



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, September 10, 2024
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 81248552163# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/81248552163>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

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

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: October 10, 2023 / November 14, 2023 / December 12, 2023 / June 11, 2024 & August 13, 2024.

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 2023-08 and SPR 2023-26 – Restaurant Drive Through (Report by Adileni Rueda)

(Continued to the next meeting of the Planning Commission on October 8, 2024)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review to allow for the use of a drive through in conjunction with a proposed restaurant on ±0.34 acres of property located on the southern corner of the intersection of East 5th Street and North D Street at 126 North D Street (APN: 007-101-001). The site zoned C1 (Light Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines, Sections 15303/Class 3 (New Construction or Conversion of Small Structures), 15311/Class 11 (Accessory Structures) and 15332/Class 32 (In-Fill Development Projects) and approving Conditional Use Permit 2023-08 and Site Plan Review 2023-26, subject to the findings and conditions of approval.

2. CUP 2022-33 EXT and SPR 2022-38 EXT – Las Palmas Apartments

Subject: Consideration of an application for an extension of a previously approved Conditional Use Permit and Site Plan Review authorizing the construction of a 20-unit multi-family residential development on ±0.70 acres of land located at the westerly corner of Lake Street and Moore Street (APN's: 011-061-004 and 011-061-005). The site is planned for Commercial use by the Madera General Plan and is located within the C1 (Light Commercial) Zone District. Residential uses are permitted in Commercial Zone District subject to a Conditional Use Permit.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera approving a one-year time extension for Conditional Use Permit 2022-33 and Site Plan Review 2022-38, subject to the findings and conditions of approval.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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

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

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

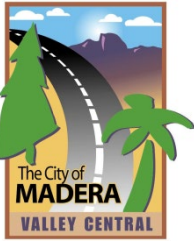
All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION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

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

CUP 2023-08 and SPR 2023-26

Restaurant Drive Through

This item is being continued to the next Planning
Commission Meeting on October 8, 2024



REPORT TO THE PLANNING COMMISSION

Prepared by:

Rudy Luquin, Senior Planner

Meeting of: September 10, 2024

Agenda Number: 2

SUBJECT:

Consideration of a one-year time extension of approval for Conditional Use Permit (CUP 2022-33) and Site Plan Review (SPR 2022-38) for the Las Palmas Apartments project pertaining to two vacant parcels totaling ± 0.70 acres located on the westerly corner of the Intersection of South Lake Street and Moore Street (APNs: 011-061-004 and 011-061-005).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera approving a one-year time extension for Conditional Use Permit 2022-33 and Site Plan Review 2022-38, subject to the findings and conditions of approval.

SUMMARY:

Ubaldo Garcia Hernandez (applicant), on behalf of Rudy Hernandez (property owner), has filed an application requesting a one-year time extension for Conditional Use Permit Application No. 2022-33 (CUP 2022-33 EXT) and Site Plan Review No. 2022-38 (SPR 2022-38 EXT) for the development of a 20-unit apartment complex on two vacant parcels totaling ± 0.70 acres located on the westerly corner of the intersection of South Lake Street and Moore Street (APNs: 011-061-004 and 011-061-005), the "Project Site."

Conditional Use Permit 2022-33 and Site Plan Review 2022-38 were previously approved at the regularly scheduled Planning Commission meeting on July 11, 2023. Pursuant to the City Municipal Code (CMC) Sections 10-3.1311(A) and 10-3.4.0114, the respective entitlements must be exercised and shall be considered void unless utilized within 12 months/one year from the effective date of approval. The CMC further provides if the Conditional Use Permit approval is not enacted, the applicant may submit, prior to expiration of the permits, for a request of a one (1) year time extension at the discretion of the Planning Commission. In accordance with CMC Section 10-3.0114, approval of a Site Plan Review may be extended for one-year periods of time, upon written application to the Community Development Department Director before expiration of the approval.

The approval of CUP 2022-33 EXT and SPR 2022-38 EXT for the development of the 20-unit multi-family project and associated site improvements remains consistent with the provisions of the CMC and the goals, objectives and policies of the Madera General Plan. Approval will extend the expiration date for CUP 2022-33 and SPR 2022-38 to June 11, 2025.

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

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

BACKGROUND:

On July 11, 2023, the Planning Commission, ensuing a public hearing, approved CUP 2022-33, PPL 2022-05, and SPR 2022-38 to allow the development of a 9,425 square foot multi-family structure consisting of 20 units and associated site improvements totaling to 19,537 square feet of total building area on two (2) parcels totaling ±0.70-acre portion of the project site located within Light Commercial Zoning District (C1) and the Commercial (C) General Plan Land Use Designation.

Pursuant to the provisions of CMC §10-3.40114, the approval of SPR 2022-38 has tentatively been renewed/extended through administrative Director approval contingent upon the approval of a time extensions to CUP 2022-38. In uniformity with CMC §10-3.1311, CUP 2022-38 has expired and is subject to Planning Commission approval.

Precise Plan (PPL) 2022-05 was also approved by the Planning Commission following the July 11, 2023, hearing. Pursuant to the provisions of CMC §10-3.802(C)(21), any use permitted in any R (Residential) zone is permitted in the C1 (Light Commercial) zone district subject to a Conditional Use Permit. Pursuant to CMC §10-3-4.103(A), no construction, grading, or new development activity shall commence in any PD (Planned Development) zone district prior to the approval of a precise plan. The subject property is not within a PD zone district and a precise plan is not required to authorize the residential use; CUP 2022-33 provides such authorization. Therefore, no extension is required or requested for PPL 2022-05.

No changes have been proposed to the project, or to the prior conditions of approval (except to remove reference to the precise plan, which is not required).

ANALYSIS:

Site Characteristics:

The project site remains vacant. Various residential uses are located to northeast, a mixture of residential and commercial uses exist to the southeast, existing commercial uses to the southwest, and existing commercial and residential uses to the northwest.

Surrounding Land Uses:

The Madera General Plan Land Use Map designates the project site for Commercial land uses. All surrounding properties are planned for Low Density Residential uses (2.1-7.0 dwelling units/ acre), High Density Residential uses (1 unit/ 1,800 square feet of site area), and various commercial uses south of the project site.

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

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

The City Municipal Code (CMC) establishes procedures for the review and approval of site plan reviews (Section 10-3.4) and for the review and approval of use permits (Section 10-3.13). SPR 2022-38 allows the development of the new 20-unit multi-family structure on the 0.70-acre site. The C1 district permits for all uses allowed within residential districts, including multi-family residential uses, subject to the approval of a CUP as previously requested under CUP 2022-33. Additionally, CUP 2022-33 set the project’s development standards within the Light Commercial Zoning District, in this instance (as a housing development project), utilizing comparable residential district standards for the proposed density and intensity of development.

Table 3 below summarizes the development standards which will be utilized for the project. The second column provides the development standards for multi-family development projects in the R3 zone district, while the third column provides the standards applicable to the project, and the fourth column provides a summary of what is proposed under the site plan that has been previously submitted and approved for the project.

Table 3: PPL 2022-05 Proposed Development Standards			
<i>Standard</i>	<i>R3/Standards for Multi-Family Projects</i>	<i>CUP 2022-33 Standards</i>	<i>Proposed on SPR 2022-38</i>
<i>Front setback (Lake Street) (minimum)</i>	15 ft., 20 ft with garages facing street	15 ft., 20 ft with garages facing street	15 ft. (no garages facing street)
<i>Rear setback (minimum)</i>	15 ft. where windows face rear property line, plus five feet per story. 10 ft. where no windows face rear property line.	15 ft. where windows face rear property line, plus five feet per story. 10 ft. where no windows face rear property line.	39 ft. 8 in.
<i>Interior side setbacks (alley) (minimum)</i>	5 ft.	5 ft.	21 ft.
<i>Exterior side setbacks (Moore Street) (minimum)</i>	10 ft.	10 ft.	15 ft.
<i>Building height (maximum)</i>	50 ft.	50 ft.	27 ft. 1 in.
<i>Open Space (minimum)</i>	500 sf/unit	500 sf/unit	611 sf/unit
<i>Parking Spaces (minimum)</i>	44 spaces (1.5 per each one-bedroom unit, 2 per each unit w/ ≥ 2 bedrooms, plus 1 additional for every four units)	44 spaces (2 ADA)	50 spaces (2 ADA)

Compatibility with Surrounding Uses

The applicant proposes to construct a multi-family residential use, which is permitted through approval of a Conditional Use Permit within the C1 (Light Commercial) zone district. The project site is surrounded by residential and commercial land uses. The project is consistent and compatible with the other existing uses in the surrounding area. Conditions placed on the project, as well as development standards embodied will ensure that the development and operation of the project does not have a substantial adverse impact on the surrounding uses.

Circulation and Parking

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

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

Site Plan and Elevations

Construction of the building proposed under SPR 2022-38 is conditioned to conform with the site plan and elevation drawings, including the color and materials schedule, as shown in Attachments 5 through 8. Construction would result in an approximately 19,537 sf building (total building area), with a building footprint of 9,425 sf.

Landscaping and Open Space

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

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

Public Infrastructure

The project is required to make on- and off-site improvements, including but not limited to, the repairing of sidewalks and drive approaches to City and ADA standards, the re-pavement of the alleyway along the length of the project site, and the reconstruction or upgrade of the access ramp located at the Lake Street and Moore Street Intersection. In addition, the project has been

conditioned to provide a 10-foot public utility easement along the parcel frontages of both Lake and Moore Street. Furthermore, the project is required to record a mutual easement and reciprocal use agreement with the parcel abutting the project site to the southwest. Such an agreement will ensure access to proposed off-street parking (including ADA accessible parking) to serve the project is maintained.

