

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, November 12, 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: 89756819137# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89756819137>. 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:

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. OTA 2024-02 – Ordinance Text Amendment (Title X: Planning and Zoning of the City Municipal Code)

STAFF REQUESTS THIS ITEM BE CONTINUED TO FUTURE DATE AND TIME CERTAIN.

Subject: Consideration of an update to Title X: Planning and Zoning of the City Municipal Code (CMC). The proposed update includes amendments and additions to the definitions, modifications to the allowed uses within the City’s zone districts, as well as revisions to the application review and approval procedures to implement the City’s Housing Element of the General Plan and to comply with recent State requirements.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission recommending the City Council adopt an Ordinance determining the project is exempt pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines and forwarding findings and recommendations to the City Council for consideration and action.

2. CUP 2022-16 MOD & SPR 2021-30 MOD – Super Auto Smog (Robert Smith)

Subject: Consideration of an application for a Conditional Use Permit (2022-16 MOD) and Site plan Review (2021-30 MOD) proposing the development of a 3,244 square-foot (sf) building and requesting authorization for use as a smog test shop and for limited auto repair services at 409 S. Gateway Dr. The property is in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera determining the project is Categorical Exempt pursuant to Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines and approving the modification to Conditional Use Permit 2022-16 MOD and Site Plan Review 2021-30 MOD, subject to the findings and conditions of approval.

3. OTA 2024-03 – Amendment to Zoning Regulations (Robert Smith)

Subject: Consideration of a Resolution of Intent to initiate the procedure to amend Title X: Planning and Zoning of the City Municipal Code (CMC). The proposed update includes amendments to the Zoning Regulations of the City Municipal Code to amend provisions relating to the lapse and termination of approvals for Site plan Reviews, Use Permits and Variances.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of Intent of the City of Madera Planning Commission initiating a procedure to amend Title X, Chapter 3 of the City Municipal Code (CMC) relating to the lapse of site plan approval (10-3.4.0114), termination of use permits (10-3.1311) and termination of variances (10.3.1411).

4. CUP 2024-19 & SPR 2024-29 – Gas Station Alcohol Beverage Control (ABC) License (Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review requesting authorization for a service station (Valero) convenience store to obtain a California Department of Alcoholic Beverage Control (ABC) Type 21 license (Off-Sale General). The service station is located at 2075 W. Kennedy St. (APN: 013-270-023), on the north side of West Kennedy Street between Schnoor Avenue and Highway/State Route 99. The Type 21 license is issued to retail stores and authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. The site is zoned C1 (Light Commercial) with a General Plan land use of C (Commercial).

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 Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving CUP 2024-19 and SPR 2024-29, subject to the findings and conditions of approval.

5. CUP 2024-17 & SPR 2024-24 – Taco Bulls Mobile Food Vendor (Rudy Luquin)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review to permit the operation of a mobile food preparation unit on property located at 1801 W. Cleveland Ave. The site is located at the Northwest corner of the intersection of W. Cleveland Ave. and Highway 99 and is zoned C2 (Heavy Commercial) with a General Plan land use of C (Commercial).

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission determining that the project is Categorically Exempt pursuant to Section 15311, Class 11 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving CUP 2024-17 and SPR 2024-24, subject to the findings and conditions of approval.

6. CUP 2024-20 & SPR 2024-28 – New Verizon Tower (Rudy Luquin)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review proposing to construct a 90-foot tall unmanned monopine wireless telecommunication tower for Verizon Wireless. The project site is located at 1016 S. Pine St. on the west site of S. Pine St. between W. Almond Ave. and Independence Dr. The site is zoned U (Unclassified) with an I (Industrial) General Plan land use designation.

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 Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-20 and Site Plan Review (SPR) 2024-28, subject to the findings and conditions of approval.

7. CUP 2024-16 & SPR 2024-26 – Country Club Commercial Uses

THIS ITEM IS BEING CONTINUED TO THE DECEMBER 10TH PLANNING COMMISSION MEETING.

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review to authorize by-right commercial uses in an existing legal non-conforming commercial center at 16479 Road 26 and 16465 Road 26. The site was previously developed in the Madera County jurisdiction and was rezoned to residential when annexed into the City of Madera. The site is currently zoned R1 (Residential – one unit for every 6,000 sq. ft.) and has a General Plan land use of LD (Low Density Residential).

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 per Section 15301, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving CUP 2024-16 and SPR 2024-26 subject to the findings and conditions of approval.

8. CUP 2023-08 & SPR 2023-26 – Restaurant Drive Through

THIS ITEM IS BEING REFERRED BACK TO STAFF.

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 (126 N. D St.). The site is zoned C1 (Light Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- b. A Resolution of the Planning Commission of the City of Madera adopting a determination of Categorical Exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15303, 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.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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

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

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

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

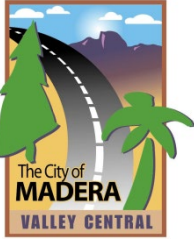
If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.

OTA 2024-02

Ordinance Text Amendment

Title X: Planning and Zoning of the City Municipal Code

**STAFF REQUESTS THIS ITEM BE CONTINUED TO A FUTURE
DATE AND TIME CERTAIN.**



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: November 12, 2024

Agenda Item: 2

SUBJECT

Consideration of an application for a Conditional Use Permit (CUP 2022-16 MOD) and Site Plan Review (SPR 2021-30 MOD) pertaining to ± 0.31 acres of property located on the northeasterly side of South Gateway Drive between West 8th and East 9th Streets at 409 South Gateway Drive (APN: 011-011-001) – Super Auto Smog.

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 Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2022-16 MOD and Site Plan Review (SPR) 2021-30 MOD, subject to the findings and conditions of approval.

SUMMARY:

The applicant DAR Construction Inc. on behalf of property owner, Hector Mejir of Super Auto Smog has submitted applications for a Conditional Use Permit (CUP 2022-16 MOD) and Site Plan Review (SPR 2021-30 MOD) proposing the development a 3,244 square-foot (sf) building and requesting authorization for use as a smog test shop and limited auto repair services at 409 South Gateway Drive (APN 011-011-001); located on the northeasterly side of South Gateway Drive between West 8th and East 9th Streets (refer to Attachment 1).

SPR 2021-30 MOD proposes to adapt and reuse a remnant 1,230 sf building on the project site and construct 2,014 sf of additional floor area to accommodate a ± 800 sf office, two smog test bays and three auto repair service bays. Proposed improvements will also include construction of a new refuse enclosure; installation of perimeter landscaping; off-street parking; and other associated site improvements.

The project site is designated for Commercial land uses by the General Plan and is zoned C-2 (Heavy Commercial).

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2022-16 MOD and SPR 2021-30 MOD.
<i>Applicant:</i>	DAR Construction Inc
<i>Owner:</i>	Hector Mejir.
<i>Location:</i>	409 S. Gateway Drive (Assessor’s Parcel Number (APN) 011-011-001) Located on the northeasterly side of South Gateway Drive between West 8 th and East 9 th Streets.
<i>Project Area:</i>	0.31 acres / 13,587 sf
<i>General Plan Land Use:</i>	Commercial
<i>Zoning District:</i>	C2 – Heavy Commercial
<i>Site Characteristics</i>	The subject site has an existing building that encompasses 1,230 sf. The existing building offers office space that covers 136 sf and a restroom. The Union Pacific Railroad right-of-way is located to the rear of the property. The primary surrounding uses are heavy commercial. The parcel is zoned for C2 – Heavy Commercial and has a commercial General Plan land use designation.

BACKGROUND:

At its regularly scheduled meeting on September 13, 2022, the Commission adopted Resolution No. 1933 approving CUP 2022-16 and SPR 2021-30 a similar proposal to adaptively reuse and remodel the remnant 1,275 sf building on the property for use as a smog test shop. The owner now seeks new approvals and authorizations with the proposed modifications to the site configuration, design and 2,014 sf building addition and service bays.

ANALYSIS:

Site Characteristics:

The project site is located along the central Gateway Drive commercial corridor. Property to the north remains vacant. The Madera Irrigation District (MID) canal (Main-I) is located directly to north of the subject site traversing the abutting property in an east-west direction. This segment of the canal between South Gateway Drive and South E Street is the last remaining portion which has not been piped underground within the downtown grid. Properties beyond the railroad to the east also remain vacant. Properties to the west along the Gateway corridor contain both automotive and commercial related uses. Project site is currently being utilized in conjunction with an automobile sales use on the abutting property to the south operated by the same owner. A lot line adjustment has been approved and recorded between the project site and abutting property to the south sites, to accommodate the expanded floor area and resultant off-street parking needs associated with the proposed smog shop and auto repair use.

The site can be accessed by a driveway approach on South Gateway Drive and offers capacity for on-site parking. On-street parking is permitted on South Gateway Drive. The applicant is

proposing 9 off-street parking spaces, 1 of which will be compliant with the Americans with Disabilities Act (ADA). Bicycle parking is required by the Condition of Approval. The proposed site plan also includes a trash enclosure, positioned with a defined access route, and behind the building and out of the public viewshed. In addition, the site plan conceptually identifies landscape improvements lining the perimeter of the site consisting of trees, shrubs and groundcover.

Surrounding Land Uses:

Table 2: Bordering Site Information			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Vacant	C – Commercial	C2 – Heavy Commercial
<i>East</i>	Railroad / Vacant	C – Commercial	C2 – Heavy Commercial
<i>South</i>	Super Auto Sales	C – Commercial	C2 – Heavy Commercial
<i>West</i>	Retail Commercial & Autobody repair/paint	C – Commercial	C2 – Heavy Commercial

South Gateway Drive in the immediate vicinity of the project site is a planned 4-lane Arterial and State Highway (State Route 145). South Gateway Drive is also a designated Bike Route. Gateway Drive is currently a 2-lane road with a shared 2-way left turn lane used for vehicles entering commercial uses abutting South Gateway Drive. South Gateway Drive improvements include an existing monolithic curb, gutter, and sidewalk along the property frontage. The bridge (constructed in 1935), rail and sidewalk over the MID canal to the north extends into the property frontage.

Federal Emergency Management Agency (FEMA) designates the subject site Zone X – an area of one (1) percent annual chance of flooding; outside any designated special flood hazard area.

Conditional Use Permit:

The City’s Zoning Ordinance 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. The Planning Commission made the relevant findings to approve the use in September 2022. A number of conditions attached to the previous approval that limited the smog use have been removed or amended resulting from the opportunities of creating the larger building and amending the parcel to a more regular shaped lot. The increase in the area available for the use, this proposal does not detrimentally increase the intensity of the use to the degree that impacts would threaten this as a compatible use.

Site Plan Review:

Demolition and remodel of the existing and proposed building is conditioned to conform with the site plan and elevation drawings, including color and materials schedule as shown in Attachment 2. The building elevations and materials submitted align with the City Commercial Design Guidelines. In addition, the submitted elevations would be consistent with the existing building design. The project is conditioned to remove the gated entrance and replace the existing chain link fence with wrought iron fence. The functional nature of the building is enhanced by horizontal and vertical elevation changes and the use of different materials contribute to the creation of an attractive appearance for the building.

Operational Hours:

Days and hours of operation are listed six (6) days a week from 8:00 AM to 5:00 PM. Daily operations will be managed with certified technicians. The applicant anticipates servicing 15 to 25 customers per day. A waiting area will be provided for patrons to wait while their vehicle is being serviced.

The smog check service includes small part replacements specific to assisting vehicles pass a smog check in addition to some vehicle servicing above what was previously approved. Typical repairs for smog vehicles may include replacing sensors, spark plugs, wires and other hardware which require little to no mechanical equipment. All operations are expected to be conducted inside the building with no allowance for services to be provided outside or in the parking lot. No overnight storage of vehicles shall be allowed on the premises unless the vehicles are stored inside the building. There is no allowance for auto body work, painting, transmission or drivetrain work or engine disassembly or overhauling.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-fill Development Projects) of the CEQA Guidelines.

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within City limits on a project site ±0.31 acres in area, 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 and there are no unusual circumstances.

RECOMMENDED ACTION:

The Commission will be acting on Conditional Use Permit Application No. CUP 2021-16 MOD and Site Plan Review Application No. SPR 2022-30 MOD.

Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2022-16 MOD and Site Plan Review (SPR) 2021-30 MOD, 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:

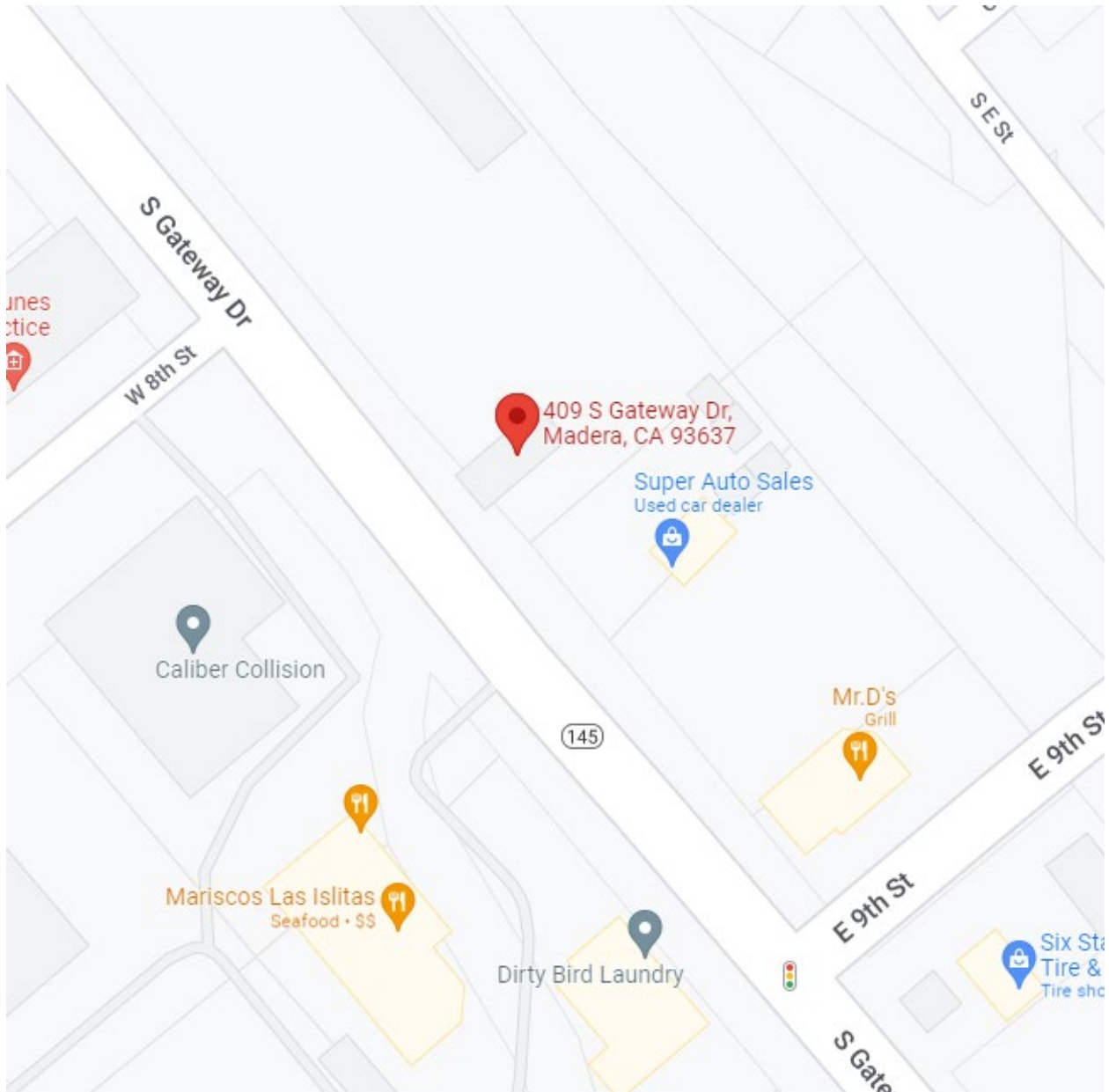
1. Move to refer the item back to staff and/or continue the public hearing to a future Planning Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution: (Commission to specify and articulate reasons for referral/continuance).
2. Move to recommend 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. Site, Floor Plans & Elevations
3. General Plan
4. Zoning Map
5. PC Resolution
Exhibit A: Conditions of Approval

ATTACHMENT 1

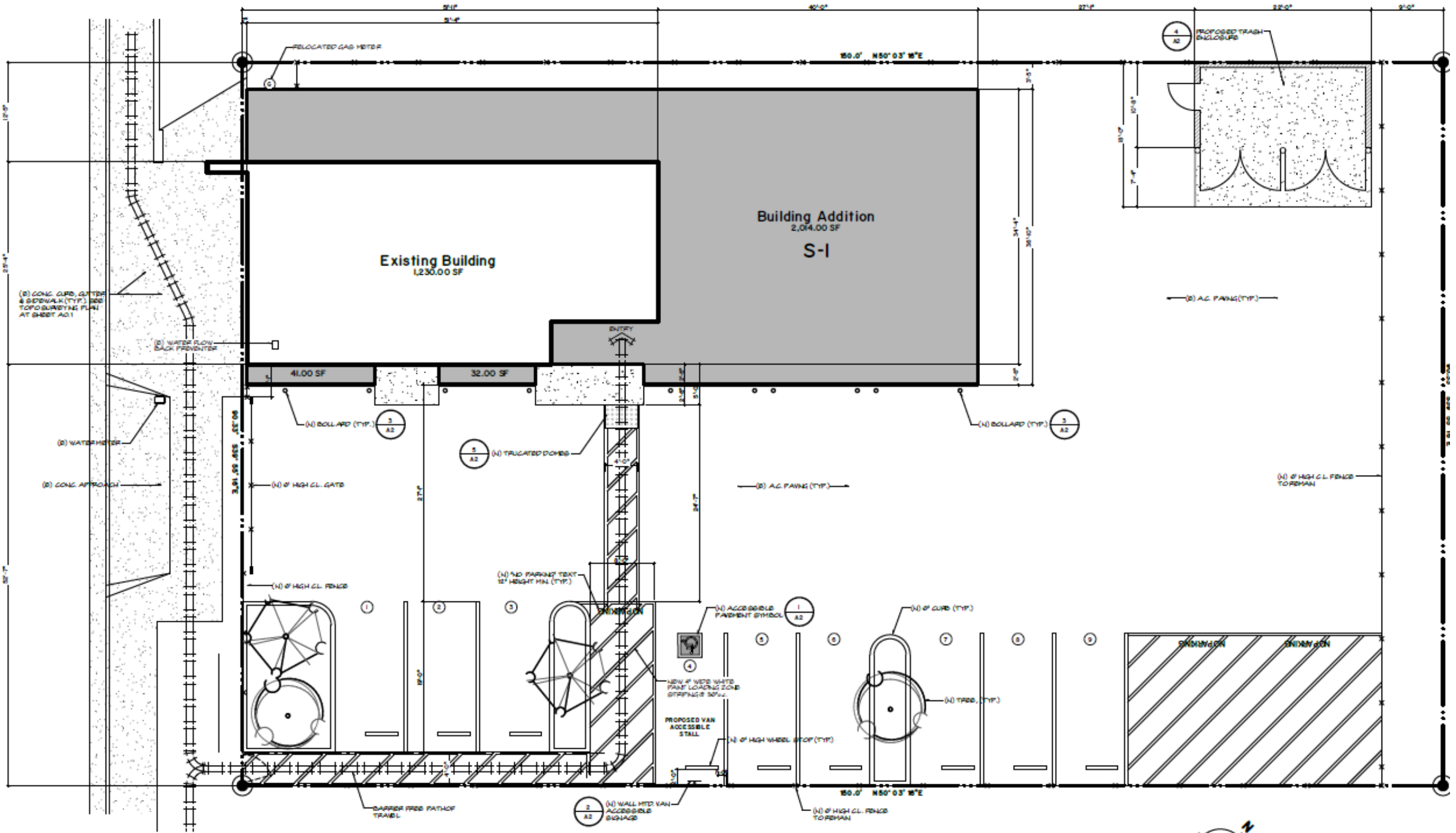
Vicinity Map



ATTACHMENT 2

Site, Floor Plan & Elevations

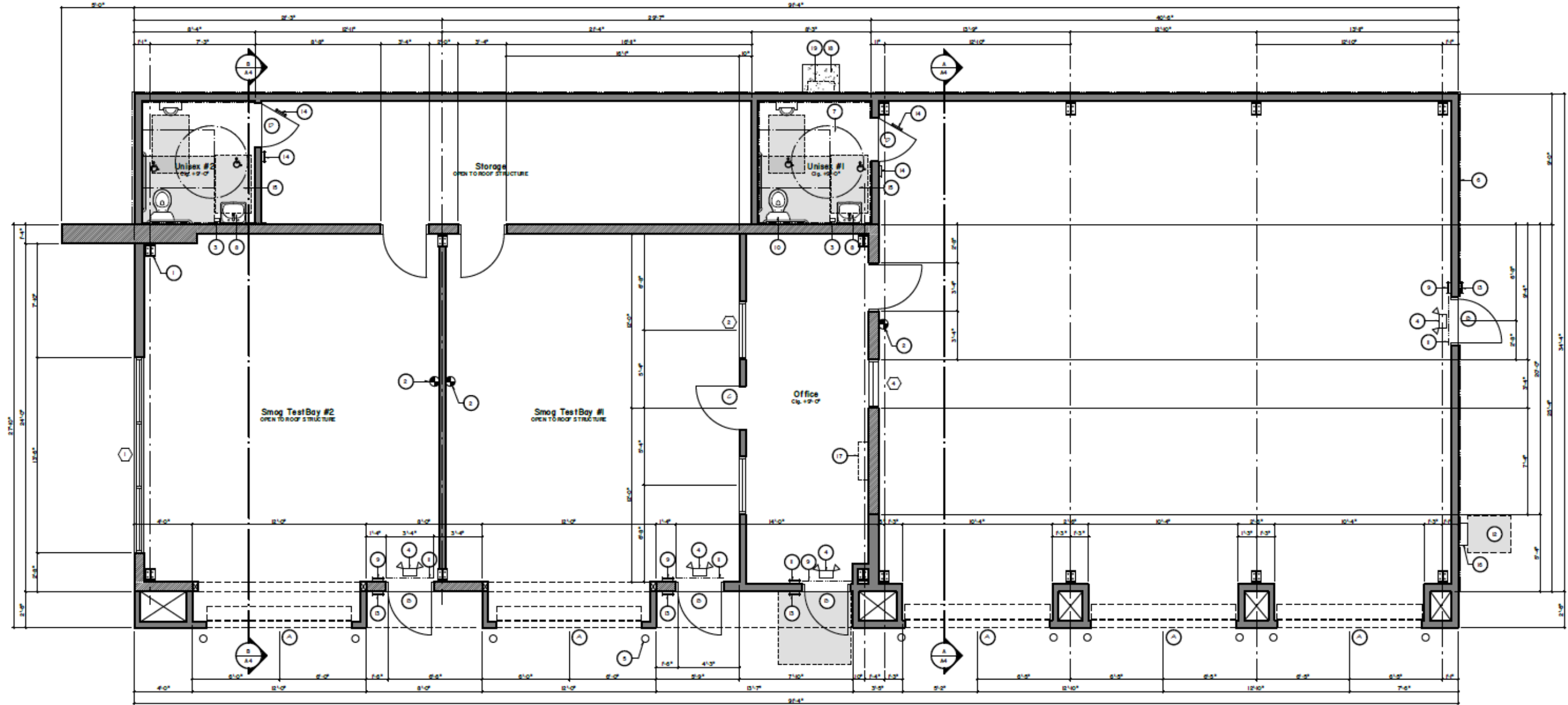
S. GATEWAY DR.



