTURES OF ANY KIND MAY BE INSTALLED OR MAINTAINED WITHIN THE LANDSCAPED AREAS. NO EXPOSED UTILITY BOXES, TRANSFORMERS, METERS, PIPING, (EXCEPTING THE BACKFLOW PREVENTION DEVICE), ETC., ARE ALLOWED TO BE LOCATED IN THE LANDSCAPE AREAS OR SETBACKS OR ON THE STREET FRONTS OF THE BUILDINGS. ALL TRANSFORMERS, ETC., SHALL BE SHOWN ON THE SITE PLAN. THE BACKFLOW DEVICE SHALL BE SCREENED BY LANDSCAPING OR SUCH OTHER MEANS AS MAY BE APPROVED.
010	EFFICIENT LANDSCAPE ORDINANCE (MWEL) NOTES: THESE PLANS HAVE BEEN PREPARED TO FOLLOW STATE-MANDATED WATER EFFICIENT LANDSCAPE ORDINANCE (MWEL). THE FOLLOWING NOTES REFERENCE THE REQUIREMENTS OF THE ORDINANCE AND THE RESPONSIBILITY OF THE CONTRACTOR TO INSTALL THE LANDSCAPE PER PLANS, DETAILS, AND NOTES PROVIDE THE REQUIRED DOCUMENTATION TO THE LOCAL AGENCY AND PROVIDE FOLLOW-UP CORRECTION AS REQUIRED TO MEET THE WATER EFFICIENCY REQUIREMENTS.
011	THE LANDSCAPE CONTRACTOR SHALL COORDINATE WITH THE LOCAL JURISDICTION TO DETERMINE WHO WILL REVIEW AND RECEIVE THE MWEL DOCUMENTATION THAT IS REQUIRED TO BE PROVIDED BY THE CONTRACTOR.
012	ESTABLISHMENT PERIOD: A. THE CONTRACTOR SHALL CONTINUOUSLY MAINTAIN ALL AREAS OF THE CONTRACT DURING THE PROCESS OF THE WORK AND DURING THE ESTABLISHMENT PERIOD WHICH BEGINS THE DAY AFTER ALL WORK IS COMPLETED AND CONTINUING FOR A 90-DAY PERIOD AFTER THE FINAL ACCEPTANCE OF THE PROJECT AS COMPLETED BY THE OWNER. B. ALL AREAS SHALL BE KEPT FREE OF DEBRIS. MAINTENANCE SHALL INCLUDE WATERING, WEEDING, CULTIVATING, REMOVAL OF DEAD MATERIAL, RESETTling PLANTS TO PROPER GRADES, OR UPRIGHT POSITION AND RESTORATION OF THE PLANTING SAUCER, AND OTHER NECESSARY OPERATIONS. C. UPON THE COMPLETION OF THE ESTABLISHMENT PERIOD, THE SITE SHALL BE CLEAN AND FREE OF DEBRIS, WEEDS, AND EQUIPMENT PLANT MATERIALS SHALL BE ESTABLISHED. HEALTHY, WEED FREE, AND FREE OF INFESTATION.
013	GENERAL NOTES: A. THE LANDSCAPE INSTALLER SHALL INSPECT THE SITE AND BECOME FAMILIAR WITH ALL EXISTING SITE CONDITIONS PRIOR TO SUBMITTING HIS BID. THE SITE SHALL BE EXCAVATED TO PLUS OR MINUS 0.1" OF FINISH GRADE, 2" BELOW CURBS AND SIDEWALKS, INCLUDING ROUGH MOUNDING CONTOURS, FREE OF DEBRIS. B. ALL WORK SHALL BE INSTALLED IN COMPLIANCE WITH AB1881 CODES AND ORDINANCES BY A PERSON WHO SHALL OBTAIN AND PAY FOR ANY NECESSARY PERMITS PRIOR TO WORK. C. THE LANDSCAPER SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING FACILITIES, BUILDINGS, AND UNDERGROUND UTILITIES DURING THE PERFORMANCE OF HIS WORK AND SHALL MAKE ANY NECESSARY REPAIRS AT NO COST TO THE OWNER. HE SHALL BE RESPONSIBLE FOR COORDINATING HIS WORK WITH OTHERS (UNDERGROUND, CONCRETE, PLUMBING, ELECTRICAL, AND GRADING). CONTACT UNDERGROUND SERVICE ALERT PRIOR TO WORK. D. THE LANDSCAPE INSTALLER SHALL BE RESPONSIBLE FOR CLEANING UP HIS OWN DEBRIS AND LEAVING THE SITE IN A SAFE CONDITION UPON COMPLETION OF THE JOB. HE SHALL BE RESPONSIBLE FOR FINAL CLEANUP OF HIS WORK AND LEAVING IT IN BROOM-CLEAN CONDITION. E. REQUESTS FOR PLANT SUBSTITUTIONS SHALL BE IN WRITING TO THE ARCHITECT AND THE OWNER VIA THE ARCHITECT PRIOR TO DELIVERY OF THE PLANTS. PLANT MATERIALS SHALL BE TOP QUALITY UNDAMAGED REPRESENTATIVE OF THE SPECIES, PROPERLY PRUNED IF NECESSARY FREE OF DISEASE OR PESTS AND NOT ROOT BOUND WATER UPON DELIVERY AND DAILY THEREAFTER UNTIL PLANTED. F. PLANT NUMBERS SHOWN ARE FOR THE CONVENIENCE OF THE CONTRACTOR. HE SHALL BE RESPONSIBLE FOR ALL SYMBOLS SHOWN. G. ANY NOXIOUS PERENNIAL WEEDS (BERMUDA GRASS, MORNING GLORY, ETC.) GROWING ON THE SITE AFTER ROUGH GRADING SHALL BE SPRAYED AND KILLED WITH ROUND-UP HERBICIDE. LEAVE UNDISTURBED FOR 5 DAYS BEFORE ANY WORK.
014	GRADING DESIGN: REFER TO THE GRADING AND DRAINAGE PLAN AS PREPARED BY THE CIVIL ENGINEER FOR ADDITIONAL INFORMATION AND REQUIREMENTS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE DRAINAGE PATTERNS AS SPECIFIED IN THE GRADING PLANS.
015	THE SITE HAS BEEN GRADED SO THAT IRRIGATION AND NORMAL RUN-OFF REMAINS WITHIN THE PROPERTY LINES, UNLESS OTHERWISE NOTED ON THE GRADING PLANS.
016	THE LANDSCAPE AREAS MAY INCLUDE BIOSWALES OR FILTRATION SWALES. THE LANDSCAPE CONTRACTOR SHALL INSTALL THESE PER THE REQUIREMENTS OF THE CIVIL ENGINEER'S PLANS AND DETAILS WITH PLANTING PER THESE PLANS. ANY MODIFICATIONS MUST BE APPROVED IN WRITING BY THE CIVIL ENGINEER AND THE LANDSCAPE ARCHITECT.
017	GUARANTEES: A. ALL PLANTS SHALL BE FULLY GUARANTEED FOR THE 90-DAY ESTABLISHMENT PERIOD. B. ALL PLANT MATERIAL WHICH FAILS TO MAINTAIN A HEALTHY, VIGOROUS, AND THRIVING CONDITION SHALL BE REPLACED. REPLACEMENT PLANTS SHALL CONFORM TO THE STANDARDS FOR PLANT MATERIALS IN THESE SPECIFICATIONS. ALL REPLACED MATERIAL SHALL IMMEDIATELY BE REMOVED FROM THE SITE AND ALL NECESSARY REPAIRS TO PLANTS, GRADES, LAWN AREAS, PAVING, AND OTHER AREAS DAMAGED DURING REPLACEMENT SHALL BE MADE AT THE CONTRACTOR'S EXPENSE. REPLACED PLANT MATERIAL WILL THEN BE GUARANTEED FOR A FULL 90-DAY PERIOD FROM THE DATE OF REPLACEMENT.
018	IRRIGATION DESIGN: THE IRRIGATION WATER SERVICE SHALL BE ON A SEPARATE METER THAN THE DOMESTIC SERVICE.
019	THE IRRIGATION CONTROLLER (CLOCK) SHALL BE A 'SMART' CONTROLLER USING EVAPOTRANSPIRATION OR SOIL MOISTURE SENSOR DATA TO AUTOMATICALLY ADJUST RUN TIMES BASED ON LANDSCAPE AREA WATER NEEDS.
020	THE IRRIGATION SYSTEM HAS BEEN DESIGNED FOR EACH EMISSION DEVICE TO OPERATE WITHIN THE MANUFACTURER'S RECOMMENDED PRESSURE RANGE FOR OPTIMAL PERFORMANCE. IF THE WATER PRESSURE AT THE SERVICE CONNECTION IS DIFFERENT THAN WHAT IS SHOWN ON THE PLANS, THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT PRIOR TO THE INSTALLATION OF THE IRRIGATION SYSTEM. CONTRACTOR SHALL CHECK AVAILABLE WATER PRESSURE BEFORE ANY IRRIGATION INSTALLATION.
021	PRESSURE REGULATORS OR BOOSTER PUMPS SHALL BE INSTALLED IF NEEDED TO MODIFY AVAILABLE PRESSURE FOR THE OPTIMAL PERFORMANCE OF THE IRRIGATING EMISSION DEVICES. REFER TO THE SPECIFICATION ON THE PLANS AND REFER TO THE NOTE ABOVE FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
022	A RAIN SENSOR SHALL BE INSTALLED AND TIED TO THE CONTROLLER. REFER TO PLAN FOR SELECTION.
023	GATE VALVE(S) SHALL BE INSTALLED DIRECTLY DOWNSTREAM OF THE SERVICE CONNECTION(S).
024	AN APPROVED BACKFLOW PREVENTER SHALL BE INSTALLED AT THE IRRIGATION SERVICE CONNECTION(S). REFER TO PLAN FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
025	CHECK VALVES SHALL BE INSTALLED IN ALL HEADS AT THE LOW POINTS OF THE CIRCUIT WHERE WATER WITHIN THE PIPING MAY DRAIN OUT OF THE HEAD WHEN THE SYSTEM IS DONE OPERATING. REFER TO PLAN FOR ADDITIONAL INFORMATION AND REQUIREMENTS.

