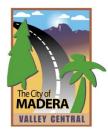
REPORT TO THE ZONING ADMINISTRATOR



Prepared by: Meeting of: January 23, 2024

Will Tackett, Community Development Director Agenda Item: 1

SUBJECT:

Consideration of Zoning Administrator Permit (ZAP) No. 2023-03, Minor Modification to Conditional Use Permit (CUP) No. 2020-08 for Property Located at 675 South Pine Street, on the Northeast Corner of the Intersection of South Pine Street and Gill Avenue.

RECOMMENDATION:

Hold a public hearing and adopt:

 A resolution of the Zoning Administrator of the City of Madera adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301/Class 1 (Existing Facilities) and approving Zoning Administrator permit 2023-03, subject to the conditions of approval.

SUMMARY:

Todd Phillips, on behalf of the owner Berry & Berry, Inc., has filed Zoning Administrator Permit ZAP 2023-03 requesting a minor modification to Conditional Use Permit CUP 2020-08 to authorize the conversion of additional existing warehouse space on the subject property to professional office use.

Table 1: Project Overview					
Project	Zoning Administrator Permit No. ZAP 2023-03				
Number:					
Applicant:	Todd Phillips				
Property	Berry & Berry, Inc.				
Owner:					
Location:	675 South Pine Street, on the Northeast Corner of the Intersection of				
	South Pine Street and Gill Avenue				
	APN(s): 012-401-008-000				
Project Area:	±2.18 acres				
Plan Land Use:	Industrial				
Zoning District:	I (Industrial)				

Project	Minor modification to Conditional Use Permit CUP 2020-08 to authorize
Description:	the conversion of additional existing warehouse space on the subject
	property to professional office use.

ANALYSIS:

On May 12, 2020, the Planning Commission of the City of Madera approved CUP 2020-08 and Site Plan Review (SPR) No. 2020-05 authorizing the establishment of an office use in an industrial zone district. The proposal included retrofitting 10,000 square feet of warehouse and wholesaleretail space within the existing building on the subject property into professional office use space. The subject proposal, pursuant to ZAP 2023-03 would allow conversion of an additional 7,470 square feet of warehouse and wholesale-retail space within the existing building on the subject property into professional office use space.

Section 10-3.417 of the City of Madera Municipal Code (CMC) creates the authority of the Zoning Administrator, including but not limited to, authority to decide matters pertaining to minor modifications of lawfully issued and effective Use Permits when no change in development conditions are necessary, i.e., adequate parking, loading zone and landscaping conditions exist per Chapter 3, Title X of the CMC.

The subject property is an existing development with existing improvements and has adequate area and facilities to comply with all of the original requirements of CUP 2020-08 and SPR 2020-05. No changes in development conditions are necessary.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project involves negligible or no expansion of use. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

ATTACHMENTS:

- 1. Aerial Photo/Vicinity Map
- 2. Zoning Administrator Resolution

Exhibit "A" - Conditions of Approval

Exhibit "B" - Project Exhibits

Attachment 1: Aerial Map



RESOLUTION NO. 001

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND APPROVING ZONING ADMINISTRATOR PERMIT 2023-03

WHEREAS, Berry & Berry, Inc. ("Owner") owns APN 012-401-008-000 located at situs 675 South Pine Street in the City of Madera, California ("site"); and

WHEREAS, Owner is also the applicant for the project; and

WHEREAS, the site is designated for Industrial Land Uses by the Madera General Plan and zoned I (Industrial) on the Official Zoning Map of the City of Madera; and

WHEREAS, the Applicant has submitted Zoning Administrator Permit (ZAP) Application No. 2023-03 proposing a minor medication to Conditional Use Permit No. 2020-08 to authorize conversion of an additional 7,470 square feet of warehouse and wholesale-retail space within the existing building on the subject property into professional office use space; and

WHEREAS, based on a preliminary environmental assessment, the project is subject to a Categorical Exemption pursuant to Section 15301/Class 1 (Minor Land Divisions) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to the provisions of the City's Municipal Code (CMC), the Zoning Administrator is authorized to decide matters pertaining to minor modifications of lawfully issued and effective Use Permits when no change in development conditions are necessary; and

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

WHEREAS, the Zoning Administrator received and reviewed ZAP 2023-03 at a duly noticed meeting on January 23, 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 Zoning Administrator; and

WHEREAS, the Zoning Administrator now desires to adopt a Categorical Exemption for the project, and approve ZAP 2023-03, subject to conditions of approval.