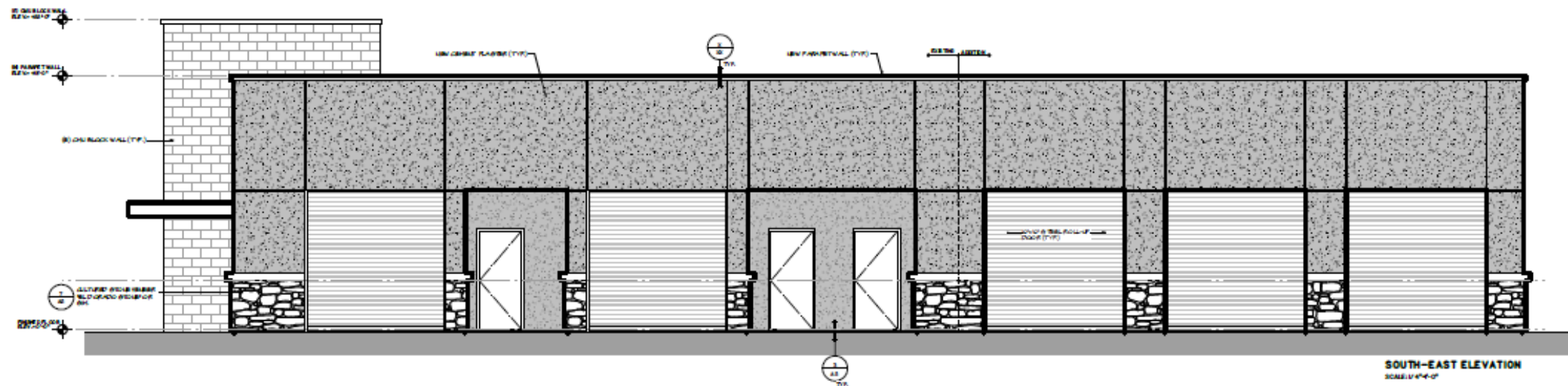
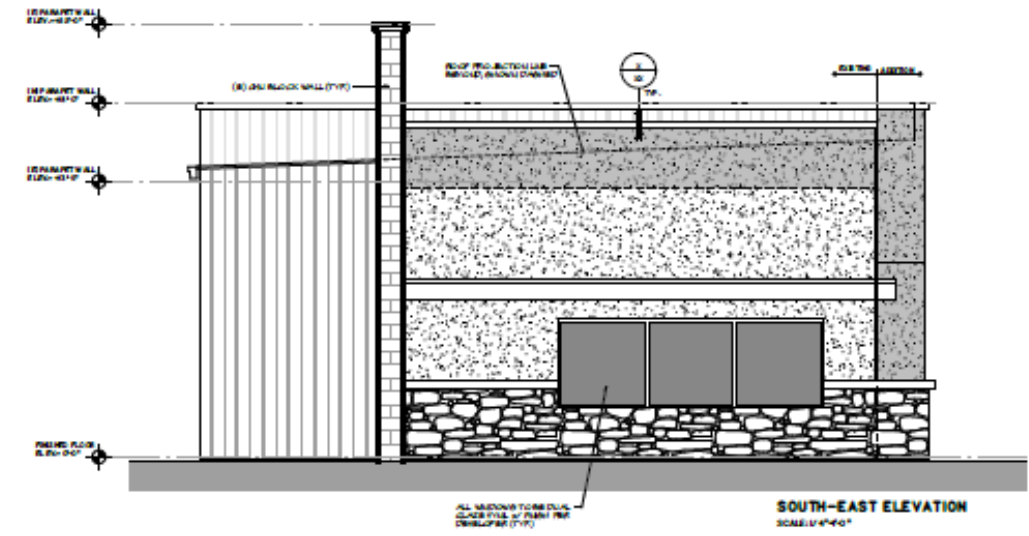
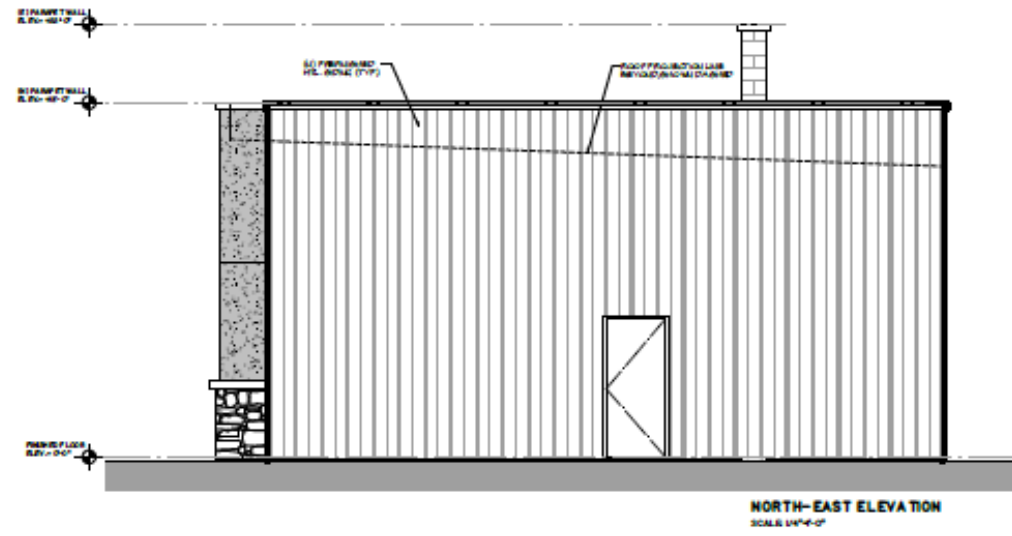
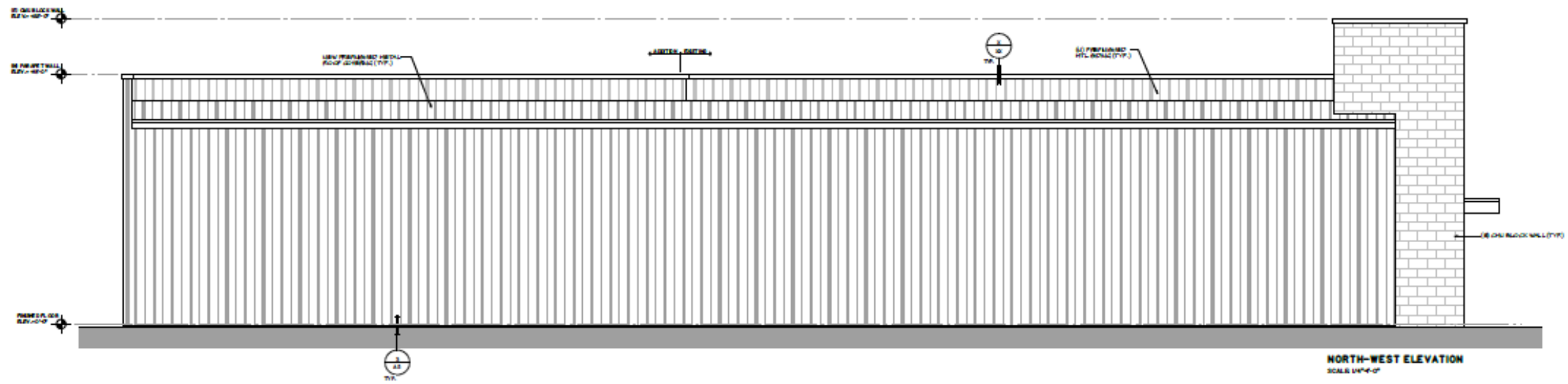

site plan
 SCALE: 1/8" = 1'-0"

2 DOOR JAMB / HEAD SIM.
SCALE: 3/4" = 1'-0"

4 TYP. THRESHOLD
SCALE: 3/4" = 1'-0"

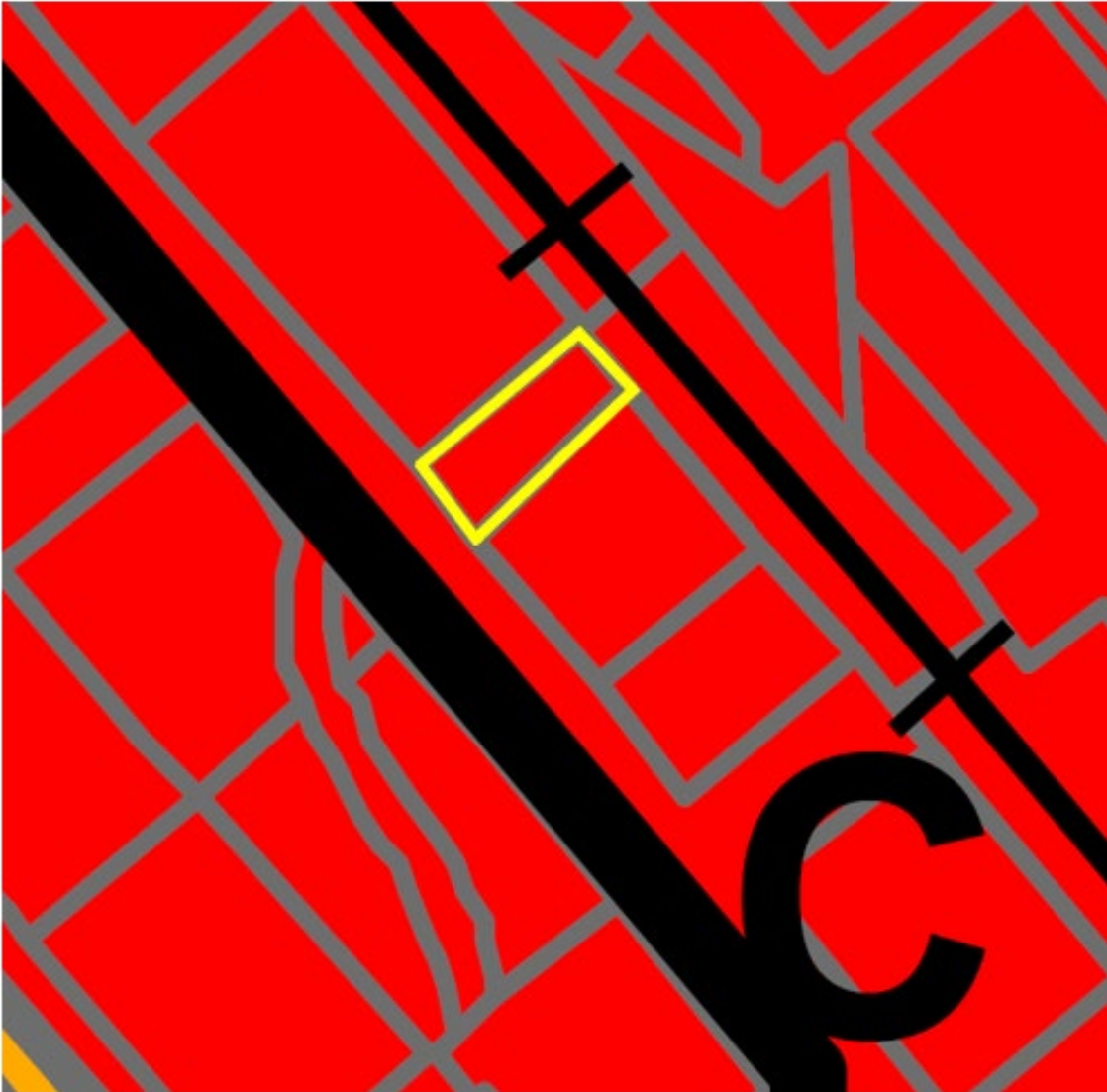


 **proposed floor plan**
SCALE: 1/8" = 1'-0"



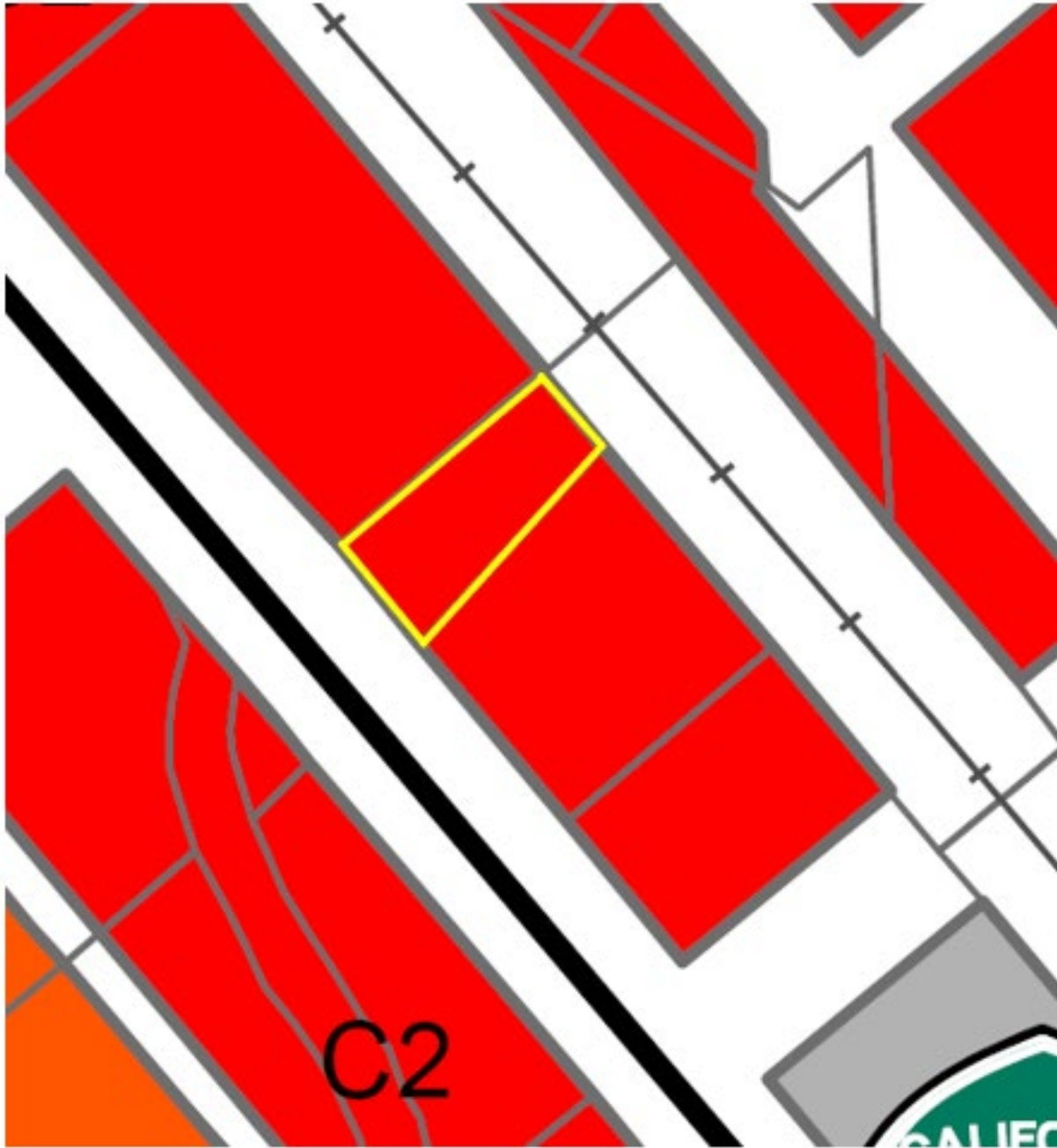
ATTACHMENT 3

City of Madera General Plan Land Use Map



ATTACHMENT 4

City of Madera Zoning Map



ATTACHMENT 5

Planning Commission
Resolution

RESOLUTION NO. 2007

**RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION
DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO
SECTION 15332/CLASS 32 (IN-FILL DEVELOPMENT PROJECTS) OF THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND
APPROVING CONDITIONAL USE PERMIT (CUP) 2022-16 MOD AND SITE
PLAN REVIEW (SPR) 2021-30 MOD**

WHEREAS, DAR Construction, Inc. (“Agent”), on behalf of Hector Mejir, (“Owner”) submitted an application for Conditional Use Permit (CUP 2022-16 MOD) and Site Plan Review (SPR 2021-30 MOD) pertaining to ±0.31 acres of property located on the northeasterly side of South Gateway Drive between West 8th and East 9th Streets at 409 South Gateway Drive (APN: 011-011-001) in the City of Madera, California (“site”); and

WHEREAS, the site is designated for Commercial (C) planned land uses on the General Plan Land Use Map and is zoned C2 (Heavy Commercial) by the Zoning Ordinance; and

WHEREAS, the application for CUP 2022-16 MOD and SPR 2021-30 MOD was filed to requests authorization to develop a 3,244 square-foot (sf) building comprised of a 2,014 sf addition to an existing 1,230 sf building for use as an automobile smog test shop and limited automobile repair service on the site; and

WHEREAS, CUP 2022-16 MOD 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, a preliminary environmental assessment was performed and the proposed project was determined to be Categorically Exempt pursuant to Section 15332/Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve use permits, site plan reviews, associated projects and environmental assessments 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 independently reviewed CUP 2022-16 MOD and SPR 2021-30 MOD at a duly noticed meeting on November 12, 2024; and

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

WHEREAS, after due consideration of the items before it, the Planning Commission now desires to adopt this Resolution approving CUP 2022-16 MOD and SPR 2021-30 MOD, subject to conditions of approval.

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

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 the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15332 (In-Fill Development Projects) of the State of California (CEQA) Guidelines because the proposed development occurs within City limits on a project site ±0.31 acres in area, 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 and there are no unusual circumstances.
3. Findings to Approve CUP 2022-16 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2022-16 MOD, 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 commercial uses, and the proposed use and development is consistent with the permitted uses and standards of the C-2 (Heavy Commercial) zone district. CUP 2022-16 MOD 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 existing parcels.

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

The project site is suited for this automobile repair shop use. The project site is located within a heavy commercial zoned area and is surrounded by like uses to the south, east, and 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 other automobile-related and commercial uses occurring on 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.

4. Findings for SPR 2021-30 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-30 MOD, 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 C-2 (Heavy Commercial), which is consistent with the existing General Plan land use designation of Commercial pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan. Among others, the proposed use are consistent with General Plan Policies including CD-52, and development consistent with the adopted Design and Development Guidelines for Commercial Development. SPR 2022-30 MOD is consistent with the purpose and intent of the applicable commercial 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 is not located within the boundaries of a specific plan.

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

The project (SPR 2022-30 MOD) has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the commercial 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 2022-30 MOD) will be required to install public and 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 where they don't adequately existing in conformance with City standards. The project site has access to South Gateway Drive, which can accommodate the quantity and type of traffic generated from the proposed project. The project will not have a significant impact on traffic or the environment. Noise will not be excessive and there are no sensitive uses in the immediate vicinity. Stormwater runoff and conveyance can be accommodated. Existing utilities and City services already serve the site.

5. Approval of CUP 2022-16 MOD and SPR 2021-30 MOD: Given that all findings can be made, the Planning Commission hereby approves CUP 2022-16 MOD and SPR 2021-30 MOD 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 12th day of November 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 CUP 2022-16 MOD and SPR 2021-30 MOD

EXHIBIT "A"
CUP 2022-16 MOD & SPR 2021-30 MOD (SUPER AUTO SMOG)
CONDITIONS OF APPROVAL
November 12, 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 site plan review, and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

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

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

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

All discretionary conditions of approval for CUP 2022-16 MOD will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2021-30 MOD 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, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 409 South Gateway Drive that are being developed under CUP 2022-16 MOD and SPR 2021-30 MOD. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

Conditions of Approval

- Conditional Use Permit 2022-16 (Auto Smog Services) is subject to Conditions of Approval numbers 1 through 13 and numbers 67 through 75.
- Site Plan Review 2021-30 is subject to Conditions of Approval 1 through 66 and numbers 76 through 101.

General

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this conditional use permit and site plan review shall become null and void if the applicant, the operators, and/or successor is found to be in violation of all City and State regulation regulating automobile repair shops.
3. 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.
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. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2022-16 MOD and SPR 2021-30 MOD.**
5. CUP 2022-16 MOD 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).

6. SPR 2021-30 MOD 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).
7. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
8. Minor modifications to the approved plans necessary to meet regulatory, engineering, or similar constraints may at the discretion of the Planning Manager without an amendment to CUP 2022-16 MOD and SPR 2021-30 MOD. However, should the Planning Manager determine that modifications are substantive, they may require that an amendment to the use permit and/or site plan review be filed for review and approval through the applicable City process.
9. Deferrals are not permitted for any condition included herein, unless otherwise stated or unless approved by the City Council, through a separate deferral process.
10. All construction shall cease, and the Planning Manager and City Engineer shall be notified immediately if any prehistoric, archaeological, or fossil artifact or resource is uncovered during construction. All construction shall immediately stop and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained, at the applicant's and/or successors-in-interest's expense, to evaluate the find(s) and recommend appropriate action according to Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines. If avoidance is infeasible, other appropriate measures would be instituted. Work may proceed on other parts of the project subject to direction of the archaeologist while assessment of historic resources or unique archaeological resources is being carried out.
11. All construction shall cease if any human remains are uncovered, and the Planning Manager, City Engineer and County of Madera Coroner shall be notified in accordance to Section 7050.5 of the California Health and Safety Code. If human remains are determined to be those of a Native American or has reason to believe that they are those of a Native American, the Native American Heritage Commission shall be contacted, and the procedures outlined in CEQA Section 15064.5(e) shall be followed.
12. Approval of CUP 2022-16 MOD and SPR 2021-30 MOD is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

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

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

13. The property owner, operator, and/or manager shall operate in a manner that does not generate noise, odor, blight, or vibration that adversely affects any surrounding properties.

Planning Department

General

14. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with CUP 2022-16 MOD and SPR 2021-30 MOD to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
15. 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.
16. Non-permitted accessory structures shall be removed from the property prior to issuance of a certificate of occupancy or commencement or any operations on the project site.
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, or vibration that adversely affects adjacent properties.
19. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.
20. Hours of business operation shall be limited as follows:
 - a. Monday through Saturday from 8:00 AM to 5:00 PM.

Building Architecture, Materials and Colors

21. The proposed building elevations, as conditioned herein, shall include a minimum three (3) color exterior painting scheme.
22. All entry doors shall provide a covered entrance (awning or roof overhang) of adequate form and size to protect persons entering the building from inclement weather conditions. Overhangs/awnings shall be in-keeping with architectural style and/or themes.
23. Flush "nail-on" windows shall not be permitted for the Gateway Drive frontage. Windows shall not be flush with solid building surfaces and shall include decorative trim and/or recesses.
 - a. Trim materials and finishes shall be differentiated from adjacent wall cladding materials and finishes. Acceptable trim materials shall be wood, precast concrete, stone, tile, or

similar materials. Stucco trim may be permitted in such instances it features a finish that contrasts significantly from adjacent stucco wall cladding.

24. Cladding materials shall be compatible with and complementary to the other materials, character defining features and/or architectural styles utilized for buildings and structures and/or appropriate to protect the integrity of the historic context and/or building stock on or near the project site.
 - i. River, rubble, cut or flag stone Shall not be utilized for this proposal. Alternatively, a brick veneer shall be utilized in conjunction with the original masonry accent wall which is proposed to be retained, and the proposed exposed metal siding and stucco finishes.
 - ii. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane.
 - iii. The use of synthetic materials is allowed when the material has a permanent texture, color, and character that is acceptable for the proposed application.
25. All exterior utility and mechanical equipment shall be located along the east elevation and be located or significantly screened with landscaping as to be not visible to the public.
26. Roof access shall be located within the interior of the building.
27. Prior to submittal of a building permit application, applicant and / or successor-in-interest shall submit a materials and color presentation board(s) detailing building and trash enclosure materials and color to the Planning Department for review and approval.
 - a. In accordance with the City of Madera Commercial Development Design Guidelines, main and trim colors should not be similar in hue or tone intensity (i.e. 2 shades of colors that are closely related such as green and red or dark or light shades of the same color). A third accent color is to be used, it should serve to accentuate or highlight a particular feature of the building.

