



## REGULAR MEETING OF THE MADERA PLANNING COMMISSION

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

### NOTICE AND AGENDA

Tuesday, April 9, 2024  
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: 87403684824# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/87403684824>. 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.

**PUBLIC HEARINGS:**

**1. CUP 2023-09, Site Plan Review 2023-27 & Tentative Parcel Map 2024-01 – Building for Christ Ministry**

**Subject:** Consideration of an application for a Conditional Use Permit (CUP 2023-09), Site Plan Review (SPR 2023-27) and Tentative Parcel Map (TPM 2024-01) to establish a new place of worship and subdivide the property located at 1135 S. Granada Dr. into three parcels.

**Recommendation:**

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to Sections 15301 (Existing Facilities), 15315 (Minor Land Divisions) and 15332 (Infill Development) of the California Environmental Quality Act (CEQA) Guidelines, and approving Conditional Use Permit 2023-09, Site Plan Review 2023-27 and TPM 2024-01 subject to the findings and conditions of approval.

**2. PPL 2023-02 & Site Plan Review 2023-08 – El Monte Duplex**

**Subject:** Consideration of an application to construct a duplex at 318 El Monte Ct. The site is zoned PD-2000 (one unit per 2,000 sq. ft. of site area) and is designated HD (High Density Residential) by the Madera General Plan.

**Recommendation:**

Conduct the public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for the project and approving Precise Plan 2023-02 and Site Plan Review 2023-08 based on and subject to the findings and conditions of approval.

**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.

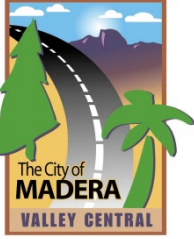
- The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing [planninginfo@madera.gov](mailto:planninginfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY 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:** Robert Smith

**Meeting of:** April 9, 2024

**Agenda Item:** 1

### **SUBJECT**

Conditional Use Permit 2023-09, Site Plan Review 2023-27 and Tentative Parcel Map 2024-01 Building for Christ Ministry

### **RECOMMENDATION**

Conduct a public hearing and adopt:

A Resolution determining:

1. The project is Categorically Exempt pursuant to Sections 15301 (Existing Facilities), 15315 (Minor land divisions) and 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, and
2. Approving Conditional Use Permit 2023-09, Site Plan Review 2023-27, and TPM 2024-01 subject to the findings and conditions of approval.

### **SUMMARY:**

The applicant and property owner, Steve Alvarado of Building for Christ Ministry has submitted applications for a Conditional Use Permit (CUP 2023-09), Site Plan Review (SPR 2023-27), and Tentative Parcel Map (TPM 2024-01) proposing to establish a new place of worship, and subdivide the subject property located at 1135 S. Granada Drive (APN 009-350-036) on the east side of south Granda Drive between West Almond Ave and West Pecan Ave (Attachment 1) into three parcels.

SPR 2023-27 proposes to adapt and reuse the existing 6,148-sf retail & office building on the project site (Parcel 1) for a religious worship facility and multi-purpose building and to construct a new future new 7,000-sf (500 seat) sanctuary as secondary phase where worship can then occur. Proposed improvements will also include construction of a new refuse enclosure; installation of perimeter landscaping; off-street parking; and other associated site improvements on Parcel 1.

The project site is designated for Industrial land uses in the General Plan and is zoned I (Industrial).

Table 1 below provides an overview of the project site characteristics.

| <b>Table 1: Project Overview</b> |  |
|----------------------------------|--|
| <i>Project Number:</i>           | CUP 2023-09, SPR 2023-27, TPM 2024-01.   |
| <i>Applicant/Owner:</i>          | Steve Alvarado – Building for Christ Ministry.   |
| <i>Location:</i>                 | Southwest Madera east of south Granda Drive and between West Almond Ave and West Pecan Ave.  |
| <i>Project Area:</i>             | 8.38-acre lot with an existing plant nursery   |
| <i>General Plan Land Use:</i>    | I (Industrial)   |
| <i>Zoning District:</i>          | I (industrial)   |
| <i>Site Characteristics</i>      | Relatively flat, rectangular site with existing commercial use. Site has exiting unimproved sidewalks along the frontage and requires frontage improvements to the rear. |

**ANALYSIS:**

Site Characteristics:

The project site is adjacent to an existing large residential subdivision to the west and south of a number of residential subdivisions located along South Granada Dr and beyond. To the direct north, south and east of the property is industrial land with a number of existing industrial uses. Farmland, agricultural related uses and the city limit is further to the south of the property.

Street improvements (curb, gutter, sidewalk) are not in place on the South Granada Drive frontage of this property, nor along the rear which has frontage on Commerce Drive. The development area is composed of an existing commercial landscaping nursery that has been present for a number of years.

Surrounding Land Uses:

| <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>                               | Ultra Grow Plant Food                       | Industrial (I)                  | I – Industrial       |
| <i>East</i>                                | Advanced Drainage Systems                   | Industrial (I)                  | I – Industrial       |
| <i>South</i>                               | The Madera Tribune<br>All About Dance & Gym | Industrial (I)                  | I – Industrial       |
| <i>West</i>                                | Residential Single Family                   | Low Density Residential         | PD 4,500             |

### Circulation:

Two existing curb cuts will remain from South Granada Drive, accessing a two-way driveway to frontage parking and additional parking towards the rear of the site. An accessible path of travel can be established from both the front and rear parking areas.

### Parking:

The project provides 60 parking stalls serving a total of 6,148 sf of floor area. Parking standards for the proposed churches require one parking space for each 4 seats of floor area for a total of 60 spaces.

### Queuing:

Engineering upgrades to the existing right of way and turning pockets are required as part of the project. Details of the proposed upgrades are secured through conditions of approval.

### Landscaping:

A revised landscape and irrigation plan consistent with the conditions of approval will be required as part of any submittal for a building permit. This will include details of draught tolerant, native species with irrigation and requirement for continued maintenance to maintain landscape appearance.

### Conditional Use Permit:

The City's Municipal Code allows for the granting of a use permit by the Planning Commission subject to being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

As proposed, the conditional use permit is required for the establishment of a church and associated uses within the Industrial zoning district. As the project does not propose new structures at this time, there are no buildings subject to design review. Design review is limited to site alternations, minor amendments to the existing building and the proposal for the sanctuary for additional worship floorspace.

### Site Plan Review:

Minor alterations are proposed to the existing building to accommodate the new church. A proposed 7,000 sf sanctuary building has been represented by plans and indicative images, with the more detailed form of this building to be reviewed through conditions of approval. The portion of development on parcel 1 is less than 5-acres so qualifies for the CEQA infill exemption. No criteria for an infill exemption are triggered. The Institute of Transportation Engineers anticipated trip generation for this use does not reach a point where there appears to be an impact beyond what has been modelled for this Industrial land use designation. The site is set

out for the management of stormwater through the typical drainage basin approach. The project is not likely to cause excessive noise, that would in particular impact surrounding residential occupants and will not impact air quality.

Operational Hours:

The applicant proposes the church operate 7 days a week, with the imposition of a condition of approval limiting operation hours to between 8:00 am and 10:00 pm, typical of this use type.

**ENVIRONMENTAL REVIEW:**

The proposed project has been reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Pursuant to the CEQA a preliminary environmental assessment determined that the project is Categorically Exempt pursuant to the provisions of Section 15301 (Existing Facilities). The existing facilities relate to the existing structure which is proposed to receive the amended use and relates to development within parcel 1. Section 15315 (Minor Land Divisions) exemption relates to the proposal to subdivide the property to three parcels and does not impact any of the proposed uses or development on the site. Finally, Section 15332 (Infill Development Projects) relates to the proposal for site alterations, minor alterations to the existing building and the proposal for the sanctuary building, as it all relates to parcel 1. These exemptions are supported by the CEQA Guidelines.

**RECOMMENDED ACTION:**

The Commission will be acting on Conditional Use Permit Application No. CUP 2023-09, Site Plan Review Application No. SPR 2023-27, and Tentative Parcel Map Application No. TPM 2024-01.

Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to Sections 15301 (Existing Facilities), 15315 (Minor land divisions) and 15332 (Infill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, and approving Conditional Use Permit 2023-09, Site Plan Review 2023-27, and TPM 2024-01 subject to the findings and conditions of approval.

The Commission’s action is final unless appealed for consideration by the City Council in accordance with the provisions of the City Municipal Code.

**ALTERNATIVES:**

As an alternative, the Commission may elect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Planning Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution: (Commission to specify and articulate reasons for referral/continuance).

2. Move to recommend denial of the request based on specified findings: (Commission to specify reasons for denial).
3. Provide staff with other alternative directions.