NOW THEREFORE, be it resolved by the Development Review Committee of the City of Madera as follows:

- 1. <u>Recitals</u>: The above recitals are true and correct and are incorporated herein.
- 2. <u>CEQA</u>: The Zoning Administrator finds and determines that the project is exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of an existing private structures, facilities, mechanical equipment, involving a negligible expansion of the existing and former use. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
- 3. <u>Approval of ZAP 2023-03</u>: The Zoning Administrator finds and determines that there is substantial evidence in the administrative record to support the approval of ZAP 2023-03; and hereby

approves ZAP . The project is proposed within an existing building on an existing developed and improved site and no change in development (or operational) conditions are necessary.

- 4. <u>Approval of ZAP 2023-03</u>: Given that all findings can be made, the Development Review Committee hereby approves ZAP 2023-03 as conditioned and set forth in the Conditions of Approval attached as Exhibit "A."
 - 5. <u>Effective Date</u>: This resolution is effective immediately.

	*	*	*	*	*		
Passed and adopted by the Z the following vote:	oning Admi	nistrato	r of the	City of M	Nadera this 23	3 rd day of Jan	uary, 2024, b
AYES:							
NOES:							
ABSTENTIONS:							
ABSENT:							
					Will Tackett		
				,	Zoning Admir	nistrator	
Attest:							
Brandi Garcia							

Exhibit "A": Conditions of Approval for ZAP 2023-03/CUP 2020-08 MOD

Exhibit "B": Site and Floor Plan Exhibits

Recording Secretary

EXHIBIT "A" ZAP 2023-03 / CUP 2020-08 MOD CONDITIONS OF APPROVAL January 23, 2024

CONDITIONS OF APPROVAL

General Conditions

- Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
- 2. The applicant's failure to utilize CUP 2020-08 within one year following the date of this approval shall render CUP 2020-08 null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
- 3. CUP 2020-08 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of CUP 2020-08 and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2020-08.
- 4. SPR 2020-05 shall expire one year from date of issuance, unless positive action is taken on the project as provided in the Madera Municipal Code (MMC) or required action is taken to extend the approval prior to the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
- 5. CUP 2020-08 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
- 6. The project shall be developed in accordance with the site plan, floor plan and elevation drawings, as reviewed and approval with SPR 2020-05. Minor modifications to the site plan necessary to meet regulatory or engineering constraints may be made with the approval from the Planning Manager/City Engineer.
- 7. 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.
- 8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

Building Department

9. A building permit is required for all improvements. All construction on the site shall meet California Building Code, California Fire Code, and Americans with Disabilities Act requirements prior to occupancy.

10. Current State and Federal handicap requirements shall apply to the entire site, structures, and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

Engineering Department

General

- 11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
- 12. 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.
- 13. Improvements plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
- 14. The improvement plans for the project shall include the most recent version of the City's General Notes.
- 15. In the event archeological resources are unearthed or discovered during any construction activities on-site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
- 16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
- 17. All off-site improvements shall be completed prior to issuance of final occupancy.

<u>Sewer</u>

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

<u>Streets</u>

- 21. The developer shall install sidewalk and reconstruct driveways as may be necessary along the South Pine Street and Gill Avenue project frontages in accordance with current City and ADA standards.
- 22. The developer shall reconstruct driveways as may be necessary to conform to current City and ADA standards for an accessible path of travel.
- 23. The developer shall construct an ADA access ramp on the northeast corner of South Pine Street and Gill Avenue in accordance with current City and ADA standards.

- 24. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk in accordance with current City and ADA standards.
- 25. The developer shall record a reciprocal ingress/egress, utility and parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses in the project site. The developer shall pay associated fees with the Engineering Department.
- 26. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
- 27. If the applicant believes that a hardship waiver is applicable based on the cost of these ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Water

- 28. 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.
- 29. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
- 30. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.

