

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, May 9, 2023
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 84579203634# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/84579203634>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

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. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on

the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

PUBLIC HEARINGS:

1. CUP 2020-15 and SPR 2020-24 – Divina Mixed-Use Development

Subject: A noticed public hearing to consider an application proposing to develop a mixed-use project that would allow both residential and commercial uses on the property located at 401 E. Yosemite Ave. with parking on the adjacent parcel at 421 E. Yosemite Ave. The site is located in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. APN's: 007-113-014 & 007-113-016

The project is considered to be categorically exempt per Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines.

Recommendation:

Conduct the public hearing and;

- a. Adopt a Resolution adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit 2020-15 and Site Plan Review 2020-24 subject to the findings and conditions of approval. (Report by Adi Rueda)

2. DOU 2023-02 – Indoor Fitness, Athletic and Recreational Facilities

Subject: A noticed public hearing to consider a determination of use to affirm by resolution the allowance for indoor fitness, athletic and recreational facilities to operate in C1 (Light Commercial), C2 (Heavy Commercial), I (Industrial) and NC (Neighborhood Commercial) zones as uses permitted.

This project is determined to be exempt per Section 15061(b)(3), General Rule, of the California Environmental Quality Act (CEQA) Guidelines.

Recommendation:

Conduct the public hearing and;

- a. Adopt a Resolution adopting a CEQA Exemption pursuant to CEQA Guidelines Section 15061(b)(3), General Rule, and approving Determination of Use 2023-02 for Indoor Fitness, Athletic and Recreational Facilities.
- b. Consider the recommendation for staff to adopt a Resolution of Intention for the Commission in accordance with Section 10-3.1502 of the MMC, to initiate an amendment to the text of the Zoning Regulations to remove uses that would fit within the proposed indoor fitness, athletic and recreational facilities classification from those uses currently listed as being permissible only subject to obtaining a Use Permit in the C1 (Light Commercial), C2 (heavy Commercial) and NC (Neighborhood Commercial) zone districts. If directed by the Commission, this will require staff to return to a forthcoming meeting of the Commission with a Resolution of Intention for adoption. (Report by Will Tackett)

3. TPM 2022-05, CUP 2022-03 and SPR 2022-15 – Schnoor & Kennedy Development

Subject: A noticed public hearing to consider a tentative parcel map, conditional use permit and site plan review for the property located at the northwest corner of Kennedy St. (Avenue 16) and N. Schnoor Ave. The parcel map will divide the property into two parcels. One parcel is proposed to be developed with a carwash and the second parcel with a convenience store and attached restaurant. The use permit will allow the sale of beer and wine for off site consumption, in conjunction with the convenience store. The site is located in the C2 (Heavy Commercial) zone district with a C (Commercial) General Plan land use designation. APN: 013-230-005

The project is determined to be categorically exempt per Section 15303, New Construction or Conversion of Small Structures, 15315, Minor Land Divisions and 15332, In-fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines.

Recommendation:

Conduct the public hearing and;

- a. Adopt a Resolution adopting a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines, Sections 15315, Minor Land Divisions and 15332, In-Fill Development Projects and approving Tentative Parcel Map 2022-05, Conditional Use Permit 2022-13 and Site Plan Review 2022-15, subject to the findings and conditions of approval. (Report by Will Tackett)

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing planninginfo@madera.gov. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
 - The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing planninginfo@madera.gov to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange

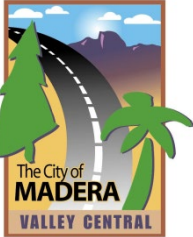
for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.

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:
Adileni Rueda, Assistant Planner

Meeting of: May 9, 2023
Agenda Number: 1

SUBJECT:

CUP 2020-15 and SPR 2020-24 Divina Mixed-Use Development

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a Resolution adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines 15332 In-fill Development and approving Conditional Use Permit (CUP 2020-15) and Site Plan Review (SPR 2020-24), subject to the findings and conditions of approval.

PROPOSAL:

An application for a Conditional Use Permit and Site Plan Review to allow the construction of a new mixed-use building to occupy both residential and commercial uses on property located at the northerly corner of the intersection of East Yosemite Avenue and North B Street. A two-story building will be constructed to permit three commercial suites on the first floor and two residential units on the second floor. The building will total an approximate 5,190 square feet in gross area.

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2020-15 & SPR 2020-24
<i>Applicant:</i>	Rafael Divina
<i>Property Owner:</i>	Ranveer Johal
<i>Location:</i>	401 E Yosemite Ave (007-113-018)
<i>Project Area:</i>	0.17 acres (7,564 sq ft)
<i>Plan Land Use:</i>	C – Commercial
<i>Zoning District:</i>	C1 – Light Commercial
<i>Site Characteristics</i>	Proposed site is located within the Downtown District along East Yosemite Ave. Site is currently vacant and abuts toward residential and commercial lots.

SUMMARY:

The project will allow a mixed-use development that will grant both commercial and residential leasing. The project will be developed at 401 East Yosemite Ave, located in the Madera Downtown district. The

site is zoned Light Commercial (C1) with a General Plan Land Use designation of Commercial I. The two-story building will have three commercial suites on the first floor and the top floor will have two residential units. The building will total approximately 5,190 square feet in gross area. The first floor will have three commercial/offices spaces and will total approximately 2,576 square feet in area. The second floor proposes two residential suites (2br/2ba) that will total approximately 2,614 square feet in area (ea. ±1,300 sq. ft.).

SURROUNDING LAND USES:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>Land Use</i>	<i>Zone District</i>
<i>North</i>	Bank of America	C1 – Light Commercial	C – Commercial
<i>East</i>	Commercial Facility	C1 – Light Commercial	C – Commercial
<i>South</i>	Commercial Facility	C1 – Light Commercial	C – Commercial
<i>West</i>	Commercial/ Downtown District	C1 – Light Commercial	C – Commercial

ANALYSIS:

Conditional Use Permit

Madera Municipal Code § 10-3.802 allows residential development on commercially zoned property with the issuance of a conditional use permit. CUP 2020-15 will allow for the project to incorporate two residential units to locate on the second floor on the commercially zoned site.

Site Plan Review

A site plan review is required for all projects which require a use permit, propose an expansion to the site, or if a change in use occurs. The project will require building permits to begin construction. Site Plan Review was required to examine the form of proposed development, design elements, and property development standard requirements.

Building elevations and materials have been submitted, reviewed and determined that they follow the City’s Design and Development Guidelines.

Mixed-Use Analysis

A mixed-use development will typically involve two or more uses within a zoning district or location to operate within a general area. Popular examples of such development can be regularly seen in denser cities and downtown districts. Currently, there is an absence of such development in the downtown district and within the City overall. To incorporate this type of development will adhere to a majority of the goals the City strives to accomplish such as creating walkable communities, encouraging small businesses to locate in the downtown district, and creating more housing opportunities.

The City’s General Plan identifies Downtown Madera as the lively heart and soul of a community by providing diverse businesses, dining, entertainment, and cultural opportunities. To allow mixed-use development, the site will be aligned with the following goals and policies stated in the General Plan:

- Goal CD-5 Walkable community.
- Goal CD-8 A downtown that is the center of the city, linking all parts of the community together with a vibrant, rich mix of uses that attracts residents, workers, and visitors.

- Policy CD-40 The City shall encourage a combination of retail, office, civic, entertainment uses, (e.g movie and performing arts theaters) in the downtown that serve the daily and occasional needs of all of Madera’s residents.
- Policy CD-41 A vertical mix of uses with residential and office above retail is encouraged in the downtown.

Parking

The site location is within the downtown district and proposes two residential units and three commercial suites. Due to the location, the project will abide with downtown district parking requirements as stated under the Madera Municipal Code (MMC) § 10-3.1202. The site plan proposes to include eight (8) parking stalls which includes one (1) accessible parking stall.

MMC § 10-3.1202 requires residential dwellings with more than one bedroom to provide 2 parking spaces for each residential dwelling unit.

Below, Table 3 shows the general parking spaces that would have been required based on the downtown parking district standards for commercial uses. Table 3 has calculated the total number of parking spaces needed to meet the spaces required. For overall general retail, the project should have provided nine (9) parking spaces.

Table 3: Parking Requirements for 2,290 square feet of Commercial Space	
<i>Use</i>	<i>Spaces Required</i>
General Retail/Professional Office	9 (general retail only)/ 5 (office use only)
Bulky Retail	4
Retail Food Stores/Banks	6
Retail Stores and Personal Services	5
Parking Provided	4

Policy CI-25 of the General Plan provides, in the Downtown District, where limited space is available for off-street parking, a portion of required parking may be provided on-street or in parking lots or garages that may be established in the future.

A minimum of three on-street parallel parking spaces will be available along the Yosemite Avenue frontage of the subject site. One to two parallel parking spaces will also be available along the B Street frontage of the subject site following removal of the existing drive approach along B Street as proposed by the project. These spaces within the frontage of the subject site as well as other available on-street parking within 150 feet of the subject site would provide more than adequate parking to serve the commercial/office uses in conformance with the parking requirements of the municipal code.

In addition, supporting Action Item CI-25.1 directs the City to include a parking standard allowing the use of alternative, off-site parking arrangements in the Downtown District in either the Zoning Code or any future Downtown Plan, alternative parking standards for the Downtown District and other exceptions are contained at MMC § 10-3.1200 et seq.

As an alternative to an allowance for use of on-street parking to meet the parking requirements of the municipal code pursuant to Policy CI-25 of the General Plan, the project is potentially eligible for In Lieu Payments as stated under MMC § 10-3.1204. The determination for allowing payment of in-lieu fees for all or part of the on-site parking otherwise required by the provisions of this subchapter shall be made by the Planning Commission on an individual basis. Residential uses are excluded from requesting an

exception to the parking provisions under this subchapter. Therefore, four (4) of the parking stalls will be conditioned to be dedicated and reserved for the exclusive use of the proposed residential units.

Pursuant to the In-Lieu provisions of MMC § 10-3.1204, the parking requirements may be satisfied by the payment to the city, prior to the issuance of a building permit, of the sum of \$4,500 per parking space for each parking space required by the provisions of this subchapter (i.e., the per parking space charge would be assessed based upon the difference between the number of off-street parking spaces provided for the project and the number of spaces required for the respective commercial or office use prior to issuance of building permits or a business license for the commercial/office tenant spaces).

If the Planning Commission does require the project to abide with the In-Lieu payment, the applicant will be subject to the calculated yearly fee. It should be noted that in accordance with the provisions of the MMC, the \$4,500 parking fee shall be adjusted as required by the City Council based on the yearly increase in the Federal Consumers Price Index, or to more accurately reflect the cost of constructing off-street public parking facilities. Funds paid to the city for in-lieu parking shall not be refundable, in case of destruction or removal of the structure or land use for which the funds were paid.

The MMC does not identify whether the fee is to be made on an annual basis or if it is to be considered a one-time fee. The MMC only provides that such funds shall be deposited with the city in a special fund and shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities located, insofar as practical, in the general vicinity of the buildings for which the in-lieu payments were made. While acquisition and development of off-street parking facilities is a one-time cost, continued maintenance of such facilities by the City would require annual funding. The City does maintain a special fund utilized for maintenance of existing downtown parking areas owned by the City. If a necessity for payment of the in-lieu fee is conditioned upon the project Commission, it will be conditioned upon compliance with any local ordinances or resolutions adopted by the Council for purposes of the establishment of said special fund or assessment district as may be applicable.

The proposed project is a mixed-use project which will provide the potential for active commercial/office space along the ground floor along Yosemite Avenue (to be reinforced as the City's "main street per the General Plan) and will provide for the development of residential units which will add to the City's residential unit inventory during a continued State-proclaimed Housing Crisis and will support population and activity in Downtown. This form of development within the Downtown District (envisioned as the "heart of Madera" within the General Plan), when provided in a manner consistent with the goals, objectives and policies of the General Plan and municipal code, is strongly supported and should be incentivized. Contemporary Planning and urbanist paradigms subscribe to the notion that such areas should be walkable and that the overall form of development in such areas should be designed with consideration to promoting pedestrian activity and alternative modes of transportation to the automobile rather than devoting limited land availability to off-street or surface parking. Additionally, recent State legislation has been adopted to preempt local regulations requiring off-street parking when located within one-half mile of "Public Transit." While Madera Metro does not currently provide major transit stops as defined in Section 21155 of the Public Resources Code (15-minute intervals/headways), there are multiple transit stops within the immediate vicinity of the project serving Downtown and the City Council has recently adopted a resolution approving a revision of the City's transit fixed route system to improve transit service.

Therefore, staff recommends the Commission approve the project as proposed, permitting the additional one (to two max) required parking spaces to be provided on-street pursuant to Policy CI-25 of the General Plan and not require in-lieu payment for purposes of this particular project's ultimate parking demand.

ENVIRONMENTAL REVIEW:

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-fill Development). The site is consistent with the General Plan and Zoning Ordinance and is served by public utilities.

RECOMMENDATION:

It is recommended that the Planning Commission consider the information presented in this report, and other information presented or made available, in its determination as to whether approval of the variance and tentative parcel map is appropriate given the required findings of approval. The information presented in this report supports conditional approval of CUP 2020-15 and SPR 2020-24. If the Commissioners feel the appropriate findings cannot be made, they should direct staff to return at a later meeting with findings in support of denial.

PLANNING COMMISSION ACTION:

The Commission will be acting on CUP 2020-15 and SPR 2020-24. Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15332 In-fill Development for the project and approving Conditional Use Permit (CUP 2020-15) and Site Plan Review (SPR 2020-24), based on, and subject to, the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the June 13, 2023, Planning Commission meeting (Commission to specify and articulate reasons for continuance).
2. Move to deny the request based on specified findings: (Commission to specify and articulate reasons for denial).

ATTACHMENTS:

1. Aerial Map
2. Project Exhibits
3. Public Comment Received
4. Resolution
"Exhibit A" Conditions of Approval

ATTACHMENT 1
Aerial Map



ATTACHMENT 2
Project Exhibits

PROPOSED MIXED USE DOWNTOWN MADERA PARKING DISTRICT

3 OFFICES/ 2 - 2 BEDROOM UNITS

PLANNING: CUP 2020-15 & SPR 2020-24

CONSULTANT

Rafael D. Divina, P.E.
Civil - Structural - Land Surveying
PO Box 186
Madera, CA 93639
Lic. # 30011
(559) 681-6869

OWNER

Ranveer Johal
1123 Country Club Dr.
Madera, CA 93638
(559) 313-5280

PROJECT ADDRESS

PROPOSED:
MIXED USE OFFICES & RESIDENCES
608 E YOSEMITE AVE, MADERA CA 93638

07/23/2022	SPR REVIEW
10/01/2022	SPR REVISION

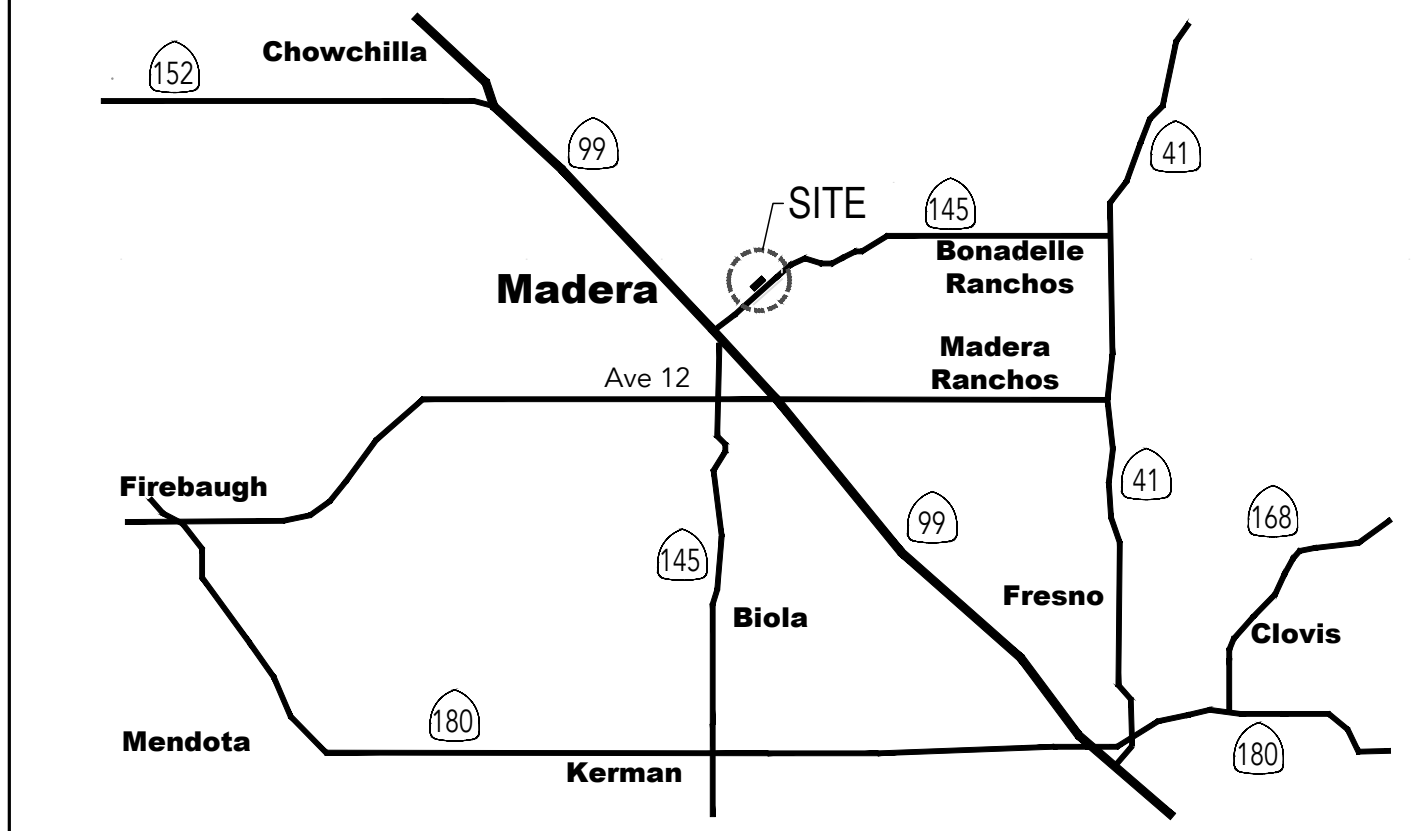
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DATE: 07/16/2022
FOR: REVIEW
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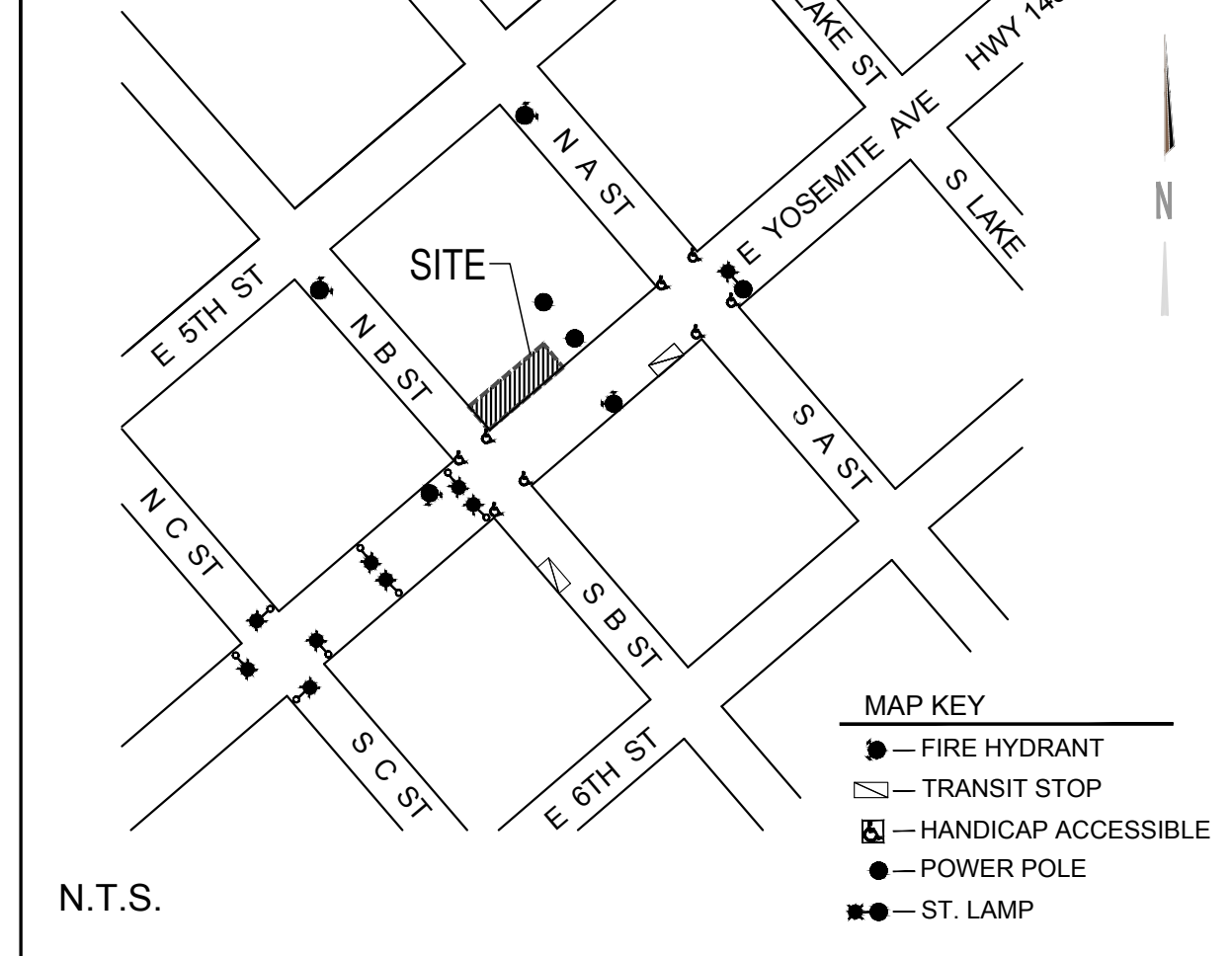
ARCHITECTURAL SYMBOLS

	DETAIL		WINDOW MARK		ALIGN FINISHES
	BUILDING SECTION		DOOR MARK		SMOKE DETECTOR
	WALL SECTION		WALL TYPE		FIRE EXTINGUISHER
	INTERIOR ELEVATION		WORK POINT		AREA DRAIN
	EXTERIOR ELEVATION		NOTE		FLOOR DRAIN
	ELEVATION MARK		ACCESSIBLE PATH OF TRAVEL		FLOOR MATERIAL TRANSITION
			FENCE		SECURITY OPENING
			EXIT SIGN		

VICINITY MAP



SITE LOCATION



LEGAL DESCRIPTION

APN: 007-113-018
ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:
LOT 7 IN BLOCK 42 OF THE CITY OF MADERA, ACCORDING TO THE MAP ENTITLED "MAP OF THE TOWN OF MADERA", FILED AND RECORDED MARCH 1, 1987 IN VOLUME 3 OF MAPS AT PAGE 49, FRESNO COUNTY RECORDS.
PREVIOUS APNS: 007-113-014 AND 007-113-015 MERGED 05/15/2020