## DE ALBA ARCHITECTURE

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OWNER:

**ARTHUR AND  
ERIKNAZ KOROYAN**

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DRAWINGS PREPARED FOR:

**ADULT DAYCARE  
CENTER**

629 E. YOSEMITE AVENUE, MADERA, CA 93638

CONTRACTOR:

REVISIONS		
NO.	DESCRIPTION	DATE

REGULATORY AUTHORITIES STAMP

ENGINEER'S SEAL	ARCHITECT'S SEAL

LANDSCAPE PLAN

SHEET TITLE

DP-2

JOB# : 220805  
DATE: September 8, 2022  
DRAWN BY: CHRISTINE  
APPROVED BY: M.D.A.

PLOT TIME: 9/8/2022 3:43 PM

## **Attachment 8: Resolution**

**RESOLUTION NO. 1934**

**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 (CUP 2022-15) AND SITE PLAN REVIEW (SPR 2022-22) FOR THE PURPOSE  
OF ESTABLISHING A SENIOR ADULT DAY CARE FACILITY AT 629 EAST YOSEMITE  
AVE.**

**WHEREAS**, Arthur Koroyan (“Applicant”) proposes to develop and operate a senior adult day care facility in an existing commercial building for property at 629 East Yosemite Avenue, Madera, CA. 93638, APN 007-122-008 (“site”); and

**WHEREAS**, the site includes an adjacent parcel (APN 007-122-004) developed as a surface parking area to support the commercial building at 629 East Yosemite Avenue; and

**WHEREAS**, the site is planned for commercial uses; and

**WHEREAS**, the Applicant’s proposal is subject to a conditional use permit (“CUP”) and site plan review (“SPR”); and

**WHEREAS**, staff has worked with the Applicant to provide an adequate site, floor, landscaping and elevation plans to ensure the use will not have any negative impacts on-site or to the surrounding area; and

**WHEREAS**, a Categorical Exemption under the California Environmental Quality Act (“CEQA”) guidelines, Section 15301 (Existing Facilities) has been prepared for the proposed project in accordance with 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 CUP 2022-15 and SPR 2022-22 at a duly noticed meeting on September 13, 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 2022-15 and SPR 2022-22, 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 finds and determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building and adjacent parking area on two existing parcels with existing services and utilities, and any modifications to the structure will only be minor interior and exterior changes involving negligible or no relative expansion of use and the modifications to the parking area will be limited to re-surfacing, striping and landscape lighting improvements. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings to approve CUP 2022-15: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-15, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.1307. 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.*

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). As conditioned, CUP 2022-15 and SPR 2022-22 is consistent with the purpose and intent of the C-1 (Light Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

Basis for Finding: The project site is suited for the C-1 use. The project site is located within an existing light commercial corridor and is adjacent to other low intensity and light manufacturing operations to the north, west and south, with isolated residential use to the east.

*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.*

Basis for Finding: As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The Madera Police Department has reviewed the project and did not oppose the proposed use, and there is no evidence in the administrative record of the following:

- The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.

- The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
- The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

4. Findings to approve SPR 2022-22: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2022-22, 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.*

Basis for Finding: The site is zoned C1 – Light Commercial which is consistent with the General Plan designation of Commercial. The project consists of the renovation of a 15,741 square foot commercial building and adjacent surface parking area. The intended use is consistent with the intent and purpose of the C1 zone, and the conditions of approval ensure the project does not conflict with any City standards or Municipal Code requirements.

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

Basis for Finding: 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.*

Basis for Finding: The proposed project has been found to be consistent with surrounding uses. Conditions of approval will ensure improvements are made and adequate parking spaces are provided such that traffic and pedestrian safety are

maintained. The proposed plan and associated activities will not generate an excessive amount of light, noise, or traffic.

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

Basis for Finding: The proposed project will install on-site improvements consistent with City standards. As conditioned, adequate parking is provided, and vehicular access is arranged such that traffic and pedestrian safety are maintained. The proposed uses will not have a significant impact on traffic or cause significant degradation to the surrounding environment.

5. Approval of CUP 2022-15 and SPR 2022-22: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-15 and SPR 2022-22 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 13<sup>th</sup> day of September 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran  
Planning Commission Chairperson

Attest:

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Gary Conte  
Planning Manager

Exhibit "A" – Conditions of Approval for CUP 2022-15 and SPR 2022-22

**EXHIBIT "A"**  
**CUP 2022-15 & SPR 2022-22 (SENIOR ADULT DAY CARE FACILITY)**  
**CONDITIONS OF APPROVAL**  
**September 13, 2022**

**Notice to Applicant**

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

**IMPORTANT: PLEASE READ CAREFULLY**

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

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

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

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

All discretionary conditions of approval for CUP 2022-15 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 2022-22 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 629 East Yosemite Avenue that are being developed under CUP 2022-15 and SPR 2022-22. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

#### **Conditions of Approval**

- Conditional Use Permit 2022-15 is subject to Conditions of Approval numbers 1 through 13 and numbers 67 through 75.
- Site Plan Review 2022-22 is subject to Conditions of Approval 1 through 66 and numbers 76 through 101.

#### **General**

1. Approval of this conditional use permit and 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 conditional use permit and site plan review shall become null and void if the applicant, the operators, and/or successor is found to be in violation of all City and State regulation regulating auto smog testing.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2022-15 and SPR 2022-22.**
5. CUP 2022-15 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).

6. SPR 2022-22 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 10-3.4.0114, Lapse of Site Plan Approval).
7. 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.
8. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2022-15 and/or SPR 2022-22. However, should the Planning Manager determine that modifications are substantive, they may require that an amendment to CUP 2022-15 and/or SPR 2022-22 be filed for review and approval through the applicable City process.
9. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
10. 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.
11. 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.
12. Approval of CUP 2022-15 and SPR 2022-22 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.

13. 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 surrounding properties.

## **Planning Department**

### General

14. Prior to submitting for plan check, a scaled site plan shall be submitted for approval by the planning department.
15. Prior to submitting for plan check a scaled floor plan shall be submitted for approval by the Planning Department.
16. Building elevation plans shall be submitted for approval by the Planning Department prior to plan check submittal.
17. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2022-15 and SPR 2022-22 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
18. 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.
19. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
20. 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.
21. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

### Building Architecture, Materials and Colors

22. The proposed building elevations, as conditioned herein, shall include a minimum three (3) color exterior painting scheme.
23. All entry doors shall provide a covered entrance (awning or roof overhang) of adequate form and size to protect persons entering the building from inclement weather conditions.
24. All exterior utility and mechanical equipment shall be located along the north elevation and be significantly screened with landscaping as to be not visible to the public.

25. Roof access shall be located within the interior of the building.
26. Prior to submittal of building permit application, applicant and / or successor-in-interest shall submit a materials and color presentation board(s) detailing building and trash enclosure materials and color to the Planning Department for review and approval.

#### HVAC and Utility Placement / Screening Requirements

27. Prior to submittal of a building permit, applicant and / or successor-in-interest shall identify the following information on one (1) or more site plans for Planning Department review and approval:
28. Location of natural gas and electrical utility meters.
29. Location of all exterior heating, ventilation and air conditioning (HVAC) equipment.
30. Location of exterior mechanical and electrical equipment.
31. All roof and ground mounted equipment shall be screened from public view.
32. Natural gas and electrical utility meters and mechanical equipment shall not be located within the public viewshed visible from South Gateway Drive
33. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet(s) shall be located to the rear (north) property boundary and from the public viewshed visible from Flume Street, East Yosemite Avenue, or North Lake Street.