Storm Drainage

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

ENVIRONMENTAL REVIEW:

The project has been previously reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

At the regularly scheduled Planning Commission Meeting on July 11, 2023, the Commission determined the project to be Categorically Exempt from the provisions of CEQA pursuant to Section 15332, In-Fill Development Projects of the CEQA Guidelines. The project is an infill project within an area that is substantially urbanized and within the city limits, is less than 5 acres in size, would not have any value to an at-risk plant or animal species, would not result in any potential environmental impacts under CEQA, and can be adequately served by all required utilities and public services.

No substantial changes are proposed in the project or with respect to the circumstances under which the project will be undertaken. No new information of substantial importance shows the project will have potential to result in significant effects. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project. No further environmental review or analyses are required.

COMMISSION ACTION:

The Commission will be acting on the requested one-year time extensions for CUP 2022-33 and SPR 2022-38. Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera approving a one-year time extension for Conditional Use Permit 2022-33 and Site Plan Review 2022-38, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

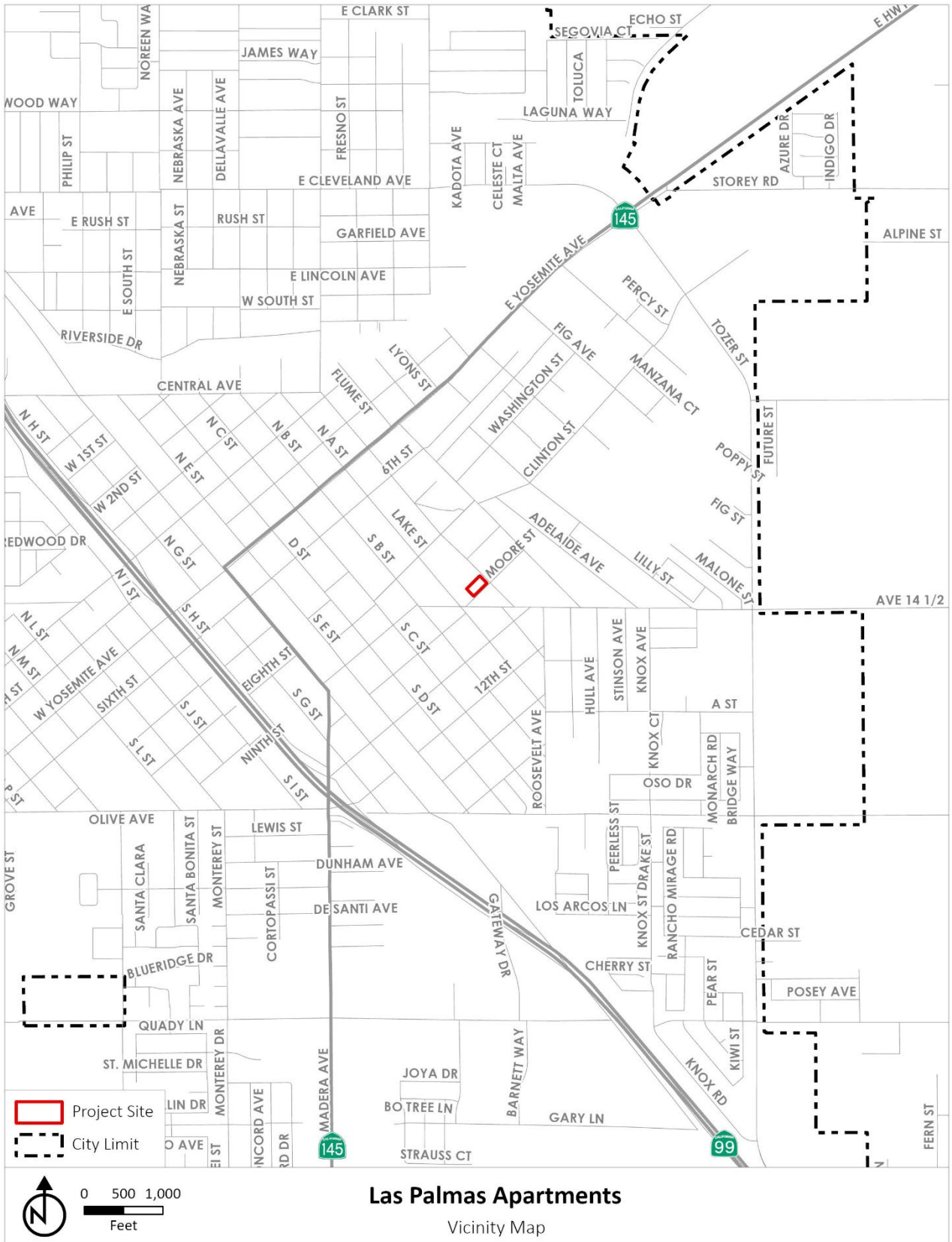
1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).

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. Vicinity Map
2. Aerial Image
3. General Plan Land Use Map
4. Official Zoning Map
5. Site, Floor and Elevation Plans
6. Planning Commission Resolution
 “Exhibit A”: Conditions of Approval

ATTACHMENT 1
Vicinity Map



ATTACHMENT 2

Aerial Image



 Project Site

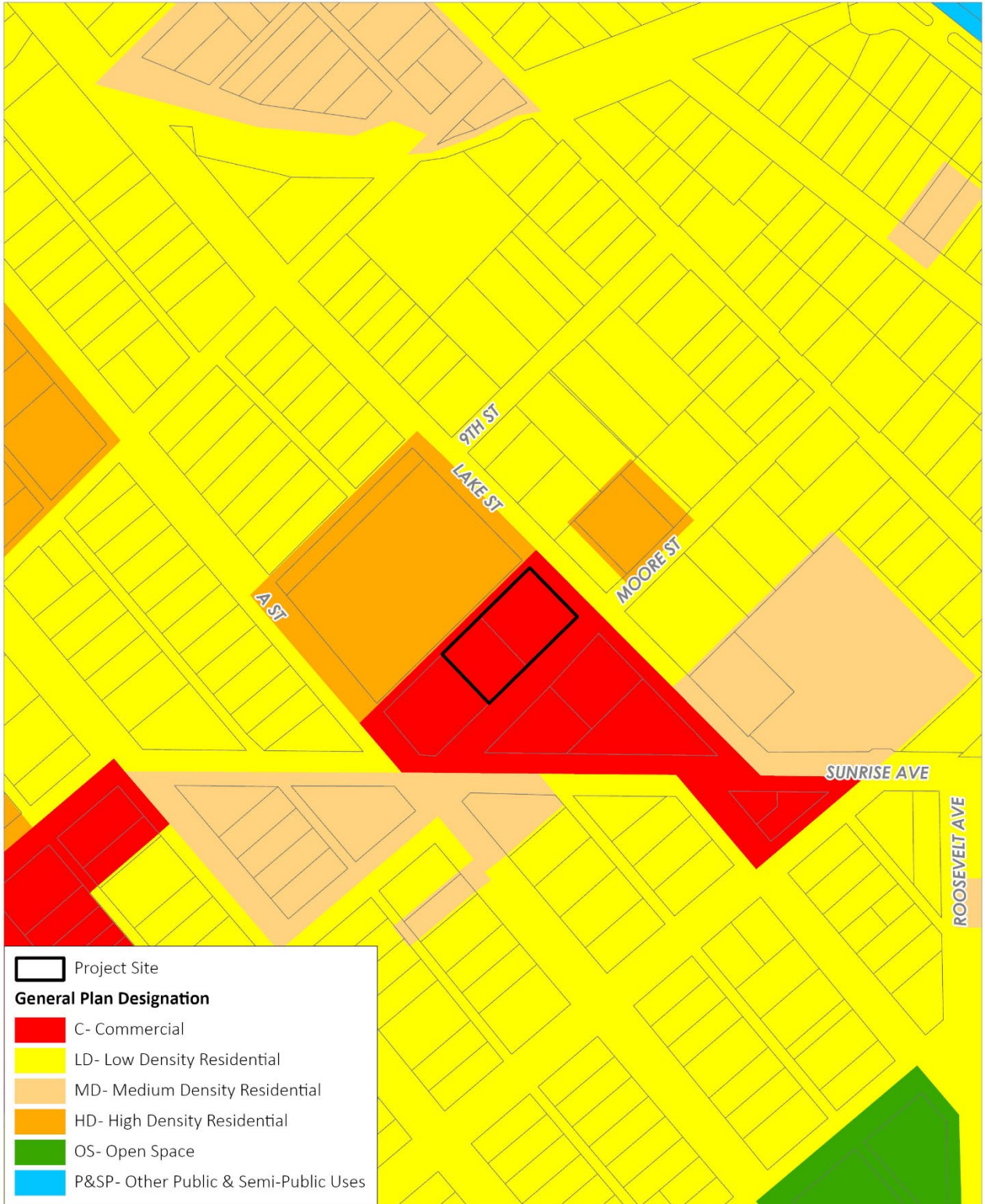


Las Palmas Apartments

Aerial Map

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ATTACHMENT 3
General Plan Land Use Map