ARCHITECTURAL ABBREVIATIONS

@	AND	FLR	FLOOR	PL	PROPERTY LINE
&	DIAMETER	FMC	FLOOR MATERIAL CHANGE	PIP	PROTECT IN PLACE
Ø	ANCHOR BOLT	FOC	FACE OF CONCRETE	PLAM	PLASTIC LAMINATE
AB	AIR CONDITIONING	FOF	FACE OF FINISH	PT	PAINT
A/C	ACOUSTIC CEILING TILE	FOM	FACE OF MASONRY	PTD	PAINTED
ACT	AMERICANS W/ DISABILITIES ACT	FOS	FACE OF STUD	QTY	QUANTITY
ADA		FR	FIRE RESISTIVE FINISH SURFACE	R	RADIUS or RISER
ADJ	ADJACENT	FS		RCP	REFLECTED CEILING PLAN
AFF	ABOVE FINISH FLOOR	GA	GAGE	RD	ROOF DRAIN
ALT	ALTERNATE	GALV	GALVANIZED	REF	REFRIGERATOR
ALUM	ALUMINUM	GB	GRAB BAR	REQ'D	REQUIRED
APPROX	APPROXIMATELY	GC	GENERAL CONTRACTOR	REV	REVISION or REVISED
ARCH	ARCHITECT	GYP BD	GYP SUM BOARD	RM	ROOM
BD	BOARD	HB	HOSE BIBB	ROW	RIGHT OF WAY
BF	BRACE FRAME	HC	HOLLOW CORE	RRM	RESTROOM
BLK	BLOCK	HCW	HOLLOW CORE WOOD	SC	SOLID CORE
BM	BEAM	HDR	HEADER	SCW	SOLID CORE WOOD
BTWN	BETWEEN	HM	HOLLOW METAL	SF	SQUARE FEET
CAB	CABINET	HR	HANDRAIL	SHT	SHEET
CL	CENTER LINE	HT	HEIGHT	SHTG	SHEATHING
CLG	CLOSET	INS	INSULATION	SIM	SIMILAR
CLG	CEILING	INT	INTERIOR	SL	SLOPE
CLR	CLEAR	JST	JOIST	ST STL	STAINLESS STEEL
CMU	CONCRETE MASONRY UNIT	LAM	LAMINATE	STL	STEEL
COL	COLUMN	LAV	LAVATORY	STRUCT	STRUCTURAL
CONC	CONCRETE	LIN	LINOLEUM	T	TREAD
CONC	CONTINUOUS	MAX	MAXIMUM	TBD	TO BE DETERMINED
CONTR	CONTRACTOR	MECH	MECHANICAL	TH	THRESHOLD
CPT	CARPET	MFR	MANUFACTURER	THK	THICK
CRS	COURSES	MIN	MINIMUM	TJ	TRUSS JOIST
CT	CERAMIC TILE	MISC	MISCELLANEOUS	TO	TOP OF
(D)	DEMOLISH	MO	MASONRY OPENING	TOC	TOP OF CONCRETE
DAS	DISABLED ACCESS	MTD	MOUNTED	TOP	TOP OF PLATE
DBL	DOUBLE	MTL	METAL	TOS	TOP OF SLAB
DIA	DIAMETER	N	NOTE	TOSHTG	TOP OF SHEATHING
DIM	DIMENSION	(N)	NEW	TOW	TOP OF WALL
DN	DOWN	NIC	NOT IN CONTRACT	TYP	TYPICAL
DS	DOWNSPOUT	NTS	NOT TO SCALE	UNO	UNLESS NOTED OTHERWISE
DWG	DRAWING	OC	ON CENTER	VCT	VINYL COMPOSITION TILE
(E)	EXISTING	OCFI	OWNER FURNISHED- CONTRACTOR INSTALLED	VERT	VERTICAL
ELECT	ELECTRICAL	OFOI	OWNER FURNISHED- OWNER INSTALLED	VIF	VERIFY IN FIELD
ELEV	ELEVATOR	OFOI	OWNER FURNISHED- OWNER INSTALLED	W/	WITH
EOS	EDGE OF SLAB	OFOI	OWNER FURNISHED- OWNER INSTALLED	WC	WATER CLOSET
EQ	EQUAL	OFOI	OWNER FURNISHED- OWNER INSTALLED	WD	WOOD
EQ	EXTERIOR	OFOI	OWNER FURNISHED- OWNER INSTALLED	WH	WATER HEATER
FE	FIRE EXTINGUISHER	OFOI	OWNER FURNISHED- OWNER INSTALLED	WP	WATERPROOF
FF	FINISH FLOOR	OH	OVERHEAD	WPT	WORK POINT
FIN	FINISH	OPNG	OPENING		
FJ	FLOOR JOIST				

PROJECT SITE TABULATION

- APN: 007-113-018
- LOT SIZE: 7500 SF
- LAND AREA TABULATION-
- 1ST FLOOR AREA: 2ND FLOOR AREA:
- TOTAL BUILDING AREA:
- DRIVEWAY AND PARKING AREAS: 2,933 SF
- SIDEWALKS AND PAVED AREAS: 785 SF
- LANDSCAPE & OPEN AREAS: 900 SF
- LANDSCAPE OUTSIDE OF PROPERTY LINE: 96 SF
- PARKING ANALYSIS-
- OFFICE AREA: 1 SPACE PER 450 SF: 3.75 = 4 SPACES
- HANDICAP PARKING: 1 SPACE PROVIDED
- DWELLING - 2 SPACES PER 2 BEDROOMS: 4 SPACES REQUIRED/4 PROVIDED
- 1 COVERED PARKING PER DWELLING UNIT: 2 REQUIRED/4 PROVIDED

PROJECT TEAM

OWNER Ranveer Johal 1123 Country Club Dr Madera, CA 93638 (559) 313-5280	CIVIL ENGINEER Rafael D. Divina, P.E. PO Box 186 Madera, CA 93639 Lic. # 30011 (559) 681-6869	CONSULTANT Jason Burns 4046 Mecca Ave Clovis CA 93619 (559) 930-9989	GEOTECHNICAL ENGINEER Salem Engineering Group, Inc. 4729 W Jacquelyn Ave Fresno CA 93722 (559) 271-9700
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PROJECT INFORMATION

PROJECT NAME:	MIXED USE DOWN TOWN MADERA
ADDRESS:	401 E. YOSEMITE AVE MADERA, CA 93638
OWNER:	RANVEER JOHAL (559) 313-5280
PROJECT DESCRIPTION:	PROPOSED NEW MIXED USE 2-STORY BUILDING WITH 5 UNITS - 3 OFFICE UNITS; 2 RESIDENTIAL UNITS
LAND USE:	COMMERCIAL
ZONING:	C1
OCCUPANCY:	B & R-2
CONSTRUCTION TYPE:	TYPE V-A
FLOOD ZONE:	ZONE X
LOT SIZE:	7,500 SF
EXISTING USE:	VACANT
PROPOSED USE:	MIXED USE
UNIT COUNT:	5 UNITS - 3 OFFICE UNITS & (2) 2-BEDROOM UNITS
MAX ALLOWABLE HEIGHT:	50'
C1 ZONING SETBACKS:	FRONT - 0, SIDES - 0, REAR - 0
PROPOSED SET BACKS:	FRONT SOUTH - 3', SIDE WEST 1', REAR NORTH 5', SIDE EAST 83'

PROJECT DESCRIPTION

401 E YOSEMITE AVE IS A MIXED USE PROJECT LOCATED ON THE NORTH EAST CORNER OF E YOSEMITE AVE AND N B ST. THE PROJECT COMPRISES OF A NEW 2-STORY BUILDING WITH 3 OFFICES ON THE FIRST FLOOR AND 2 DWELLING UNITS ON THE 2ND FLOOR. IT ALSO INCLUDES THE DEMOLITION OF AN EXISTING STRUCTURE VACANT FOR DECADES, 3 EXISTING DRIVE APPROACHES, AND PAVEMENT FOR A PROPOSED NEW BUILDING AND PARKING AREA WITH NEW LANDSCAPING. THERE WILL BE ONE NEW DRIVE APPROACH ALONG THE E YOSEMITE AVE

1ST FLOOR GROSS: 2,576 SF SUITE 101 - 715 SF SUITE 102 - 860 SF SUITE 103 - 715 SF UTILITY - 26 SF STAIRS - 260 SF (OFFICES ONLY - 2,290 SF)	2ND FLOOR GROSS: 2,614 SF DWELLING 201 - 1,280 SF DWELLING 202 - 1,334 SF DECK 201 - 71 SF DECK 202 - 142 SF	TOTAL GROSS: 5,190 SF
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SHEET INDEX

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A-4	SECOND FLOOR PLAN
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A-6	EXTERIOR ELEVATIONS
L-1	CONCEPTUAL PLANTING PLAN

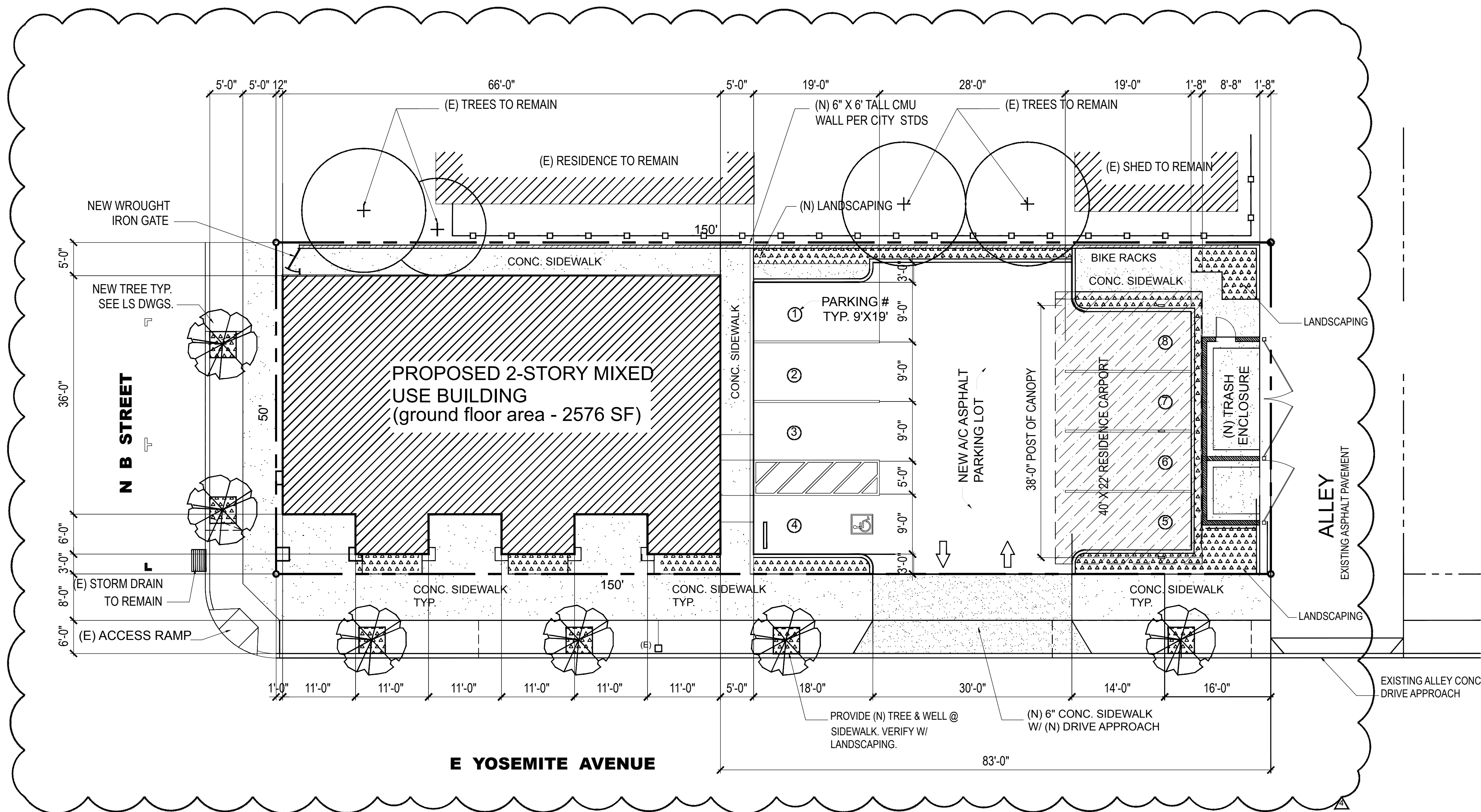
GROSS SECOND FLOOR AREA: 2614 SF
SUITE 201 - 1,280 SF
SUITE 202 - 1,334 SF
SUITE 201 DECK - 71 SF
SUITE 202 DECK - 142 SF

GROSS FIRST FLOOR AREA: 2,576 SF
SUITE 101 - 715 SF
SUITE 102 - 860 SF
SUITE 103 - 715 SF
STAIRS - 260 SF
UTILITY CLOSETS - 26 SF
(OFFICES ONLY - 2,290 SF)

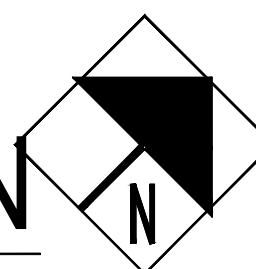
TOTAL: 2,693 SF

SITE PLAN LEGEND

- ELEVATION BENCHMARK
- DIRECTION OF TRAFFIC
- STORM DRAIN CLEAN-OUT
- SAN. SEWER MANHOLE
- FIRE EXTINGUISHER
- CATCH BASIN
- LANDSCAPED AREA
- REQUIRED TREE SYMBOL
- ENGINEERED RETAINING WALL
- DIRECTION OF FLOW (SURFACE)
- TC — TOP OF CURB
- FP — FINISHED PAVEMENT
- TW — TOP OF WALL
- BW — BOTTOM OF WALL
- FG — FINISHED GRADE
- FF — FINISHED FLOOR
- PL — PROPERTY LINE
- CL — CENTER LINE
- EP — EDGE OF PAVEMENT
- POC — POINT OF CONNECTION
- PP — POWER POLE
- CONC. SPLASH BLOCK (ROOF DRAIN)
-
- SITE LIGHTING FIXTURE
- PARKING STALL MARKER
- 93.87 — CONTOUR ELEVATION
- CONCRETE SWALE
- DRAIN (OFF-SITE)
- EX. STRUCTURE (OFF-SITE)
- P — PROPERTY LINE
- CONCRETE STEPPING STONE
- NUMBERED PARKING STALLS
- RW — RIGHT-OF-WAY/PROP. LINE
- GAS METERS (5)
- STEEL BOLLARD
- ACCESSIBLE ROUTE OF TRAVEL
- HANDICAP ACCESSIBILITY
- DIRECTION OF FLOW (CONDUIT)
- S — SEWER LATERAL
- (P) — PROPOSED
- (E) — EXISTING
- □ — WATER METER
-
-
- REMOVED DRIVEWAY, REPLACED
-
- E-7 CITY PUBLIC WORK STANDARD PROPERTY LINE
- CURB & GUTTER
- E-7 CITY PUBLIC WORK STANDARD PROPERTY LINE
- ε — PROPERTY LINE



PROPOSED SITE PLAN



SCALE: 1" = 10'

CONSULTANT

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OWNER

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(559) 313-5280

PROJECT ADDRESS

PROPOSED:
MIXED USE OFFICES & RESIDENCES
608 E YOSEMITE AVE. MADERA CA 93638

06/27/2022 SPR REVIEW

10/2/2022 SPR REVISION

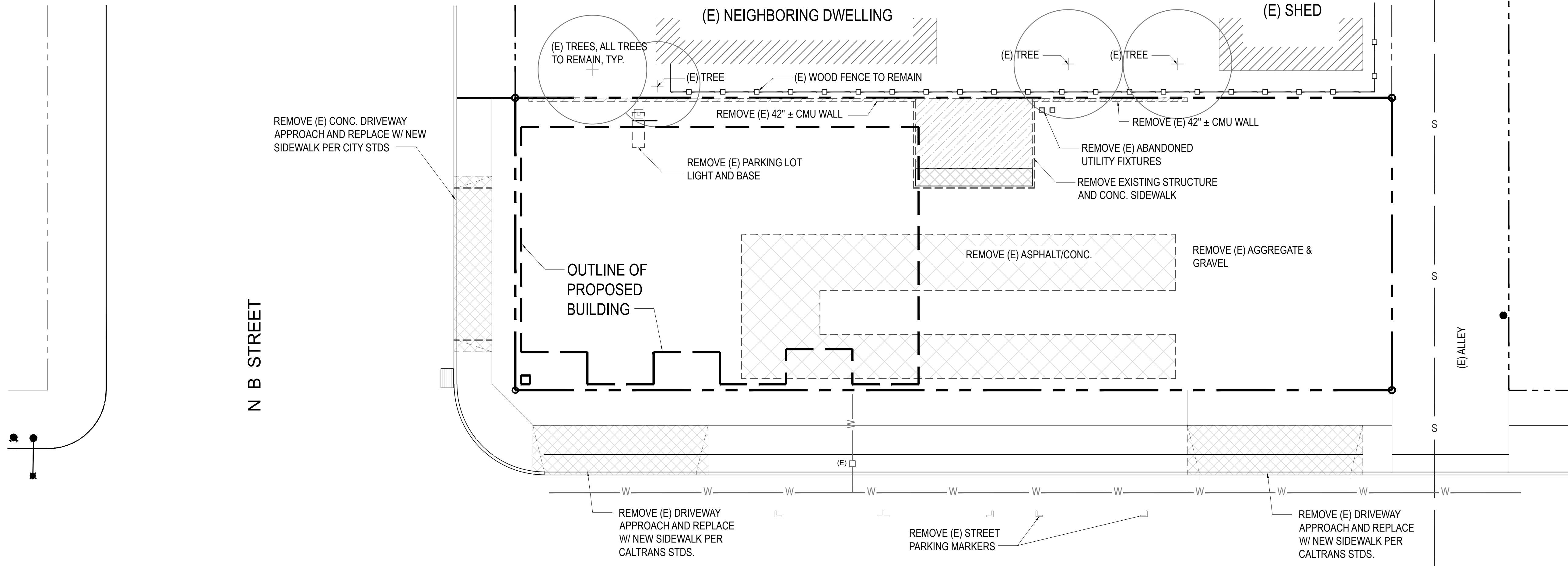
DRAWN: JJB

DATE: 06/27/2022

FOR: REVIEW

SCALE: AS SHOWN

A-1



N B STREET

S. B STREET

E YOSEMITE AVENUE

MAP KEY

- — 4" FIRE HYDRANT
- — TRANSIT STOP
- ⊠ — HANDICAP ACCESSIBLE
- — POWER POLE
- ⊙ — ST. LAMP

DEMOLITION

ALL EXISTING PAVEMENT, STRUCTURES, AND FTGS W/ IN THE LIMITS OF WORK NOT SHOWN TO BE RETAINED SHALL BE REMOVED AND RESULTING VOIDS SHALL BE BACKFILLED WITH ENGINEERED FILL OR CONTROL DENSITY FILL.

SAWCUTTING SHALL BE DONE SO AS TO PROVIDE A STRAIGHT, NEAT EDGE. WHERE CONSTRUCTION OPERATIONS CAUSE DAMAGE BEYOND THE LIMITS OF THE SAWCUT LINE, THE DAMAGED AREA SHALL ALSO BE REMOVED AND REPLACED TO A SAWCUT EDGE.

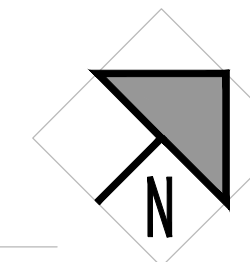
SAWCUT SLURRY SHALL BE VACUUMED AND NOT BE ALLOWED TO RUN INTO CATCH BASINS.

ASPHALT CONCRETE PAVEMENT SHALL BE SAWCUT AT THE LOCATIONS INDICATED BY THE ENGINEER AND AS SHOWN ON THE PLANS. SAWCUT LINES SHALL BE PARALLEL OR PERPENDICULAR TO THE ADJACENT CURB LINE WHERE POSSIBLE. SAWCUT SHALL BE TO A MINIMUM DEPTH OF 2 INCHES.

CURB AND GUTTER SHALL BE SAWCUT AT THE LOCATIONS INDICATED BY THE ENGINEER AND AS SHOWN ON THE PLANS. SAWCUT SHALL BE TO A MINIMUM DEPTH OF 6 INCHES.

SIDEWALK SHALL BE SAWCUT AT THE LOCATIONS INDICATED BY THE ENGINEER AND AS SHOWN ON THE PLANS. SAWCUT LINES SHALL COINCIDE W/ EXISTING SCORE MARKS OR JOINTS. SAWCUT SHALL BE TO A MINIMUM DEPTH OF 6 INCHES, OR TO FULL DEPTH, WHICHEVER IS LESS.

(E) SITE/ DEMO PLAN



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PROJECT ADDRESS

PROPOSED:
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401 E YOSEMITE AVE, MADERA CA 93638

06/27/2022	SPR REVIEW
10/2/2022	SPR REVISION

DRAWN: JJB
 DATE: 06/27/2022
 FOR: REVIEW
 SCALE: 1" = 10'

HANDRAILS/GUARDRAILS:

- STAIRWAYS SHALL HAVE HANDRAILS ON EACH SIDE AND SHALL COMPLY WITH C.B.C. SECTIONS 1012.2 THROUGH 1012.9
 - TOP OF HANDRAILS SHALL NOT BE PLACED LESS THAN 34" NOR MORE THAN 38" ABOVE LANDINGS, NOSING OF TREADS AND FINISH SURFACE OF RAMP SLOPE. (C.B.C. 1012.2)
 - HANDRAILS GRIPING SURFACES SHALL BE CONTINUOUS, WITHOUT INTERRUPTION BY NEWEL POSTS OR OTHER OBSTRUCTIONS. (C.B.C. 1012.4)
- EXCEPTIONS:
- HANDRAILS WITHIN DWELLING UNITS ARE PERMITTED TO BE INTERRUPTED BY A NEWEL POST AT A STAIR OR RAMP LANDING.
 - WITHIN A DWELLING UNIT, THE USE OF A VOLUTE, TURNOUT OR STARTING EASING IS ALLOWED ON THE LOWEST TREAD.
 - HANDRAIL BRACKETS OR BALUSTERS ATTACHED TO THE BOTTOM SURFACE OF THE HANDRAIL THAT DO NOT PROJECT HORIZONTALLY BEYOND THE SIDES OF THE HANDRAIL WITHIN 1 1/2" OF THE BOTTOM OF THE HANDRAIL SHALL NOT BE CONSIDERED OBSTRUCTIONS. FOR EACH 12" OF ADDITIONAL HANDRAIL PERIMETER DIMENSION ABOVE 4", THE VERTICAL CLEARANCE DIMENSION 1 1/2" SHALL BE PERMITTED TO BE REDUCED BY 1/8"
 - THE HANDGRIP PORTION OF HANDRAILS SHALL NOT BE LESS THAN 1 1/4" NOR MORE THAN 2" IN CROSS-SECTIONAL DIMENSION OR THE SHAPE SHALL PROVIDE EQUIVALENT GRASPABILITY. THE HANDGRIP PORTION OF HANDRAILS SHALL HAVE A SMOOTH SURFACE WITH NO SHARP CORNERS. (C.B.C. 1012.3)
 - CLEAR SPACE BETWEEN A HANDRAIL AND A WALL OR OTHER SURFACE SHALL BE A MINIMUM OF 1 1/2". A HANDRAIL AND A WALL OR OTHER SURFACE ADJACENT TO THE HANDRAIL SHALL BE FREE OF ANY SHARP OR ABRASIVE ELEMENTS (C.B.C. 1012.6)
 - TOP OF GUARDRAILS= +42" A.F.F. NOSING OF TREADS
 - OPEN GUARDRAILS SHALL HAVE INTERMEDIATE RAILS OR AN ORNAMENTAL PATTERN SUCH THAT A SPHERE 4" IN DIAMETER CANNOT PASS THROUGH. EXCEPTIONS: THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD AND BOTTOM ELEMENT OF A GUARDRAIL AT THE OPEN SIDE OF A STAIRWAY MAY BE OF SUCH SIZE THAT A SPHERE 6" IN DIAMETER CANNOT PASS THROUGH. (C.B.C. SECTION 1013.3)

ONE HOUR RATED PROVIDED ASSEMBLIES

- C.B.C. TABLE 720.1(2), ITEM 14-1.3
- ONE HOUR INTERIOR RATED WALL
- 2x4 WOOD STUDS 24" ON CENTER WITH 5/8" TYPE X GYPSUM WALLBOARD APPLIED VERTICALLY OR HORIZONTALLY, EACH SIDE, NAILED WITH 6d COOLER OR WALLBOARD NAILS AT 7" ON CENTER WITH END JOINTS ON NAILING MEMBERS. STAGGER JOINTS EACH SIDE.
- C.B.C. TABLE 720.1(2), ITEM 15-1.1
- ONE HOUR EXTERIOR RATED WALL
- EXTERIOR SURFACE W/ 3/4" DROP SIDING OVER 1/2" GYPSUM SHEATHING ON 2"x4" WOOD STUDS @ 16" O.C., INTERIOR SURFACE TREATMENT AS REQUIRED FOR ONE-HOUR RATED EXTERIOR OR INTERIOR 2"x4" WOOD STUD PARTITIONS. GYPSUM SHEATHING NAILED WITH 1 3/4" BY NO. 11 GAGE BY 7/16" HEAD GALVANIZED NAILS @ 8" O.C., SIDING NAILED WITH 7d GALVANIZED SMOOTH BOX NAILS
- C.B.C. TABLE 720.1(3), ITEM 21-1.1
- ONE HOUR RATED CEILING
- PROVIDE A BASE LAYER 5/8" TYPE X GYPSUM WALLBOARD APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS 24" O.C. WITH 1 1/4" TYPE S OR TYPE W DRYWALL SCREWS 24" O.C. FACE LAYER 5/8" TYPE X GYPSUM WALLBOARD OR VENEER BASE APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS THROUGH BASE LAYER WITH 1 7/8" TYPE S OR TYPE W DRYWALL SCREWS 12" O.C. AT JOINTS AND INTERMEDIATE JOIST OR TRUSS. FACE LAYER TYPE G DRYWALL SCREWS PLACED 2" BACK ON EITHER SIDE OF FACE LAYER END JOINTS, 12" O.C.