#### Signage

34. No signs are approved as part of CUP 2022-15 or SPR 2022-22. Signs shall be reviewed and approved under separate permit in accordance with the Madera Municipal Code.
35. The combined total square footage of on-building signs shall not exceed the City's maximum allowable on-building sign coverage of 75 square feet.
36. Any proposed freestanding sign shall be placed within a landscaped area.
37. No window signs shall be permitted.

#### Trash Enclosure

38. Outdoor trash enclosure shall be located outside of the required side and rear yard setbacks and shall be screened on three sides with masonry wall composed of an exterior cement plaster finish consistent with building cement plaster finish material, texture and color.
39. Landscaping shall be provided to screen the enclosure to the extent the enclosure is not visible from the North Lake Street, Flume Street or East Yosemite Avenue public viewshed or adjacent properties within five (5) years of planting. All enclosures shall be at least five feet-eight inches (5'8") in height or rise a minimum of six (6) inches above the height of any collector placed within the structure, whichever is greater.
40. Trash enclosure shall be sized to accommodate a minimum of one (1) general waste bin, one (1) recycle bin and one (1) green/food waste bin in accordance with the City's waste hauler bin specifications.

41. Trash enclosure gates shall be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
42. Driveways or travel aisles shall provide unobstructed access for collection vehicles to directly access trash enclosure without need of the waste hauler to rollout or reorient waste bins for loading operations and provide a minimum of 15 feet vertical clearance. In loading areas, the minimum overhead vertical clearance shall be 22 feet for loading operations.

#### Landscaping

43. Applicant shall submit a landscape plan prepared by a licensed landscape architect. The landscape plan, subject to approval by the Planning Department, shall conform with the State Water Efficient Landscape standards and shall comply with the following sizing requirements:
44. Shrubs shall be a minimum one (1) gallon size. A mix of one (1) and five (5) gallon shrubs is encouraged.
45. Accent trees shall be planted at a minimum of fifteen (15) gallon size.
46. Street trees shall be planted at a minimum fifteen (15) gallon size.
47. Where landscaping is intended (or required) to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial plantings shall be sufficient to provide a functional screen within a single growing season.
48. Planters should be guarded from autos by raised curbs.
49. Street tree shall be planted along Flume Street, East Yosemite Avenue and North Lake Street at interval of South Gateway Drive, north of the site driveway. Street tree shall be composed of the same species as existing street trees on the respective thorough-fare the trees are to be planted and shall be planted at an interval spacing of 30 feet on center. Where the spacing is interrupted by a driveway approach, street trees shall be planted on both sides of the driveway approach.
50. A minimum of five (5) percent of any parking lot area shall be landscaped, interspersed throughout the parking lot. Shade trees shall be provided in these areas at a minimum ratio of one tree per 30 feet or one (1) tree per three (3) parking spaces. Shade trees shall provide 50 percent shade coverage over parking bays at high noon, with full foliage within five (5) years of planting. Landscape plans shall delineate required shade coverage.
51. Wheel stops are discouraged except where needed to protect features such as trees, bushes, utilities and buildings. Where vehicles are constrained from movement by a curb in front of an area covered in low landscaping or in a walkway wider than six (6) feet, two (2) feet of that area may be counted as part of the required parking dimension. If the walkway is at least eight (8) feet in width, two and one half (2.5) feet within that dimension may be counted as part of the required parking dimension.
52. Trees located in front of "pull in" parking spaces should be placed in-line with painted lines that designate parking stalls to minimize potential damage from vehicle overhang.
53. Landscape screening shall be provided along the property rear (north) perimeter.
54. Raised planters shall be used against commercial buildings where pedestrian movement takes place and should accentuate the architecture of the building.

55. Seventy (70) percent of the required landscaping shall be planted/covered in vegetative materials. Where 70 percent coverage is not feasible, alternative landscaping materials and spacing may be substituted if determined by the Planning Manager to be durable and to have comparable visual appeal. A permanent irrigation system shall be required. Whenever possible, drip irrigation should be used in place of sprinklers.
56. All other areas of the site not used for driveways, parking, or buildings shall be maintained for weed control.
57. 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, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation with drought tolerant plantings.

#### Fencing

58. Damaged fencing (i.e., missing or broken vinyl slats) along the property rear (north) perimeter shall be removed and replaced.

#### Lighting

59. Prior to submittal of building permit application, applicant and /or successor-in-interest shall submit type and specifications of exterior lighting fixtures to be installed on the site to the Planning Department for review and approval.
60. Exterior building elevation lighting and site lighting shall incorporate a uniformed and cohesive decorative lighting scheme. Wall pack lighting fixtures are prohibited on the front and side elevations.
61. All doorway entries shall provide lighting.
62. The use of cut-off shields shall be incorporated where necessary. Prior to the issuance of a final certificate of occupancy, and upon installation of all light fixtures, City shall inspect site lighting levels and, if necessary, adjustments to lighting levels shall be made to ensure that there is no off-site glare that impacts adjacent or surrounding properties or is directed into the night sky.
63. Lighting in parking areas shall be focused downward, in order to respect adjacent properties and to effectively provide light for the safety of both the pedestrian and vehicular users of the parking area. It is important that the entrances and exits to parking areas are well lit.
64. Nuisance lighting shall be redirected as requested by City Engineer within 48 hours.
65. All parking area lighting, including lighting poles shall be incorporated into landscape areas.
66. Light poles shall not exceed twenty (20) feet in height above ground.
67. Concrete lighting bases/pillars shall not exceed three (3) feet above ground and should include a finished surface of a material capable of withstanding weathering.

#### Parking

68. A minimum of 63 off-street parking spaces shall be provided. Said parking spaces shall be consistent with the City regulations and standards. Up to 25 percent of the parking spaces may be designed for compact vehicles.

69. A minimum of one (1) handicap van accessible parking space three (3) handicap parking spaces shall be provided in compliance with the American with Disabilities Act (ADA) regulations and standards.
70. All ADA compliant parking spaces shall be located within the immediate vicinity of building entrance.
71. The parking lot shall be reconstructed, reslurried and restriped subject to approval by the Planning Department.
72. All parking and loading areas shall be marked, striped, and maintained at all times in conformance with City standards with the SPR 2022-022 Site Plan as conditioned. All modifications in the approved parking layout shall require the approval by the Planning Manager.
73. Site plan improvement plans submitted for plan check shall incorporate bicycle parking facilities for employees and patrons to be approved by the Planning Manager. Bicycle parking facilities shall be located near the rear of the building in the vicinity of the building entrance.

Conditional Use Permit 2022-15

74. Hours of business operation shall be limited as follows:
  - a. Monday through Friday from 8:00 AM to 3:00 PM.
75. A facility operations plan shall be submitted for approval by the Planning Department. Such plan shall address food preparation and service; participant seating and comfort; medical services provided, recreation activities and any other operational issues as required by the Planning Department.
76. A participant transportation plan shall be submitted for approval by the Planning Department. All participants must be picked up and dropped off by the facility. No drop offs of participants is allowed. Any violations of this condition shall be subject to planning commission review at a public hearing.
77. Copies of any required State or County licenses and contracts for the facility must be provided to the satisfaction of the Planning Department.
78. Any medical care provided on-site shall comply with requirements of the State of California.
79. Any meal service and preparation shall comply with requirements of County of Madera Environmental Health Department.
80. The occupant load of the facility shall not exceed the occupant load as determined by the Building Official and in no instance exceed 230 participants and employees.
81. A list of medical and non-medical employees shall be submitted for review and approval by the Planning Department. Such list shall include any state licensed Medical Doctors; Registered or Licensed Vocational Nurses; physical, occupational and speech therapists; Licensed Social Workers; Nutritionists and Dieticians; Program Administrators and Management and other employees.

82. No outdoor storage of goods and materials shall be allowed.
83. CUP 2022-15 shall be subject to periodic reviews and inspections 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 of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.

#### **Building Department**

84. Complete construction plans shall be submitted for all changes to the building.
85. Entire site and building must comply with accessibility requirements for chapter 11 of the California Building Code.
86. Available restrooms shall comply with the California Plumbing Code.
87. Submit (5) five complete sets (hard copies) of plans to the Building department for review and approval prior to obtaining all required permits for construction of project.
88. Site development shall be consistent with the Conditionally Approved SPR 2022-22 site plan, floor plan and elevations. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
89. State and federal handicap 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 inspections.

#### **Fire Department**

90. All building permits are subject Fire Marshall approval.
91. All improvements shall be built consistent with the current adopted California Uniform Building and Fire Codes at the time of Building Permit Application submittal.
92. A new fire alarm system is required. A permit it is required for the installation of the system.
93. Fire sprinklers are required.
94. Exits shall be equipped with panic hardware.
95. A minimum of five (5), 2A10BC rated fire extinguishers are required. Fire extinguishers shall be mounted in visible and accessible locations.
96. A knox box shall be provided as determined by the Fire Marshall for emergency services access.
97. All Fire access lanes shall be clearly posted.

#### **Engineering Department**

##### General

98. 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.
99. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.