Fire Department

- 31. Changes to any fire protection system (fire sprinklers, fire alarms systems), shall require building permits for fire approval.
- 32. A knox box shall be provided if not already existing.
- 33. Fire extinguishers shall be provided in accordance with the California Fire Code. A minimum of one 2A10BC rated fire extinguisher is required for each 3,000 square feet or fraction thereof and the travel distance shall not exceed 75-feet from the any point in the structure to reach a fire extinguisher.
- 34. The design shall provide adequate fire-rated separations as required by the California Building Code and California Fire Code. All fire-rated assemblies shall be fully detailed.
- 35. If the building is not currently equipped with fire sprinklers, fire sprinklers shall be provided.

Planning Department

General

36. On-site vandalism and graffiti shall be corrected per the MMC.

- 37. 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 and refuse containers on the subject property.
- 38. 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.
- 39. The applicant shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use may be cause for revocation of these permit.

Office Conversion

- 40. CUP 2020-08 allows for the office use within the proposed interior conversion of approximately 10,000 square foot tenant space at 675 South Pine Street.
 - a. Office uses shall be inclusive of Accountant / Architect / Attorney / Civil Engineer or Surveyor's Drafting / Collection Agency / Insurance / Private Detective / Real Estate / Social Worker / or other administrative or subcategory of the listed uses.
 - Office uses not compatible shall not be allowed include but are not limited to Chiropractor
 / Cosmetologist / Dentist / Doctor / Funeral Parlor or other medical/therapeutic or
 subcategory of the listed uses.
- 41. The conversion of the building approved as part of SPR 2020-05 shall be in close conformance with the building floor plan and elevation drawings, as reviewed and approved by the Commission. The future subdivision of the open office space shall not occur without first securing a building permit.
- 42. The applicant/developer shall provide the Planning Department with a final color and materials board and representative color section rendergin of the interior & exterior elevations.

Landscaping

- 43. A detailed landscaping and irrigationplan shall be prepared bu a licesend landscape architect and submitted to and approved by the Planning department prior to issuance of a building permit. The plans shall include:
 - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Shade trees shall be planted every 45 feet in the landscaped area along the Almond Avenue and Gateway Drive frontages.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.

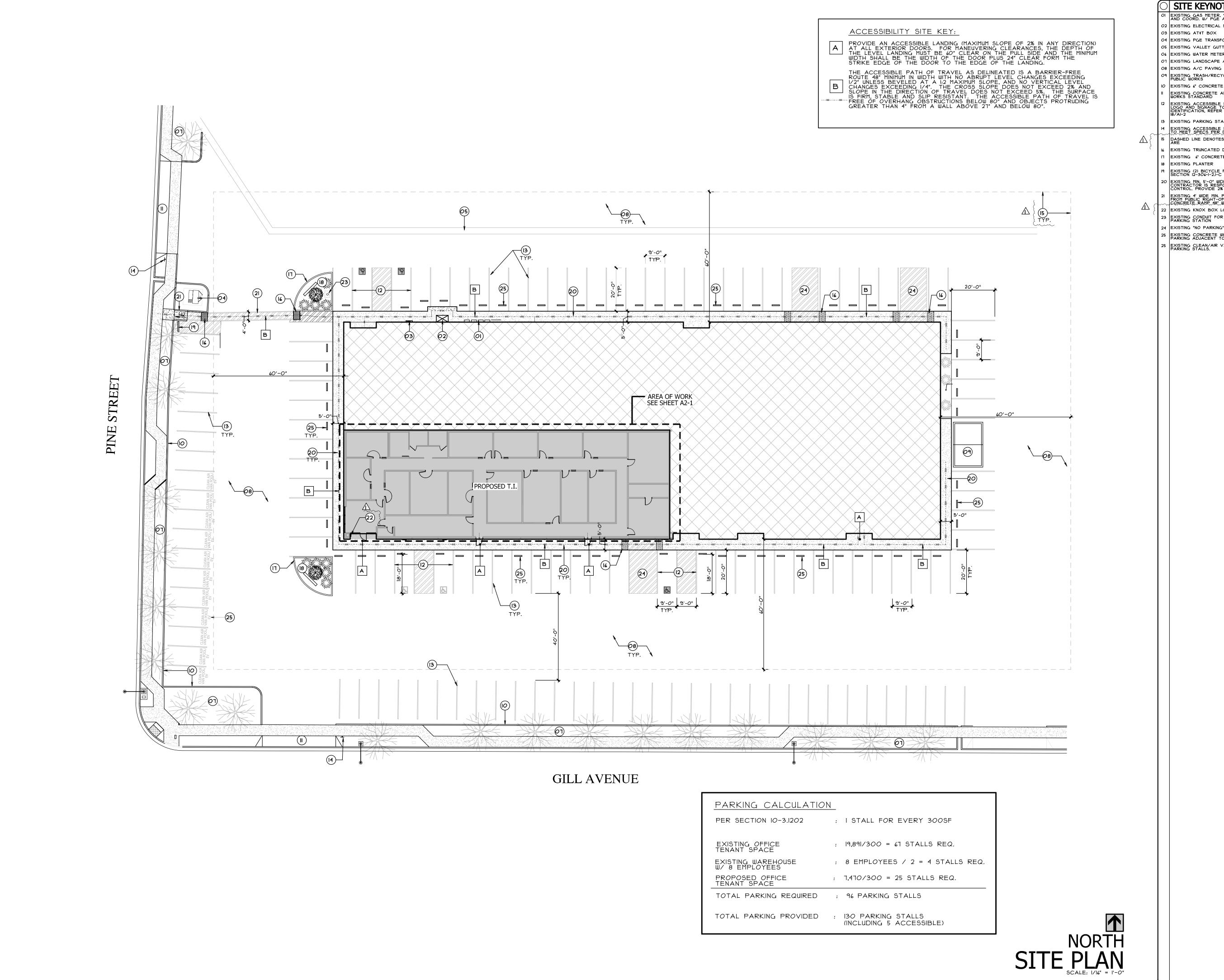
44. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Parking