FLOOR PLAN GENERAL NOTES:

- VERIFY ALL APPLIANCE, FIXTURE & EQUIPMENT SIZES AND LOCATIONS W/ OWNER, PRIOR TO INSTALLATION
- VERIFY ALL APPLIANCE REQUIRED TEMPERED GLAZING PER SPECIFICATION SHEET A-3.0 AND PER LOCAL JURISDICTION.
- PROVIDE BUILT-IN SHOP FABRICATION PLANS AND ELEVATIONS FOR APPROVAL PRIOR TO FABRICATION. VERIFY ALL LOCATIONS, SIZES AND CONFIGURATIONS W/ OWNER PRIOR TO FABRICATION.
- SHOWER AREA WALLS SHALL BE FINISHED WITH A SMOOTH NONABSORBENT SURFACE TO A HEIGHT OF 70" ABOVE DRAIN INLET.
- SUFFICIENT WOOD BLOCKING SHALL BE PROVIDED @ ALL STUDS FOR SECURING ALL ITEMS INCLUDING BUT NOT LIMITED TO COUNTERS, SHELVING, CASEWORK AND FURNITURE.
- PRIME ALL SIDES OF EXTERIOR TRIM PRIOR TO INSTALLATION.
- THE FLOOR ASSEMBLY SEPARATING THE TWO DWELLING UNITS AND THE OFFICE SPACES BELOW CANNOT HAVE PENETRATIONS SUCH AS RECESSED LIGHTING, RECESSED EXHAUST SYSTEMS, ETC., UNLESS LISTED FOR USE IN FIRE RESISTIVE CONSTRUCTION.

WALL LEGEND:

- 2" X 4" - INTERIOR FRAMING @ 16" O.C. W/ 1-HR RATING
- 2" X 6" PLUMBING WALL FRAMING @ 16" O.C.
- 2" X 6" EXTERIOR WALL FRAMING @ 16" O.C.
- 2 X 4 FRAMING FULL HEIGHT WALL
- 2 X 4 FRAMING PARTIAL HEIGHT WALL
- DETAIL NUMBER
- SHEET NUMBER
- WINDOW SYMBOL LETTER, REFER TO WINDOW SCHEDULE, SHEET A-3.0
- DOOR NUMBER, REFER TO DOOR SCHEDULE, SHEET A-3.0
- DESIGNATES THE ELEVATION (INTERIOR OR EXTERIOR) OR SECTION
- SHEET NUMBER

FLOOR PLAN REFERENCE NOTES:

- PANTRY CLOSET
- PROVIDE 36" REFRIGERATOR SPACE AND ROUGH PLUMB FOR ICE MAKER IN RECESSED WALL BOX
- DOUBLE KITCHEN SINK W/ GARBAGE DISPOSAL
- RANGE (VERIFY DIMENSIONS W/ MANUFACTURER) W/ MICROWAVE HOOD ABOVE
- BUILT-IN DISHWASHER. VERIFY DIMENSIONS WITH MANUFACTURER
- LINE OF CABINETS ABOVE
- +36" BREAKFAST BAR COUNTER W/ 1'-0" KNEE CLEARANCE
- ACRYLIC TUB/SHOWER WITH TILE WAINSCOT. PROVIDE ONE-PIECE WELDED TRAP OR ACCESS PANEL PER LOCAL CODE, TEMPERED GLASS ENCLOSURE W/ 6'-6" TILE WAINSCOT
- LOW FLOW TOILET (1.28 GPF)
- RECESSED MEDICINE CABINET
- MIRROR. TOP OF MIRROR TO +6'-10"
- LINEN CABINET (FACE FRAME), ADJUSTABLE SHELVES, FULL HEIGHT
- SINGLE POLE & SHELF
- 22" X 30" ATTIC ACCESS (30" X 30" WHEN F.A.U. IN ATTIC), PROVIDE 30" CLEARANCE ABOVE OPENING TO ROOF SHEATHING, PROVIDE LIGHT & SWITCH
- SOUNDWALL - PROVIDE INSULATION & STAGGER STUDS FOR SOUNDPROOF PERFORMANCE. REFER TO SOUND RATED PARTITION NOTE, THIS SHEET AND DETAIL 43/A-10.0
- LINE OF SOFFIT
- DECK - WATERPROOF FLEXIBLE MEMBRANE FINISH - SLOPE TO DRAIN
- +42" HIGH SOLID GUARDRAIL
- 1 1/2" Ø HANDRAIL, TOP @ +36"-REFER TO NOTES THIS SHEET
- ELECTRIC METERS - REFER TO E SHEETS FOR SPECIFICATION
- ELECTRIC SUB-PANEL - REFER TO E SHEETS FOR SPECIFICATION
- GAS METERS - REFER TO E SHEETS FOR SPECIFICATION
- WATER HEATER. INSTALL PRESSURE RELIEF VALVE W/ DRAIN TO EXTERIOR. (INSTALLATION OF WATER HEATER SHALL COMPLY WITH CHAPTER 5 OF THE UNIFORM PLUMBING CODE.) FOR ADDITIONAL INFORMATION, REFER TO SHEET T-1.2, ARCH NOTE #41
- FIRE SPRINKLER RISER
- CONCRETE STOOP SHALL HAVE A SMOOTH BROOM FINISH. SLOPE TO DRAIN.
- PROVIDE (2) LAYERS 5/8" TYPE X GYPSUM BOARD AT CEILING OF COMMERCIAL & ENCLOSED USEABLE SPACE UNDER STAIRS. REFER TO 1-HOUR RATED ASSEMBLIES NOTE, THIS SHEET AND DETAIL 53/A-10.0.
- PROVIDE 1 HOUR EXTERIOR RATED WALL AT STORAGE ENCLOSURE UNDER EXTERIOR STAIRS. REFER TO 1-HOUR RATES ASSEMBLIES NOTE, THIS SHEET AND DETAIL 51/A-10.0.
- PROVIDE 1 HOUR INTERIOR RATED WALL AT STORAGE ENCLOSURE UNDER EXTERIOR STAIRS. REFER TO 1-HOUR RATES ASSEMBLIES NOTE, THIS SHEET AND DETAIL 52/A-10.0.
- AUTOMATED WASTER STANDPIPE PER CPC TABLE 4-1
- FIRE ALARM CONTROL PANEL WITH FIRE RISER

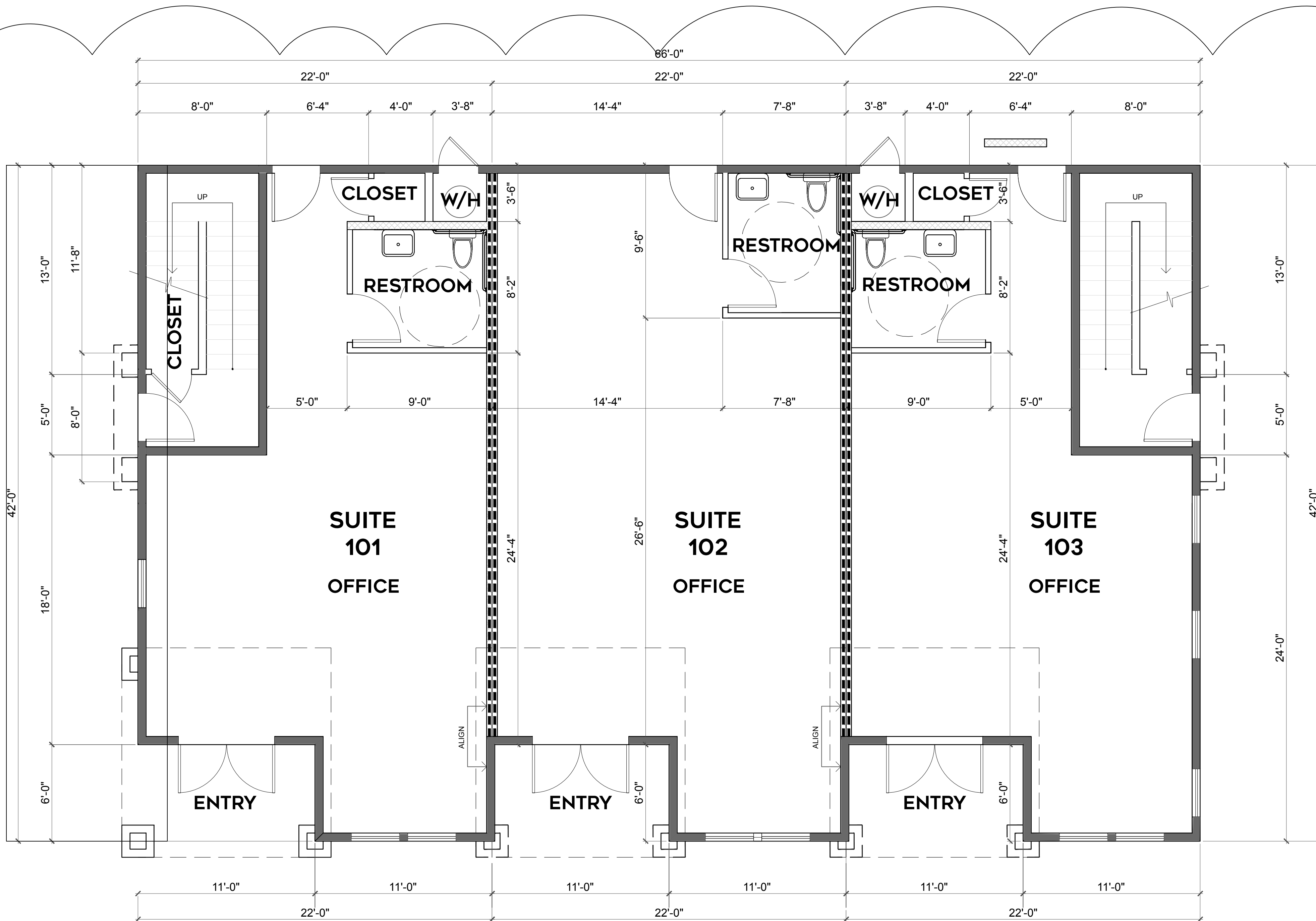
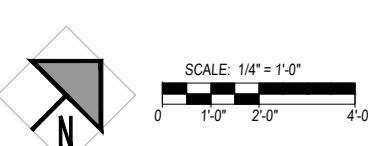
DIMENSIONAL PLAN GENERAL NOTES:

- ALL INTERIOR DOOR HEIGHTS SHALL BE 6'-8" U.N.O. VERIFY ROUGH OPENINGS PRIOR TO FRAMING
- ALL EXTERIOR DOOR AND WINDOW HEIGHTS SHALL BE 8'-0" U.N.O. 6'-8" U.N.O. VERIFY ROUGH OPENINGS PRIOR TO FRAMING
- ALL ANGLES ARE AT 45°, U.N.O.
- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT WITH ALL DISCREPANCIES PRIOR TO CONSTRUCTION
- SET BUILDING FOOTPRINT 3" MIN. AWAY FROM THE BUILDING SETBACK LINES TO ALLOW FOR FINISH MATERIALS
- ALL FINISH CEILING HEIGHTS SHALL BE +9'-0" TYP. U.N.O. REFER TO FLOOR PLANS
- PROVIDE BLOCKING @ ALL BUILT-INS AND MIRRORS
- NOTE: TEMP = TEMPERED GLAZING. REFER TO SHEET A-3.0 FOR ADDITIONAL INFORMATION.

GROSS FIRST FLOOR AREA: 2,576 SF

- SUITE 101 - 715 SF
- SUITE 102 - 860 SF
- SUITE 103 - 715 SF
- STAIRS - 260 SF
- UTILITY CLOSETS - 26 SF
- (OFFICES ONLY - 2,290 SF)

**PROPOSED FLOOR PLAN
FIRST FLOOR (OFFICES)**



CONSULTANT

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(559) 681-6869

OWNER

Ranveer Johal
1123 Country Club Dr.
Madera, CA 93638
(559) 313-5280

PROJECT ADDRESS

**PROPOSED MIXED-USE OFFICES/
RESIDENCES DOWNTOWN MADERA**
401 EYOSEMITE AVE, MADERA CA 93638

6/27/2022	SPR REVIEW
10/2/2022	△ SPR REVISIONS
	△

DRAWN: JJB
DATE: 06/27/2022
FOR: REVIEW
SCALE: 1/4" = 1'-0"

HANDRAILS/GUARDRAILS:

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 - TOP OF HANDRAILS SHALL NOT BE PLACED LESS THAN 34" NOR MORE THAN 38" ABOVE LANDINGS. NOSING OF TREADS AND FINISH SURFACE OF RAMP SLOPE. (C.B.C. 1012.2)
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ONE HOUR RATED PROVIDED ASSEMBLIES

- C.B.C. TABLE 720.1(2), ITEM 14-1.3
ONE HOUR INTERIOR RATED WALL
 2X4 WOOD STUDS 24" ON CENTER WITH 5/8" TYPE X GYPSUM WALLBOARD APPLIED VERTICALLY OR HORIZONTALLY, EACH SIDE, NAILED WITH 6d COOLER OR WALLBOARD NAILS AT 7" ON CENTER WITH END JOINTS ON NAILING MEMBERS. STAGGER JOINTS EACH SIDE.
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ONE HOUR EXTERIOR RATED WALL
 EXTERIOR SURFACE W/ 3/4" DROP SIDING OVER 1/2" GYPSUM SHEATHING ON 2X4 WOOD STUDS @ 16" O.C., INTERIOR SURFACE TREATMENT AS REQUIRED FOR ONE-HOUR RATED EXTERIOR OR INTERIOR 2X4 WOOD STUD PARTITIONS, GYPSUM SHEATHING NAILED WITH 1 3/4" BY NO. 11 GAGE BY 7/16" HEAD GALVANIZED NAILS @ 8" O.C., SIDING NAILED WITH 7d GALVANIZED SMOOTH BOX NAILS
- C.B.C. TABLE 210.1(3), ITEM 21-1.1
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 PROVIDE A BASE LAYER 5/8" TYPE X GYPSUM WALLBOARD APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS 24" O.C. WITH 1 1/4" TYPE S OR TYPE W DRYWALL SCREWS 24" O.C. FACE LAYER 5/8" TYPE X GYPSUM WALLBOARD OR VENEER BASE APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS THROUGH BASE LAYER WITH 1 7/8" TYPE S OR TYPE W DRYWALL SCREWS 12" O.C. AT JOINTS AND INTERMEDIATE JOIST OR TRUSS. FACE LAYER TYPE G DRYWALL SCREWS PLACED 2" BACK ON EITHER SIDE OF FACE LAYER END JOINTS, 12" O.C.

FLOOR PLAN GENERAL NOTES:

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- SUFFICIENT WOOD BLOCKING SHALL BE PROVIDED @ ALL STUDS FOR SECURING ALL ITEMS INCLUDING BUT NOT LIMITED TO COUNTERS, SHELVING, CASEWORK AND FURNITURE.
- PRIME ALL SIDES OF EXTERIOR TRIM PRIOR TO INSTALLATION.
- THE FLOOR ASSEMBLY SEPARATING THE TWO DWELLING UNITS AND THE OFFICE SPACES BELOW CANNOT HAVE PENETRATIONS SUCH AS RECESSED LIGHTING, RECESSED EXHAUST SYSTEMS, ETC., UNLESS LISTED FOR USE IN FIRE RESISTIVE CONSTRUCTION.

WALL LEGEND:

- 2" X 4" - INTERIOR FRAMING @ 16" O.C. W/ 1-HR RATING
 - 2" X 6" PLUMBING WALL FRAMING @ 16" O.C.
 - 2" X 6" EXTERIOR WALL FRAMING @ 16" O.C.
 - 2 X 4 FRAMING FULL HEIGHT WALL
 - 2 X 4 FRAMING PARTIAL HEIGHT WALL
- DETAIL NUMBER
 SHEET NUMBER
 WINDOW SYMBOL LETTER, REFER TO WINDOW SCHEDULE, SHEET A-3.0
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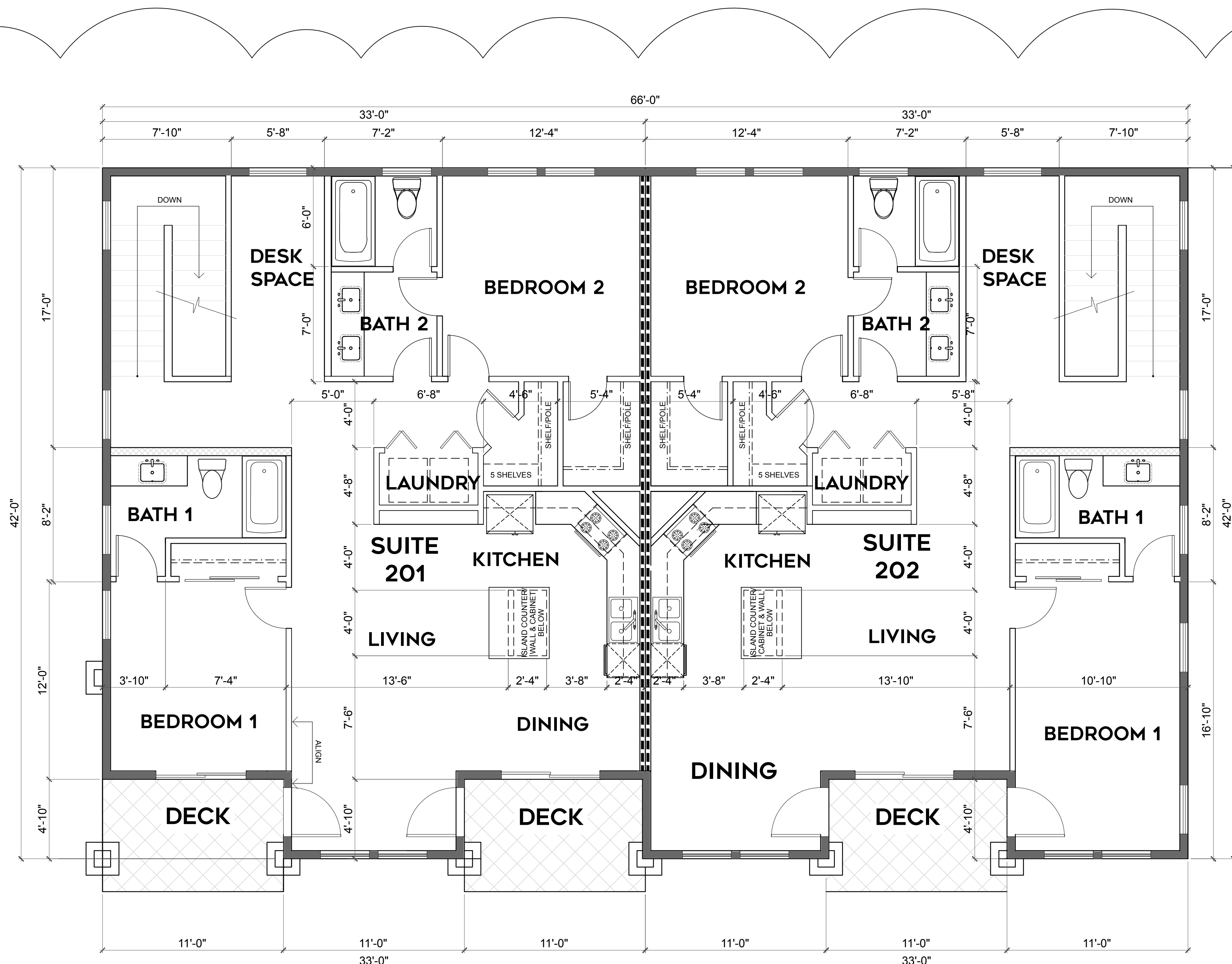
FLOOR PLAN REFERENCE NOTES:

- PANTRY CLOSET
- PROVIDE 36" REFRIGERATOR SPACE AND ROUGH PLUMB FOR ICE MAKER IN RECESSED WALL BOX
- DOUBLE KITCHEN SINK W/ GARBAGE DISPOSAL
- RANGE (VERIFY DIMENSIONS W/ MANUFACTURER) W/ MICROWAVE HOOD ABOVE
- BUILT-IN DISHWASHER. VERIFY DIMENSIONS WITH MANUFACTURER
- LINE OF CABINETS ABOVE
- +36" BREAKFAST BAR COUNTER W/ 1'-0" KNEE CLEARANCE
- ACRYLIC TUB/SHOWER WITH TILE WAINSCOT. PROVIDE ONE-PIECE WELDED TRAP OR ACCESS PANEL PER LOCAL CODE. TEMPERED GLASS ENCLOSURE W/ 6'-6" TILE WAINSCOT
- LOW FLOW TOILET (1.28 GPF)
- RECESSED MEDICINE CABINET
- MIRROR, TOP OF MIRROR TO +6'-10"
- LINEN CABINET (FACE FRAME), ADJUSTABLE SHELVES, FULL HEIGHT
- SINGLE POLE & SHELF
- 22" X 30" ATTIC ACCESS (30" X 30" WHEN F.A.U. IN ATTIC). PROVIDE 30" CLEARANCE ABOVE OPENING TO ROOF SHEATHING. PROVIDE LIGHT & SWITCH SOUNDWALL - PROVIDE INSULATION & STAGGER STUDS FOR SOUNDPROOF PERFORMANCE. REFER TO SOUND RATED PARTITION NOTE, THIS SHEET AND DETAIL 43/A-10.0
- LINE OF SOFFIT
- DECK - WATERPROOF FLEXIBLE MEMBRANE FINISH - SLOPE TO DRAIN
- +42" HIGH SOLID GUARDRAIL
- 1 1/2" Ø HANDRAIL, TOP @ +36"-REFER TO NOTES THIS SHEET
- ELECTRIC METERS - REFER TO E SHEETS FOR SPECIFICATION
- ELECTRIC SUB-PANEL - REFER TO E SHEETS FOR SPECIFICATION
- GAS METERS - REFER TO E SHEETS FOR SPECIFICATION
- WATER HEATER. INSTALL PRESSURE RELIEF VALVE W/ DRAIN TO EXTERIOR. (INSTALLATION OF WATER HEATER SHALL COMPLY WITH CHAPTER 5 OF THE UNIFORM PLUMBING CODE.) FOR ADDITIONAL INFORMATION, REFER TO SHEET T-1.2, ARCH NOTE #41
- FIRE SPRINKLER RISER
- CONCRETE STOOP SHALL HAVE A SMOOTH BROOM FINISH. SLOPE TO DRAIN.
- PROVIDE (2) LAYERS 5/8" TYPE X GYPSUM BOARD AT CEILING OF COMMERCIAL & ENCLOSED USEABLE SPACE UNDER STAIRS. REFER TO 1-HOUR RATED ASSEMBLIES NOTE, THIS SHEET AND DETAIL 53/A-10.0.
- PROVIDE 1 HOUR EXTERIOR RATED WALL AT STORAGE ENCLOSURE UNDER EXTERIOR STAIRS - REFER TO 1-HOUR RATES ASSEMBLIES NOTE, THIS SHEET AND DETAIL 51/A-10.0.
- PROVIDE 1 HOUR INTERIOR RATED WALL AT STORAGE ENCLOSURE UNDER EXTERIOR STAIRS - REFER TO 1-HOUR RATES ASSEMBLIES NOTE, THIS SHEET AND DETAIL 52/A-10.0.
- AUTOMATED WASTER STANDPIPE PER CPC TABLE 4-1
- FIRE ALARM CONTROL PANEL WITH FIRE RISER

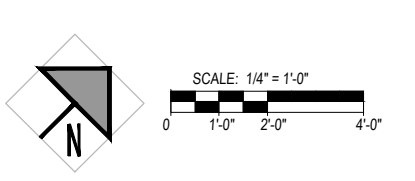
DIMENSIONAL PLAN GENERAL NOTES:

- ALL INTERIOR DOOR HEIGHTS SHALL BE 6'-8" U.N.O. VERIFY ROUGH OPENINGS PRIOR TO FRAMING
- ALL EXTERIOR DOOR AND WINDOW HEIGHTS SHALL BE 8'0" U.N.O. 6'-8" U.N.O. VERIFY ROUGH OPENINGS PRIOR TO FRAMING
- ALL ANGLES ARE AT 45°, U.N.O.
- VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION AND NOTIFY ARCHITECT WITH ALL DISCREPANCIES PRIOR TO CONSTRUCTION
- SET BUILDING FOOTPRINT 3" MIN. AWAY FROM THE BUILDING SETBACK LINES TO ALLOW FOR FINISH MATERIALS
- ALL FINISH CEILING HEIGHTS SHALL BE +9'-0" TYP. U.N.O. - REFER TO FLOOR PLANS
- PROVIDE BLOCKING @ ALL BUILT-INS AND MIRRORS
- NOTE: TEMP = TEMPERED-GLAZING. REFER TO SHEET A-3.0 FOR ADDITIONAL INFORMATION.

