



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

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

### **NOTICE AND AGENDA**

**Tuesday, July 11, 2023  
6:00 p.m.**

**Council Chambers  
City Hall**

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The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 86818080142# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/86818080142>. Comments will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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

#### **ROLL CALL:**

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

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

#### **PLEDGE OF ALLEGIANCE:**

#### **APPROVAL OF MINUTES:** None

#### **PUBLIC COMMENT:**

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. 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.

**CONSENT ITEMS: None**

**PUBLIC HEARINGS:**

**1. REZ 2022-08, CUP 2022-34 & SPR 2022-42 – Mammoth Oxygen, Inc.**

**Subject:** A noticed continued public hearing to consider an application for a rezone, conditional use permit and site plan review to allow the establishment of a Mammoth Oxygen wholesale retail welding supply and automotive paint supply store at 794 S. Pine St. The Rezone would rezone the property from the current U (Unclassified) Zone District to the I (Industrial) Zone District for consistency with the site's General Plan land use designation of I (Industrial). The use permit along with the site plan review, would allow the mixing and storage of paint as well as the storage and handling of oxygen supply tanks in an Industrial Zone.

This project is determined to be categorically exempt under the California Environmental Quality Act, Guidelines, Section 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines.

**Recommendation:**

Conduct the hearing and;

- a. Adopt a Resolution recommending to City Council the adopting a Class 1 Categorical Exemption pursuant to CEQA and to approve the rezone of the property from U (Unclassified) to I (Industrial).
- b. Adopt a Resolution approving Conditional Use Permit 2022-34 and Site Plan Review 2022-42 contingent upon the adoption of the Categorical Exemption and approval of Rezone 2022-08 by City Council. (Report by James Troyer)

**2. VAR 2023-01 – Madera Rescue Mission Parking Variance**

**Subject:** A noticed public hearing to consider an application for a variance from the Madera Municipal Code (MMC) Section 10-3.1202 (Parking Spaces Required) to allow less than the minimum parking spaces required for the Madera Rescue Mission located at 332 Elm St. The Madera Rescue Mission is currently lacking adequate on-site parking spaces and the applicant is now seeking to further reduce the available parking spaces to provide for six (6) temporary housing units and related site improvements conditionally approved on August 10, 2022. A portion of the site is zoned R2 (one unit per 3,000 sq. ft.) with a MD (Medium Density Residential) General Plan land use designation. The remainder of the site is zoned PD (4500) (Planned Development, one unit per 4,500 sq. ft.) with a LD (Low Density Residential) General Plan land use designation.

This project is determined to be categorically exempt under the California Environmental Quality Act, Guidelines, Sections 15301 (Existing Facilities) and 15332 (In-Fill Development), of the California Environmental Quality Act (CEQA) Guidelines.

**Recommendation:**

Conduct the hearing and;

- a. Adopt a Resolution adopting a Class 1 and Class 32 Categorical Exemption pursuant to CEQA and approving Variance 2023-01 for the Madera Rescue Mission. (Report by Adileni Rueda)

**3. CUP 2022-33, PPL 2022-05 & SPR 2022-38 – Las Palmas Apartments**

**Subject:** A noticed public hearing to consider an application for a Conditional Use Permit, Precise Plan, and Site Plan Review that would allow the construction of a 20-unit multi-family development composed of 17 two-bedroom and 3 one-bedroom apartments on a 0.70-acre site. The development would include a two-story building of approximately 19,537 sq. ft. in total building area. The project site is located on the northwest corner of Lake St. and Moore St. in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation.

This project is determined to be categorically exempt under the California Environmental Quality Act, Guidelines, Section 15332 (In-fill Development), of the California Environmental Quality Act (CEQA) Guidelines.

**Recommendation:**

Conduct the hearing and;

- a. Adopt a Resolution adopting a Class 32 Categorical Exemption pursuant to CEQA and approving Conditional Use Permit 2022-33, Precise Plan 2022-05 and Site Plan Review 2023-38 for the Las Palmas Apartment project. (Report by Will Tackett)

**4. CUP 2022-17 & SPR 2021-25 – 7-Eleven Travel Center**

**STAFF IS RECOMMENDING THIS ITEM BE CONTINUED TO THE AUGUST 8, 2023, PLANNING COMMISSION MEETING.**

**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](mailto: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](mailto: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.

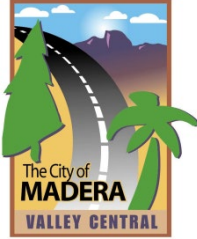


Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

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:**

James Troyer, Senior Planner

**Meeting of:** July 11, 2023

**Agenda Item:** 1

**SUBJECT:**

Rezone 2022-08, Conditional Use Permit 2022-34 & Site Plan Review 2022-42 – Mammoth Oxygen

**RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera adopt a Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities), and approve Rezone 2022-08; and
2. A Resolution of the Planning Commission of the City of Madera contingently approving Conditional Use Permit 2022-34 and Site Plan Review 2022-42.

**PROPOSAL**

The applicant, Mammoth Oxygen, Inc., is requesting Site Plan Review 2022-42 (SPR 2022-42) approval to establish and operate a wholesale/retail welding supply and automotive paint supply business and Conditional Use Permit 2022-34 (CUP 2022-34) approval for the on-site manufacturing and storage of potentially flammable liquids at 794 South Pine Street (Assessor's Parcel Number (APN) 003-250-026) herein referenced as the "project site" or "proposed project site." The project site is a 0.81-acre, irregular-shaped, developed site located at the northwest corner of the South Pine Street and West Almond Avenue intersection (refer to Attachment 1, 2 and 3).

The applicant is also requesting Rezone 2022-03 (REZ 2022-08) approval to rezone the project site from U (Unclassified) to I (Industrial) for the purpose of establishing conformity with the project site's General Plan I (Industrial) land use designation (refer to Attachments 4, 5 and 6).

An overview of the proposed project is provided in Table 1 below.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	REZ 2022-08, CUP 2022-34, SPR-2022-42
<i>Applicant:</i>	Mammoth Oxygen, Inc.
<i>Property Owner:</i>	Mammoth Oxygen, Inc.
<i>Location:</i>	794 South Pine Street (APN 009-330-026); Northwest corner of South Pine Street and West Almond Avenue
<i>Project Area:</i>	Approximately 0.81 acres (35,437 square feet)

<b>Table 1: Project Overview</b>	
<i>General Plan Designation:</i>	I (Industrial)
<i>Zoning District:</i>	Existing: U (Unclassified); Proposed: I (Industrial)
<i>Site Characteristics</i>	The project is a developed, irregular-shaped, parcel. Existing on-site improvements include perimeter fencing, a 6,300 square foot cinderblock and metal warehouse structure with four bay doors, and approximately 3,000 square feet of asphalt pavement with approximately 100 linear feet of driveway frontage along South Pine Street for off-street parking and bay door access. A secondary drive approaches are provided north of the structure on South Pine Street and along West Almond Avenue.

## **SITE CHARACTERISTICS**

The project site is generally a developed triangular-shaped parcel on the northeast corner of South Pine Street and West Almond Avenue. The intersection of South Pine Street and West Almond Avenue is a “T” intersection. The subject site is bound by South Pine Avenue to the east, West Almond Avenue to the south and a Union Pacific railroad spur line to the west. West Almond Avenue is a designated City two-lane, undivided Collector. South Pine Avenue is a designated City two-lane, undivided Arterial. Street median improvements and railroad crossing control arms and signals have been installed where West Almond Avenue crosses the two railroad spurs west of the project site.

Project site street improvements include curb and gutter along both South Pine Street and West Almond Avenue, and street trees along a portion of South Pine Street and West Almond Avenue. No sidewalks have been constructed along the project site perimeter. An Americans with Disabilities Act (ADA) curb access ramp has been constructed on the project site at the intersection of South Pine Avenue and West Almond Avenue. Aerial electrical and communication lines are present along the property’s South Pine Avenue frontage.

On-site improvements include an approximate 6,300 square foot (sf) cinderblock and metal warehouse structure with 2 at-grade bay doors and 2 man-door facing South Pine Street and 2 bay doors along the rear of the structure. The warehouse is set back approximately 30 feet (ft) from South Pine Street and approximately 40 ft at its narrowest distance from West Almond Avenue. Separating the warehouse from South Pine Street is an approximate 3,000 sf asphalt surface area with approximately 100 linear ft of curb cut enabling direct access to and from South Pine Street. Separating the warehouse from West Almond Avenue is a level, but unimproved surface area with access to the asphalt area. While the asphalt surface area and the adjacent unimproved surface area are used for parking, no developed parking space improvements or defined parking spaces are present.

A second driveway is present north of along South Pine Street, adjacent to the northern most terminus of the project site fencing paralleling South Pine Street, approximately 115 ft north of the structure and asphalt surface area. The driveway provides access to an approximate 145 sf asphalt surface area abutting the driveway apron and to the northmost unfenced and narrowest triangle-shaped area of the project site. The driveway also provides access to the Union Pacific railroad spur line abutting the project site to the west.

A third project site driveway along West Almond Avenue provides access to the rear of the property. Access to the rear of the property is controlled by fencing and a gate. The gate is sized to support vehicular access. Aside from a 10 ft wide concrete pad abutting the length of the structure, the area to the west (rear) and to the north of the structure is unimproved. The unimproved area is presently used to store

welding supply tanks, various new and discarded equipment, as well as business and nonbusiness-related vehicles. Nonbusiness related vehicles stored on the premise include a travel trailer and a recreational watercraft.

A perimeter chain-link encloses the rear of the property abutting the railroad spur, the northern portion of the property, south of the northmost driveway on South Pine Street, and portions of the property along West Almond Avenue and South Pine Street. The height of the fence varies from 6 to 8 ft and is topped with barbwire. The north, east and south chain-link fencing includes green slates. The upper one-half of chain-link fence abutting the railroad spur is lined with corrugated metal siding. Four vehicular access gates are provided along the perimeter fence – one at the West Almond Avenue driveway apron, one abutting the eastside of the unimproved parking area west of the structure, one abutting the northside of the South Pine Street asphalt surface area and along the northerly perimeter fence.

Numerous advertisement and business banner signs drape the chain-link fence along South Pine Street and West Almond Avenue. There are no signs on the building. A painted woolly mammoth sculpture of unknown material has been placed at the northwest corner of the South Pine Avenue / West Almond Avenue intersection. The height of the sculpture is roughly 10 ft. The length of the sculpture is roughly 15 ft.

## **SURROUNDING LAND USES**

The project site is generally bound by developed industrial and warehousing uses to the north, east, south and west. The property to the west beyond the 60-foot-wide Union Pacific railroad spur line, designated I (Industrial) and zoned I (Industrial), is composed of fallow fields, a solar field, manufacturing facilities with surrounding fallow fields. The nearest manufacturing facility to the west is Sealed Air. The property to the south directly across West Almond Avenue, designated I (Industrial) and zoned U (Unclassified), is occupied by an industrial manufacturing/warehouse building that houses multiple tenants. Tenants include TRT Air Conditioning and Heating, Tim R. Troll Electric, Teco Hardware and Teco Products. Teco Hardware is a retail business and Teco Products is a wholesale / retail business. To the east, directly across West Pine Street, the property is designated I (Industrial) and zoned PF (Public Facilities) and occupied by the Madera Unified School District as a food preparation and distribution center. No properties directly adjoin the project site to the north – Union Pacific railroad spur line and South Pine Street come together and parallel one another to form the north tip of the project site's triangular shape. While there are no properties that abut the project site to the north, the area to the north is designated I (Industrial) and zoned I (Industrial) is composed of a manufacturing / business office facility is occupied by Central Coating Company and fallow land.

Table 2 below summarizes the existing development/uses, and the City General Plan land use designations and zoning districts surrounding the proposed project site.

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Central Coating Company, Fallow Land	I (Industrial)	I (Industrial)
<i>East</i>	Madera Unified School District Warehouse & Distribution Building	I (Industrial)	PF (Public Facilities)

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>South</i>	Manufacturing, Warehousing, Contractor Services	I (Industrial)	U (Unclassified)
<i>West</i>	Union Pacific Rail Spur, Manufacturing / Business Office	I (Industrial)	I (Industrial)

## BACKGROUND

In review of past aerial images of the site, the property and existing building have accommodated several different uses in the past prior to the applicant's acquisition of the property in May 2022. The property also appeared to be vacant for extended periods. The most recent use of the property prior to the applicant's acquisition of the site was an automobile repair business. However, the City has no records of a business license issued for prior automobile repair business or for any other businesses that have occupied the site in the past. The project site has been subject to a previous site plan review.

The applicant purchased the property with the intent to establish and operate a retail/wholesale welding supply and automotive paint supplies business – Mammoth Oxygen. Mammoth Oxygen has been operating in the City under the WECO Supply Company's corporate umbrella since 2012 at 117 East Almond Avenue.

Not until the applicant sought a business license after opening for business was the City made aware of the business operation at 794 South Pine Street. The applicant has been informed that the Mammoth Oxygen business operation is a non-conforming use and to establish and operate a business on the project site requires a site plan review, use permit and rezone approval.

Pursuant to the City Municipal Code (MMC), a new or changed use of property which necessitates on-site improvements required to comply with the provisions of the City Municipal Code is subject to site plan review (MMC Section 10-3.4012). In addition, the manufacturing or storage of flammable fluids in an industrial district is subject to a use permit (MMC Section 10-3.1002(C)). Furthermore, the U (Unclassified) zone district is not compatible with the project site's General Plan land use designation – California law requires zoning districts within general law cities, such as the City of Madera, to be consistent (compatible) with the General Plan (California Government Code Section 65860). a requirement pursuant to California are subject to a use permit (MMC 19-3.1102). As such, Mammoth Oxygen is not currently operating lawfully.

## BUSINESS OPERATIONS

Mammoth Oxygen has been and proposes to continue to resale products produced by others. Aside from mixing automotive paint, the business would not be altering products produced by others. Approximately 5,000 sf of the existing structure serves as the sales floor for paint products and welder supplies. The interior of the building also includes 3 offices for a combined total of 660 sf, 1 breakroom, 1 restroom, a data room, and a storage room (refer to Attachment 7).

As noted above, the project site has no developed or striped parking spaces. The applicant's site plan denotes on-site parking to be provided on the asphalt pavement between the building and South Pine Street. The applicant has suggested 12 parking spaces could potentially be provided on-site – 6 on the

side south of the building and 6 spaces on the west side of the building. A trash enclosure proposed to the rear of the building, behind the chain-link fence (refer to Attachment 3).

Types of welding equipment stocked and sold include welders, torches, welding consumables (e.g., contact tips, nozzles, diffusers, liners, electrode holders), safety clothing and equipment, tools, and compressed and liquid gases (e.g., oxygen, argon, nitrogen, carbon dioxide, helium, acetylene, mixed gases). Except for compressed and liquid gases, welding equipment and supplies are stored on the floor and shelves on the sales floor. Compressed and liquid gases are stored outside the building in the yard area on steel pallets and secured with industry standards tiedown straps.

The types of automotive paint and automotive paint supplies stocked and sold include mixed paint, clearcoat, primers, solvents, body fillers, polishes, abrasives and prep material, safety clothing and equipment and paint guns and tools. The automotive paint and paint supplies are stored on shelves on the sales floor. Mixed paints are stored in industry standard mixing banks located behind a sales counter on the east side of the building (refer to Attachments 7 and 8).

The applicant has identified their business hours as Monday through Saturday, 8:00 AM to 5:00 PM. Mammoth Oxygen currently employs 8 employees and serves 20 to 40 customers per day. The majority of automotive paint customers are body shops repairing damaged vehicles or hobbyists restoring vintage vehicles.

## **ANALYSIS**

### **Rezone 2022-08**

The applicant proposes to rezone the project site from U (Unclassified) to I (Industrial) given the project site's current zone district is not compatible with property's General Plan land use designation. Based on the property's current General Plan land use designation of I (Industrial), there are only two compatible zone districts - I (Industrial) and IP (Industrial Park). The IP (Industrial Park) zone district promotes the creation of an environment exclusively for large scale administrative facilities, research institutions, specialized manufacturing and distribution centers, all of a type in which architecture, landscaping and operations of use are in a well-designed and maintained facilities and grounds. The I (Industrial) zone district focuses on fabrication, manufacturing and dismantling of components and products. This zone district also allows for retail and wholesale stores, or storage and service establishments determined by the Planning Commission (Commission) to be similar in character and not detrimental to the welfare of the neighborhood in which they are located.

Unlike the IP (Industrial Park) zone district, land zoned I (Industrial) is not subject to a minimum or maximum site area, lot width and depth, lot coverage, or subject to front, side, or rear yard setback requirements unless it abuts property zoned residential or is within a block partially zoned residential. No buildings within an I (Industrial) zone district are allowed to exceed a height of 65 ft. The project site does not abut property zoned residential, nor is it within a block partially zoned residential.

As a wholesale / retail business, the proposed project, subject to the determination of the Commission, aligns with the intent and purpose of the I (Industrial) zone district. The use does not align with the intent or purpose of the IP (Industrial) zone district. Moreover, the project site area and the location of the existing structure on the property, as well as the height of the structure complies with the I (Industrial) zone district standards.

Rezoning of the project site to I (Industrial) would be consistent and compatible with the adjacent land uses and zoning districts. While there are no properties that abut the project site to the north, the area to the north is designated I (Industrial) and zoned I (Industrial) is composed of a manufacturing / business office facility is occupied by Central Coating Company. To the east, directly across West Pine Street, the property is designated I (Industrial) and zoned PF (Public Facilities) and occupied by the Madera Unified School District as a food preparation and distribution center. The property to the south directly across West Almond Avenue, designated I (Industrial) and zoned U (Unclassified), is occupied by an industrial manufacturing/warehouse building that houses multiple tenants. Tenants include TRT Air Conditioning and Heating, Tim R. Troll Electric, Teco Hardware and Teco Products. Teco Hardware is a retail business and Teco Products is a wholesale / retail business. The property to the west beyond the Union Pacific railroad spur line is designated I (Industrial) and zoned I (Industrial) and is composed of manufacturing facilities.

#### **Conditional Use Permit 2022-34**

Section 10-3.1002(C)(4) of the MMC requires a use permit for any use in an I (Industrial) zone district manufacturing or storing flammable liquids. Mammoth Oxygen carries several brands of automotive paints custom mixed on-site to match customer vehicles. A list of flammable paint and other products to be manufactured or stocked on-site for wholesale or retail sales include:

- ☐ **Mixed Paint:** Mixed paint is stored in industry standard mixing banks located behind a sales counter on the eastside of the building. Unmixed paints are stored in factory sealed containers in shelves on the sales floor.
- ☐ **Clearcote, Primers, Reducers and Solvents:** These products are stored in factory sealed containers in shelves on the sales floor.
- ☐ **Body Fillers and Polishes:** These products are stored in factory sealed containers in shelves on the sales floor.

In addition to flammable liquids, Mammoth Oxygen stores compressed and liquid gases for welding use, some of which are flammable products. Compressed and liquid gases stored on site include oxygen, argon, nitrogen, carbon dioxide, helium, mixed gases, and acetylene. All compressed and liquid gas cylinders are stored outside the building in the yard area on steel pallets and secured with industry standard tiedown straps.

Manufacturing and storage of flammable products are subject to recurring inspections by the Fire Marshall or Fire Department.

#### **Site Plan Review 2022-42**

Section 10-3.4 of the (MMC) establishes procedures for the review and approval of site plan reviews. Pursuant to Section 10-3.4.0103 of the MMC, a site plan review is required for all projects subject to a use permit, including a change in use where on-site construction or improvements are proposed or required. Approval of SPR 2022-42 would allow for the establishment and operation of Mammoth Oxygen at 794 South Pine Street and define project site conditions of approval.

Sections 10-3.1003 and 10-3.1004 of the MMC establish standards specific to development within the I (Industrial) zone district. Off-street parking space requirements specific to uses are provided in Section 10-3.1202 of the MMC. Table 3 below summarizes the development standards for the I (Industrial) zone district and parking requirements for a wholesale / retail warehouse facility.