**ATTACHMENTS:**

1. Vicinity Map
2. Plan
3. General Plan
4. Zoning Map
5. PC Resolution



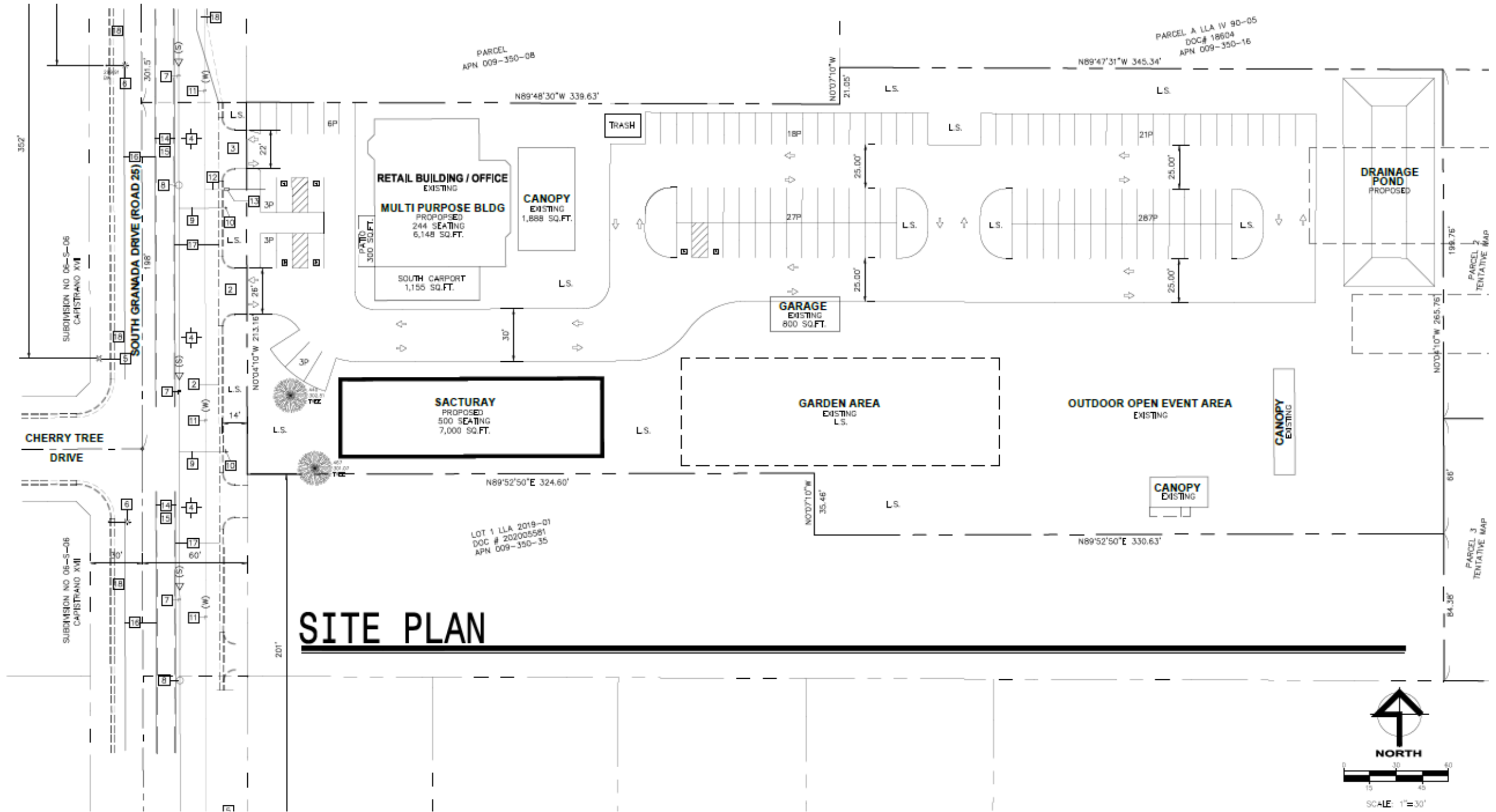
# **ATTACHMENT 1**

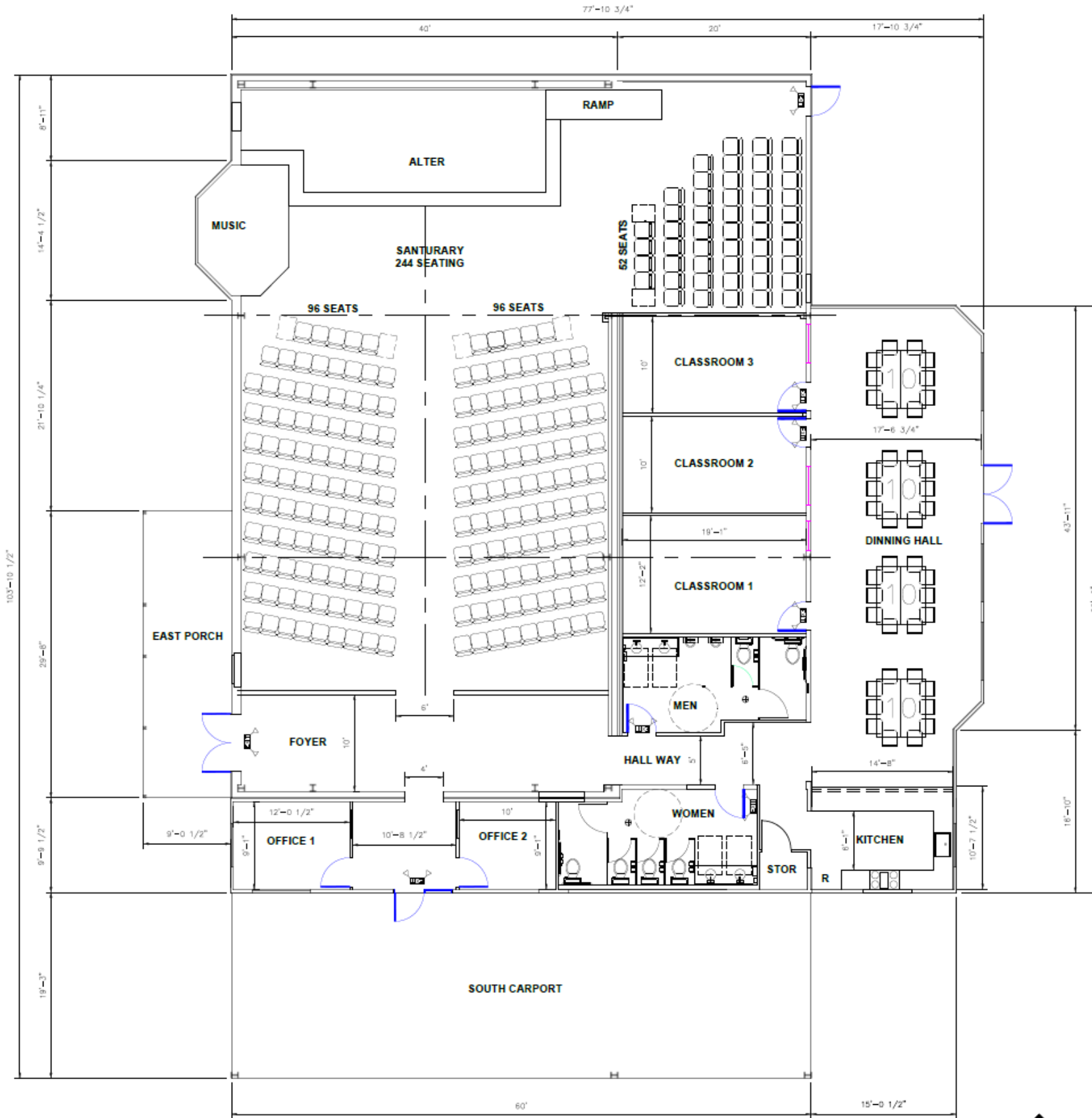
**Vicinity Map**



# **ATTACHMENT 2**

**Proposed Plan**





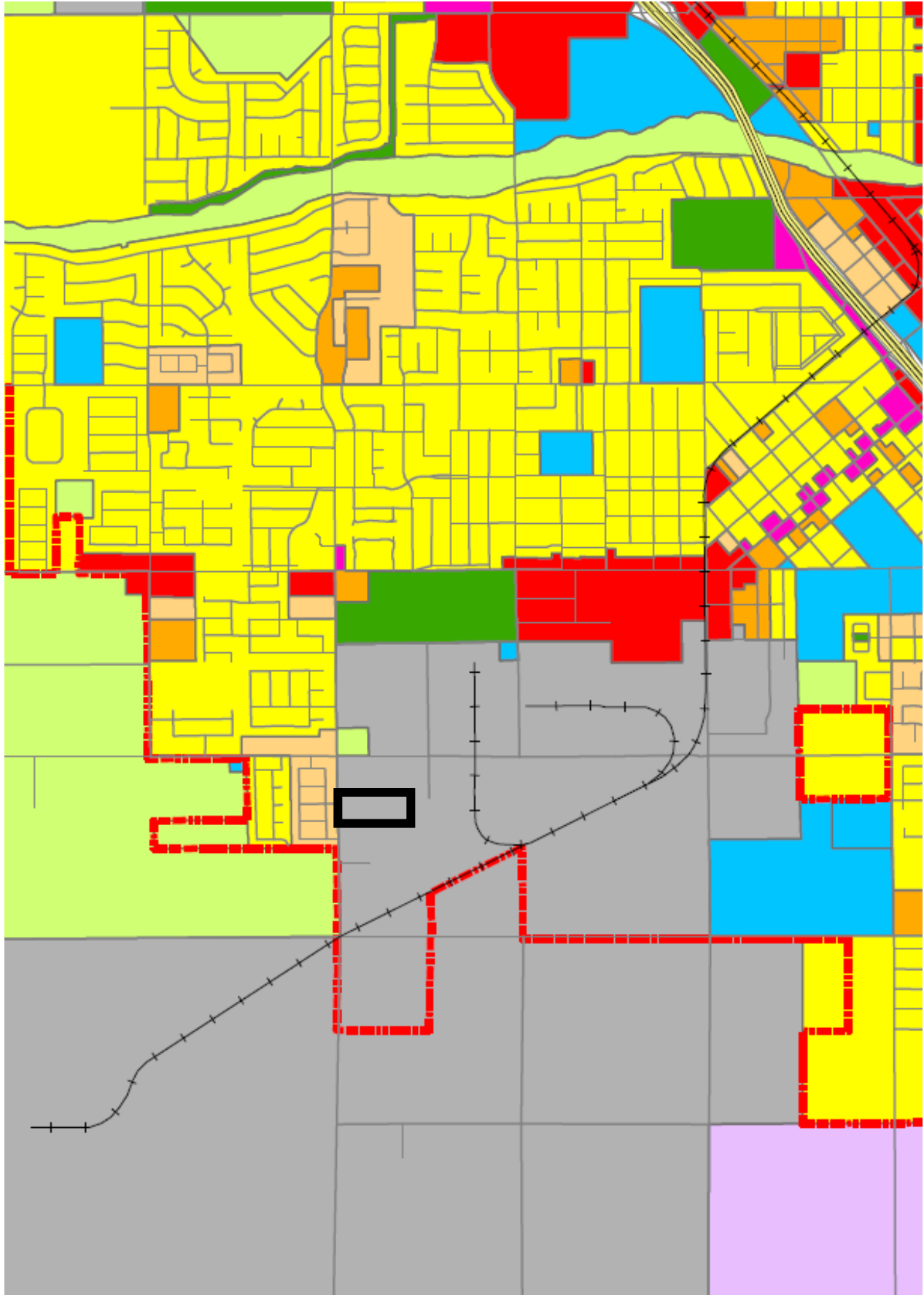
**PROPOSED FLOOR PLAN** BUILDING 6,148 SQ. FT.  
SOUTH CARPORT 1,155 SQ. FT.



SCALE 3/16"=1'-0"

# **ATTACHMENT 3**

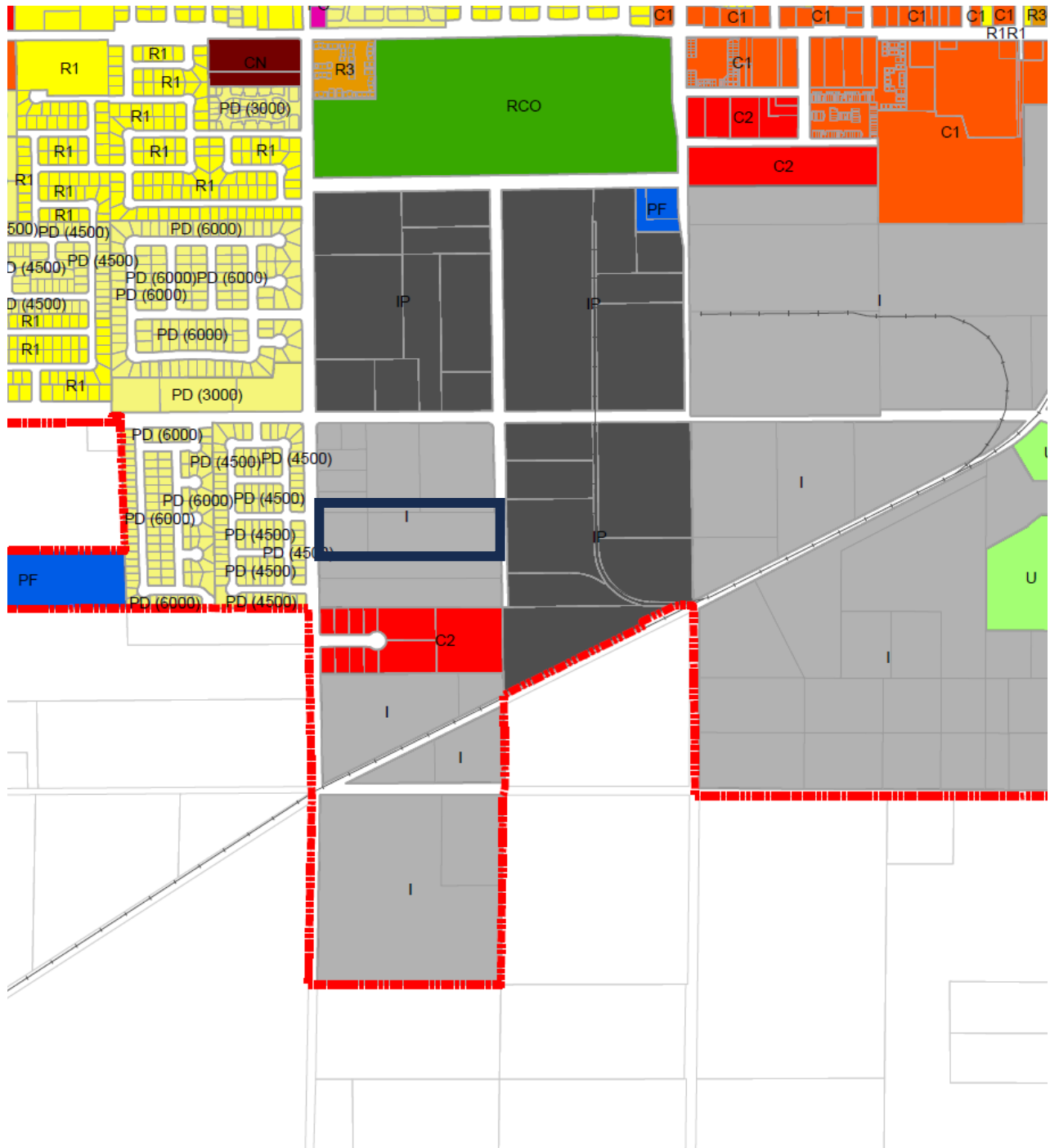
**City of Madera General Plan Land Use Map**



# **ATTACHMENT 4**

**City of Madera Zoning Map**





# **ATTACHMENT 5**

## **Planning Commission Resolution**

**RESOLUTION NO. 1985**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
APPROVING CONDITIONAL USE PERMIT 2023-09, SITE PLAN REVIEW  
2023-27 AND TENTATIVE PARCEL MAP 2023-01  
(BUILDING FOR CHRIST MINISTRY)**

**WHEREAS**, Building for Christ Ministry, (“Owner”) owns APN 009-350-036, an existing industrial lot approximately 8.4-acres in size located on the east side of South Granada Drive at number 1135, in Madera, California (“site”); and is planned and zoned for Commercial land uses; and

**WHEREAS**, the applicant representative, Steve Alvarado, is seeking a Use Permit (CUP), Site Plan Review (SPR), and Tentative Parcel Map (TPM) to allow for the conversion of an existing industrial landscape supply use, incorporating an existing building of 6,148 square feet (sf) including areas for parking, landscaping, site improvements, as proposed by CUP 2023-09 and SPR 2023-27; and

**WHEREAS**, the applicant is also seeking to divide the lot into three parcels from the existing one parcel which is considered as part of the associated Tentative Parcel Map application that accompanies this proposal, and