GROSS SECOND FLOOR AREA: 2614 SF
 SUITE 201 - 1,280 SF
 SUITE 202 - 1,334 SF
 SUITE 201 DECK - 71 SF
 SUITE 202 DECK - 142 SF



**PROPOSED FLOOR PLAN
 SECOND FLOOR (DWELLINGS)**



CONSULTANT

Rafael D. Divina, P.E.
 Civil - Structural - Land Surveying
 PO Box 186
 Madera, CA 93639
 Lic. # 30071
 (559) 681-6869

OWNER

Ranveer Johal
 1123 Country Club Dr.
 Madera, CA 93638
 (559) 373-5280

PROJECT ADDRESS

**PROPOSED MIXED-USE OFFICES/
 RESIDENCES DOWNTOWN MADERA**
 401 EYOSEMITE AVE, MADERA CA 93638

6/27/2022	SPR REVIEW
10/2/2022	SPR REVISIONS

DRAWN: JUB
 DATE: 06/27/2022
 FOR: REVIEW
 SCALE: AS SHOWN



LEFT SIDE ELEVATION
(N B ST)

- SW 7530 BARCELONA BEIGE
- SW 6160 BEST BRONZE
- SW 7562 ROMAN COLUMN
- SW 7568 NEUTRAL GROUND

1. EXTERIOR WALL: 3-COAT STUCCO, 7/8" THICK OVER PAPER BACKED WIRE STUCCO NETTING W/ 16 GA X 7/8" STAPLES @ 6" O.C. W/ 2-LAYERS OF GRADE "D" BUILDING PAPER.
2. DECORATIVE STUCCO FOAM WINDOW TRIM PAINTED
3. CONC. ROOF TILE BY "BORAL" MANUFACTURER BARCELONA TYPE CALIFORNIA MISSION BLEND.
4. VINYL SINGLE HUNG WINDOW DUAL GLAZED WITH LOW E. ALL WINDOWS WITH OPENINGS HAVE A SCREEN.
5. VINYL SLIDING GLASS PATIO DOOR WITH SCREEN.
6. ANODIZED BRONZE ALUMINUM STOREFRONT SYSTEM.
7. DASHED LINE INDICATES FINISHED FLOOR ELEVATION.
8. L.E.D. WALL PACK LIGHT FIXTURE+24" A.F.F.
9. ADDRESS SIGNAGE 18" HIGH METAL REVERSE PAN
10. DECORATIVE QUATREFOIL PAINTED
11. 2X WOOD FASCIA
12. 24 GA. MIN. METAL PARAPET CAP FLASHING
13. METAL RAILING 42" HIGH PAINTED
14. EXTERIOR FIBERGLASS ENTRY DOOR
15. LIGHT FIXTURE
16. DECORATIVE TILE ACCENTS
17. METAL LOUVERED AWNING COLOR BRONZE

- +32' - 6" TOP OF ROOF
- +29' - 3" EAVE HEIGHT
- +27' - 6" TOP OF PARAPET
- +23' - 4" EAVE HEIGHT
- +20' - 0" TOP OF DOOR & WINDOW
- +12' - 0" SECOND FLOOR HEIGHT
- +10' - 0" SOFFIT UNDER DECK
- +8' - 0" TOP OF DOOR OPENING



FRONT ELEVATION
(E YOSEMITE AVE)

EXTERIOR ELEVATIONS

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PROJECT ADDRESS

PROPOSED MIXED-USE OFFICES/
RESIDENCES DOWNTOWN MADERA
401 E YOSEMITE AVE, MADERA CA 93638

6/27/2022 SPR REVIEW

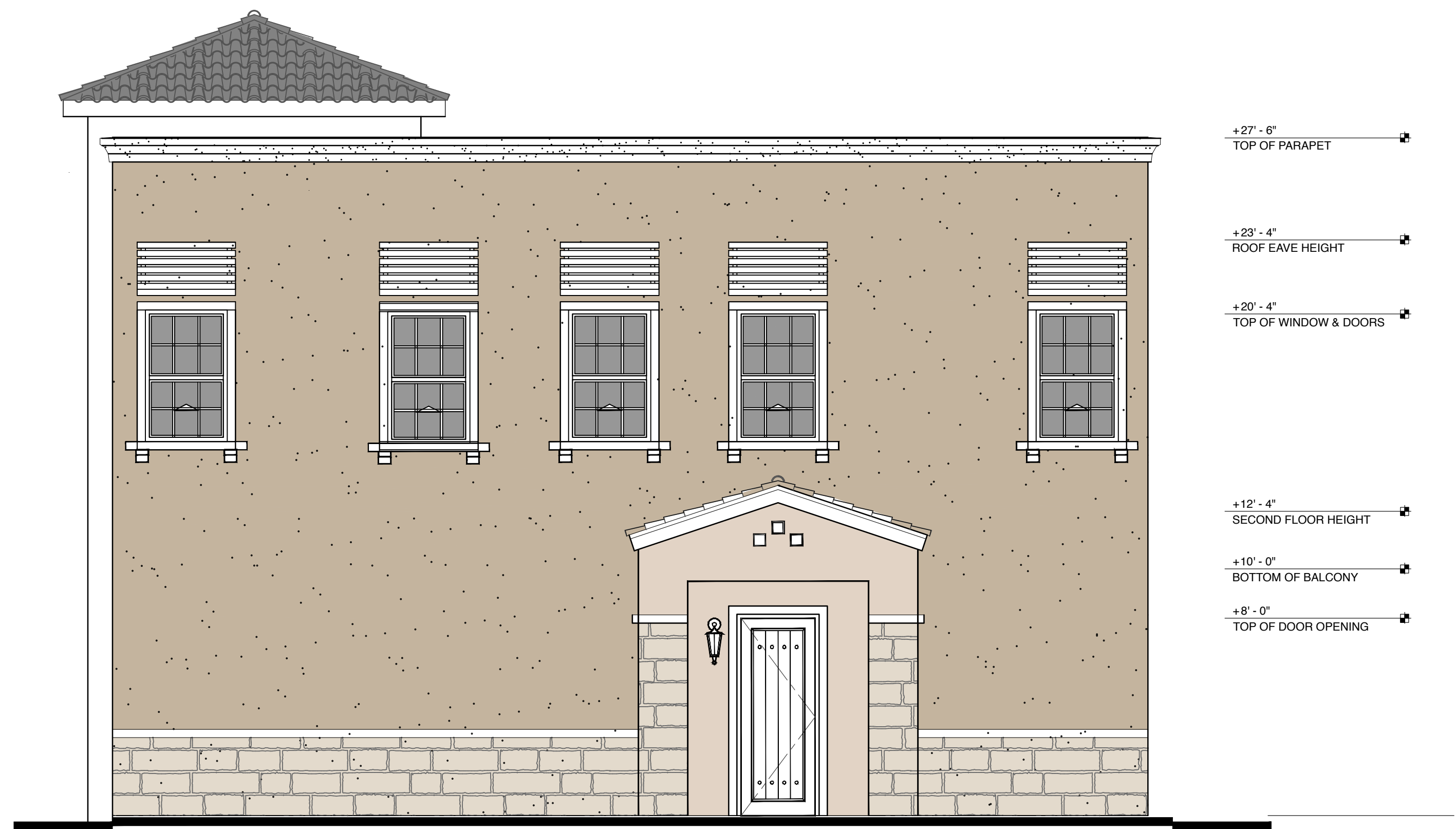
10/2/2022 SPR REVISIONS

DRAWN: JJB

DATE: 06/27/2022

FOR: REVIEW

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



- SW 7530 BARCELONA BEIGE
- SW 6160 BEST BRONZE
- SW 7562 ROMAN COLUMN
- SW 7568 NEUTRAL GROUND

1. EXTERIOR WALL: 3-COAT STUCCO, 7/8" THICK OVER PAPER BACKED WIRE STUCCO NETTING W/ 16 GA X 7/8" STAPLES @ 6" O.C. W/ 2-LAYERS OF GRADE "D" BUILDING PAPER.
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14. EXTERIOR FIBERGLASS ENTRY DOOR
15. LIGHT FIXTURE
16. DECORATIVE TILE ACCENTS
17. METAL LOUVERED AWNING COLOR BRONZE

RIGHT SIDE ELEVATION
(ALLEY)



FRONT ELEVATION

EXTERIOR ELEVATIONS

CONSULTANT

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PROJECT ADDRESS

**PROPOSED MIXED-USE OFFICES/
RESIDENCES DOWNTOWN MADERA**
401 E YOSEMITE AVE, MADERA CA 93638

6/27/2022	SPR REVIEW
10/2/2022	△ SPR REVISIONS
DRAWN: JJB	
DATE: 06/27/2022	
FOR: REVIEW	
SCALE: AS SHOWN	

MATERIAL & FINISHES

TILE ROOF: California Mission Blend



Kawneer Anodized Finishes
Kawneer gives you a wide variety of anodized finishes with attractive alternatives. The benefit of a durable, anodized finish is married to the beauty of some very dynamic and exciting colors.
At the start of every design, there's a choice of how you want to finish. Contact your Kawneer sales rep for the information on these and other finishes available from Kawneer.

KAWNEER FINISH NO.	COLOR	ALUMINUM ASSOCIATION SPECIFICATION	OTHER COMMENTS
#14	CLEAR	AA-M10C21A41	Architectural Class I (.7 mils minimum)
#17	CLEAR	AA-M10C21A31	Architectural Class II (.4 mils minimum)
#18	CHAMPAGNE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#26	LIGHT BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#28	MEDIUM BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#40	DARK BRONZE	AA-M10C21A44	Architectural Class I (.7 mils minimum)
#29	BLACK	AA-M10C21A44	Architectural Class I (.7 mils minimum)

Store front entry

WINDOWS: Bronze/Brown finish - Vinyl Frame



STONE VENEER: Coronado Stone Santa Barbara Brookshire (Ashlar Pattern)



© Kawneer Company, Inc.

Rev. 2022-03-07

PROPOSED:
MIXED USE OFFICES & RESIDENCES

401 E YOSEMITE AVE, MADERA CA 93638



**EXISTING
EXTERIOR
PHOTOS**

**PROPOSED:
MIXED USE OFFICES & RESIDENCES**

401 E YOSEMITE AVE, MADERA CA 93638

ATTACHMENT 3
Public Comment Received

Brandi Garcia

From: [REDACTED]
Sent: Tuesday, May 2, 2023 12:05 PM
To: >Planning Info
Subject: 401 E Yosemite Development

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Council members,

I am writing in regards to the proposed development at 401 E Yosemite Ave (CUP-15 & SPR 2020-24 – Divina Mixed Use)

Let me start by saying I support any new development in the area that helps revitalize our neighborhood.

I support the addition of residential units, however, I am slightly concerned about adding more commercial space when ample existing commercial already exist. Clearly vacant and/or underutilized existing properties detract from the aesthetics and spirit of our neighborhood.

In a perfect world, it would be nice to promote more residential and the use of existing options for commercial uses. A crazy suggestion is perhaps the developer has an existing commercial property in the area that can be revitalized as part of this project and they could be considered together?

Thank you for your consideration.

Sincerely,

Robert Sevy, Manager
[HSE.CA](#) Madera, LLC



Virus-free. www.avg.com

ATTACHMENT 4
Resolution

RESOLUTION NO. 1956

RESOLUTION OF THE PLANNING COMMISSION ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT), APPROVING CONDITIONAL USE PERMIT (CUP 2020-15), AND SITE PLAN REVIEW (SPR 2020-24) (DIVINA MIXED-USE DEVELOPMENT)

WHEREAS, Johal Ranveer Singh (“Owner”) is the property owner of 401 East Yosemite Avenue in Madera, California (“site”); and

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

WHEREAS, the site has a zone of Light Commercial (C1) and a General Plan Land Use Designation of Commercial (C); and

WHEREAS, the Applicant is seeking a conditional use permit (CUP) and site plan review (SPR) to allow both residential and commercial development on the same site; and

WHEREAS, the project will utilize approximately 2,576 square feet of commercial space on the first floor and approximately 2,614 square feet for residential use on the second floor; and

WHEREAS, the project is aligned with the City’s General Plan goals and policies for Downtown Madera; and

WHEREAS, the City performed a preliminary environmental assessment and determined the project to meet Exemption Section 15332 (In-fill Development) under the California Environmental Quality Act (CEQA) Guidelines; and utilities; and

WHEREAS, under the City’s Municipal Code, the Planning Commission (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 Commission hearing as required by law; and

WHEREAS, at the May 09, 2023 Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

WHEREAS, the Commission now desires to adopt a Section 15332 Exemption pursuant to CEQA for the project and conditionally approve CUP 2020-15 and SPR 2020-24.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared in accordance with the California Environmental Quality Act. The Planning Commission adopts findings of Categorical Exemption under CEQA Guidelines, Section 15332 (In-fill Development). The project can be categorically exempt as a Class 32 because the proposed development is within city limits, is of no more than five acres substantially surrounded by urban uses and is served by all required utilities and public services. Furthermore, none of the exceptions under CEQA Guidelines section 15300.2 are applicable to this project.
3. Findings for CUP 2020-15: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2020-15, 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 Light Commercial (C1) and has a land use designation of Commercial (C), which makes the proposed use consistent with both the General Plan and Zoning Ordinance. The development of a mixed-use development is consistent with the intent and purpose of the Madera Municipal Code's Light Commercial uses.

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

Basis for Finding: The project will be located in the downtown district. Downtown Madera strives to ensure diverse commercial, business opportunities, and affordable commercial spaces to be within the City's Vision of 2025. Currently, retail, and other permitted commercial uses surround the project site.

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 of Finding: The proposed use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons or property in the surrounding area. Staff has reviewed and conditioned the project to ensure that the project is compatible with its surrounding area and that all proposed development was to be properly developed under state and local code.

4. Findings for SPR 2020-24: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2020-24, 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 Light Commercial (C1) and has a land use designation of Commercial (C), which makes the proposed use consistent with both the General Plan and Zoning Ordinance. The development of a mixed-use development is consistent with the intent and purpose of the Madera Municipal Code's Light Commercial uses.

Finding b: The proposed use 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 property site will be developed along the Madera Downtown District. There are currently developed commercial facilities and other retail space that has provided pedestrian and vehicular safety and has maintained internal circulation among the existing buildings. 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.

5. Approval CUP 2020-15 and SPR 2020-24: Given that all the findings can be made, the Commission hereby approves CUP 2020-15 and SPR 2020-24 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."
6. Effective Date: the resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of May, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP Planning Manager

"Exhibit A" Conditions of Approval

Exhibit "A"
CONDITIONAL USE PERMIT & SITE PLAN REVIEW
(CUP 2020-15 & SPR 2020-24)
CONDITIONS OF APPROVAL
May 09, 2023

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made. All discretionary conditions of approval for CUP 2020-15 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 2020-24 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

CONDITIONS OF APPROVAL

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. 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.
3. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2020-15 and SPR 2020-24.**
4. CUP 2020-15 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).
5. SPR 2020-24 shall expire one year from date of issuance, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
6. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
7. 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.

8. 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.

Engineering

GENERAL

9. Deferrals are not permitted for any condition included herein, unless otherwise stated.
10. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
11. Development Impact fees shall be paid at time of building permit issuance.
12. 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.
13. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
17. Improvements within the State of California right-of-way require an Encroachment Permit from Caltrans.
18. All off-site improvements shall be completed prior to issuance of final occupancy.
19. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

WATER

20. New or existing water service connection(s), including landscape area, shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
21. A separate water meter and backflow prevention device will be required for landscape area.
22. A separate water meter shall be installed for each office and residential unit.

23. At least one water meter shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads.

SEWER

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

STORM DRAIN

27. Storm runoff from this project will surface drain into existing City storm drainage facilities and eventually into the Fresno River. Water runoff from the site must be cleaned before entering the existing storm water system through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
28. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.
29. All Best Management Practices (BMP) implemented for the purpose of limiting or treating runoff shall be included in a Maintenance Agreement intended to guarantee those measures are protected and maintained by the developer/owner in perpetuity.

STREETS

30. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
31. Existing drive approaches on B Street and Yosemite Avenue shall be removed and replaced with concrete sidewalk, curb and gutter per current City and ADA standards.
32. Proposed drive approach on Yosemite Avenue shall be constructed per current City and ADA standards. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the City right-of-way.
33. The developer shall install streetlights per City Downtown Street Light Standards, along Yosemite Avenue frontage in accordance with current City standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
34. The extent of improvements along Yosemite Avenue shall be determined by Caltrans as Yosemite Avenue is a State Highway.

35. 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.
36. Reconstruct alley approach to the extent necessary as part of removal of existing to remove unsafe bump between existing alley and existing driveway.
37. Reconstruct alley approach to the extent necessary to provide ADA accessibility.
38. If the applicant believes that a hardship waiver is applicable based on the cost of ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.
39. "No Parking" signs shall be installed along Yosemite Avenue project frontage where necessary per current City standards.

DRY UTILITIES

40. 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.

Building/Fire

41. A building permit is required for all proposed work on the site.
42. The exterior wall to the North must be fire rated as it only has a 5-setback distance. See CBC Chapter 7. This includes a calculation for protected and unprotected openings.
43. Only 2 of the commercial tenant spaces are shown with water heaters.
44. Please clarify the placement of HVAC equipment, electrical panels and gas meters on the plans.
45. The building shall be equipped with fire sprinklers. As a mixed use a full 13 R System is required.
46. Fire extinguishers are required for each commercial unit.
47. A Knox box is required for access to the commercial structures.
48. Please clarify where the fire sprinkler riser will be located on the plans as well as the FDC.

Public Works

49. All sidewalks and pedestrians access ramps need to be ADA compliant. Any raised sidewalks will need to be corrected.

Mid Valley Disposal

50. The City requires adequate space for three separate containers: one for trash; one for recyclables; and, one for organic waste. The size of containers will depend on the waste generation for the site.

Planning

51. Conditional Use Permit 2020-15 and Site Plan Review 2020-24 and allows for the construction of a 5,190 square foot building and eight (8) parking spaces to be located on 401 East Yosemite APN 007-113-018, subject to the conditional approved site plan. Any substantial alterations, as deemed by the Planning Manager, to the site plan, use permit, or building shall require Planning Commission approval.
52. All Trash enclosures are to be constructed along the alleyway.
53. All windows along street-facing elevations shall be designed with a complementary level of detailing and quality. The ground-floor window along the North B Street frontage shall be designed to include the same decorative trim and treatment as other windows along the street-front elevations.
54. On-site covered parking designs shall be submitted to the Planning Department for review and approval prior to submittal of plan sets to the Building Department for permits. Either garages or carports should generally carry the same architectural style or incorporate similar character defining features to the primary building

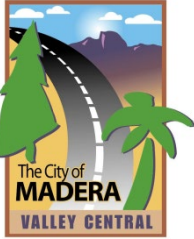
SIGNAGE

55. All signage shall be in compliance with the Sign Ordinance of the MMC Section 10-6. All permanent signage, with the exception of required signs in accordance with City standards, is required to have an approved Sign Permit issued by the Planning Department per MMC Section 10-6.

LANDSCAPE

56. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check.

-END OF CONDITIONS-



REPORT TO THE PLANNING COMMISSION

Prepared by:

James Troyer, Senior Planner

Meeting of: May 9, 2023

Agenda Item: 2

SUBJECT:

DOU 2023-02 - Indoor Fitness, Athletic and Recreational Facilities

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and approving Determination of Use (DOU 2023-02) subject to the findings.

PROPOSAL:

An application for Determination of Use for consideration to allow for the establishment of indoor fitness, athletic and recreational facilities to operate in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zone districts as a permitted use.

Table 1: Project Overview	
<i>Project Number:</i>	DOU 2023-02
<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), NC (Neighborhood Commercial), I (Industrial)
<i>Site Characteristics</i>	Citywide

SUMMARY:

The City of Madera has observed a proliferation of investment interest in indoor fitness, athletic and recreational type uses.

The fitness industry has evolved over the last 4 decades. The industry has changed from the traditional uniform sized “YMCA” style gym with monthly membership or annual dues to an increase in more specific and specialized fitness and or athletic training uses that have a variety of sizes and specialties. Such uses include yoga and meditation studios, indoor rock climbing, indoor trampoline centers, personal training

and CrossFit gyms. In addition, indoor sports or athletic training facilities have become more common in order to provide additional fitness and active recreational opportunities for the public or to support improvement and growth for the City's athletic youth.

These types of indoor facilities may be characterized as having similar operations in which either general members of the public or private members may participate in active fitness, athletic or recreational endeavors for personal health, amusement or competitive purposes.