<b>Table 3: I (Industrial) Zone District Development Standards</b>		
<i>Standard</i>	<i>Required</i>	<i>Existing / Proposed</i>
<i>Front Yard Setback (South Pine Street) (Minimum)</i>	Not Applicable	40 ft
<i>Rear Yard Setback (Minimum)</i>	Not Applicable	25 ft (Measured at the shortest Distance)
<i>Side Setback (Minimum)</i>	Not Applicable	40 ft (Measured at the shortest Distance)
<i>Building Height (Maximum)</i>	65 ft	20 ft
<i>Floor Area Ratio (FAR) (Maximum)</i>	Not Applicable	0.18
<i>Parking Spaces (Minimum)</i>	21 spaces (1 per each 2 employees, plus 1 space for each 300 sf of office space, plus 1 space for each 400 sf of sales floor area, plus 1 loading space for each 10,000 sf of gross floor area)	None / 12

#### Compatibility with Surrounding Uses

Mammoth Oxygen will occupy a parcel that is designated I (Industrial) and is proposed to be rezoned from U (Unclassified) to I (Industrial). Mammoth Oxygen, as wholesale / retail business in an I (Industrial) zone district is allowed within a I (Industrial) zone district subject to the Commission making a finding that the wholesale / retail business is similar in character and not detrimental to the welfare of the neighborhood in which the project site is located.

The project would not place a use on-site that would be incompatible with the other uses in the surrounding area. Existing uses to the northeast and south of the project, all of which are located on property designated I (Industrial), currently include wholesale and / or retail business that support the building, manufacturing / industry, or automotive service trades. Similar to other wholesale and retail businesses in the area, Mammoth Oxygen is a wholesale / retail business serving the building, manufacturing / industry and automotive service trades.

The project site, bound on all sides by either streets or a railroad spur line, does not adjoin other parcels and thus would not conflict with or hinder abutting property uses. Mammoth Oxygen business activities and hours of operations are consistent with surrounding area.

#### Exterior Elevations and Interior Building Space

The interior use of the existing 6,300 sf structure under SPR 2022-42 is conditioned to conform with the Building Floor Plan and Sales Floor Photos, as shown in Attachments 7 and 8, respectively.

To maintain the quality of life and aesthetic value of the City's major circulation routes used by both industrial and non-industrial traffic, General Plan Policy LU-28 requires the portion of industrial sites in public view along Arterials and Collectors be subject to the same standards for architectural review as commercial buildings. This policy applies to building architecture, street trees, frontage and parking lot landscaping, and the screening of outdoor storage visible from public rights-of-way. South Pine Street is a designated Arterial and West Almond Avenue is a designated Collector.



Commercial building architecture, street trees, frontage and parking lot landscaping are subject to the City's Design and Development Guidelines for Commercial Development. The Guidelines focus on the aesthetic quality of the project. With respect to buildings, building elevations should include sufficient architectural detail such as varying colors and materials, textures, "pop-outs" as to break-up the expansive flat space and provide visual interest. Buildings should not be distinguished primarily by their color, but rather by quality architecture which is enhanced by color.

The existing 6,300 sf rectangular structure is constructed of cinder block, commonly referred to as CMU (concrete masonry unit), sides with an arched-style corrugated metal roof. Corrugated metal is also used at either end of the structure above the CMU wall to fill in the gap between the CMU wall and arched roof. The building walls have been painted a pale blue-gray color. The rain gutter and drain spouts have been painted a dark blue to compliment the pale blue-gray color. It is unknown when the existing structure was built.

The length of the building parallels South Pine Street. Two roll-up loading doors and two-man doors are publicly visible along South Pine Street. Both ends of the structure are also publicly visible along South Pine Street, as well as the outside storage area, north of the building. The public's view of the north end of the building and storage area is partially screened by a six-foot high, green-slatted chain-link fence. The south end of the building as well as a portion of the rear of the building is visible from West Almond Avenue including two dock bay doors with horizontal sliding doors. The public view of the rear of the building and outside storage area is partially screened by the green slatted chain-link fence and street trees planted along West Almond Avenue. The view to the north end of the building is also partially screened by a six-foot high, green-slatted chain-link fence.

As re-use of an existing site and structure, Mammoth Oxygen is not expected or required to alter or reconstruct the building exterior façade to include alternative materials, textures or "pop-outs" to break-up the expansive flat space of the building. However, as a project subject to the City's Design and Guidelines for Commercial Development, the project is expected to provide visual interest. To provide visual interest, staff has conditioned the project to install awnings to the loading doors and man-doors visible from South Pine Street or West Almond Avenue. In addition to providing visual interest and depth, the awnings will provide protection from the weather. Staff also conditioned the project to add decorative light sconces and wall mounted trellises to the building's east and south elevations to provide architectural relief from the flat expansive exterior wall faces visible from the public.

### Circulation and Parking

Separating the warehouse building from South Pine Street is an approximate 3,000 sf (30 ft by 100 ft) asphalt surface area with approximately 100 linear ft of curb cut enabling direct access to and from South Pine Street. Separating the warehouse from West Almond Avenue is a 2,600-sf irregular shaped level, but unimproved surface area with access to the asphalt area. While both the asphalt surface area and the adjacent unimproved surface area are currently used for parking, there are no developed parking space improvements or defined parking spaces are present.

In addition to the on-site parking opportunities described above, there are two additional driveway curb cuts to enable access to the rear and north side of the building. One driveway is present along South Pine Street, adjacent to the northern most terminus of the project site fencing paralleling South Pine Street, approximately 115 ft north of the structure and asphalt surface area. This driveway provides access to an approximate 145 sf asphalt surface area abutting the driveway apron and to the northmost unfenced and narrowest triangle-shaped area of the project site. This driveway also appears to provide access to the

Union Pacific railroad spur line abutting the project site to the west. The other driveway, providing access to the rear of the building, is on West Almond Avenue. Access to the rear of the property is controlled by fencing and gates. The gates are sized to support vehicular access.

The MMC Off-Street Parking Regulations does not have a parking standard directly related to a combined wholesale / retail warehouse business such as Mammoth Oxygen. As a result, staff has determined that the appropriate standard to analyze the project against is a modified combination of one established for retail stores emphasizing on only bulky merchandise such as hardware and one established for warehouse storage uses and wholesale houses. This standard requires 1 space for each 2 employees, plus 1 space for each 300 sf of gross office space, plus 1 space for each 400 sf of gross sale floor area, plus 1 loading space for each 10,000 sf of gross building floor area. (MMC Section 10-3.1202). This standard was chosen due to the type of business / services Mammoth Oxygen provides.

Mammoth Oxygen utilizes a 6,300-sf building for its wholesale / retail business. The interior building space includes 5,000 sf of sale floor area, and 3 offices for a combined 300 sf of office space. The remainder of the building interior is used for storage, data room and restroom. The parking analysis assumed 8 employees. As a result, 13 spaces are required for the 5,000-sf of sale floor area, 3 spaces are required for the 300 sf of office space, and 4 parking spaces are required for the 8 employees. In addition, 1 designated loading space is also required. In total, the project requires 21 parking spaces.

For parking areas where 25 or fewer parking spaces are provided, the Americans with Disabilities Act (ADA) requires that 1 of the parking space be an ADA van accessible parking space. In addition, for parking areas where 10 to 25 spaces are provided, Section 5.106.5.3.1 of the California Green Building Code requires that 4 spaces be dedicated to electric vehicle (EV) capable parking spaces of which 1 must be ADA van accessible. In total, the project would require 2 ADA van accessible spaces, 1 of which must be EV capable. It should be noted that EV ADA van accessible parking space dimensions and access aisle requirements differ from ADA.

As a condition of approval, the project is to provide a minimum of 21 on-site parking spaces and that the parking area complies with ADA and California Green Building Code. Staff is also requiring the existing 100 linear ft curb cut enabling direct access to and from South Pine Street for parking purposes to be reduced. Driveways are not to exceed 24 to 30 ft in width depending on the type and size of anticipated vehicles to be served. On-site parking is to be configured such that vehicles will not queue into the street when parking maneuvers occur on site. Pursuant to Section 10-3.1206(A) of the MMC, off-street parking areas are to be paved or otherwise to eliminate dust or mud and be graded as to dispose of all surface water.

On-site parking space configuration and circulation for the site is subject to City of Madera Standard E-4, which calls for 9 ft by 19 ft parking spaces with a minimum of 26 ft of backing space for 90 degree angle parking, 9 ft by 19.8 ft parking spaces with a minimum of 14 ft of backing space if traffic is one way for 45 degree angle parking, and 9 ft by 21 ft parking spaces with a minimum of 16 ft of backing space if traffic is one way 60 degree angle parking. If the diagonal parking area traffic pattern is two-way, then 20 ft of backing space is required.

Consistent with the City's Design and Development Guidelines for Commercial Development, parking areas are to be well-defined with curbs and landscaped islands, buffered from the building through the use of concrete walkway and landscaped strip. The perimeter of all parking areas adjacent to South Pine Street and West Almond Avenue shall include a continuous landscape screen of least three ft in height. Earthen berms may be used in conjunction with the parking area perimeter landscaping. Shade trees

should be planted at a ratio of 1 tree per 3 parking spaces to provide 50 percent shade coverage over the parking spaces at high noon with full foliage within 15 years. The project is conditioned to provide lighting for all parking areas for security and safety.

The project site's rear (west) and the north unimproved area are presently used for the storage of a non-business related (personal) RV travel trailer and watercraft. Outside storage of vehicles is not permitted use in an I (Industrial) zone district. The overnight storage of RVs and watercrafts is restricted to HC (Highway Commercial) zone districts. As a condition of approval, the RV trailer and watercraft are to be removed from the project site, and on-site storage of non-business-related material, equipment and vehicles on the project site are to be prohibited.

### Landscape

The applicant will be required to submit a landscaping plan to ensure compliance with state water efficient landscaping requirements. The landscape plan is to be prepared by a licensed landscape architect. The interior and perimeter of the project site is required to be landscaped, except where walks or accessways are proposed. The plan shall address landscaping of the parking area, addition of street trees required to be in conformance with the City Street improvements, as well as screening of the slated chain-link perimeter fencing. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance. Per the conditions of approval, landscape improvements will be required to show a minimum of 50 percent shade coverage within the parking lot on the landscape plan submitted for approval.

### Signage

The project is subject to Chapter 6 of the MMC (Sign Regulations). All on- and off-site signage is subject to the City's Sign Regulations. To date, no sign permits have been approved for the project and no sign permits are approved with this site plan review. A separate sign permit must be applied for and approved for any permanent or temporary sign to be located on the premises. Temporary signage, such as for a grand opening, is subject to a separate sign permit independent from any on building or freestanding sign permit issued.

Currently, there are numerous advertisements and business banner signs draping the chain-link fences along South Pine Street and West Almond Avenue. No signs on the building. The signs that now drape the chain-link fences are prohibited and are in violation of the City's Sign Regulations. As a condition of approval, all existing signs, whether draping a chain-link fence, a fixed to the building or free-standing are to be removed.

A painted woolly mammoth sculpture of unknown material has also been placed at the northwest corner of the South Pine Avenue / West Almond Avenue intersection. The height of the sculpture is roughly 10 ft. The length of the sculpture is roughly 15 ft. The location of the sculpture is within the intersection's visual line of sight setback area and visually impairs vehicular traffic. As a condition of approval, the sculpture is to be relocated such that it does not impair the intersection's visual line of sight.

### Public Infrastructure

Sidewalks are absent along South Pine Street and West Almond Avenue and pole mounted aerial electrical, communication and cable utilities (dry utilities) are present along the project's South Pine Street frontage. The project will be required to construct sidewalks along South Pine Street and West Almond Avenue project site frontage, repair, or replacement of broken damaged concrete improvements (e.g.,

curb, gutter), construction of curb access ramps to current ADA standards. As applicable, new or existing water service connections, including landscape areas, are to be upgraded or constructed to City standards including Automatic Meter Reading (AMR) water meters installed within the City right-of-way and backflow prevention device installed within the property. All public utilities within the project site and adjacent to the project property will need to be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

#### **DEPARTMENT AND AGENCY COMMENTS**

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

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW**

Staff performed a preliminary environmental assessment and determined that the proposed project is exempt under Section 15301- (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing parcel with existing services and utilities, and no major modifications or expansions to the structure are to occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

#### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

The project supports one of the four visions for the City: Good Jobs and Economic Opportunities. Following this principle, it is recognized the need to provide additional employment opportunities within the City.

#### **RECOMMENDATION**

The information presented in this report provides support for the adoption of a resolution recommending Council approval of Rezoning 2022-08, and adoption of a resolution conditionally approving Conditional Use Permit 2023-04 and Site Plan Review 2022-42 subject to the same. Staff further recommends the Commission make a finding of determination that the project is similar in character to the surrounding uses and is not detrimental to the welfare of the neighborhood in which it is located.

#### **PLANNING COMMISSION ACTION**

The Commission will be acting on Rezoning 2022-08, Conditional Use Permit 2022-34 and Site Plan Review 2022-42. Staff recommends that the Commission:

1. Move to adopt a Resolution recommending the City Council of the City of Madera adopt a Categorical Exemption pursuant to CEQA Guidelines Section 15301 and approve Rezone 2022-08; and
2. Move to adopt a Resolution contingently approving Conditional Use Permit 2022-34 and Site Plan Review 2022-42.

#### **ALTERNATIVES**

As an alternative, the Commission may elect to:

1. Move to continue the public hearing to future Planning Commission meeting (Commission to specify date).

2. Move to deny the request based on specified findings: (Commission to articulate reasons for denial).

#### **ATTACHMENTS**

1. Vicinity Map
2. Aerial Photo
3. Site Plan
4. City of Madera Zoning Map (Existing)
5. City of Madera Zoning Map (Proposed)
6. City of Madera General Plan Land Use Map
7. Building Floor Plan
8. Sales Floor Photos
9. Planning Commission Resolution – Recommendation to City Council adopt a Categorical Exemption and to Approve REZ 2022-08  
“Exhibit A “Conditions of Approval
10. Planning Commission Resolution – Contingent Approval of CUP 2022-34 and SPR 2022-42

## **ATTACHMENT 1**

Vicinity Map



 Project Site

## **ATTACHMENT 2**

Aerial View





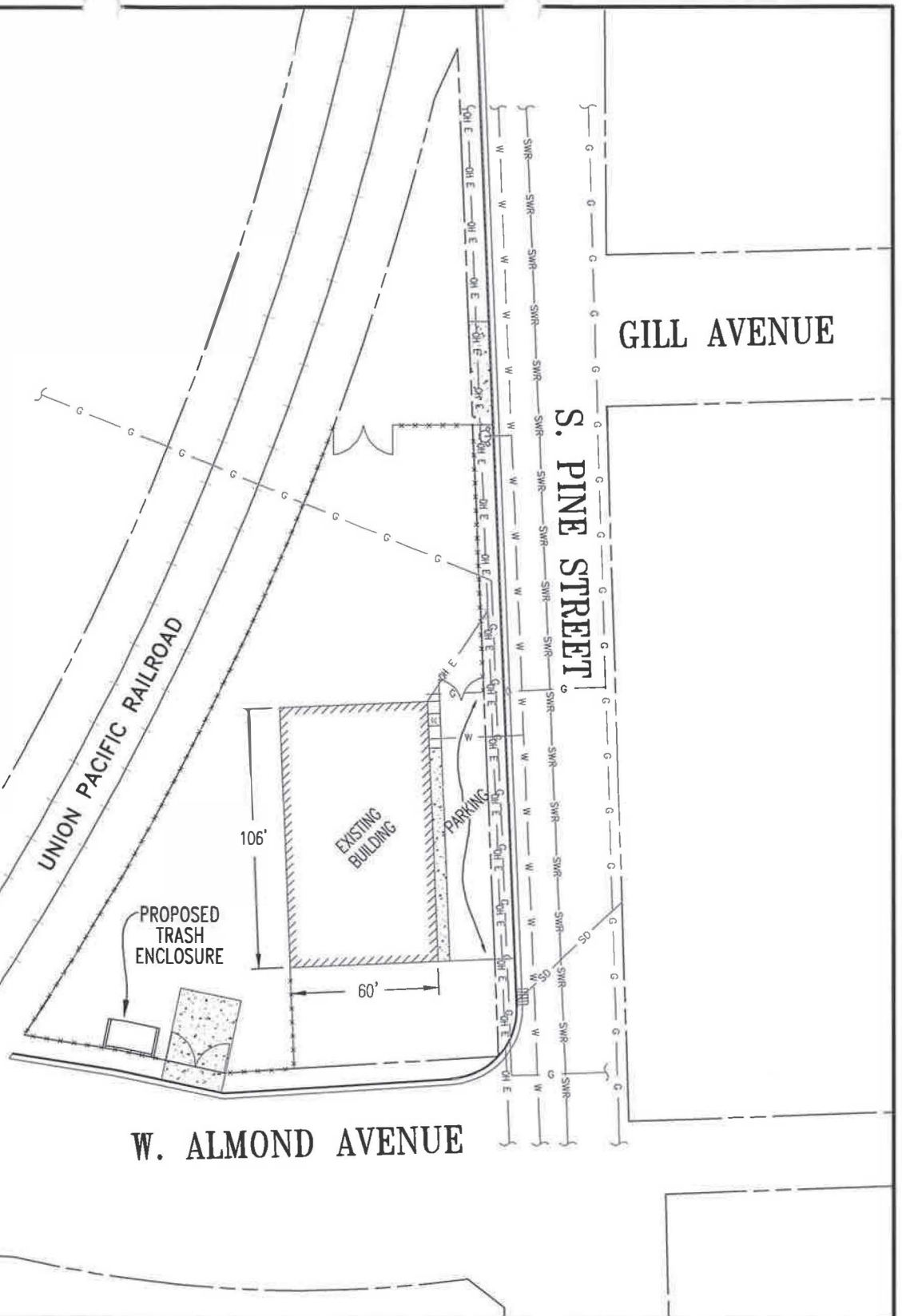
 Project Site

## **ATTACHMENT 3**

Site Plan



SCALE: 1"=60'



REZONE APN 009-330-026

SITE PLAN

794 S. PINE STREET

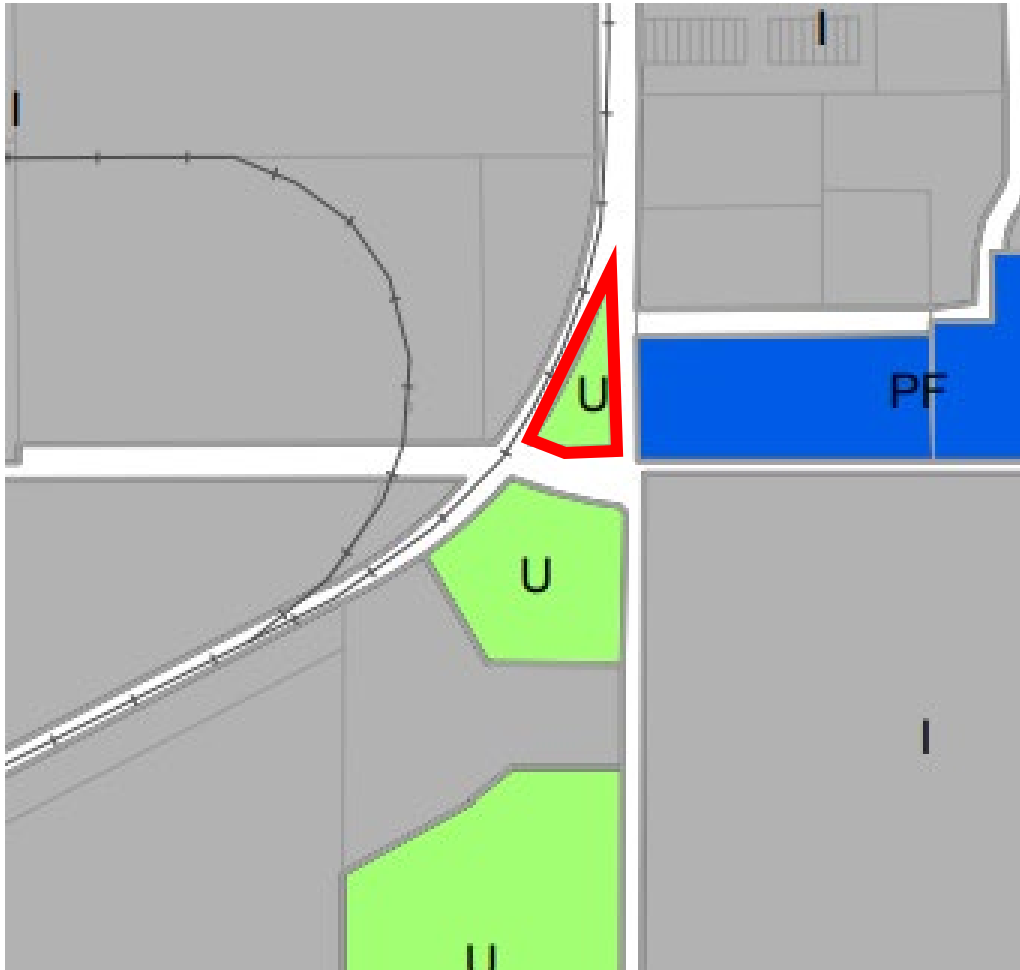
MADERA, CA

MAMMOTH OXYGEN INC.