**WHEREAS**, CUP 2023-09 has been determined to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

**WHEREAS**, the site provides sufficient parking space to support the proposed use and all other uses associated with the project; and

**WHEREAS**, operations under CUP 2023-09 and SPR 2023-27 as conditioned would not be detrimental to the welfare and well-being of the surrounding uses and the City at large; and

**WHEREAS**, this project was assessed under the California Environmental Quality Act (“CEQA”). Pursuant to the CEQA A preliminary environmental assessment determined that the project is Categorically Exempt pursuant to the provisions of Section 15301 (Existing Facilities), section 15332 (infill development) and Section 15315 (Minor Land Divisions) of the CEQA Guidelines.; and

**WHEREAS**, under the City’s Municipal Code, the Planning Commission is authorized to review and approve use permits, site plan reviews, tentative parcel maps and associated projects on behalf of the City; and

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

**WHEREAS**, the Planning Commission received and reviewed CUP 2023-09, SPR 2023-27 and TPM 2024-01 at a duly noticed meeting on April 9, 2024; and

**WHEREAS**, on April 9, 2024, the Planning Commission opened the public hearing, closed the public hearing for CUP 2023-09, SPR 2023-27 and TPM 2024-01; and

**WHEREAS**, the Planning Commission has completed its review of the staff report and documents submitted for CUP 2023-09, SPR 2023-27 and TPM 2024-01, and considered testimony received as a part of the public hearing process; and

**WHEREAS**, the Planning Commission now desires to approve CUP 2023-09, SPR 2023-27 and TPM 2024-01, subject to conditions of approval.