- 45. Parking stalls shall be developed in close conformance with the approved site plan drawings.
- 46. Onsite parking shall be provided at all times in conformance with the MMC. Further expansion of the use or additional or accessory uses may require the provision of additional parking spaces in compliance with City standards prior to the establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

Signage

47. Signage shall be in accordance with City standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.



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04 EXISTING PGE TRANSFORMER

SITE KEYNOTES

EXISTING GAS METER, VERIFY LOCATION WITH OWNE AND COORD. W/ PGE AS NEEDED

02 EXISTING ELECTRICAL METER

03 EXISTING ATET BOX

05 EXISTING VALLEY GUTTER

06 EXISTING WATER METER, FIELD VERIFY LOCATION OT EXISTING LANDSCAPE AREA

09 EXISTING TRASH/RECYCLING ENCLOSURE PER CITY PUBLIC WORKS

O EXISTING 6" CONCRETE CURB EXISTING CONCRETE APPROACH PER CITY PUBLIC WORKS STANDARD

2 EXISTING ACCESSIBLE PARKING COMPLETE WITH LOGO AND SIGNAGE TO INCLUDE VAN ACCESSIBLE IDENTIFICATION, REFER TO GENERAL NOTE 16 \$\) 13 EXISTING PARKING STALL STRIPING

EXISTING ACCESSIBLE ENTRANCE SIGNAGE VERIFY
TO MEET SPECS PER DETAIL 2/AI-I DASHED LINE DENOTES 60' YARDS FOR UNLIMITED ARE