## **ATTACHMENT 4**

Existing Zoning

## Existing Zone Districts



### Industrial Districts



I - Industrial



IP - Industrial Park

### Other Districts



PF - Public Facilities



RCO - Resource Conservation and Open Space



U - Unclassified



S - Special Provisions Applicable

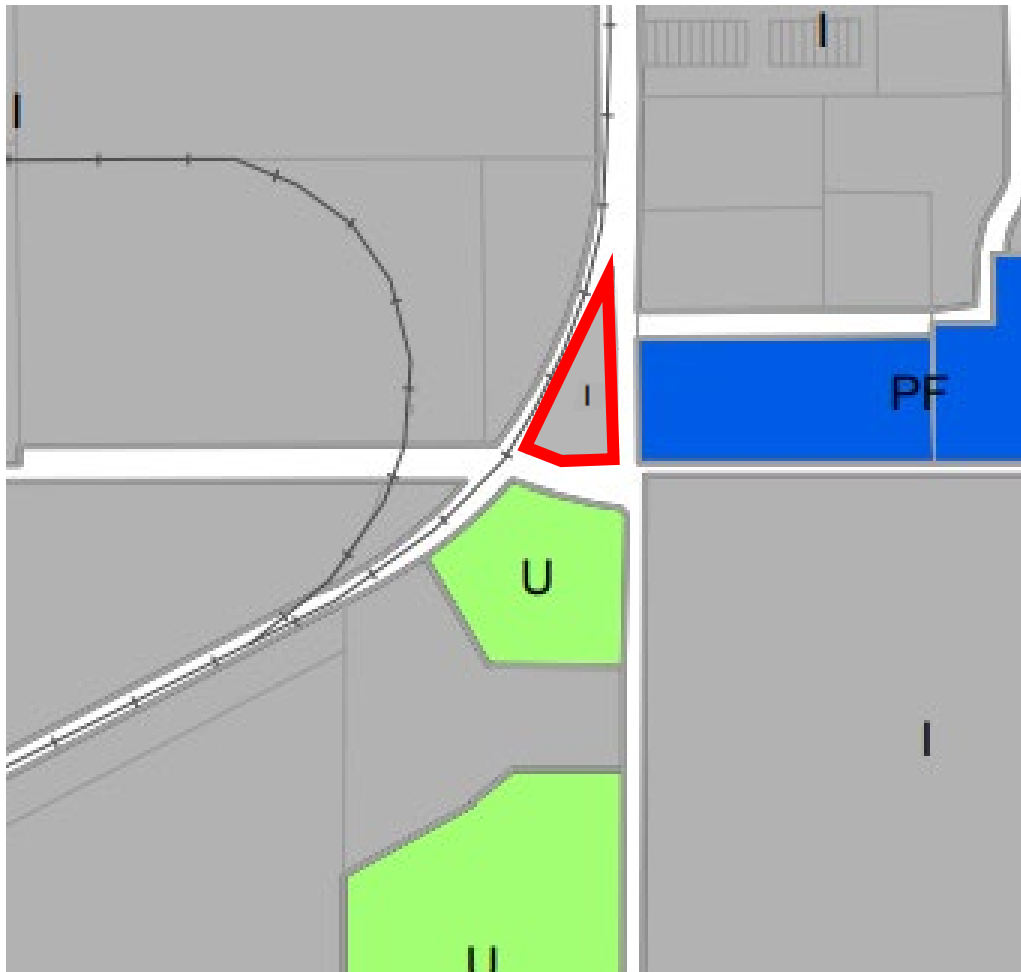


Project Site



## **ATTACHMENT 5**

Proposed Zoning





## Proposed Zone District



### Industrial Districts

-  I - Industrial
-  IP - Industrial Park

### Other Districts

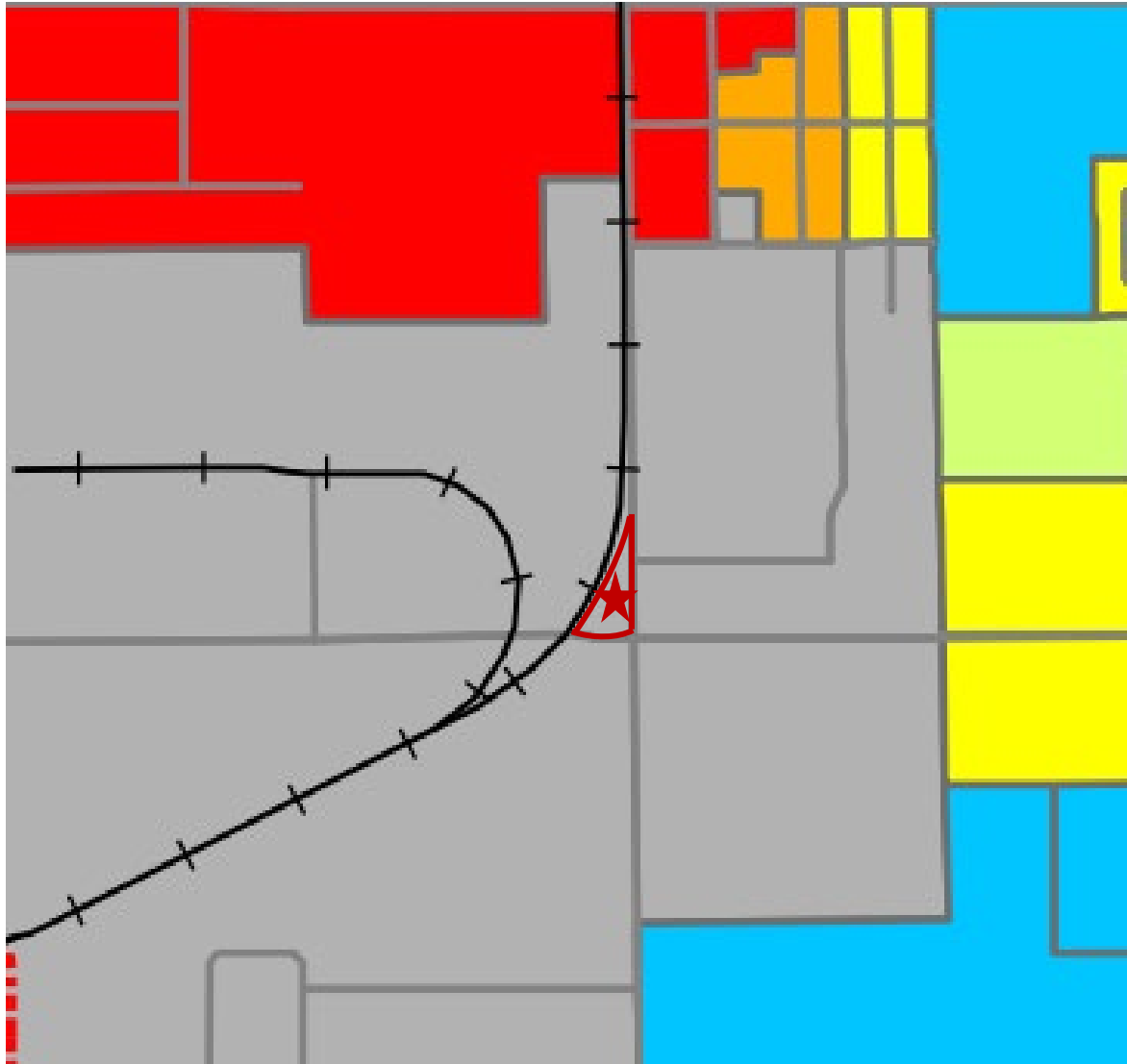
-  PF - Public Facilities
-  RCO - Resource Conservation and Open Space
-  U - Unclassified
-  S - Special Provisions Applicable

-  Project Site




## **ATTACHMENT 6**




General Plan Land Use





**General Plan  
Land Use Designations**

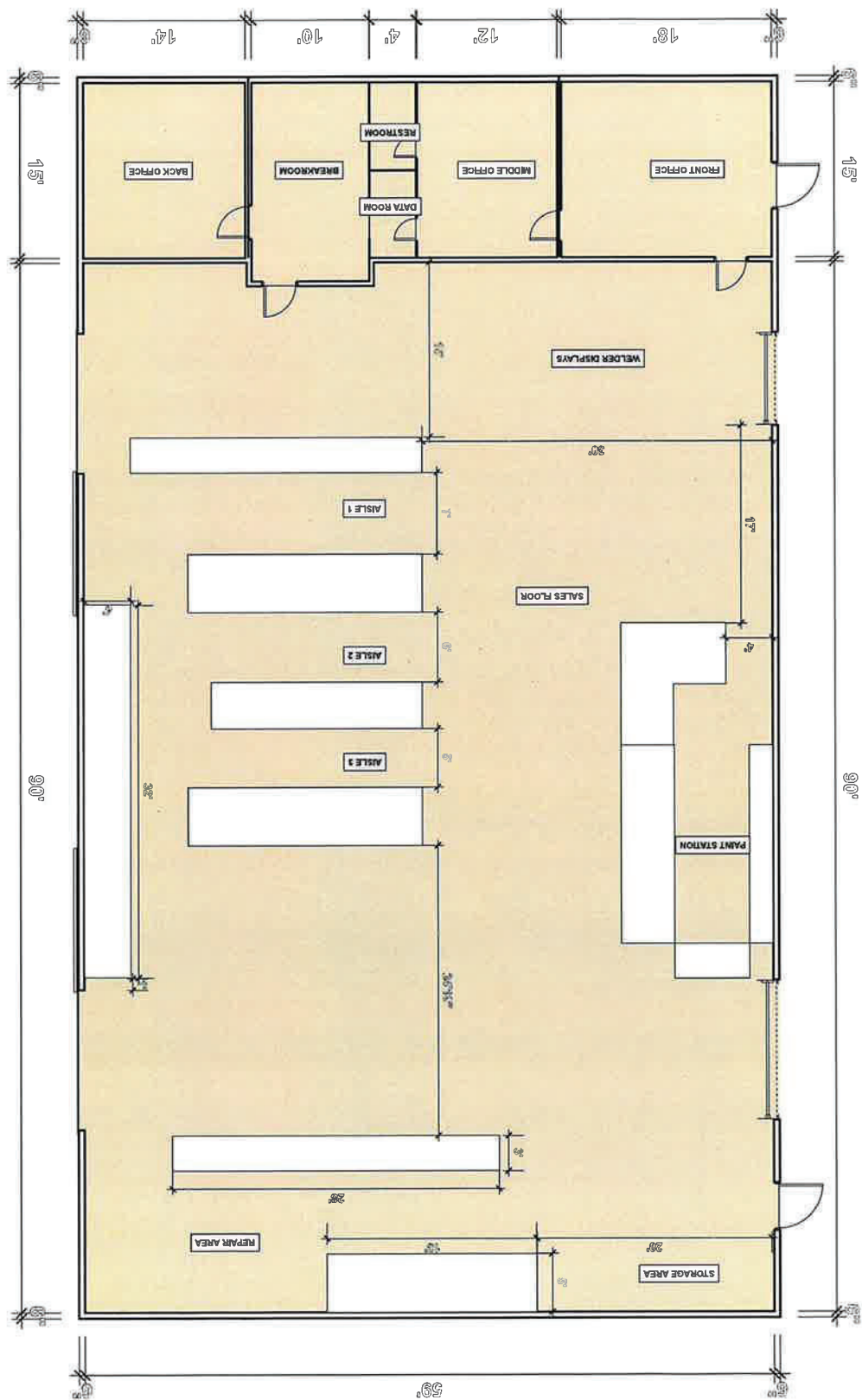
-  C - Commercial
-  O - Office
-  I - Industrial

-  OS - Open Space
-  RC - Resource Conservation/Agriculture
-  P&SP - Other Public and Semi-Public Uses

-  Proposed Site

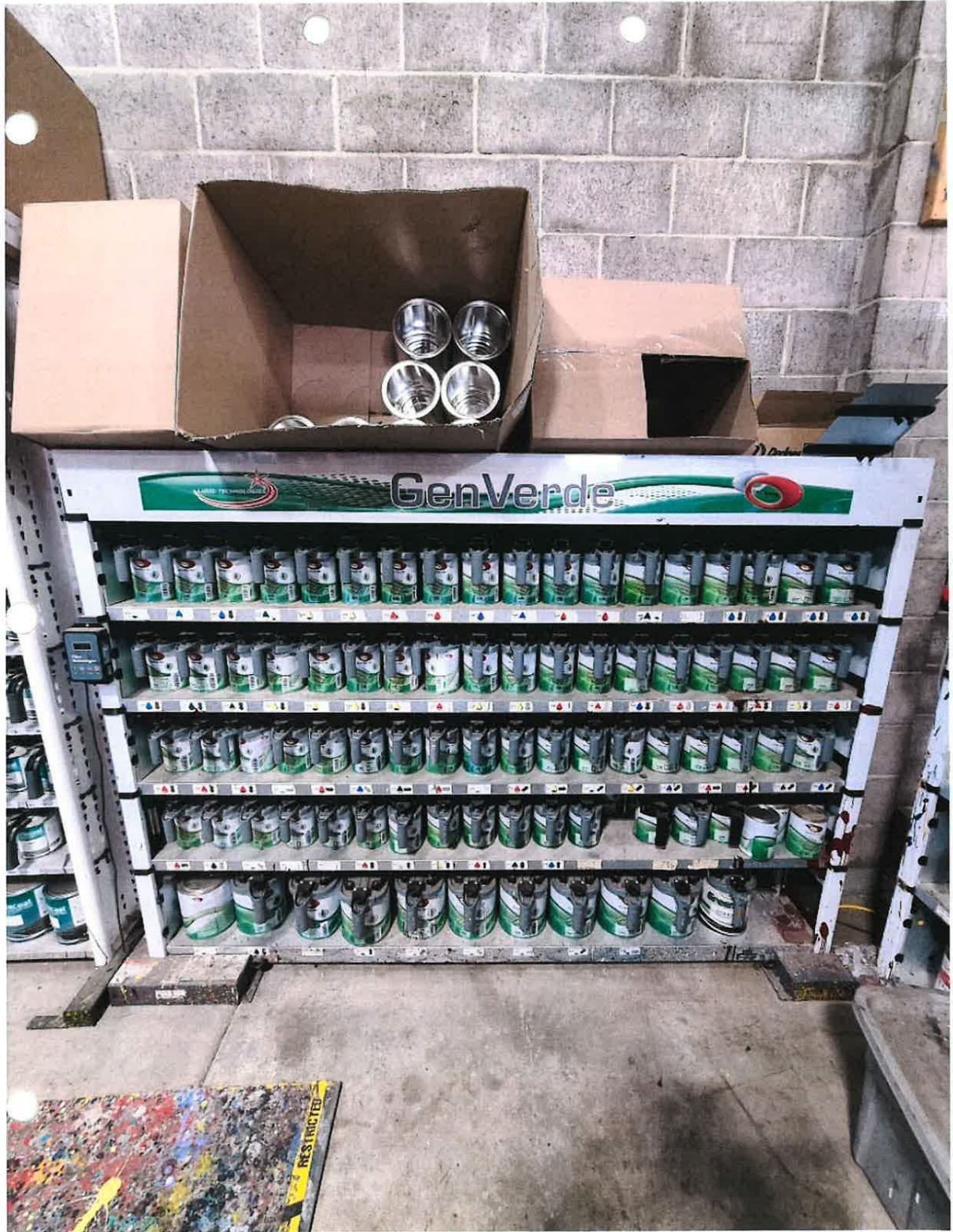
**ATTACHMENT 7**

Building Floor Plan



## **ATTACHMENT 8**

Sales Floor Photos



















## **ATTACHMENT 9**

Resolution for Rezone

## **ATTACHMENT 10**

Resolution for Conditional Use Permit and Site Plan Review

**RESOLUTION NO. 1962**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
RECOMMENDING THE CITY COUNCIL OF THE CITY OF MADERA ADOPT A  
CATEGORICAL EXEMPTION PURSUANT TO CALIFORNIA ENVIRONMENTAL  
QUALITY ACT (CEQA) GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND  
REZ 2022-08 (REZONING APPROXIMATELY 0.81 (APN 009-330-026))  
MAMMOTH OXYGEN**

**WHEREAS**, Mammoth Oxygen is an existing operation at 794 South Pine Street that desires to come into conformance with the City's zoning ordinance; and

**WHEREAS**, in order to come into conformance, the Mammoth Oxygen Project will require approval of various entitlements, which are currently proposed as REZ 2022-08, CUP 2022-34, and SPR 2022-42; and

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

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

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

**WHEREAS**, a proposal has been made requesting to rezone a 0.81 acre parcel (Madera County Assessor's Parcel (APN) 009-330-026) U (Unclassified) zone district to I (Industrial) (REZ 2022-08), as shown in Exhibit "A"; and

**WHEREAS**, the proposed Rezone (REZ 2022-08) will provide the required consistency between the General Plan and Zoning Ordinance; and

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

**WHEREAS**, the City performed a preliminary environmental assessment of the Mammoth Oxygen Project (Project) and has determined that it falls within the Categorical Exemption set forth in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines as the project involves negligible or no expansion of existing facilities; and

**WHEREAS**, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

**WHEREAS**, under the City's Municipal Code and State Planning and Zoning Law, the Planning Commission (Commission) is authorized to review and make recommendations to the City Council (Council) for rezones on behalf of the City; and

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

**WHEREAS**, the Commission received and independently reviewed and considered the Categorical Exemption information under a separate resolution pursuant to CEQA, and reviewed REZ 2022-08 at a duly noticed meeting on July 11, 2023; and

**WHEREAS**, at the July 11, 2023, Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

**WHEREAS**, after due consideration of all the items before it, the Commission now desires to adopt this Resolution recommending to the Council to adopt REZ 2022-08; and

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Planning Commission finds that the project is categorically exempt pursuant to 15301 - Existing Facilities because the existing baseline is the current non-conforming use, and approvals of the rezone and associated CUP and SPR are procedural matters to bring the property into conformance with the City's zoning ordinance and will result in negligible or no expansion of existing uses. Additionally, the project will occupy an existing building on an existing parcel with existing services and utilities, and no major modifications or expansions to the structure are to occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project. As such, the Commission recommends the Council adopt a Categorical Exemption for the project.
3. Rezoning Findings: The Commission finds that REZ 2022-08 is consistent with the General Plan goals, policies and objectives and with the General Plan Land Use Plan as amended. The Commission further recommends that the Council find that REZ 2022-08 is consistent with the General Plan goals, policies and objectives and with the General Plan Land Use Plan as amended. The project is consistent with General Plan Policy LU-32, which states "zoning shall be consistent with General Plan land use designations."
4. Recommendation for Approval of REZ 2022-08: Based on evidence in the record, the Commission recommends the Council approve REZ 2022-08, rezoning APN 009-330-026 as shown in Exhibit "A."
5. Effective Date: This Resolution shall become effective immediately. The Secretary of the Commission shall certify to the adoption of the Resolution and shall transmit copies of the same to the Council of the City of Madera.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of July 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