The specialization of these types of fitness, athletic and recreational type uses has historically been reflected through separate classification as exclusive uses within municipal codes and local ordinances. This is logical considering the trend of past common adherence to the principles of Euclidean zoning which attempt to isolate incompatible uses and to sort permitted land uses into broader categories such as residential, commercial, industrial, public or open space uses. However, more recently, zoning paradigms have shifted to consider goals and objectives that place greater emphasis on creating mixed-use neighborhoods and/or activity centers at strategic locations in closer proximity to where citizens live, work and play; and, which increase accessibility while reducing reliance on the automobile and vehicle miles traveled.

The City Municipal Code (CMC) is no exception. Similar indoor fitness, athletic and recreational uses are defined as separate and exclusive uses which may be subject to different use allowances and/or regulations despite being similar in operational character and nature. In addition, many uses are simply not classified or defined and as new types of facilities and uses emerge, undefined uses will require classification and determinations of use through action of the Planning Commission or City Council (for amendments to text of the ordinance). This not only creates uncertainty for potential development and investment interests, but it also creates additional processual steps, which can delay the timeliness of new businesses and even responses to simple zoning inquiries.

The Planning Commission is being requested to make a determination of use to allow for these types of similar indoor fitness, athletic and recreational facilities to operate in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial) and I (Industrial) zone districts as a permitted use ("by-right"); and to be defined under a single classification as follows:

- **Indoor Fitness, Athletic and Recreational Facilities.** This classification includes smaller and primarily indoor facilities such as fitness centers, health clubs, and gymnasiums; various athletic instruction, training or sports club facilities; martial arts studios; ice- or roller-skating rinks; public swimming pools; bowling lanes; dance halls and dance studios; pool and billiards parlors; and amusement establishments such as arcades and bounce houses. This classification may include ancillary snack bars and other incidental food and beverage services to patrons.

It must be noted those uses described in the classification herein above which may already be listed as a use permitted subject to a conditional use permit in a zone district (e.g., billiard parlors, bowling lanes, martial arts studios, video arcades of more than five games in respective Commercial districts), will still be required to obtain a use permit subject to the provisions of the CMC unless a text amendment to the Zoning Regulations is approved by the City Council through ordinance adoption.

For the Commission's further consideration, in accordance with the provision of Section 10-3.1502 of the CMC, an amendment to the text of the Zoning Regulations may be initiated by: (A) Resolution of intention of the Council; (B) Resolution of intention of the Commission; or, (C) Verified application of one or more of the owners of the property within the area proposed to be changed. Staff encourages and supports a resolution of the Commission to initiate an amendment to the text of the Zoning Regulations to remove uses that would fit within the proposed indoor fitness, athletic and recreational

facilities classification from those uses listed as being permissible only subject to obtaining a Use Permit in the C1 (Light Commercial), C2 (Heavy Commercial) and NC (Neighborhood Commercial) zone districts.

BACKGROUND:

Indoor fitness, athletic and recreational facilities and businesses have potential to generate impacts, but these impacts are typically similar in nature and are usually adequately served with a retail parking standard. Since food and beverages are either not sold or sold in very limited quantities, as incidental components of operations, the operational aspects of these businesses are standard and predictable. With the exception of 24-hour fitness centers (which seek to provide facilities to accommodate the life schedules of all individuals), most of these uses open and close at reasonable hours. As this classification is only proposed to apply to indoor facilities, noise generation usually associated with these uses are often mitigable through the standard construction and insular methodologies and requirements of the California Building Codes and Regulations. In addition, these uses are not considered to be sensitive in nature. Therefore, the potential for impacts associated with proximity to other uses, including industrial or manufacturing in the industrial districts, are typically negligible indoors where mechanical air conditioning and heating systems allow facility doors or windows to remain closed.

Local governments have authority to enact local planning and land use regulations to protect the public health, safety, and welfare of their residents through the right to adopt and enforce zoning regulations as long as they do not conflict with State laws. According to the Governor's Office of Planning and Research (OPR), the traditional purpose of a Conditional Use Permit is to enable a municipality to control certain uses which could have detrimental effects on the community (Neighborhood Action Group v. County of Calaveras [1984] 156 Cal.App.3d 1176).

As the nature of operations associated with these types of indoor fitness, athletic and recreational uses are predictable and do not require special consideration to ensure they can be designed, located and operated in a manner that will not interfere with the use and enjoyment of surrounding properties or adversely affect the City's infrastructure, the built or natural environment, City resources, or the City's ability to provide public services, staff believes these fitness, athletic and recreational uses can be managed at the permitted use level in the C-1 (Light Commercial), C-2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zones.

While proposed as permitted use, individual proposals for use of existing developed properties will still need to demonstrate compliance with applicable parking standards to serve the size and scale of the respective use. The codified noise and/or public nuisance standards of the CMC apply to properties regardless of the type of use. New development sites will still be subject to the property development standards of the CMC as well as determinations of consistency with the General Plan; and environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) will still be required.

This DOU is needed because the current municipal code does not define or regulate some of uses intended to be included under the proposed DOU and new or more-highly specialized uses that should fall under this category will need to be defined for future. Defining these uses under a broader classification based upon similarity and regulating them in a consistent and equitable manner which provides certainty to the City's business interests and operators encourages a business-friendly approach while incentivizing interest and investment in the City of Madera. In addition, this initiative supports the goals and policies of the Vision 2025 Plan as well as the Health and Safety Element of the General Plan to support ideas for a healthy and fit community with access to places to be active and exercise by providing opportunities for additional private facilities to supplement outdoor public open spaces and/or City-owned community facilities.

ANALYSIS:

Compatibility/Determination of Use

CMC § 10-3.802 C-1 Zones, CMC § 10-3.902 C-2 Zones, CMC § 10-3-9.202, CMC § 10-3-1002, Uses Permitted

Under consideration is a request to allow various forms of Indoor Fitness, Athletic and Recreational Facilities in the C-1 (Light Commercial), C-2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zone districts.

A determination of use is permissible whenever a use is not classified or specifically mentioned in the schedule of permitted uses within the Zoning Regulations of the CMC and when such a use is similar in character or renders similar services, and in the opinion of the Commission as evidenced by resolution of record, not more obnoxious or detrimental to the welfare of the community than other uses, businesses or enterprises listed in the schedule of permitted uses within a respective zone district.

C1 (Light Commercial) and C-2 (Heavy Commercial) Districts

This is the City's retail commercial land use category. A broad range of commercial uses are allowed in the City's commercial zone districts, including professional offices. The various zoning designations are used to determine the specific character of commercial development, from regional shopping centers to neighborhood stores. While the CMC does not provide an intended purpose for every zone district, commercial character is generally expressed through the use of commercial prefixes such as, "light," "heavy," or "highway" commercial zones.

The C1 zone district includes such uses as retail shops, food markets, department, hardware and auto parts stores, restaurants and cafes, offices and clinics, as well as pharmacies as permissible by-right. Theaters, drive-throughs, car sales and some fitness, athletic or recreational uses are also permissible subject to a use permit. These uses all involve and generate activity and impacts commonly associated with either commercial strip or shopping centers; and some of these permissible uses account for the largest anchors within commercial centers.

The C2 zone district permits any use permitted in the C1 district by-right and expands permissible uses further to include larger and/or more intensive retail as well as wholesale commercial uses and materials yards, and outdoor or even light manufacturing uses with a use permit.

The inclusion of indoor fitness, athletic and recreational facilities as permitted uses within either the C1 or C2 commercial district will not be more obnoxious or detrimental to the welfare of the community, nor create activity more intensive than those uses listed as permissible in either zone district.

NC (Neighborhood Commercial) District

Pursuant to CMC §10-3-9.201, neighborhood commercial centers are intended primarily to meet the everyday convenience needs of people residing within surrounding residential neighborhoods for retail convenience goods and personal services. A "Neighborhood Center" would typically be anchored by a supermarket, with other stores and shops for drugs, liquor, deli, bakery goods, ice cream shop, gift shop, coffee shop, café, fast food, sandwich shop, or hardware. Services might include small appliance repair, barber, beauty salon, self-service laundry, dry cleaning, shoe repair, and exercise and diet centers. Office services might include medical, dental, accounting, insurance, and a variety of other business and professional services oriented toward household needs. Public and semi-public uses might include a branch library, senior center, day care, lodges, churches, and small education and training centers.

This section of the Zoning Regulations describes the intention of the NC (Neighborhood Commercial) zone district, including services such as, "exercise and diet centers." The indoor fitness, athletic and recreational facilities classification proposed will assist in accommodating the everyday exercise and

health through fitness needs of individuals within the community with convenient proximity to neighborhoods.

I (Industrial) District

The industrial district is primarily intended to accommodate industry and manufacturing. However, retail and wholesale may be permitted, and all uses permitted in any R (Residential) zone may be permitted with a use permit.

While most uses listed as permissible in the industrial district are not similar in character or nature to indoor fitness, athletic and recreational facilities, it is important to note that a number of uses which would fall under the classification of indoor fitness, athletic and recreational facilities are currently operating in the industrial district. With expanded growth and development, certain industrial zoned areas have become closer in proximity to residential neighborhoods and/or commercial areas. Industrial complexes developed as shell buildings have become attractive as business parks to accommodate a variety of businesses including many commercial oriented, wholesale, and non-manufacturing uses. In the past year, the City of Madera has received numerous inquiries of interest in shell industrial building space for purposes accommodating various indoor fitness, athletic and recreational facility uses.

Indoor fitness, athletic and recreational facility uses will not be more obnoxious or detrimental to the welfare of the community than uses listed as permissible in the industrial district. Excepting some of the aforementioned industrial zone district locations, most industrial lands are not located in immediate proximity to sensitive uses. However, proximity to employment and the availability of shell facility space at a size which can accommodate indoor facilities provide opportunities for convenience and accessibility to jobs as well as cheaper alternatives for new or start-up businesses. Permitting indoor fitness, athletic and recreational facilities within the industrial district can also provide a more desirable alternative to fill existing vacant shell industrial spaces in closer proximity to sensitive uses where more intensive industrial uses or operations may be less desired or conducive to the surrounding environment.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and has determined that the project is 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.

PLANNING COMMISSION ACTION:

The Commission will be acting on DOU 2023-02 and the CEQA Exemption. Staff recommends that the Commission:

1. Adopt a resolution adopting a CEQA Exemption Pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) and approving a Determination of Use (DOU 2023-02) (Indoor Fitness, Athletic and Recreational Facilities).
2. Consider the recommendation of staff to adopt a Resolution of Intention of the Commission in accordance with Section 10-3.1502 of the CMC, to initiate an amendment to the text of the Zoning Regulations to remove uses that would fit within the proposed indoor fitness, athletic and recreational facilities classification from those uses currently listed as being permissible only subject to obtaining a Use Permit in the C1 (Light Commercial), C2 (Heavy Commercial) and

NC (Neighborhood Commercial) zone districts. If directed by the Commission, this will require staff to return at a forthcoming meeting of the Commission with a Resolution of Intention for adoption.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the June 13, 2023, Planning Commission hearing with direction to staff to return with an updated staff report, resolution and/or appropriate findings modifying the DOU for the following reasons: (Specify –Commission should articulate reasons for modifications).
2. Move to deny the request based on the following reasons: (Specify –Commission should articulate reasons for denial).

ATTACHMENTS:

1. Resolution

ATTACHMENT 1
Resolution

RESOLUTION NO. 1957

**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 2023-02) (INDOOR FITNESS, ATHLETIC AND RECREATIONAL
FACILITIES)**

WHEREAS, on May 9, 2023, staff requested the Planning Commission (Commission) to make a determination of use (“DOU”) in order to allow for the establishment of Indoor Fitness, Athletic and Recreational Facilities in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zone districts as a permitted use; 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 fitness, athletic and recreational uses; and

WHEREAS, many fitness, athletic and recreational uses remain undefined in the Zoning Regulations of the City Municipal Code; and

WHEREAS, emerging specialization in fitness, athletic and recreational facilities uses offering a wider array of related services will need to be defined for the future; and

WHEREAS, indoor fitness, athletic and recreational facilities may be characterized as having similar and predictable operations; and

WHEREAS, the proposed indoor fitness, athletic and recreational facilities classification includes smaller and primarily indoor facilities such as fitness centers, health clubs, and gymnasiums; various athletic instruction, training or sports club facilities; martial arts studios; ice- or roller-skating rinks; public swimming pools; bowling lanes; dance halls and dance studios; pool and billiards parlors; and amusement establishments such as arcades and bounce houses. This classification may include ancillary snack bars and other incidental food and beverage services to patrons; and

WHEREAS, the inclusion of indoor fitness, athletic and recreational facilities as permitted uses within the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zone districts district will not be more obnoxious or detrimental to the welfare of the community, nor create activity more intensive than those uses listed as permissible in said zone districts; and

WHEREAS, under the City’s Municipal Code, the 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 Commission hearing as required by law; and

WHEREAS, DOU 2023-02 was properly noticed in the May 09, 2023, Commission agenda; and

WHEREAS, the Commission received and reviewed DOU 2023-02 at a duly noticed meeting on May 09, 2023; 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 2023-02.

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.
3. Findings to Approve DOU 2023-02: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of DOU 2023-02. 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. Indoor, Fitness, Athletic and Recreational Uses and similar businesses possess operational characteristics that merit review on a permitted use basis.
 - b. Currently, fitness, athletic and recreational services have generally been considered conditionally permitted commercial use in commercial zone districts and staff believes they can be regulated as a permitted use.
 - c. Indoor Fitness, Athletic and Recreational Facilities uses in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zoned districts, as a permitted use, is consistent with the Madera General Plan principles, goals, and policies.
 - d. The allowance for Indoor Fitness, Athletic and Recreational Facilities in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zoned districts, as permitted use, provides consistency with the Zoning Ordinance.

4. Approval of DOU 2023-02: Given that all findings can be made, the Planning Commission hereby approves DOU 2023-02 and determines that Indoor Fitness, Athletic and Recreational Facilities shall be a permitted use in the C1 (Light Commercial), C2 (Heavy Commercial), NC (Neighborhood Commercial), and I (Industrial) zoned districts subject as a matter of right.
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of May 2023, by the following vote:

AYES:

NOES:

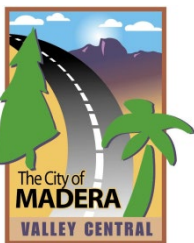
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager



REPORT TO THE PLANNING COMMISSION

Prepared by: Wyatt Czesinski, Contract Staff Planner **Meeting of:** May 9, 2023

Approved by: Will Tackett, Community Development Director **Agenda Number:** 3

SUBJECT:

TPM 2022-05, CUP 2022-03 and SPR 2022-15 – Schnoor & Kennedy Development

RECOMMENDATION:

Conduct a public hearing and:

1. Adopt a resolution adopting a Finding of Categorical Exemptions from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects), and approving Tentative Parcel Map 2022-05, Conditional Use Permit 2022-13, and Site Plan Review 2022-15, subject to the findings and conditions of approval.

PROPOSAL:

SPR 2022-15 is an application to construct a new gas station with a fueling canopy accommodating 10 fueling positions, an approximately 5,000 square foot (sf) convenience store and 2,500 sf restaurant combined building, and an approximately 3,012 sf drive thru car wash building with an associated vacuum stall area. CUP 2022-13 authorizes the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store proposed for development on the subject site. TPM 2022-05 would split the existing 1.65-acre parcel into two parcels of approximately 0.90 acres and 0.75 acres. The subject property is a vacant site located at the northwest corner of the intersection of West Kennedy Street (Avenue 16) and Schnoor Avenue (Assessor’s Parcel Number 013-230-005). Access is proposed to be provided by driveways along Kennedy/Avenue 16 and Schnoor Avenue.

Table 1: Project Overview	
<i>Project Number:</i>	TPM 2022-05, CUP 2022-13, SPR 2022-15
<i>Applicant:</i>	Renu Vagarwal, SMS Construction – on behalf of Ave 16 Gas Inc.
<i>Property Owner:</i>	Ed McIntyre, et al
<i>Location:</i>	Northwest corner of West Kennedy Street (Avenue 16) and Schnoor Avenue (APN 013-230-005); Bounded by vacant land to the north, Schnoor Avenue to the east, West Kennedy Street (Avenue 16) to the south, and Donovan Automotive Diagnostic & Service to the west
<i>Project Area:</i>	Approximately 1.65 acres; Proposal for approximately 10,512 sf of new building area

<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C2 (Heavy Commercial)
<i>Site Characteristics</i>	The project is located on land that is currently vacant and undeveloped. Land surrounding the site is planned completely for Commercial use.

SUMMARY:

Renu Vagarwal, on behalf of Ave 16 Gas Inc., proposes to develop the 1.65-acre site into a gas station with a 10 fueling station canopy, a building consisting of an approximately 5,000 sf convenience store and an approximately 2,500 sf restaurant, and an approximately 3,012 sf automated car wash building with an associated vacuum stall area. As a part of the project, the site would be split into two smaller parcels under TPM 2022-05.

CUP 2022-13 would allow for the sale of tobacco and alcohol products at the proposed convenience store. The project proponent wishes to sell alcohol under a Type 20 alcohol license, allowing for the sale of beer and wine for off-site consumption. The sale of tobacco and alcohol products is subject to the acquirement of the applicable permits from the governing State agencies.

The uses proposed for the subject property as a part of this project are consistent with the General Plan land use designation of Commercial, which allows for commercial development. The uses proposed would also be consistent with the Heavy Commercial zoning district which allows for convenience stores, restaurants, service (gas) stations, and full-service car washes as independent and primary land use by-right (pursuant to Section 10-3.902[A][1] of the City Municipal Code, any use permitted in the C-1 zone is permitted in the C2 zone by-right). TPM 2022-05 would allow for the splitting of the existing parcel into two smaller parcels. SPR 2022-15 would allow for the development of a convenience store and restaurant, the construction of a car wash and associated vacuum stall area, and other site improvements required for both parcels resulting from TPM 2022-05.

SURROUNDING LAND USES:

The site is bordered to the north by vacant land that is planned for Commercial use, to the east by Schnoor Avenue and the Gateway Inn beyond, to the south by West Kennedy Street (Avenue 16) and Les Schwab Tire Center beyond, and to the west by Donovan Automotive Diagnostic & Service. All land immediately surrounding the site is planned for Commercial use (see Attachment 3). Land to the north of the site is zoned C-2, while land to the east and south is zoned C-1 (Light Commercial), and land to the west is zoned U (Unclassified) (see Attachment 4).

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Vacant	C – Commercial	C2 – Heavy Commercial
<i>East</i>	Gateway Inn	C – Commercial	C1 – Light Commercial
<i>South</i>	Les Schwab Tire Shop	C – Commercial	C1 – Light Commercial
<i>West</i>	Donovan Automotive Diagnostic & Service	C – Commercial	U – Unclassified

ANALYSIS:

Tentative Parcel Map 2022-05

TPM 2022-05 would result in the splitting of the existing 1.65-acre parcel into two smaller parcels (see Attachment 5). Parcel 1 created by the TPM would be approximately 0.90 acres in size and Parcel 2 would be approximately 0.75 acres in size and would contain the car wash and associated vacuum area. The project is required to complete the requirements set forth in the Engineering Department’s parcel map processing checklist.

Site Plan Review 2022-15

The City Municipal Code (CMC) establishes procedures for the review and approval of Site Plan Reviews (Section 10-3.4) and for the review and approval of Conditional Use Permits (Section 10-3.13). Section 10-3.1001 through 10-3.1004 of the CMC also establishes standards specific to development within the C-2 (Heavy Commercial) zoning district as well as other generally applicable development standards, such as parking requirements. The proposed development is consistent with the applicable standards (Table 3). The proposal is also consistent with the General Plan which includes community design, land use, circulation, and infrastructure goals.

<i>Standard</i>	<i>Required</i>	<i>Proposed</i>
<i>Front setback (Avenue 16)</i>	0 ft.	10 ft.
<i>Street side setback (Schnoor Avenue)</i>	0 ft.	30 ft.
<i>Rear setback</i>	0 ft.	57 ft.
<i>Interior side setback</i>	0 ft.	27 ft.
<i>Building height</i>	Maximum 65 ft.	29 ft. 9 in.
<i>Floor Area Ratio (FAR)</i>	0.3	0.10
<i>Parking Spaces</i>	<u>C-Store: 16 spaces</u> (1 space/300 sf of gross floor) <u>Restaurant: 36 spaces</u> (1 space/50 sf of net floor; non-fixed seating) <u>Car Wash: 24 spaces</u> (As proposed for vacuum stations; plus minimum 10-car queue for drive-through)	44 spaces (Including proposed vacuum stations and excluding fuel pumping stations)

Compatibility with Surrounding Uses

The project would result in a new gas station, car wash, convenience store, and restaurant in an area characterized by commercial uses. Land immediately surrounding the project site is planned for Commercial use to all sides (see Attachment 3). Land abutting the site to the north is zoned C2, land to the east and south is zoned C1, and land to the west zoned as U (Unclassified) (see Attachment 4). The project would be compatible with its surrounding uses.

Site Plan and Elevations

The site configuration and form of development proposed under SPR 2022-15 is conditioned to be redesigned. The spacing between the point of access proposed along Schnoor Avenue and an existing driveway/curb return which appears to cross the property line shared with the adjacent property to the north is well below accepted engineering practices and therefore potentially hazardous. Potential

conflicts would be anticipated to occur due to the expected vehicle turning movements between the two driveway locations as well as from cars attempting to make north-to-south U-turns along Schnoor Avenue. Adequate separation between the driveways will require relocating the proposed car wash. Therefore, the project has been conditioned to demonstrate effort to the satisfaction of the Director to reach an agreement with the adjacent property owner to the north for purposes of sharing a common driveway from Schnoor Ave. which will reduce vehicular conflicts and provide opportunity to integrate future commercial development between the Commercial planned properties between Schnoor Ave, Ellis St, and Kennedy St. The conditions of approval include sequential steps to consider alternatives should an agreement be determined to be infeasible.

In addition, the project has been conditioned such that the car wash tunnel shall not be located and oriented parallel to the public streets along the public street frontage. The current design has potential to create conflicts at the driveway throats where the drive-through queue entry begins as well as at the driveway location near the car wash tunnel exit. These conflicts also have potential to block entrances and back vehicle queues into the public rights-of-way which is unacceptable. In addition to potential vehicular conflicts, staff does not support the overall form of development with the drive-through at the street frontage. The Commercial Development Design Guidelines encourage buildings adjacent to the street frontage property lines with minimal setbacks to help define the street edge and promote pedestrian walkability. Alternatives to locate the non-automobile related commercial retail building adjacent to the street frontages (and closer to the intersection corner), with building connections to the public sidewalks to promote walkability, and provision of street enhancing elevations through use of storefront entryways and/or windows along the pedestrian boulevard shall be further explored. Alternative conceptual designs will be presented to the Commission at the public hearing for consideration, direction, and/or recommendations.

Elevations are conditioned to avoid Monolithic appearances on building elevations public street frontages and entryways to the site. Architectural details and relief to break up expansive flat spaces and provide positive architectural and visual interest shall be incorporated. Buildings shall not be distinguished primarily by their color but rather by quality architecture which is enhanced by colors.

Landscaping

The applicant will be required to submit a landscaping plan based upon final approved site plan design 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. The landscaping installed as a part of the project will be required to adhere to the guidelines set forth in the Commercial Design and Development Guidelines. Per the conditions of approval, landscape improvements will be required to show a 50 percent shade coverage within the parking lot on the landscape plan submitted for approval.