HVAC and Utility Placement / Screening Requirements

28. Prior to submittal of a building permit, applicant and / or successor-in-interest shall identify the following information on one (1) or more site plans for 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) equipment.
 - c. Location of exterior mechanical and electrical equipment.
 - d. All roof and ground mounted equipment shall be screened from public view.
 - e. Natural gas and electrical utility meters and mechanical equipment shall not be located within the public viewshed visible from South Gateway Drive
 - f. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet(s) shall be located to the rear (east) property boundary and from the public viewshed visible from South Gateway Drive.

Signage

29. No signs are approved as part of this approval. Signs shall be reviewed and approved under separate permit in accordance with the Madera Municipal Code.
30. The combined total square footage of on-building signs shall not exceed the City's maximum allowable on-building sign coverage of 75 square feet.
31. No window signs shall be permitted.

Trash Enclosure

32. Outdoor trash enclosures shall incorporate a roof and be located outside of the required side and rear yard setbacks and shall be screened on three sides with masonry wall composed of an exterior cement plaster finish consistent with the primary building cement plaster finish material, texture and color.
33. Landscaping shall be provided to screen the enclosure to the extent the enclosure is not visible from South Gateway Drive public viewshed or adjacent properties within three (3) years of planting. All enclosures shall be at least five feet-eight inches (5'8") in height or rise a minimum of six (6) inches above the height of any collector placed within the structure, whichever is greater.
34. Trash enclosure shall be sized to accommodate a minimum of one (1) general waste bin, (1) compostable waste bin and one (1) recycle bin in accordance with the City's waste hauler bin specifications.
35. Trash enclosure gates be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
36. Driveways or travel aisles shall provide unobstructed access for collection vehicles to directly access trash enclosure without need of the waste hauler to rollout or reorient waste bins for loading operations and provide a minimum of 15 feet vertical clearance. In loading areas, the minimum overhead vertical clearance shall be 22 feet for loading operations.

Landscaping

37. Applicant shall submit a landscape plan prepared by a licensed landscape architect. The landscape plan, subject to approval by the Planning Department, shall conform with the State Water Efficient Landscape standards and shall comply with the following sizing requirements:
38. Shrubs shall be a minimum one (1) gallon size. A mix of one (1) and five (5) gallon shrubs is encouraged.
39. Accent trees shall be planted at a minimum of fifteen (15) gallon size.
40. Street trees shall be planted at a minimum fifteen (15) gallon size.
41. Where landscaping is intended (or required) to provide a visual screen, the species, quantity, maturity (size), and spacing of the initial plantings shall be sufficient to provide a functional screen within a single growing season.
42. Planters should be guarded from autos by raised curbs.
43. One (1) street tree shall be planted along South Gateway Drive, north of the site driveway. Street tree shall be composed of the same species as the existing street tree south of the driveway.

44. A minimum of five (5) percent of any parking lot area shall be landscaped, interspersed throughout the parking lot. Shade trees shall be provided in these areas at a minimum ratio of one tree per 30 feet or one (1) tree per three (3) parking spaces. Shade trees shall provide 50 percent shade coverage over parking bays at high noon, with full foliage within five (5) years of planting. Landscape plans shall delineate required shade coverage.
45. Wheel stops are discouraged except where needed to protect features such as trees, bushes, utilities and buildings. Where vehicles are constrained from movement by a curb in front of an area covered in low landscaping or in a walkway wider than six (6) feet, two (2) feet of that area may be counted as part of the required parking dimension. If the walkway is at least eight (8) feet in width, two and one half (2.5) feet within that dimension may be counted as part of the required parking dimension.
46. Trees located in front of “pull in” parking spaces should be placed in-line with painted lines that designate parking stalls to minimize potential damage from vehicle overhang.
47. Landscape screening shall be provided and maintained along the northern property side and rear perimeter.
48. Raised planters shall be used against commercial buildings where pedestrian movement takes place and should accentuate the architecture of the building.
49. Seventy (70) percent of the required landscaping shall be planted/covered in vegetative materials. Where 70 percent coverage is not feasible, alternative landscaping materials and spacing may be substituted if determined by the Planning Manager to be durable and to have comparable visual appeal. A permanent irrigation system shall be required. Whenever possible, drip irrigation should be used in place of sprinklers.
50. All other areas of the site not used for driveways, parking, or buildings shall be maintained for weed control.
51. 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, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation with drought tolerant plantings.

Fencing

52. The existing fencing surrounding the property shall be removed. Replacement of the fence shall be approved by the Planning Manager as to the type of material the fence shall be. Acceptable fencing material include ornamental wrought iron or powder coated aluminum spaced picket and shall not exceed a height of six (6) feet. Use of chain link fencing or barbwire is prohibited. Placement of fencing or gate between the building and the southern site boundary is also prohibited.

Lighting

53. Prior to submittal of building permit application, applicant and /or successor-in-interest shall submit type and specifications of exterior lighting fixtures to be installed on the site to the Planning Department for review and approval.

54. Exterior building elevation lighting and site lighting shall incorporate a uniformed and cohesive decorative lighting scheme. Wall pack lighting fixtures are prohibited on the front and side elevations.
55. All doorway entries shall provide lighting.
56. The use of cut-off shields shall be incorporated where necessary. Prior to the issuance of a final certificate of occupancy, and upon installation of all light fixtures, City shall inspect site lighting levels and, if necessary, adjustments to lighting levels shall be made to ensure that there is no off-site glare that impacts adjacent or surrounding properties or is directed into the night sky an all fixtures shall be dark sky compliant.
57. Lighting in parking areas shall be focused downward, in order to respect adjacent properties and to effectively provide light for the safety of both the pedestrian and vehicular users of the parking area. It is important that the entrances and exits to parking areas are well lit.
58. All parking area lighting, including lighting poles shall be incorporated into landscape areas.
59. Light poles shall not exceed twenty (20) feet in height above ground.
60. Concrete lighting bases/pillars shall not exceed three (3) feet above ground and should include a finished surface of a material capable of withstanding weathering.

Parking

61. All parking and loading areas shall be marked, striped and maintained at all times in conformance with City standards and shall be consistent with the plans as conditioned. All modifications in the approved parking layout shall require the approval by the Planning Manager.
62. Site plan improvement plans submitted for plan check shall incorporate bicycle parking facilities for employees and patrons to be approved by the Planning Manager. Bicycle parking facilities shall be located near the rear of the building in the vicinity of the office/customer waiting room.

Conditional Use Permit 2022-16 MOD

Permitted Services

63. CUP 2022-16 allows for the following automotive services only:
 - a. Car emission (smog) testing;
 - b. Engine and ignition computer diagnostics;
 - c. Emissions testing related repairs to include: replacement of sensors, spark plugs and wires, computer boards and other emissions diagnostic related repairs; and,
 - d. Small part replacements as needed

Prohibited Services

64. CUP 2022-16 MOD shall be subject to periodic reviews and inspections 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 of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.

65. No overnight storage of vehicles shall be allowed unless the vehicles are stored inside the building.
66. Should there be a need to store vehicles overnight, vehicles shall be stored inside the building.
67. No outdoor display of merchandise and/or outdoor storage of goods and materials shall be allowed.

Building Department

68. Submit complete sets of plans to the Building Department for review and approval prior to obtaining all required permits for construction of project.
69. Site development shall be consistent with the Conditionally Approved site plan, floor plan and elevations. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
70. 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 inspections.

Fire Department

71. All improvements shall be built consistent with the current adopted California Uniform Building and Fire Codes at the time of Building Permit Application submittal.
72. A knock box is required for rapid entry by fire personnel.
73. All Fire access lanes shall be clearly posted.

Engineering Department

General

74. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
75. 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.
76. Improvement plans sealed by an engineer shall be submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Submittal Checklist.
77. The improvement plans for the project shall include the most recent version of the City's General Notes.
78. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
79. All off-site improvements shall be completed prior to issuance of final occupancy.
80. Improvements within the State of California right-of-way require an Encroachment Permit from Caltrans.

Water

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

Sewer

84. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
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 6" and larger in diameter shall require manhole installation.

Streets

87. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk to current City of Madera and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
88. An Irrevocable Offer of Dedication shall be made to dedicate ten (10) feet of right-of-way along the entire project/parcels' frontage on South Gateway Drive to provide a half street width of fifty (50) feet, east of the center line.
89. The extent of improvements along South Gateway Drive shall be determined by Caltrans as South Gateway Drive is a State Highway.

Dry Utilities

90. 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.

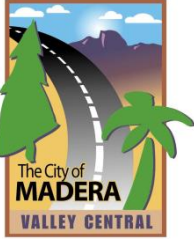
San Joaquin Valley Air Pollution Control District

91. Applicant, property owner and/or successors-in-interest shall comply with the Federal Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) regulations and are subject to

the notification, handling, and disposal requirements all applicable rules, regulations, and fees of the San Joaquin Valley Air Pollution Control District (SJVAPCD). Prior to issuance of any demolition permit, applicant shall submit to, and have approved by, the SJVAPCD an Asbestos notification/certification.

100. Applicant, property owner and/or successors-in-interest shall have approval by the SJVAPCD. Applicant, property owner and/or successors-in-interest shall submit to, and have approved by, the SJVAPCD an Authority to Construct (ATC) application prior to issuance of a grading or building permit.
101. Applicant, property owner and/or successors-in-interest shall submit to and have approved by the SJVAPCD an Air Impact Assessment (AIA) application prior to issuance of a grading or building permit.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by: Robert Smith

Meeting of: November 12, 2024

Agenda Item: 3

SUBJECT

Initiation of a Text Amendment to the Zoning Regulations of the City Municipal Code to amend provisions relating to the lapse and termination of approvals for Site Plan Reviews, Use Permits, and Variances.

RECOMMENDATION

1. Adopt a Resolution of Intention of the Planning Commission of the City of Madera to initiate procedure to amend Title X, Chapter 3 of the City Municipal Code (CMC) relating to: Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10- 3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411).

SUMMARY:

Due to the frequency of which the approval of Planning entitlements expire (or for which extensions of approvals are required) prior to the exercise of rights, at the regularly scheduled meeting of the Planning Commission held on October 8, 2024 and during the Administrative Reports section of its agenda, staff inquired if the Commission desired to consider initiating the procedure to amend the provisions of the Zoning Regulations, contained in Title X, Chapter 3 of the City Municipal Code (CMC) relating to lapse and termination of entitlements.

Pursuant to Section 10-3.1501 of the CMC, an amendment to the Zoning Regulations contained in Title X, Chapter 3, may be initiated by resolution of intention of the Planning Commission.

Staff presents the proposed Resolution of Intention to the Commission with a recommendation for adoption to initiate the procedure for an Ordinance Text Amendment (OTA) relating to the Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10-3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411)

ANALYSIS:

Procedure:

Commission adoption of a Resolution of Intention to Initiate the Procedure to Amend Title X, Chapter 3 of the Municipal Code Relating to extending time expiration periods will provide legal authorization to staff to pursue Planning Commissions direction to research, analyze, and present recommendations for amendments to the Zoning Regulations for this purpose. In accordance with the Provisions of Section 10-3.1500 et seq. of the Municipal Code, and following adoption of a Resolution of Intention to Initiate Procedure to Amend the Zoning Regulations, staff will:

- Prepare proposed amendments to the Zoning Regulations in the form of a draft ordinance;
- Present said draft ordinance to the Planning Commission for consideration at a public hearing; and
- Present said draft ordinance, along with any findings and/or recommendations of the Commission, to the City Council at a noticed public hearing to consider the proposed ordinance for adoption in order to amend the Zoning Regulations accordingly.

The following sections and provisions of the CMC pertaining to expiration of Planning entitlements will be considered:

- § 10-3.4.0114 LAPSE OF SITE PLAN APPROVAL.

A site plan approval shall be void one year following the date on which approval by the Community Development Director, Planning Commission, or City Council became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan. Approval may be extended for one year periods of time, upon written application to the Director before expiration of the approval.

- § 10-3.1311 TERMINATION AND REVOCATION.

(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. Failure to utilize such permit within such 12-month period shall render the permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit. The Planning Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate. Use permits utilized but later abandoned for a period of 12 consecutive months shall automatically terminate unless a written request for extension is submitted and approved as described in this section.

- § 10-3.1411 TERMINATION.

If the use authorized by any variance is or has been unused, abandoned, or discontinued for a period of six months, or if the conditions of the variance have not been complied with, the variance shall become null and void and of no effect; excepting that where

construction of buildings, structures, and/or facilities is necessary, work on such construction shall be actually commenced within the aforesaid six-month period and shall be diligently prosecuted to completion; otherwise the variance shall be automatically null and void and of no effect.

These provisions of the CMC require that the rights or privileges authorized through approval of Site Plan Reviews and Use Permits be exercised within 12 months and that any Variance granted from the provisions or standards of the Zoning Regulations be utilized within 6 months, or the respective approvals expire. Rights are exercised through either obtaining a building permit for development (Site Plan Review) and/or through use/utilization of the privileges (e.g., commencement of operations) granted (CUP & Variance).

Staff acknowledges the short lengths of time afforded by the Zoning Regulations to exercise rights and privileges associated with Planning entitlement approvals have the potential to place an unnecessary and undue burden on applicants and developers. These existing regulations require an applicant to complete, submit, and obtain approval of permit plans and/or complete construction associated with development projects and/or commence operations within six months to one year. While it is acknowledged the CMC does permit discretionary extensions, the processing and consideration of such requests require the filing of additional applications, payment of additional fees, and may require additional public hearings. The processing of such requests also requires greater demand on limited staff resources, affecting capacity and the ability to process greater volumes of projects and serve the City's customers in a more expeditious manner.

ALTERNATIVES:

Should the Commission not take action to adopt a Resolution of Intention to Initiate Procedure to Amend Zoning Regulations in accordance with the Provisions of Section 10-3.1500 et seq. of the City Municipal Code, staff will be unable to proceed with consideration or processing of a text amendment to Title X, Chapter 3 of the City Municipal Code as described herein. No changes to the Zoning Regulations would result.

ATTACHMENTS:

1. Resolution of Intention of the Planning Commission of the City of Madera

ATTACHMENT 1

Resolution of Intention of the Planning Commission
of the City of Madera

RESOLUTION NO. 2008

RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA TO INITIATE PROCEDURE TO AMEND TITLE X, CHAPTER 3 OF THE CITY MUNICIPAL CODE (CMC) RELATING TO: LAPSE OF SITE PLAN APPROVAL (CMC § 10-3.4.0114); TERMINATION OF A USE PERMIT (CMC § 10- 3.1311[A]); AND, TERMINATION OF A VARIANCE (CMC § 10-3.1411).

WHEREAS, the City of Madera Planning Commission (Commission), during the Administrative Reports section of its regularly scheduled meeting on October 8, 2024, directed staff to bring forward an item regarding time limits for expiration of Planning entitlements; and

WHEREAS, Sections 10-3,4.0114, 10-3.1311(A) and 10-3.1411 of the City Municipal Code (CMC) contain provisions relating to the lapse and termination of Site Plan Reviews, Use Permits and Variances; and

WHEREAS, Section 10-3.1500 et seq. of the CMC contain provisions for amending or changing the Zoning Regulations contained in Title X, Chapter 3 of the CMC whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, City staff is requesting an Initiation of Procedure to amend the text of the Zoning Regulations in accordance with direction provided by Planning Commission; and

WHEREAS, pursuant to Madera Municipal Code Section 10-3.1502(B), initiation of amendments to the Zoning Regulations in Title X, Chapter 3, may be made by the Commission by resolution of intention; and

WHEREAS, the Planning Commission now desires to adopt this Resolution of Intention to initiate procedure to amend the Zoning Regulations.

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

1. The recitals listed above are true and correct.
2. The Commission hereby initiates a zoning text amendment (“ordinance”) to the City Municipal Code to relating to the timeframes for expiration of Planning entitlements, specifically: Lapse of Site Plan Approval (CMC § 10-3.4.0114); Termination of a Use Permit (CMC § 10-3.1311[A]); and, Termination of a Variance (CMC § 10-3.1411).
3. The Resolution is effective immediately upon adoption.

Passed and adopted by the Planning Commission of the City of Madera this 12th day of November 2024, by the following vote:

AYES:

NOES:

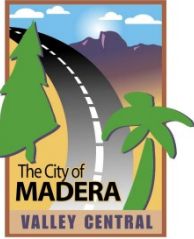
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Assistant Planner

Meeting of: November 12, 2024

Agenda Number: 4

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2024-19) and Site Plan Review (SPR 2024-29) requesting authorization to obtain a Type 21 (Off-Sale General) Alcohol Beverage Control (ABC) License pertaining to ± 0.58 acres of property at 2075 West Kennedy Street (APN: 013-270-023), located on the north side of West Kennedy Street between Schnoor Avenue and Highway/State Route 99.

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 Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-19 and Site Plan Review (SPR) 2024-29, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Baljit Singh, has filed applications for a Conditional Use Permit (CUP 2024-19) and Site Plan Review (SPR 2024-29) requesting authorization to obtain a California Department of Alcohol Beverage Control (ABC) Type 21 (Off-Sale General) License, which are issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold for the EZ Mart at the Valero gas station at 2075 West Kennedy (APN: 007-161-008) (the project site).

The project site currently does not have an existing ABC license or prior approval of a conditional use permit for alcohol sales.

The project site is located within the C1 (Light Commercial) zone district and the property is designated for Commercial uses on the General Plan Land Use Map. The project site comprises ± 0.58 acres of property located on the north side of West Kennedy Street between Schnoor Avenue and Highway/State Route 99 and is surrounded by other commercial uses.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-19 and SPR 2024-29
<i>Applicant:</i>	Baljit Singh
<i>Property Owner:</i>	Satwant S Samrao and Bhupinder K Co-Trustee
<i>Location:</i>	2075 West Kennedy Street / (APN[s]: 013-270-023) North side of West Kennedy Street between Schnoor Avenue and Highway/State Route 99
<i>Project Area:</i>	±0.58 acres
<i>Land Use:</i>	Commercial (C)
<i>Zoning District:</i>	Light Commercial (C1)
<i>Site Characteristics:</i>	Project site includes a 2,500 sq ft existing convenience store building and automobile service (gas) station that abutting an existing motel inn and commercial retail building.

ANALYSIS

Alcohol Beverage Control (ABC) License Type 21

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant has requested approval for the existing retail store to sell wine, beer, and distilled spirits under the ABC Type 21 License.

The ABC Type 21 License authorizes retail stores to sell beer, wine, and distilled spirits for consumption off the premises. Minors are allowed on the premises.

Alcohol Sales

Historically, the Police Department (PD) has opposed any request for the issuance of an alcohol license in Census Tract 8. Census Tract 8 previously represented the combined area of what is now Census Tracts 8.01 and 8.02. The contention behind the opposition is that the Downtown District has an overconcentration of alcohol licenses that has caused a public nuisance to the City’s welfare and safety in that area. This matter was brought to the City Council in an administrative report during the April 20, 2011, Council hearing with a request from staff for direction regarding businesses who wish to obtain an ABC license in an overconcentrated census tract. The Council came to a unanimous decision that provided staff with direction to review each conditional use permit for the sale and/or consumption of alcoholic beverages within areas of overconcentration on an individual case by case basis and weigh each application on its own merits.

The project site is within Census Tract 5.13. The City’s Police Department was notified and presented no opposition to the request. While the project site is not located in 8.02 Census Tract, it is located within another over concentrated area, Census Tract 5.13. There are currently five active Type 21 licenses in the 5.13 Census Tract. However, three out of the five licenses are located

within the Madera County jurisdiction. For further information on the business, please refer to Table 2 below.

Table 2: ABC License Type 21

Business	Census Tract	Year Issued	ABC Type	Jurisdiction
<i>PJ Express Mart</i>	5.13	1994	Type 21	Madera County
<i>Tackle Box</i>	5.13	1998	Type 21	Madera County
<i>Madera Mini Mart</i>	5.13	2001	Type 21	Madera County
<i>Walmart</i>	5.13	2013	Type 21	City of Madera
<i>Smart & Final</i>	5.13	2023	Type 21	City of Madera

Staff has reviewed the project site and supports approval in accordance with the following General Plan Policy:

- Policy SUS-11 – The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

While staff acknowledges that the Census Tract is over concentrated, staff has prepared draft conditions to approve the request as it is an existing market and gas station and does not solely operate as a liquor store. Additionally, the project site does not have any K-12 public schools in the area, except for the preschool program Kids Kare Madera located approximately 0.6 miles south of the project site.

Conditional Use Permit (CUP) 2024-19

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the sale and consumption of alcohol. CUP 2024-19 would authorize the applicant to obtain an ABC Type 21 License for the sale of beer, wine, and distilled spirits for consumption off the premises in accordance with ABC regulations.

Site Plan Review (SPR) 2024-29

Pursuant to Section 10.3.4.0102 of the CMC, site plan review applies to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code, including uses subject to a use permit.

Currently, SPR 2024-29 does not propose any interior or exterior changes to the project site and Site Plan Review did not identify any necessary on-site or public improvements to comply with the provisions of the City Municipal Code

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorical Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State of California Environmental Quality Act (CEQA) Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and operational changes are considered to constitute negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2024-19 and SPR 2024-29. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit (CUP) 2024-19 and Site Plan Review (SPR) 2024-29, 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.