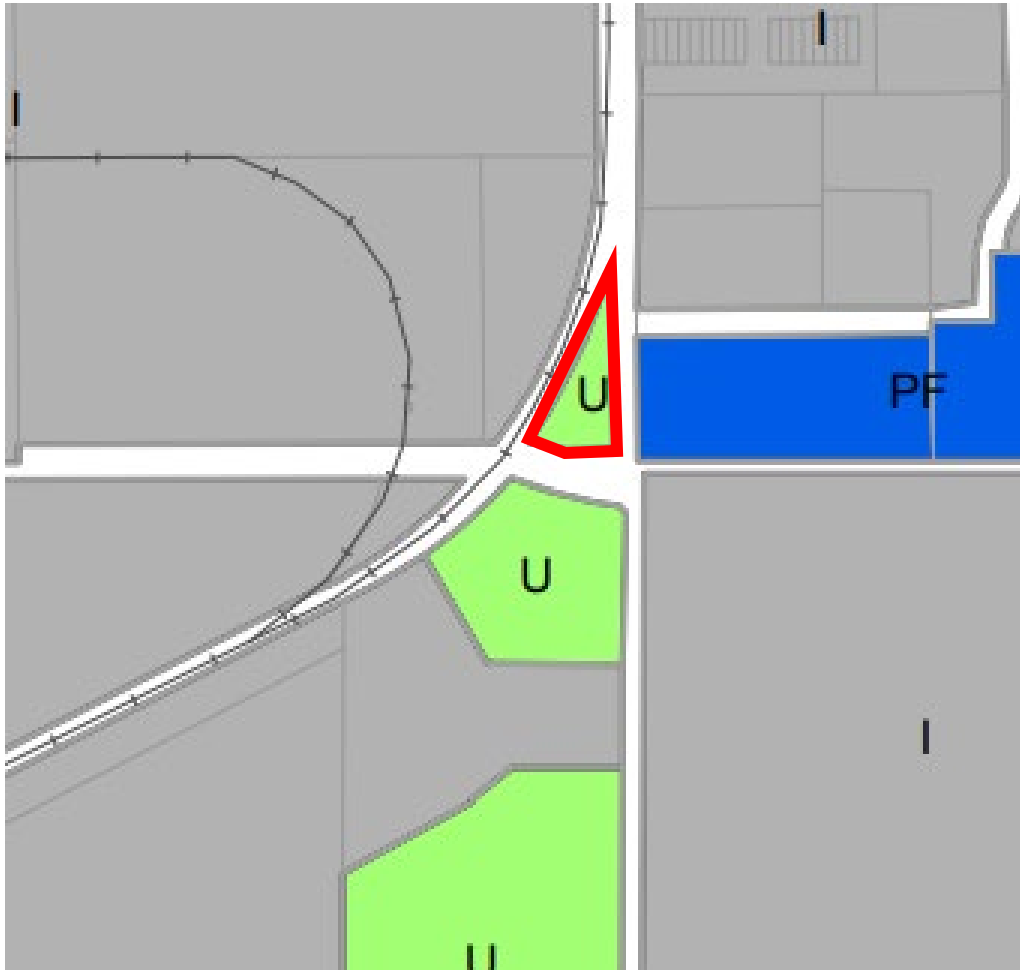
Attest:

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Gary Conte, AICP  
Planning Manager

“Exhibit A” Current and Proposed Zoning

## Existing Zone Districts



### Industrial Districts



I - Industrial



IP - Industrial Park

### Other Districts



PF - Public Facilities



RCO - Resource Conservation and Open Space



U - Unclassified

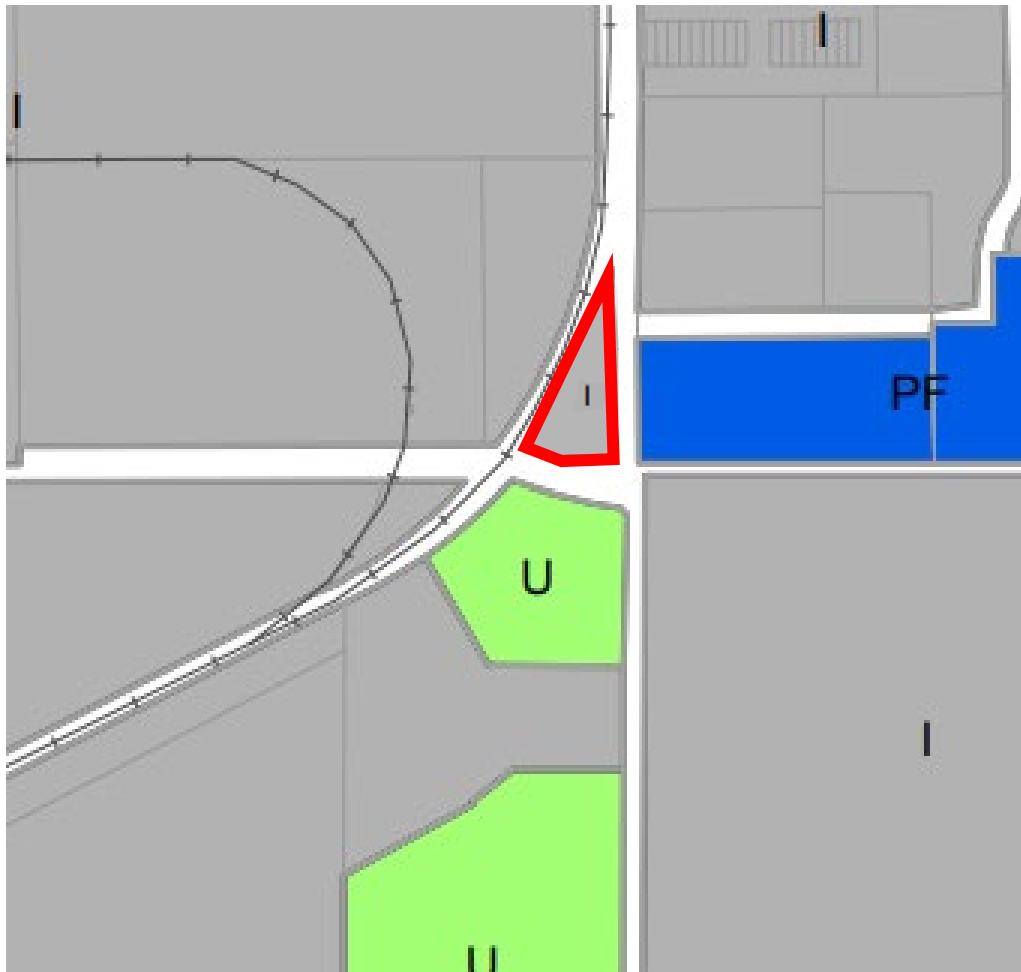


S - Special Provisions Applicable





Project Site





## Proposed Zone District



### Industrial Districts

-  I - Industrial
-  IP - Industrial Park

### Other Districts

-  PF - Public Facilities
-  RCO - Resource Conservation and Open Space
-  U - Unclassified
-  S - Special Provisions Applicable

-  Project Site



**RESOLUTION NO. 1963**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
CONTINGENTLY APPROVING CONDITIONAL USE PERMIT 2022-34  
AND SITE PLAN REVIEW 2022-42  
MAMMOTH OXYGEN**

**WHEREAS**, Mammoth Oxygen (“Owner”) owns a 0.81 acre parcel (Assessor Parcel Number (APN) 009-330-026) in the County of Madera, California (“site”); and

**WHEREAS**, the site is located at the northeast corner of South Pine Street and West Almond Avenue in the City of Madera at 794 South Pine Street; and

**WHEREAS**, the site is developed, and the site development includes an approximate 6,300 square foot structure, two driveway accesses on South Pine Street, one driveway access on West Almond Avenue, asphalt pavement between the structure and South Pine Street, and a perimeter chain-link fence; and

**WHEREAS**, Mammoth Oxygen is a wholesale / retail welding and automotive paint supply business; and

**WHEREAS**, Mammoth Oxygen has established its business operations at the site and is presently operating unlawfully; and

**WHEREAS**, the City General Plan land use plan identifies the site as planned I (Industrial) and the City Zoning Ordinance has the site zoned the site U (unclassified); and

**WHEREAS**, the U (Unclassified) zone district is inconsistent with the I (Industrial) land use plan designation; and

**WHEREAS**, the Owner is requesting to rezone the site I (Industrial) (REZ 2022-08) to enable the establishment and operation of Mammoth Oxygen at the site; and

**WHEREAS**, REZ 2022-08 will be considered under a separate resolution and subject to the consideration and adoption by City Council (Council); and

**WHEREAS**, the Owner is requesting a Use Permit (CUP 2022-34) to allow the manufacturing and storage of flammable liquids on the site; and

**WHEREAS**, the Owner is also requesting a site plan review (SPR 2022-42) to allow for a wholesale / retail welding and automotive paint supply business in conjunction with an existing warehouse; and

**WHEREAS**, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines as the project involves negligible or no expansion of existing facilities; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission (Commission) is authorized to review and approve use permits and site plan reviews on behalf of the City; and

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

**WHEREAS**, the Commission received and reviewed CUP 2022-34 and SPR 2022-42 at a duly noticed meeting on July 11, 2023; and

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

**WHEREAS**, the Commission has independently completed its review of the staff report and documents submitted for CUP 2022-34 and SPR 2022-42, and evaluated the information contained within the report and documents submitted, and considered the testimony received as part of the public hearing process; and

**WHEREAS**, to accommodate the Owner's request to consider CUP 2022-34 and SPR 2022-42 in conjunction with the approval of REZ 2022-08, the Commission now desires to contingently approve CUP 2022-34 and SPR 2022-42 such that no decision of approval of CUP 2022-34 or SPR 2022-42 becomes final and effective until immediately after Council adopts the Categorical Exemption and approves REZ 2022-08, and if no such approval occurs within 180 days of the adoption of this Resolution, then the Commission intends that CUP 2022-34 and SPR 2022-42 be set for further consideration and a final decision by the Commission.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project is categorically exempt pursuant to 15301 - Existing Facilities, as recommended to the City Council in conjunction with the approval of REZ 2022-08, as the existing baseline is the current non-conforming use, and approvals of the rezone and associated CUP and SPR are procedural matters to bring the property into conformance with the City's zoning ordinance and will result in negligible or no expansion of existing uses. Additionally, the project will occupy an existing building on an existing parcel with existing services and utilities, and no major modifications or expansions to the structure are to occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project. With the adoption of such a categorical exemption by the City Council, no further action is required for the project under CEQA.
3. Findings for CUP 2022-34 and SPR 2022-42: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-34 and SPR 2022-42, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permit) and Section 10-3.4.01 (Site Plan Review). The 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*

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

CUP 2022-34 is subject to approval of REZ 2022-08, which would rezone the site to I (Industrial) consistent with the City General Plan land use designation of I (Industrial). As conditioned, the project is consistent with the purpose and intent of the I zone district and does not conflict with City standards or other provisions of the Code. Therefore, the project is consistent with the General Plan and Zoning Ordinance of the City of Madera.

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

The site is suited industrial supporting uses such as a wholesale / retail welding and automotive paint supply business permitted in an I (Industrial) zone district, and is surrounded by industrial uses. The mixing and storage of flammable liquids and gases at the site will not be harmful to, or incompatible with, surrounding uses. The site is located near and adjacent to other wholesale and retail industrial supply businesses and as proposed would be a compatible use for the site.

- 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 establishment of a wholesale / retail welding and automotive paint supply business will not be detrimental to the overall well-being of neighborhood or City. The project, as conditioned, will provide for business opportunities within the City and more retail options to serve residents.

#### Findings to Approve a Site Plan Review

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

SPR 2022-42 is subject to approval of REZ 2022-08 which would result in the rezoning of the site to I (Industrial) consistent with the General Plan land use designation of I (Industrial). SPR 2022-42 is consistent with the purpose and intent of the I (Industrial) zone district and does not conflict with City standards or other provisions of the Code.

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

The site is not located within the boundary of an adopted specific plan.

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

SPR 2022-42 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the I (Industrial) zone district. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, or traffic, and there will be no adverse effects on surrounding property.

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

SPR 2022-42 will be required to install sidewalk improvements in accordance with City standards. Related infrastructure improvements may also include curb, gutter, storm drainage, utilities and other related street infrastructure in conformance with City standards.

Establishment of an operation of the wholesale / retail welding and automotive supply business will not have a significant impact on traffic or the environment.

4. Approval of CUP 2022-34, and SPR 2022-42: Given that all findings can be made, the Commission hereby approves CUP 2022-34 and SPR 2022-42 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A" and subject to the following:

The conditional approval of CUP 2022-34 and SPR 2022-42 shall be final and effective immediately only after Council approves REZ 2022-08 and adopts a CEQA determination for the project. If the Council approval of all of the same is not made within 180 days of the adoption of this Resolution, then CUP 2022-34 and SPR 2022-42 shall be returned to the Commission for further consideration and a final decision. If Council approvals are made within 180 days of the adoption of this Resolution, but any change is made by the Council in a manner that could reasonably affect the findings of the Commission herein, or require a modification or addition of a condition of approval to be consistent with a Council approval, then CUP 2022-34 and SPR 2022-42 shall be returned to the Commission for further consideration and a final decision.

5. Effective Date: This resolution is effective immediately.

Effective Date: This resolution is effective immediately.

Exhibits:

Exhibit "A" Conditions of Approval

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of July 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 2022-34 & SPR 2022-42

**EXHIBIT "A"**  
**CUP 2022-34 & SPR 2022-42**  
**(MAMMOTH OXYGEN)**  
**CONDITIONS OF APPROVAL**  
**JULY 11, 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 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.

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 Conditional Use Permit 2022-34 (CUP 2022-34) will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. All discretionary conditions of approval for Site Plan Review 2022-42 (SPR 2022-42) 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 for either entitlement, 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.

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 designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this use permit and/or conditional use 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 use permit or site plan review, the zoning ordinance, and all City standards and specifications. This use

permit and site plan review 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 use permit and site plan review. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use 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, site plan review, 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, use permit review process, or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the site plan review or use 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.

These conditions are applicable to any person or entity making use of this use permit, 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 use permit.

#### **CONDITIONS OF APPROVAL**

- Conditional Use Permit 2022-34 is subject to Conditions of Approval 1, 2, 4 through 16, and 90 through 102.
- Site Plan Review 2022-42 is subject to Conditions of Approval 1, 2, 3, 5 through 15, and 17 through 102.

#### **GENERAL CONDITIONS**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant/owner 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) business days following adoption of the CEQA for the project.**
3. SPR 2022-42 shall expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
4. CUP 2022-34 is conditioned upon the privileges granted being utilized within 12 months after the effective date thereof. Failure to utilize such permit within such 12-month period shall render the permit null and void unless a timely written request for extension is submitted to the Planning Commission prior to the expiration of this permit.

5. CUP 2022-34 and SPR 2022-42 approval are subject to approval of REZ 2022-08, which would rezone the property to I (Industrial). CUP 2022-34 and SPR 2022-42 shall not proceed until REZ 2022-08 is approved and becomes effective.
6. CUP 2022-34 and SPR 2022-42 approval is not an authorization to commence construction. On and off-site improvements, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
7. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
8. The project site shall be developed in conformance with the Site Plan and Building Floor Plan designated by the City as Exhibits 1 and 2, subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2022-34 and/or SPR 2022-42. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2022-34 and/or SPR 2022-42 be filed for review and approval through the applicable City process.
9. Deferrals are not permitted for any condition included herein, unless specifically stated in that condition.
10. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
11. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
12. Approval of CUP 2022-34 and SPR 2022-42 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project,



including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

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

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

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

13. The project site shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
14. All on-site and off-site requirements listed herein shall be completed prior to final building inspection and shall be completed in conformance CUP 2022-34 and SPR 2022-42 Conditions of Approval to the satisfaction of the City prior to issuance of a certificate of completion, occupancy permit, and/or issuance of a business license.
15. The applicant shall comply with all federal, state, and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of CUP 2022-34 and/or SPR 2022-24.

## **PLANNING DEPARTMENT**

### **General**

16. CUP 2022-34 allows for the mixing and storage of flammable automotive paint, clearote, primers, reducers, body fillers and polishes within the 6,300 square foot structure and the outside storage of flammable compressed and liquid gases (oxygen, argon, nitrogen, carbon dioxide, helium, mixed gases, and acetylene).
17. SPR 2022-42 allows for the use of a 0.81-acre site with an established 6,300 square foot structure as a wholesale / retail welding supply and automotive paint supply business, as conditioned herein.
18. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
19. 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.
20. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish, and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.

21. No outdoor display of merchandise shall be allowed.
22. No outdoor storage of goods, materials and/or activities not specified on Exhibit 1 shall be allowed without first securing written approval from the Planning Manager, Site Plan Review Modification or, if necessary and applicable, by the Planning Commission. It shall be the Planning Manager's discretion as to whether a written approval, Site Plan Modification or Planning Commission approval is required.
23. The applicant, prior to issuance of building permits, shall submit to the Planning Department a final site plan detailing all requirements and conditions of approval herein to be kept on file with the Planning Department as final record of the development proposal.

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

24. All entry doors and loading bay doors visible from either South Pine Street or West Almond Avenue shall provide a covered entrance (awning or roof overhang) of adequate form and size to diffuse the building massing by providing a visual element and to protect persons entering the building from inclement weather.
25. Building elevations, as condition herein, shall include a minimum three (3) color exterior painting scheme.
26. North, east and south building elevations shall include wall mounted trellises providing architectural relief.
27. All exterior utility and mechanical equipment shall be placed at ground-level located along the building's west elevation so as not to be visible to the public. Exterior utilities shall not be roof mounted.
28. Natural gas and electrical utility meters and mechanical equipment shall not be located within the public viewshed visible from South Pine Street or from West Almond Avenue.
29. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet(s) shall be located outside the South Pine Street or West Almond Avenue public viewshed.
30. The wooly mammoth sculpture positioned at the southeast corner of the property shall be relocated so as to be removed from the property or incorporated into the landscape improvements and outside the intersection's visual line of sight setback so as not to interfere with intersect and driveway line sight distance requirements.

#### **Lighting**

31. Exterior building elevation lighting and site lighting shall incorporate a uniform and cohesive decorative lighting scheme.
32. Decorative lighting shall be added to the east building elevation and shall be positioned to compliment and provide lighting for the bay doors and man doors facing South Pine Street. All doorway entries shall provide lighting.
33. Decorative lighting shall be added to the south building elevation facing West Almond Avenue.
34. Wall pack lighting is prohibited on the north, east and south building elevations. Wall pack lighting is permitted on the west building elevation.
35. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All

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

36. All parking areas shall provide lighting for security and safety. Lighting in parking areas shall be focused downward, in order to effectively provide light for the safety of both the pedestrian and vehicular users of the parking area. It is important that the entrances and exits to parking areas are well lit.
37. All parking area lights/lighting shall be incorporated into landscaped areas.
38. Concrete lighting bases/pillars shall not exceed three (3) feet above pavement grade and shall include a finished surface material capable of withstanding weathering.
39. The aggregate height of the pole and base shall not exceed 20 feet above pavement grade.
40. All exterior lighting shall not interfere with the driving safety of vehicle traffic.

#### **Signage**

41. All existing on-site signage shall be removed.
42. No signs, apart from “No Parking” signs along South Pine Street and West Almond Avenue shall be reviewed and approved under a separate permit in accordance with MMC §10-6 in advance of installation.
43. The combined total square footage of on-building signs shall not exceed the City’s maximum allowable on-building sign coverage per MMC §10.6.09. The sign area of each face and the sign height shall not exceed requirements per MMC §10.6.09.
44. Building shall incorporate decorative form and material for building address. No plastic, vinyl or similar type of material shall be used for the building address.

#### **Trash Enclosure**

45. A trash enclosure shall be positioned outside the perimeter fence shall be constructed of masonry block according to City of Madera Standard Drawing E-7. The trash enclosure shall provide a “man door” and have the capacity to accommodate two (2) bins – one (1) bin for general waste and one (1) bin for recycle waste and one (1) tote receptacle for green/compostable waste.
46. Trash enclosure finish and color shall match the primary structure.
47. Landscaping shall be provided to screen the enclosure to the extent the enclosure is not visible from South Pine Street or West Almond Avenue public viewshed within five (5) years of planting. All enclosures shall be at least five feet-eight inches (5’8”) in height or rise a minimum of six (6) inches above the height of any collector placed within the structure, whichever is greater.
48. Trash enclosure gates be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
49. Driveways or travel aisles shall provide unobstructed access for collection vehicles to directly access trash enclosure without need of the waste hauler to rollout or re-orient waste bins for loading operations and provide a minimum of 15 feet vertical clearance. In loading areas, the minimum overhead vertical clearance shall be 22 feet for loading operations.