EXISTING TRUNCATED DOMES, SEE DETAIL 08/AC2-I EXISTING 6" CONCRETE CURB

EXISTING PLANTER

2 EXISTING KNOX BOX LOCATION 23 EXISTING CONDUIT FOR FUTURE EV CHARGING PARKING STATION

24 EXISTING "NO PARKING" STRIPING

25 EXISTING CONCRETE WHEEL STOP, TYPICAL AT ALL PARKING ADJACENT TO BUILDING

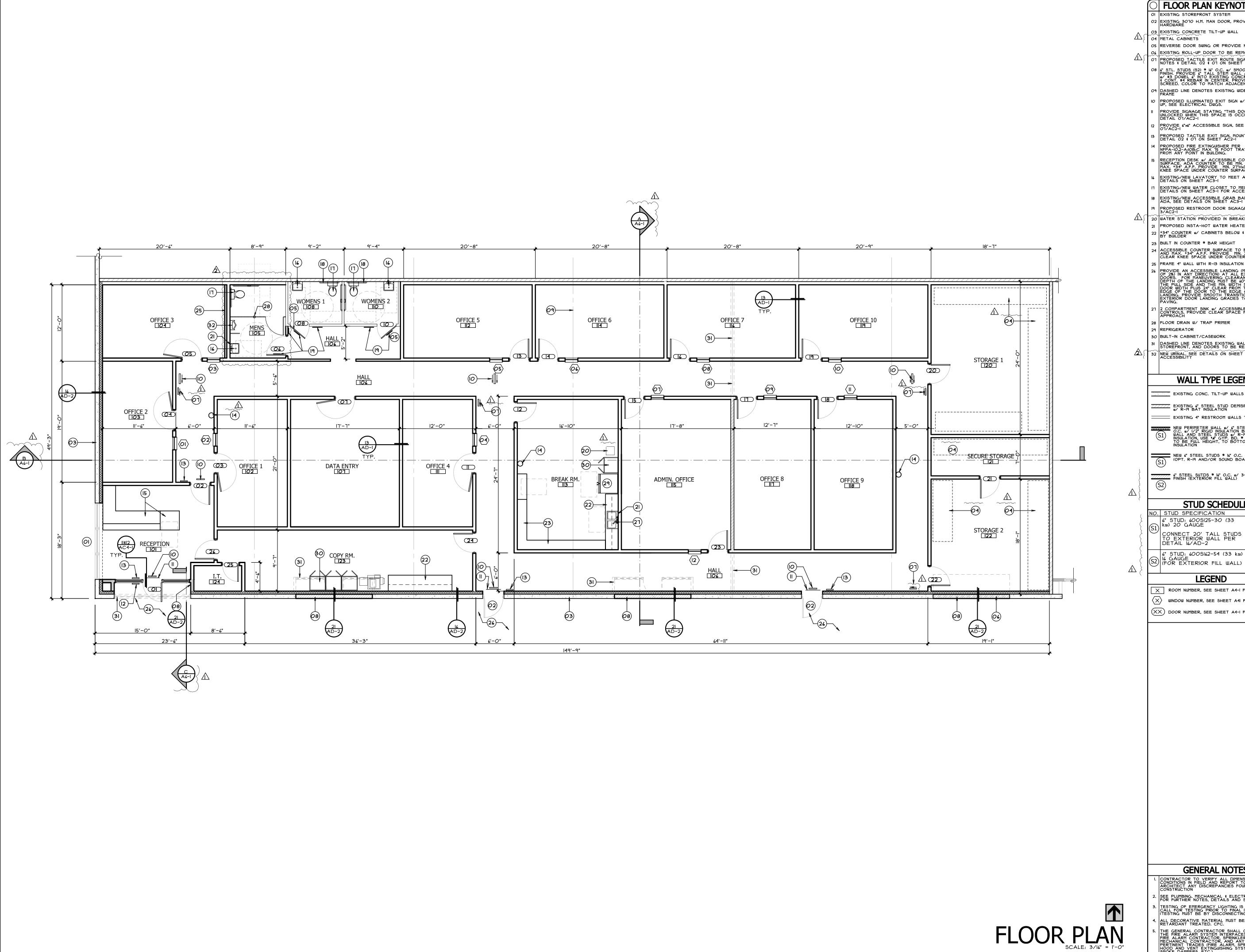
25 EXISTING CLEAN/AIR VAN/CARPOOL MARKED PARKING STALLS.

FORESI

REVISIONS

BACKCHECK 10/16/23

C23007 DATE 11/17/2023



| FLOOR PLAN KEYNOTES

EXISTING STOREFRONT SYSTEM 02 EXISTING 3010 H.M. MAN DOOR, PROVIDE PANIC HARDWARE

03 EXISTING CONCRETE TILT-UP WALL 04 METAL CABINETS EXISTING ROLL-UP DOOR TO BE REMOVED

REVERSE DOOR SWING OR PROVIDE NEW DOOR 1 PROPOSED TACTILE EXIT ROUTE SIGN, MOUNT PER NOTES & DETAIL 02 & 01 ON SHEET AC2-I

9 DASHED LINE DENOTES EXISTING WIDE FLANGE MAIN PROPOSED ILLUMINATED EXIT SIGN W/BATTERY BACK UP, SEE ELECTRICAL DWGS.

PROVIDE SIGNAGE STATING "THIS DOOR TO REMAIN UNLOCKED WHEN THIS SPACE IS OCCUPIED" SEE DETAIL 01/AC2-I PROVIDE 6"x6" ACCESSIBLE SIGN, SEE DETAIL