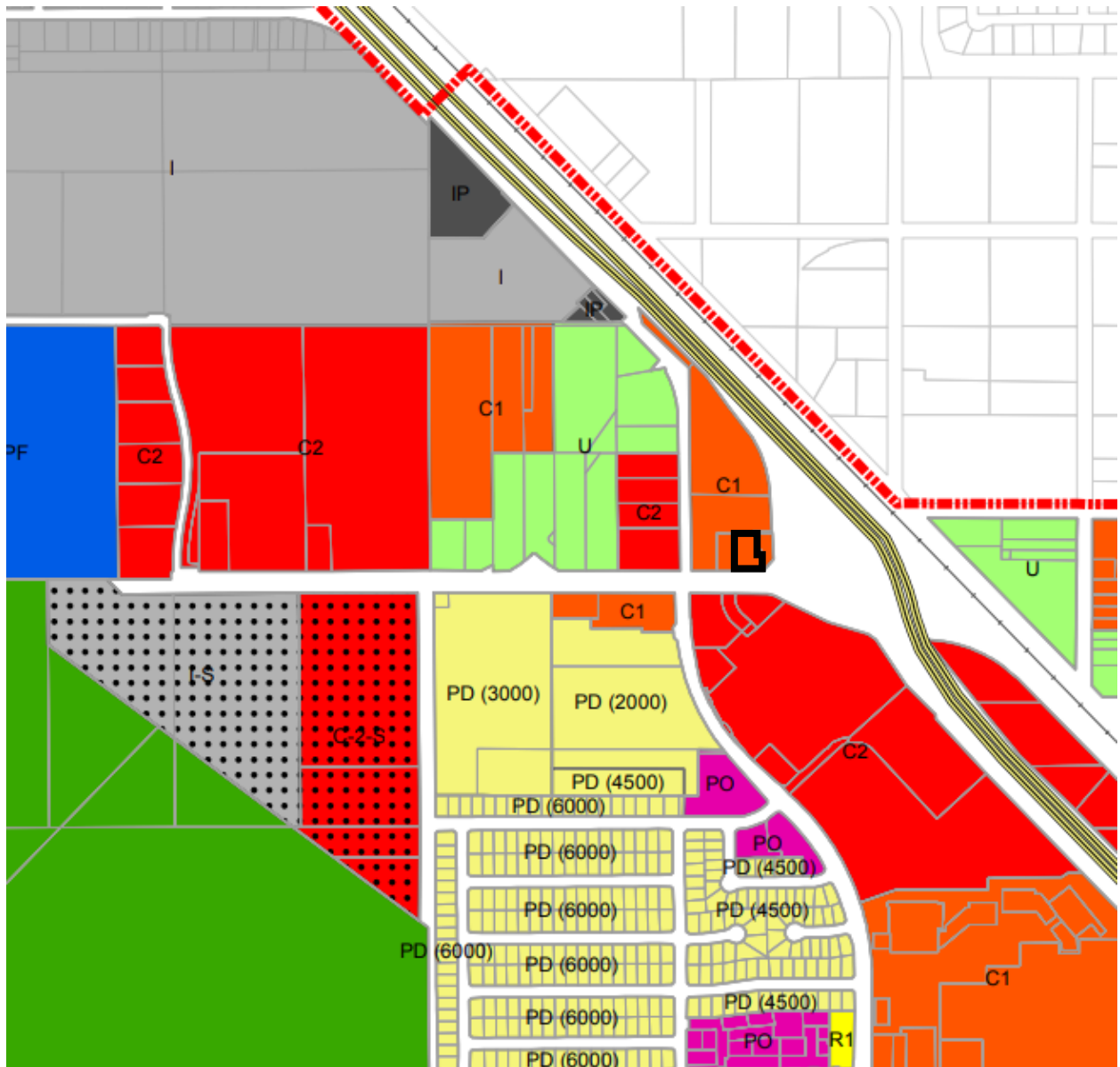
ATTACHMENTS:

1. Aerial Image
2. General Plan Land Use & Zoning Maps
3. Concentration & Proximity Map
4. Planning Commission Resolution
Exhibit A: Conditions of Approval

ATTACHMENT 1
Aerial Image





ATTACHMENT 2
Zoning Map




Commercial Districts

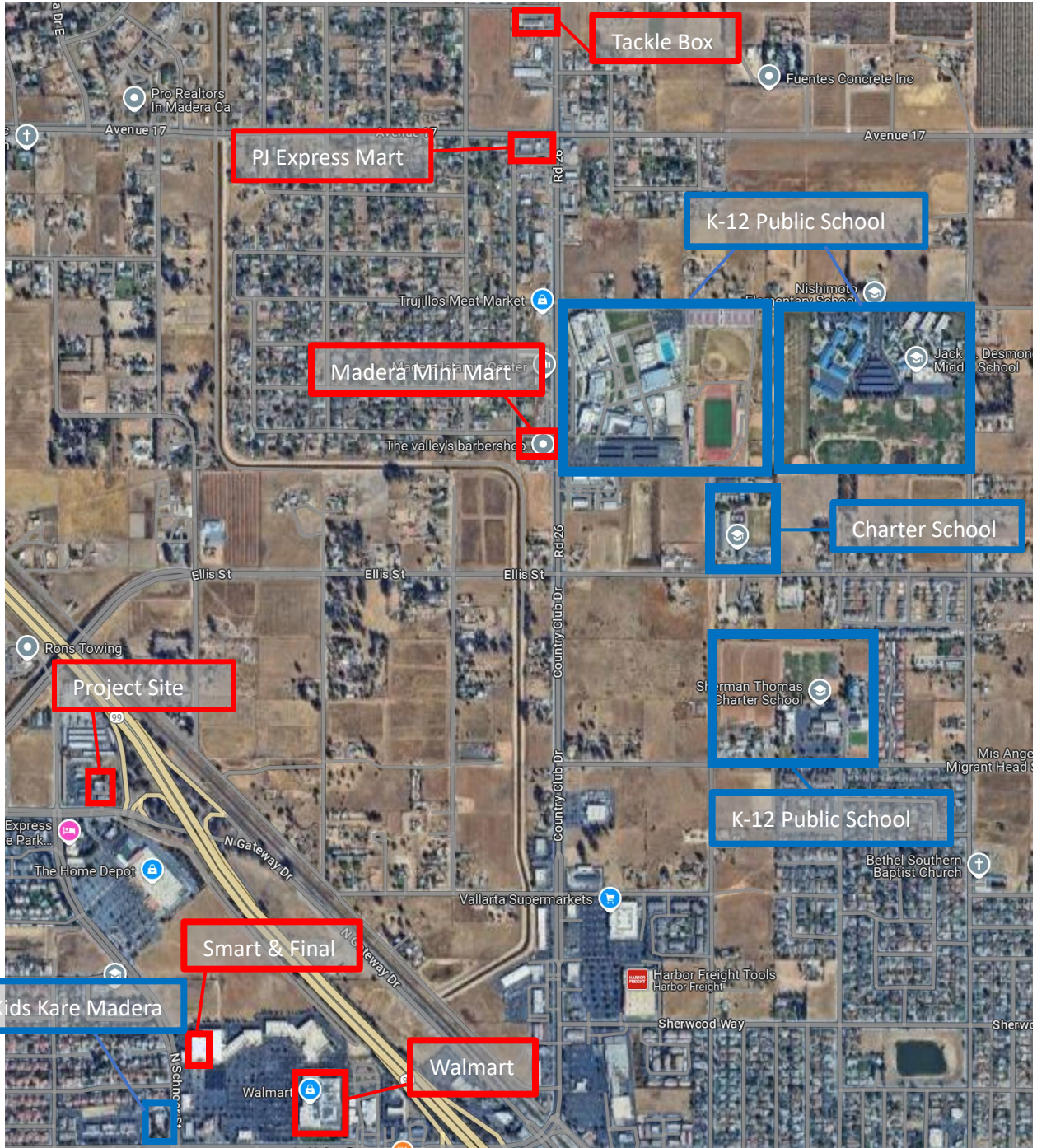
-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  CN - Neighborhood Commercial
-  CR - Restricted Commercial
-  PO - Professional Office
-  POWYO - Professional Office
West Yosemite Avenue Overlay

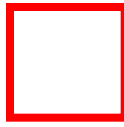
Industrial Districts


-  I - Industrial
-  IP - Industrial Park

 Project Site

ATTACHMENT 3
Concentration & Proximity Map



 Type 21 Business Location

 K-12 Schools and Daycares

ATTACHMENT 4
Resolution

RESOLUTION NO. 2009

A RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301/CLASS 1 (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2024-19 AND SITE PLAN REVIEW (SPR) 2024-29.

WHEREAS, Baljit Singh (“Applicant”), on behalf of Samroa Satwant S and Bhupinder K Co-Trustee (“Owner”), submitted an application for a Conditional Use Permit (CUP 2024-19) and Site Plan Review (SPR 2024-29), the “Project,” pertaining to a ±0.58 acre of property at 2075 West Kennedy Street (APN: 013-270-023), located on north side of West Kennedy Street between Schnoor Avenue and Highway/State Route 99, in the City of Madera CA. 93637; and

WHEREAS, the site is designated for Commercial (C) planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, the site has been developed with an existing ±2,500 square-foot commercial building, operating and doing business as the EZ Mart in conjunction with a Valero service (gas) station; and

WHEREAS, CUP 2024-19 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold; and,

WHEREAS, operations proposed in accordance with CUP 2024-19 and SPR 2024-29 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve conditional use permits, site plan reviews and environmental assessments for associated projects on behalf of the City; and

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

WHEREAS, the Planning Commission received and independently reviewed CUP 2024-19 and SPR 2024-29 at a duly noticed meeting on November 12, 2024; and

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

WHEREAS, after due consideration of the items before it, the Planning Commission now desires to adopt this Resolution determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the CEQA Guidelines and approve CUP 2024-19 and SPR 2024-29.

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 performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the use; the premises include an existing building on an improved lot served by all required services and utilities. No physical changes to the project site are proposed. The proposed project is consistent with applicable general plan designations and policies. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project and there are no unusual circumstances.
3. Findings to Approve CUP 2024-19: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, 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 commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. The existing use of the property and proposed operations requiring a use permit are consistent with the goals, objectives and policies of the General Plan as well as with all development, performance or operational standards of the City Municipal Code and Zoning Regulations subject to the conditions of approval.

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

The project site is planned and zoned for commercial uses. The site is developed with an existing building previously used for commercial and general retail use. The Type 21 ABC license authorizes the sale of alcohol for consumption off the premises. All surrounding properties are zoned for Light and Heavy Commercial uses. The project has been conditioned to ensure 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 will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Findings to Approve SPR 2024-29: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

Finding b: 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 has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a C1 – Light Commercial zone district. The project has been conditioned to for consistency with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

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

The Site Plan Review will not have a significant impact on traffic or the environment. The project site is an existing building located within proximity to other commercial uses.

5. Approval of CUP 2024-19 and SPR 2024-29: Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review as conditioned and 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 12th day of November 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 CUP 2024-19 and SPR 2024-29

EXHIBIT "A"
CUP 2024-19 & SPR 2024
GAS STATION ABC LICENSE
CONDITIONS OF APPROVAL
November 12, 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 CUP 2024-19 and SPR 2024-29 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. CUP 2024-19 and Site Plan Review 2024-29 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Madera Municipal Code 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 per the Madera Municipal Code (MMC).
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. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2024-19 and SPR 2024-29.**
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.
6. Approval of CUP 2024-19 and SPR 2024-29 is for the benefit of the applicant. The submittal of site plan review application 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

Conditional Use Permit (CUP 2024-19) and Site Plan Review (SPR 2024-29)

7. Business hours of operation for the existing business are between 5:00 am to 11 pm. However, CUP 2024-19 shall follow the Hours of Sale per the California Department of Alcoholic Beverage Control.
8. Any sale of alcohol between the hours of 2 am and 6 am shall be prohibited.
9. CUP 2024-19 and SPR 2024-29 shall be for the approval to authorize the sale of a Type 21 ABC License at 2075 West Kennedy Street.
10. CUP 2024-19 and SPR 2024-29 shall not be for the approval for a building/ construction permit. Modifications or additions to the existing building shall require submittal to the Building Department and review from the Planning Department.
11. The business shall not display exterior signage or marketing of alcohol sales.

Alcohol Beverage Control License (ABC)

12. CUP 2024-19 shall authorize the sale of beer, wine, and distilled spirits for the consumption off the premises of the project site.
13. No consumption of alcohol is allowed on the premises.
14. The use is conditioned upon obtaining an appropriate permit from the Department of Alcohol Beverage Control. The applicant, operator and any successors shall comply with all applicable codes. If at any time the use is determined by staff to be in violation to seek revocation of the permit or modification of the conditions of approval.

15. In the event the property owner and/ or applicant chooses to modify the ABC License type, the applicant shall amend CUP 2024-19 and shall require reapproval of the Planning Commission.
16. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control License Type 20 shall render this conditional use permit revocable. The use must always comply with any license requirements for the subject property by Alcohol Beverage Control.

Alcoholic Beverage Sales. As an ongoing measure:

17. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
18. The sale of beer shall occur in packs of six or greater. However, 24-ounce bottled imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
19. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
20. The sale of wine coolers shall occur in no less than packs of four (4).
21. The sale of wine shall not be sold in containers less than 750 ml.
22. No malt liquor or fortified wine products shall be sold.
23. No display of alcohol shall be made from an ice tub, barrel or similar container.
24. No sale or distribution of alcoholic beverages shall be made before 8:00 a.m. or after 10:00 p.m. on any day of the week or at any time from a drive-up or walk-up window.

Merchandise & Advertising. As an ongoing measure:

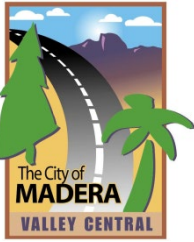
25. Outdoor display of merchandise for sale is prohibited, any temporary outdoor display of merchandise for sale, including vending machines, shall not occur without the approval of a Zoning Administrator Permit.
26. No adult magazines or videos shall be sold.
27. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
28. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
29. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco related products shall be utilized in any way.

END OF CONDITIONS

CUP 2024-17 & SPR 2024-27

**TACO BULLS: MOBILE FOOD PREPARATION UNIT ON PRIVATE
COMMERCIAL PROPERTY**

**CONTINUED TO THE DECEMBER 10, 2024 PLANNING COMMISSION
MEETING**



REPORT TO THE PLANNING COMMISSION

Prepared by:

Rudy Luquin, Senior Planner

Meeting of: November 12, 2024

Agenda Number: 6

SUBJECT:

Consideration of applications for Conditional Use Permit (CUP 2042-20) and Site Plan Review (SPR 2024-28) pertaining to ± 10.46 acres of property located on the west side of South Pine Street between West Almond Avenue and Independence Drive at 1016 South Pine Street (APN: 009-333-022) – Verizon Wireless.

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to Section 15303/Class 3 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-20, subject to the findings and conditions of approval.

SUMMARY:

Sequoia Deployment Services, Inc. (representative), on behalf of Verizon Wireless (applicant), has filed Conditional Use Permit Application No. 2024-20 (CUP 2024-20) requesting authorization to erect a 90-foot-tall unmanned “monopine” wireless telecommunication tower and related facilities within a ± 900 square-foot lease area described on ± 10.46 acres property located on the west side of South Pine Street between West Almond Avenue and Independence Drive at 1016 South Pine Street (APN[s]: 009-333-022), the “project site.”

The project site is planned for Industrial land uses by the Madera General Plan and is zoned U (Unclassified) by the City of Madera Zoning Ordinance. CUP 2024-20 was filed requesting authorization to develop an unmanned monopine tower telecommunications facility. Pursuant to City Municipal Code (CMC) § 10-3.1102, all uses not otherwise prohibited by law shall be permitted in the U (Unclassified) zone district provided that a use permit shall first be secured for any use to be established.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-20 and SPR 2024-28
<i>Applicant:</i>	Sequoia Deployment Services, Inc. on behalf of Verizon Wireless
<i>Property Owner:</i>	Madera County Farm Bureau Inc.
<i>Location:</i>	West of South Pine Street between West Almond Avenue and Independence Drive
<i>Project Area:</i>	The project site is a ±900 square-foot lease area described on a ±10.46-acre parcel.
<i>Planned Land Use:</i>	U (Unclassified)
<i>Zoning District:</i>	I (Industrial)
<i>Site Characteristics:</i>	The project site is 900 square feet located leased area within ±10.46 acres and is developed.

ANALYSIS:

Site Characteristics:

The project site is developed and operative with an existing industrial use for Producers. There are industrial uses located to north, east, and west. The properties adjacent to the south are vacant, nonetheless the properties are zoned I (Industrial) and planned for Industrial uses.

Surrounding Land Uses:

The Madera General Plan Land Use Map designates the project site for industrial land use. All surrounding properties to the north, northeast, south and west are planned and zoned for Industrial uses. The Madera South High School athletic fields (i.e., softball diamonds, football fields & track and tennis courts are located to the east across South Pine Street (a planned Arterial roadway); the nearest instructional facilities ±1450 linear feet away. The surrounding area has experienced intermittent urban development consisting of industrial uses.

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>North</i>	Industrial	Industrial	I (Industrial)
<i>East</i>	Madera South High School	Public and Semi-Public	U (Unclassified)
<i>South</i>	Vacant	Industrial	I (Industrial)
<i>West</i>	Industrial	Industrial	I (Industrial)
I – Industrial			

Site Plan Review:

In accordance with the provisions of CMC § 10-3.40102, Site Plan Review shall apply to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code and uses subject to a use permit.

The proposed wireless telecommunications facility will include installation of other ancillary equipment that will be limited to the ±900-square-foot lease area, which is proposed to be enclosed by an 8-foot-tall chain link fence on the larger parcel and setback from the South Pine Street rights-of-way 70 feet and from the southerly property line five feet.

The proposed wireless telecommunications site consists of six (6) 6-foot panel antennas and three (3) 3-foot panel antennas within three (3) sectors. The antennas are directional and would be mounted in the proposed 90-foot tall, Verizon maintained, monopine. Also mounted within the monopine will be a total of six (6) remote radio units and three (3) CBRS remote radio units to be mounted behind the proposed 6-foot panel antennas and hybrid cables running within the monopine.

All equipment antennas would be located at the base of the structure behind a proposed 8-foot-tall chain link fence within a 30' x 30' equipment enclosure with a new concrete pad to mount the equipment on. Equipment includes three (3) cabinets, one (1) GPS antenna, five (5) service lights, a fiber telco cabinet, a transformer and four (4) surge suppressors (2 at the equipment location and 2 at the antenna location). Facilities will require a 2.2L/30kW diesel generator set. Equipped with a Level 2 Sound Attenuated Enclosure at full load the generator produces a maximum 63 dB(A) at a distance of 23 feet. The project site is within a primarily planned industrial area. Madera South High School athletic fields and courts are located to the east across South Pine Street, a planned Arterial roadway. Noise projections will be within acceptable levels.

The proposed facility would not require grading other than trenching for utilities. Access to the facility would be from a 15' wide nonexclusive route from the existing asphalt accessed from Pine Street. The entire facility minus the trenching would be contained in the 900 square foot lease area. Any visible equipment will be housed behind the proposed chain link fence perimeter for security purposes.

Conditions of approval will be incorporated to ensure that the proposed use will not create negative impacts to the surrounding area.

Conditional Use Permit:

In accordance with the provisions of CMC §10-3.1102, all uses not otherwise prohibited by law shall be permitted in the U (Unclassified) zone district provided that a use permit shall first be secured for any use to be established.

The City of Madera's adopted regulations pertaining to Wireless facilities are provided at § 10-9.00 et seq. of the CMC. The City intends this chapter to establish reasonable, uniform and

comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this chapter are intended to, and should be applied to, consistent with federal and state law, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community.

This chapter is also intended to reflect and promote the community interest by:

1. Ensuring that the balance between public and private interest is maintained on a case-by-case basis;
2. Protecting the city's visual character from potential adverse impacts or visual blight created or exacerbated by wireless communications infrastructure;
3. Protecting and preserving the city's environmental resources; and
4. Promoting access to high-quality, advanced wireless services for the city's residents, businesses and visitors.

This chapter is not intended to, nor shall it be interpreted or applied to:

1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
2. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management;
3. Unreasonably discriminate among providers of functionally equivalent services;
4. Deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions;
5. Prohibit any collocation or modification that the city may not deny under federal or California state law;
6. Impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or
7. Otherwise authorize the city to preempt any applicable federal or California law.

Location standards for wireless facilities are provided at CMC § 10-9.09; identifying "preferred locations," for which no alternative sites analysis is required for new stealth facilities. Monopine towers are considered a "stealth facility," defined by the CMC as, "concealment techniques that make a wireless facility look like something other than a wireless facility." Industrial zones are listed as preferred locations.

Despite not being subject to a sites analysis, an analysis was performed by Sequoia Deployment Services, Inc. for purposes of the project (Attachment 4). The Analysis concluded that based on the analysis and evaluation of the three other site alternatives, Verizon Wireless concluded that the proposed monopine facility at a maximum height of 90 feet is the least intrusive means to address the significant gap in coverage/capacity, and to address the community's wireless needs. This conclusion arises primarily from the fact that the proposed facility is the only location where there is both a willing property owner to lease space and a location on the property which presents a location for a wireless facility with little or no visual or noise impacts and is therefore preferred under the guidelines of the Madera Municipal Code.

Design Standards are also provided at CMC § 10-910, including but not limited to: Concealment; Overall height; Setbacks; Fall zone; Noise; Landscaping; Security Measures; Secondary power sources; Lights; Signage; Utilities; Parking & access; Equipment; and, design requirements for monopines.

There are little-to-no trees on the project site or on adjacent properties west of South Pine Street. No trees within the vicinity are near the height of the proposed monopine wireless tower. Despite concealment requirements and efforts, the lack of trees or structures near the lease area and the proposed use of a chain link fence enclosure for the lease area will leave the monopine wireless tower and related facilities very exposed to public view.

The design standards provide that all wireless facilities must be compliant with maximum overall height limits applicable to structures on the underlying parcel; provided, however, that a stealth wireless facility may exceed the applicable height limit by not more than ten feet. The height standards within the U (Unclassified) zone district specify building height limits, and yard requirements shall be as specified in the use permit. The surrounding Industrial zones permit a maximum height of 35 feet (or otherwise as determined by a Use Permit) subject to the exception that barns, tank houses, storage tanks, windmills, and silos may exceed 35 feet in height.

The approval authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required. This includes additional concealment elements the approval authority finds necessary or appropriate to blend the ground-mounted equipment, enclosure and/or other improvements into the natural and/or built environment.

Given the lack of surrounding vegetation and development, and the nature and height of the facility, it is staff's opinion that efforts to screen facilities would be limited to privacy fencing or walls and/or buffer planting around the ground-mounted equipment; and the planting of trees in proximity to the lease area, which would ultimately mature into a "clump."

While a water main does exist within South Pine Street, required landscape would necessitate connection to the City water system and installation of a meter at the project site, which would in-turn trigger other public improvements. The project site is a preferred site within a predominantly industrial zoned area which will experience logical and incremental development growth the type or form of which would be extremely speculative at this time. The proposed

wireless facility may be found in compliance with all applicable development standards of the CMC. It is staff's opinion that public improvements for landscaping purposes and further aesthetic screening considerations would result in minimal aesthetic effect for the area without substantial effort and can be deferred until the time of future development projects accordingly.

The location of the lease area should not obstruct or result in an impediment to future development on the larger parcel.

The Applicant has submitted a Pre-Activation Radio Frequency Electromagnetic Energy Exposure Report. This report concluded for accessible area at ground level, exposure levels are calculated to be below the FCC's most stringent General Population MPE Limits. Highest calculated exposure, exceeding the FCC General Population MPE Limits is near the Verizon antennas more than 80 feet above ground level. Under the Telecommunications Act of 1996, the U.S Code for Telecommunications under section 47 U.S. Code § 332. Mobile services (c)(7)(B)(iv) limits the authority of a state or local governments decision on a telecommunication facility. The code states, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Therefore, the City is precluded from taking any position on the matter of health-related issues. The review process of the Planning Department will ensure that the applicant follow all applicable regulations and codes to meet the appropriate standards in size, aesthetic and structural integrity in constructing the telecommunication facility. However, health considerations and emissions generated by the telecommunication facility are outside the authority of local or state governments.

The project may be considered consistent and compatible with the other existing uses in the surrounding area. Conditions placed on the project and compliance with the codified provisions of the CMC will ensure that the development and operation of the project does not have a substantial adverse impact on the surrounding uses.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt under Section 15303/Class 3 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines because the project is limited to development and use of a 90-foot tall unmanned monopine wireless telecommunications tower and ancillary equipment and facilities in an urbanized area. The use will not involve the use of significant amounts of hazardous substances. Necessary public services and facilities within reasonable length are available for purposes of the project and the surrounding area is not environmentally sensitive. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and there are no unusual circumstances.