#### **Landscape**

50. Applicant / property owner shall submit a landscape and irrigation plan prepared by a licensed Landscape Architect. The landscape and irrigation plan, subject to the approval by the Planning

Department, shall conform with the State Water Efficient Landscape standards and shall comply with the following requirements:

- a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
  - b. Permanent automatic irrigation systems for all landscaped areas.
  - c. Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas.
  - d. Locate landscape material in such a way that it does not interfere with utilities above or below ground.
  - e. Shrubs shall be a minimum one (1) gallon size. The landscape plan shall provide a minimum shrub planting mix ratio of 1:5 - 1 five-gallon shrub to be planted for every 5 one-gallon shrubs planted.
  - f. Accent and street trees shall be planted at a minimum of 15-gallon size.
  - g. Where landscaping is intended or required to provide a visual screen, the species, quantity, maturity (size), and spacing of the planting shall be sufficient to provide a functional screen within 5 years.
  - h. Planters should be guarded from vehicles by raised curbs.
  - i. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
51. Perimeter landscaping along South Pine Street and West Almond Avenue shall have a minimum depth of six (6) feet excluding required street frontage parkway strip and sidewalk. In addition, any open area north of the perimeter fence on South Pine Street and property boundary shall be landscaped.
  52. Street trees shall be planted along South Pine Street and West Almond Avenue at a minimum ratio of one (1) tree per thirty (30) feet of frontage to complete the incomplete sequences of street trees present along the project site's South Pine Street and West Almond frontages. Street trees to be planted shall be of the same street tree species now present. In the event the pattern is interrupted by a driveway, the street tree shall be planted on either side of driveway.
  53. A minimum of five (5) percent of any parking lot area shall be landscaped, interspersed throughout the parking lot. Shade trees shall be provided in these areas at a minimum ratio of one (1) tree per three (3) parking spaces. Shade trees shall provide 50 percent shade coverage over parking bays at high noon, with full foliage within 15 years of planting. Landscape plans shall delineate required shade coverage.
  54. Landscape islands six (6) feet in width and spanning the entire length of the parking block should be provided at the ends of rows of parking. Islands should contain an 18 inch (18") wide concrete curb along the inside of island, parallel to parking spots, allowing patrons to avoid treading over landscape.
  55. Wheel stops are discouraged except where needed to protect features such as trees, bushes, utilities, and buildings. Where vehicles are constrained from movement by a curb in front of an area covered in low landscaping or in a walkway wider than six (6) feet, two (2) feet of that area may be counted as part of the required parking dimension. If the walkway is at least eight (8) feet

in width, two and one half (2.5) feet within that dimension may be counted as part of the required parking dimension.

56. Trees located in front of “pull in” parking spaces should be placed in-line with painted lines that designate parking stalls to minimize potential damage from vehicle overhang.
57. Landscape screening shall be provided along the parking area property line abutting South Pine Street and West Almond Avenue to provide an aesthetically pleasing view for passing motorists.
58. Landscaping shall be provided along and against all building facades viewable from the public right-of-way and other public spaces to soften the structure.
59. Seventy (70) percent of the required landscaping shall be planted/covered in vegetative materials. Where 70 percent coverage is not feasible, alternative landscaping materials and spacing may be substituted if determined by the Planning Manager to be durable and to have comparable visual appeal. A permanent irrigation system shall be required. Whenever possible, drip irrigation should be used in place of sprinklers.
60. All other areas of the site not used for driveways, parking, or buildings shall be maintained for weed control.
61. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

#### **Signage**

62. All signage shall be in compliance with the City of Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6. Sign permit applicability shall be determined by the Planning Manager or by his/her designee.
63. All existing non-approved on-site signage shall be removed.
64. No signs, apart from “No Parking” signs along South Pine Street and West Almond Avenue shall be reviewed and approved under a separate permit in accordance with MMC §10-6 in advance of installation.
65. The combined total square footage of on-building signs shall not exceed the City’s maximum allowable on-building sign coverage per MMC §10.6.09.
66. Free-standing or monument sign area of each face and the sign height shall not exceed requirements per MMC §10.6.09.
67. Building shall incorporate decorative form and material for building address. No plastic, vinyl or similar type of material shall be used for the building address.
68. The property or business owner shall post “No Smoking” signage to the extent required by law.

#### **Parking**

69. A minimum of 21 total parking spaces shall be provided.
70. Required Americans with Disabilities Act (ADA) compliant and electric vehicle (EV) capable parking spaces shall be provided in accordance with ADA and Section 5.106.5.3.1 of the California Green Building Code. Based on the 21 total parking spaces provided, 1 space shall be an ADA van accessible space and 4 spaces shall be EV capable parking spaces of which 1 EV capable space must be ADA

van accessible. It should be noted that EV ADA van accessible parking space dimensions and access aisle requirements differ from ADA. An increase in the total number of actual on-site parking spaces provided could potentially increase the number of dedicated ADA and EV capable spaces required.

71. Of the 21 total parking spaces required, space shall be a designated "loading" space.
72. A maximum of 25 percent of the required parking spaces may be compact spaces.
73. On-site parking and loading areas shall be provided at all times in conformance with the MMC, City engineering design standards and ADA.
74. All parking and loading areas shall be marked, signed and permanently maintained at all times in conformance with City standards. The parking spaces utilized as required off-street parking per Madera Municipal Code §10-3.1202 shall be installed as detailed in City of Madera Standards & Specifications Drawing E-4.
75. Site improvement plans shall identify and provide a minimum of two (2) bicycle parking spaces for customers and minimum of two (2) bicycle parking spaces for employees.
76. Employee bicycle parking spaces may be indoor and/or outdoor facilities. Outdoor bicycle parking may be provided in two (2) forms: secured locker(s) adequately sized to house a minimum of two (2) bicycles or by one (1) or more "Staggered Wheel well-secured" type racks. Employee bicycle parking shall be well lit and visible from the building interior and placed outside of any exit door walkway or ADA corridor.
77. Customer bicycle parking spaces shall be outdoor facilities provided in the following forms: "Inverted U" also referred to as the "Staple" or "Loop;" "Post & Ring;" or the "Staggered Wheel well-secured" type racks. Placement of customer bicycle parking spaces shall be within the visible of the main building entrance and be a minimum of twenty-four (24) inches end to end from the building and sixty (60) inches end to end between racks, and thirty-six (36) inches from side to side from the building as well as side to side between racks. Bicycle parking shall be well lit and placed outside of any exit door walkway, ADA path or emergency corridor.

## **ENGINEERING DEPARTMENT**

### **General**

78. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
79. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
80. Improvement plans shall be signed and sealed by an engineer and submitted to the Engineering Department according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
81. The improvement plans for the project shall include the most recent version of the City's General Notes.
82. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Department.
83. All off-site improvements shall be completed prior to issuance of final occupancy.

### **Water**

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

### **Sewer**

85. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.

### **Streets**

86. The developer shall reconfigure parking at the site to allow for the dedication of driveways no more than 24 to 30 feet in width depending on type and size of anticipated vehicles. Parking shall be laid out to the degree possible that vehicles do not queue into the street when parking maneuvers occur on site.
87. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk, as necessary, to current City and Americans with Disabilities Act (ADA) standards. Repairs shall be established for the Engineering Inspector.
88. The developer shall install sidewalk along West Almond Avenue and South Pine Street project frontages in accordance with City and ADA standards.

### **Dry Utilities**

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

### **FIRE MARSHALL**

90. Separate building permits are required for construction of all improvements, this includes the trash enclosure, accessible site features, etc., fire sprinklers, fire alarms and underground fire main system as applicable.
91. Accessible means of access for both vehicular and pedestrian traffic are required.
92. A change of occupancy permit is required. Change of occupancy permit may be processed in conjunction with a building permit for on-site improvements.
93. If the building is classified as an H occupancy; panic hardware and explosion venting are required.
94. Air handling systems may be required for prescriptive ventilation.
95. A complete hazard materials storage analysis is required. If the maximum allowable quantities for hazardous materials are exceeded, then the structure will qualify as an H occupancy. If the structure is reclassified as an H Occupancy, fire sprinklers will be required. Depending on the category, additional fire protection measures may be required.
96. Knox Box is required for rapid entry by fire personnel.

97. Fire Extinguishers are required in accordance with California Fire Code (CFC) Chapter 9.
98. The fire Department Connection (FDC) must be placed 40 feet away from the structure and must be located within 50 feet of the nearest fire hydrant.
99. All fire access lanes shall be clearly marked.

**SAN JOAQUIN VALLEY POLLUTION CONTROL DISTRICT**

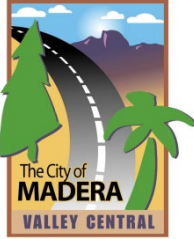
100. Applicant / property owner shall comply with all applicable rules, regulations, and fees of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
101. Applicant / property owner shall demonstrate to the Planning and Building Departments all applicable SJVAPCD construction related permits have been secured prior to issuance of any grading or building permit.
102. Applicant / property owner shall demonstrate to the Planning and Building Departments all applicable SJVAPCD operational permits have been secured prior to issuance of an Occupancy Permit and Business License.

**EXHIBITS**

- "Exhibit A" Site Plan
- "Exhibit B" Building Floor Plan

-END OF CONDITIONS-





## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Adileni Rueda, Assistant Planner

**Meeting of:** July 11, 2023

**Agenda Item:** 2

**SUBJECT**

Variance 2023-01- Madera Rescue Mission Parking Variance

**RECOMMENDATION**

Conduct a public hearing and:

1. Adopt a Resolution adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 Existing Facilities and Section 15332 In-Fill Development approving Variance 2023-01 (VAR 2023-01), subject to the findings and conditions of approval.

**PROPOSAL**

An application for a parking variance from the parking standards of Madera Municipal Code (MMC) Section 10.31202 (Parking Spaces Required) to permit less than the minimum parking spaces required for the Madera Rescue Mission (MRM) facilities and operations on a 2.1-acre site located at 332 Elm Street (Madera County Assessor's Maps (APNs) 008-062-033 and 008-062-34). The site is located on the northwest corner of Elm Street and Clinton Street. (Refer to Attachments 1 and 2). The subject site is currently lacking adequate parking spaces to meet six additional temporary housing units, conditionally approved in August 2022.

An overview of the proposed project is provided in Table 1 below.

**Table 1: Project Overview**

<i>Project Number:</i>	Variance 2023-01
<i>Applicant:</i>	Jesse Chavez
<i>Property Owner:</i>	Madera Rescue Mission Inc
<i>Location:</i>	332 Elm Street (APNs 008-062-033 and 008-062-034)
<i>Project Area:</i>	2.1 acres / 89,026 square feet
<i>Plan Land Use:</i>	Low Density Residential (LD) & Medium Density Residential (MD)
<i>Zoning District:</i>	PD (4500) (One unit per 4,500 square feet) & R2 (One unit per 3,000 square feet)
<i>Site Characteristics</i>	Site is located at the northwest corner of Elm Street and Clinton Street.

## SUMMARY

The applicant, Madera Rescue Mission (MRM), is requesting a variance from MMC Section 10-3.1202 (Parking Spaces Required) to enable the siting and occupancy of six recently conditionally approved temporary modular housing units to an already developed site to reduce the minimum required on-site parking spaces of 41 spaces to the current 36 parking spaces now provided on-site. A total of 41 on-site parking spaces are required as a result of the approval of SPR 2015-21 MOD on August 10, 2022, enabling the addition of six additional temporary prefabricated housing units; however, only 36 parking spaces are available.

Approximately 1.6 acres of the site (APN 008-062-033) is zoned R2 (One unit per 3,000 square feet) with a General Plan land use designation of MD (Medium Density Residential). Approximately 0.5 acres of the site (APN 008-062-034) is zoned PD (4500) (Planned Development, One unit per 4,500 square feet) with a General Plan land use designation of LD (Low Density Residential). The zone districts and land use designations and current use of rehabilitation center is consistent with the City's Zoning District and General Plan.

## SURROUNDING LAND USES

Table 2 below summarizes the existing development/uses, and the City General Plan land use designations and zoning districts surrounding the proposed project site.

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>Land Use</i>	<i>Zone District</i>
<i>North</i>	Single-Family Dwellings	MD – Medium Density Residential	PD 4,500 – (Planned Development/ One unit per 4,500 square feet)
<i>East</i>	Single-Family Dwellings	LD – Low Density Residential	R1 – (One unit per 6,000 square feet)
<i>South</i>	Single-Family Dwellings	LD – Low Density Residential	R1 – (One unit per each 6,000)
<i>West</i>	Single-Family Dwellings	LD – Low Density Residential	R2 – (One unit per 3,000 square feet)

## ANALYSIS

### Site and Entitlement History

Table 3 below summarizes the existing development/uses, and the City General Plan land use designations and zoning districts surrounding the proposed project site.

<b>Table 3: Previously Approved Entitlements</b>
CUP 1988-01 – Rescue Mission
CUP 1990-20 – Madera Rescue Mission
CUP 1991-11 – Madera Rescue Mission Shelter
CUP 1999-22 – Rescue Mission
CUP 2002-07 - Rescue Mission and Expansion & Master Plan
CUP 2002-07 MOD – Rescue Mission covered weightlifting area
CUP 2004-24 – Rescue Mission Use Permit MOD
CUP 2005-17 – Rescue Mission Modification

CUP 2007-15 – Madera Rescue Mission Women's Shelter
CUP 2015-25 – Rescue Mission Master CUP
SPR 2015-21 MOD – Madera Mission Rescue

The MRM is a full-service shelter that strives to provide necessities for those in need and has been providing these services since its development back in 1988. Over the years, MRM has been subject to multiple Conditional Use Permits (CUP), a Precise Plan (PPL), a Site Plan Review, and several modifications to entitlements. Recently, a site plan review modification (SPR 2015-21 MOD) was approved to develop six (6) dwelling units that will provide temporary housing for those who find themselves homeless. Under SPR 2015-21 MOD, the project was conditioned to provide a total of 41 parking spaces. However, due to site constraints, MRM was unable to provide any additional parking spaces to meet the approved number of spaces necessary and thus, the site's parking conditions currently remains at 36 parking spaces.

Along with the 36 parking spaces, MRM is made up of 7 buildings, a metal building, and recently, 6 new dwelling units. With the several buildings located on the site, the Madera Rescue Mission does not meet the required parking stall requirements. A variance for a reduction of required parking spaces is being requested.

### Variance

In accordance with the MMC Sections 10-3.1401 and 10-3.1402, a variance may be granted when practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of the MMC may result from the strict and literal application of any of the provisions of the ordinance. Variances may be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications.

### Variance Justification

Issuance of a variance may be granted by the Planning Commission if the applicant provides all required documentation and information outlined in MMC § 10-3.1405. The applicant must also demonstrate that the literal and strict application of a specific provision established in the MMC will:

- a. Result in a deprivation of privileges enjoyed by other properties in the vicinity under identical zoning classifications due to special circumstances applicable to the property including size, shape, topography, location, or surroundings.
- b. Not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located in.

While the property is not deprived of privileges due to the shape, location, or surroundings of the property, a variance has been requested to reduce the required on-site 41 parking spaces to 36 spaces. The variance request represents a reduction of five parking spaces, a 12 percent reduction of the 41 spaces required. As stated before, the MRM has multiple facilities and accessory dwelling units that have taken up the majority of the site.

While parking can play an important role in development, MRM's primary occupants are homeless individuals. Often the homeless individuals that can secure temporary housing at the MRM do not own or have possession of a vehicle, thereby reducing the demand or need for on-site parking spaces required pursuant to MMC Section 10-3.1202 (Parking Spaces Required). MMC Section 10-3.1220 does not provide

a parking standard specific to temporary housing facilities such as the MRM or for temporary homeless quarters.

Currently, the site has three public parking lots. The lots have a wrought iron fence that are to be left open throughout the day and closed during the afterhours. Since the three parking lots make up the majority of their parking spaces, staff is conditioning MRM to have all parking lots accessible for residents and visitors alike during their business hours unless special circumstances occur.

It should be noted that 4 of the 36 on-site parking spaces are enclosed garages. These garages are located towards the northwest corner of the parcel. As mentioned in CUP 2015-25, it was noted that these garages were being used to store personal belongings from MRM's residents. If these garages are still being used as storage facilities, the number of current on-site parking spaces is 32, not 36. To prevent the possibility of any overflow of vehicles at the site, Staff is requesting that the garages used as storage facilities be vacated and made available for vehicle parking. Doing so, can reduce parking demands on spaces presently available for MRM staff, residents, and visitors.

## **ENVIRONMENTAL REVIEW**

Staff performed a preliminary environmental assessment and determined that the project is exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15301 Existing Facilities and Section 15332 In-Fill Development because the project as no new structures, or modification or expansion to existing would occur. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

## **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 is appropriate given the required findings of approval. The information presented in this report supports conditional approval of VAR 2023-01. 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 VAR 2023-01. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission adopting a Finding of Exemption from CEQA pursuant to CEQA Guidelines Section 15301 Existing Facilities and Section 15332 In-Fill Development for the project and approving VAR 2023-01, based on, and subject to, the findings and conditions of approval.

## **ALTERNATIVES**

As an alternative, the Commission may elect to:

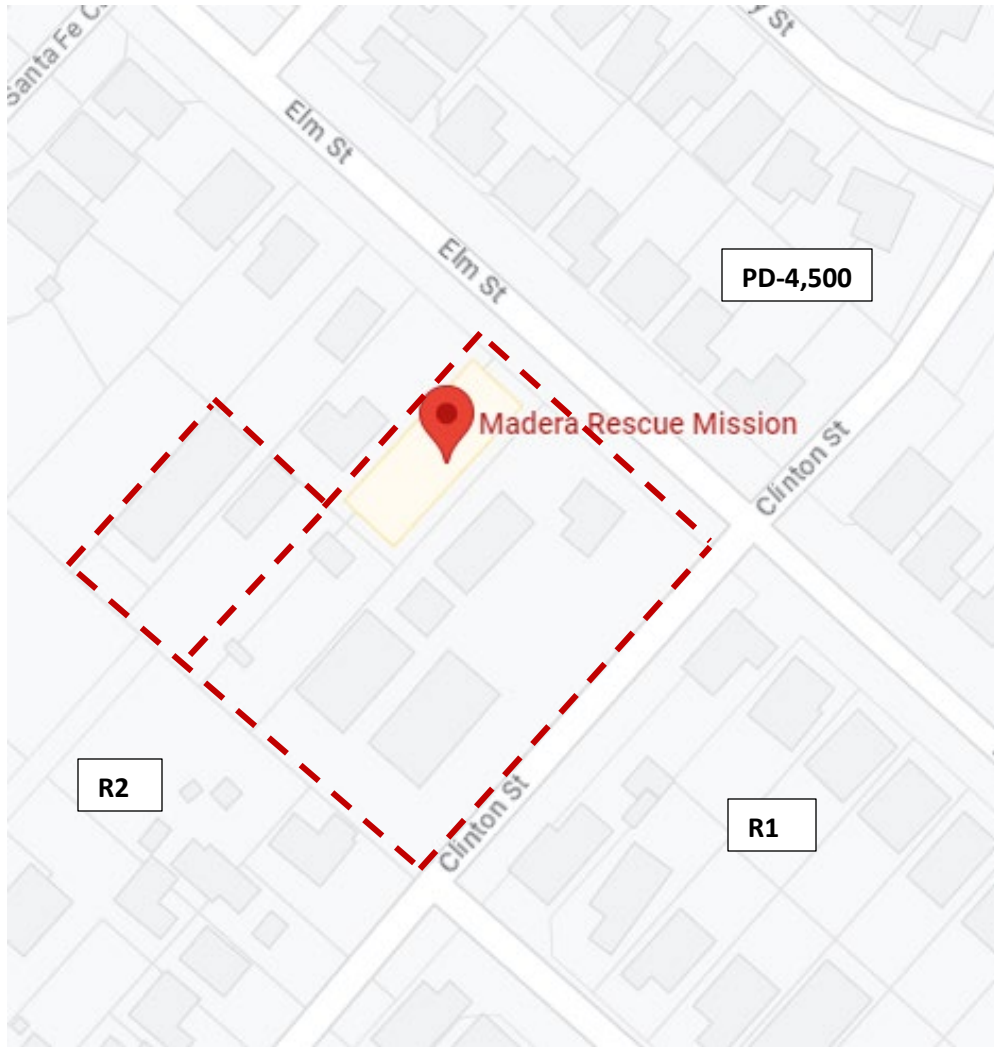
1. Move to continue the public hearing to a future Planning Commission meeting (Commission to specify date and articulate reasons for continuance).
2. Move to deny the request based on specified findings: (Commission to specify and articulate reasons for denial).