Public Infrastructure

The project's storm runoff is planned to go flow into the Airport Basin, located top the south of the site. The developer would be required to excavate the basin to an amount equivalent to the project's impact on the basin. Additionally, would be required to complete the arterial cross section on the west side of Schnoor Avenue, including the construction of a five-foot sidewalk, park strip, streetlights, and fire hydrants along the project frontage. Other required site improvements include the installation and repair of ADA facilities, curb and gutter, and sidewalks, where deemed necessary by the City Engineer.

Conditional Use Permit 2022-13

Tobacco and Alcohol Sales:

CUP 2022-13 would allow the sale of Tobacco and Alcohol products within the proposed convenience store. The property owner would be required to possess a Cigarette and Tobacco Retailer's License from the Department of Tax and Fee Administration, and an alcohol license from the Department of Alcoholic Beverage Control. The project proponent wishes to sell beer and wine products for off-site consumption under a Type 20 alcohol license. The City requires that establishments selling tobacco and alcohol products be located at least 600 feet from schools. The site is located approximately 2,500 feet northwest of the nearest school (Learn4Life Madera – Crescent View South II).

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt under Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development) of the State CEQA Guidelines. The Class 15 Exemption applies because the project: involves a proposed subdivision of property in an urbanized area into four or fewer parcels and is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access to the proposed parcels to local standards are available; the parcel was not involved in a division of a larger parcel within the previous 2 years; and the parcel does not have an average slope of greater than 20%. The Class 32 Exemption applies as the project is: conditioned for consistency with the general plan designation and applicable policies as well as with applicable zoning regulations; located in an area that is substantially urbanized within the city limits; would be less than five acres in size; would not have any value to an at-risk plant or animal species; and would not result in any potential environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

COMMISSION ACTION:

The Commission will be acting on TPM 2022-05, CUP 2022-13, and SPR 2022-15. Staff recommends that the Commission:

1. Adopt a resolution adopting a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects), and approving Tentative Parcel Map 2022-05, Conditional Use Permit 2022-13, and Site Plan Review 2022-15, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to the June 13, 2023, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval).
2. Move to continue the public hearing to the June 13, 2023, Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial).

ATTACHMENTS:

1. Vicinity Map
2. Aerial Photo
3. General Plan Land Use Map
4. Zoning Map
5. Exhibit A, Tentative Parcel Map 2022-05
6. Exhibit B, Site Plan
7. Exhibit C, Floor Plan
8. Exhibit D, Elevations
9. Exhibit E, Landscape Plan
10. Planning Commission Resolution
Exhibit "A": CUP 2022-13 & SPR 2022-15 Conditions of Approval
Exhibit "B": TPM 2022-05 Conditions of Approval

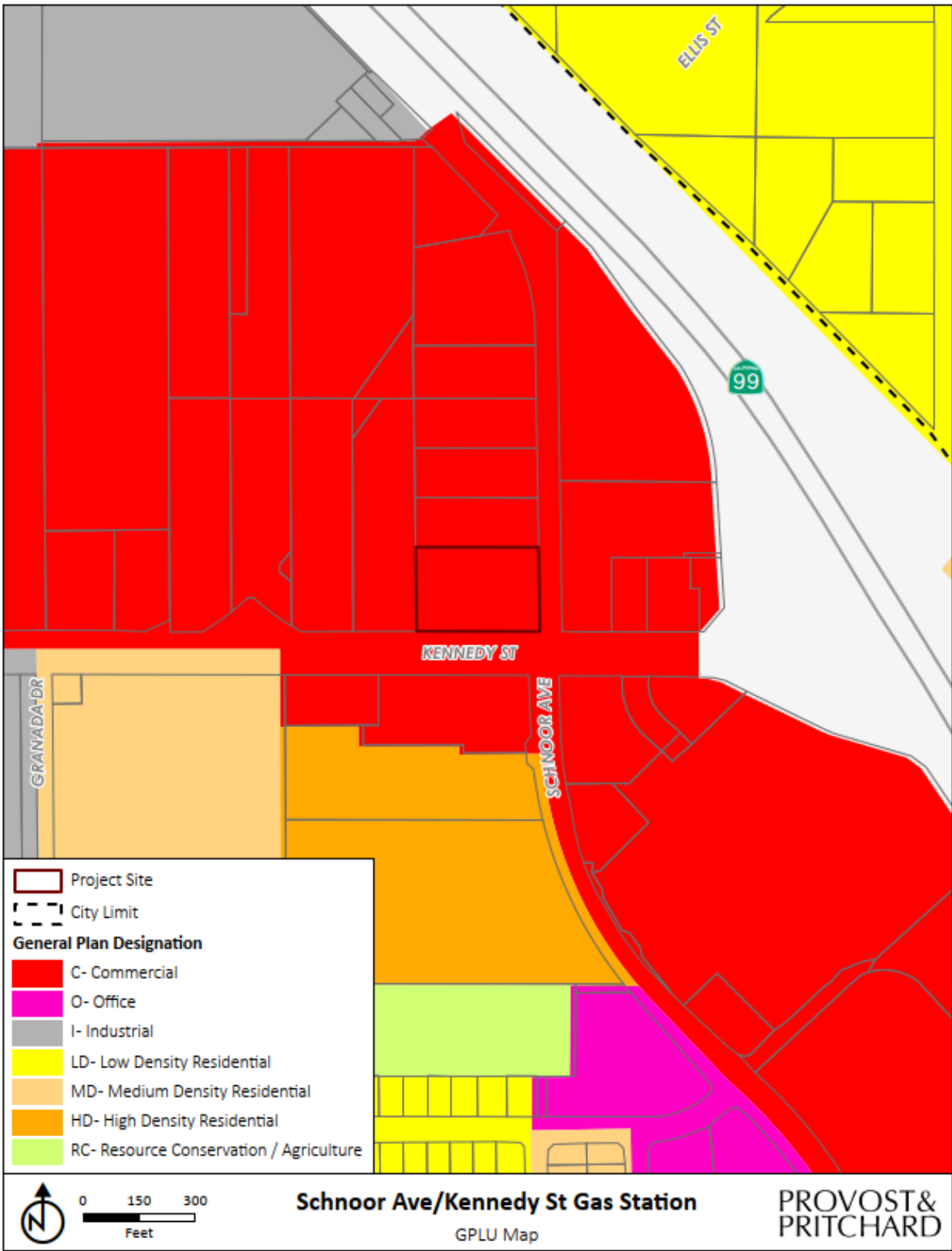
ATTACHMENT 1
Vicinity Map



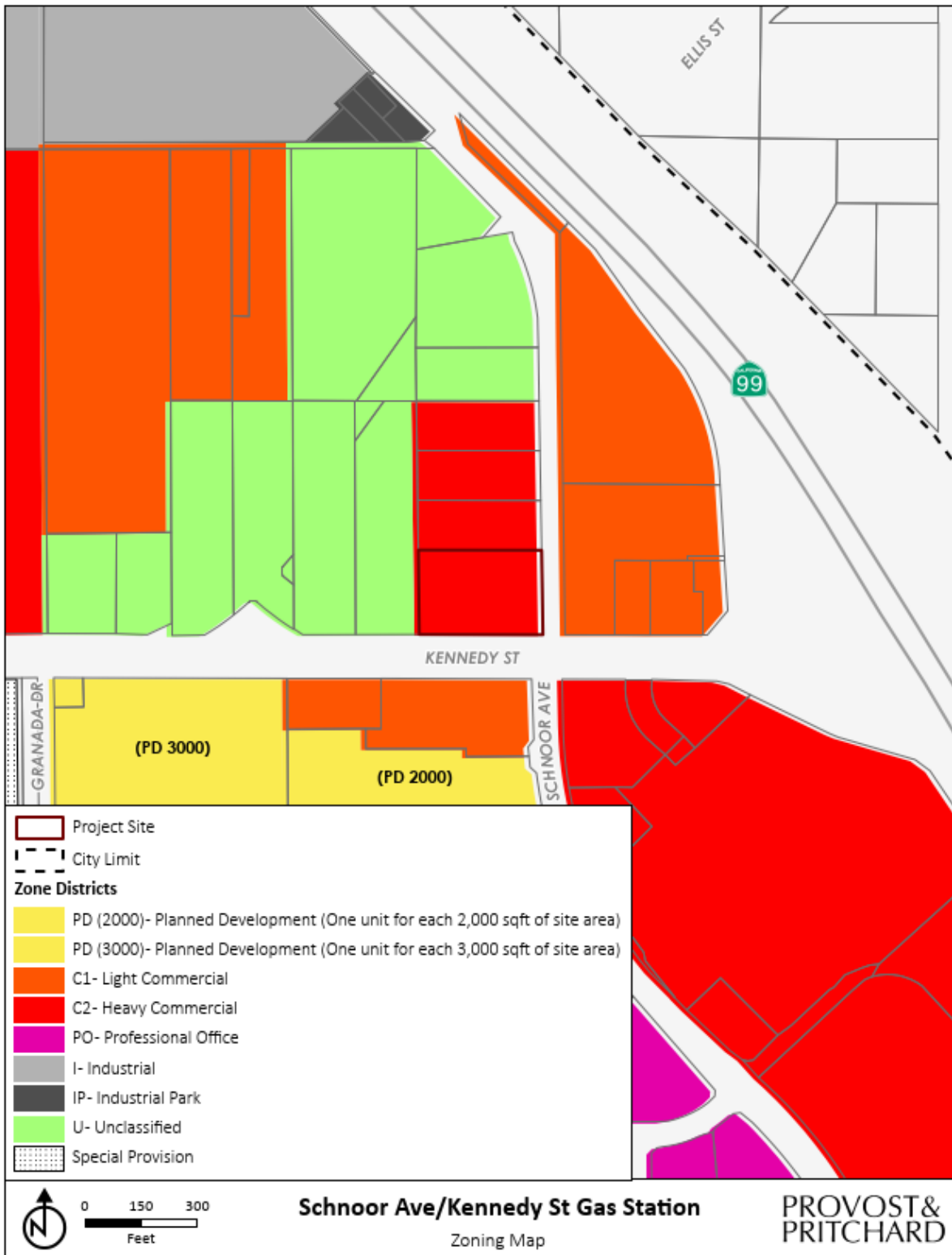
ATTACHMENT 2
Aerial Map



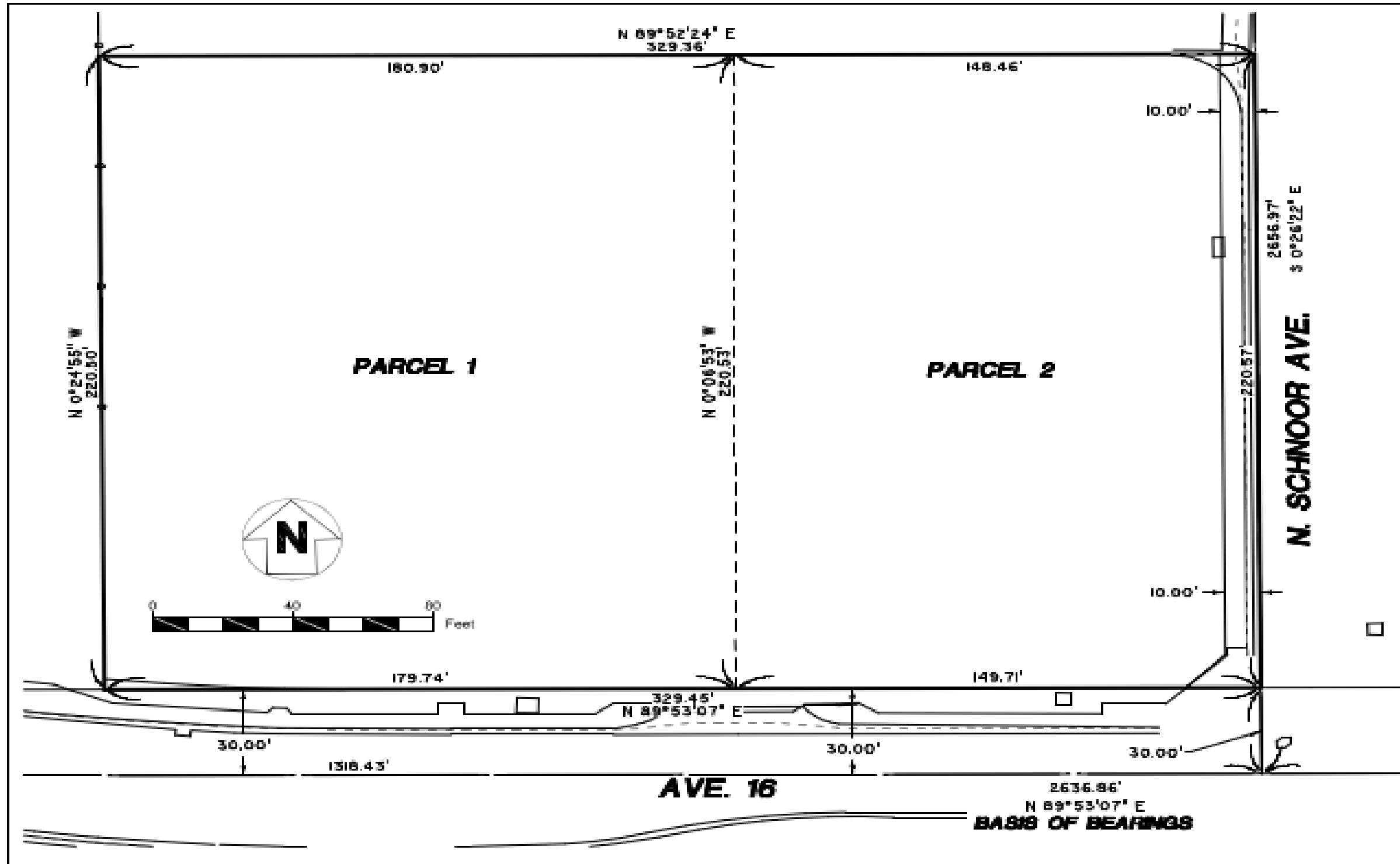
ATTACHMENT 3
General Plan Land Use Map



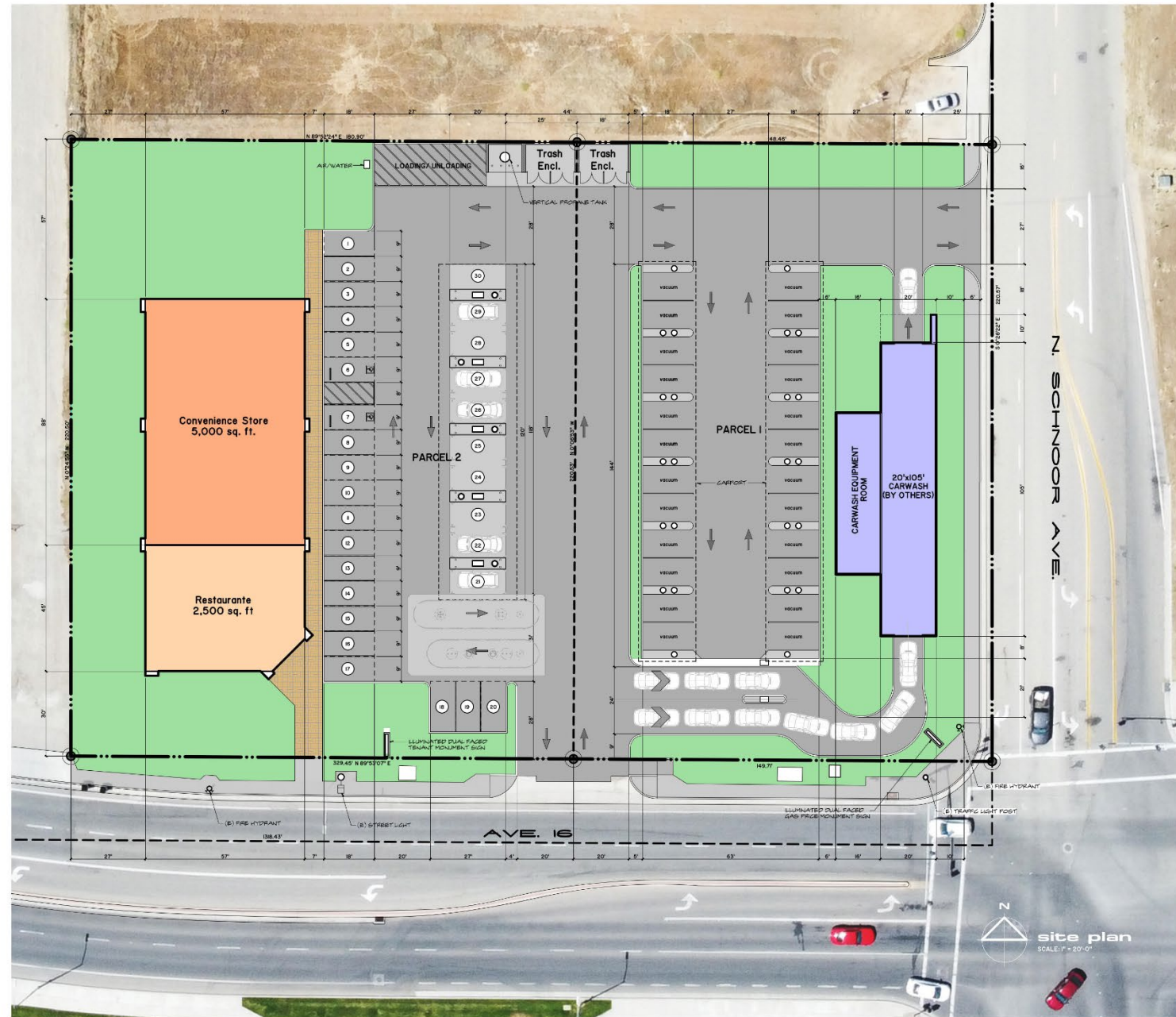
ATTACHMENT 4
Zoning Map



ATTACHMENT 5
Tentative Parcel Map 2022-05



ATTACHMENT 6
Site Plan

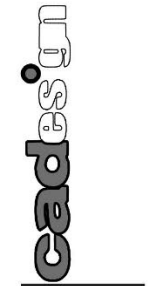


SITE PLAN NOTES:

1. ANY SURVEY MONUMENTS WITHIN THE AREA OF CONSTRUCTION SHALL BE PRESERVED OR RESET BY A LICENSED LAND SURVEYOR IN THE STATE OF CALIFORNIA.
2. RETAIN ALL EXISTING AND/OR OFF-GRADE CONCRETE INTERSEMENTS AS RETAINED BY THE CONSTRUCTION MANAGEMENT PRIOR TO OCCUPANCY. TWO WORKING DAYS BEFORE COMMENCING EXCAVATION OPERATIONS WITHIN ADEQUATELY FACED FACILITIES SHALL HAVE BEEN LOCATED BY UNDERGROUND SERVICES ALERT (USA) CALL INFORMATION SYSTEM.
3. TREE (S) OR REMAINT(S) FOR THE REQUIRED DEDICATION (S) SHALL BE PRESERVED BY THE OWNER AND SUBMITTED TO THE CITY WITH VERIFICATION OF OWNERSHIP PRIOR TO BEGINS OF BUILDING PERMITS.
4. ALL DEVELOPMENT SHALL TAKE PLACE IN ACCORDANCE WITH ALL THE CITY/ COUNTY LAWS AND REGULATIONS.
5. PUBLIC RIGHT-OF-WAY SHALL BE MAINTAINED AND THE PUBLIC SHALL BE KEPT IN FRONT OF PROPERTY AS REQUIRED BY THE CALIFORNIA ADMINISTRATION CODE (TITLE 51). A PEDESTRIAN BASEMENT MAY BE REQUIRED IF REQUIREMENTS ARE NOT MET.
6. THE PERFORMANCE OF ANY WORK WITHIN THE PUBLIC STREET/EIN REQUIRES A STREET WORK PERMIT PRIOR TO COMMENCEMENT OF WORK. ALL ROAD STREET PERMITS MUST BE OBTAINED AND ASSURED BY THE CITY/COUNTY.
7. FROM TO OCCUPANCY.
8. ANY WORK DONE WITHIN THE COUNTY ROAD RIGHT-OF-WAY TO CONSTRUCT A NEW DRIVEWAY OR DRIVEWAY ALTERNATIVE DRIVEWAY REQUIRE AN ENGAGEMENT FEE FROM THE ROAD MAINTENANCE AND OPERATIONS DEPARTMENT.
9. OFF-STREET PARKING FACILITIES AND GEOMETRICS SHALL CONFORM TO THE CITY OF MADERA PUBLIC WORKS DEPARTMENT STANDARDS AND SPECIFICATIONS. EIGHT STREET LIGHTING PLANS TO PUBLIC WORKS DEPARTMENT TRAFFIC AND ENGINEERING SERVICES.
10. NO USES OF LAND BUILDING OR STRUCTURES OTHER THAN THOSE SPECIFICALLY APPROVED PERMIT TO THIS SITE PLAN SHALL BE PERMITTED.
11. FUTURE TRAFFIC SHALL BE REVIEWED AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
12. IF ARCHAEOLOGICAL AND/OR ANIMAL FOSSIL MATERIALS IS ENCOUNTERED DURING THE PROJECT SUBSTANTIAL GRADING EXCAVATING OR CONSTRUCTION WORK SHALL STOP IMMEDIATELY.
13. IF THERE ARE SUSPECTED HUMAN REMAINS, THE COUNTY OF MADERA SHALL BE IMMEDIATELY CONTACTED. IF THE REMAINS OR OTHER ANTHROPOLOGICAL MATERIAL IS POSSIBLE NATIVE AMERICAN ORIGIN, THE NATIVE AMERICAN HERITAGE COMMISSION, PHOENIX SPONSORS SHALL BE CONTACTED TO OBTAIN A PERMIT LIST OF RECOGNIZED ANTHROPOLOGISTS. AN ANTHROPOLOGICAL ASSESSMENT SHALL BE CONDUCTED FOR THE PROJECT. THE SITE SHALL BE IMMEDIATELY RECORDED AND RECONSTRUCTION MUST TO THE CITY/COUNTY AS TO ANY OTHER FURTHER SITE INVESTIGATION OF SITE ANCHORAGE RESEARCH.
14. IF ANIMAL FOSSILS ARE DISCOVERED, THE MUSEUM OF PALEONTOLOGICAL SERVICES SHALL BE CONTACTED TO OBTAIN A PERMIT LIST OF RECOGNIZED PATRONS TO LOGS. AN ASSESSMENT SHALL BE CONDUCTED BY A PATRONS TO LOGS AND IF THE PATRONS TO LOGS DETERMINES THE MATERIAL TO BE SIGNIFICANT, IT SHALL BE PRESERVED.
15. NO STRUCTURE OR ANY PART INCLUDING SIGN AND/OR FINISHES) MAY BE NEARLY OR NEARLY WITHIN THE INDICATED AREAS. NO EXPOSED EARTH, ROCKS, OR DEBRIS, EXCEPT THE EXISTING IN THE BACKLASH AREAS OF SETBACKS OR ON THE STREET FRONTS OF THE BUILDING. ALL TRANSFORMERS AND ETC. SHALL BE SHOWN ON THE SITE PLAN. THE BACKLASH PREVENTION DEVICES SHALL BE SCREENED BY LANDSCAPING OR SUCH OTHER MEANS AS MAY BE APPROVED.
16. PROVIDE A 2'x6' SIGN AWAY FROM THE PROPOSED BUILDING(S) FOR A MINIMUM 2'x6' OF FINISHED FLOOR ELEVATION TO BE ABOVE THE CROWN OF THE STREET.