COMMISSION ACTION:

The Commission will be acting on CUP 2024-20. 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 Section 15303/Class 3 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2024-20, 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 & Zoning Maps
4. Project Narrative and Alternative Sites Analysis
5. Site, Floor, Elevation Plans & Photo Simulations
6. Planning Commission Resolution
Exhibit "A" – Conditions of Approval

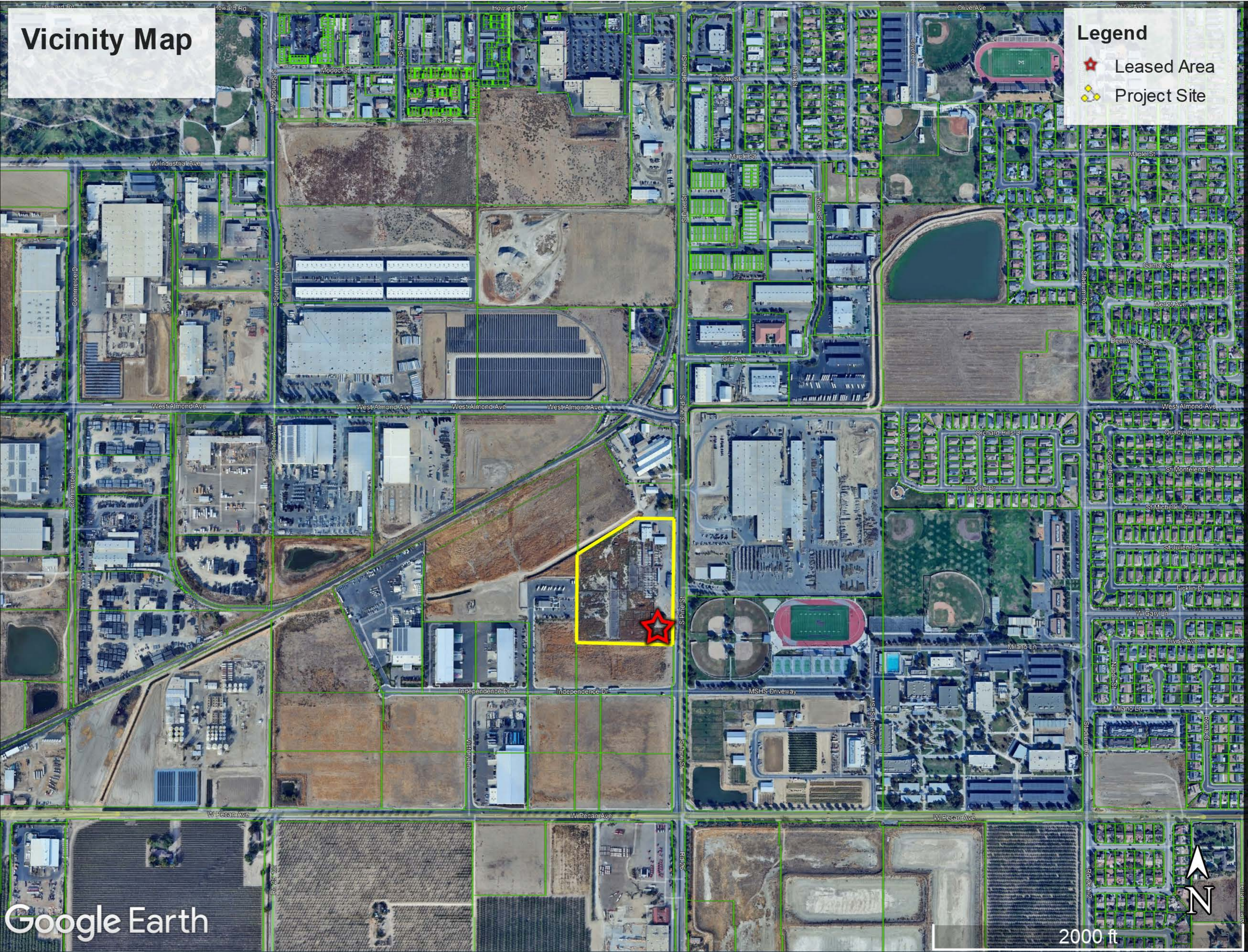
ATTACHMENT 1

Vicinity Map

Vicinity Map

Legend

-  Leased Area
-  Project Site





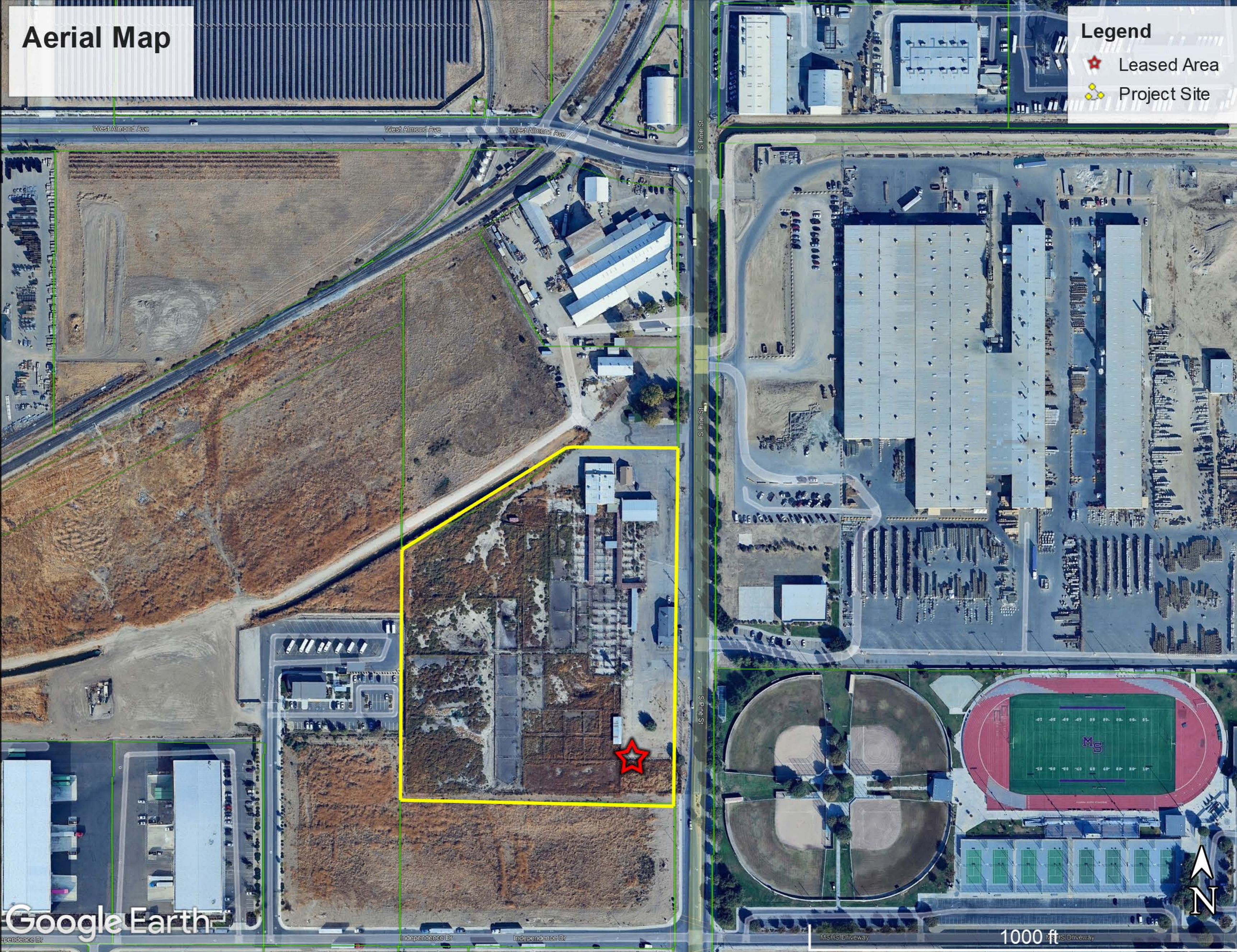
ATTACHMENT 2

Aerial Image

Aerial Map

Legend

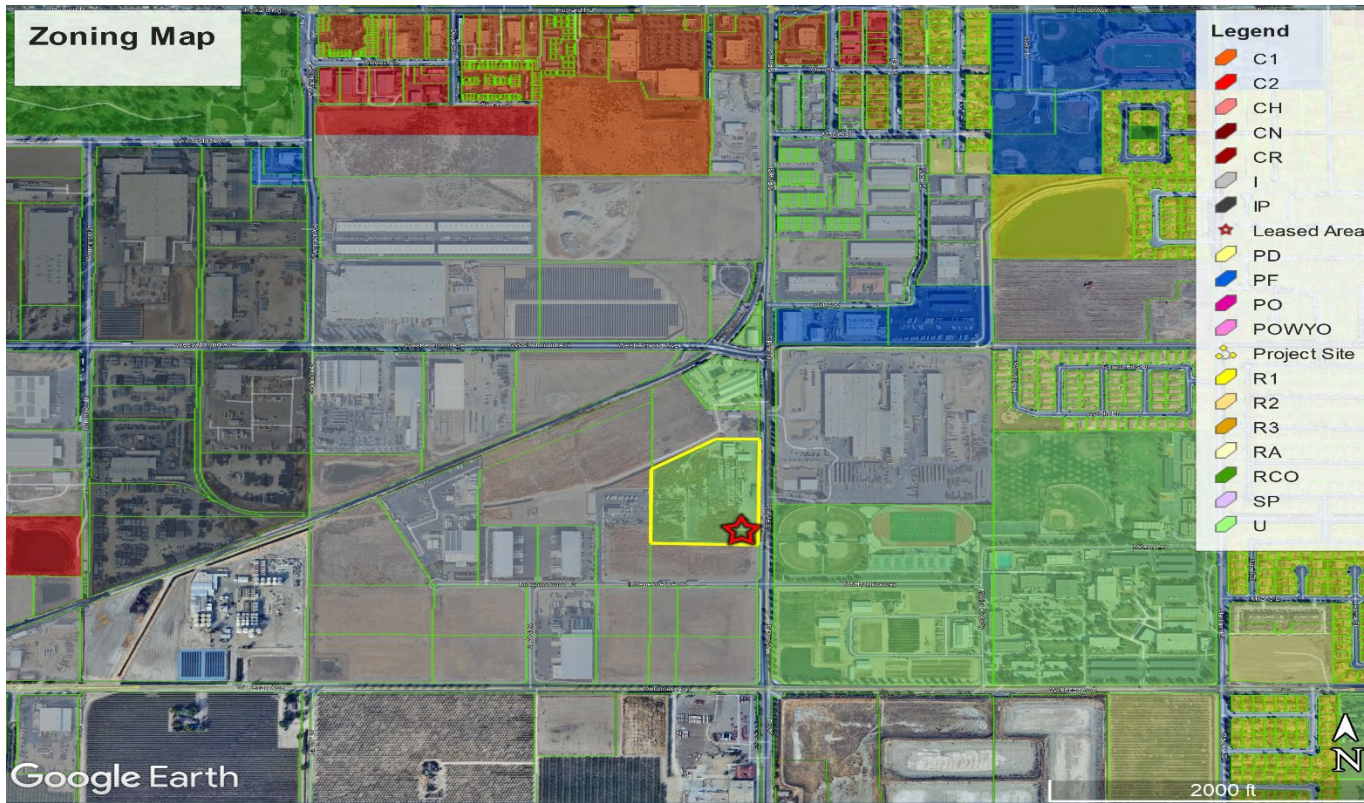
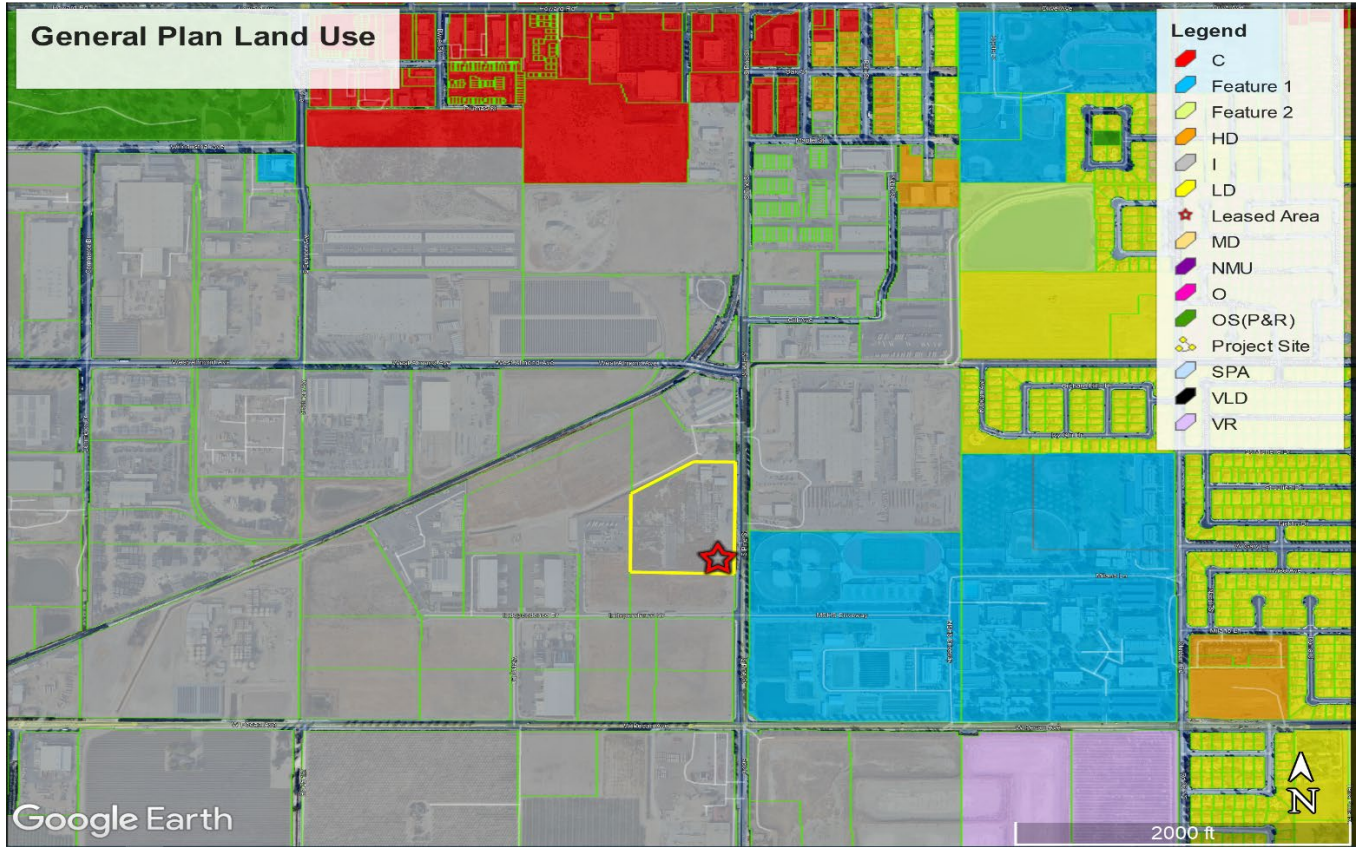
-  Leased Area
-  Project Site



1000 ft

ATTACHMENT 3

General Plan Land Use & Zoning Maps



ATTACHMENT 4

Project Narrative and Alternate Sites Analysis



Wireless Telecommunication Facility

Project Narrative & Analysis

Applicant: Verizon Wireless
2785 Mitchell Drive, Suite 9
Walnut Creek, CA 94598

Owner: Madera County Farm Bureau Inc.
1102 S Pine Street
Madera, CA 93637

Rep.: Sequoia Deployment Services, Inc.
1 Spectrum Pointe Dr., Suite 130
Lake Forest, CA 92630

Madison LaScalza
Madison.lascalza@sequoia-ds.com

Site No.: South Madera

Location: 1016 S. Pine Street,
Madera, CA 93637
APN: 009-331-022-000

Project Description

The proposed project is a request by the Agent, Sequoia Deployment Services, on behalf of the Applicant, Verizon Wireless, for a Conditional Use Permit to allow construction and use of an unmanned, telecommunications facility under provisions of City zoning code requirements for the property zoned as Unclassified. The facility would be located at APN #009-331-022-000 within a 900 square foot lease area. The proposed facility would provide enhanced service to the south and west area of the City of Madera and surrounding agricultural/industrial areas.

Verizon Wireless is proposing to construct an unmanned wireless facility that would include six (6) 6-foot panel antennas and three (3) 3-foot panel antennas within three (3) sectors. The antennas are directional and would be mounted on a proposed 90' tall, Verizon maintained, monopine. Also mounted within the monopine will be a total of six (6) remote radio units and three (3) CBRS remote radio units to be mounted behind the proposed 6-foot panel antennas and hybrid cables running within the monopine.

All equipment for the antennas would be located at the base of the structure behind a proposed 8' tall chain-link fence within a 30' x 30' equipment enclosure with a new concrete pad to mount the equipment on. Equipment includes three (3) cabinets, one (1) GPS antenna, five (5) service lights, a fiber telco cabinet, a transformer and four (4) surge suppressors (2 @ equipment location and 2 @ antenna location). The proposed facility would not require grading other than trenching for utilities. Access to the facility would be from a 15'0" wide non-exclusive route from the existing asphalt driveway accessed from Pine Street. The entire facility minus the trenching would be contained in the 900 square foot lease area. Any visible equipment will be housed behind the proposed chain-link fence for security.

In the event of a commercial power failure, an on-site 30KW diesel generator, with a 210-gallon tank on a new concrete pad, will be installed.

Objective

This project's primary objective is to improve network coverage and capacity within the City of Madera to serve the surrounding residential, agricultural, and industrial areas.

Maintenance and Monitoring Program

Verizon Wireless uses a combination of remote monitoring and on-site activity to maintain their wireless facilities. The remote monitoring is operational twenty-four hours a day, seven days a week, three hundred sixty-five days a year, continuously and monitors for the proper function of the facility as well as various silent alarms. In addition to the off-site monitoring a technician visits the site approximately once per month for maintenance. When a problem is found, or maintenance is required, the technician schedules the work appropriately in compliance with the conditions of approval and lease agreements regarding maintenance timing and scope.

Radio Emissions

Verizon Wireless is a registered public utility, licensed and regulated by the California Public Utilities Commission (CPUC) and the Federal Communications Commission ("FCC"). The facility will be compliant with all FCC regulations. Please refer to the Radio Emission Report included in the zoning package for full information regarding radio frequencies and maximum power output. The facility will display appropriate FCC compliance signage; no further signage or lighting is proposed or required.

Alternative Site Analysis

Verizon Wireless determines the need for a new wireless telecommunications facility through the collection of network test data, customer comments, projected growth in customer network usage, and the effects of the deployment of new technologies that both improve service and capability of the network.

Once a significant coverage/capacity gap is determined, Verizon Wireless seeks to identify a site that will provide a solution through the “least intrusive means” based upon Verizon Wireless’s experience with designing similar facilities and working within local regulations. In addition to seeking the “least intrusive” alternative, sites proposed by Verizon Wireless must be feasible. In this regard, Verizon Wireless reviews the topography, radio frequency propagation, elevation, height, available electrical and telephone utilities, access, and other critical factors such as a willing landlord in completing its site analysis. Wherever feasible, Verizon Wireless seeks to identify collocation opportunities that allow placement of wireless facilities with minimal impacts.

With that said, there were no viable candidates available within the search area already existing or feasible for collocation. No non-residential buildings exist within the search ring of this area of the City. As such, the Verizon Wireless search moved to candidates within the ring where a freestanding design might be feasible. Four preliminary candidates were identified with the following given names: South Madera (current candidate), CCI 82300, Oldcastle and Panella. Each of these properties was closely evaluated and of these four, the South Madera property was deemed the most feasible and least intrusive candidate.

The following is a summary of the sites reviewed as candidates:

Site Name / Property Owner	Property Address	Landlord Interest	RF Acceptance	Additional Notes
South Madera	1016 S Pine street	Yes	Yes	Current Candidate.
CCI 823000	601 Noble Street	Yes	No	This site is too close to an existing Verizon site and would require additional land for Verizon’s lease area.
Oldcastle	801 S. Pine Street	No	Yes	Property owners confirmed there was no available space to accommodate Verizon on their property.
Panella	12806 Road 26	No	Yes	The property owner did not sign the letter of interest.

The following images indicate the locations of the possible candidates. The image below shows the search ring area and the proposed chosen candidate - South Madera.



South Madera: 1016 S. Pine Street (proposed candidate, view west towards site)



CCI 823000 - 601 Noble Street

This site is too close to an existing Verizon site, therefore RF ruled it out. In addition, it would require additional land for Verizon's lease area.

Old Castle - 801 S. Pine Street

The property owners confirmed there was no available space to accommodate a Verizon lease area on their property.

Panella - 12806 Road 26

The property owners did not sign a letter of interest to host a Verizon telecommunication facility and therefore ruled out as a viable candidate.

Alternative Site Analysis Conclusion

Based on the analysis and evaluation of the three other site alternatives, Verizon Wireless concluded that the proposed monopine facility at a maximum height of 90 feet is the least intrusive means to address the significant gap in coverage/capacity, and to address the community's wireless needs. This conclusion arises primarily from the fact that the proposed facility is the only location where there is both a willing property owner to lease space and a location on the property which presents a location for a wireless facility with little or no visual or noise impacts and is therefore preferred under the guidelines of the Madera Municipal Code.

In an effort to meet customer demands, Verizon Wireless is proposing this facility in a manner that will not create conditions or situations that may be objectionable, detrimental or incompatible with the surrounding land uses. The facility is not staffed and will have no impact on current (traffic or parking) circulation systems. In addition, the facility continues to only require periodic maintenance, which equates to approximately one trip per month. Furthermore, Verizon will continue to operate in full compliance with all local, state and federal regulations. Verizon Wireless respectfully requests approval of this wireless facility to operate and provide seamless coverage to its subscribers and surrounding community.