## **ATTACHMENTS**

1. Project Vicinity Map
2. Aerial Map
3. Site Plan
4. MRM Request for Variance Letter dated December 12, 2022
5. Resolution
  - “Exhibit A” Conditions of Approval

## **ATTACHMENT 1**

Vicinity Map



## **ATTACHMENT 2**

Aerial View





## **ATTACHMENT 3**

Site Plan

MADERA RESCUE MISSION  
TRIAGE CENTER  
332 ELM STREET, MADERA, CA 93638

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MADERA COUNTY

NOT FOR BID  
NOT FOR CONSTRUCTION

PROJECT STATUS:

## PRECISE PLAN

**BUILDINGS:**

SHEET TITLE:

PROPOSED SITE PLAN

## REVISIONS

[illegible]

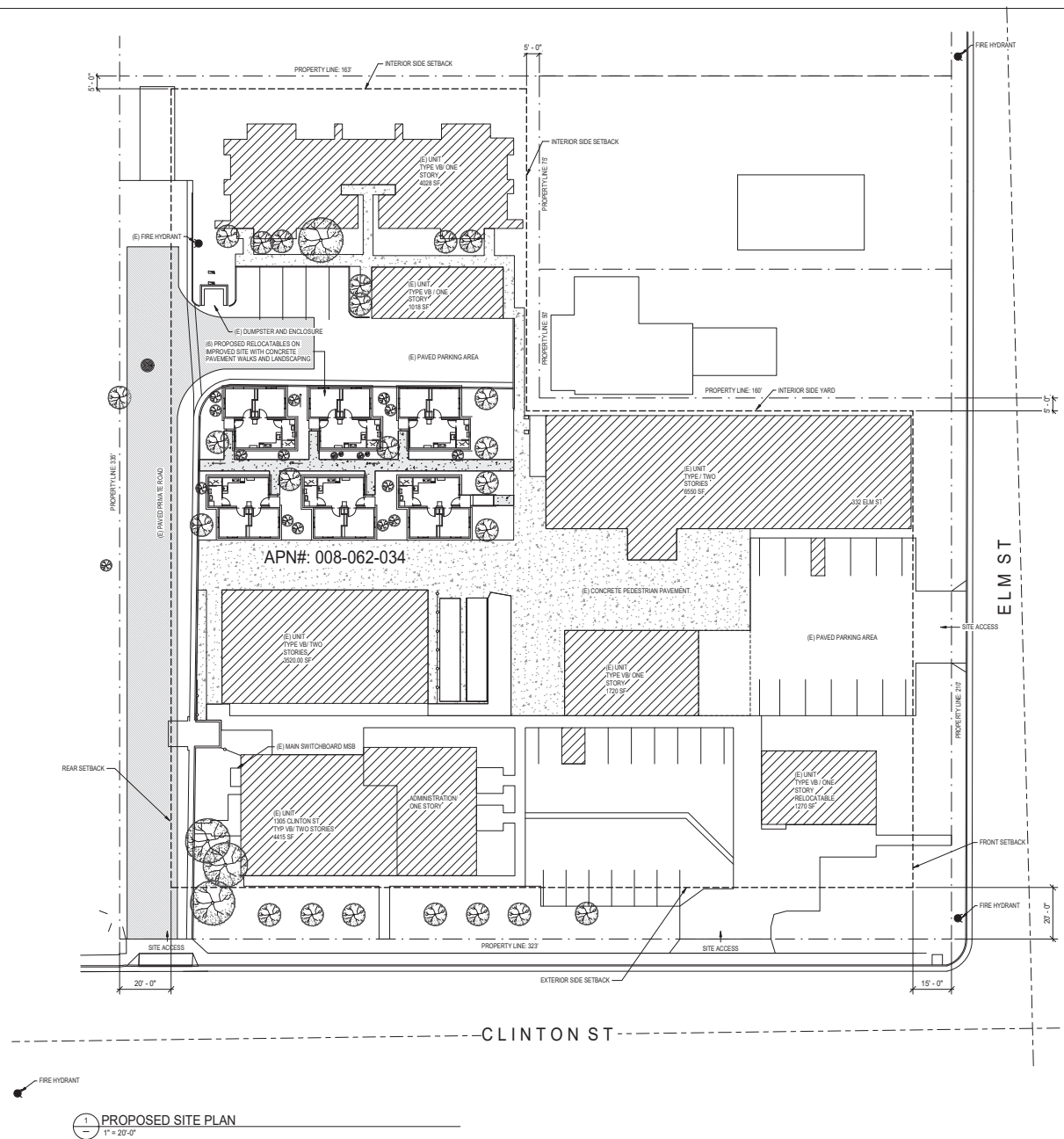
JOB NO.

SHEET

DATE \_\_\_\_\_

## A101

P:\Madera County\00053A3 - Madera Rescue Mission Triage Center\04\_REVIT\REVIT\00053A3 Madera Rescue Mission Triage Center NEW



TRUE NORTH

PROJECT NORTH

**ATTACHMENT 4**

Request for Variance



Date: December 12, 2022  
Mr. Gary Conte  
City of Madera, Planning Manager

RE: Request for Variance from Parking Requirements (Application SPR 2015-21)

Dear Mr. Conte:

The Madera Rescue Mission and County of Madera request a variance from requirement "26. – Parking" noted in the planning department letter "Conditional Approval of Application SPR 2015-21 MOD (Madera Rescue Mission)" dated August 10<sup>th</sup>, 2022, for the following reasons:

- Due to the site constraints, the design team was not able to reasonably provide forty-one (41) spots. However, the updated parking spots have been increased to 36 which includes three (3) van accessible and one (1) regular accessible spot.
- The site is primarily utilized by homeless clients who do not own or operate a personal vehicle. Based on that the planned amount of parking is sufficient to serve the site.
- Street parking is available, and if this was included the total number of available spots will exceed the minimum spots.

We appreciate your consideration of this request and the City's involvement and assistance with this valuable project.

If you have any questions or need additional information, please do not hesitate to reach out to Sean Mann at 916-873-7384 or myself.

Respectfully,

Jesse Chavez

Executive Director Madera Rescue Mission

1305 Clinton Street

Madera, Ca. 93638

559-675-8321

## **ATTACHMENT 5**

Resolution

**RESOLUTION NO. 1964**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND SECTION 15332 (IN-FILL DEVELOPMENT) AND APPROVING VARIANCE (VAR 2023-01)  
(MADERA RESCUE MISSION)**

**WHEREAS**, Madera Rescue Mission Inc (“Owner”) owns APNs 008-062-033 and 008-062-034 located at 332 Elm Street, Madera, California (“site”); and

**WHEREAS**, Jesse Chavez is the “Applicant” of Variance 2023-01 (VAR 2023-01) (“project”); and

**WHEREAS**, APN 008-062-033 is composed of approximately 1.6 acres zoned R2 (One unit per 3,000 square feet) with a MD (Medium Density Residential) General Plan land use designation; and

**WHEREAS**, APN 008-062-034 is composed of approximately 0.5 acres zoned PD (4500) (Planned Development, One unit per 4,500 square feet) with a LD (Low Density Residential) General Plan land use designation; and

**WHEREAS**, the site is developed with multiple buildings, including structures designated for temporary housing; and

**WHEREAS**, the site provides 36 on-site parking spaces, spread out among three (3) established parking areas; and

**WHEREAS**, on August 10, 2022, the City conditionally approved SPR 2015-21 MOD enabling the establishment and construction of six (6) new prefabricated homeless housing units on the site; and

**WHEREAS**, the SPR 2015-21 MOD conditions of approval included increasing the minimum required on-site parking spaces to 41; and

**WHEREAS**, the Owner has determined it has insufficient on-site space to provide additional parking spaces and is unable to increase the on-site parking to provide a minimum of 41 spaces; and

**WHEREAS**, the Applicant is seeking a variance from Section 10-3.1202 of the City of Madera Municipal Code (Parking Spaces Required) (VAR 2023-01) to reduce the required minimum on-site parking to 36 spaces to enable the establishment and construction of the 6 new prefabricated homeless housing units conditionally approved pursuant to SPR 2015-21 MOD; and

**WHEREAS**, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in Sections 15301 and 15332 of the California Environmental Quality Act (CEQA) Guidelines as the project involves negligible or no expansion of existing facilities; and

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

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

**WHEREAS**, the Commission received and reviewed VAR 2023-01 at a duly noticed meeting on July 11, 2023; and

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

**WHEREAS**, the Commission has independently completed its review of the staff report and documents submitted for VAR 2023-01, and evaluated the information contained within the report and documents submitted, and considered the testimony received as part of the public hearing process; and

**WHEREAS**, the Commission now desires to adopt a Categorical Exemption for the project, and approve VAR 2023-01, with conditions.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: The Planning Commission finds and determines that the project is exempt under Section 15301 (existing facilities) of the State CEQA Guidelines because the project is an existing facility with existing services and utilities, involving negligible or no expansion of existing uses. The Planning Commission also finds that CEQA Guidelines Section 15332 (in-fill development projects) applies to this project as it is (a) consistent with applicable goals and policies of the General Plan and standards of the Zoning Ordinance, (b) the site is within City limits and consist of land less than 5 acres surrounded by substantially developed land, (c) there is no known endangered habitats, rare or threatened species on the project site, (d) as conditioned, the project will not have a significant effect on environment relating to traffic, noise, air quality, and water quality, and (e) the project site can be adequately served by existing utilities and public services. The site is consistent with the applicable general plan designation and zoning designation and regulations. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Findings to Approve Variance 2023-01: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of VAR 2023-01. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

Basis of Finding: The site no longer has the space to provide any additional parking. The site would need to remove existing buildings or other on-site structures to provide additional parking. The deconstruction of any of the site's buildings could have the possibility to create hardships either financially or create a loss of services.

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



Basis of Finding: A portion of the site is zoned R2 (One unit per 3,000 square feet) with a General Plan designation of Medium Density Residential (MD) and the remainder of the site is zoned PD 4500 (Planned Development, one unit per 4,500 square feet) with a General Plan designation of Low Density Residential (LD). The site's use can be described as a rehabilitation facility and under a Residential zone, such use is permitted.

4. Approval of VAR 2023-01: Given that all findings can be made, the Planning Commission hereby approves VAR 2023-01 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

4. Effective Date: This resolution is effective immediately.

Exhibits:

Exhibit "A" Conditions of Approval

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11th day of July 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Gary Conte, AICP Planning Manager

"Exhibit A" Conditions of Approval

**EXHIBIT "A"**  
**VAR 2023-01**  
**(MADERA RESCUE MISSION PARKING VARIANCE)**  
**CONDITIONS OF APPROVAL**  
**JULY 11, 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 VAR 2022-04 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after receipt of the notice of the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

### **GENERAL CONDITIONS**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of 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) business days following approval action on VAR 2023-01.**
3. VAR 2023-01 shall expire six (6) months from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the six (6) prefabricated temporary housing units subject to, and conditionally approved by, Site Plan Review 2015-21 MOD (Municipal Code Section 10-3.1411, Termination)
4. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and / or manager may be subject to corrective action.

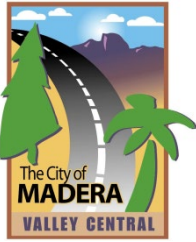
### **PLANNING DEPARTMENT**

5. Approval of VAR 2023-01 is solely for the construction and occupancy of the six (6) prefabricated temporary housing units subject to, and conditionally approved by, Madera Rescue Mission's (MRM) Site Plan Review 2015-21 MOD.
6. All gates access to on-site parking shall remain open during business hours.
7. The existing on-site concrete on-site parking pad immediately to the east of the easterly most Clinton Street driveway between the Madera Rescue Mission office and perimeter fencing along Clinton Street shall be restriped to delineate three (3) parking spaces pursuant to City standards.
8. All on-site vehicular garages shall be available to, and accessible by vehicles. On-site garages utilized to store equipment and / or materials belongings of MRM residents or MRM shall be vacated of stored equipment and equipment.

**ENGINEERING DEPARTMENT**

9. The applicant shall perform sight distance review of the intersection of Clinton Street and Elm to assess existing parking prohibitions relative to their adequacy on the basis that potential for street parking may increase.

– END OF CONDITIONS –



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Wyatt Czesinski, Contract Staff Planner

**Meeting of:** July 11, 2023

**Agenda Number:** 3

**SUBJECT:**

Conditional Use Permit 2022-33, Precise Plan 2022-05, and Site Plan Review 2022-38 - Las Palmas Apartments

**RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution adopting a Class 32 Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA), and approving CUP 2022-33, PPL 2022-05, and SPR 2022-38 for the Las Palmas Apartments project.

**PROPOSAL:**

The subject entitlement applications have been filed by Ubaldo Garcia Hernandez, on behalf of Rudy Hernandez, requesting authorization to construct a 20-unit apartment complex comprised of 17 two-bedroom units and three one-bedroom units. The approximately 0.70-acre project site includes two vacant parcels (Assessor's Parcel Numbers [APNs]: 011-061-004 and 011-061-005) located on the west corner of South Lake Street and Moore Street.

An overview of the proposed project is provided in Table 1 below.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	CUP 2022-33, PPL 2022-05, SPR 2022-38
<i>Applicant:</i>	Ubaldo Garcia Hernandez
<i>Property Owner:</i>	Rudy Hernandez
<i>Location:</i>	Generally bounded by South Lake Street to the northeast, Moore Street to the southeast, Palmas Produce grocery store to the southwest, and a public alleyway and the Madera Rehabilitation & Nursing Center to the northwest.
<i>Project Area:</i>	The project site is approximately 0.70 acres in size. The project would result in the construction of a 20-unit apartment complex with 19,537 sf of total building area.
<i>Planned Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics</i>	The project site is currently vacant and undeveloped.

**SUMMARY:**

The project site is generally bounded by South Lake Street to the northeast, Moore Street to the southeast, Palmas Produce grocery store to the southwest, and a public alleyway and the Madera Rehabilitation & Nursing Center to the northwest.

The site is zoned C1 (Light Commercial) and is designated C (Commercial) within the City's General Plan (see Attachments 3 and 4). Pursuant to Section 10-3.802(C)(21) of the City Municipal Code (CMC), any use permitted in any R (Residential) zone may be permitted in the C1 zone subject to securing a use permit (CUP 2022-33).

In accordance with Section 10-3.4.0106 of the CMC, before approving a proposed site plan (SPR 2022-38), a determination must be made that the proposed project action is in compliance with all applicable provisions of the City Municipal Code, City General Plan, any applicable specific plans, all rules and regulations applicable to the proposed development, that facilities and improvements, vehicular and pedestrian ingress, egress, and internal circulation, location of structures, services, walls, landscaping, and drainage of the site are so arranged that traffic congestion is avoided, that pedestrian and vehicular safety and welfare are protected, that there will not be adverse effects on surrounding property, that proposed lighting is so arranged as to deflect the light away from adjoining properties or public streets and that adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels.

While residential uses are permitted in the C1 zone district subject to securing a Conditional Use Permit, the commercial zone district development standards are intended to facilitate a desired commercial form of development. Additionally, the commercial zone districts do not contain provisions pertaining to residential density. For purposes of determining the project is in compliance with all applicable City provisions and regulations pursuant to Section 10-3.4.0106 of the CMC, the recommendation of staff is based upon compliance with the objective standards and criteria applied by the zoning which is consistent with the respective General Plan land use designation which would facilitate and accommodate development at the density proposed by the proposed housing development project.

A Precise Plan (PPL 2022-02) serves as an appropriate process for the City to allow development at a density consistent with the High-Density Residential land use designation and in compliance with the development standards of the R3 residential zone district, which is consistent with the High-Density Residential land use designation pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan. The Precise Plan process also allows for variations from normal zoning standards which would restrict residential capacity and provides an appropriate mechanism to ensure an appropriate interface as well as mutual easements and reciprocal uses with adjacent commercial development.

All development standards set under PPL 2022-05 will align with those of the R3 zone district and multi-family residential projects.

**SURROUNDING LAND USES:**

The project site is bordered to the northeast by existing single family uses, with multi-family residential uses beyond, on land that is planned and zoned for residential use. To the southeast, the project site is bordered by a City of Madera Housing Authority maintenance building and an existing commercial business on land that is planned and zoned for commercial uses. To the southwest, the site is bordered by a grocery store and restaurant on land planned and zoned for commercial use. Additionally, the Madera Rehabilitation & Nursing Center is located to the northwest of the site on land planned and zoned for

residential use. Planned land uses surrounding the site are shown on Attachment 3, while surrounding zone districts are shown on Attachment 4.

Table 2 below summarizes the existing development/uses, the General Plan land use designations, and zoning districts surrounding the project site.

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>Northeast</i>	Residential	Low Density Residential, High Density Residential	R2
<i>Northwest</i>	Madera Rehabilitation & Nursing Center	High Density Residential	R3
<i>Southeast</i>	Commercial Businesses, City of Madera Housing Authority maintenance building	Commercial	C1, C2
<i>Southwest</i>	Commercial Businesses	Commercial	C1
R2 – One unit per each 3,000 sf R3 – One unit per each 1,800 sf C1 – Light Commercial C2 – Heavy Commercial			

#### **ANALYSIS:**

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 use permits (Section 10-3.13). Pursuant to CMC Section 10-3-4.103(A), Precise Plans are also processed under the provisions of Section 10-3.13 of the CMC. SPR 2022-38 would authorize construction of the new 20-unit apartment complex on the 0.70-acre site. The C1 district allows for all uses allowed within residential districts, including multi-family residential uses, subject to the approval of a CUP as requested under CUP 2022-33. Additionally, PPL 2022-05 would set development standards for the proposed project within the C1 district that better align with residential district standards.

As a part of PPL 2022-05, the project would be allowed to develop to a density consistent with High Density residential land uses, which has a target density of 22.5 dwelling units/acre. At 20 dwelling units proposed on the 0.70-acre site, the project provides approximately 28.57 dwellings units per acre, meeting the applicable target density. Additionally, other than for parking as discussed further below, all development standards set under PPL 2022-05 will align with those of the R3 zone district and multi-family residential projects.

Table 3 below summarizes the development standards proposed under PPL 2022-05. The second column provides the development standards for multi-family development projects in the R3 zone district, while the third column provides the standards proposed under PPL 2022-05, and the fourth column provides a summary of what is proposed under the site plan that has been submitted for the project.

<b>Table 3: PPL 2022-05 Proposed Development Standards</b>			
<i>Standard</i>	<i>R3/Standards for Multi-Family Projects</i>	<i>PPL 2022-05 Standards</i>	<i>Proposed on SPR 2022-38</i>
<i>Front setback (Lake Street) (minimum)</i>	15 ft., 20 ft with garages facing street	15 ft., 20 ft with garages facing street	15 ft. (no garages facing street)
<i>Rear setback (minimum)</i>	15 ft. where windows face rear property line, plus five feet per story. 10 ft. where no windows face rear property line.	15 ft. where windows face rear property line, plus five feet per story. 10 ft. where no windows face rear property line.	39 ft. 8 in.
<i>Interior side setbacks (alley) (minimum)</i>	5 ft.	5 ft.	21 ft.
<i>Exterior side setbacks (Moore Street) (minimum)</i>	10 ft.	10 ft.	15 ft.
<i>Building height (maximum)</i>	50 ft.	50 ft.	27 ft. 1 in.
<i>Open Space (minimum)</i>	500 sf/unit	500 sf/unit	611 sf/unit
<i>Parking Spaces (minimum)</i>	44 spaces (1.5 per each one-bedroom unit, 2 per each unit w/ $\geq 2$ bedrooms, plus 1 additional for every four units)	44 spaces (2 ADA)	50 spaces (2 ADA)

#### Compatibility with Surrounding Uses

The applicant proposes to construct a multi-family residential use, which is allowed conditionally within the C1 zone district, on a parcel which is surrounded by residential and commercial land uses. The project would not place a use on-site that would be incompatible with the other uses in the surrounding area. Conditions placed on the project, as well as development standards set under PPL 2022-05, would ensure that development and operation of the project does not have a substantial adverse impact on the surrounding uses.

#### Circulation and Parking

On-site parking is provided through garage units with tandem single-car driveways and a parking lot on the southwest portion of the site. Each apartment unit will have a corresponding, assigned garage unit and an additional “tandem” driveway parking space for residents or their visitors; resulting in one covered/enclosed parking space and one uncovered parking space (2 designated parking spaces) per unit. An additional bay of 10 on-site parking spaces will be located within the parking lot connected to the Palmas Produce parcel abutting the site to the southwest. Two of the 10 stalls within this parking area are proposed to be ADA compliant.

Pursuant to MMC Section 10-3.1202, multi-family housing projects are required to provide 1.5 parking spaces for each one-bedroom unit, two spaces for each two-bedroom unit, plus one additional space for every four units proposed for the site. Under this requirement, the project would need to provide a total of 44 parking spaces. In total, the site plan proposes 50 parking spaces which staff has determined to be eligible for counting towards the total parking requirement.

#### Site Plan and Elevations

Construction of the building proposed under SPR 2022-38 is conditioned to conform with the site plan and elevation drawings, including the color and materials schedule, as shown in Attachments 5 through



8. Construction would result in an approximately 19,537 sf building (total building area), with a building footprint of 9,425 sf.

#### Landscaping and Open Space

The applicant will be required to submit a landscaping plan to ensure compliance with state water efficient landscaping requirements. The interior and perimeter of the site is required to be landscaped, except where walks or accessways are proposed. Review and approval of the submitted landscape plan and related irrigation plans are required prior to building permit issuance. Per the conditions of approval, landscape improvements will be required to show a minimum of 50 percent shade coverage within the parking lot on the landscape plan submitted for approval.