100. The improvement plans for the project shall include the most recent version of the City's General Notes.
101. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
102. Improvements within the State of California right-of-way require an Encroachment Permit from Caltrans.
103. All off-site improvements shall be completed prior to issuance of final occupancy.

#### Water

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

#### Sewer

107. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
108. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
109. Sewer main connections 6 inch and larger in diameter shall require manhole installation.

#### Streets

110. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk to current City of Madera and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
111. The developer shall construct a raised concrete median in Flume Street from East Yosemite Avenue to the north edge of the southernmost drive approach on Flume Street to prevent left turns into or out of the parking lot.
112. The extent of improvements along East Yosemite Avenue shall be determined by Caltrans as East Yosemite Avenue is a State Highway.
113. The developer shall record reciprocal ingress/egress and, utility, parking easements acceptable to the City of Madera across the entire project site including the parking lot immediately west of the public alley. The easements shall provide the mutual right of access for all future uses in the project site. Developer shall pay associated fees with the Engineering Department.
114. Adjacent alley approach at East Yosemite Avenue proposed as access point for the project shall be reconstructed, to the extent necessary for ADA accessibility, to current City and ADA standards.
115. The proposed pedestrian crossing of the public alley shall be appropriately signed and marked including truncated domes for ADA accessibility and driver notification/visibility of a pedestrian

crossing. Recurring maintenance and liability of said crossing shall be the responsibility of the developer.

116. "No Parking" signs, regardless of existence of red curb striping, shall be installed along East Yosemite Avenue project frontage per City standards.
117. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Yosemite Avenue and Flume Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
118. 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.

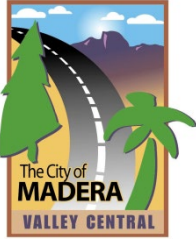
#### Dry Utilities

119. 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. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.

#### **San Joaquin Valley Air Pollution Control District**

120. Comply with the Federal Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations and are subject to the notification, handling, and disposal requirements all applicable rules, regulations, and fees of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Prior to issuance of any demolition permit, applicant shall submit to, and have approved by, the SJVAPCD an Asbestos notification/certification.
121. Secure approval of a SJVAPCD Authority to Construct (ATC) application prior to issuance of a building permit. All construction activity shall comply with applicable the requirements of the ATC.
122. Secure approval of a SJVAPCD Air Impact Assessment (AIA) application prior to issuance of a building permit.

END OF CONDITIONS



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Ricardo Olea, Assistant Planner

**Meeting of:** September 13, 2022

**Agenda Item:** 4

**SUBJECT:**

East Almond Pharmacy Conditional Use Permit 2022-20 and Site Plan Review 2022-31

**RECOMMENDATION:**

Conduct a public hearing and:

1. Adopt a resolution adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and approving Conditional Use Permit 2022-20 and Site Plan Review 2022-31, subject to the findings and conditions of approval.

**PROPOSAL:**

An application for a Conditional Use Permit (CUP) and Site Plan Review (SPR) for consideration to establish a pharmacy (East Almond Pharmacy) in an existing professional office building located at 483 East Almond Avenue. The 0.38-acre subject site and existing building is part of a larger partially developed professional office complex composed of multiple parcels that serves a range of medical uses. The office building complex is located on the north side of East Almond Avenue, approximately 290 feet west of its intersection with Emily Way (refer to Attachment 1). The subject site is in a PO – Professional Office zone district with a General Plan land use designation of O – Office (refer to Attachments 2 and 3, respectively).

The pharmacy would occupy approximately 2,200 square feet (sf) of the overall 5,200 sf building of a previously approved site plan review (SPR 2008-23). The proposed use will primarily offer services for filling and refilling medication prescribed by medical professionals with limited over-the-counter medication available for purchase. Hours of operations would be from 9 am to 6 pm, Monday through Friday, consistent with the surrounding office uses.

**Table 1: Project Overview**

<i>Project Number:</i>	CUP 2022-20, SPR 2022-21
<i>Applicant:</i>	Samir R. Nassar
<i>Property Owner:</i>	Samir R. Nassar
<i>Location:</i>	483 East Almond Avenue; 290 feet west of the intersection with Emily Way (APN 012-390-020)
<i>Project Area:</i>	0.38 acres or 16,679 sf; developed with professional office buildings
<i>Plan Land Use:</i>	O – Office
<i>Zoning District:</i>	PO – Professional Office

<i>Site Characteristics</i>	The subject site is approximately 16,679 sf with an existing 5,200 sf office building. The building is divided into two (2) suites, one of which presently serves a dentist office. The pharmacy would occupy Suite 102 which covers approximately 2,200 square feet. All surrounding uses are also office, primarily medical office uses. The subject site is accessed through a driveway approach located on East Almond Avenue and shares the parking lot that also serves the surrounding office buildings.
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## SUMMARY:

The applicant, Sami Nassar, proposes to re-establish a pharmacy in an existing professional office building located at 483 E. Almond Ave. (APN 012-390-020). The existing 5,200 sf building is divided into two (2) suites, one of which is an existing dentist office (Suite 101). The applicant proposes to occupy Suite 102 which covers a total of 2,200 square feet (sf) of the existing building. No internal or external tenant improvement or modifications are proposed as part application requests.

Suite 102 was previously occupied by a pharmacy. That pharmacy, which was approved by the Planning Commission on July 9, 2013 (CUP 2013-18 and SPR 2013-20), occupied the Suite until 2019 when it lost its State license to operate due to violations occurring within premise by its operator. Since then, Suite 102 has remained vacant. Given it has been over three (3) years since the abandonment of the previous pharmacy, the use permit allowing for the pharmacy lapsed. Use permits utilized but later abandoned for a period of 12 consecutive months automatically terminate unless a written request for extension is submitted and approved pursuant to Section 10-3.1311 of the Madera Municipal Code (MMC). No written request for extension was received by the City during the 12 months following the abandonment of the pharmacy.

The City's General Plan designates the property as O (Office). This land use designation provides for the development of office centers near residential areas and is designed to buffer between residential areas and more intense uses. The City's Zoning Ordinance also allows for a pharmacy use in the PO (Professional Office) district, except that the proposed pharmacy is allowed only with the approval of a conditional use permit. The office building where the pharmacy is proposed to be located is developed as medical/dental office complex, taking advantage of its proximity to the hospital.

## SURROUNDING LAND USES:

The subject site is primarily surrounded by professional/medical office buildings. Property immediately to the north is vacant undeveloped land and property immediately to the east, south, and west are all professional office buildings. All surrounding properties are zoned for PO – Professional Office with an O – Office land use designation. Table 2 below lists all the immediate uses adjacent to the proposed site.

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>Land Use</i>	<i>Zone District</i>
<i>North</i>	Vacant lot	O – Office	PO – Professional Office
<i>East</i>	Professional Office Building	O – Office	PO – Professional Office
<i>South</i>	Camarena Health	O – Office	PO – Professional Office
<i>West</i>	Professional Office Building	O – Office	PO – Professional Office

## ANALYSIS:

### Site and Entitlement History:

SPR 2004-10 was approved in June 2004 allowing construction of a 9,500-sf medical office building. Tentative Parcel Map 2008-05 was approved in January 2009, creating 6 parcels and 1 remainder. CUP 2009-04 and SPR 2008-03 were approved in May 2009, allowing for the construction of a 10,300 sf and 5,200 sf professional office buildings. The 5,200-sf building approved in May 2009 represents the building now subject for consideration for the occupancy of a pharmacy. As noted above, the Planning Commission previously approved CUP 2013-18 and SPR 2013-20 allowing a previous pharmacy to occupy Suite 102 which has since been terminated. The following table provides a synopsis of previous entitlements relative to the site and their status.

<b>Table 3: Entitlement History</b>		
<i>Permit #</i>	<i>Project</i>	<i>Status</i>
CUP 2013-18 & SPR 2013-20	East Almond Pharmacy	Terminated

The use permit for a pharmacy issued under CUP 2013-18 lapsed in 2019. MMC Section 10-3.1311 (Termination and Revocation) states that any use permit that is inactive for a period of 12 months or longer shall become null and void. The applicant is now seeking to re-establish this use permit to allow for the same use of a pharmacy to operate in Suite 102. It is the intent of the proposed pharmacy to make use of the original pharmacy tenant improvements still present within the Suite. No internal or external modifications to the Suite or building are proposed.

### 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.

### Conditional Use Permit

#### *MMC § 10-3.1301 – MMC § 10.3.1311 Use Permits*

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.

### Signage

#### *MMC § 10-6.01 – Sign Regulations*

The proposal is subject to Section 10-6.09 of the City's Sign Regulations. No signs are approved with this site plan review and a separate sign permit must be applied for. Permanent window signage is prohibited,

and temporary window signage is subject to the City's Sign Regulations. Temporary signage, such as for a grand opening, is subject to a separate sign permit independent from any on building or freestanding sign permit issued.