ATTACHMENT 5

Site, Floor, Elevation Plans & Photo Simulations



PROJECT ID: SOUTH MADERA
SITE ADDRESS: 1016 S PINE ST., MADERA, CA 93637
COUNTY: MADERA
APN: 009-331-022-000
JURISDICTION: CITY OF MADERA
ZONING: U UNCLASSIFIED
PROJECT: INITIAL BUILD
MDG LOCATION: 5000918176
FUZE PROJECT ID: 16994459



PROJECT ID: SOUTH MADERA
DRAWN BY: RN
CHECKED BY: SS

REV	DATE	DESCRIPTION	
I	06/12/2024	PER NEW RFDS	SS
O	06/21/2024	100% ZD'S FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD'S FOR APPROVAL	RN
A	05/21/2024	90% ZD'S FOR REVIEW	RN

NOT TO BE USED FOR CONSTRUCTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SOUTH MADERA
MONOPINE:
 1016 S PINE ST.
 MADERA, CA 93637

SHEET TITLE
 TITLE SHEET

SHEET NUMBER
 T-1

PROJECT DESCRIPTION

PROPOSED VERIZON WIRELESS UNMANNED TELECOMMUNICATIONS FACILITY ON NEW MONOPINE. TO CONSIST OF THE FOLLOWING:

SCOPE OF WORK

- NEW 30'X30' (900 SQ. FT.) EQUIPMENT LEASE AREA
- NEW 90' MONOPINE WITH NEW BASE PLATE
- INSTALL (1) 400A METER BANK W/ 200A VZW METER
- INSTALL (3) NEW EQUIPMENT CABINETS ON CONCRETE PAD
- INSTALL (1) TELCO CABINET
- INSTALL (1) ILC PANEL
- INSTALL (1) NEW GPS ANTENNA
- INSTALL (5) SERVICE LIGHTS
- INSTALL (1) NEW 30KW DIESEL GENERATOR W/ 210 GAL. SUB-BASE FUEL TANK FOR EMERGENCY USE.
- INSTALL (3) C-BAND PANEL ANTENNAS
- INSTALL (6) LTE PANEL ANTENNAS
- INSTALL (6) LTE RRUS
- INSTALL (3) CBR5 RRUS
- INSTALL (4) SURGE SUPPRESSORS (2 @ EQUIPMENT LOCATION # 2 @ ANTENNA LOCATION)

SITE INFORMATION

LATITUDE (NAD83): 36° 56' 29.38" N (36.941494)
LONGITUDE (NAD83): 120° 04' 28.16" W (-120.074490)

ZONING: U UNCLASSIFIED

JURISDICTION: CITY OF MADERA

PARCEL NUMBER: 009-331-022-000

COUNTY: MADERA

CONSTRUCTION TYPE: V-B

OCCUPANCY: U

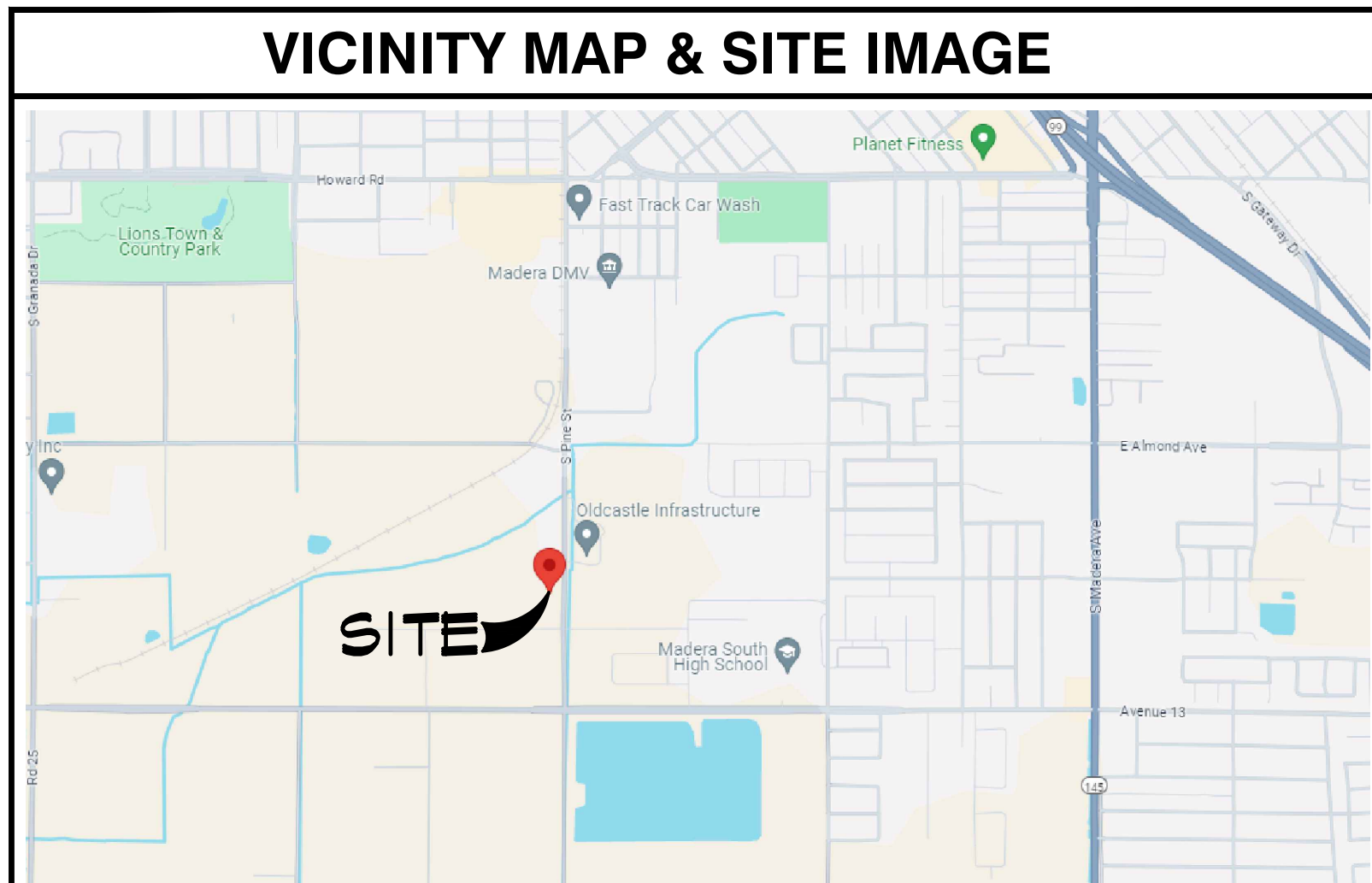
POWER: PG&E

SYMBOLS/ABBREVIATIONS LEGEND

ADD'L	ADDITIONAL	L.	LONG(ITU)DINAL
A.F.G.	ABOVE FINISHED GRADE	MAX.	MAXIMUM
ANT.	ANTENNA	MFR.	MANUFACTURER
ARCH.	ARCHITECTURAL	MIN.	MINIMUM
ASS'Y	ASSEMBLY	(N)	NEW
AWG.	AMERICAN WIRE GAUGE	NTS	NOT TO SCALE
BLDG.	BUILDING	O.C.	ON CENTER
BTWN.	BARE TINNED COPPER WIRE	P.T.	PRESSURE TREATED
CLR.	CLEAR	RAD.(R)	RADIUS
CONC.	CONCRETE	REQ'D	REQUIRED
CONN.	CONNECTION(OR)	RGS.	RIGID GALVANIZED STEEL
CONST.	CONSTRUCTION	SCH.	SCHEDULE
CONT.	CONTINUOUS	SIM.	SIMILAR
DBL.	DOUBLE	SQ.	SQUARE
D.F.	DOUGLAS FIR	S.S.	STAINLESS STEEL
DIA.	DIAMETER	STD.	STANDARD
DIM.	DIMENSION	TEMP.	TEMPORARY
EA.	EACH	THK.	THICK(NESS)
ELEV.	ELEVATION	TYP.	TYPICAL
ENT.	ELECTRICAL METALLIC TUBING	U.G.	UNDER GROUND
(E)	EXISTING	U.L.	UNDERWRITERS LABORATORY
F.G.	FINISH GRADE	U.N.O.	UNLESS NOTED OTHERWISE
FT.(')	FOOT (FEET)	V.I.F.	VERIFY IN FIELD
GA.	GAUGE	W	WIDE (WIDTH)
HT.	HEIGHT	w/	WITH
IN.(")	INCH(ES)	WD.	WOOD
LB.(#)	POUND(S)	W.P.	WEATHERPROOF
L.F.	LINEAR FEET (FOOT)		

DRAWING INDEX

SHEET NO:	SHEET TITLE
T-1	TITLE SHEET
C-1	SITE SURVEY
C-2	TITLE INFORMATION
C-3	PROPOSED LEASE LINES & EASEMENTS
A-1	OVERALL SITE PLAN
A-2	ENLARGED SITE PLAN
A-3	EQUIPMENT LAYOUT PLAN
A-4	ANTENNA LAYOUT PLAN
A-5	ELEVATIONS



PROJECT TEAM

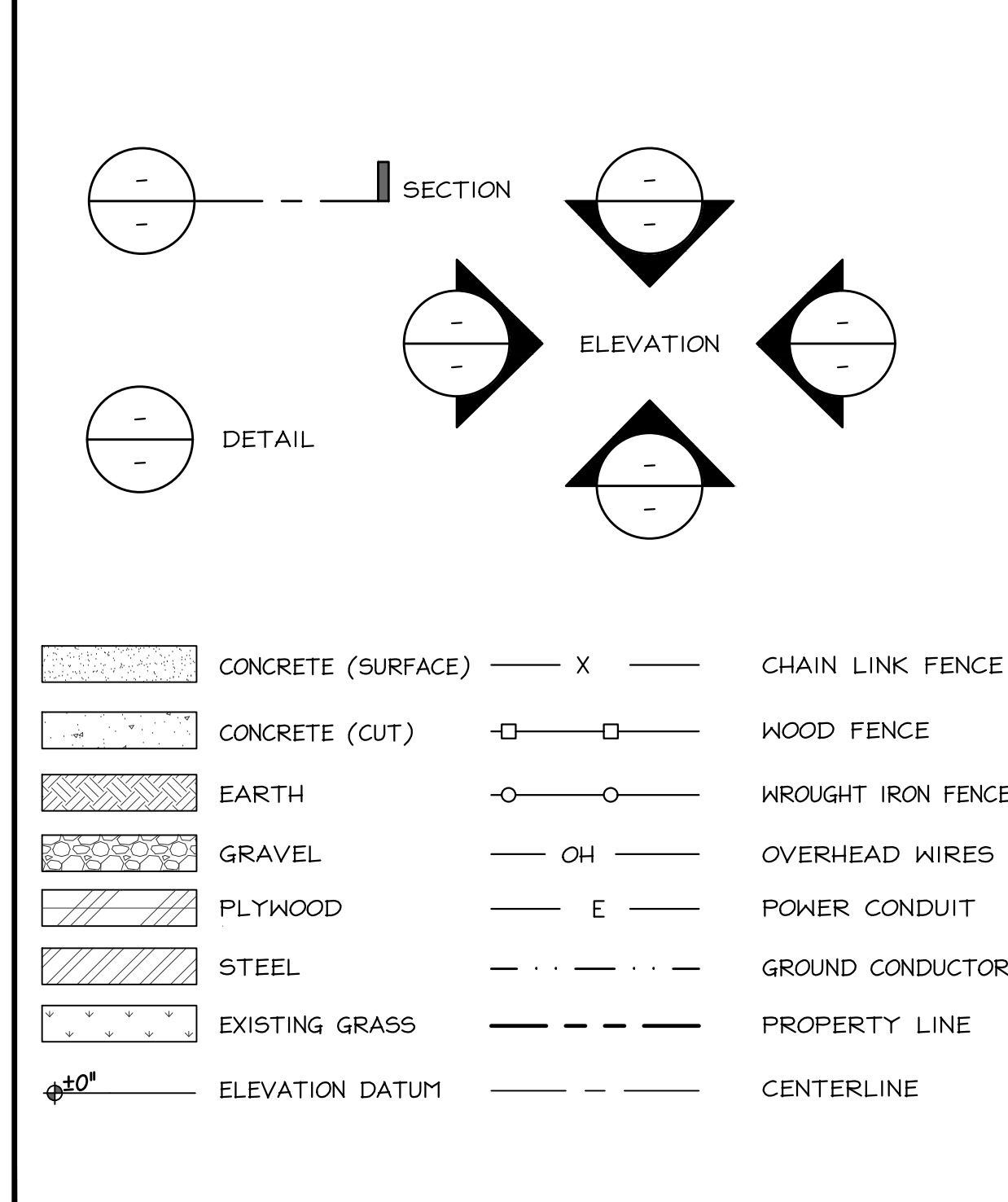
APPLICANT:
 VERIZON WIRELESS
 2770 SHADELANDS DRIVE,
 BUILDING II
 WALNUT CREEK, CA 94598

LEASING MANAGER:
 SEQUOIA DEPLOYMENT SERVICES, INC
 1 SPECTRUM POINTE DRIVE, STE 130
 LAKE FOREST, CA 92630
 CONTACT: ROBERT BALLMAIER
 PHONE: (949) 278-7747
 EMAIL: bob.ballmaier@sequoia-ds.com

ZONING MANAGER:
 SEQUOIA DEPLOYMENT SERVICES, INC
 1 SPECTRUM POINTE DRIVE, STE 130
 LAKE FOREST, CA 92630
 CONTACT: DAYNA AGUIRRCE
 PHONE: (619) 346-5539
 EMAIL: dayna.aguirrce@sequoia-ds.com

A/E PROJECT MANAGER:
 ALL STATES ENGINEERING & SURVEYING
 23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630
 CONTACT: SILVIA SANDOVAL
 PHONE: (949) 273-0996 X107
 EMAIL: silvia@satazali.com

PROPERTY OWNER:
 MADERA COUNTY FARM BUREAU INC
 1102 S PINE STREET
 MADERA, CA 93637
 CONTACT: CHRISTINA BECKSTEAD
 PHONE: (559) 674-8871
 EMAIL: cbeckstead@maderafb.com



CODE COMPLIANCE

CONSTRUCTION WORKS AND MATERIALS MUST COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY LOCAL JURISDICTION, INCLUDING BUT NOT LIMITED TO:

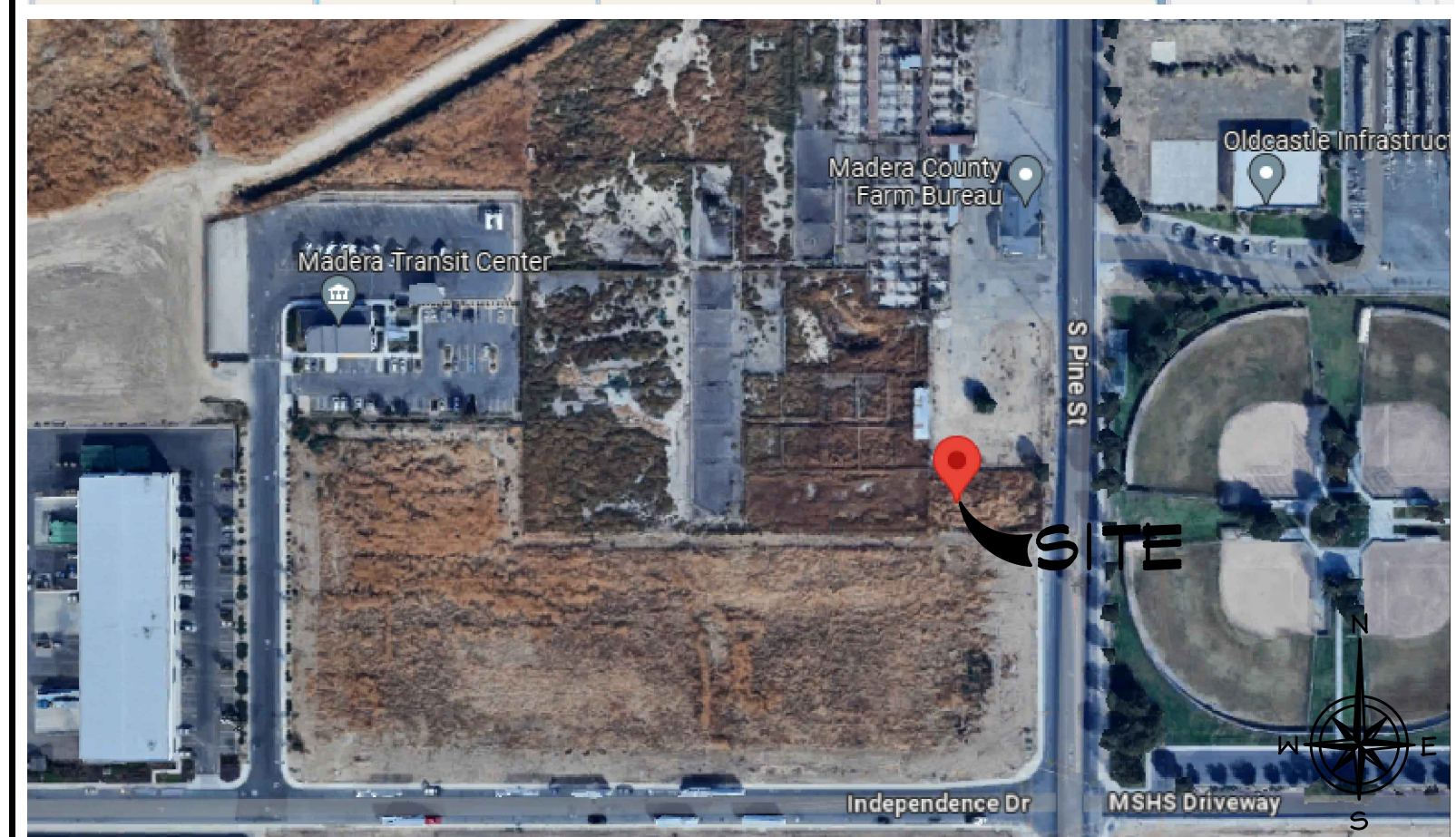
- CALIFORNIA CODE OF REGULATIONS
- 2022 CALIFORNIA BUILDING CODE
- 2022 CALIFORNIA MECHANICAL CODE
- 2022 CALIFORNIA PLUMBING CODE
- 2022 CALIFORNIA ELECTRIC CODE
- 2022 CALIFORNIA FIRE CODE
- CALIFORNIA EXISTING BUILDING CODE,
- CALIFORNIA HISTORICAL BUILDING CODE,
- CALIFORNIA RESIDENTIAL CODE
- CALIFORNIA GREEN BUILDING CODE
- 2022 EDITION OF TITLE 24 ENERGY STANDARDS
- ANY LOCAL BUILDING CODE AMENDMENTS TO THE ABOVE CITY / COUNTY ORDINANCES

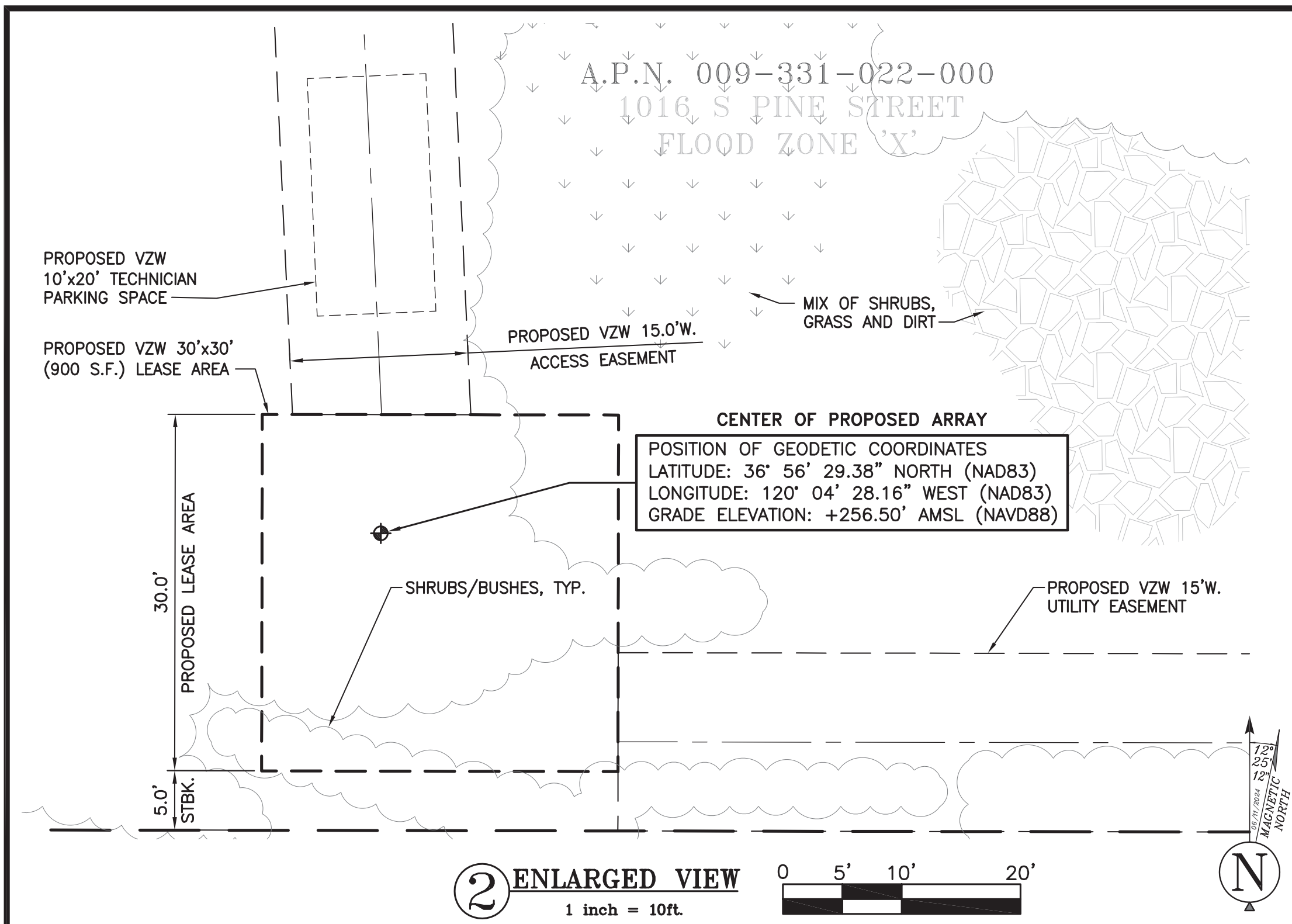
ADMINISTRATIVE REQUIREMENTS

CONTRACTOR SHALL VERIFY ALL PLANS & (E) DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME IF USING 11"X17" PLOT, DRAWINGS WILL BE HALF SCALE.

DO NOT SCALE DRAWINGS

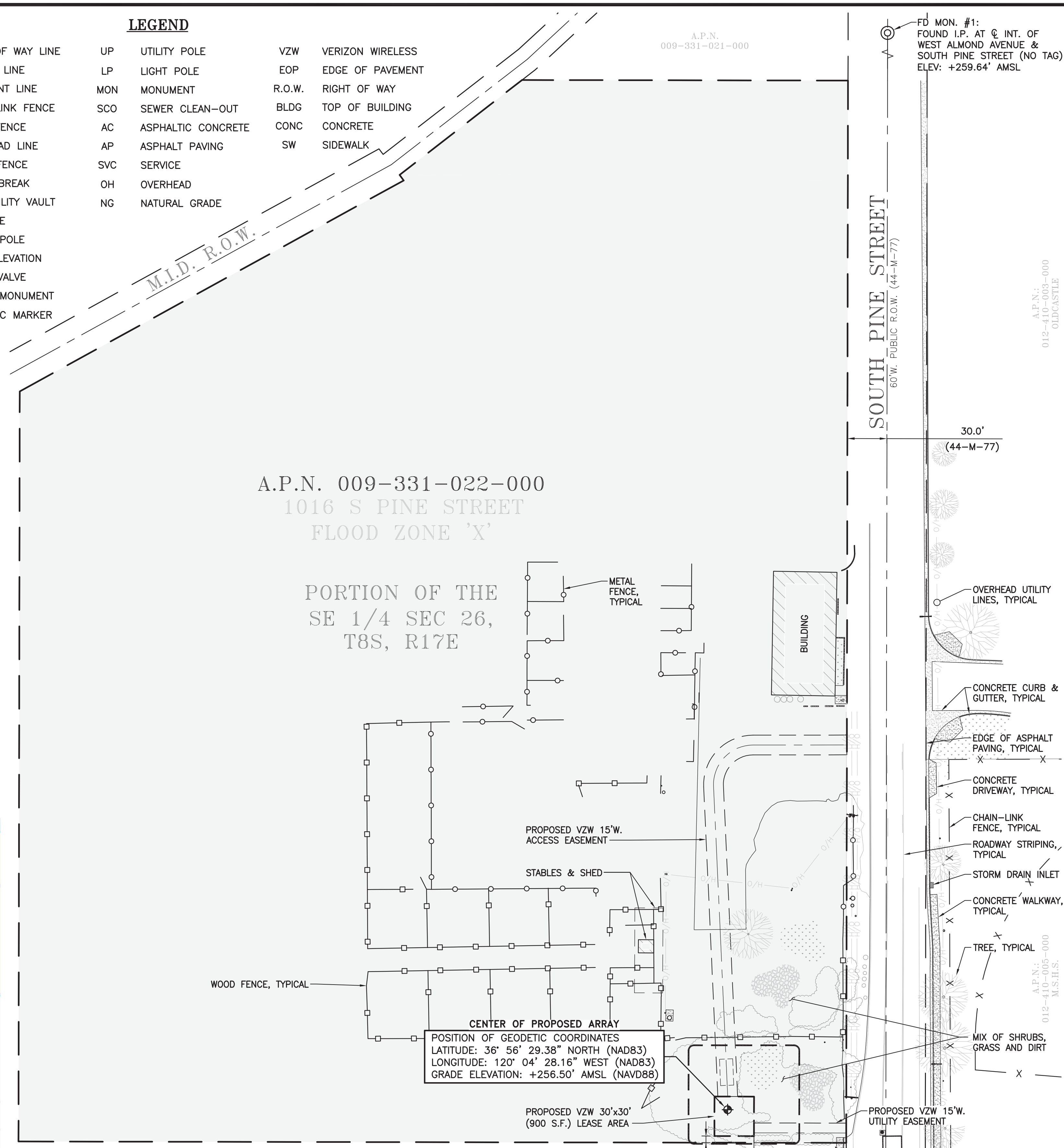
SUBCONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & FIELD CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.