The project is required to provide 500 sf of open space per unit, which is consistent with the R3 district standards. As proposed, the project would provide approximately 611 sf of open space per unit for a total of 12,226 sf of open space. Open space would be provided within a central courtyard, as well as patio and landscaped areas on the perimeter of the site. An additional open space area including play equipment and picnic area would be located on the southwestern portion of the project, between the parking lot and the building (see Attachment 6).

#### Public Infrastructure

The project would be required to make on- and off-site improvements, including but not limited to, the repairing of sidewalks and drive approaches to City and ADA standards, the re-pavement of the alleyway along the length of the project site, and the reconstruction or upgrade of the access ramp located at the Lake Street and Moore Street Intersection. Additionally, the project has been conditioned to provide a 10-foot public utility easement along the parcel frontages of both Lake and Moore Street. Furthermore, the project is required to record a mutual easement and reciprocal use agreement with the parcel abutting the project site to the southwest. Such an agreement will ensure access to proposed off-street parking (including ADA accessible parking) to serve the project is maintained.

#### Storm Drainage

Storm runoff from the site is planned to go to the Las Palmas basin located south of the site. The project has been conditioned to direct runoff to this basin and expand the basin to an amount that is equivalent to the project's impact on the basin, if needed.

#### **ENVIRONMENTAL REVIEW:**

Staff have performed a preliminary environmental assessment and have determined that the project is Categorically Exempt pursuant to Section 15332/Class 32 of the State CEQA Guidelines because the project is an infill project within an area that is substantially urbanized and within the city limits, is less than 5 acres in size, would not have any value to an at-risk plant or animal species, would not result in any potential environmental impacts under CEQA, and can be adequately served by all required utilities and public services. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

#### **COMMISSION ACTION:**

The Commission will be acting on CUP 2022-33, PPL 2022-05, and SPR 2022-38. Staff recommends that the Commission:

1. Move to adopt a Resolution adopting a Class 32 Categorical Exemption pursuant to CEQA, and approving CUP 2022-33, PPL 2022-05, and SPR 2022-38 for the Las Palmas Apartments project.

**ALTERNATIVES:**

As an alternative, the Commission may elect to:

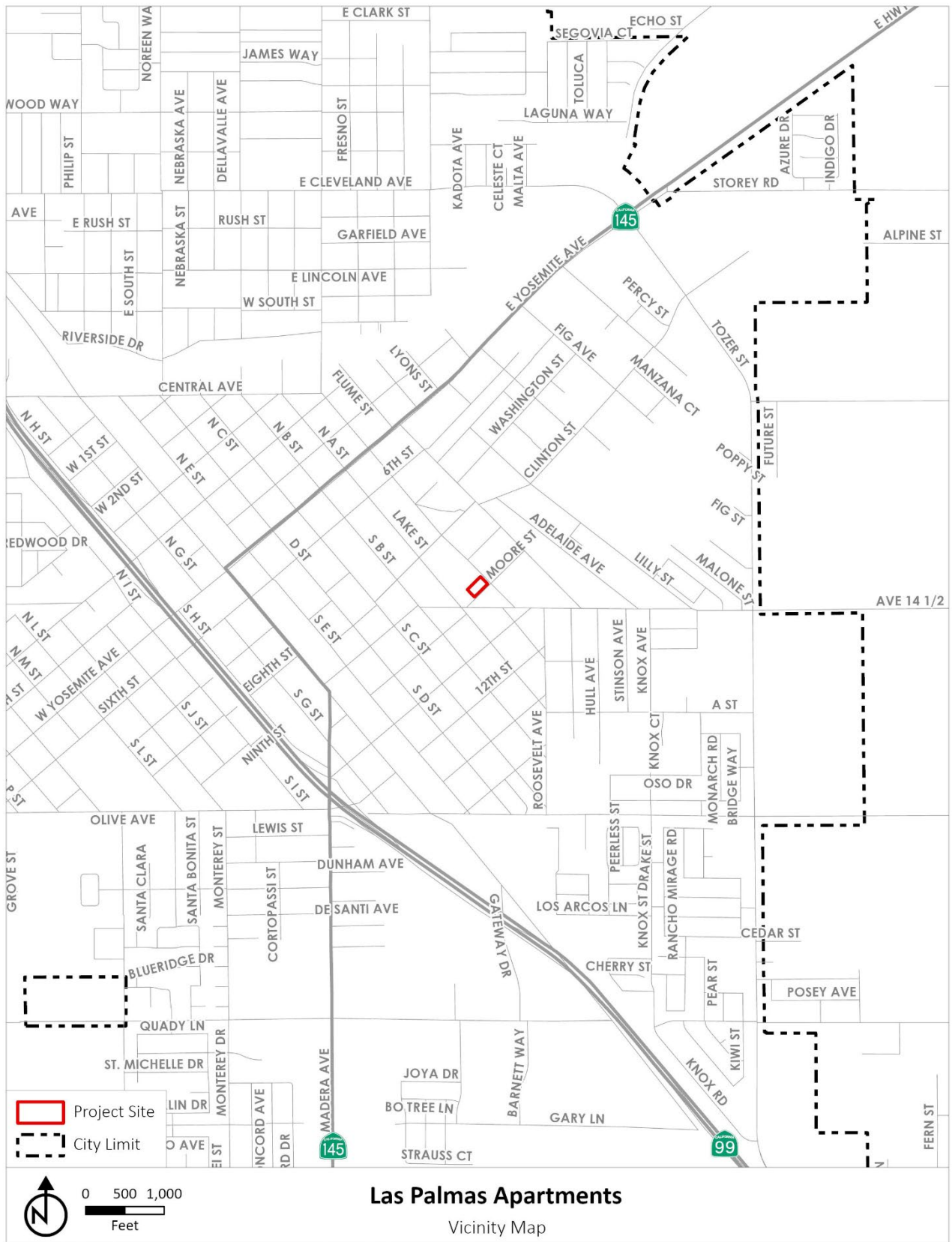
1. Move to continue the public hearing to the August 8, 2023, Planning Commission meeting.
2. Move to deny the request based on specified findings: (Planning Commission to articulate reasons for denial).

**ATTACHMENTS:**

1. Vicinity Map
2. Aerial Map
3. General Plan Land Use Map
4. Zoning Map
5. Site Plan
6. Site Rendering
7. Floor Plan
8. Elevations with Color and Materials
9. Planning Commission Resolution (Class 32 Categorical Exemption, CUP 2022-33, PPL 2022-05 & SPR 2022-38)  
    "Exhibit A" Conditions of Approval

**ATTACHMENT 1**

Vicinity Map



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**ATTACHMENT 3**  
General Plan Land Use Map





 Project Site



0 150 300  
Feet

## Las Palmas Apartments

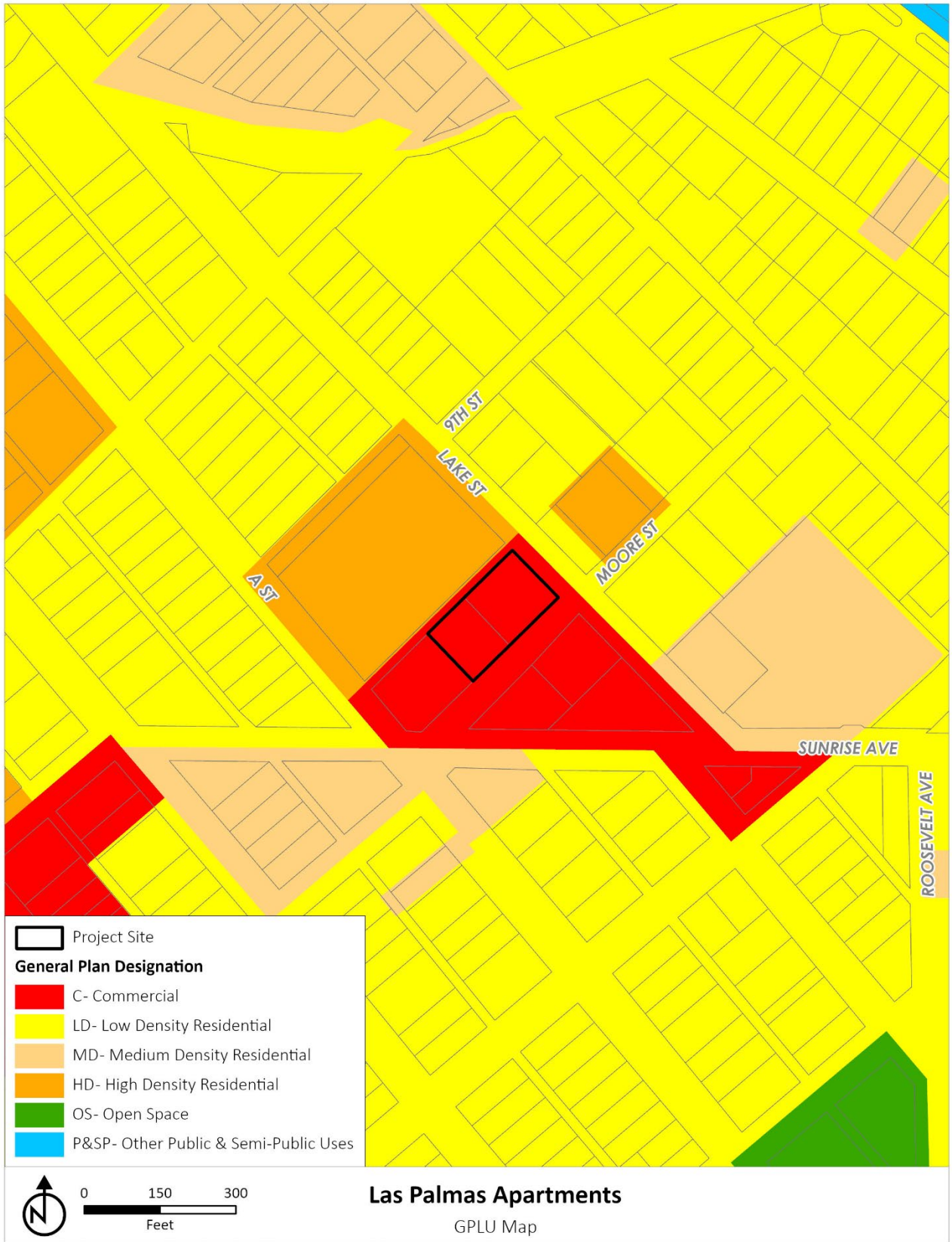
Aerial Map

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**ATTACHMENT 2**

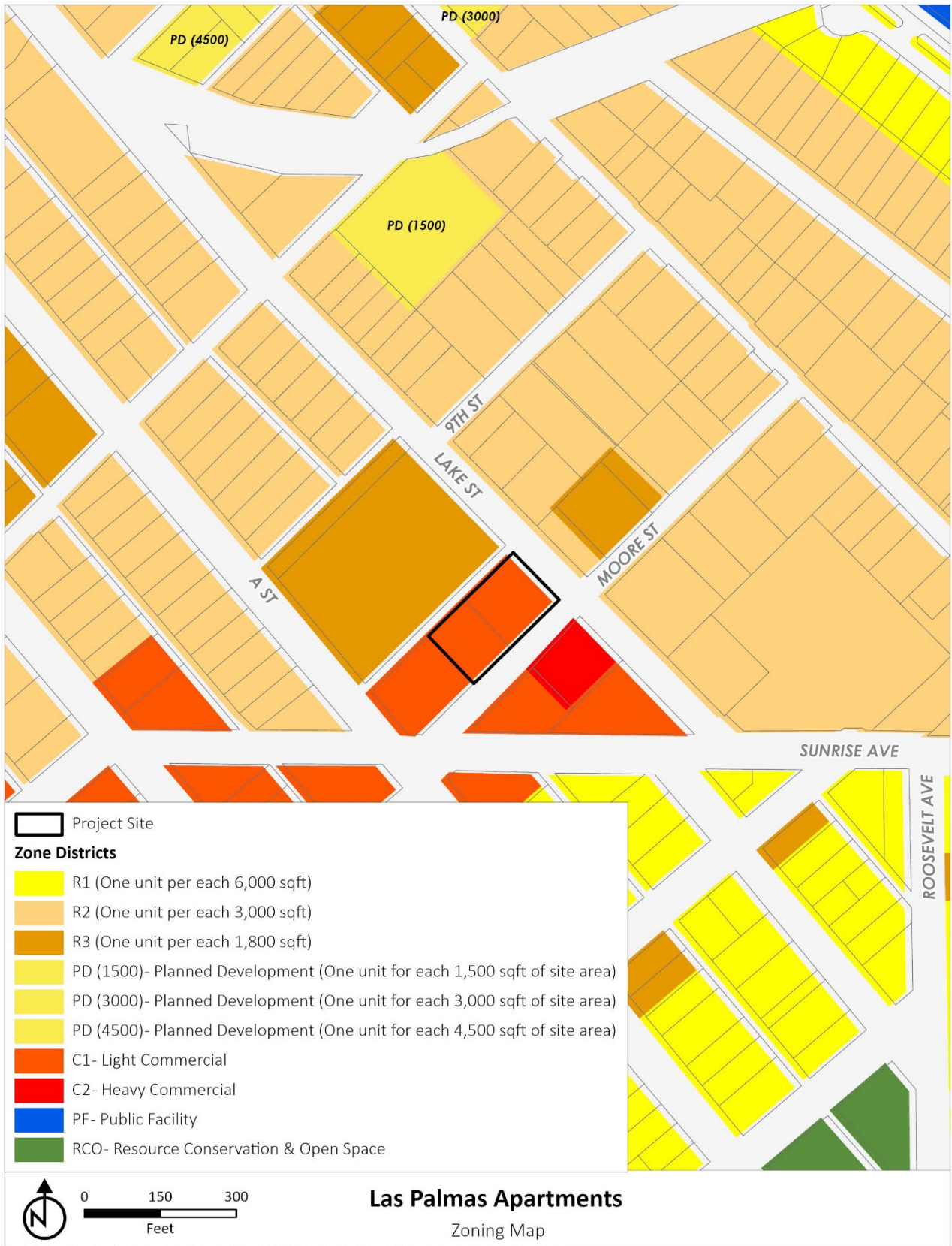
Aerial Photo














**ATTACHMENT 4**  
Zoning Map



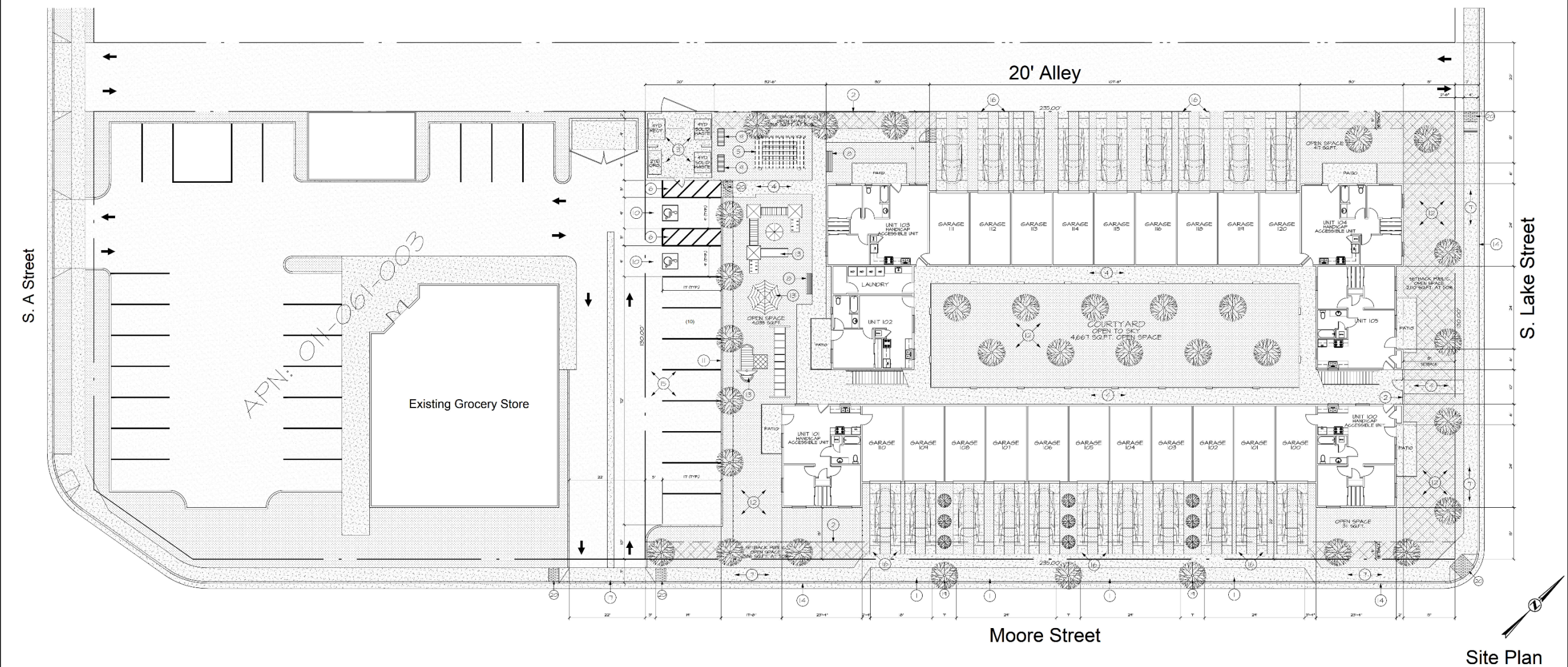
**ATTACHMENT 5**  
Site Plan



SITE PLAN SCHEDULE	
	PROPOSED LOT COVERAGE
	CONCRETE
	ASPHALT PAVING
	LANDSCAPING AREA PER PLANS
	PROPERTY LINE
	PROPOSED WOOD FENCE
	PROPOSED WROUGHT IRON FENCE

[illegible]

Site Detail:	Project Directory	
SITE AREA:	1.30392 AC. @ 87.1 10,510 SQ. FT.	OWNERS: BRIEF: UNDESIGNED DESIGN: UNDESIGNED CONSTRUCTION: UNDESIGNED ADDRESS: 10000 CITY: HUNTSVILLE COUNTY: MADISON
PROPOSED SITE COVERAGE: BUILDING FOOTPRINT: PARKING & DRIVEWAY: SITE SERVICE:	14.62 SQ.FT./AC. 63200 SQ.FT. 12,340 SQ.FT.	ARCHITECT: VILLA D'AMORE 10000 HUNTSVILLE, ALABAMA HUNTSVILLE, ALABAMA
PROPOSED APARTMENT UNITS: PROPOSED DUVA DENSITY:	0.00 UNITS/AC. 0.00 UNITS/AC.	STRUCTURAL ENGINEER: UNDESIGNED DESIGN 10000 HUNTSVILLE, ALABAMA
OPEN SPACE REQ. 50% SQ.FT./ UNIT @ 10,000 SQ.FT.	20.00 SQ.FT./AC.	CIVIL ENGINEER: DALE D. HARRIS, E. ASSOCIATES 10000 HUNTSVILLE, ALABAMA
OPEN SPACE PROVIDED:	0.00 SQ.FT./ UNIT	SOILS: UNDESIGNED DESIGN 10000 HUNTSVILLE, ALABAMA
STREET WALKER OPEN SPACE CANT. @ 50% (NOT SHOWN)	14.62 SQ.FT./AC.	WATER & SEWERING: UNDESIGNED DESIGN 10000 HUNTSVILLE, ALABAMA
STREET WALKER OPEN SPACE (NOT SHOWN)	12,340 SQ.FT.	LANDSCAPE ARCHITECTURE: UNDESIGNED DESIGN 10000 HUNTSVILLE, ALABAMA
OPEN SPACE AREA PROVIDED:	12,340 SQ.FT.	
MAX. HEIGHT REQ. 35' FT. (NOT SHOWN)	35' FT.	
SETBACKS REQ. (NOT SHOWN)	35' FT.	
SETBACKS PROVIDED:	35' FT.	
PARKING REQ. (NOT SHOWN)	35' FT.	
PARKING PROVIDED:	35' FT.	
ACCESSIBLE PARKING (NOT SHOWN)	35' FT.	
PROVIDED:	35' FT.	
EV PARKING PROVIDED:	35' FT.	
PROVIDED:	35' FT.	