**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 the project to be exempt from environmental assessment in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. A preliminary environmental assessment determined that the project is Categorically Exempt pursuant to the provisions of Section 15301 (Existing Facilities), 15332 (infill development) and Section 15315 (Minor Land Divisions) of the CEQA Guidelines.
3. Findings to Approve CUP 2023-09: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2023-09, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The General Plan designates the subject site for industrial uses, and the proposed use is consistent with its zoning district of industrial. CUP 2023-09 is also found to be consistent with all regulations set forth by Madera Municipal Code (“MMC”) Section 10 3.405 (Uses) and identified development standards that relate to the separated parcels as shown in the Tentative Parcel Map.

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

The project site is suited for this general assembly use. The project site is located within an industrial area and is surrounded by like uses to the north, south and east, with residential subdivision to the west. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

The proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of surrounding uses. The proposal as it relates to parcel 1 is under 5-acres in size with all other requirements for infill development being met. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Findings for SPR 2023-27: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2023-27, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code, including Sections 10-3.4 and Sections 10-3.1001 through 10-3.1004. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The site is zoned Industrial, which is consistent with the existing General Plan land use designation of I (Industrial). Among others, the proposed use under SPR 2023-27 is consistent with General Plan Policies including CD-52, as well as the Design and Development Guidelines for Commercial Development. SPR 2023-27 is consistent with the purpose and intent of the Industrial zoning district and does not conflict with City standards or other provisions of the Madera Municipal Code. Physical development of the site is limited to site improvements and further review of additional structures is subject to City review.

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

The site does not have a specific plan overly.

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

The project (SPR 2023-27) has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Industrial zoning district,

including provisions for access to and from the site, parking, drainage, lighting, on-site and off-site improvements. The project will not generate significant amounts of noise, light, traffic, or other environmental impacts.

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

The project (SPR 2023-27) will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for curb, gutter, storm drainage, utilities and other related street infrastructure in conformance with City standards. The project site has access to South Granada Drive, which can accommodate traffic generated from the proposed project. The project will not have a significant impact on traffic or the environment.

5. Findings for TPM 2021-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of TPM 2021-01, as conditioned. With conditions, the project is consistent with the requirements of the Madera Municipal Code. The Development Review Committee further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

All the parcels resulting from the proposed division of land will be consistent with the area, setback, coverage, and all other requirements of their designated zone (Industrial) and General Plan designation (Industrial).

- b. *The proposal is consistent with the Subdivision Ordinance and the California State Subdivision Map.*

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

6. Approval of CUP 2023-09; SPR 2023-27; and TPM 2024-01: Given that all findings can be made, the Planning Commission hereby approves CUP 2023-09; SPR 2023-27; TPM 2024-01 as conditioned as set forth in the Conditions of Approval attached as Exhibit A.

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

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 9th day of April 2024,  
by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Will Tackett  
Community Development Director

Exhibit "A" – Conditions of Approval for CUP 2023-09; SPR 2023-27; and TPM 2024-01

**“EXHIBIT A”**  
**CUP 2023-09, SPR 2023-27 & TPM 2024-01**  
**BUILDING FOR CHRIST MINISTRY**  
**CONDITIONS OF APPROVAL**  
**April 9, 2024**

**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 conditional use permit, site plan review, tentative parcel map 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 2023-27 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 2023-09 and TPM 2024-01 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, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of APN 009-350-036 that are being developed under CUP 2023-09, TPM 2024-01 and SPR 2023-27 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

### **GENERAL CONDITIONS**

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following approval.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. CUP 2023-09 and SPR 2023-27 will expire one (1) year from the effective date of the approval, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan review or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. TPM 2024-01 shall expire 24 months from the date of its approval except as provided, or unless extended, pursuant to the provisions of the Subdivision Map Act (CA Government Code § 66410-66499)

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, and as determined by the City of Madera Planning Department.
7. Deferrals are not permitted for any condition included herein, unless otherwise stated.
8. Development of the project shall conform to the plans designated by the City including those submitted and dated 01/31/24; 03/05/2024; and undated plan parcel map, and comprising 3 pages, subject to the conditions noted herein. Minor modifications to the approved CUP 2023-09 and SPR 2023-27 necessary to meet regulatory, engineering or similar constraints may at a minimum be made at the discretion and approval of the Engineering Manager and Planning Manager. However, should the Engineering Manager and Planning Manager determine that modifications are substantive, he/she may require that an amendment be filed for review and approval through the applicable City process.
9. Any proposed modifications to the approved site plan and elevations, including but not limited to building exteriors, access drive locations, parking/loading areas, fence/walls, lighting, new buildings, landscaping or use of the site shall require an amendment (modification) as specified in the Madera Municipal Code (“MMC”).
10. CUP 2023-09 and SPR 2023-27 approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading, encroachment, or building permits.
11. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
12. It shall be the responsibility of the applicant, property owner and/or successor-in-interest to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to commencement of construction, operations or establishment of the use.
13. The applicant, property owner and/or successors-in-interest shall comply with all federal, State and local laws. Material violation of any applicable laws concerning the use of subject site will be cause for revocation of CUP 2023-09 and SPR 2023-27.
14. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys’ fees, and damages arising therefrom (collectively “claim”).

The City shall promptly notify the applicant of any claim and the City shall cooperate in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails

to cooperate 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 Conditions**

15. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2023-09 and SPR 2023-27 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
16. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
17. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
18. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, environmental harm, or vibration that adversely affects adjacent properties and shall keep the property clear of all trash, rubbish, and debris at all times.
19. Occupancy or use is subject to the issuance of a Business License.

### **CONDITIONAL USE PERMIT CONDITIONS (CUP 2023-09)**

20. The use of the property for congregation shall be limited to the hours between 8:00 a.m. and 10:00 p.m. on all days of the week; excepting national or religious holidays, holy days or observances on which days use may continue indoors to 12:00 a.m. or as religious custom otherwise dictates.
21. Use of the property shall comply with all provisions of Title III, Chapter 11 of the City Municipal Code pertaining to noise at all times.

### **SITE PLAN REVIEW CONDITIONS (SPR 2023-27)**

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

22. The applicant shall submit final site, floor and elevation plans to the Planning Department for review and approval prior to submittal of plans to the Building Department for permit plan check.

- a. The final site plan shall depict and include all proposed on-site structures, improvements, features, geometrics and dimensions. Final elevations shall be provided for all building sides, including architectural treatments, materials, and color schedules.
  - b. Landscape and irrigation plans may be submitted with the permit plan check set to the Building Department following approval of the final site plan by the Planning Department (see landscaping conditions included herein below).
23. Submission of an application for a modification to SPR 2023-27, including payment of any associated fees may be required by the Planning Manager for substantial changes which may be proposed to the site or project plans.
24. All roof and ground mounted utility, electrical and mechanical equipment shall be screened to the specifications of the Planning Department. If ground mounted, applicant shall identify proposed methods to architecturally integrate equipment locations or identify proposed methods to screen equipment using landscaping. Any roof mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall mounted equipment shall be painted to match the exterior wall.
25. All ducts and vents penetrating roofs or exterior building walls shall be directed away from the front of project site entrance sides of the buildings using methods to minimize their appearance and visibility from the street. All roof mounted ducts and vents shall be painted dove gray or with a color better suited to minimize their appearance.
26. Fire sprinkler risers shall be located within the interior of the buildings or located out of public view.
27. Prior to issuance of a building permit, applicant and / or successors-in-interest shall identify the following information on one (1) or more site plans for the Planning Department review and approval:
  - a. Location of natural gas and electrical utility meters.
  - b. Location of all exterior heating, ventilation and air conditioning (HVAC) and / or evaporative cooler equipment.
  - c. Location of exterior mechanical and electrical equipment.
28. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet shall be screened from the public viewshed.
29. Roof access ladders on buildings shall be located within the interior of the buildings.
30. Prior to issuance of a building permit, the applicant shall submit to the Planning Department for review and approval, a materials and color presentation board(s) detailing building; mechanical enclosure; and trash enclosure materials, colors (minimum of three) and color elevations. All mechanical equipment shall be screened from view.
31. Prior to issuance of a building permit the applicant shall submit to the Planning Department for review and approval, a photometric plan including type and specifications of exterior lighting fixtures to be installed on the site. All exterior lighting shall be directed

away from adjoining properties, shielded against the night sky (dark sky compliant), and not interfere with the driving safety of vehicular traffic. Exposed bulbs are not permitted.