### Operations

Days and hours of operation are listed as Monday through Friday from 9:00 AM to 6:00 PM. Daily operations are manageable with five (5) employees with no expectation for additional employees in the future. The applicant anticipates 30 to 50 customers per day. Services provided are primarily filling and refilling prescribed medications by medical professionals with limited over-the-counter medication available for purchase.

### **ENVIRONMENTAL REVIEW:**

Staff conducted a preliminary environmental assessment and has determined that the project is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because the project will occupy an existing building on an existing parcel with existing services and utilities, and no major modifications or expansion to the structure are to occur. Moreover, no expansion of existing or former commercial uses will occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

### **COMMISSION ACTION:**

The Commission will be acting on the CUP 2022-20, SPR 2022-31, and the CEQA Categorical Exemption. Staff recommends that the Commission:

1. Move to adopt a resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 for the project and approving Conditional Use Permit 2022-20 and Site Plan Review 2022-31, based on and subject to the findings and conditions of approval.

### **ALTERNATIVES:**

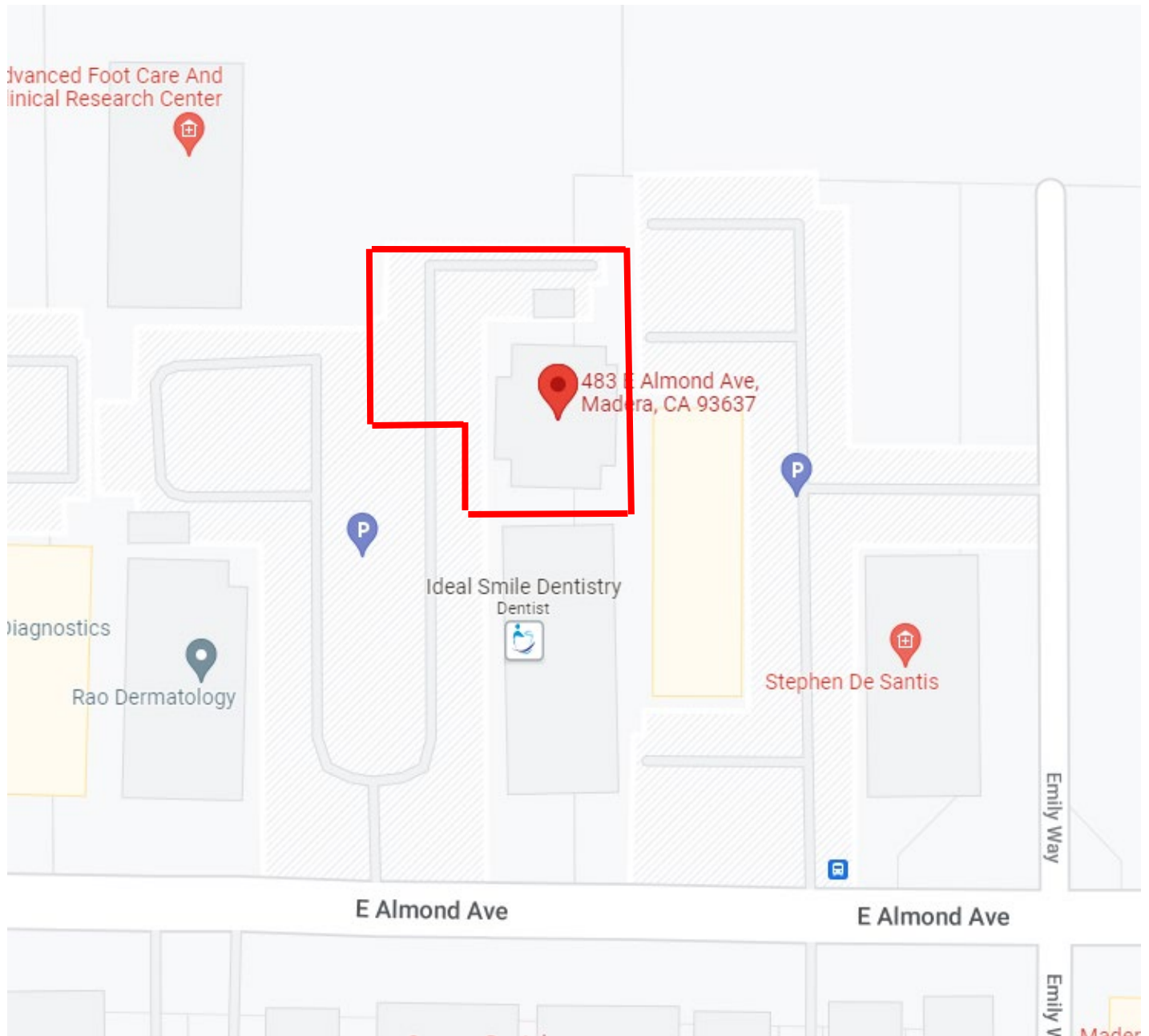
As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the October 11, 2022 Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or appropriate findings modifying the project and/or conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications).
2. Move to continue the public hearing to October 11, 2022 Planning Commission hearing with direction to staff to return within updated resolution with appropriate findings for denial for the following reasons (Specify – Planning Commission should articulate reasons for denial).

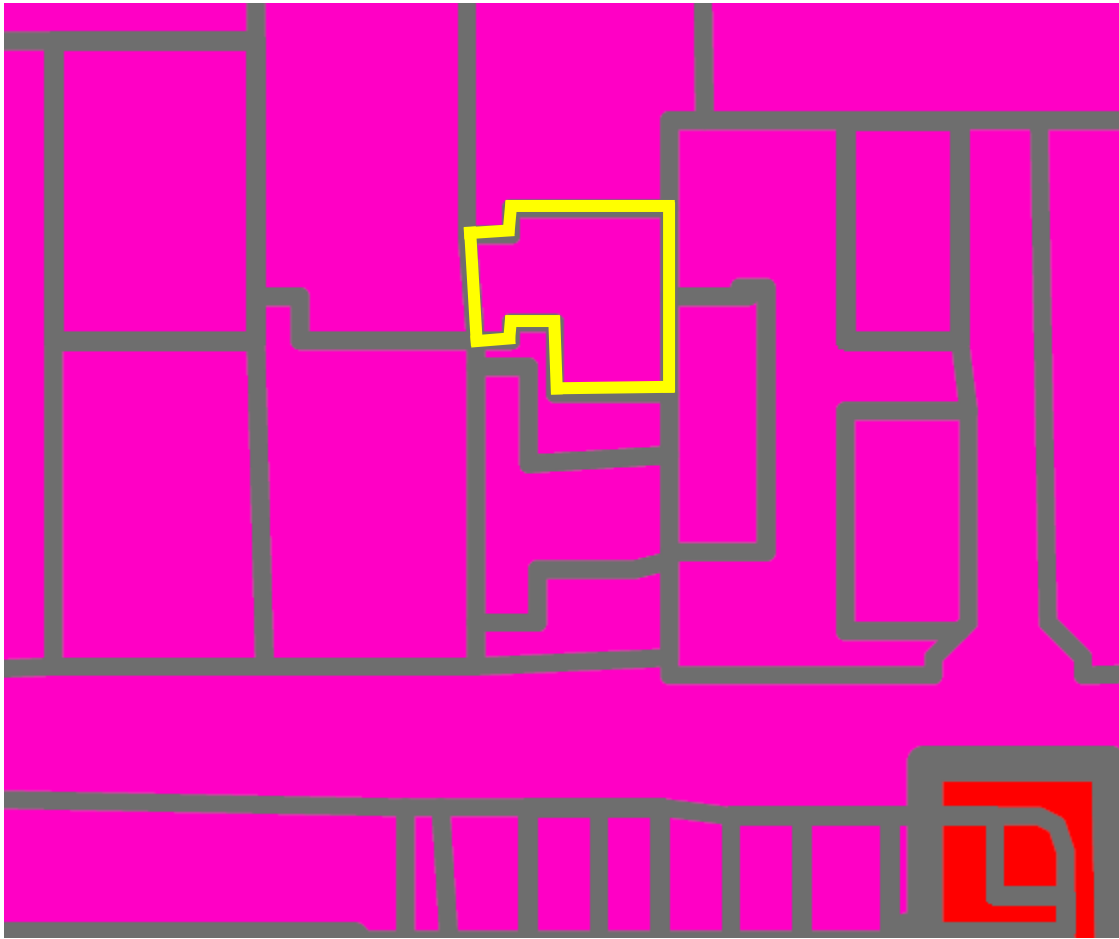
**ATTACHMENTS:**

1. Vicinity Map
2. General Plan Land Use Map
3. Zoning Map
4. Aerial map
5. Site plan
6. Resolution  
Exhibit "A" Conditions of Approval