PROPOSED TACTILE EXIT SIGN, MOUNT PER NOTES & DETAIL 02 & 01 ON SHEET AC2-I PROPOSED FIRE EXTINGUISHER PER
NFPA-IO.2-A:IOB:C MAX 15 FOOT TRAVEL DISTANCE
FROM ANY POINT IN BUILDING. RECEPTION DESK W/ ACCESSIBLE COUNTER SURFACE. ADA COUNTER TO BE MIN. 36" WIDE AND MAX. +34" A.F.F. PROVIDE MIN. 21"Hx30"Wx1"D CLEAR KNEE SPACE UNDER COUNTER SURFACE EXISTING/NEW LAVATORY TO MEET ADA, SEE DETAILS ON SHEET AC3-I EXISTING/NEW WATER CLOSET TO MEET ADA, SEE DETAILS ON SHEET AC3-I FOR ACCESSIBLE STALL

8 EXISTING/NEW ACCESSIBLE GRAB BARS TO MEET ADA, SEE DETAILS ON SHEET AC3-I PROPOSED RESTROOM DOOR SIGNAGE SEE DETAIL 20 WATER STATION PROVIDED IN BREAKROOM PROPOSED INSTA-HOT WATER HEATER 22 +34" COUNTER w/ CABINETS BELOW & ABOVE. FINISH BY BUILDER

BUILT IN COUNTER 9 BAR HEIGHT ACCESSIBLE COUNTER SURFACE TO BE MIN. 36" WIDE AND MAX. +34" A.F.F. PROVIDE MIN. 21"Hx30"Wx19"D CLEAR KNEE SPACE UNDER COUNTER SURFACE FRAME 4" WALL WITH R-13 INSULATION

2 COMPARTMENT SINK w/ ACCESSIBLE FAUCET CONTROLS, PROVIDE CLEAR SPACE FOR PARALLEL APPROACH 28 FLOOR DRAIN W/ TRAP PRIMER

29 REFRIGERATOR BUILT-IN CABINET/CASEWORK DASHED LINE DENOTES EXISTING WALLS, STOREFRONT, AND DOORS TO BE REMOVED

32 NEW URINAL, SEE DETAILS ON SHEET AC3-I FOR ACCESSIBILITY

WALL TYPE LEGEND EXISTING CONC. TILT-UP WALLS

EXISTING 6" STEEL STUD DEMISING WALL W/ R-19 BAT INSULATION EXISTING 4" RESTROOM WALLS TO REMAIN

NEW 6" STEEL STUDS 9 16" O.C. W/ 56" GYP. BD. (OPT. R-19 AND/OR SOUND BOARD PER OWNER)

6" STEEL SUTDS * 16" O.C. w/ 3-COAT STUCCO FINISH (EXTERIOR FILL WALL)

STUD SCHEDULE

6" STUD: 600S125-30 (33 ksi) 20 GAUGE CONNECT 20' TALL STUDS TO EXTERIOR WALL PER DETAIL 16/AD-2

X ROOM NUMBER, SEE SHEET A4-I FOR SCHEDULE WINDOW NUMBER, SEE SHEET A41 FOR SCHEDULE (XX) DOOR NUMBER, SEE SHEET A4-I FOR SCHEDULE

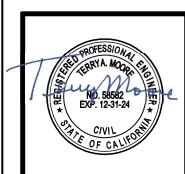
LEGEND

BERRY PINE 9

RE

PI





REVISIONS

BACKCHECK 10/16/23 BACKCHECK II/I3/23

GENERAL NOTES

CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS IN FIELD AND REPORT TO THE ARCHITECT ANY DISCREPANCIES FOUND PRIOR TO CONSTRUCTION SEE PLUMBING, MECHANICAL & ELECTRICAL DRAWING: FOR FURTHER NOTES, DETAILS AND SCHEDULES TESTING OF EMERGENCY LIGHTING IS REQUIRED. CALL FOR TESTING PRIOR TO FINAL INSPECTION. (TESTING MUST BE BY DISCONNECTING MAIN.)

JOB NO. C23007