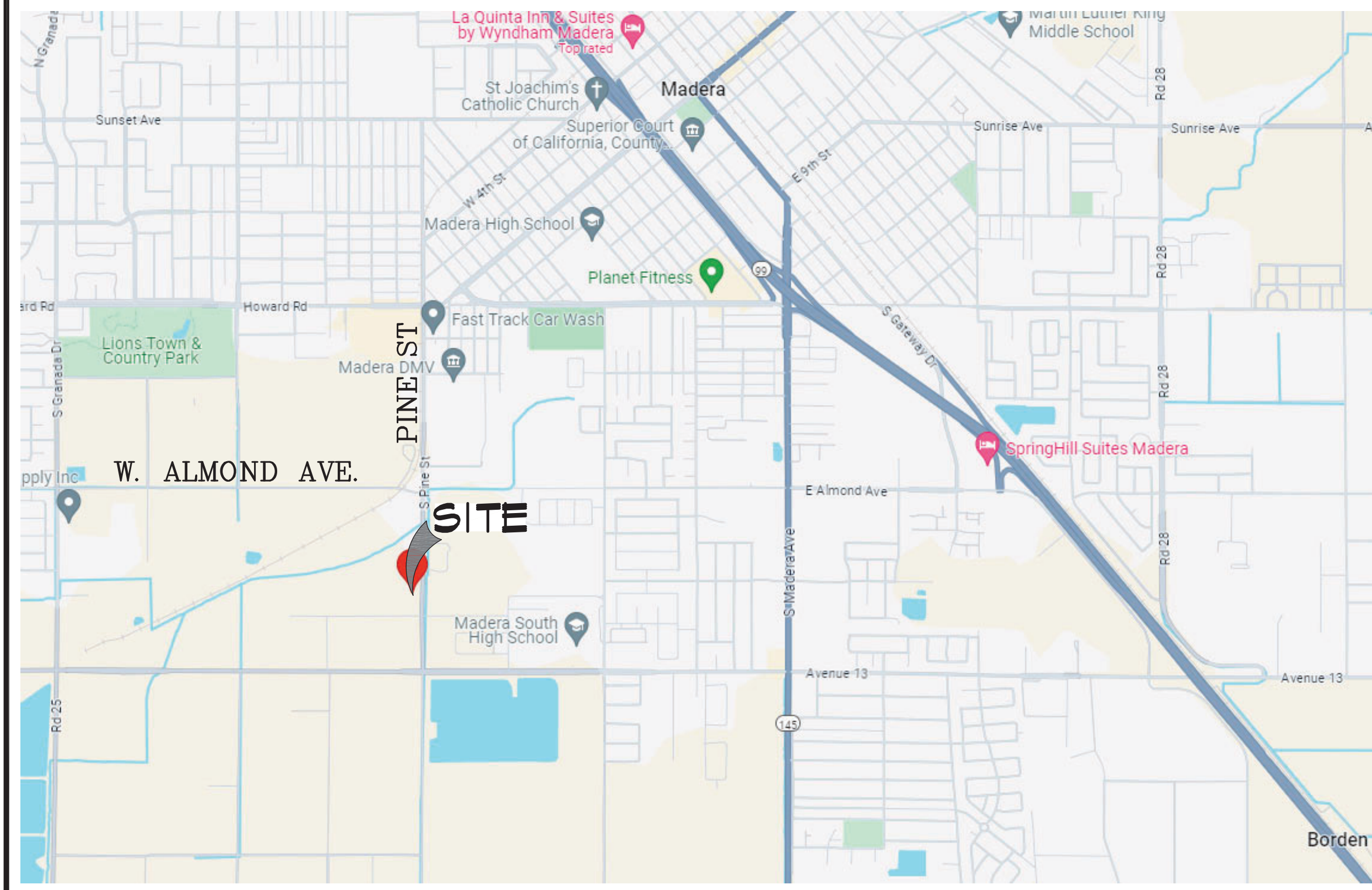
LEGEND

—	RIGHT OF WAY LINE	UP	UTILITY POLE	VZW	VERIZON WIRELESS
- - -	CENTER LINE	LP	LIGHT POLE	EOP	EDGE OF PAVEMENT
- - - -	EASEMENT LINE	MON	MONUMENT	R.O.W.	RIGHT OF WAY
- x -	CHAIN LINK FENCE	SCO	SEWER CLEAN-OUT	BLDG	TOP OF BUILDING
— □ —	WOOD FENCE	AC	ASPHALTIC CONCRETE	CONC	CONCRETE
— o/h —	OVERHEAD LINE	AP	ASPHALT PAVING	SW	SIDEWALK
— ○ —	METAL FENCE	SVC	SERVICE		
—	GRADE BREAK	OH	OVERHEAD		
□	U.G. UTILITY VAULT	NG	NATURAL GRADE		
⊕	MANHOLE				
○	UTILITY POLE				
○/h	SPOT ELEVATION				
⊕	WATER VALVE				
⊙	FOUND MONUMENT				
⊕	GEODETIC MARKER				



NOTES:

- THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP. THE PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FROM RECORD INFORMATION AS NOTED HEREON. THIS SURVEY IS INTENDED FOR EXHIBIT PURPOSES AND NOT FOR RECORDATION AS AN OFFICIAL RECORD OF SURVEY DRAWING. ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC. TRANSLATED THE TOPOGRAPHIC SURVEY TO RECORD INFORMATION USING MONUMENT(S)/LANDMARK(S) SHOWN HEREON. NO TITLE RESEARCH WAS PERFORMED BY ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC.
- ANY CHANGES MADE TO THE INFORMATION ON THIS PLAN, WITHOUT THE WRITTEN CONSENT OF ALL STATES ENGINEERING & SURVEYING / ZALZALI & ASSOCIATES, INC. RELIEVES ALL STATES ENGINEERING & SURVEYING/ ZALZALI & ASSOCIATES, INC. OF ANY AND ALL LIABILITY.
- THESE DRAWINGS & SPECIFICATIONS ARE THE PROPERTY & COPYRIGHT OF ALL STATES ENGINEERING & SURVEYING / ZALZALI & ASSOCIATES, INC. & SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH THE SURVEYOR, AND BY WRITTEN PERMISSIN FROM ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC.
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- THIS SITE IS PROPOSED TO BE DEVELOPED ON A PARCEL OF PROPERTY LOCATED WITHIN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA.
- TITLE INFORMATION SHOWN HEREON IS PER 'CLTA GUARANTEE FORM NO. 28 - CONDITION OF TITLE' ISSUED BY: FIRST AMERICAN TITLE INSURANCE COMPANY; AS GUARANTEE NO.: 5026900-7121531; FILE NO.: 7121531; GUARANTEE NO.: 7121531; AND DATED: MAY 08, 2024 AT 7:30 A.M.
- THIS DRAWING IS NOT INTENDED TO VERIFY OWNERSHIP OR USAGE. SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE.



verizon

2770 SHADELANDS DR. BUILDING 11
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.
1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630

ALLSTATES
ENGINEERING & SURVEYING
23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT NO:	SOUTH MADERA
DRAWN BY:	NC
CHECKED BY:	ZQ/JRT/DW

REV	DATE	DESCRIPTION	
0	06/13/2024	FINAL SURVEY (PTR)	NC
A	06/06/2024	PRELIMINARY SURVEY	NC

PROFESSIONAL LAND SURVEYOR
JAYME R. TARBERT
No. 7129
STATE OF CALIFORNIA

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SOUTH MADERA
A.P.N. 009-331-022-000
1016 S PINE STREET
MADERA, CA 93637
NEW SITE BUILD

SHEET TITLE
SITE SURVEY

SHEET NUMBER
C-1

TITLE INFORMATION

TITLE INFORMATION SHOWN HEREON IS PER A PRELIMINARY TITLE REPORT PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY GUARANTEE NUMBER: 5026900-7121531; FILE NO.: 7121531 GUARANTEE NO.: 7121531; AND DATED: MAY 08, 2024 AT 7:30 A.M.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 26; THENCE NORTH 00° 09' 00" EAST, ALONG THE EAST LINE OF SAID SECTION 26, A DISTANCE OF 1130.00 FEET; THENCE NORTH 89° 51' 00" WEST, A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF MADERA COUNTY ROAD 26, SAID POINTS ALSO BEING THE SOUTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN THE CORPORATION GRANT DEED TO MADERA COUNTY FARM BUREAU, INC., RECORDED JULY 8, 1974 IN BOOK 1201 PAGE 340 OF MADERA COUNTY OFFICIAL RECORDS, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING NORTH 89° 51' 00" WEST, ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID CORPORATION GRANT DEED, A DISTANCE OF 628.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL OF LAND DESCRIBED IN SAID CORPORATION GRANT DEED;

THENCE NORTH 00° 09' 00" EAST, ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID CORPORATION GRANT DEED, AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 569.11 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF A RIGHT-OF-WAY GRANTED TO MADERA IRRIGATION DISTRICT PER DOCUMENT RECORDED JANUARY 15, 1962 IN BOOK 816 PAGE 555 OF MADERA COUNTY OFFICIAL RECORDS;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, NORTH 61° 16' 00" EAST, A DISTANCE OF 332.32 FEET;

THENCE NORTH 35° 43' 00" WEST, A DISTANCE OF 5.21 FEET;

THENCE NORTH 52° 17' 00" EAST, A DISTANCE OF 117.53 FEET TO A POINT ON A LINE WHICH IS 35.00 FEET NORTH OF, AND PARALLEL TO, THE NORTHERLY BOUNDARY LINE OF SAID PARCEL OF LAND DESCRIBED IN SAID CORPORATION GRANT DEED;

THENCE SOUTH 89° 51' 00" EAST, PARALLEL TO SAID NORTHERLY BOUNDARY LINE, A DISTANCE OF 247.29 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID ROAD 26;

THENCE SOUTH 00° 09' 00" WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 806.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL OIL, GAS AND MINERALS IN AND UNDER SAID LAND AS GRANTED TO EDWINA H. GILL, ET AL, BY DEED DATED MAY 13, 1959 AND RECORDED MAY 20, 1959 IN VOLUME 745 OFFICIAL RECORDS, PAGE 351, MADERA COUNTY RECORDS.

APN: 009-331-022-000

EXCEPTIONS:

- 1. GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2024-2025, A LIEN NOT YET DUE OR PAYABLE.
- 2. TAXES AND ASSESSMENTS, IF ANY, OF THE MADERA IRRIGATION DISTRICT.
- 3. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE.
- 4. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED DEED RESTRICTION - COVENANT RIGHT-TO-FARM NOTICE RECORDED MARCH 26, 1998 AS INSTRUMENT NO. 9807893 OF OFFICIAL RECORDS.
- 5. THE EFFECT OF A MAP PURPORTING TO SHOW THE LAND AND OTHER PROPERTY, FILED BOOK 47, PAGE 77 OF RECORD OF SURVEYS.
- 6. ANY CLAIM THAT THE TITLE IS SUBJECT TO A TRUST OR LIEN CREATED UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. §§499A, ET SEQ.) OR THE PACKERS AND STOCKYARDS ACT (7 U.S.C. §§181 ET SEQ.) OR UNDER SIMILAR STATE LAWS. / CONSIDERATION FOR THE DELETION OF THIS EXCEPTION IS HIGHLY FACT INTENSIVE. PLEASE CONTACT THE UNDERWRITER ASSIGNED TO YOUR FILE AS SOON AS POSSIBLE TO DISCUSS.
- 7. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- 8. RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE LAND LYING WITHIN ANY ROAD, STREET, ALLEY OR HIGHWAY.

SURVEY DATE

06/11/2024

BENCHMARK

RTCM-REF 3246
NORTHING: 1813824.662
EASTING: 6684604.709
+286.37' (A.M.S.L.)

REFERENCE MAPS

- ROS - LLA #IV-09-04 (44-M-77)

NOTES:

- 1. THIS IS NOT A BOUNDARY SURVEY. THIS IS A SPECIALIZED TOPOGRAPHIC MAP. THE PROPERTY LINES AND EASEMENTS SHOWN HEREON ARE FROM RECORD INFORMATION AS NOTED HEREON. THIS SURVEY IS INTENDED FOR EXHIBIT PURPOSES AND NOT FOR RECORDATION AS AN OFFICIAL RECORD OF SURVEY DRAWING. ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC. TRANSLATED THE TOPOGRAPHIC SURVEY TO RECORD INFORMATION USING MONUMENT(S)/LANDMARK(S) SHOWN HEREON. NO TITLE RESEARCH WAS PERFORMED BY ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC.
- 2. ANY CHANGES MADE TO THE INFORMATION ON THIS PLAN, WITHOUT THE WRITTEN CONSENT OF ALL STATES ENGINEERING & SURVEYING / ZALZALI & ASSOCIATES, INC. RELIEVES ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC. OF ANY AND ALL LIABILITY.
- 3. THESE DRAWINGS & SPECIFICATIONS ARE THE PROPERTY & COPYRIGHT OF ALL STATES ENGINEERING & SURVEYING / ZALZALI & ASSOCIATES, INC. & SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY AGREEMENT WITH THE SURVEYOR, AND BY WRITTEN PERMISSIN FROM ALL STATES ENGINEERING & SURVEYING/ZALZALI & ASSOCIATES, INC.
- 4. WRITTEN DIMENSIONS SHALL TAKE PREFERENCE OVER SCALED & SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE NOTICED TO THE SURVEYOR PRIOR TO COMMENCEMENT OF ANY WORK.
- 5. THIS SITE IS PROPOSED TO BE DEVELOPED ON A PARCEL OF PROPERTY LOCATED WITHIN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA.
- 6. TITLE INFORMATION SHOWN HEREON IS PER 'CLTA GUARANTEE FORM NO. 28 - CONDITION OF TITLE' ISSUED BY: FIRST AMERICAN TITLE INSURANCE COMPANY; AS GUARANTEE NO.: 5026900-7121531; FILE NO.: 7121531; GUARANTEE NO.: 7121531; AND DATED: MAY 08, 2024 AT 7:30 A.M.
- 7. THIS DRAWING IS NOT INTENDED TO VERIFY OWNERSHIP OR USAGE. SURVEYOR HAS NOT PERFORMED A SEARCH OF PUBLIC RECORDS TO DETERMINE ANY DEFECT IN TITLE.

UTILITY NOTE:

SURVEYOR DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN OR THEIR LOCATIONS ARE DEFINITE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND DEVELOPER TO CONTACT 811-CALIFORNIA USA (UNDERGROUND SERVICE ALERT), BLUE STAKE, AND ANY OTHER INVOLVED AGENCIES TO LOCATE ALL UTILITIES PRIOR TO CONSTRUCTION. REMOVAL, RELOCATION AND/OR REPLACEMENT IS THE RESPONSIBILITY OF THE CONTRACTOR.

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE THREE, DETERMINED BY GPS OBSERVATIONS.

FEMA FLOOD NOTES:

FEMA FLOOD ZONE DESIGNATION - EFFECTIVE DATE 9/26/2008
MADERA COUNTY - NATIONAL FLOOD INSURANCE PROGRAM
FEMA FLOOD ZONE 'X' (PER FIRM PANEL MAP # 06039C1155E)
060170-1155-E (COMMUNITY-PANEL NUMBER-SUFFIX)

verizon

2770 SHADELANDS DR. BUILDING 11
WALNUT CREEK, CA 94598



1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630



23675 BIRTCHEr DRIVE
LAKE FOREST, CA 92630

PROJECT NO: SOUTH MADERA

DRAWN BY: NC

CHECKED BY: ZQ/JRT/DW

REV	DATE	DESCRIPTION	
O	06/13/2024	FINAL SURVEY (PTR)	NC
A	06/06/2024	PRELIMINARY SURVEY	NC



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SOUTH MADERA
A.P.N. 009-331-022-000
1016 S PINE STREET
MADERA, CA 93637
NEW SITE BUILD

SHEET TITLE
TITLE INFORMATION

SHEET NUMBER
C-2

LEASE AREA LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF THAT PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS DELINEATED ON THE MAP ENTITLED 'RECORD OF SURVEY FOR LOT LINE ADJUSTMENT #IV-98-04', AS RECORDED IN BOOK 44 OF MAPS, ON PAGE 77, IN THE OFFICE OF THE MADERA COUNTY RECORDER; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 00° 05' 45" EAST A DISTANCE OF 1135.00 FEET ALONG THE EASTERLY LINE OF SAID SECTION TO A POINT ON THE CENTERLINE OF SOUTH PINE STREET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE, AT RIGHT ANGLES, NORTH 89° 54' 15" WEST A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH PINE STREET, SAID POINT ALSO BEING A POINT IN THE EASTERLY LINE OF THE SUBJECT PARCEL (NOW KNOWN AS A.P.N.: 009-331-022-000) THENCE CONTINUING ALONG THE SAME BEARING NORTH 89° 54' 15" WEST A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING; THENCE

- (L1) NORTH 89° 54' 15" WEST A DISTANCE OF 30.00 FEET; THENCE
- (L2) NORTH 00° 05' 45" EAST A DISTANCE OF 30.00 FEET; THENCE
- (L3) SOUTH 89° 54' 15" EAST A DISTANCE OF 30.00 FEET; THENCE
- (L4) SOUTH 00° 05' 45" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

PROPOSED VERIZON LEASE AREA CONTAINS 900.00 SQUARE FEET / ±0.0207 ACRES

ACCESS EASEMENT LEGAL DESCRIPTION:

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 15 FEET WIDE, OVER A PORTION OF THAT PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS DELINEATED ON THE MAP ENTITLED 'RECORD OF SURVEY FOR LOT LINE ADJUSTMENT #IV-98-04', AS RECORDED IN BOOK 44 OF MAPS, ON PAGE 77, IN THE OFFICE OF THE MADERA COUNTY RECORDER; SAID STRIP OF LAND LAYING EQUALLY TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 00° 05' 45" EAST A DISTANCE OF 1431.92 FEET ALONG THE EASTERLY LINE OF SAID SECTION TO A POINT ON THE CENTERLINE OF SOUTH PINE STREET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE, AT RIGHT ANGLES, NORTH 89° 54' 15" WEST A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH PINE STREET, SAID POINT ALSO BEING A POINT IN THE EASTERLY LINE OF THE SUBJECT PARCEL (NOW KNOWN AS A.P.N.: 009-331-022-000), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE

- (L5) SOUTH 89° 56' 45" WEST A DISTANCE OF 71.22 FEET; THENCE
- (C1) ALONG A TANGENT CURVE TO THE LEFT, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 92° 33' 50", AN ARC LENGTH OF 48.47 FEET; THENCE
- (L6) SOUTH 02° 37' 05" EAST A DISTANCE OF 235.57 FEET TO THE POINT OF TERMINUS AT THE LEASE AREA.

THE SIDELINES AND LIMITS OF THE ABOVE DESCRIBED EASEMENT SHALL BE LENGTHENED OR SHORTENED TO END WITHIN APPROPRIATE BOUNDARY LINES (I.E.: LEASE, PROPERTY, PARCEL, LOT, OR RIGHT-OF-WAY LINES).

PROPOSED VERIZON ACCESS EASEMENT IS FOR THE PURPOSE OF ACCESSING THE PROPOSED VERIZON LEASE AREA DESCRIBED ABOVE, AND CONTAINS 5328.85 SQUARE FEET / ±0.1223 ACRES

UTILITY EASEMENT LEGAL DESCRIPTION:

REAL PROPERTY IN THE UNINCORPORATED AREA OF THE COUNTY OF MADERA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 15 FEET WIDE, OVER A PORTION OF THAT PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 17 EAST, MOUNT DIABLO BASE AND MERIDIAN, AS DELINEATED ON THE MAP ENTITLED 'RECORD OF SURVEY FOR LOT LINE ADJUSTMENT #IV-98-04', AS RECORDED IN BOOK 44 OF MAPS, ON PAGE 77, IN THE OFFICE OF THE MADERA COUNTY RECORDER; SAID STRIP OF LAND LAYING EQUALLY TO EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING FROM THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 00° 05' 45" EAST A DISTANCE OF 1137.50 FEET ALONG THE EASTERLY LINE OF SAID SECTION TO A POINT ON THE CENTERLINE OF SOUTH PINE STREET; THENCE LEAVING SAID SECTION LINE AND CENTERLINE, AT RIGHT ANGLES, NORTH 89° 54' 15" WEST A DISTANCE OF 30.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH PINE STREET, SAID POINT ALSO BEING A POINT IN THE EASTERLY LINE OF THE SUBJECT PARCEL (NOW KNOWN AS A.P.N.: 009-331-022-000), SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE

- (L7) NORTH 89° 54' 15" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF TERMINUS AT THE LEASE AREA.

THE SIDELINES AND LIMITS OF THE ABOVE DESCRIBED EASEMENT SHALL BE LENGTHENED OR SHORTENED TO END WITHIN APPROPRIATE BOUNDARY LINES (I.E.: LEASE, PROPERTY, PARCEL, LOT, OR RIGHT-OF-WAY LINES).