### Attachment 1: Vicinity Map

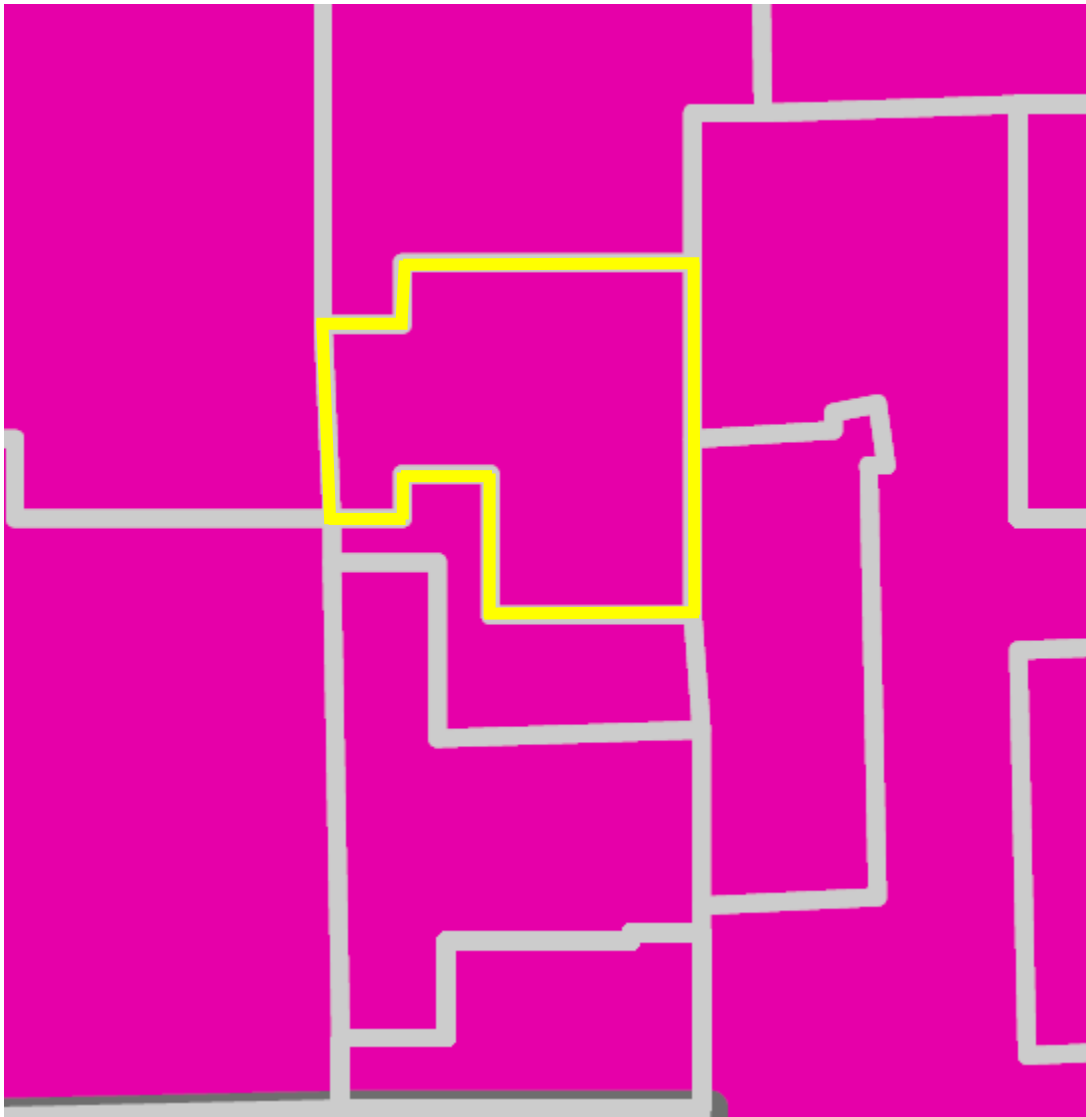


## Attachment 2: General Plan Land Use Map



- C - Commercial
- O - Office
- I - Industrial

### Attachment 3: Zoning Map



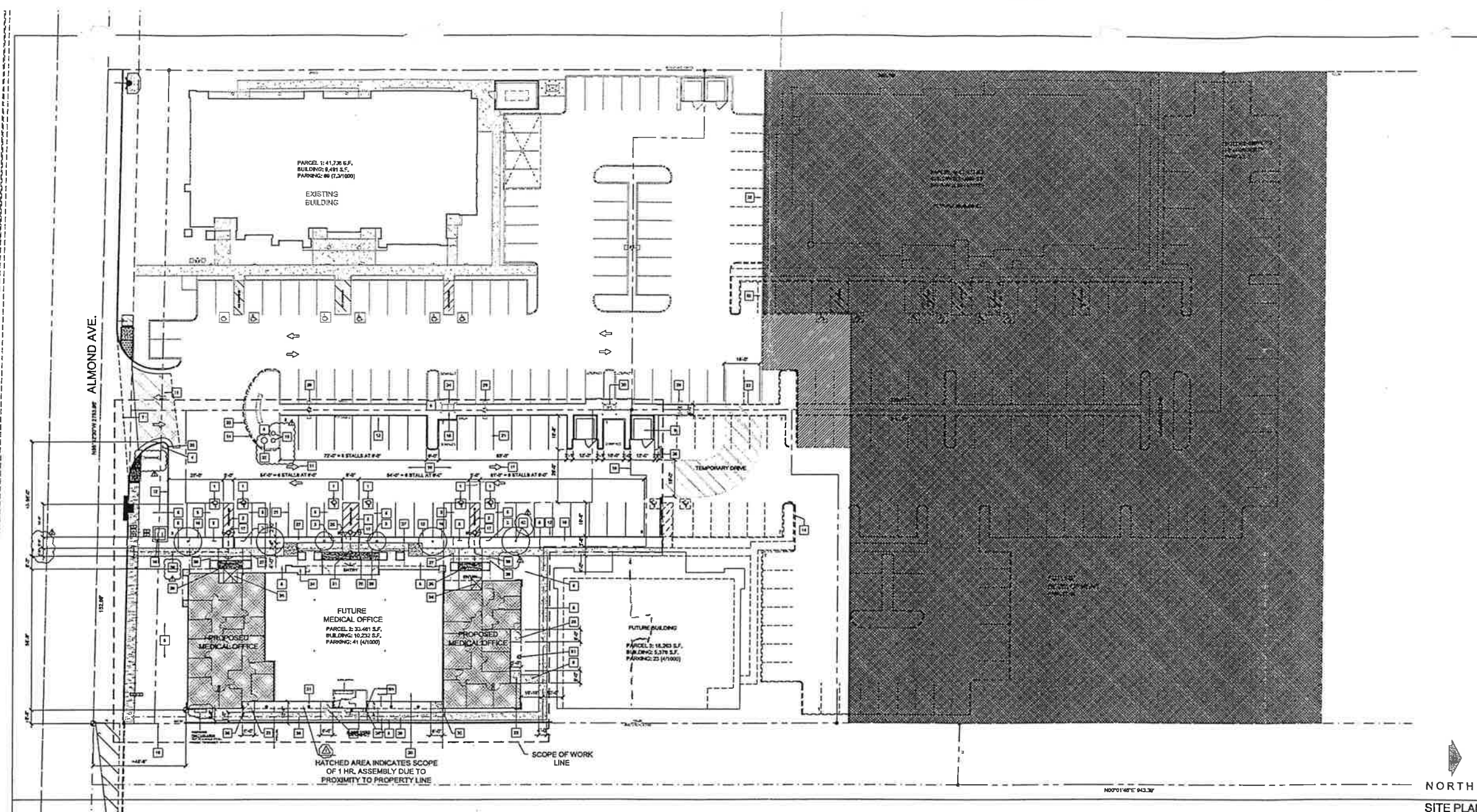
-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  CN - Neighborhood Commercial
-  CR - Restricted Commercial
-  PO - Professional Office
-  POWYO - Professional Office  
West Yosemite Avenue Overlay

Attachment 4: Aerial Map



## **Attachment 5: Site Plan**

## **Attachment 6: Resolution**



Anthony C. Pings and Associates  
Architecture  
Planning and  
Interior Design  
6121 North Thacker Road, Fresno, CA 93710  
(559) 439-0700, (559) 439-0708  
www.pings.com

Project Architect:  
Project Architect Approval:

Project Name:  
**Madera Medical Office  
Building**  
475 E. ALMOND AVE SUITES A & C  
Madera, California

NORTH  
SITE PLAN  
SCALE: 1" = 20'-0"