### **Parking and On-Site Circulation**

32. Parking areas shall be constructed according to the conditionally approved site plan. Any deviation from the conditionally approved site plan shall be evaluated by the Planning Manager to determine the need for modification to the site plan. Flow through planters shall be incorporated to all landscape parking areas.
33. Off-street parking shall comply with the Americans with Disabilities Act (ADA) and with the California Building Code regulations for electric vehicle (EV) capable parking spaces. EV capable spaces shall have the electric vehicle supply (charging) equipment (EVSE) installed for the purpose of charging an electric vehicle with the required number of EVSE spaces to be van accessible in compliance with Section 11B-812 of the California Building Code.
34. 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.
35. Parking areas shall be constructed in accordance with City of Madera Standard E-4, have a width of not less than nine (9) feet and a length of not less than nineteen (19) feet except that up to 25 percent of the required parking spaces may be designated for compact car use.
36. No outdoor storage of materials or equipment shall be permitted.
37. The site's parking area shall not be used for alternative uses other than parking of vehicles.
38. Bicycle parking spaces and structures shall be provided to meet the needs and security of required bicycle parking. Bicycle racks shall be composed of one (1) of the following forms: "Inverted U" also referred to as the "Staple" or "Loop;" "Post & Ring;" or the "Staggered Wheel well-secured" type racks. Bicycle parking spaces shall be placed in a visible location and shall 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 of travel or emergency corridor.
39. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.

### **Trash Enclosures**

40. Outdoor solid waste areas shall be screened on three sides with a masonry wall enclosure constructed in accordance with the following:

- a. Each enclosure shall provide a minimum interior length of 27 feet measured to accommodate, one (1) general waste bin, one (1) recycle bin and one (1) compostable/food waste bin in accordance with the City's waste hauler bin specifications; and, shall otherwise be constructed in accordance with City of Madera Typical Refuse Container Enclosure Detail (Standard) E-7.
  - b. Masonry walls shall be finished with an exterior cement plaster finish painted consistent with building colors to reduce visual appearance.
  - c. Solid waste enclosures gates shall be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
  - d. The solid waste enclosure shall have a roof covering the entire structure to avoid stormwater infiltration of the area.
41. Driveways or travel aisles shall provide unobstructed access for waste collection vehicles to directly access solid waste enclosures without need of the waste hauler to rollout or reorient waste bins for loading operations, consistent and compliant with the servicing requirements established by the City's waste hauling operations. In loading areas, the minimum overhead vertical clearance shall be twenty-two (22) feet for loading operations.

### **Fencing**

42. All walls and fences shall be consistent with the Madera Municipal Code. No wall or fence shall exceed a maximum height of six (6) feet measured from finish grade. Installation of barbed wire or other form of security wire is prohibited.
43. Fencing materials, location, and height shall be depicted on the final site plan and shall be subject to review and approval by the Planning Department prior to installation. All fences shall be properly maintained so as not to create a hazard, public nuisance, or blight in the surrounding neighborhood.

### **Landscaping**

44. Landscaping shall be installed in accordance with the submitted landscape sheets, showing landscaping on all property lines, and enhanced landscaping at the corner and entrances to the property, subject to final approval by the Planning Manager prior to issuance of building permits.
45. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
- a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
  - b. Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where

possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;

- c. Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
  - d. Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be established to the satisfaction of the Planning Manager after five (5) years or shall be enhanced or replaced subject to the above condition for a further five (5) year period of establishment or to the Planning Managers satisfaction;
  - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and
  - f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as tree staking, soil preparation techniques for all landscaped areas.
  - g. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention, species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
46. Parking lot shade trees should be planted within the parking area to provide a minimum of 50% shade coverage over parking bays at high noon or a rate of one 15-gallon tree for each 3 passenger parking spaces. The total number of required trees (one 15-gallon tree for every 3-parking spaces) shall be planted on the site.
47. On-site and off-site landscaping and irrigation shall not be installed until a landscape plan(s) is approved by the Planning Department. Any deviation from the approved plan(s) shall require a written request and approval by the Planning Manager.
48. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
49. 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 certificate of completion, a landscape maintenance and irrigation program for the first three (3) years to ensure that streetscapes and landscaped areas are installed and maintained as approved.
50. 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.

51. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

### **Signage**

52. No signs apart from “No Parking” are approved nor does this constitute a basis for any exceptions to the Madera Sign Ordinance Section 10.6 and all permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
53. Applicant shall prepare and submit a Master Sign Program for the purpose of providing a cohesive, complementary, and proportionate signage for the entire project site. Master Sign Program shall at a minimum: 1) identify and define complex on-building and freestanding identification signage allowance, type, dimensions, material, colors, and location; 2) directional signage allowance, type, dimensions, material, color and location(s); 3) on-building signage allowances type, dimensions, material color and locations; and 4) address sign designs – no plastic, vinyl or similar type of material shall be used for the building address. Master Sign Program is subject review and approval of the Planning Department prior to submittal of a building permit application.

## **ENGINEERING**

### **General Conditions**

54. Deferrals are not permitted for any condition included herein, unless otherwise stated.
55. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
56. 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.
57. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
58. The improvement plans for the project shall include the most recent version of the City’s General Notes.
59. 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.
60. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
61. All off-site improvements shall be completed prior to issuance of final occupancy.



## **Water**

62. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property. Each parcel shall have a separate domestic water service.
63. A separate water meter and backflow prevention device will be required for landscape area.
64. Water meters shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads. Immediate installation can be delayed subject to use of a metered hydrant utilizing meter supplied through the Public Works Department along with appropriate measures to ensure water from the future lateral not be used until a permanent meter and backflow prevention device is installed.

## **Sewer**

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

## **Storm Drain**

68. Storm runoff from this project site is planned to go to the Basila basin located south of this project site or as directed by the City Engineer. The developer shall, as may be necessary, construct sufficient facilities in accordance with criteria in the Storm Drainage Master Plan to convey storm runoff to the existing basin and excavate or expand the basin to an amount equivalent to this project's impact on the basin.
69. 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.
70. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Discharge 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**

71. Where existing, 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.
72. Commerce Drive frontage improvements and
73. Undergrounding of utilities shall be completed at such time that Parcels 2 and 3 on the Tentative Parcel Map are developed in accordance with conditions of approval provided as part of a separate application to the City.
74. The developer shall install a sidewalk along the Granada Drive project frontage in accordance with City and ADA standards.
75. Driveways along Granada Drive shall be re-constructed to the extent necessary to provide ADA accessibility along the entire site frontage.

The developer shall install streetlights along the Granada Drive frontage in accordance with current City standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.

76. "No Parking" signs shall be installed along the Granada Drive project frontage per City standards.
77. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Granada Drive and Commerce Drive. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

78. 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.

## **Tentative Parcel Map Conditions**

### **PARCEL MAP**

79. The developer shall pay all required fees for processing the parcel map and completion of the project. Fees due may include but shall not be limited to the following: parcel map review and processing fee, plan review, map recording, easement acceptance, encroachment permit processing and improvement inspection fees.
80. A final parcel map shall be required in accordance with Section 10-2.502 of the municipal code and the Subdivision Map Act.
81. Future subdivision of parcels created shall comply with the Subdivision Map Act.
82. Monuments shall be placed at all parcel corners and shown on the parcel map in accordance with the California Subdivision Map Act, the California Land Surveyors Act and City Standards prior to development of property.
83. Parcel map preliminary submittal shall include three sets of prints; and two sets of the following: title report, soils report, traverse data, signed tentative parcel map conditions and all referenced deeds, map and documents.
84. Any and all public or private easements on the property identified on the title report shall be shown on the parcel map with recording data.
85. Prior to recording of the parcel map, any current, delinquent, or estimated Madera County or Madera Irrigation District taxes for the upcoming assessment year shall be paid in accordance with Subdivision Map Act Section 66492-66494.1.
86. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit shall be required from the Engineering Division.
87. Where construction of off-site improvements or utility services is required, it shall be completed prior to issuance of final occupancy; or, in the case where no future occupancies are anticipated as part of the current action, the Subdivider shall either construct or install the required improvements or enter into a bonded secured agreement with the City of Madera providing for the construction of the required improvements and sufficient security prior to the recordation of the final Parcel Map.
88. Further development of any parcel of parcel map shall meet fire, building, and municipal code requirements for the zone and the approved use.
89. Structures or any facility encroaching onto adjacent new parcel shall be removed prior to recording of the parcel map. Structure modification shall comply with building codes and setbacks.
90. A title report dated no more than 30 days prior to recording date of parcel map shall be submitted to the City Engineer for review prior to parcel map recordation.
91. Each newly created parcel shall have a separate water service. Any new or existing connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and

backflow prevention device installed within private property. Existing cross lot connections shall be severed.

92. Each newly created parcel shall have a separate sewer service. Any new or existing connection(s) shall be constructed or upgraded to current City standards. Existing cross lot connections shall be severed.
93. Existing and/or future development of parcels with overhead utilities can expect conditions requiring said utilities to be undergrounded.

The developer shall record a Reciprocal Easement Agreement for ingress/egress, utility, drainage, access for emergency services, and parking easements in the City of Madera standard form. The easements shall provide the mutual right of access for all future uses in the project site. The agreement shall reflect the language included in the Covenant, Conditions, Easements, and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the 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.