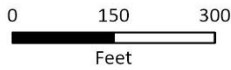
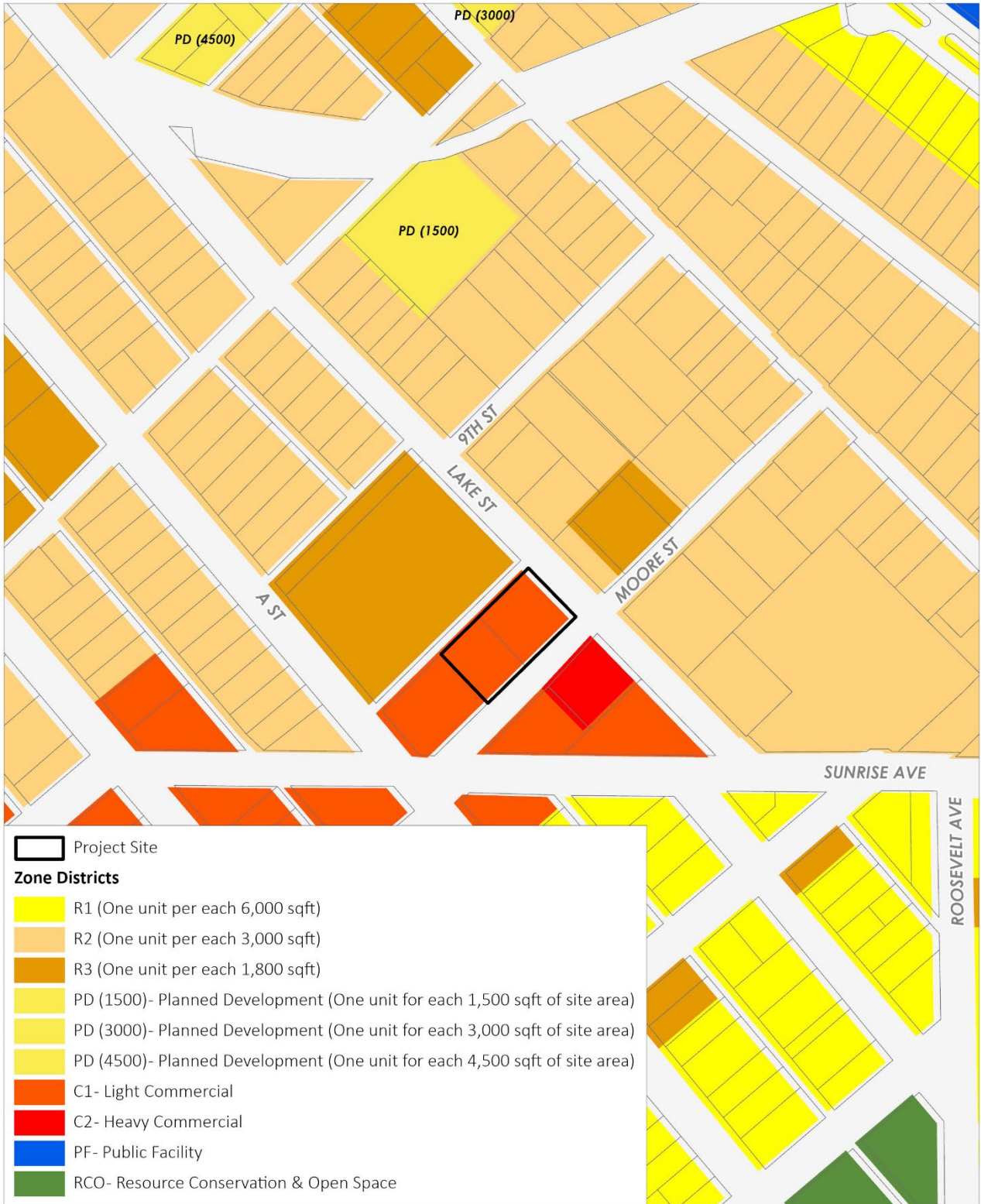
- Project Site
- General Plan Designation**
- C- Commercial
- LD- Low Density Residential
- MD- Medium Density Residential
- HD- High Density Residential
- OS- Open Space
- P&SP- Other Public & Semi-Public Uses



Las Palmas Apartments

GPLU Map

ATTACHMENT 4
Official Zoning Map



Las Palmas Apartments
Zoning Map

ATTACHMENT 5
Site, Floor and Elevation Plans

KEY NOTES:

1. IMPROVED SURFACE FINISH AT DRIVEWAY
2. PROPOSED 10' HEIGHT FENCE
3. PROPOSED 2' HIGH CURB AT DRIVEWAY
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30. PROPOSED 2' HIGH CURB AT DRIVEWAY

SITE PLAN SCHEDULE

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

BUILDING AREA:

1st Floor Area:		2nd Floor Area:	
UNIT 100 LIVING SPACE	400 sq. ft.	UNIT 200 LIVING SPACE	400 sq. ft.
UNIT 100 PATIO	100 sq. ft.	UNIT 200 BALCONY	70 sq. ft.
UNIT 101 LIVING SPACE	410 sq. ft.	UNIT 201 LIVING SPACE	410 sq. ft.
UNIT 101 PATIO	110 sq. ft.	UNIT 201 BALCONY	70 sq. ft.
UNIT 102 LIVING SPACE	410 sq. ft.	UNIT 202 LIVING SPACE	410 sq. ft.
UNIT 102 PATIO	110 sq. ft.	UNIT 202 BALCONY	70 sq. ft.
UNIT 103 LIVING SPACE	410 sq. ft.	UNIT 203 LIVING SPACE	410 sq. ft.
UNIT 103 PATIO	110 sq. ft.	UNIT 203 BALCONY	70 sq. ft.
UNIT 104 LIVING SPACE	410 sq. ft.	UNIT 204 LIVING SPACE	410 sq. ft.
UNIT 104 PATIO	110 sq. ft.	UNIT 204 BALCONY	70 sq. ft.
UNIT 105 LIVING SPACE	410 sq. ft.	UNIT 205 LIVING SPACE	410 sq. ft.
UNIT 105 PATIO	110 sq. ft.	UNIT 205 BALCONY	70 sq. ft.
GARAGE G01	276 sq. ft.	UNIT 206 LIVING SPACE	410 sq. ft.
GARAGE G02	276 sq. ft.	UNIT 206 BALCONY	70 sq. ft.
GARAGE G03	276 sq. ft.	UNIT 207 LIVING SPACE	410 sq. ft.
GARAGE G04	276 sq. ft.	UNIT 207 BALCONY	70 sq. ft.
GARAGE G05	276 sq. ft.	UNIT 208 LIVING SPACE	410 sq. ft.
GARAGE G06	276 sq. ft.	UNIT 208 BALCONY	70 sq. ft.
GARAGE G07	276 sq. ft.	UNIT 209 LIVING SPACE	410 sq. ft.
GARAGE G08	276 sq. ft.	UNIT 209 BALCONY	70 sq. ft.
GARAGE G09	276 sq. ft.	UNIT 210 LIVING SPACE	410 sq. ft.
GARAGE G10	276 sq. ft.	UNIT 210 BALCONY	70 sq. ft.
GARAGE G11	276 sq. ft.	UNIT 211 LIVING SPACE	410 sq. ft.
GARAGE G12	276 sq. ft.	UNIT 211 BALCONY	70 sq. ft.
GARAGE G13	276 sq. ft.	UNIT 212 LIVING SPACE	410 sq. ft.
GARAGE G14	276 sq. ft.	UNIT 212 BALCONY	70 sq. ft.
GARAGE G15	276 sq. ft.	UNIT 213 LIVING SPACE	410 sq. ft.
GARAGE G16	276 sq. ft.	UNIT 213 BALCONY	70 sq. ft.
GARAGE G17	276 sq. ft.	UNIT 214 LIVING SPACE	410 sq. ft.
GARAGE G18	276 sq. ft.	UNIT 214 BALCONY	70 sq. ft.
GARAGE G19	276 sq. ft.	UNIT 215 LIVING SPACE	410 sq. ft.
GARAGE G20	276 sq. ft.	UNIT 215 BALCONY	70 sq. ft.
GARAGE G21	276 sq. ft.	UNIT 216 LIVING SPACE	410 sq. ft.
GARAGE G22	276 sq. ft.	UNIT 216 BALCONY	70 sq. ft.
GARAGE G23	276 sq. ft.	UNIT 217 LIVING SPACE	410 sq. ft.
GARAGE G24	276 sq. ft.	UNIT 217 BALCONY	70 sq. ft.
GARAGE G25	276 sq. ft.	UNIT 218 LIVING SPACE	410 sq. ft.
GARAGE G26	276 sq. ft.	UNIT 218 BALCONY	70 sq. ft.
GARAGE G27	276 sq. ft.	UNIT 219 LIVING SPACE	410 sq. ft.
GARAGE G28	276 sq. ft.	UNIT 219 BALCONY	70 sq. ft.
GARAGE G29	276 sq. ft.	UNIT 220 LIVING SPACE	410 sq. ft.
GARAGE G30	276 sq. ft.	UNIT 220 BALCONY	70 sq. ft.
LAUNDRY	184 sq. ft.	TOTAL 1ST FLOOR AREA	4,620 sq. ft.
LAUNDRY	184 sq. ft.	TOTAL 2ND FLOOR AREA	4,620 sq. ft.
LAUNDRY	184 sq. ft.	TOTAL BUILDING AREA	9,240 sq. ft.