**Villa Di Ubaldo**  
Architecture, Engineering & Development  
Ubaldo Garcia Hernandez  
Tel. (959) 871-3534  
Email: villadiubaldo@aol.com



**REVISIONS:**

REVISIONS:

# Las Palmas Apartments

**OWNER/BUILDER:**  
**Rudy Hernandez**  
S21 S.A. ST.  
MADERA, CA 93639  
(559) 960-4657  
rhspalmer04@yahoo.com

## A2.0

**ATTACHMENT 6**  
Site Rendering





Site Rendering

OWNER/BUILDER:  
Rudy Hernandez  
201 S. A ST.  
MADERA, CA 93639  
rudyh@laspalmas.com

3 / 1 / 2021  
REVISED  
1/8" = 1'-0"  
LAS PALMAS  
SHEET

**Las Palmas  
Apartments**

REVISIONS:

*Villa Di Ubaldo*  
Architecture, Engineering & Development  
Ubaldo Garcia Hernandez  
ARCHITECTURE NO. C-25317  
MADERA, CA 93639  
Email: villaubaldo@gmail.com

## **ATTACHMENT 7**

Floor Plan







## **ATTACHMENT 8**

Elevations with Color and Material Board

EXTERIOR FINISH SCHEDULE	
ITEM	DESCRIPTION / COLOR
1	WATER-PROOFING
2	WATER-PROOFING
3	WATER-PROOFING
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99	WATER-PROOFING
100	WATER-PROOFING



Front (East Side) Elevation



Right (North Side) Elevation



Left (South Side) Elevation



Rear (West Side) Elevation

Exterior Elevations

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

**Villa Dr. Ubaldo**  
Architecture, Engineering & Development  
Ubaldo Garcia Hernandez  
Architect Lic. No. C-35317

REVISIONS:

**Las Palmas Apartments**

OWNER/BUILDER:  
Rudy Hernandez  
MAJESTIC, CA 95039  
(909) 960-4627  
rudyh@rudyh.com

3 / 1 / 2021  
1/4" = 1'-0"  
LINDEN APT.  
SHEET

**A5.0**

**ATTACHMENT 9**  
Planning Commission Resolution

**RESOLUTION NO. 1965**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
APPROVING CONDITIONAL USE PERMIT 2022-33, PRECISE PLAN 2022-05  
AND SITE PLAN REVIEW 2022-38  
LAS PALMAS APARTMENTS**

**WHEREAS**, Rudy Hernandez (“Owner”) owns Assessor’s Parcel Numbers 011-061-004 and 011-061-005, approximately 0.70 acres of property located in the City of Madera, California (“site”); and

**WHEREAS**, the owner has authorized application for the construction of a 20-unit apartment complex on the vacant and undeveloped site; and

**WHEREAS**, the site is zoned C1 (Light Commercial) and designated as C (Commercial) within the City’s General Plan; and

**WHEREAS**, residential land uses are permitted uses within the C1 zone district subject to securing a use permit and would be permitted on the site through approval of CUP 2022-33; and

**WHEREAS**, approval of PPL 2022-05 would set development standards for the project that better align with residential projects; and

**WHEREAS**, in accordance with the development standards approved under PPL 2022-05, approval of SPR 2022-38 would result in the allowance of the owner to develop a 20-unit apartment complex, including parking and open space areas, on the site; and

**WHEREAS**, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in section 15332 of the California Environmental Quality Act (CEQA) Guidelines as the project is characterized as in-fill development; and

**WHEREAS**, pursuant to the provisions of the City’s Municipal Code, the Planning Commission (Commission) is authorized to review and approve use permits, precise plans, site plan reviews, and environmental assessments on behalf of the City; and

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

**WHEREAS**, the Commission received and reviewed CUP 2022-33, PPL 2022-05, and SPR 2022-38 at a duly noticed meeting on July 11, 2023; and

**WHEREAS**, at the July 11, 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 has independently completed its review of the staff report and documents submitted for CUP 2022-33, PPL 2022-05, and SPR 2022-38, evaluated the information contained within the report and documents submitted, and considered testimony received as part of the public hearing process; and

**WHEREAS**, the Commission now desires to adopt a Class 32 Categorical Exemption per CEQA and approve CUP 2022-33, PPL 2022-05, and SPR 2022-38, with conditions.

**NOW, THEREFORE BE IT RESOLVED**, by the Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of CEQA. The Commission finds and determines that the project falls within the Class 32 Categorical Exemption set forth in CEQA Guidelines Section 15332 as the project is characterized as in-fill development and meets the required conditions described in said Section. As described in further detail below, the project is consistent with the General Plan and its polices, as well as with the applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 0.70 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. Additionally, the site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Commission adopts a finding of a Categorical Exemption under CEQA Guidelines section 15332 (In-Fill Development Projects) for this project.
3. Findings for CUP 2022-33, PPL 2022-05, and SPR 2022-38: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-33, PPL 2022-05, and SPR 2022-38, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits), Section 10-3-4.103 (Precise Plans), and Section 10-3.4.01 (Site Plan Review). The 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 and Precise Plan*

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

CUP 2022-33 would allow for the development and operation of the 20-unit apartment complex on a site planned and zoned for commercial uses. Within the C1 zone district, residential uses are conditionally allowed. As a result, approval of CUP 2022-33 would align with the intent of the C1 zone district. Uses allowed under the C1 zone district are consistent with the Commercial land use designations under the General Plan. Further, PPL 2022-05 establishes development standards for the project, which are consistent with the allowances of the Zoning Ordinance. Therefore, the project is consistent with the General Plan and Zoning Ordinance.
- *Finding b: The proposed use will be compatible with the surrounding properties.*

The approximately 0.70-acre site is suited for residential development, which is conditionally allowed within the C1 zone district. The site is located within an area that contains residential uses to the northeast and northwest, with commercial uses to the southeast and southwest. As conditioned and through the establishment of site-specific development standards, the operation of an apartment complex is 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 establishment of site-specific standards and the proposed use will result in the operation of a 20-unit apartment complex on the site. As conditioned, the project is required to make public improvements to ensure adequate public facilities, including provision of services, and will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

#### Findings to Approve a Site Plan Review

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

SPR 2022-38 is subject to approval of CUP 2022-33 and PPL 2002-05, which would allow for the development and operation of a residential use in the C1 zone District and establishment of site-specific development standards. The C1 zone district aligns with the site's General Plan land use designation of Commercial. SPR 2022-38 is consistent with the purpose and intent of the C1 zone district and does not conflict with City standards or other provisions of the Code.

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

The site is not located within the boundary of an adopted specific plan.

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

SPR 2022-38 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the C1 zone district and as established through PPL 2022-05. 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 0.70-acre site determined that construction of the new apartment complex 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.*

Under SPR 2022-38, the project will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for curb, gutter, storm drainage, utilities and other related street infrastructure in conformance with City standards. Construction of the new apartment complex will not have a significant impact on traffic or the environment.



4. Approval of CUP 2022-33, PPL 2022-05, and SPR 2022-38: Given that all findings can be made, the Commission hereby approves CUP 2022-33, PPL 2022-05, and SPR 2022-38 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A".

5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 11<sup>th</sup> day of July 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 2022-33, PPL 2022-05 & SPR 2022-38.



**EXHIBIT "A"**  
**CUP 2022-33, PPL 2022-05 & SPR 2022-38**  
**CONDITIONS OF APPROVAL**  
**(LAS PALMAS APARTMENTS)**  
**JULY 11, 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 SPR 2022-38 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. All discretionary conditions of approval for CUP 2022-33 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. All discretionary conditions of approval for PPL 2022-05 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

#### **GENERAL CONDITIONS:**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of 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 all approval actions for CUP 2022-33, PPL 2022-05, and SPR 2022-38.**
3. CUP 2022-33 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
4. PPL 2022-05 shall expire 12 months from date of issuance, unless positive action to utilize the PPL or a written request for extension has been submitted to the Planning Commission before the expiration of the PPL (MMC Section 10-3-3.103, Planning Commission Approval).
5. SPR 2022-38 shall expire one year from date of issuance, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
6. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
7. Development of the project shall conform to the plans designated by the City as Exhibits A through D, subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may, at the discretion of the

Planning Manager, be authorized without an amendment to CUP 2022-33, PPL 2022-05, and/or SPR 2022-38. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2022-33, PPL 2022-05, and/or SPR 2022-38 be filed for review and approval through the applicable City process.

8. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
9. All construction shall cease, and the Community Development Director and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
10. All construction shall cease if any human remains are uncovered, and the Community Development Director, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
11. Approval of CUP 2022-33, PPL 2022-05, and SPR 2022-38 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

## **PLANNING DEPARTMENT**

### **General**

12. Approval of this application shall be considered null and void in the event of failure by the applicant and/or the authorized representative to disclose and delineate all facts and information relating to the subject property and proposed uses.
13. CUP 2022-33, PPL 2022-05, and SPR 2022-38 approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
14. In accordance with Section 10-3.1311 of the City Municipal Code (CMC), 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 the CMC, federal, and/or state laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of CUP 2022-33.
15. The proposed apartment complex shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
16. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2022-33, PPL 2022-05, and SPR 2022-38 Conditions of Approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion, occupancy permit, and/or issuance of a business license.
17. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
18. The property owner, operator and/or manager shall operate in a manner that does not generate excessive noise, odor, blight or vibration that is demonstrated to adversely affect-adjacent properties.
19. 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.
20. Prior to the issuance of issuance of building permits, the applicant shall identify on the site plan and/or elevations the following information for Planning Department review and approval. All equipment shall be screened from view.
  - a) The location of all-natural gas and electrical utility meter locations
  - b) The location of all HVAC (heating, ventilation or air conditioning) equipment
  - c) The location of all compressor equipment, and mechanical and electrical equipment

### **Lighting**

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

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

22. All parking lot lights/lighting shall be incorporated into landscaped areas.
23. Concrete lighting bases/pillars shall not exceed three (3) feet above pavement grade and shall include a finished surface material capable of withstanding weathering.
24. The aggregate height of the pole and base shall not exceed 20 feet above pavement grade.
25. The project proponent shall contact the City Engineer when all site lighting is operational. Additional light screening may be required to ensure compliance with City standards and conditions of approval.

### **Landscaping**

26. Driveways located along the Moore Street frontage of the subject property and providing ingress-egress to on-site garages shall include the following landscape treatments and design features to break up pavement massing within the exterior (street) side yard:
  - a) A minimum five (5) foot wide space between groups of no more than three (3) adjacent driveway/"tandem" parking spaces shall be landscaped.
    - i. Visibility of a driveway(s) crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street and on-site trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.
  - b) Ribbon Driveways ("Hollywood Drives") shall be utilized for driveways rather than solid concrete to soften the streetscape within the exterior (street) side yard. Ribbon driveways consist of two concrete strips and lawn/turf in the center. However, other natural materials, such as brick or river rock may be used in place of the center grass strip. Stamped, colored concrete, pavers or other applications which achieve the same intent may be utilized subject to approval by the Director.
27. Trees shall be required to achieve 50 percent shading of all parking areas, inclusive of parking stalls and drive aisles, within 10 years. Carports may be used to account for shading of paved areas. Landscape plans shall illustrate achievement of the 50 percent shade coverage requirement.
28. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
  - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
  - b) Provide permanent automatic irrigation systems for all landscaped areas;
  - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
  - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and

- e) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
  - f) Integrate, to the extent feasible, low impact development practices to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces.
  - g) Shrub planting shall be a minimum one (1) gallon size and include a mix of one (1) gallon and five (5) gallon shrubs.
  - h) Street and accent tree planting shall be a minimum a 15-gallon size.
  - i) Where landscaping is intended to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial planting shall be sufficient to provide functional screening with a single growing season.
  - j) Perimeter landscaping along street frontages shall have a minimum depth of eight (8) feet excluding required street frontage parkway strip and sidewalk.
  - k) Street trees along street frontages shall be planted at an on-center spacing of one (1) tree per 30 linear feet. Street trees planted along street frontages shall be in conformance with the species of street tree planted on both streets where development already exists.
29. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under CUP 2022-33, PPL 2022-05, and SPR 2022-38.
  30. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
  31. Street trees shall be provided in accordance with City standards along all street frontages. The species of street trees planted shall be consistent with those existing along the Lake Street and Moore Street frontages.
  32. Landscape plans shall include a no-less-than three (3) foot high hedge whenever parking spaces face and/or are visible from the public right-of-way to reduce headlight glare onto public streets and to shield vehicle parking from public view.
  33. Trees located in front of “pull in” parking spaces shall be planted in line with painted lines that designate parking spaces to minimize potential damage from vehicle overhang.
  34. Landscape islands shall be a minimum of six (6) feet width and span the entire length of the parking block and shall be provided at the ends of the parking rows. Islands shall provide a minimum 18-inch-wide concrete curb along the inside of the island, parallel to the adjacent parking space to avoid patrons treading over landscape.
  35. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

36. Landscaping within Public Utility Easements shall not be detrimental to underground utilities within the easement.

### **Parking**

37. As approved under CUP 2022-33, PPL 2022-05, and SPR 2022-38 and shown on the Exhibit A, Site Plan, a minimum of 44 total parking spaces shall be required. The required number of ADA compliant parking spaces shall be provided in accordance with the California Building Code.
38. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
39. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet, provided that a 2-foot overhang may be used pursuant to City standards.
40. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street or alley, and shall be located so that sufficient area is available for maneuvering purposes.
41. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.
42. Parking shall not be permitted within the alley itself.
43. The minimum building setback from the opposite side of the alley shall be 43-feet to accommodate a 19-foot parking stall with a minimum 24-foot clearance for back out space.
44. The parking spaces located on the southwestern boundary of the site, where the project abuts the grocery store parcel, shall be designated for usage by the proposed apartment complex via signage.
45. Driveways leading to garages and affording “tandem” parking for purposes of compliance with the minimum off-street parking requirements of the CMC shall be designated for exclusive use of the tenant or visitors of the tenant residing in the respective residential unit to which the garage is assigned.
  - a) The City assumes no responsibility for parking controls, enforcement or complaints. Disclosures regarding enforcement of this parking requirement as well as instructions and contact information for dealing with complaints shall be provided to all residents with rental agreements. The property owner (or delegated property manager) shall assume responsibility for the enforcement of this condition and dealing with complaints of residents.

### **Trash Enclosures**

46. A trash enclosure shall be constructed as depicted on the site plan. The location of the trash enclosure shall be subject to approval by the Planning Manager prior to the issuance of building permits.
47. The trash enclosure will be located along the alley. The alley shall remain accessible and allow for refuse collection to occur unimpeded by debris, cars, or other obstacles.

48. All exterior trash facilities should be fully enclosed on three (3) sides by a concrete masonry unit (CMU) wall. Access gates and man doors are to be opaque structures constructed of metal and shall be hinged on the outside with cane bolts to hold gates open. The walls and gates shall be congruent with the massing and design of the principal building.
49. All enclosures must be at least six (6) feet in height and rise a minimum of six (6) inches above the height of any container bin placed within the enclosure.
50. Trash containers/enclosures shall not be placed within the public right of way or driveways in such a way that they may potentially cause traffic hazards.
51. Trash containers/enclosures shall not be constructed within an easement or an offer of dedication.
52. Plans for trash enclosures should be drawn to scale and submitted for review.
53. Trash containers shall be provided for trash, recycling, and organics. Containers for each shall be shown on the site plan.
54. All trash enclosure access doors shall be clear from public rights-of-way, pedestrian paths of ingress and egress and shall not be located within a parking stall or passenger loading area.

#### **Outdoor Storage**

55. Outdoor storage of material and/or equipment is prohibited.

#### **Signage**

56. All signage shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage, with the exception of required signs in accordance with City standards, is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
57. All proposed construction announcement signs used shall conform to the Municipal Sign Ordinance.
58. The proposed building shall incorporate decorative form and material depicting building addresses. No plastic, vinyl or similar type of building materials shall be used for building address signage.

#### **Building and Site Aesthetics**

59. The construction of all buildings approved as part of SPR 2022-38 shall be in close conformance with the site plan and elevation drawings, as reviewed and approved by the Planning Commission. Any substantial alterations, as determined by the Director, shall require Planning Commission approval.
60. The construction of buildings approved as part of SPR 2022-38 shall be consistent with an approved color and materials board and representative color section rendering of the proposed buildings to be reviewed and approved by the Planning Manager in response to the conditions contained herein. Any substantial alteration, as determined by the Director, shall require Planning Commission approval.
61. All electrical/mechanical equipment shall be screened from public view.
62. Roof access ladders shall be located within the interior of the building.



63. Roof-mounted equipment placements should be completely screened from view and architecturally integrated into the roof using roof wells, continuous building perimeter fascia screening, etc.
64. All rooftop ducts and vents should be directed away from the public street/sidewalk to minimize their appearance, visibility, and noise pollution.

#### **Pedestrian Access**

65. All garage units shall provide direct access to the courtyard when not attached to its assigned unit.
66. Handicap accessible units, including their attached garages, shall meet the accessibility requirements set forth in the California Building Code.

#### **BUILDING DEPARTMENT**

67. At time of submittal for building permit plan check, a minimum of three (3) sets of the following plans to the Building Department is required. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
  - a) Site plan bearing City approval or a plan incorporating all site related conditions
  - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
  - c) Floor plan - The uses of all rooms and activity areas shall be identified on the plans
  - d) All exterior elevations
  - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
68. Current State of California and federal accessibility requirements shall apply to the entire site authorized for construction under SPR 2022-38 and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
69. Building permits are required for all construction work associated with the project. Separate permits are required for the fires sprinklers, underground fire main and fire alarm systems.
70. The project shall comply with all applicable provisions of the most recent version of the California Building Code.
71. Accessible units are required in the California Building Code. All ground floor units must be adaptable.

#### **ENGINEERING**

##### **General**

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

74. 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.
75. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
76. The improvement plans for the project shall include the most recent version of the City's General Notes.
77. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
78. All off-site improvements shall be completed prior to issuance of final occupancy.
79. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

#### **Water**

80. 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.
81. A separate water meter and backflow prevention device will be required for the landscape area. The water meter and backflow prevention device shall be screened from public view.
82. Water meters shall be installed and accounts activated through the City's Utility Billing Department prior to commencement of foundations and/or pads.
83. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
84. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

#### **Sewer**

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

88. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

#### **Storm Drain**

89. Storm runoff from the project site is planned to go to the Las Palmas basin located south of the project site. 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.
90. Support calculations shall be provided that prove the existing storm drainage facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
91. 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.

#### **Streets**

92. 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.
93. The alley shall be paved from Lake Street to the furthest end of the project parcel, per City standards. Grading of the alley shall be constructed in such a way that future drainage patterns are not negatively constrained. The structural section shall conform to City standards or greater to sufficiently accommodate the increase in traffic volumes. The drive approach at Lake Street shall be modified or reconstructed as necessary to meet current City and ADA standards.
94. The existing drive approach on Moore Street shall be modified or reconstructed as necessary to meet current City and ADA standards.
95. The developer shall install sidewalk along the Moore Street project frontage in accordance with City and ADA standards.
96. The existing access ramp located at the intersection of Lake Street and Moore Street shall be reconstructed and/or upgraded, as necessary, to current City and ADA standards.
97. The proposed driveway approaches on Moore Street shall be constructed per current City and ADA standards. Each drive approach shall have a maximum width of 30 feet with a 5-foot pedestrian refuge between each drive approach.

98. The developer shall install streetlights along Lake Street and Moore Street frontages in accordance with current City standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
99. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontages on Lake Street and Moore Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
100. The developer shall record a lot merger to merge underlying lots of record associated with Assessor's Parcel Numbers (APNs) 011-061-004 and 011-061-005 into one parcel as the buildings are proposed to cross property lines. An application for lot merger shall be submitted to the Engineering Department. A \$400 fee or the fee in effect at that time for lot merger shall be paid with the application to the Engineering Department.
101. The developer shall record a Mutual Easement and Reciprocal Use Agreement for ingress/egress, utility, drainage, access for emergency services, and parking easements in the City of Madera standard form with the parcel to the southwest of this project parcel (Assessor's Parcel Number 011-061-006). The easements shall provide the mutual right of access for all future uses on 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 Reciprocal Easement 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.
102. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 16 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

#### **Dry Utilities**

103. 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.

#### **FIRE DEPARTMENT**

104. Fire extinguishers are required in accordance with Chapter 9 of the California Fire Code as well as Title 19.
105. A Knox Box Rapid Entry System shall be provided for access to all gated portions of the project. The location of the Knox box shall be shown on the site plan.

106. The project shall be equipped with fire sprinklers per the California Building Code/California Fire Code.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

107. The applicant, property owner and/or successors-in-interest shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.

**CUP 2022-17 & SPR 2022-25**  
**7-Eleven Travel Center**

**STAFF IS REQUESTING THIS ITEM BE CONTINUED TO THE AUGUST 8, 2023  
PLANNING COMMISSION MEETING**