#### **BUILDING DEPARTMENT**

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

#### **FIRE DEPARTMENT**

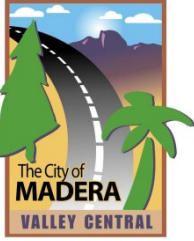
98. Permits shall be submitted for the required fire sprinklers, fire alarm, underground fire main systems, and fire pump.
99. A Knox Box type and location must be reviewed and approved and must be provided for access.
100. Fire Lanes are required at the site and must be clearly posted with signs and red curb according to City Standards.
101. Sufficient clearances and height limits shall be applied to landscaping surrounding and existing or proposed fire hydrants or FDCs, so that it may not interfere with access or visibility.
102. Fire extinguisher placement shall comply with the CFC.

103. The address shall be posted and plainly visible from the street.
104. Provision shall be made in the project design and construction to allow for the discharge of fire sprinkler test water to an on-site vegetated area. If this is not feasible, provide for discharge to the sanitary sewer in accordance with the current plumbing codes.
105. On site fire hydrants shall be required due to the size of the site and structures.
106. Additional public road access must comply with the CFC including Appendix D, as well as the City of Madera Engineering Department Standards.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

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

-END OF CONDITIONS-



## REPORT TO THE PLANNING COMMISSION

**Prepared by:** Adileni Rueda, Assistant Planner

**Meeting of:** April 9, 2024

**Agenda Number:** 2

### **SUBJECT:**

Consideration of an application for a Precise Plan (PPL 2023-02) and Site Plan Review (SPR 2023-08) to develop a duplex on a 0.11-acre lot located at 318 El Monte Court (APN: 012-200-048).

### **RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Precise Plan (PPL 2023-02) and Site Plan Review (SPR 2023-08), subject to the findings and conditions of approval.

### **SUMMARY:**

The applicant, Gary Rogers, has filed Precise Plan No. PPL 2023-02 and Site Plan Review No. SPR 2023-08 to construct a duplex at 318 El Monte Court (the project site). The site is zoned PD-2,000 (Planned Development, one unit per 2,000 square feet of site area) and is designated HD (Residential, High Density) by the Madera General Plan. The General Plan states that High Density Residential land use designation requires a density of 15.1 to 50 dwelling units per acre. The proposed development of two dwelling units at approximately 18.18 dwelling units per acre is consistent with the General Plan's High Density Residential requirement.

In accordance with the City Municipal Code (CMC) Section 10-3-4.104, no construction, grading, or new development activity shall commence in any Planned Development Zone prior to an approval of a Precise Plan by the Planning Commission.

The applicant has filed PPL 2023-02 and Site Plan Review 2023-08 requesting approval to construct a side-by-side two-story 3,712 square foot duplex. Each unit proposes a total of 1,856 square feet of area which includes the first and second story floor area as well as the front porch.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location, and site characteristics.

| <b>Table 1: Project Overview</b> |  |
|----------------------------------|--|
| <i>Project Number:</i>           | PPL 2023-02 & SPR 2023-08  |
| <i>Applicant:</i>                | Gary Rogers  |
| <i>Property Owner:</i>           | Jose Espinosa  |
| <i>Location:</i>                 | 318 El Monte Court (APN: 012-200-048)  |
| <i>Project Area:</i>             | ±0.11 acres (±5,137 square feet)   |
| <i>Land Use:</i>                 | HD (Residential, High Density)   |
| <i>Zoning District:</i>          | PD-2,000 (Planned Development, one unit per 2,000 sq. ft. of site area)  |
| <i>Site Characteristics:</i>     | The site is located on the northeasterly side of the intersection of Monterey Street and El Monte Court. The site is an interior vacant lot. |

**BACKGROUND:**

The site has undergone four separate Precise Plans applications, all being conditionally approved by the Planning Commission. PPL 1998-01, PPL 2005-12, and PPL 2006-07 have previously been conditionally approved, but construction permits were never issued. The site remains vacant.

**ANALYSIS:**

Precise Plan

Precise Plan No. PPL 2023-02 serves as a process for the City to regulate density in residential zones and to allow design flexibility within the residential standards allowing the applicant to maximize density on the site.

*Landscaping*

The applicant has been conditioned to provide a landscaping plan prior to issuance of building permits. Landscaping plans will be required to indicate the type of species and comply with the State’s Model Water Efficient Landscaping Ordinance (MWELO).

*Open Space*

Under CMC Section 10-3-4.106, each unit in a PD zone shall provide a minimum of 750 square feet of open space. The proposed project requires 1,500 square feet of total open space. The proposed site plan depicts approximately 757 square feet of open space for each unit or 1,514 sq. ft. of total open space, compliant with the minimum requirements of the CMC.

Site Plan Review

SPR 2023-08 has been reviewed and conditionally approved to ensure that the development of a two-story duplex complies with CMC residential standards as well as the existing neighborhood. The building elevations show a side-by-side two story duplex. Each unit will provide three bedrooms, two full bathrooms and half bathroom, with living space amenities. The first floor is proposed to be approximately 911 square feet and the second floor is proposed at 896 square feet, totaling 1,807 square feet (not including porch area).

The site plan has gone through revisions and staff analysis to ensure that the project is compatible with its surroundings. In this case, the final product shows the duplex having a similar façade to the existing single-family homes hence why plans show an interior staircase, built in garages, and one shared driveway. By doing so, this allows for a consistent design throughout the neighborhood and meets the General Plan Policy CD-32, CD-35 and CD-36. The General Plan states the following:

- CD-32 – Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.
- CD-35 – The City encourages a variety of features such as front porches and verandas in all new residential development.
- CD-36 – Where multi-story housing units are proposed adjacent to existing or planned Low Density areas, building elevations and the location of windows, balconies, and air conditioning units above the first story shall be designed to ensure visual compatibility and residential privacy.

Table 2 below provides the development standards such as setbacks, open space, building height, and parking spaces noted on the site plan review application.

| <b>Table 2: Proposed Development Standards</b> |  |  |
|--|--|--|
| <i>Standard</i>                                | <i>Planned Development Residential Standards</i> | <i>Proposed PPL 2023-02 and SPR 2023-08</i>    |
| <i>Front setback (minimum)</i>                 | 15 ft. main building / 20 ft driveway (garage)   | 20 ft. main building / 22 ft driveway (garage) |
| <i>Rear setback (minimum)</i>                  | 15 ft  | 22 ft  |
| <i>Interior side setbacks (minimum)</i>        | 5 ft.  | 5 ft.  |
| <i>Exterior side setbacks (minimum)</i>        | 10 ft.   | N/A  |
| <i>Building height (maximum)</i>               | 50'  | 27'-6"   |
| <i>Open Space (minimum)</i>                    | 750 sf/unit                                      | 757 sf/unit                                    |
| <i>Parking Spaces (minimum)</i>                | 4 parking spaces total                           | 4 parking spaces total                         |



**ENVIRONMENTAL REVIEW:**

A preliminary environmental assessment was prepared for this project in accordance with the requirements of CEQA. The proposed project has been determined to qualify for Categorical Exemptions set forth in CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) as, in urbanized areas, this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The project is also exempt pursuant to Section 15332 (In-Fill Development Projects); the project consistent with the General Plan and Zoning District regulations and is proposed to occur within City limits on a project site of approximately 0.11 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. 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 proposed resolution has been prepared to include the adoption of Categorical Exemptions under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for this project.

**PLANNING COMMISSION ACTION:**

The Planning Commission (Commission) will be acting on PPL 2023-02 and SPR 2023-08. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for the project and approving Precise Plan 2023-02 and Site Plan Review 2023-08, based on and subject to the findings and conditions of approval.

**ALTERNATIVES:**

As an alternative, the Commission may erect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).
2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

**ATTACHMENTS:**

1. Aerial View
2. Site Plan
3. Elevations
4. Planning Commission Resolution  
    Exhibit A: Conditions of Approval

**ATTACHMENT 1**  
**Aerial Map**



**ATTACHMENT 2**  
Site Plan

**GENERAL NOTES**

ALL CONSTRUCTION SHALL COMPLY WITH THE ADOPTED ORDINANCES AND POLICIES OF THE GOVERNING AGENCY, AND THE LATEST REQUIRED EDITIONS OF THE FOLLOWING:

- CALIFORNIA FIRE CODE (CFC) 2022
- CALIFORNIA PLUMBING CODE (CPC) 2022
- CALIFORNIA MECHANICAL CODE (CMC) 2022
- CALIFORNIA ELECTRICAL CODE (CEC) 2022
- STATE OF CALIFORNIA, TITLE-24 2022

PROVIDE A MANUAL TOILET ON-SITE FOR USE OF ALL OCCUPANTS OF THE BUILDING DURING CONSTRUCTION. THE TOILET SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE ACCESSIBLE TO THE PUBLIC BY THE END OF THE PROJECT.

ALL EXISTING UTILITIES AND RECORD DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL AGENCIES.