Site Detail:

SITE AREA: 13,300 SQ. FT. (305 ADU)

PROPOSED SITE COVERAGE: 1,420 SQ. FT. (10%)

BUILDING COVERAGE: 9,240 SQ. FT. (69%)

PARKING & DRIVEWAY: 12,244 SQ. FT. (92%)

SITE OPEN SPACE: 2,134 SQ. FT. (16%)

PROPOSED APARTMENT UNITS: 100 UNITS

PROPOSED DUNA DENSITY: 7.5 ADU / AC

OPEN SPACE REG. 500 SQ. FT. / UNIT x 100 = 100,000 SQ. FT.

OPEN SPACE PROVIDED: 544 SQ. FT. (4%)

MAX. HEIGHT REG. 35 FT. (2ND FLOOR)

MAX. HEIGHT PROVIDED: 35 FT. (2ND FLOOR)

SETBACKS REG. 10 FT. (FRONT), 5 FT. (SIDE), 5 FT. (REAR)

SETBACKS PROVIDED: 10 FT. (FRONT), 5 FT. (SIDE), 5 FT. (REAR)

PARKING REG. 100 UNITS x 1.5 = 150 STALLS

PARKING PROVIDED: 150 STALLS

EV PARKING SPACES PROVIDED: 15 EV STALLS

Project Directory:

OWNER: [Name]

ARCHITECT: [Name]

STRUCTURAL ENGINEER: [Name]

CIVIL ENGINEER: [Name]

SOILS ENGINEER: [Name]

Project Data:

SITE ADDRESS: 8000 S. LAKE STREET, PALMDALE, CA 91367

APN: 01-061-003-005

EXISTING ZONING: C-1

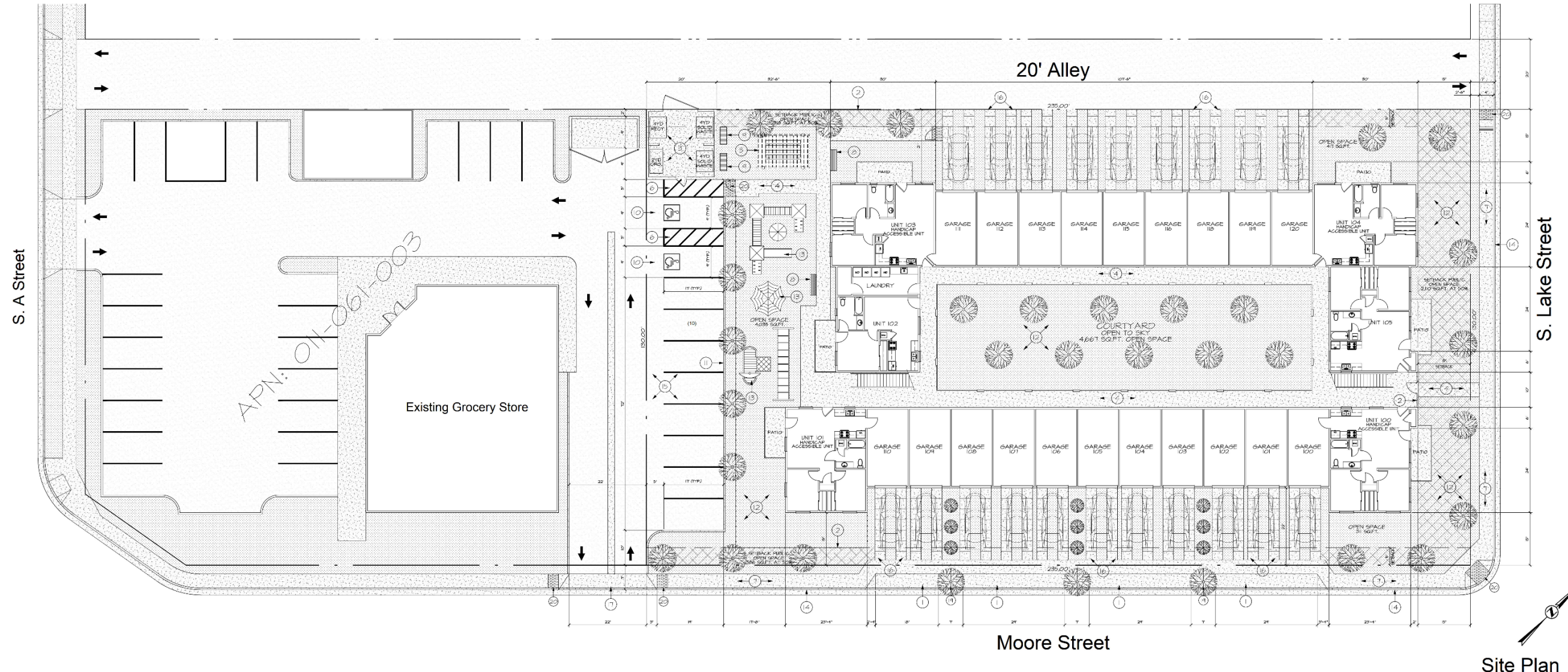
PROPOSED ZONING: R-1.5 (SARBOC)

EXISTING GENERAL PLAN LAND USE: COMMERCIAL

PROPOSED GENERAL PLAN LAND USE: HIGH DENSITY RESIDENTIAL

OCCUPANCY: R-2

CONSTRUCTION TYPE: V-2 / SPRINKLERED NFA OR



Urbaldo
 Architecture, Engineering & Development
 Ubaldito Garcia Hernandez, Inc. (0309) 971-5354
 ARCHITECT, LIC. NO. C-35319



REVISIONS:

Las Palmas Apartments

OWNER/BUILDER: Rudy Hernandez
 1221 S. ST. #118, PALMDALE, CA 91367
 (805) 940-1027
 rhernandez@laspalmas.com

3/17/2021
 1/8" = 1'-0"
 LINDEN APT.
 SHEET # A2.0

S. A Street

APN: 011-061-003

Existing Grocery Store



Moore Street

S. Lake Street

Site Rendering



Villa Di Ubaldo
 Architecture, Engineering & Development
 Villa Di Ubaldo Architects, Inc.
 24100 Calle Arroyo, Suite 200
 San Juan Capistrano, CA 92675
 Phone: 949.261.1111 Email: villa@villa-di-ubaldo.com



REVISIONS:

Las Palmas
Apartments

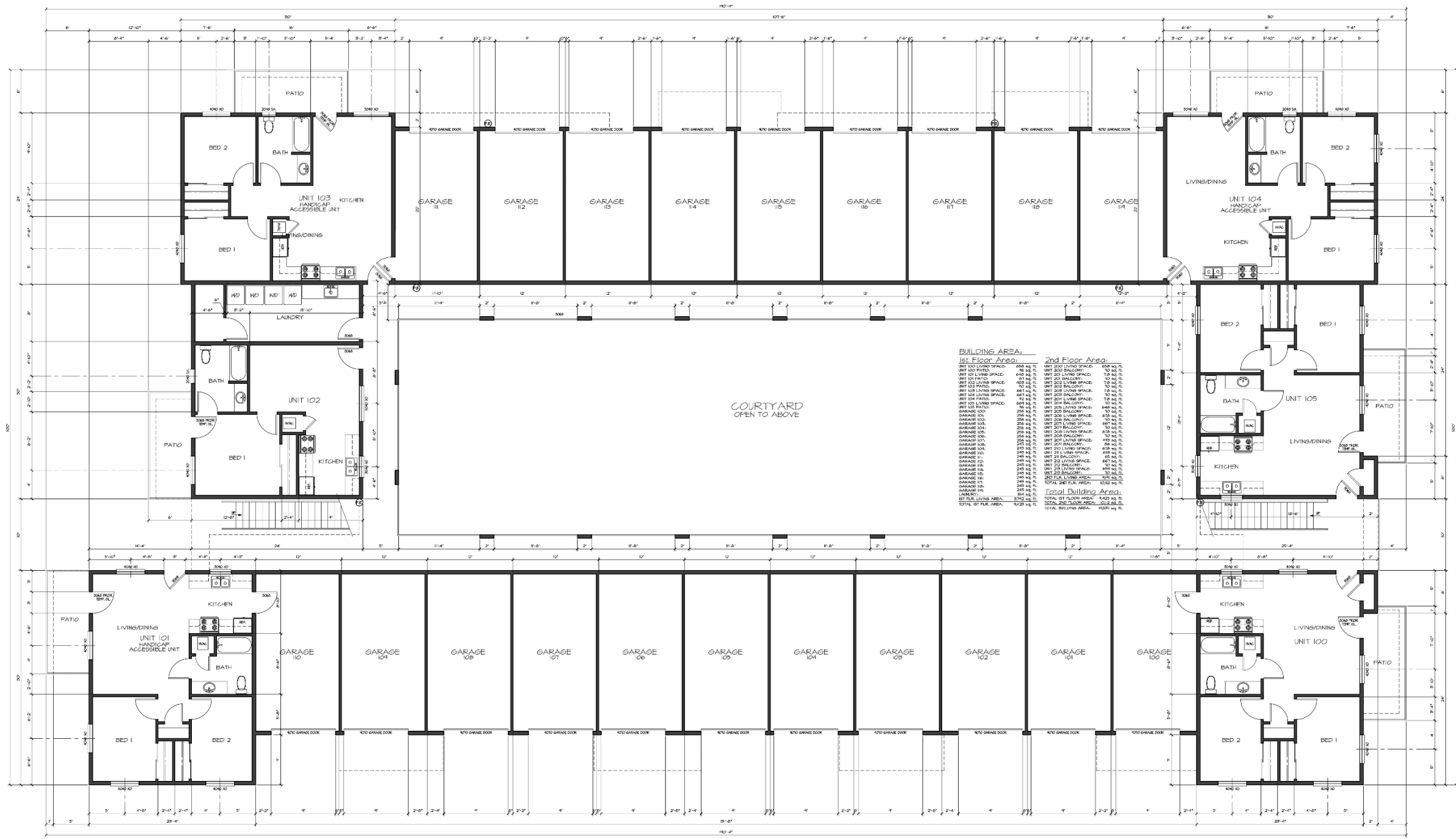
OWNER/BUILDER:
 Rudy Hernandez
 201 S. A ST
 SAN JUAN CA 92675
 rhernandez@laspalmas.com