LEGEND		GENERAL SITE CONSTRUCTION NOTES		SITE PLAN KEYNOTES	
---	PROPERTY LINE	1. ALL CONSTRUCTION WORK ON THIS PROJECT IS SUBJECT TO INTERUPTION IF THE ROAD SYSTEM BECOMES IMPASSABLE FOR FIRE APPARATUS DUE TO RAIN OR OTHER OBSTACLES.	12. ANY WORK TO BE PERFORMED WITHIN THE CITY RIGHT OF WAY WILL REQUIRE AN ENCROACHMENT PERMIT FROM THE ENGINEERING DEPARTMENT. THE WORK TO BE DONE WITHIN THE RIGHT OF WAY MUST BE COMPLETED PRIOR TO RECEIVING AN OCCUPANCY PERMIT. ANY EXISTING IMPROVEMENTS THAT ARE DAMAGED DURING THE CONSTRUCTION PROCESS, DELIVERY OF MATERIALS OR BY ANY OTHER MEANS, MUST BE REPAIRED PRIOR TO OCCUPANCY. CONTACT ENGINEERING DIVISION AT 85-5418.	NO.	DESCRIPTION
---	SCOPE OF WORK	2. CONTACT CITY OF MADERA SOLID WASTE DIVISION FOR APPOINTMENT TO ESTABLISH ACCESS AND IMPROVEMENTS REQUIRED AS CONDITIONS OF PROVIDING DISPOSAL SERVICE.	13. PARKING LIGHTING TO BE PROVIDED BY FIXED POLE LIGHTS. (SEE ELECTRICAL PLANS)	1.	APPROVED 2'-0" x 2'-0" HANDICAP PARKING STALL SYMBOL- SEE DTL. A3A1.1
---	DISABLED PATH OF TRAVEL	3. ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A REGISTERED CIVIL ENGINEER OR A LICENSED LAND SURVEYOR.	14. STORM WATER DRAINAGE TO BE PROVIDED BY CATCH BASINS TO EXISTING STORM UTILITIES - SEE CIVIL PLANS.	2.	HANDICAP PARKING STALL LOADING AREA- SEE DTL. A3A1.1
---	FUTURE PARKING LOT LAY-OUT	4. REPAIR ALL DAMAGED AND/OR OFF-GRADE CONCRETE STREET IMPROVEMENTS AS DETERMINED BY THE CONSTRUCTION MANAGEMENT ENGINEER PRIOR TO OCCUPANCY.	15. TOP OF CONCRETE SLABS TO BE AT LEAST 1" ABOVE THE CENTERLINE OF THE ADJACENT STREET.	3.	HANDICAP PARKING STALL POLE SIGN- SEE DTL. A3A1.1
---	EXISTING CURBS	5. ANY UTILITIES REQUIRING RELOCATION SHALL BE THE RESPONSIBILITY, AND AT THE EXPENSE OF THE DEVELOPER, ANY FIRE HYDRANTS WILL BE RELOCATED BY CITY FORCES. IN THE EVENT RELOCATION IS REQUIRED, THE DEVELOPER IS RESPONSIBLE FOR NOTIFYING CITY OF MADERA PUBLIC WORKS DIVISION TO ARRANGE AND COORDINATE WORK.	16. FINAL PARTITION LAYOUTS AND DETAILS SHALL BE SUBMITTED PRIOR TO INSTALLATION TO JUSTIFY COMPLIANCE WITH FIRE RESISTIVE, STRUCTURAL, AND EXIT REQUIREMENTS.	4.	EXISTING HANDICAP PARKING ENTRANCE SIGN- SEE DTL. A3A1.1
---	INDICATES RAINWATER LEADER	6. PROJECT DRAINAGE SHALL BE BY SURFACE AND/OR PIPED SYSTEM TO STREET CURB. NO WATER SHALL DRAIN ACROSS PROPERTY LINES.	17. ALL FIRE ACCESS ROADS (FIRE LANES) SHALL BE ALL WEATHER, 20'-0" WIDE, AND CAPABLE OF SUPPORTING THE IMPOSED LOAD OF A 40,000 POUND VEHICLE. SUCH ROADS MUST BE CONSTRUCTED PRIOR TO THE DELIVERY OF LUMBER FOR FRAMING AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.	5.	HANDICAP PARKING STALL PER STATE STDG. W/ PARKING SIGN AND RAMP- SEE DTL. A3A1.1
---	FUTURE DEVELOPMENT	7. TWO (2) WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN THE STREET RIGHT-OF-WAY AND/OR UTILITY BASEMENTS ALL EXISTING UNDERGROUND FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA), CALL 1-800-422-2444.	18. MAINTAIN A MAXIMUM SLOPE OF 2% IN ANY DIRECTION IN THE ACCESSIBLE PARKING SPACES AND LOADING ZONES AND A MAX. CROSS SLOPE OF 2% AT ALL LANDINGS, RAMPS AND/OR WALKS. CBC 11308 AND 11309	6.	LANDSCAPE PLANTING AREA
---	AREA OF TEMPORARY DRIVE	8. SURFACE DRAINAGE OVER DRIVEWAY APPROACHES AND SIDEWALKS IS NOT PERMITTED WHEN THE AREA TO BE DRAINED EXCEEDS 1/4 ACRE. SHOW METHOD OF CONVEYING ON-SITE STORM WATER TO STREET, DETAIL CATCH BASINS AND PIPE OR CHANNEL. SIZES TO BE USED PER F.W. STD.	19. A SEPARATE REVIEW SHALL BE SUBMITTED TO THE CITY FOR ANY LANDSCAPING AND IRRIGATION IN THE CITY RIGHT OF WAY AND SHALL BE CONSTRUCTED AS PER CITY PUBLIC WORKS STANDARDS.	7.	EXISTING CONCRETE APPROACH PER CITY OF MADERA PUBLIC WORKS DEPARTMENT STANDARDS
---	DIRECTIONAL DRIVE ARROWS	9. DEEDS OF EASEMENTS FOR THE REQUIRED DEDICATIONS SHALL BE PREPARED BY THE OWNER/DEVELOPER'S ENGINEER AND SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO ISSUANCE OF BUILDING PERMITS.	20. TWO MEANS OF EGRESS / EGRESS MUST BE MAINTAINED DURING ALL PHASES OF CONSTRUCTION	8.	CONCRETE WALK, MIN. 4'-0" WIDE PER DTL. C3A1.1
---	DESIGNATED HANDICAPPED PARKING SIGN	10. OPEN CUT IS NOT PERMITTED. ALL UTILITY CONNECTIONS MUST BE FURRED.	21. FIRE HYDRANT SHALL BE TESTED AND APPROVED AND ALL ACCESS ROADS SHALL BE INSTALLED AND MAINT. SERVICEABLE PRIOR TO AND DURING THE TIME OF CONSTRUCTION. THE OUTLET SHALL FACE THE ACCESS LANE.	9.	TRASH AND RECYCLING ENCLOSURES AS PER CITY OF MADERA STANDARDS- SEE DTL. D4A1.1
---	POSTED SIGNS, SEE KEYNOTES	11. NO USES OF LAND OTHER THAN THOSE SPECIFICALLY APPROVED PURSUANT TO THIS SITE PLAN SHALL BE PERMITTED	22. COMMERCIAL ADDRESS NUMBERS SHALL BE PAINTED OR MOUNTED ON THE WALL OF THE BUILDING FACING THE PARKING LOT ON STREET. MAIN BUILDING ADDRESS NUMBERS PAINTED ON WINDOWS SHALL NOT MEET THIS STANDARD. COMMERCIAL ADDRESS NUMBERS SHALL BE A MINIMUM OF FOUR INCHES (4") IN HEIGHT AND HAVE CONTRASTING BACKGROUND, WHEN THE LOCATION WHERE THE ADDRESS SIGN IS TO BE PLACED, IS BETWEEN 15' AND 150' FROM THE FRONTAGE ROAD THE COMPLEX ADDRESS NUMBERS SHALL BE A MINIMUM OF 7" IN HEIGHT, WHEN BETWEEN 150' AND 300' THE ADDRESS HEIGHT SHALL BE 12", WHEN OVER 300' THE ADDRESS HEIGHT SHALL BE 18". EACH NUMBER SHALL HAVE A STROKE WIDTH PROPORTIONAL TO ITS HEIGHT. SUITE NUMBERS OR LETTERS SHALL BE PAINTED ON THE MAIN DOOR TO THE SUITE PRIOR TO OCCUPANCY APPROVAL.	10.	A.C. PAVING PER CITY OF MADERA PUBLIC WORKS DEPARTMENT STANDARDS- SEE DTL. B6A1.1
---	KEYNOTE, THIS SHEET	12. ANY WORK TO BE PERFORMED WITHIN THE CITY RIGHT OF WAY MUST BE COMPLETED PRIOR TO RECEIVING AN OCCUPANCY PERMIT. ANY EXISTING IMPROVEMENTS THAT ARE DAMAGED DURING THE CONSTRUCTION PROCESS, DELIVERY OF MATERIALS OR BY ANY OTHER MEANS, MUST BE REPAIRED PRIOR TO OCCUPANCY. CONTACT ENGINEERING DIVISION AT 85-5418.		11.	PAINTED DIRECTIONAL ARROWS- SEE DTL. F1B1.1
---	EXISTING LIGHTING POLE			12.	IF HIGH CONCRETE CURBS PER CITY OF MADERA STANDARDS- SEE DTL. B3A1.1
PARKING:				13.	NEW CONCRETE SIDEWALK, CURB AND GUTTER, PER DTL. B2, B3, B4, B6, C1, C2, AND C3A1.1 (WHERE MISSING, CONSTRUCT CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAY APPROACHES TO PUBLIC WORKS STANDARD SPECIFICATIONS, 14)
STANDARD:	34 STALLS			14.	INDICATES FIRE LANES. RED CURBS WITH "FIRE LANE" PAINTED 3" TALL WHITE LETTERING NEW P.L.V. AND F.O.C.
HANDICAPPED:	8 STALLS			15.	INDICATES VEHICLE OVERHANG OVER CURB (2'-0" STD. STALL AND (2'-0") AT CORNER, WARP PAVING FROM WALK TO PARKING, MAX 2% SLOPE AND CROSS SLOPE. PER DTL. B3A1.1
TOTAL:	42 STALLS			16.	BICYCLE RACK FOR 4, SEE DTL. B5A1.1
RATIO:	4/1000			17.	PROPERTY LINE