GRAL. FIRE PROTECTION NOTES:

1. IF APPLICABLE, ALL WEATHER FIRE APPARATUS TO A POINT NO FURTHER AWAY THAN 10 FEET FROM THE MOST REAR POINT OF THE STRUCTURE.
2. ALL EXISTING SIDEWALKS IN EXCESS OF 2' MAXIMUM GROSS WIDTH MUST BE BROUGHT INTO COMPLIANCE FROM TO ACCEPTANCE BY PUBLIC WORKS.
3. THERE WILL BE 8 INCH TALL STREET ADDRESS NUMBERS. IF ONE ADDRESS IS SHOWN FOR THE ENTIRE PROPERTY, THEN ALSO ADDRESS FOR EACH BUILDING LETTER DISCRETELY TO EACH BUILDING.
4. PROVIDE IF MINIMUM PATHOS TRAILS ALONG THE PUBLIC SIDEWALK DIRECTLY IN FRONT OF PROPERTY. A PEDESTRIAN BASEMENT MAY BE REQUIRED IF REQUIREMENTS ARE NOT MET.
5. IN BUILDING IN OCCUPANCY GROUP A HAVENS AN OCCUPANCY LOAD OF 100 OR LESS GROUPS BY HAND AND IN PLACES OF PUBLIC VIEWING THE MAIN DOOR OR DOORS ARE PERMITTED TO BE EQUIPPED WITH KEY-OPERATED LOCKING DEVICES FROM THE BUSINESS SIDE PROVIDED PER SECTION 101016.3.
 - a) THE LOCKING DEVICES IS EASILY DISTINGUISHABLE AS LOCKED.
 - b) A READILY VISIBLE DURABLE SIGN POSTERED ON THE BUSINESS SIDE ON OR ADJACENT TO THE DOOR BY THE DOOR TO BE REVOKED.
 - c) WHEN THIS SPACE IS OCCUPIED, THE SIGN SHALL BE IN LETTERS 7" HIGH OR LARGER THAN THE SIGNAGE.
 - d) THE USE OF THE KEY-OPERATED LOCKING DEVICES IS REVOCABLE BY THE FIRE CODES OFFICIAL FOR FIRE CAUSE.



299 N. HANEY AVE.
RESELY, CA 93824
PH (559) 643-7336
cads@cadabon.com

SITE PLAN AND PROJECT STATISTICS

DATE:	
PROJECT No.:	22015
REVISION:	DATE:
1	
2	
3	
4	
5	
6	

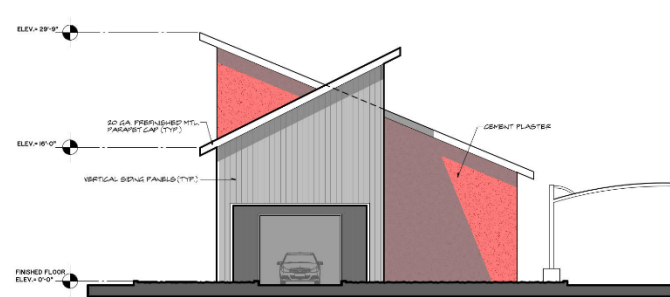
PROJECT NAME:
NEW CONVENIENCE STORE, GAS STATION AND CARWASH FOR:
AVE 16 GAS, INC.
SITE ADDRESS:
MADERA, CA 93605

DRAWN BY:
BFOO

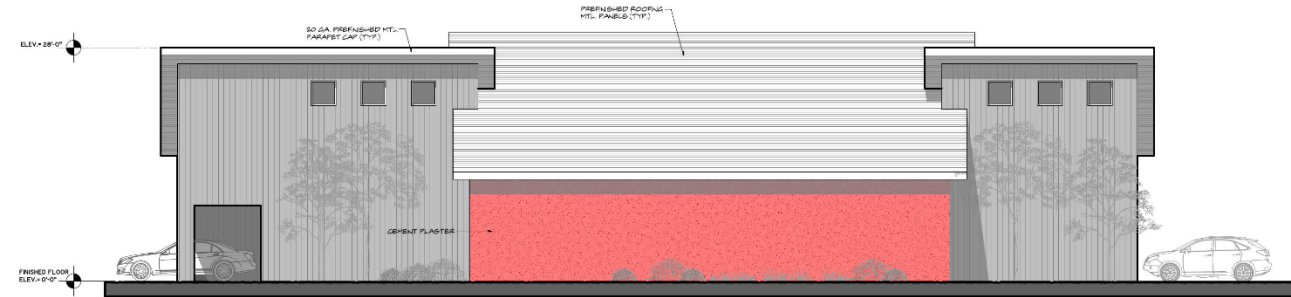
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ATTACHMENT 7
Floor Plan

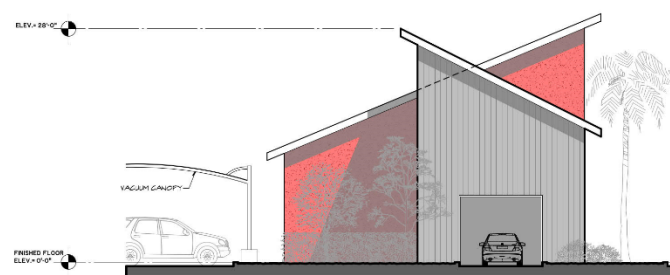
ATTACHMENT 8
Elevations



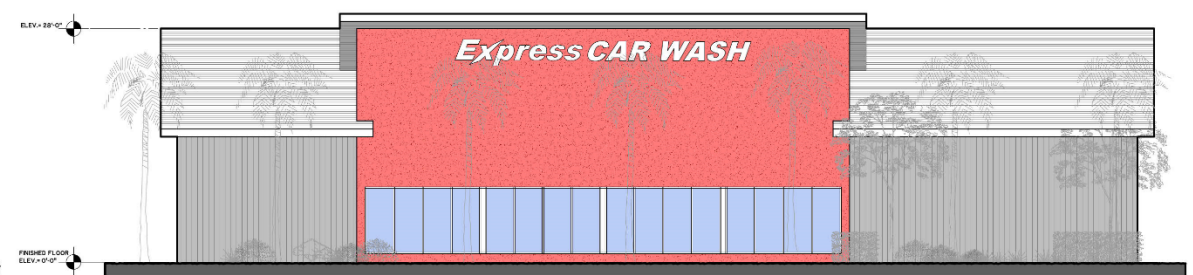
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



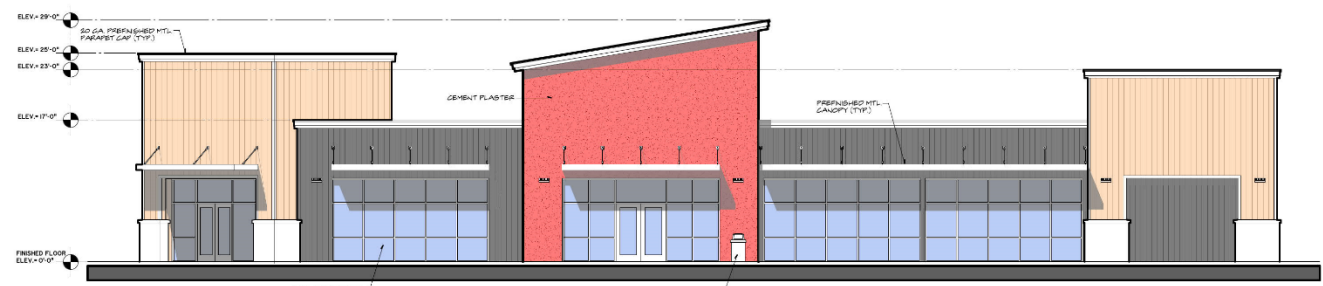
WEST ELEVATION
SCALE: 1/8" = 1'-0"

car wash

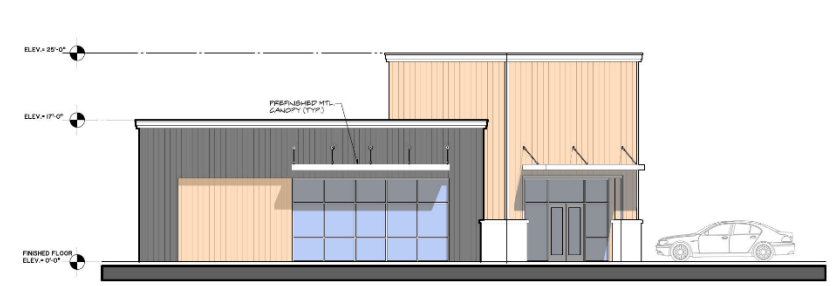
cad
222 N. HANEY AVE.
REDLEY, CA 95624
PH (925) 943-7305
cads@706@gmail.com

SHEET NAME:
EXTERIOR ELEVATIONS

DATE:	PROJECT No.	CO218
REVISION:	DATE:	
1		
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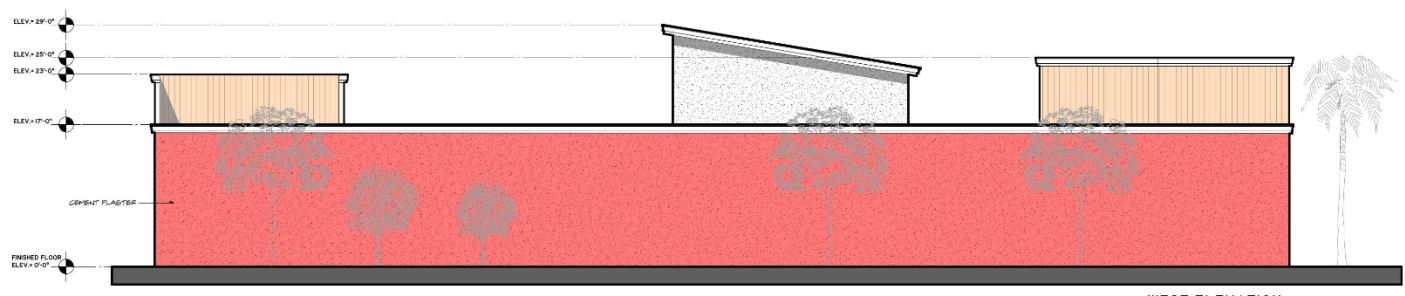
EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

PROJECT NAME:
NEW CONVENIENCE STORE, GAS STATION AND CARWASH FOR AVE 16 GAS, INC.
222 N. HANEY AVE.
REDLEY, CA 95624
PH (925) 943-7305
cads@706@gmail.com

DRAWN BY:
arfo



WEST ELEVATION
SCALE: 1/8" = 1'-0"

convenience store /restaurant

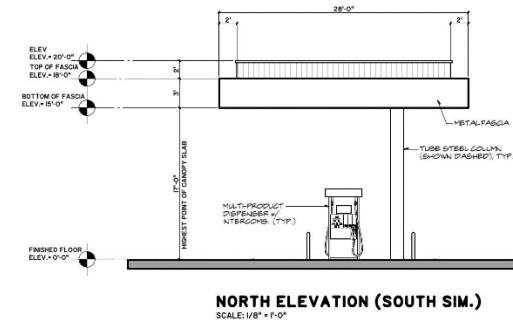
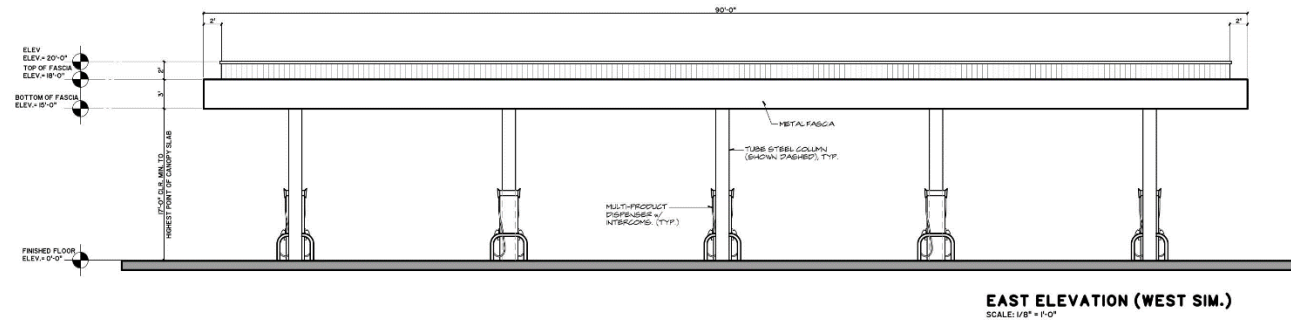
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299 N. HANEY AVE.
REDLEY, CA 94584
PH (925) 643-7336
coba@cadaba.com

SHEET NAME:
CANOPY ELEVATIONS

DATE:	PROJECT No.:	CD215
1	REVISION:	DATE:
2		
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4		
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6		



canopy

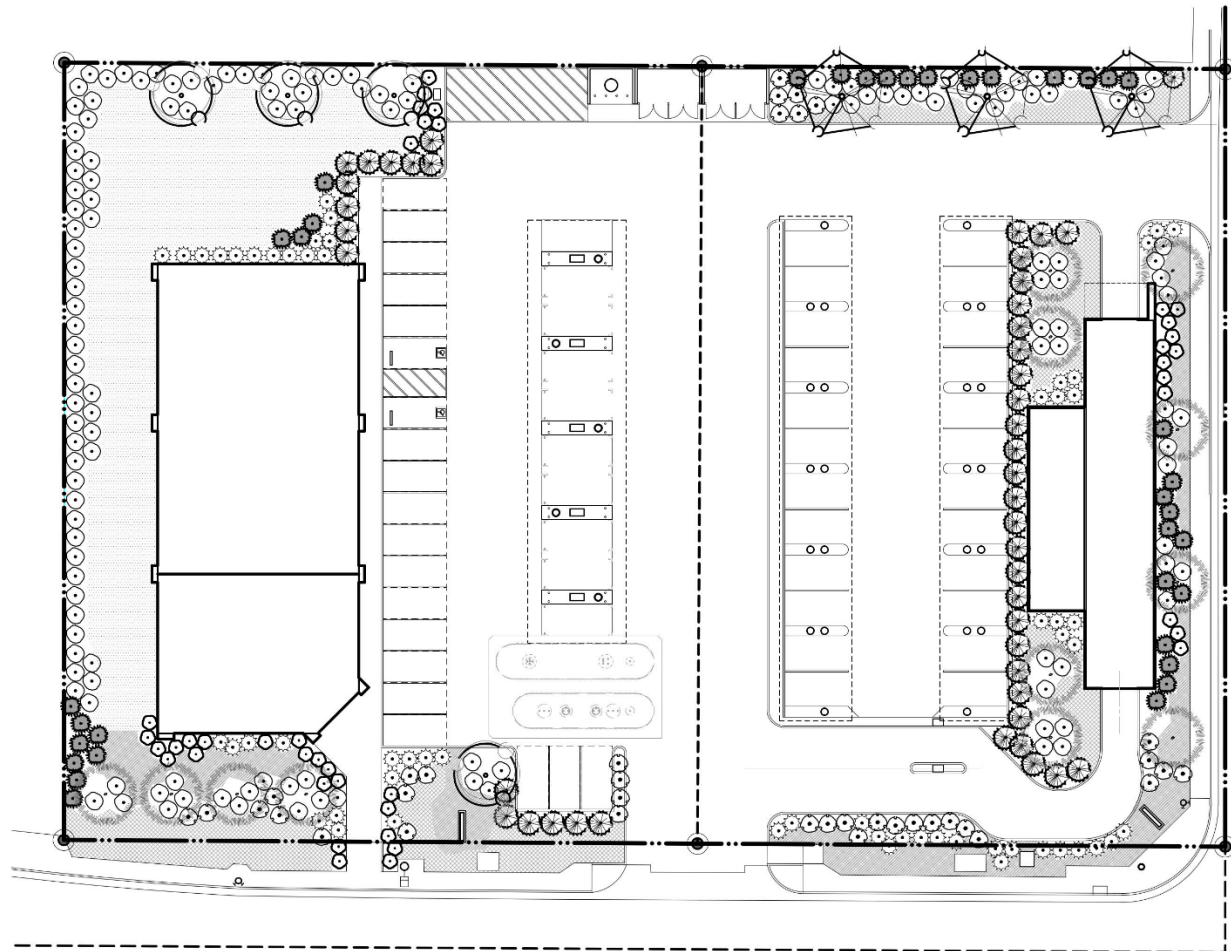
PROJECT NAME:
NEW CONVENIENCE STORE, GAS STATION AND CARWASH FOR AVE16 GAS, INC.
275 N. HANEY AVE.
STEPHENS BLDG.
MADENA, CA, 95955

DRAWN BY:
aroo

DRAWING:

A3

ATTACHMENT 9
Landscape Plan



proposed landscaping plan
SCALE: 1/4" = 1'-0"

TREES

SYMBOL	DESCRIPTION	SIZE	QUANTITY
	PLATANUS (EMERALD NETT) DAVY ORANGE FOLIAGE WUCOLS WATERIRRIG - LOW 3	60	
	TILIA CORNATA (SPRINGTIME) ORANGE FOLIAGE WUCOLS WATERIRRIG - LOW 3	60	
	LACONIA (EMERALD NETT) DAVY ORANGE FOLIAGE WUCOLS WATERIRRIG - LOW 3	60	

TREE & SHRUB QUANTITIES LISTED ARE FOR CONFORMANCE ONLY & THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL QUANTITIES SHOWN.

SHRUBS

SYMBOL	DESCRIPTION	SIZE	QUANTITY
	SEA HAWK (FLORINDENT) SIZE BLUE BLOOMS - EARLY SUMMER PAPERBARKS 8' HGT WUCOLS WATERIRRIG - LOW 3	50	
	LANTANA (MORNING) PINK FOLIAGE PURPLE BLOOMS - MOST OF THE YEAR SEMI-EVERGREEN 8' HGT WUCOLS WATERIRRIG - LOW 3	50	
	WITTS (SKOLON) PORTLAND 1.5' YELLOW BLOOMS - SPRING TO FALL EVERGREEN 8' HGT WUCOLS WATERIRRIG - LOW 3	60	
	LABELLA (CENTRAL) (SUNSHINE) (DREY) PINK FOLIAGE PURPLE BLOOMS - SPRING TO FALL EVERGREEN 8' HGT WUCOLS WATERIRRIG - LOW 3	50	
	ROSE OF SHARON RED HOT FOLIAGE YELLOW BLOOMS - SUMMER PAPERBARKS 8' HGT WUCOLS WATERIRRIG - LOW 3	60	
	BIOSMILAX (FLORINDENT) (TWIN PEAKS) ORANGE FOLIAGE PURPLE BLOOMS - MOST OF THE YEAR SEMI-EVERGREEN 8' HGT WUCOLS WATERIRRIG - LOW 3	50	

GROUND COVERS

SYMBOL	DESCRIPTION	SIZE	QUANTITY
	ANGLIS (ROSE) - CALIFORNIA (DAVY) (RUSH) SPACING: 8'x8'	60	
	ANGLIS (COMFORT) (SUNSHINE) (DREY) (DAVY) SPACING: 8'x8'	60	
	ROSEMARY (OPTIONAL) (SUNSHINE) (DREY) (DAVY) SPACING: 8'x8'	60	
	SOD	60	



299 N. HANEY AVE.
REDELY, CA 95054
PH (925) 643-7336
cadesign7@gmail.com

SHEET NAME:
LANDSCAPING PLAN

DATE	PROJECT No.	CODES
REVISION:		DATE:
1		
2		
3		
4		
5		
6		

PROJECT NAME:
NEW CONVENIENCE STORE GAS
STATION AND CARWASH FOR:
AVE 16 GAS, INC.
SITE ADDRESS:
1600 N. CALIFORNIA

DRAWN BY:
aroo

DRAWING:

L1

ATTACHMENT 10
Resolution

RESOLUTION NO. 1958

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT (CUP 2022-13), SITE PLAN REVIEW
(SPR 2022-15) AND TENTATIVE PARCEL MAP (TPM 2022-05)
(SCHNOOR & KENNEDY DEVELOPMENT)**

WHEREAS, Ed McIntyre, et al., (“Owner”) owns APN: 013-230-005 in Madera, California (“site”);
and

WHEREAS, the approximately 1.65 site is vacant and is located at the northwest corner of West Kennedy Street (Avenue 16) and Schnoor Avenue; and

WHEREAS, the site is planned Commercial and zoned C2 (Heavy Commercial) for commercial land uses; and

WHEREAS, the Owner has authorized submittal of Conditional Use Permit (CUP) 2022-13 to authorize the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store proposed for development on the subject site; and

WHEREAS, the Owner has submitted Site Plan Review (SPR) 2022-15 proposing to develop the subject site with a gas station with a 10 fueling station canopy, a building consisting of an approximately 5,000 sf convenience store and an approximately 2,500 sf restaurant, and an approximately 3,012 sf automated car wash building with an associated vacuum stall area; and

WHEREAS, the Owner has submitted Tentative Parcel Map (TPM) 2022-05 proposing to subdivide the approximately 1.65 acre site into two smaller parcels of approximately 0.90 acres (Parcel 1) and 0.75 acres (Parcel 2) in size; and

WHEREAS, the City prepared a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Class 15/Minor Land Divisions) and 15332 (Class 32/In-fill Development Projects); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve site plan reviews, conditional use permits, and tentative parcel maps 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 2022-13, SPR 2022-15, and TPM 2022-05 at a duly noticed meeting on May 9, 2023; and

WHEREAS, at the May 9, 2023, Planning Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to approve CUP 2022-13, SPR 2022-15, and TPM 2022-05, with conditions and adopt a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects).

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: That a Finding of Categorical Exemption from the California Environmental Quality Act (CEQA) for the project pursuant to CEQA Guidelines Sections 15315 (Minor Land Divisions) and 15332 (In-fill Development Projects) is valid and that none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Findings for CUP 2022-13, SPR 2022-15 and TPM 2022-05: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-13, SPR 2022-15, and TPM 2022-05, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits), Section 10-3.4.01 (Site Plan Review), and Chapter 2 of Title X (Subdivisions). The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Findings to Approve a Conditional Use Permit

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

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). CUP 2022-13 would authorize the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store approved for development on the subject site, which is conditionally permitted within the C2 zone district. CUP 2022-13, subject to the conditions of approval, is consistent with the purpose and intent of the C2 (Heavy Commercial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is suited for commercial uses and the operation of convenience store with tobacco and alcohol sales. The project site is located within a planned commercial development area and is bordered to the north by vacant land that is planned for Commercial use, to the east by Schnoor Avenue and the Gateway Inn beyond, to the south by West Kennedy Street (Avenue 16) and Les Schwab Tire Center beyond, and to the west by Donovan Automotive Diagnostic & Service. All land immediately surrounding the site is planned for Commercial use. Land to the north of the site is zoned C-2, while land to the east and south is zoned C-1 (Light Commercial), and land to the west is zoned U (Unclassified). As conditioned, the operation of a convenience store with tobacco and alcohol sales will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

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

Findings to Approve a Site Plan Review

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

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). SPR 2022-15, as conditioned, is consistent with the purpose and intent of the C2 zone district and will not conflict with City standards or other provisions of the Code.

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

The property is zoned C2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). SPR 2022-15, as conditioned, is consistent with the purpose and intent of the C2 zone district and will not conflict with City standards or other provisions of the Code.

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.

Site Plan Review 2022-15 has been reviewed and is consistent with surrounding uses. The project includes a gas station with a 10 fueling station canopy, a building consisting of an approximately 5,000 sf convenience store and an approximately 2,500 sf restaurant, and an approximately 3,012 sf automated car wash building with an associated vacuum stall area. The project has been conditioned for compliance with all the requirements of the Zoning Ordinance. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, or traffic.

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

Site Plan Review 2022-15, as conditioned, will require roadway improvements along West Kennedy Street (Avenue 16) and Schnoor Avenue, including public improvements constructed to City and ADA standards. Additional improvements have been required in accordance with the review of the traffic impact study and recommendations of the City Engineer to ensure consistency with the City of Madera level of service standards. As conditioned, the project will not have a significant impact on traffic or the environment.

Findings to Approve a Tentative Parcel Map

Finding a: The proposed subdivision, together with its provisions for its design and improvements, is consistent with applicable general or specific plans adopted by the city.