DATE:
 5/11/2021

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

PROJECT:
 LAS PALMAS APT.
 SHEET:

A2.1



BUILDING AREA:

1st Floor Area:		2nd Floor Area:	
UNIT 101 LIVING SPACE	468 sq. ft.	UNIT 200 LIVING SPACE	458 sq. ft.
UNIT 101 PATIO	76 sq. ft.	UNIT 200 BALCONY	70 sq. ft.
UNIT 101 LIVING SPACE	468 sq. ft.	UNIT 201 LIVING SPACE	458 sq. ft.
UNIT 101 PATIO	76 sq. ft.	UNIT 201 BALCONY	70 sq. ft.
UNIT 102 LIVING SPACE	450 sq. ft.	UNIT 202 LIVING SPACE	458 sq. ft.
UNIT 102 PATIO	72 sq. ft.	UNIT 202 BALCONY	70 sq. ft.
UNIT 103 LIVING SPACE	461 sq. ft.	UNIT 203 LIVING SPACE	458 sq. ft.
UNIT 103 PATIO	72 sq. ft.	UNIT 203 BALCONY	70 sq. ft.
UNIT 104 LIVING SPACE	469 sq. ft.	UNIT 204 LIVING SPACE	458 sq. ft.
UNIT 104 PATIO	72 sq. ft.	UNIT 204 BALCONY	70 sq. ft.
UNIT 105 LIVING SPACE	468 sq. ft.	UNIT 205 LIVING SPACE	458 sq. ft.
UNIT 105 PATIO	76 sq. ft.	UNIT 205 BALCONY	70 sq. ft.
GARAGE 100	256 sq. ft.	UNIT 206 LIVING SPACE	458 sq. ft.
GARAGE 101	256 sq. ft.	UNIT 206 BALCONY	70 sq. ft.
GARAGE 102	256 sq. ft.	UNIT 207 LIVING SPACE	458 sq. ft.
GARAGE 103	256 sq. ft.	UNIT 207 BALCONY	70 sq. ft.
GARAGE 104	256 sq. ft.	UNIT 208 LIVING SPACE	458 sq. ft.
GARAGE 105	256 sq. ft.	UNIT 208 BALCONY	70 sq. ft.
GARAGE 106	256 sq. ft.	UNIT 209 LIVING SPACE	458 sq. ft.
GARAGE 107	256 sq. ft.	UNIT 209 BALCONY	70 sq. ft.
GARAGE 108	256 sq. ft.	UNIT 210 LIVING SPACE	458 sq. ft.
GARAGE 109	256 sq. ft.	UNIT 210 BALCONY	70 sq. ft.
GARAGE 100	256 sq. ft.	UNIT 211 LIVING SPACE	458 sq. ft.
GARAGE 101	256 sq. ft.	UNIT 211 BALCONY	70 sq. ft.
GARAGE 102	256 sq. ft.	UNIT 212 LIVING SPACE	458 sq. ft.
GARAGE 103	256 sq. ft.	UNIT 212 BALCONY	70 sq. ft.
GARAGE 104	256 sq. ft.	UNIT 213 LIVING SPACE	458 sq. ft.
GARAGE 105	256 sq. ft.	UNIT 213 BALCONY	70 sq. ft.
GARAGE 106	256 sq. ft.	UNIT 214 LIVING SPACE	458 sq. ft.
GARAGE 107	256 sq. ft.	UNIT 214 BALCONY	70 sq. ft.
GARAGE 108	256 sq. ft.	UNIT 215 LIVING SPACE	458 sq. ft.
GARAGE 109	256 sq. ft.	UNIT 215 BALCONY	70 sq. ft.
GARAGE 100	256 sq. ft.	UNIT 216 LIVING SPACE	458 sq. ft.
GARAGE 101	256 sq. ft.	UNIT 216 BALCONY	70 sq. ft.
GARAGE 102	256 sq. ft.	UNIT 217 LIVING SPACE	458 sq. ft.
GARAGE 103	256 sq. ft.	UNIT 217 BALCONY	70 sq. ft.
GARAGE 104	256 sq. ft.	UNIT 218 LIVING SPACE	458 sq. ft.
GARAGE 105	256 sq. ft.	UNIT 218 BALCONY	70 sq. ft.
GARAGE 106	256 sq. ft.	UNIT 219 LIVING SPACE	458 sq. ft.
GARAGE 107	256 sq. ft.	UNIT 219 BALCONY	70 sq. ft.
GARAGE 108	256 sq. ft.	UNIT 220 LIVING SPACE	458 sq. ft.
GARAGE 109	256 sq. ft.	UNIT 220 BALCONY	70 sq. ft.
LAUNDRY	84 sq. ft.	TOTAL 2ND FLOOR AREA	1032 sq. ft.
STAIR	120 sq. ft.	TOTAL 1ST FLOOR AREA	4,428 sq. ft.
TOTAL 1ST FLOOR AREA	4,428 sq. ft.	TOTAL 2ND FLOOR AREA	1,032 sq. ft.
TOTAL 1ST FLOOR AREA	4,428 sq. ft.	TOTAL BUILDING AREA	5,460 sq. ft.

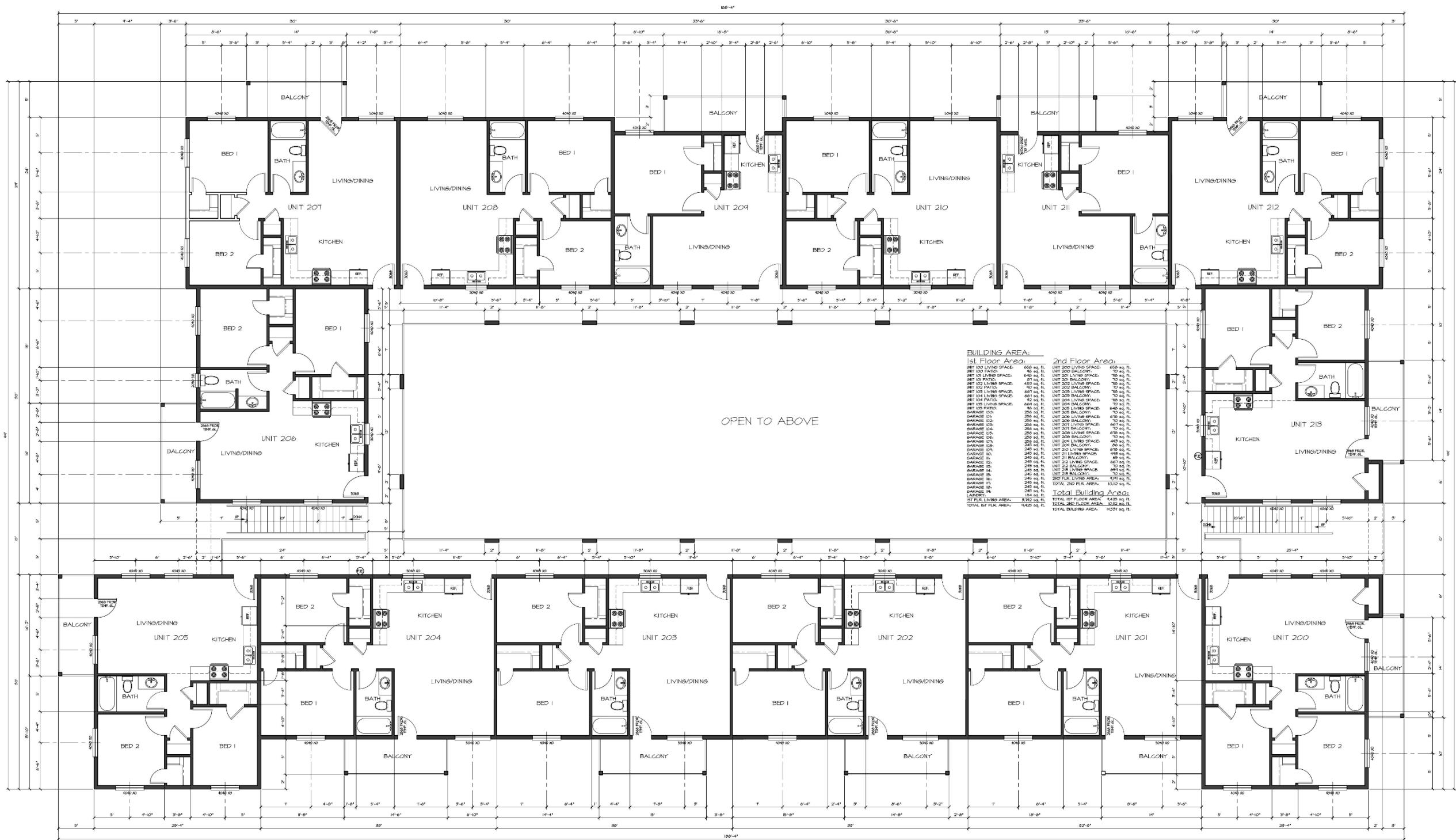
Ubaldo
 Architecture, Engineering & Development
 Ubaldo Garcia Hernandez, Tel: (909) 971-5334
 ARCHITECT, L.C. No. C-35311 P
 MADRISA, CA 91769