PROVIDE A CONSTRUCTION SITE ADDRESS POSTED AT THE CORNER OF THE LOT. THE ADDRESS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION. THE ADDRESS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

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**City of Modera Fire Notes**

2. PROVIDE ADDITIONAL CONTRASTING FOUR INCH HIGH ADDRESS NUMBERS AND POLICIES OF THE GOVERNING AGENCY, AND THE LATEST REQUIRED EDITIONS OF THE FOLLOWING:

3. PROVIDE A CONSTRUCTION SITE ADDRESS POSTED AT THE CORNER OF THE LOT. THE ADDRESS SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION AND SHALL BE MAINTAINED THROUGHOUT CONSTRUCTION.

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**Site Data**

318 EL MONTE COURT  
MADERA, CA 93637  
072-200-048  
PD-2000  
5000 SQ. FT.  
PARCEL B OF PARCEL MAP 07-44-07  
IN THE CITY OF MADERA, COUNTY OF MADERA  
14, 195, IN BOOK 57 OF MAPS, AT PAGE 67  
MADERA COUNTY RECORDS

**Building Data**  
BUILDING USE: DUPLEX  
OCCUPANCY TYPE: R-2/U  
TYPE OF CONSTRUCTION: VB

**BUILDING AREAS**  
FIRST FLOOR AREA: 911 S.F.  
SECOND FLOOR AREA: 896 S.F.  
TOTAL LINK AREA: 1807 S.F.  
FIRST FLOOR AREA: 49 S.F.  
TOTAL AREA: 1800 S.F.

**OWNER**  
JORGE ESPINOSA  
2830 SUNSET AVE  
MADERA, CA 93637  
TEL: (559) 232-2022  
PH: (559) 232-2002

**SHEET INDEX**  
1 SITE PLAN AND FLOOR PLAN  
2 EXTERIOR ELEVATIONS

**Parking - 2 Units**  
UNPAVED PARKING PROVIDED: 2 SPACES  
PAVED PARKING PROVIDED: 2 SPACES

**PLANS FOR:**  
JORGE ESPINOSA  
2830 SUNSET AVE  
MADERA, CA 93637 (559) 232-2022  
2830 SUNSET AVE  
MADERA, CA 93637

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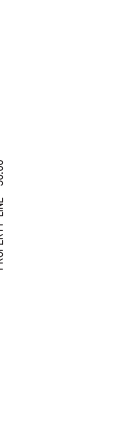
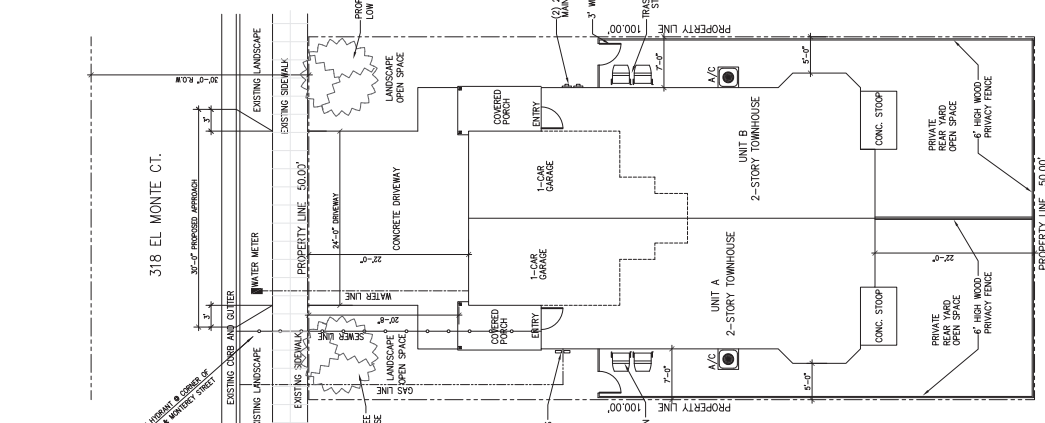
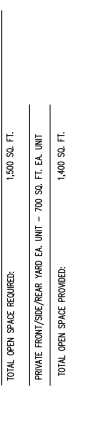
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MADERA, CA 93637 (559) 232-2022  
2830 SUNSET AVE  
MADERA, CA 93637

Open Space Required per unit - 750 SQ. FT.  
TOTAL OPEN SPACE REQUIRED: 1500 SQ. FT.  
PRIVATE FRONT/REAR YARD EA. UNIT - 700 SQ. FT. EA. UNIT  
TOTAL OPEN SPACE PROVIDED: 1400 SQ. FT.



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

DATE: 9/1/2022  
DRAWN BY: JLR  
CHECKED BY: JLR  
318 EL MONTE CT.  
MADERA, CA 93637

17 SHEETS

Gary A. Rogers - Architect  
1816 HOWARD ROAD - SUITE 208  
MADERA, CALIFORNIA 93637  
PLANNING \* DESIGN \* CONSTRUCTION \* PROBLEM SOLVING  
PHONE: (559) 674-6598

318 EL MONTE CT.  
MADERA, CA 93637  
072-200-048  
PD-2000  
5000 SQ. FT.

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(559) 232-2022

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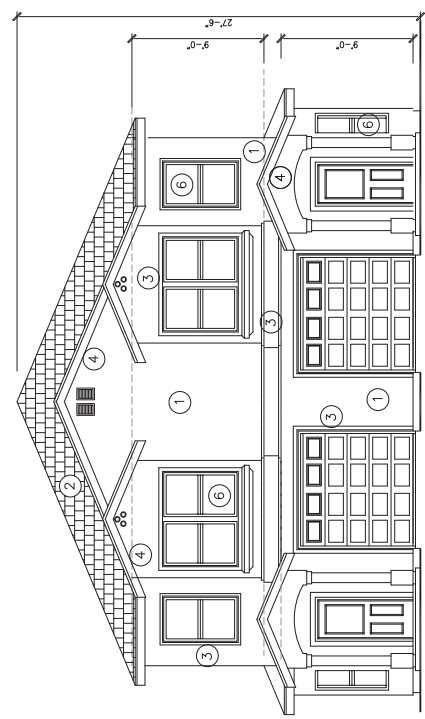
2830 SUNSET AVE  
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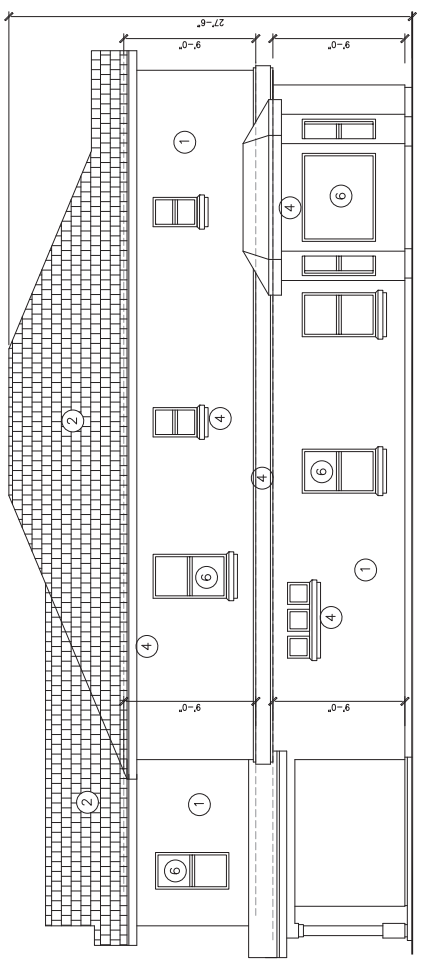
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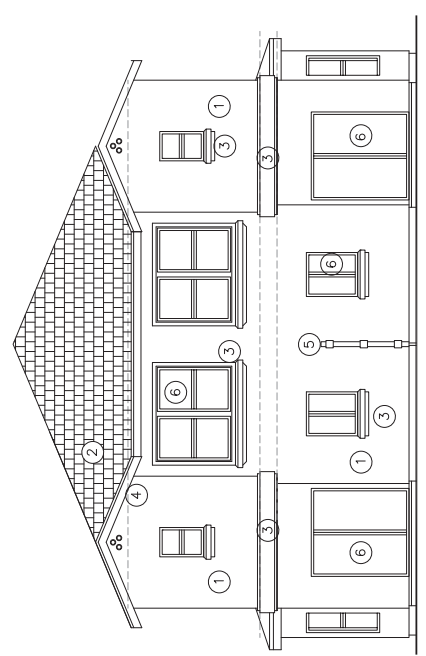
**ATTACHMENT 3**  
Elevations