K CHECK	
NO.	DESCRIPTION
18.	NEW BUILDING SHALL BE ON EXISTING PARCEL, (APN 013-360-002)
19.	EXISTING STALLS
20.	NEW FIRE HYDRANT LOCATION
21.	NEW CONCRETE LANDINGS/STAIRS, SEE DTL. C3A1.1
22.	NEW FIRE RISER
23.	PATH OF TRAVEL FROM ACCESSIBLE UNLOADING ZONE
24.	DECORATIVE CONCRETE WORK AT COLUMNS, SEE DTL. C6B1.1
25.	RAINWATER LEADER OUT AT CURB PER DETAIL B4A1.1
26.	DASHED LINE INDICATES ENTRY CANOPY OUTLINE
27.	EXISTING ON SITE LIGHTING
28.	EXISTING ELECTRICAL TRANSFORMER
29.	ARCHITECTURAL COLUMN
30.	EXISTING CURB TO REMAIN
31.	EXISTING PART OF CURB
32.	EXISTING EQUIPMENT TO REMAIN
33.	RAINWATER LEADER OUT AT BUILDING PER DTL. C4A1.1
34.	NEW TEMPORARY CURB, PER DTL. C2A1.1
35.	RECESSED ENTRY MAT PER DETAIL E4A1.1
36.	RAINWATER LEADER UNDER FLATWORK
37.	DISABLED PATH OF TRAVEL
38.	ADD (4) ADDITIONAL TREES TO PLANTING AREA BETWEEN PARKING SPACES PRO BUD.246, SEE LANDSCAPE PLANS

SITE PLAN	
Project Number	377
Project Contact	Anthony C. Pings
Scale	As Noted
Issue Date	Issue Description
8-7-08	PLAN CHECK
2-3-09	BACK CHECK
3-16-09	2-BACK CHECK
Revision	Revision Date
1.	2-3-09
2.	3-16-09
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Master Plan

**RESOLUTION NO. 1935**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES  
SECTION 15301 (EXISTING FACILITIES), APPROVING CONDITIONAL USE PERMIT  
(CUP 2022-20), AND SITE PLAN REVIEW (SPR 2022-31) (EAST ALMOND  
PHARMACY – 483 E. ALMOND AVENUE)**

**WHEREAS**, Samir Nassar (“Owner”) owns the existing office building located at 483 East Almond Avenue in Madera, California (“site”); and

**WHEREAS**, the site consists of an existing building planned for and surrounded by professional office buildings; and

**WHEREAS**, the Owner proposes to operate a pharmacy in Suite 102 of the existing building located at 483 East Almond Avenue; and

**WHEREAS**, the Applicant’s proposal is subject to a conditional use permit (CUP) pursuant to Madera Municipal Code (MMC) 10-3.1301 et Seq.; and

**WHEREAS**, the Applicant’s proposal is subject to a site plan review (SPR) pursuant to Madera Municipal Code (MMC) 10-3.4.0101 et Seq.; and

**WHEREAS**, a use permit to allow for a pharmacy at this location was issued under CUP 2013-18; and

**WHEREAS**, the use permit issued under CUP 2013-18 lapsed in 2019; and

**WHEREAS**, MMC Section 10-3.1311 states that a use permit inactive for a period of 12 months or longer shall be null and void; and

**WHEREAS**, the Owner is now seeking to re-establish the use permit to allow for the same use of a pharmacy to operate in Suite 102 of the existing office building; and

**WHEREAS**, the suite will not be subject to internal or external tenant improvements or modifications; and

**WHEREAS**, the surrounding uses are medical and office related; and

**WHEREAS**, a pharmacy located at 483 East Almond Avenue, Suite 102 would not be detrimental to the surrounding uses; and

**WHEREAS**, a Categorical Exemption under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities) has been prepared for the proposed project in accordance with 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 and environmental assessments for associated projects on behalf of the City; and

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

**WHEREAS**, the Planning Commission received and reviewed CUP 2022-20 and SPR 2022-31 at a duly noticed meeting on September 13, 2022; and

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

**WHEREAS**, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2022-20 and SPR 2022-31.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and there will be no interior or exterior modifications. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings to Approve CUP 2022-20: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-20, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The General Plan designates the subject site for office use and is consistent with its zoning district of PO – Professional Office. CUP 2022-20 is found to be consistent with all regulations set forth by MMC § 10 3.405 (Uses).

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

The project site is suited for professional office uses. The proposal is for an existing building zoned PO and is surrounded by like uses to the north, east, west, and south of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the

surrounding area. The operations of this proposal align with the surrounding uses of medical and professional office use and has been determined that the general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Findings to Approve SPR 2022-31: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2022-31, 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 site is zoned PO – Professional Office which is consistent with the General Plan designation of O – Office. The intended use is consistent with the intent and purpose of the PO – Professional Office, and the conditions of approval ensure the project does not conflict with any City standards or Municipal Code requirements.

*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 proposed project has been found to be consistent with surrounding uses. Conditions of approval will ensure that daily operations avoid traffic congestion and not generate an excessive amount of light, noise, or negative environmental impacts.

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

The proposed project is part of a larger medical and professional office complex that provides sufficient parking spaces for the proposed use and existing uses. The proposed uses will not have a significant impact on traffic or cause significant degradation to the surrounding environment.

5. Approval of CUP 2022-20 and SPR 2022-31: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-20 and SPR 2022-31 as conditioned and set forth in the Conditions of Approval attached as Attachment A.

6. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 13<sup>th</sup> day of September 2022,  
by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Robert Gran Jr.  
Planning Commission Chairperson

Attest:

---

Gary Conte, AICP  
Planning Manager

Exhibit A: Conditions of Approval for CUP 2022-20 and SPR 2022-31

**EXHIBIT "A"**  
**CUP 2022-20 & SPR 2022-31 (EAST ALMOND PHARMACY)**  
**CONDITIONS OF APPROVAL**  
**September 13, 2022**

**Notice to Applicant**

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

**IMPORTANT: PLEASE READ CAREFULLY**

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

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

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

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

All discretionary conditions of approval for CUP 2022-20 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 2022-31 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 483 East Almond Avenue that are being developed under CUP 2022-20 and SPR 2022-31. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

## **Conditions of Approval**

### **General**

1. Approval of this conditional use permit and 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 conditional use permit and site plan review shall become null and void if the applicant, the operators, and/or successor is found to be in violation of all City and State regulation regulating pharmacies and pharmaceutical activities.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2022-20 and SPR 2022-31.**
5. CUP 2022-20 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
6. SPR 2022-31 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 10-3.4.0114, Lapse of Site Plan Approval).

7. 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.
8. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2022-20 and/or SPR 2022-31. However, should the Planning Manager determine that modifications are substantive, they may require that an amendment to CUP 2022-20 and/or SPR 2022-31 be filed for review and approval through the applicable City process.
9. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
10. Approval of CUP 2022-20 and SPR 2022-31 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**

11. 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 surrounding properties.
12. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
13. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

#### **Conditional Use Permit 2022-20**

14. Hours of business operation shall be limited as follows:
  - a. Monday through Friday from 9:00 AM to 6:00 PM.

15. CUP 2022-20 allows for the following permitted services:
  - b. Filling and refilling medicine prescriptions prescribed by licensed doctors and medical professionals
  - c. The sale of limited over-counter medication
16. The applicant, operator and/or successors-in-interest shall comply with all federal, state and local laws. Material violations of any applicable laws concerning the use will be cause of revocation of this permit.
17. The use 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, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to seek revocation of the permit or modification of the conditions of approval.

#### Signage

18. No signs are approved as part of CUP 2022-20 and SPR 2022-31. Signs shall be reviewed and approved under separate permit in accordance with the Madera Municipal Code.
19. No window signs shall be permitted.
20. No outdoor display of merchandise shall be allowed.

#### **Fire Marshal**

19. Provide 2A10BC rated fire extinguishers per the CFC.
20. Provide a Knox box or a key for the existing Knox box if already in place.
21. Exit door hardware shall comply with Chapter 10 of the CBC.

#### **Building Department**

19. If any improvements are proposed, a building permit shall be required.

END OF CONDITIONS