Las Palmas Apartments

OWNER/BUILDER:
 Rudy Hernandez
 121 S. B. ST.
 SUITE 100
 (909) 964-1427
 rudyh@rudyh.com

3/17/2021
 14' x 11'
 LINEN APT.
 101

REVISIONS:



BUILDING AREA:

1st Floor Area:		2nd Floor Area:	
UNIT 00 LIVING SPACE	656 sq. ft.	UNIT 200 LIVING SPACE	668 sq. ft.
UNIT 00 PATIO	160 sq. ft.	UNIT 200 BALCONY	70 sq. ft.
UNIT 01 LIVING SPACE	640 sq. ft.	UNIT 201 LIVING SPACE	78 sq. ft.
UNIT 01 PATIO	87 sq. ft.	UNIT 201 BALCONY	70 sq. ft.
UNIT 02 LIVING SPACE	680 sq. ft.	UNIT 202 LIVING SPACE	70 sq. ft.
UNIT 02 PATIO	80 sq. ft.	UNIT 202 BALCONY	70 sq. ft.
UNIT 03 LIVING SPACE	687 sq. ft.	UNIT 203 LIVING SPACE	70 sq. ft.
UNIT 03 PATIO	152 sq. ft.	UNIT 203 BALCONY	70 sq. ft.
UNIT 04 LIVING SPACE	681 sq. ft.	UNIT 204 LIVING SPACE	70 sq. ft.
UNIT 04 PATIO	152 sq. ft.	UNIT 204 BALCONY	70 sq. ft.
UNIT 05 LIVING SPACE	668 sq. ft.	UNIT 205 LIVING SPACE	70 sq. ft.
UNIT 05 PATIO	160 sq. ft.	UNIT 205 BALCONY	70 sq. ft.
AVENUE 00	256 sq. ft.	UNIT 206 LIVING SPACE	670 sq. ft.
AVENUE 01	256 sq. ft.	UNIT 206 BALCONY	70 sq. ft.
AVENUE 02	256 sq. ft.	UNIT 207 LIVING SPACE	687 sq. ft.
AVENUE 03	256 sq. ft.	UNIT 207 BALCONY	70 sq. ft.
AVENUE 04	256 sq. ft.	UNIT 208 LIVING SPACE	670 sq. ft.
AVENUE 05	256 sq. ft.	UNIT 208 BALCONY	70 sq. ft.
AVENUE 06	256 sq. ft.	UNIT 209 LIVING SPACE	687 sq. ft.
AVENUE 07	256 sq. ft.	UNIT 209 BALCONY	70 sq. ft.
AVENUE 08	256 sq. ft.	UNIT 210 LIVING SPACE	670 sq. ft.
AVENUE 09	256 sq. ft.	UNIT 210 BALCONY	70 sq. ft.
AVENUE 10	256 sq. ft.	UNIT 211 LIVING SPACE	687 sq. ft.
AVENUE 11	256 sq. ft.	UNIT 211 BALCONY	70 sq. ft.
AVENUE 12	256 sq. ft.	UNIT 212 LIVING SPACE	670 sq. ft.
AVENUE 13	256 sq. ft.	UNIT 212 BALCONY	70 sq. ft.
AVENUE 14	256 sq. ft.	UNIT 213 LIVING SPACE	687 sq. ft.
AVENUE 15	256 sq. ft.	UNIT 213 BALCONY	70 sq. ft.
AVENUE 16	256 sq. ft.	UNIT 214 LIVING SPACE	670 sq. ft.
AVENUE 17	256 sq. ft.	UNIT 214 BALCONY	70 sq. ft.
AVENUE 18	256 sq. ft.	UNIT 215 LIVING SPACE	687 sq. ft.
AVENUE 19	256 sq. ft.	UNIT 215 BALCONY	70 sq. ft.
LANDING	240 sq. ft.	2ND FLOOR TOTAL AREA	1072 sq. ft.
STAIR LIVING AREA	372 sq. ft.	TOTAL 1ST FLOOR AREA	4,420 sq. ft.
TOTAL 1ST FLOOR AREA	4,792 sq. ft.	TOTAL 2ND FLOOR AREA	3,028 sq. ft.
TOTAL 2ND FLOOR AREA	3,028 sq. ft.	TOTAL BUILDING AREA	7,820 sq. ft.

2nd Floor Plan

Las Palmas Apartments

OWNER/BUILDER:
Rudy Hernandez
221 S.A. ST.
MADISON, CA 95128
(510) 960-1627
lhpalmas@comcast.com

Architect:
Villa Di Ubaldo
Architecture, Engineering & Development
Ubaldo Garcia Hernandez, P.E.
MADISON, CA 95128
(510) 971-5531
vdi@vdiubaldo.com

REVISIONS:

3 / 1 / 2021
14" = 1'-0"
LINDEN APT.
10 S.E.T.

A3.2

EXTERIOR FINISH SCHEDULE	
NO.	DESCRIPTION / COLOR
1	WATERPROOFING
2	EXTERIOR DOORS
3	EXTERIOR WALLS
4	EXTERIOR WINDOWS
5	EXTERIOR ROOFING
6	EXTERIOR FLOORING
7	EXTERIOR PAINTING
8	EXTERIOR LIGHTING
9	EXTERIOR STAIRS
10	EXTERIOR BALCONIES
11	EXTERIOR RAILINGS
12	EXTERIOR TRIM
13	EXTERIOR CEILING
14	EXTERIOR FLOORING
15	EXTERIOR PAINTING
16	EXTERIOR LIGHTING
17	EXTERIOR STAIRS
18	EXTERIOR BALCONIES
19	EXTERIOR RAILINGS
20	EXTERIOR TRIM
21	EXTERIOR CEILING
22	EXTERIOR FLOORING
23	EXTERIOR PAINTING
24	EXTERIOR LIGHTING
25	EXTERIOR STAIRS
26	EXTERIOR BALCONIES
27	EXTERIOR RAILINGS
28	EXTERIOR TRIM
29	EXTERIOR CEILING
30	EXTERIOR FLOORING
31	EXTERIOR PAINTING
32	EXTERIOR LIGHTING
33	EXTERIOR STAIRS
34	EXTERIOR BALCONIES
35	EXTERIOR RAILINGS
36	EXTERIOR TRIM
37	EXTERIOR CEILING
38	EXTERIOR FLOORING
39	EXTERIOR PAINTING
40	EXTERIOR LIGHTING
41	EXTERIOR STAIRS
42	EXTERIOR BALCONIES
43	EXTERIOR RAILINGS
44	EXTERIOR TRIM
45	EXTERIOR CEILING
46	EXTERIOR FLOORING
47	EXTERIOR PAINTING
48	EXTERIOR LIGHTING
49	EXTERIOR STAIRS
50	EXTERIOR BALCONIES
51	EXTERIOR RAILINGS
52	EXTERIOR TRIM
53	EXTERIOR CEILING
54	EXTERIOR FLOORING
55	EXTERIOR PAINTING
56	EXTERIOR LIGHTING
57	EXTERIOR STAIRS
58	EXTERIOR BALCONIES
59	EXTERIOR RAILINGS
60	EXTERIOR TRIM
61	EXTERIOR CEILING
62	EXTERIOR FLOORING
63	EXTERIOR PAINTING
64	EXTERIOR LIGHTING
65	EXTERIOR STAIRS
66	EXTERIOR BALCONIES
67	EXTERIOR RAILINGS
68	EXTERIOR TRIM
69	EXTERIOR CEILING
70	EXTERIOR FLOORING
71	EXTERIOR PAINTING
72	EXTERIOR LIGHTING
73	EXTERIOR STAIRS
74	EXTERIOR BALCONIES
75	EXTERIOR RAILINGS
76	EXTERIOR TRIM
77	EXTERIOR CEILING
78	EXTERIOR FLOORING
79	EXTERIOR PAINTING
80	EXTERIOR LIGHTING
81	EXTERIOR STAIRS
82	EXTERIOR BALCONIES
83	EXTERIOR RAILINGS
84	EXTERIOR TRIM
85	EXTERIOR CEILING
86	EXTERIOR FLOORING
87	EXTERIOR PAINTING
88	EXTERIOR LIGHTING
89	EXTERIOR STAIRS
90	EXTERIOR BALCONIES
91	EXTERIOR RAILINGS
92	EXTERIOR TRIM
93	EXTERIOR CEILING
94	EXTERIOR FLOORING
95	EXTERIOR PAINTING
96	EXTERIOR LIGHTING
97	EXTERIOR STAIRS
98	EXTERIOR BALCONIES
99	EXTERIOR RAILINGS
100	EXTERIOR TRIM



Front (East Side) Elevation



Right (North Side) Elevation



Left (South Side) Elevation



Rear (West Side) Elevation

Exterior Elevations

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



Ubbaldo
 Architecture, Engineering & Development
 Ubaldo Garcia Hernandez
 10300 W. 10th St., Suite 100
 Los Angeles, CA 90024
 Tel: (310) 971-1334
 Fax: (310) 971-1335
 www.ubbaldogroup.com