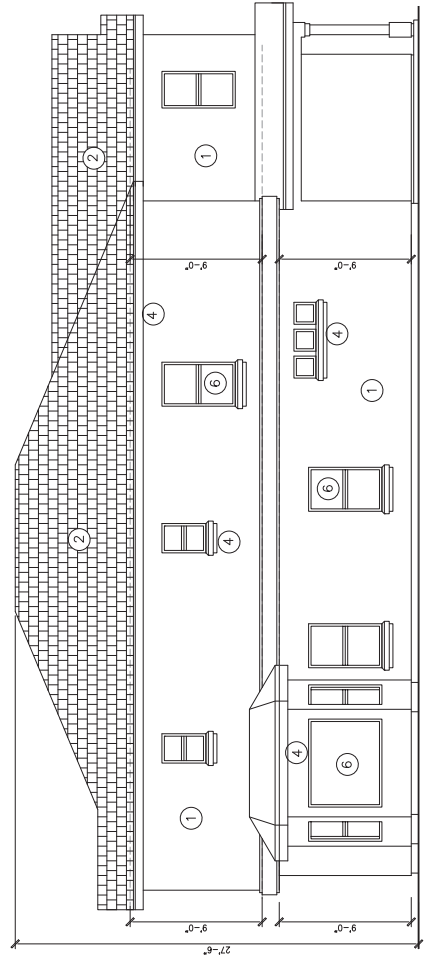
FRONT



LEFT



REAR



RIGHT

- 1 EXTERIOR WALL COVERING
  - 2 ROOF COVERING
  - 3 TRIM/ BANDING
  - 4 FASCIA
  - 5 FENCING
  - 6 WINDOWS
- EXTERIOR WALL COVERING  
 3-COAT STUCCO SYSTEM
- ROOF COVERING  
 ROOF AREA COMPOSITION SHINGLES 0/15 LB. FELT UNDERLAYMENT.
- TRIM/ BANDING  
 DECORATIVE TRIM TO BE FOAM WITH STUCCO OVER.
- FASCIA  
 2x CONTINUOUS WOOD FASCIA AS SHOWN.
- FENCING  
 6" HIGH REDWOOD PRIVACY FENCING
- WINDOWS  
 1 1/2" DUAL PANE WINDOW & DOORS

EXTERIOR BUILDING ELEVATIONS



**ATTACHMENT 4**  
**Resolution**

**RESOLUTION NO.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND 15332 (IN-FILL DEVELOPMENT PROJECTS) AND APPROVING PERCISE PLAN (PPL) NO. 2023-02 AND SITE PLAN REVIEW (SPR) NO. 2023-08 (EL MONTE DUPLEX)**

**WHEREAS**, Gary Rogers (“Applicant”), on behalf of Jorge Espinosa (“Owner”), submitted for a Precise Plan (PPL 2023-02) and Site Plan Review (SPR 2023-08) to develop a 0.11 acre lot located on 318 El Monte Court (APN 012-200-048); and

**WHEREAS**, the site is zoned PD-2,000 (One unit per 2,000 square feet) and designated as HD (High Density) within the City’s General Plan; and

**WHEREAS**, a precise plan application is required for development on a Planned Development zone district; and

**WHEREAS**, in accordance with the Precise Plan (PPL 2023-02), Site Plan Review (SPR 2023-08) application would approve the construction of a two-story 3,810 square foot duplex including four parking spaces, and private open space; 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 15303 and 15332 of the California Environmental Quality Act (CEQA) Guidelines; and

**WHEREAS**, pursuant to the provisions of the City’s Municipal Code, the Planning Commission (Commission) is authorized to review and approve site plans contingent upon precise plan applications, and environmental assessments on the 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 Precise Plan 2023-03 and Site Plan Review 2023-08 at a duly noticed meeting on April 9, 2024; and

**WHEREAS**, at the April 9, 2024, 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 documents submitted for PPL 2023-02 and SPR 2023-08, evaluated the information contained within the report and documents submitted, and considered testimony received as part of the public hearing process; 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: 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 Categorical Exemptions set forth in CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) as the project is characterized as in-fill development and new construction of a small facility. The project is consistent with the General Plan and Zoning District regulations. The proposed development occurs within City limits on a project site of approximately 0.11 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. The site can adequately be served by all required utilities and public services. Additionally, the project consists of a duplex totaling no more than two dwelling units. 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 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for this project.

3. Findings for PPL 2023-02: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of PPL 2023-02. The project has been conditionally approved to be consistent with the requirements of the Municipal Code, including Section 10-3-4.103 (Precise Plans). 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:

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

The project site has a zoning district of Planning Development (PD-2,000) and a land designation of High Density. The zoning district and General Plan land designation are consistent with the General Plan's Table LU-A: General Plan/Zoning Consistency.

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

The approximately 0.11 acre site is suited for residential development as it has a zone of Planned Development Residential. The site is located within an existing neighborhood that is surrounded by single family homes and an apartment complex. The surrounding zones to the north and east side are low density residential, medium density residential to the west, and high density residential to the south. As conditioned and through the establishment of site-specific development standards, the operation of a duplex 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.*

The proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The proposed duplex has been conditioned to be consistent with the existing neighborhood and has been 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.

4. Findings for Site Plan Review 2023-08:

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

SPR 2023-08 is subject to approval of PPL 2023-02, which requires the development to meet specific standards to the Planned Development zone. SPR 2023-08 has been reviewed and approved for adequate parking, density requirements, and use type that meet the City Municipal 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 2023-08 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the PD zone district and as established through PPL 2023-02. 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 0.11 acre site determined that construction of the a new duplex will 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.*

The project will be required to make frontage 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 duplex will not have a significant impact on traffic or the environment as it is categorically exempt as an in-fill development.

5. Approval of PPL 2023-02 and SPR 2023-08: Given that all findings can be made, the Commission hereby approves PPL 2023-02 and SPR 2023-08 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A".

6. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 9<sup>th</sup> day of April 2024,  
by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Robert Gran Jr.

Planning Commission Chairperson

Attest:

---

Will Tackett

Community Development Director

Exhibit "A" – Conditions of Approval for PPL 2023-02 and SPR 2023-08.

**Exhibit "A"**  
**PPL 2023-02 and SPR 2023-08**  
**El Monte Duplex**  
**Conditions of Approval**  
**April 9, 2024**

**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 PPL 2023-02 and SPR 2023-08 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

## **CONDITIONS OF APPROVAL**

### **GENERAL**

1. PPL 2023-02 and SPR 2023-08 will expire one year from date of issuance, unless rights are exercised as provided in the City Municipal Code § 10-3.4.0114 or required action is taken to extend the approval before expiration date.
2. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite or issuance of a business license, or as otherwise noted.
3. Vandalism and graffiti shall be corrected in accordance with the provisions of the CMC.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **The check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on PPL 2023-02 and SPR 2023-08.**
5. 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.

## **PLANNING DEPARTMENT**

Utility and Mechanical Equipment



6. Site plan shows one AC unit to locate at each side setback. The AC units shall be relocated to allow a clear 5-foot side setback.
7. Roof-mounted and ground mechanical equipment placements shall be completely screened from the public right of way.

#### Fencing

8. No rear or side fence, wall, or screen planting shall exceed six (6) feet in height. Any fencing located within the main building front yard setback area shall be limited to three (3) feet in height.
9. Fence material shall be constructed of only wood or wrought iron materials.

#### Roofing

10. The roof covering of composition shingles shall be replaced with tile roofing to meet City design standards.

#### Landscaping

11. Landscaping and irrigation plans shall be submitted along with building plans for plan check review. The landscaping plans will need to be drawn and stamped by a California Landscaping Architect.
12. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
  - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
  - b. Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
  - c. Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
  - d. Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be established to the satisfaction of the Planning Manager after five (5) years or shall be enhanced or replaced subject to the above condition for a further five (5) year period of establishment or to the Planning Managers satisfaction;
  - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully

screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and

- f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as tree staking, soil preparation techniques for all landscaped areas.
  - g. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention, species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
13. On-site and off-site landscaping and irrigation shall not be installed until a landscape plan(s) is approved by the Planning Department. Any deviation from the approved plan(s) shall require written request and approval by the Planning Manager.
14. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
15. 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.

## **ENGINEERING DEPARTMENT**

### General

16. Deferrals are not permitted for any condition included herein, unless otherwise stated.
17. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
18. Development Impact fees shall be paid at time of building permit issuance.
19. 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.
20. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
21. The improvement plans for the project shall include the most recent version of the City's General Notes.

22. 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.
23. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
24. All off-site improvements shall be completed prior to issuance of final occupancy.
25. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

#### Water

26. 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. Each unit shall have a separate water meter installed.
27. Water meters shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads. Immediate installation can be delayed subject to use of a metered hydrant utilizing meter supplied through the Public Works Department along with appropriate measures to ensure water from the future lateral not be used until a permanent meter and backflow prevention device is installed.
28. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
29. 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.
30. The developer shall reimburse one half of the 8-inch component, its fair share cost, to the City for the previously constructed water main along the entire project frontage on El Monte Court.

#### Sewer

31. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
32. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.

33. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
34. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.
35. The developer shall reimburse one half of the 8-inch component, its fair share cost, to the City for the previously constructed sewer main along the entire project frontage on El Monte Court.

#### Streets

36. 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.
37. The proposed driveway approach on El Monte Court shall be constructed per current City and ADA standards.
38. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on El Monte Court. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

END OF CONDITIONS