All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated C-2 (Heavy Commercial) zone district and Commercial General Plan designations.

Finding b: The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map Act.

The proposed parcel map and required supporting documents are consistent with the requirements of the City Municipal Code. In addition, none of the exemptions listed in the State Subdivision Map Act 66412 apply and all other requirements of the Act are satisfied.

4. Approval of and CUP 2022-13, SPR 2022-15, and TPM 2022-05: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-13, SPR 2022-15, and TPM 2022-05 as conditioned as set forth in the Conditions of Approval attached as Exhibits "A" & "B."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9thth day of May 2023, 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 2022-13 and SPR 2022-15
Exhibit "B": Conditions of Approval for TPM 2022-05

EXHIBIT "A"
CONDITIONAL USE PERMIT & SITE PLAN REVIEW
(CUP 2022-13 & SPR 2022-15)
CONDITIONS OF APPROVAL
May 9, 2023

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

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

All discretionary conditions of approval for this project will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Director. In the event you wish to appeal the Director's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Director failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

General Conditions

1. The project approval is conditioned upon acceptance of these conditions contained herein within 30 calendar days, as evidenced by the applicant's signature on a required acknowledgment form.
 - a. In accordance with CMC Section 10-3.1311 (Termination and Revocation), all use permits which have been granted as provided in this chapter may be revoked by the Commission after a hearing as set forth below in the event the user of such permit, or his or its successor in interest to the real property in favor of which the permit was granted, breaches or fails to abide by any of the conditions designated in such permit, or conducts any use or activity on such property contrary to the provisions of this City Municipal Code (CMC).
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action to approve the project entitlements.**
3. Approval of CUP 2022-13 and SPR 2022-15 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").
 - a. 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.
 - b. 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.

- c. 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.
4. The project approval authorizes the development of the improvements as specified on a final approved site plan, floor plan, landscape and irrigation plan, and building elevations subject to the revisions and clarifications required in these conditions of approval below. All standard permits and approvals required for the improvements, including, but not limited to building permits, grading permits, and construction permits, shall be obtained prior to commencing construction. Modifications to building sizes may be authorized by the Community Development Director prior to the issuance of building permits. Such changes may not substantively change the nature of the site plan or building elevations or have the potential to result in significant impacts, which were not previously analyzed, pursuant to the California Environmental Quality Act (CEQA).
5. Any changes to the site plan required after, or because of, the preparation of grading plans, final on and off-site utility plans, or other changes made by the developer will require the approval of the Community Development Director. Substantive changes to the site plan, as determined by the Community Development Director, may require the completion of an amended site plan review process.
6. These project entitlements shall expire 12 months from date of approval.
 - a. Failure to utilize the use permit within such 12 months period shall render the use permit null and void unless a written request for extension has been submitted to the Planning Commission prior to the expiration of the use permit (CMC Section 10-3.1311, Termination and Revocation).
 - b. A site plan approval shall be void one year following the date on which approval by the Community Development Director, Planning Commission, or City Council became effective unless, prior to the expiration of one year, 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. Approval may be extended for one year periods of time, upon written application to the Director before expiration of the approval.

CONDITIONAL USE PERMIT 2022-13 - TOBACCO AND ALCOHOL SALES

7. Conditional Use Permit CUP 2022-13 authorizes the sale of tobacco and issuance of a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license (authorizes the sale of beer and wine for consumption off the premises where sold) for the convenience store approved for development on the subject site.
 - a. A Type 20 ABC license from the Department of Alcoholic Beverage Control must be obtained prior to the sale of beer or wine on the subject site. The applicant, its operators

and successors shall comply with all applicable City, State and Federal requirements and standards.

- i. The use of the subject site as authorized by CUP 2022-13, must comply with any license requirements of the Alcoholic Beverage Control at all times.
8. Hours of business operation for the convenience store shall be limited to the hours between 5:00 a.m. and 12:00 a.m. on all days of the week in accordance with the project operational statement.
9. No open alcoholic beverage containers or loitering shall be allowed on the premises.
10. All employees shall be trained to report emergencies to law enforcement and to the manager on duty.
11. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
12. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
13. The applicant shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
14. The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location and stating that no loitering will be tolerated.
15. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco-related products shall be utilized in any way.
16. The applicant shall post "No Smoking" signage to the extent required by law.
17. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be sold.
18. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in a digital format of no less than thirty (30) days. Footage will be shared with law enforcement upon request.
19. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
20. The sale of beer shall occur in packs of six or greater. However, 24-ounce bottled imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
21. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
22. The sale of wine coolers shall occur in no less than packs of four (4).
23. The sale of wine shall not be sold in containers less than 750 ml.
24. No malt liquor or fortified wine products shall be sold.

25. No display of alcohol shall be made from an ice tub, barrel or similar container.
26. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
27. Any proposed change to the ABC license type or hours of operation or changes to operational conditions will require submittal of an application to the Planning Department for a modification to the CUP and consideration by the Planning Commission for action.
28. In accordance with CMC Section 10-3.1311 (Termination and Revocation), use permits which have been granted for purposes of authorizing the sale of alcoholic beverages for consumption on [or off] the premises shall be subject to annual review for a determination of compliance with all of the terms and conditions of the issuance of the permit and to determine the existence of conditions or occurrences that are or may contribute to the detriment of the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the use or detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

SITE PLAN REVIEW 2022-15

Planning Department

29. The location of the driveway for the subject site along Schnoor Avenue should be shared with the adjacent Commercial planned and zoned property to the north (APN: 013-230-004) at the location of the existing driveway/curb return in order to reduce street congestion, avoid traffic conflicts and promote the public health, safety and welfare.
 - a. Prior to approval of the final site plan, the applicant shall demonstrate to the Development Director due diligence and a good-faith effort to reach an agreement with the property owner of the parcel to the north (APN: 013-230-004) to either acquire and/or execute a mutual easement and reciprocal use agreement to construct and utilize a shared access drive at the location of the existing driveway/curb return on Schnoor Avenue.
 - b. If the negotiations with the property owner to the north are not successful and determined to be infeasible by the Development Director, then the location of the proposed driveway for the subject site along Schnoor Avenue shall be placed a minimum of 50 feet edge of driveway to edge of driveway.
 - i. The existing driveway curb return appears to cross the property line. Modification of this return is not determined to be appropriate at this time. If any modification is proposed, such modifications shall only occur upon approval of the City, and with consent of the adjacent property owner.
 - c. Dependent upon timing, these conditions will be made the same for any proposed development on the property to the north (APN: 013-230-004). All costs associated with the construction of a shared driveway approach shall be the burden of the property which develops first unless an alternative agreement is made between property owners.

30. The site design and configuration of the parking lot shall provide opportunity for future cross access to, and site integration with, the adjacent Commercial planned and zoned property to the north (APN: 013-230-004).
31. The proposed car wash tunnel shall not be located and oriented parallel to the public streets along the public street frontages. An alternative design shall be explored which locates the commercial retail building adjacent to the street frontage property lines with minimal setbacks (except to accommodate outdoor dining space) to help define the street edge and promote pedestrian walkability in accordance with the Commercial Development Design Guidelines.
 - a. Alternative designs which locate the commercial retail building on the easterly proposed parcel may be considered by the Planning Department, subject to approval by the Development Director, if a location of the commercial retail building immediately adjacent to the street frontage is determined infeasible.
 - b. All alternative designs shall demonstrate compliance with the provisions of the Commercial Development Design Guidelines, including but not limited to providing building connections to the street and providing enhancement of street facing elevations through the use of storefront entryways and/or windows along the pedestrian boulevard.
 - c. Monolithic appearances on building elevations shall be avoided along public street frontages and entryways to the site. Architectural details and relief to break up expansive flat spaces and provide positive architectural and visual interest shall be incorporated. Buildings shall not be distinguished primarily by their color but rather by quality architecture which is enhanced by colors.
32. Alternative designs shall be submitted to the Planning Department for review and approval based upon substantial compliance with these conditions of approval and development standards of the CMC. The Development Director shall have discretion in determining whether to administratively approve or refer alternative designs back to the Commission for further consideration.
33. On-site vandalism and graffiti shall be corrected per the CMC.
34. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.
35. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties pursuant to the provisions of the CMC.
36. Outdoor storage shall not be permitted without first obtaining a use permit pursuant to the provisions of the CMC.
37. Adequate access shall be maintained for fire protection at all times.

Car Wash

38. The drive-through car wash shall have a reclamation or recycling water system.

39. The vacuum stations associated with the drive-through car wash shall incorporate three or fewer complementary colors to the car wash building and/or signage.

Building Colors, Materials and Lighting Considerations

40. The construction of buildings approved as part of Site Plan Review 2022-15 shall be consistent with the approved colors and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Commission. Any alteration shall require Planning Commission approval.
41. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
42. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

43. Prior to the issuance of building permits, the applicant is to identify on the site plan the following information for Planning Department review and approval:
 - a. The location of all natural gas and electrical utility meter locations.
 - b. The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - c. The location of all compressor equipment, and mechanical and electrical equipment.
44. All electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within an electrical/mechanical service room(s) and/or area(s). Transformers may be mounted on pads, per the approval and direction of the Planning Manager.
45. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six-foot (6') enclosure constructed so as to match the primary color and material of the structure.
46. Natural gas meter placement shall be screened from public view per Planning Department approval.
47. Roof access ladders shall be located within the interior of the building.
48. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to Site Plan Review SPR 2022-15.
49. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matte black or with a color better suited to minimize their appearance.

50. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Fences and Walls

51. Any/all proposed fences or walls shall comply with the provisions of the City Municipal Code and shall be depicted on the final approved site plan.

Landscaping

52. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
- a. Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance.
 - b. Landscaped areas shall be developed along all street frontages, in undeveloped areas of the property and within the parking field.
 - c. On-site landscaping shall meet the minimum standards of five percent (5%) of the parking lot in permanent landscaping.
 - d. Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces or as necessary to achieve 50 percent shade coverage and tree maturity.
 - e. Anti-graffiti landscaping shall be incorporated adjacent to any walls accessible to the public.
 - f. Landscaped areas are to be provided with permanent automatic irrigation systems.
 - g. Landscaped areas shall be protected by raised six-inch (6") concrete curbing, except where a reduced standard is allowed by the Planning Manager.
 - h. A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
53. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.

Parking

54. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by nineteen feet (19') deep, or seventeen (17') feet deep when abutting a landscape planter with a minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle is twenty-six (26') feet for primary drive aisles.
55. On-site parking shall be provided at all times in conformance with the City Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans

submitted for building permits. Any proposed modifications in the approved parking layout subsequent to final approval shall require amendment of Site Plan Review 2022-15.

56. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Signage

57. All on-building signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

Solid Waste

58. State law will require trash, recycling, and organic waste services. Mid-Valley Disposal recommends 2 x 3-yard trash containers, 1 x 3-yard recycle, and 1 x 2-yard organics bins. A 2-yard organic bin may be substituted for 3 x 96 gal carts.

❖ NOTE: Bin sizes are found on the Mid-Valley Disposal web site at <https://www.midvalleydisposal.com/bin-services/>

59. The developer shall construct a new trash enclosure(s) in conjunction with the construction of the mini-mart, quick serve restaurant and drive-through car wash, with sufficient space for the required separate containers and in accordance with City Standards. The trash enclosure shall be constructed of a stucco exterior and painted to match the primary structure. The location of the trash enclosure shall be consistent with the approved site plan.

Building Department

60. A building permit is required for all improvements. All structures and improvements must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.

- a. Current State of California and federal disability requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.
- b. Building permits are required for all proposed improvements. Separate permits are required in accordance with City of Madera Standards for separate buildings, structures and systems such as the carwash, fueling canopy, fueling system, trash enclosure.
- c. The buildings shall comply with the Currently Adopted version of the CBC in place at the time of submittal of a complete set of plans.
- d. Two means of egress may be required from both the convenience store and the restaurant. However, there is insufficient detail confirm at this time.
- e. Fire extinguishers are required in accordance with the CFC.
- f. Fuel dispensers, vapor recovery, signage, shutoffs etc. shall comply with the CFC and Fuel Gas code.

- g. Addresses shall be properly posted.
- h. Fire access lanes shall be properly posted.
- i. A flow test of the “existing fire hydrant” at the western end of the property must be tested to ensure adequate fire flow is available.

Engineering Department

General

- 61. Deferrals are not permitted for any condition included herein, unless otherwise stated.
- 62. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 63. Development Impact fees shall be paid at the time of building permit issuance.
- 64. 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.
- 65. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
- 66. The improvement plans for the project shall include the most recent version of the City’s General Notes.
- 67. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
- 68. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
- 69. All off-site improvements shall be completed prior to issuance of final occupancy.
- 70. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

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

74. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.
75. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entirety of each project frontage as follows:
 - a. Parcel 1 - Avenue 16
 - b. Parcel 2 - Schnoor Avenue

Sewer

76. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
77. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
78. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
79. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.
80. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entirety of each project as follows:
 - a. Parcel 1 - Avenue 16
 - b. Parcel 2 - Schnoor Avenue

Storm Drain

81. Storm runoff from this project is planned to go to the Airport Basin located south of this project. Runoff volume calculations shall be provided, and the developer shall excavate the basin to an amount equivalent to this project's impact on the basin. Dirt shall be stockpiled in a location designated by the Madera Irrigation District (MID). MID shall be contacted prior to contractor securing permission to enter basin. Water runoff from the site must be cleaned prior to entering the existing City owned storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
82. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
83. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

84. All Best Management Practices (BMP) implemented for the purpose of limiting or treating runoff shall be included in a Maintenance Agreement intended to guarantee those measures are protected and maintained by the developer/owner in perpetuity. A \$368 fee or the fee in effect at that time to prepare a covenant shall be paid to the Engineering Department.

Streets

85. Developer shall comply with the following conditions in response to the Traffic Study submitted for the proposed project:

- a. A physical median a minimum of 1-foot wide shall be constructed between the limit line at Avenue 13 and the south edge of the existing driveway to the north of the site. Actual termination on the north end should be based on turning movement analysis. To the degree necessary, the median shall be placed to physically prohibit U-turn movements as U-turn movements could result in confusion by drivers making a right turn to exit movement from the existing driveway north of the property line.
- b. Additional review may be required at the discretion of the City Engineer with regard to queue requirements on the north leg of the intersection of Avenue 16 and Schnoor and the probable overlap of those requirements for both the south to east left turn at the intersection and the north to west left turn into the site. Based on review of the existing and future queue requirements, the preliminary conclusion is that left turn movements (enter and exit) must be prohibited at the proposed project driveway on Schnoor. The restriction will be made through construction of a median between the limit line and the existing driveway.
- c. Construct dual westbound left turn lanes at the intersection of Avenue 16 and Schnoor – Note – this will require review of intersection geometry and probable reconstruction of a portion of the southbound departure lanes based on turning movement analysis using turning templates as well as possible traffic signal modifications.
- d. Construct improvements necessary to maximize storage on the westbound approach through the modification of the private intersection to the east that serves the Home Depot parking lot and other uses north of the intersection. The private intersection, when completed, shall accommodate:
 - a. Eastbound through and right (left is prohibited),
 - b. Westbound left, through and right,
 - c. Northbound left, through and right, and
 - d. Southbound left, through and right

The design shall be done in such a way that should other movements (such as northbound through and left as well as southbound through and left) need to be restricted, the median can easily be expanded.

- e. The City will defer to Caltrans comments relative to ramp intersections.

86. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
87. Curb ramps shall be constructed at all curb returns in accordance with City and ADA standards.
88. The developer shall complete the arterial cross section on the west side of Schnoor Avenue through the installation of a five-foot sidewalk, parkstrip, streetlights, and fire hydrants along the project frontage in accordance with City and ADA standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera Standards.
89. The proposed driveway approach on Schnoor Avenue shall be constructed to a street-type entrance with a minimum face curb radius of 15 feet and be constructed to current City and ADA standards.
90. The existing drive approach on Kennedy Street shall be reconstructed to current City and ADA standards.
91. The driveway approaches shall have a minimum throat length of thirty (30) feet from face of curb on Avenue 16 and Schnoor Avenue to eliminate the possibility of vehicles queuing into the City right-of-way.
92. "No Parking" signs shall be installed along Schnoor Avenue and Avenue 16 project frontages per City standards.
93. Bike lane striping shall be refreshed as necessary along Avenue 16 project frontage per City standards.
94. The developer shall record a Reciprocal Easement Agreement for ingress/egress at a minimum and utility, drainage, access for emergency services, and parking easements, as may be necessary, for the two newly proposed parcels in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall be responsible for paying all associated fees to the Engineering Department.
95. The developer shall dedicate a Public Utility Easement 10-foot wide along the entire project parcel frontage on Schnoor Avenue and Avenue 16. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
96. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 2 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

Dry Utilities

97. 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.

Caltrans

98. The developer shall comply with all requirements included within the attached memorandum from the California Department of Transportation (Caltrans) dated March 7, 2023.

PG&E

99. PG&E's does not consent to use any portion of PG&E's land rights for any purpose not previously conveyed or represented within the subject applications.

100. The developer shall comply with all recommendations and requirements included within the attached memorandum from PG&E dated September 26, 2022.

Air Quality Control Requirements

101. The developer shall comply with Regulation VII (Fugitive PM10 Prohibitions) of the San Joaquin Valley Air Pollution Control District concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

EXHIBIT "B"
TENTATIVE PARCEL MAP
(TPM 2022-05)
CONDITIONS OF APPROVAL
May 9, 2023

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 tentative parcel map 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.

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

All discretionary conditions of approval for this project will ultimately be deemed mandatory unless appealed by the applicant to the Planning Commission within fifteen (15) days after the decision by the Development Review Committee. In the event you wish to appeal the Development Review Committee's decision or discretionary conditions of approval for the entitlement, you may do so by filing a written appeal with the Secretary of the Planning Commission. The appeal shall state the grounds for the appeal and wherein the Committee 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 parcel map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this parcel map.

General Conditions

1. Approval of this tentative parcel map shall be considered null and void in the event of failure by the applicant and/or the authorized representative, engineer, or surveyor to disclose and delineate all facts and information relating to the subject property.
2. Approval of this tentative parcel map may become null and void in the event that the parcel map or conditions of the site is not completed in accordance with all the conditions and requirements

imposed on this tentative parcel map, the zoning ordinance, and all City standards and specifications. This tentative parcel map 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 parcel map. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the parcel map or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the site plan review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this tentative parcel map or subsequent amendments or revisions. These conditions are conditions imposed solely upon the tentative parcel map 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.

3. These conditions are applicable to any person or entity making use of this tentative parcel map, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this tentative parcel map.
4. 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.
5. This tentative parcel map approval shall expire twenty-four (24) months from the effective date, unless a final map is recorded in accordance with the Subdivision Map Act and filed with the County Recorder or the required action is taken to extend the approval before expiration date.
6. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

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

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

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

Engineering Department

Parcel Map

7. The developer shall pay all required fees for processing the parcel map and completion of the project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
8. A final parcel map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
9. Future subdivision of parcels created shall comply with the Subdivision Map Act.
10. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
11. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
12. Any and all public or private easements on the property identified on the title report shall be shown on the parcel map with recording data.
13. Prior to recording of the parcel map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
14. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.
15. Structures or any facility encroaching onto adjacent new parcel shall be removed prior to recording of the parcel map. Structure modification shall comply with building codes and setbacks.
16. A title report dated no more than 30 days prior to recording date of parcel map shall be submitted to the City Engineer for review prior to parcel map recordation.
17. Each newly created parcel shall have a separate water service. Any new or existing connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. A separate water meter and backflow prevention device will be required for landscape areas for each newly created parcel. Existing cross lot connections shall be severed.

18. Each newly created parcel shall have a separate sewer service. Any new or existing connection(s) shall be constructed or upgraded to current City standards. Existing cross lot connections shall be severed.
19. The developer shall record a Mutual Easement and Reciprocal Use Agreement for ingress/egress, utility, drainage, access for emergency services, parking easements, and shared facilities in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The agreement shall reflect the language included in the Covenant, Conditions, Easements, and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the Mutual Easement Reciprocal Use Agreement should provide a responsible party and method in which said responsibility is conveyed to future successors. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.
 - a. The developer shall confirm that the newly created parcels can be serviced by the existing refuse enclosures and containers or construct additional refuse enclosures as required. Shared refuse enclosures shall require recordation of an easement that provides mutual right of access and use of the refuse enclosures to all parcels. If necessary, this item will be included in the Reciprocal Easement Agreement referenced in the previous condition.

Dry Utilities

22. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

Building / Fire Comments

23. Parcel map shall identify size and use/occupancy classification of each existing building.
24. Parcel map shall identify building setbacks are consistent with the California Building Code (CBC) for non-rated exterior walls and openings or show how buildings will be made to comply.
25. Provide a cross access agreement for all parcels to show adequate street access will be maintained for emergency services.

-END OF CONDITIONS-



September 26, 2022

Wyatt Czeshinski
Provost & Pritchard Consulting Group
455 W Fir Ave
Clovis, CA 93611

Ref: Gas and Electric Transmission and Distribution

Dear Wyatt Czeshinski,

Thank you for submitting the Kennedy Street/Schnoor Ave Gas Station plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management



Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible ($90^\circ \pm 15^\circ$). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.



11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.



Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



March 7, 2023

MAD-99-12.911
Revised Traffic Impact Study
TPM 2022-05, CUP 2022-13, and SPR 2022-15
<https://ld-igr-gts.dot.ca.gov/district/6/report/27087>

SENT VIA EMAIL

Erik O. Ruehr, P.E.
Director of Traffic Engineering
VRPA Technologies, Inc.
9747 Business Park Avenue, Suite 210
San Diego, CA 92131

Dear Mr. Ruehr,

Thank you for the opportunity to review the revised traffic impact study (TIS) for TPM 2022-05, CUP 2022-13, and SPR 2022-15. The Applicant proposes a new gas station with five fueling pumps (10 vehicle fueling positions), a 5,000 square foot (sf) convenience store, a 2,500-sf quick-serve restaurant, and a car wash to be located on the northwest corner of Schnoor Avenue and Avenue 16. The project site is located on the northwest corner of the Avenue 16/Schnoor Avenue intersection, approximately 600 feet west of the State Route (SR) 99/Avenue 16 interchange.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. For the initial submittal, the TIS queuing analysis calculated a vehicle queue greater than 300 feet for the westbound Avenue 16 left-turn at Schnoor Avenue. Our office indicated that a queue of that length would block the driveway intersection located less than 200 feet north of Schnoor Avenue and could result in a vehicle queue blocking the southbound SR 99 Ramp intersection.
2. For this latest submittal, the latest calculated vehicle queue for the westbound Avenue 16 left turn at Schnoor Avenue would still block the driveway intersection located less than 200 feet north of Schnoor Avenue and could result in a vehicle queue blocking the southbound SR 99 Ramp intersection.
3. As a result, this could cause safety issues at the ramp with traffic backing to the freeway mainline. Therefore, the above comment still applies for the latest submittal.

4. The study recommended the following improvements for Avenue 16 and Schnoor Avenue Westbound Left Turn:
 - a. Restripe to allow for an additional westbound left turn lane; or
 - b. Consider restriping the left turn lane in this area to a two-way left turn lane to provide better balance between storage requirements between the Avenue 16 /Schnoor Avenue intersection and the retail driveway to the east.
5. The study also recommends a traffic signal at the Avenue 16 / Southbound Route 99 Ramp intersection. An Intersection Control Evaluation (ICE) study would be needed to determine the appropriate intersection control.
6. However, the study did not provide analysis of these improvements and a funding mechanism was not identified. **Therefore, our office recommends that the project proponent(s) provide an analysis of the recommended improvements and submit it our office for further review.**

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,



David Padilla, Branch Chief
Transportation Planning – North