REVISIONS:

Las Palmas
 Apartments

OWNER/BUILDER:
 Rudy Hernandez
 21111
 MANTECA, CA 95039
 (925) 965-4107
 rudy@rudyh.com

3 / 1 / 2021
 148' x 1'-0"
 200' x 1'-0"
 LINDEN APT.
 10-1111

A5.0

ATTACHMENT 6

Planning Commission Resolution

Including:

“Exhibit A”: Conditions of Approval

RESOLUTION NO. 2003

**RESOLUTION OF THE PLANNING COMMISSION
APPROVING A ONE-YEAR TIME EXTENSION TO THE EXPIRATION DATES FOR
THE APPROVALS OF CONDITIONAL USE PERMIT 2022-33
AND SITE PLAN REVIEW 2022-38**

WHEREAS, Rudy Hernandez (“Owner”) is the property owner of the two parcels (Assessor’s Parcel Numbers 011-061-004 & 011-061-005), totaling ±0.70 acres of vacant land located on the westerly corner of South Lake Street and Moore Street in Madera, California (“site”) and Ubaldo Garcia Hernandez (“Applicant”) is acting on behalf of the Owner; and

WHEREAS, CUP 2022-33 and SPR 2020-24 were previously approved following a public hearing held during the regularly scheduled meeting of the Planning Commission on June 11, 2023, through adoption of Resolution No. 1965; and

WHEREAS, pursuant to City Municipal Code (CMC) § 10-3.1311(A), any use permit granted by the city as herein provided shall be conditioned upon the privileges granted therein being utilized within 12 months after the effective date thereof; and

WHEREAS, pursuant to CMC § 10-3.4.0114, a site plan approval shall be void one year following the date on which it was approved unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan; and

WHEREAS, the Applicant filed a timely request for a one-year (12-month) extension to the expiration date for the approvals for Conditional Use Permit No. 2022-33 (CUP 2022-33 EXT) and Site Plan Review No. 2022-38 (SPR 2022-38 EXT), in accordance with the provisions of the CMC; and

WHEREAS, based on a preliminary environmental assessment, the project was previously determined to be Categorically Exempt pursuant to the provisions of Section 15332 (In-Fill Development) under the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to the provisions of the CMC, the Planning Commission (Commission) is authorized to review and approve conditional use permits, site plan reviews as well as requested extensions of the expiration dates for approvals on behalf of the City; and

WHEREAS, the Planning Commission public hearing was duly noticed as required by law; and

WHEREAS, the Planning Commission received and reviewed CUP 2022-33 EXT and CUP 2022-38 EXT at the duly noticed meeting on September 10, 2024; and

WHEREAS, at the September 10, 2024, Planning Commission hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to adopt this Resolution approving a one-year (12-month) extensions of time to the expiration date for the approvals for CUP 2022-33 and SPR 2022-38.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: This project has been previously assessed. A preliminary environmental assessment was prepared in accordance with the California Environmental Quality Act (CEQA). The Planning Commission adopted a determination that the project was Categorically Exempt pursuant to CEQA Guidelines Section 15332/Class 32 (In-Fill Development). The project is within city limits, on a site of no more than five acres substantially surrounded by urban uses and is served by all required utilities and public services. The discretionary action pertains to an extension of time to the expiration date of the use permit and site plan review approvals. No changes are proposed to the previously approved project and no changes will or have occurred with respect to the circumstances under which the project will be undertaken. There is no new information, which was not known and could not have been known at the time the project was previously assessed, that the project will have a potential significant effect on the environment, that any of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to the project or that the project will present any unusual circumstances.
3. Findings to Approve CUP 2022-33 EXT and SPR 2022-38 EXT: The Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-33 EXT and SPR 2022-38 EXT, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.13 (Use Permits), Section 10-3-4.103 and Section 10-3.4.01 (Site Plan Review). No modifications were proposed to the previously approved project and no changes will or have occurred with regards to the circumstances under which the project will be undertaken. The Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Findings to Approve a Conditional Use Permit

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

CUP 2022-33 would allow for the development and operation of the 20-unit apartment complex on a site planned and zoned for commercial uses. Within the C1 zone district, residential uses are conditionally allowed. As a result, approval of CUP 2022-33 would align with the intent of the C1 zone district. Uses allowed under the C1 zone district are consistent with the Commercial land use designations under the General Plan. Further, CUP 2022-33 establishes development standards for the project, which are consistent with

the allowances of the Zoning Ordinance. Therefore, the project is consistent with the General Plan and Zoning Ordinance.

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

The approximately 0.70-acre site is suited for residential development, which is conditionally allowed within the C1 zone district. The site is located within an area that contains residential uses to the northeast and northwest, with commercial uses to the southeast and southwest. As conditioned and through the establishment of site-specific development standards, the operation of an apartment complex is compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The establishment of site-specific standards and the proposed use will result in the operation of a 20-unit apartment complex on the site. As conditioned, the project is required to make public improvements to ensure adequate public facilities, including provision of services, and will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

Findings to Approve a Site Plan Review

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

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

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

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

Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are

protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

SPR 2022-38 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the C1 zone district and as established through CUP 2022-33. Public improvements will be installed to ensure that vehicular and pedestrian circulation is provided and that utilities on-site will be accommodated consistent with City standards. Review of the 0.70-acre site determined that construction of the new apartment complex would not result in a significant generation of noise, light, or traffic.

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

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

4. Approval CUP 2022-33 EXT and SPR 2022-38 EXT: Given that all the previous findings remain valid, the Planning Commission hereby approves CUP 2022-33 EXT, and SPR 2022-38 EXT as previously conditioned as set forth in the Conditions of Approval attached as Exhibit "A." The new expiration date for CUP 2022-33 and SPR 2022-38 shall be September 10, 2025.
5. Effective Date: the resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 10th day of September, 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 dated September 10, 2024

“EXHIBIT A”
CUP 2022-33 EXT & SPR 2022-38 EXT
CONDITIONS OF APPROVAL
(LAS PALMAS APARTMENTS)
September 10, 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 SPR 2022-38 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. All discretionary conditions of approval for CUP 2022-33 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

GENERAL CONDITIONS:

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following all approval actions for CUP 2022-33 EXT and SPR 2022-38 EXT.**
3. CUP 2022-33 EXT shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
4. SPR 2022-38 EXT shall expire one year from date of issuance, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Development of the project shall conform to the plans designated by the City as Exhibits A through D, subject to the conditions noted herein. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may, at the discretion of the Planning Manager, be authorized without an amendment to CUP 2022-33 EXT and/or SPR 2022-38 EXT. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to CUP 2022-33 EXT and/or SPR 2022-38 EXT be filed for review and approval through the applicable City process.
7. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
8. All construction shall cease, and the Community Development Director and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist

that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant’s and/or successors-in-interest’s expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.

9. All construction shall cease if any human remains are uncovered, and the Community Development Director, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
10. Approval of CUP 2022-33 EXT and SPR 2022-38 EXT is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

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

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

PLANNING DEPARTMENT

General

11. Approval of this application shall be considered null and void in the event of failure by the applicant and/or the authorized representative to disclose and delineate all facts and information relating to the subject property and proposed uses.
12. CUP 2022-33 EXT and SPR 2022-38 EXT approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.

13. In accordance with Section 10-3.1311 of the City Municipal Code (CMC), all use permits which have been granted as provided in this chapter may be revoked by the Commission after a hearing as set forth below in the event the user of such permit, or his or its successor in interest to the real property in favor of which the permit was granted, breaches or fails to abide by any of the conditions designated in such permit, or conducts any use or activity on such property contrary to the provisions of the CMC, federal, and/or state laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of CUP 2022-33.
14. The proposed apartment complex shall be subject to periodic review and inspection by the City to determine compliance with the conditions of approval. If, at any time, the use is determined by staff to be in violation of the conditions, the property owner and/or operator may be subject to corrective action.
15. All on- and off-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2022-33 EXT and SPR 2022-38 EXT Conditions of Approval to the satisfaction of the City of Madera prior to issuance of a certificate of completion, occupancy permit, and/or issuance of a business license.
16. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
17. The property owner, operator and/or manager shall operate in a manner that does not generate excessive noise, odor, blight or vibration that is demonstrated to adversely affect-adjacent properties.
18. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the site.
19. Prior to the issuance of issuance of building permits, the applicant shall identify on the site plan and/or elevations the following information for Planning Department review and approval. All equipment shall be screened from view.
 - a) The location of all-natural gas and electrical utility meter locations
 - b) The location of all HVAC (heating, ventilation or air conditioning) equipment
 - c) The location of all compressor equipment, and mechanical and electrical equipment

Lighting

20. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
21. All parking lot lights/lighting shall be incorporated into landscaped areas.
22. Concrete lighting bases/pillars shall not exceed three (3) feet above pavement grade and shall include a finished surface material capable of withstanding weathering.
23. The aggregate height of the pole and base shall not exceed 20 feet above pavement grade.
24. The project proponent shall contact the City Engineer when all site lighting is operational. Additional light screening may be required to ensure compliance with City standards and conditions of approval.

Landscaping

25. Driveways located along the Moore Street frontage of the subject property and providing ingress-egress to on-site garages shall include the following landscape treatments and design features to break up pavement massing within the exterior (street) side yard:
 - a) A minimum five (5) foot wide space between groups of no more than three (3) adjacent driveway/"tandem" parking spaces shall be landscaped.
 - i. Visibility of a driveway(s) crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street and on-site trees shall be pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers.
 - b) Ribbon Driveways ("Hollywood Drives") shall be utilized for driveways rather than solid concrete to soften the streetscape within the exterior (street) side yard. Ribbon driveways consist of two concrete strips and lawn/turf in the center. However, other natural materials, such as brick or river rock may be used in place of the center grass strip. Stamped, colored concrete, pavers or other applications which achieve the same intent may be utilized subject to approval by the Director.
26. Trees shall be required to achieve 50 percent shading of all parking areas, inclusive of parking stalls and drive aisles, within 10 years. Carports may be used to account for shading of paved areas. Landscape plans shall illustrate achievement of the 50 percent shade coverage requirement.
27. A landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of 75 percent of all landscaped areas;
 - d) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - e) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
 - f) Integrate, to the extent feasible, low impact development practices to reduce, treat, infiltrate, and manage runoff flows caused by storms, urban runoff, and impervious surfaces.
 - g) Shrub planting shall be a minimum one (1) gallon size and include a mix of one (1) gallon and five (5) gallon shrubs.
 - h) Street and accent tree planting shall be a minimum a 15-gallon size.

- i) Where landscaping is intended to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial planting shall be sufficient to provide functional screening with a single growing season.
 - j) Perimeter landscaping along street frontages shall have a minimum depth of eight (8) feet excluding required street frontage parkway strip and sidewalk.
 - k) Street trees along street frontages shall be planted at an on-center spacing of one (1) tree per 30 linear feet. Street trees planted along street frontages shall be in conformance with the species of street tree planted on both streets where development already exists.
28. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three years to ensure that streetscapes and landscaped areas are installed and maintained as approved under CUP 2022-33 EXT and SPR 2022-38 EXT.
 29. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
 30. Street trees shall be provided in accordance with City standards along all street frontages. The species of street trees planted shall be consistent with those existing along the Lake Street and Moore Street frontages.
 31. Landscape plans shall include a no-less-than three (3) foot high hedge whenever parking spaces face and/or are visible from the public right-of-way to reduce headlight glare onto public streets and to shield vehicle parking from public view.
 32. Trees located in front of “pull in” parking spaces shall be planted in line with painted lines that designate parking spaces to minimize potential damage from vehicle overhang.
 33. Landscape islands shall be a minimum of six (6) feet width and span the entire length of the parking block and shall be provided at the ends of the parking rows. Islands shall provide a minimum 18-inch-wide concrete curb along the inside of the island, parallel to the adjacent parking space to avoid patrons treading over landscape.
 34. 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.
 35. Landscaping within Public Utility Easements shall not be detrimental to underground utilities within the easement.

Parking

36. As approved under CUP 2022-33 EXT and SPR 2022-38 EXT and shown on the Exhibit A, Site Plan, a minimum of 44 total parking spaces shall be required. The required number of ADA compliant parking spaces shall be provided in accordance with the California Building Code.
37. 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.

38. Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet, provided that a 2-foot overhang may be used pursuant to City standards.
39. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street or alley, and shall be located so that sufficient area is available for maneuvering purposes.
40. 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.
41. Parking shall not be permitted within the alley itself.
42. The minimum building setback from the opposite side of the alley shall be 43-feet to accommodate a 19-foot parking stall with a minimum 24-foot clearance for back out space.
43. The parking spaces located on the southwestern boundary of the site, where the project abuts the grocery store parcel, shall be designated for usage by the proposed apartment complex via signage.
44. Driveways leading to garages and affording “tandem” parking for purposes of compliance with the minimum off-street parking requirements of the CMC shall be designated for exclusive use of the tenant or visitors of the tenant residing in the respective residential unit to which the garage is assigned.
 - a) The City assumes no responsibility for parking controls, enforcement or complaints. Disclosures regarding enforcement of this parking requirement as well as instructions and contact information for dealing with complaints shall be provided to all residents with rental agreements. The property owner (or delegated property manager) shall assume responsibility for the enforcement of this condition and dealing with complaints of residents.

Trash Enclosures

45. A trash enclosure shall be constructed as depicted on the site plan. The location of the trash enclosure shall be subject to approval by the Planning Manager prior to the issuance of building permits.
46. The trash enclosure will be located along the alley. The alley shall remain accessible and allow for refuse collection to occur unimpeded by debris, cars, or other obstacles.
47. All exterior trash facilities should be fully enclosed on three (3) sides by a concrete masonry unit (CMU) wall. Access gates and man doors are to be opaque structures constructed of metal and shall be hinged on the outside with cane bolts to hold gates open. The walls and gates shall be congruent with the massing and design of the principal building.
48. All enclosures must be at least six (6) feet in height and rise a minimum of six (6) inches above the height of any container bin placed within the enclosure.
49. Trash containers/enclosures shall not be placed within the public right of way or driveways in such a way that they may potentially cause traffic hazards.
50. Trash containers/enclosures shall not be constructed within an easement or an offer of dedication.

51. Plans for trash enclosures should be drawn to scale and submitted for review.
52. Trash containers shall be provided for trash, recycling, and organics. Containers for each shall be shown on the site plan.
53. All trash enclosure access doors shall be clear from public rights-of-way, pedestrian paths of ingress and egress and shall not be located within a parking stall or passenger loading area.

Outdoor Storage

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

Signage

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

Building and Site Aesthetics

58. The construction of all buildings approved as part of SPR 2022-38 shall be in close conformance with the site plan and elevation drawings, as reviewed and approved by the Planning Commission. Any substantial alterations, as determined by the Director, shall require Planning Commission approval.
59. The construction of buildings approved as part of SPR 2022-38 shall be consistent with an approved color and materials board and representative color section rendering of the proposed buildings to be reviewed and approved by the Planning Manager in response to the conditions contained herein. Any substantial alteration, as determined by the Director, shall require Planning Commission approval.
60. All electrical/mechanical equipment shall be screened from public view.
61. Roof access ladders shall be located within the interior of the building.
62. Roof-mounted equipment placements should be completely screened from view and architecturally integrated into the roof using roof wells, continuous building perimeter fascia screening, etc.
63. All rooftop ducts and vents should be directed away from the public street/sidewalk to minimize their appearance, visibility, and noise pollution.

Pedestrian Access

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

BUILDING DEPARTMENT

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

ENGINEERING

General

71. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
72. Development Impact fees shall be paid at time of building permit issuance.
73. 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.
74. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
75. The improvement plans for the project shall include the most recent version of the City's General Notes.
76. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

77. All off-site improvements shall be completed prior to issuance of final occupancy.
78. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

79. 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.
80. A separate water meter and backflow prevention device will be required for the landscape area. The water meter and backflow prevention device shall be screened from public view.
81. Water meters shall be installed, and accounts activated through the City's Utility Billing Department prior to commencement of foundations and/or pads.
82. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
83. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

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

Storm Drain

88. Storm runoff from the project site is planned to go to the Las Palmas basin located south of the project site. Runoff volume calculations shall be provided, and the Developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
89. 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.
90. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small

Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

91. 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.
92. The alley shall be paved from Lake Street to the furthest end of the project parcel, per City standards. Grading of the alley shall be constructed in such a way that future drainage patterns are not negatively constrained. The structural section shall conform to City standards or greater to sufficiently accommodate the increase in traffic volumes. The drive approach at Lake Street shall be modified or reconstructed as necessary to meet current City and ADA standards.
93. The existing drive approach on Moore Street shall be modified or reconstructed as necessary to meet current City and ADA standards.
94. The developer shall install sidewalk along the Moore Street project frontage in accordance with City and ADA standards.
95. The existing access ramp located at the intersection of Lake Street and Moore Street shall be reconstructed and/or upgraded, as necessary, to current City and ADA standards.
96. The proposed driveway approaches on Moore Street shall be constructed per current City and ADA standards. Each drive approach shall have a maximum width of 30 feet with a 5-foot pedestrian refuge between each drive approach.
97. The developer shall install streetlights along Lake Street and Moore Street frontages in accordance with current City standards. Streetlights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
98. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontages on Lake Street and Moore Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
99. The developer shall record a lot merger to merge underlying lots of record associated with Assessor's Parcel Numbers (APNs) 011-061-004 and 011-061-005 into one parcel as the buildings are proposed to cross property lines. An application for lot merger shall be submitted to the Engineering Department. A \$400 fee or the fee in effect at that time for lot merger shall be paid with the application to the Engineering Department.
100. The developer shall record a Mutual Easement and Reciprocal Use Agreement for ingress/egress, utility, drainage, access for emergency services, and parking easements in the

City of Madera standard form with the parcel to the southwest of this project parcel (Assessor's Parcel Number 011-061-006). The easements shall provide the mutual right of access for all future uses on the project site. The agreement shall reflect the language included in the Covenant, Conditions, Easements, and Restrictions (CC&R) relating to the maintenance of shared utilities. At a minimum, the Reciprocal Easement Agreement should provide a responsible party and method in which said responsibility is conveyed to future successors. The developer shall be responsible for paying all associated fees to the Engineering Department. If an existing cross access agreement has already been recorded, it shall be revised based upon the proposed changes.

101. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 16 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

Dry Utilities

102. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.

FIRE DEPARTMENT

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

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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