PROPOSED VERIZON UTILITY EASEMENT IS FOR THE PURPOSE OF INSTALLING OVERHEAD AND/OR UNDERGROUND UTILITIES FROM THE PUBLIC RIGHT-OF-WAY TO THE PROPOSED VERIZON LEASE AREA DESCRIBED ABOVE, AND CONTAINS 1050.00 SQUARE FEET / ±0.0241 ACRES

NOTES:

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UTILITY NOTE:

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FEMA FLOOD NOTES:

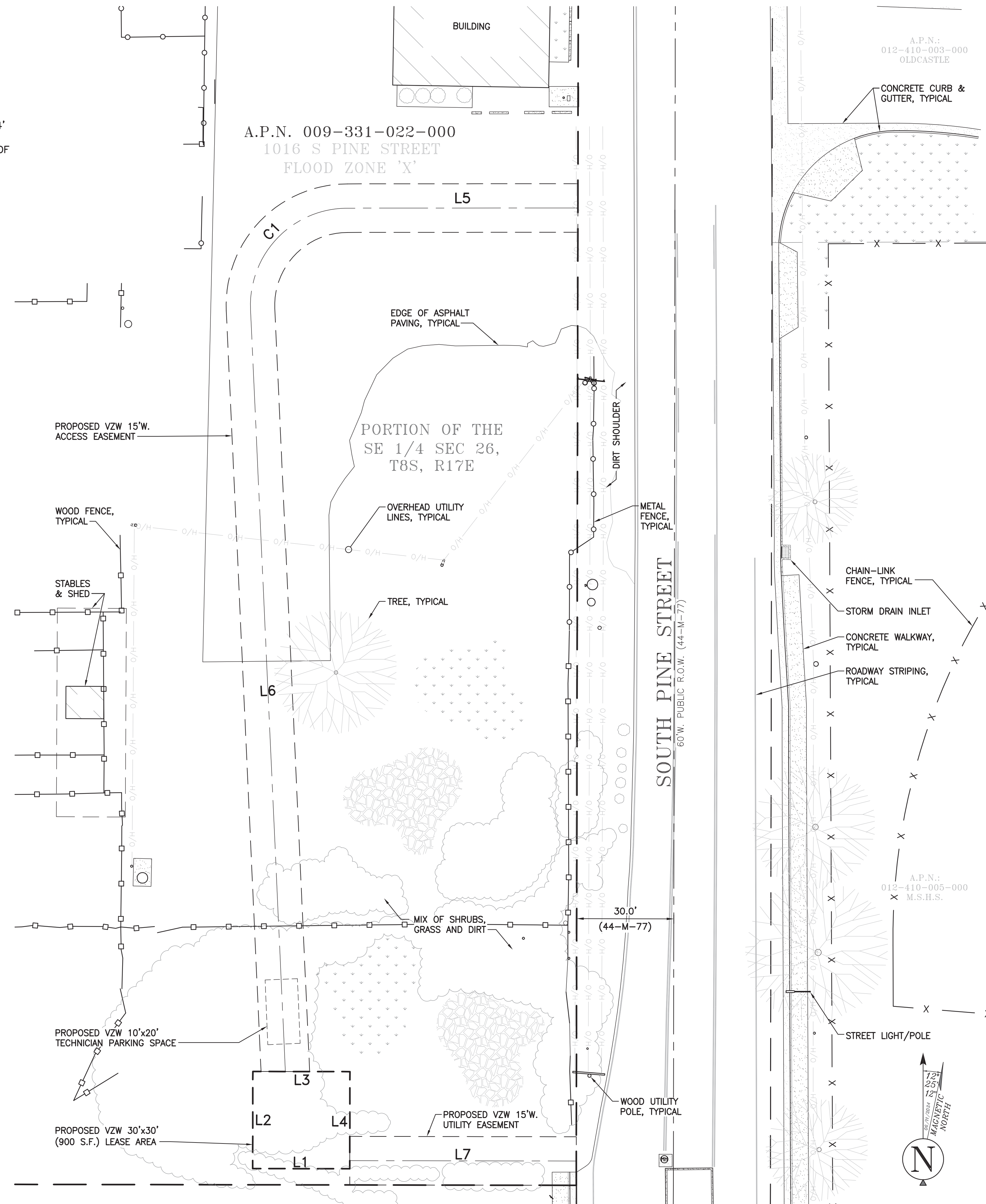
FEMA FLOOD ZONE DESIGNATION - EFFECTIVE DATE 9/26/2008
 MADERA COUNTY - NATIONAL FLOOD INSURANCE PROGRAM
 FEMA FLOOD ZONE 'X' (PER FIRM PANEL # 06039C1155E)
 060170-1155-E (COMMUNITY-PANEL NUMBER-SUFFIX)

BASIS OF BEARING

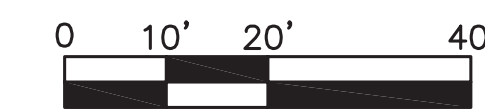
BEARINGS SHOWN HEREON ARE BASED UPON U.S. STATE PLANE NAD83 COORDINATE SYSTEM CALIFORNIA STATE PLANE COORDINATE ZONE THREE, DETERMINED BY GPS OBSERVATIONS.

REFERENCE MAPS

- ROS - LLA #IV-09-04 (44-M-77)



1 PROPOSED LEASE AREA AND EASEMENTS
 1 inch = 20 ft.



SURVEY DATE

06/11/2024

BENCHMARK

RTCM-REF 3246
 NORTHING: 1813824.70
 EASTING: 6684604.68
 +286.07' (A.M.S.L.)



2770 SHADELANDS DR. BUILDING 11
 WALNUT CREEK, CA 94598



1 SPECTRUM POINTE DRIVE, SUITE 130
 LAKE FOREST, CA 92630



23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630

PROJECT NO: SOUTH MADERA

DRAWN BY: NC

CHECKED BY: ZQ/JRT/DW

REV	DATE	DESCRIPTION	
O	06/13/2024	FINAL SURVEY (PTR)	NC
A	06/06/2024	PRELIMINARY SURVEY	NC



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SOUTH MADERA
 A.P.N. 009-331-022-000
 1016 S PINE STREET
 MADERA, CA 93637
 NEW SITE BUILD

SHEET TITLE
PROPOSED LEASE AREA & EASEMENTS

SHEET NUMBER
C-3

verizon^v

2770 SHADELANDS DRIVE,
BUILDING 11
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.

1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630-2283

ALLSTATES
ENGINEERING & SURVEYING

23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT ID: SOUTH MADERA

DRAWN BY: RN

CHECKED BY: SS

REV	DATE	DESCRIPTION	BY
1	06/12/2024	PER NEW RFDs	SS
0	06/21/2024	100% ZD's FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD's FOR APPROVAL	RN
A	05/21/2024	90% ZD's FOR REVIEW	RN

REV	DATE	DESCRIPTION	BY
1	06/12/2024	PER NEW RFDs	SS
0	06/21/2024	100% ZD's FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD's FOR APPROVAL	RN
A	05/21/2024	90% ZD's FOR REVIEW	RN

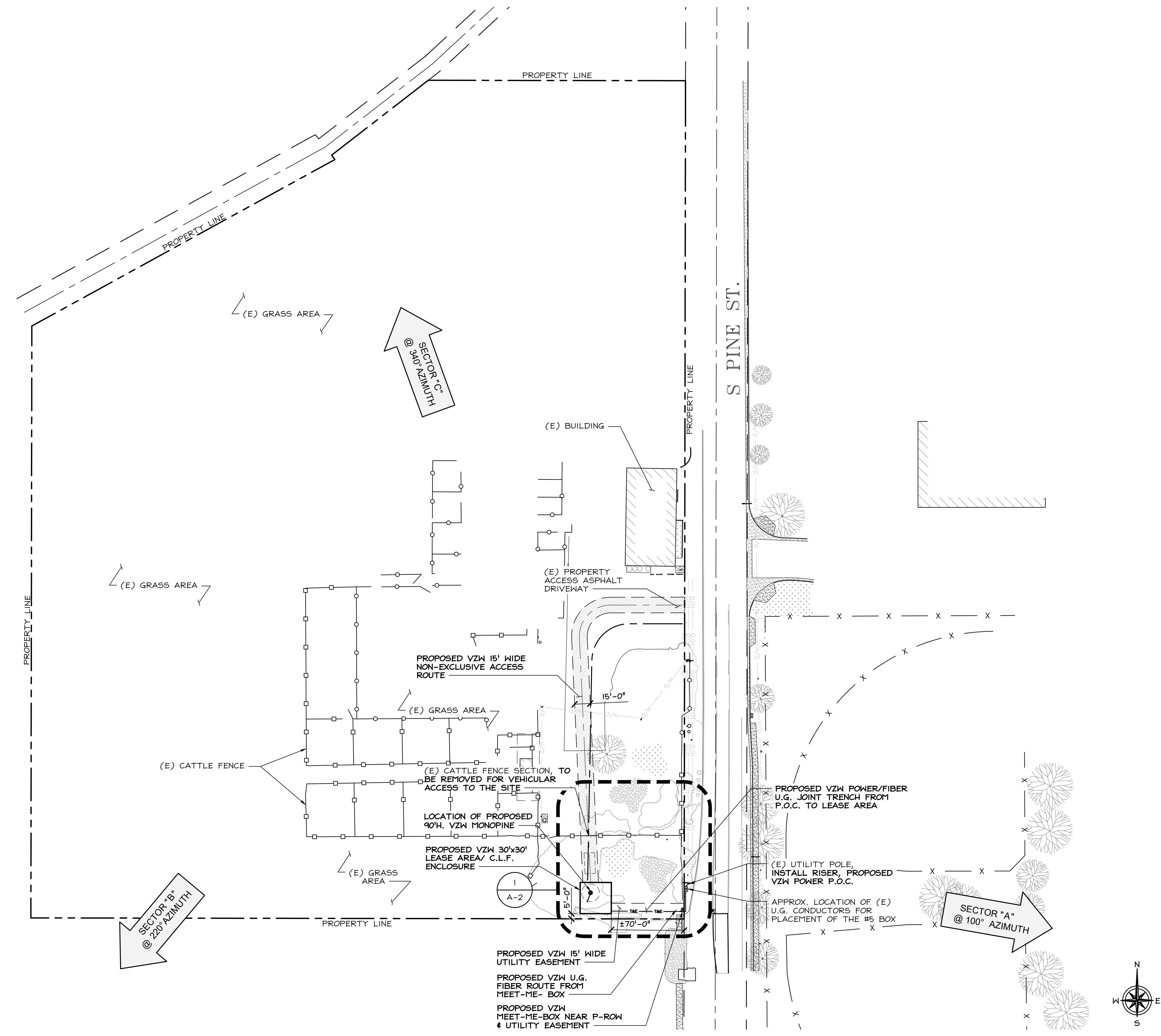
NOT TO BE USED FOR CONSTRUCTION

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SOUTH MADERA
MONOPINE:
1016 S PINE ST.
MADERA, CA 93637

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
A-1



OVERALL SITE PLAN

24"x36" SCALE: 1" = 50'-0"
11"x17" SCALE: 1" = 100'-0" 50' 25' 0' 50' 1

verizon

2770 SHADELANDS DRIVE,
BUILDING II
WALNUT CREEK, CA 94598

SEQUOIA
DEPLOYMENT SERVICES, INC.
1 SPECTRUM POINTE DRIVE, SUITE 130
LAKE FOREST, CA 92630-2283

ALLSTATES
ENGINEERING & SURVEYING
23675 BIRTCHE DRIVE
LAKE FOREST, CA 92630

PROJECT ID: SOUTH MADERA

DRAWN BY: RN

CHECKED BY: SS

REV	DATE	DESCRIPTION	BY
1	06/12/2024	PER NEW RFDS	SS
0	06/21/2024	100% ZD'S FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD'S FOR APPROVAL	RN
A	05/21/2024	90% ZD'S FOR REVIEW	RN

REV	DATE	DESCRIPTION	BY
1	06/12/2024	PER NEW RFDS	SS
0	06/21/2024	100% ZD'S FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD'S FOR APPROVAL	RN
A	05/21/2024	90% ZD'S FOR REVIEW	RN

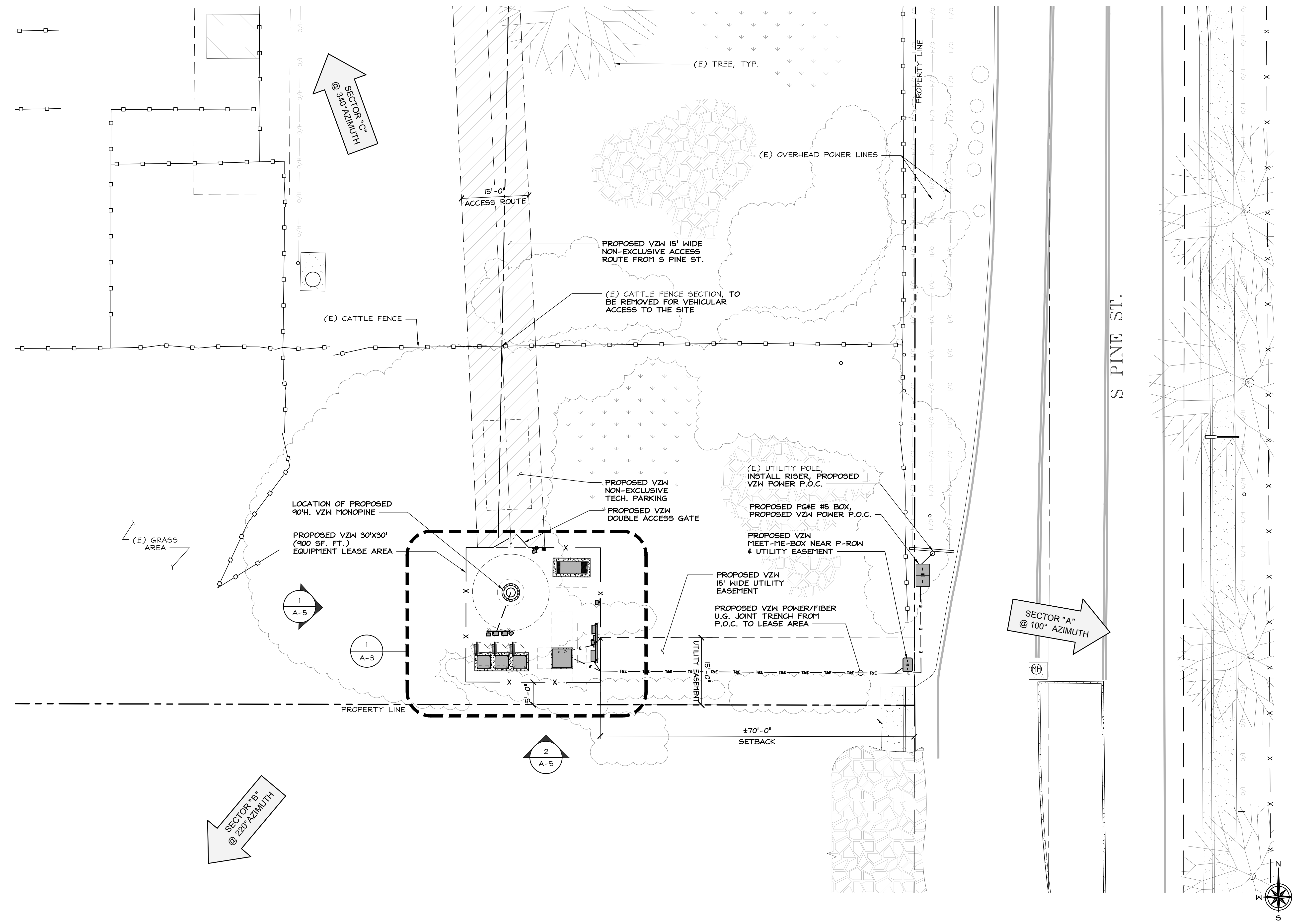
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SOUTH MADERA
MONOPINE:
1016 S PINE ST.
MADERA, CA 93637

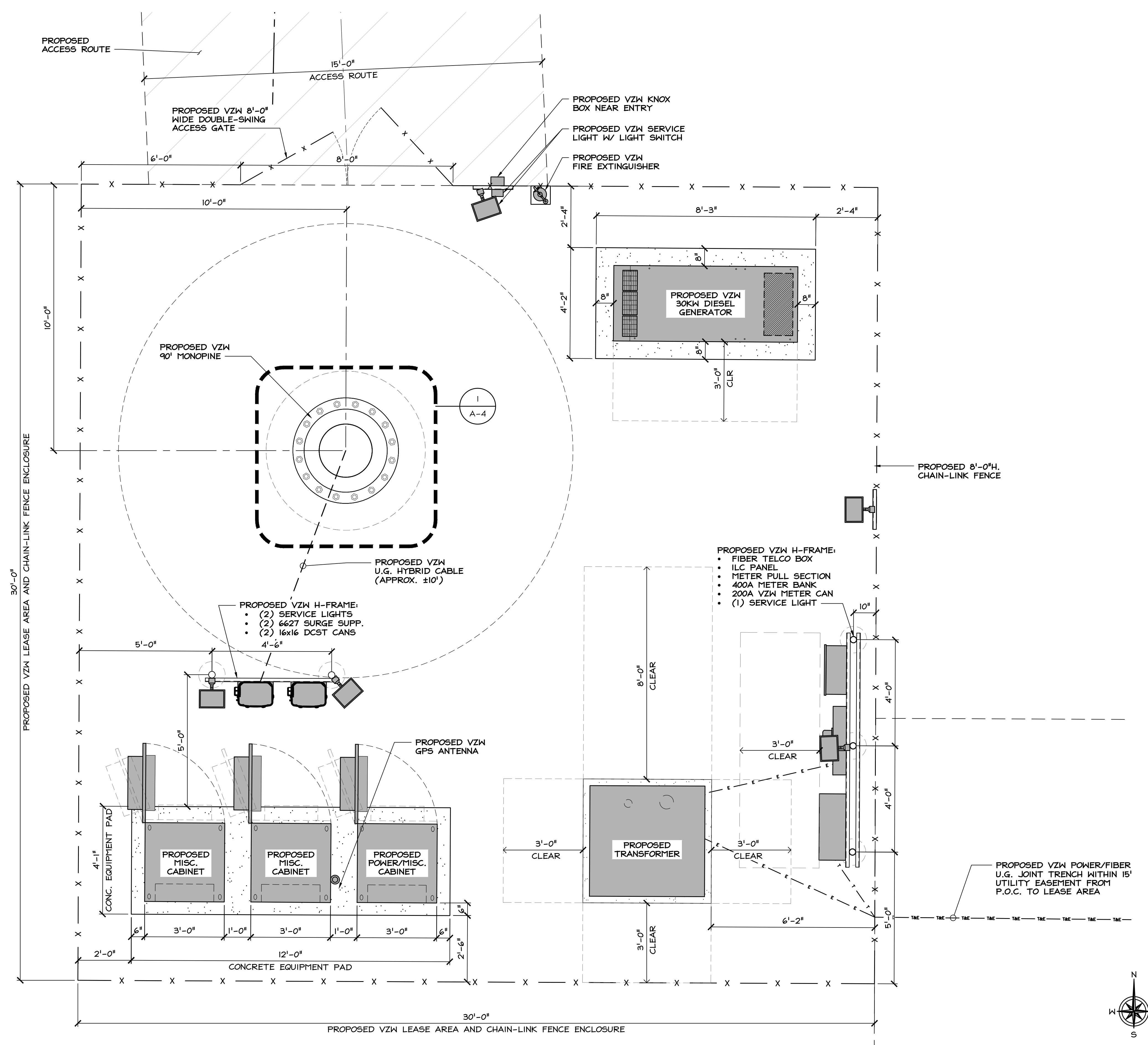
SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
A-2



ENLARGED SITE PLAN

24"x36" SCALE: 3/32" = 1'-0"
11"x17" SCALE: 3/64" = 1'-0"



verizon^v
 2770 SHADELANDS DRIVE,
 BUILDING 11
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 1 SPECTRUM POINTE DRIVE, SUITE 130
 LAKE FOREST, CA 92630-2283

ALLSTATES
 ENGINEERING & SURVEYING
 23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630

PROJECT ID: SOUTH MADERA
 DRAWN BY: RN
 CHECKED BY: SS

REV	DATE	DESCRIPTION	SS
I	06/12/2024	PER NEW RFD'S	SS
O	06/21/2024	100% ZD'S FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD'S FOR APPROVAL	RN
A	05/21/2024	90% ZD'S FOR REVIEW	RN

NOT TO BE USED FOR CONSTRUCTION

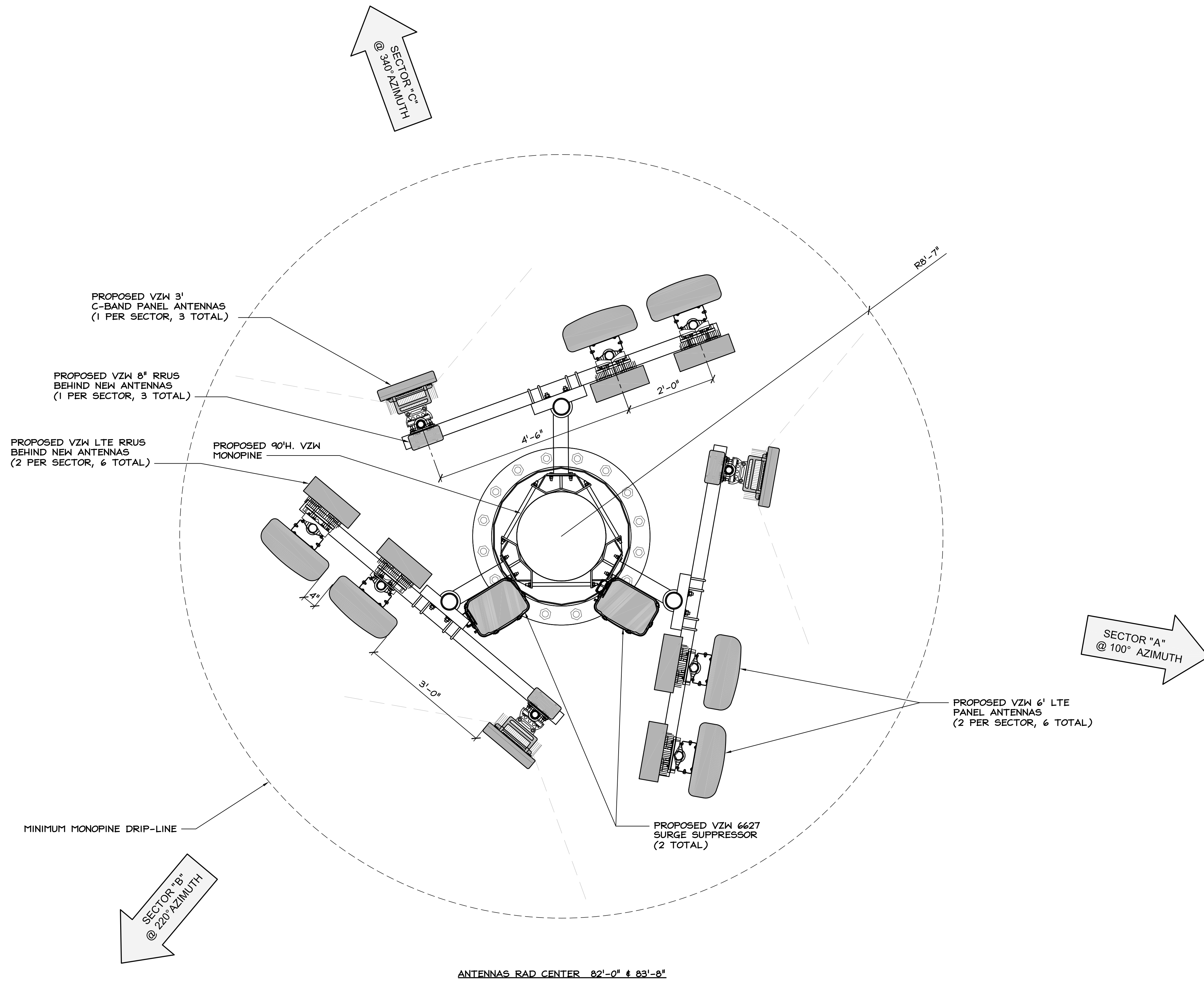
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SOUTH MADERA
 MONOPINE:
 1016 S PINE ST.
 MADERA, CA 93637

SHEET TITLE
EQUIPMENT LAYOUT PLAN

SHEET NUMBER
A-3

NOTES:
 1. NEW VERIZON WIRELESS ANTENNAS AND ALL TOWER MOUNTED EQUIPMENT SHALL BE PAINTED IN NON-REFLECTIVE PAINT TO MATCH MONOPINE.



verizon
 2770 SHADELANDS DRIVE,
 BUILDING 11
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 1 SPECTRUM POINTE DRIVE, SUITE 130
 LAKE FOREST, CA 92630-2283

ALLSTATES
 ENGINEERING & SURVEYING
 23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630

PROJECT ID: SOUTH MADERA
 DRAWN BY: RN
 CHECKED BY: SS

REV	DATE	DESCRIPTION	
I	06/12/2024	PER NEW RFDS	SS
O	06/21/2024	100% ZD'S FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD'S FOR APPROVAL	RN
A	05/21/2024	90% ZD'S FOR REVIEW	RN

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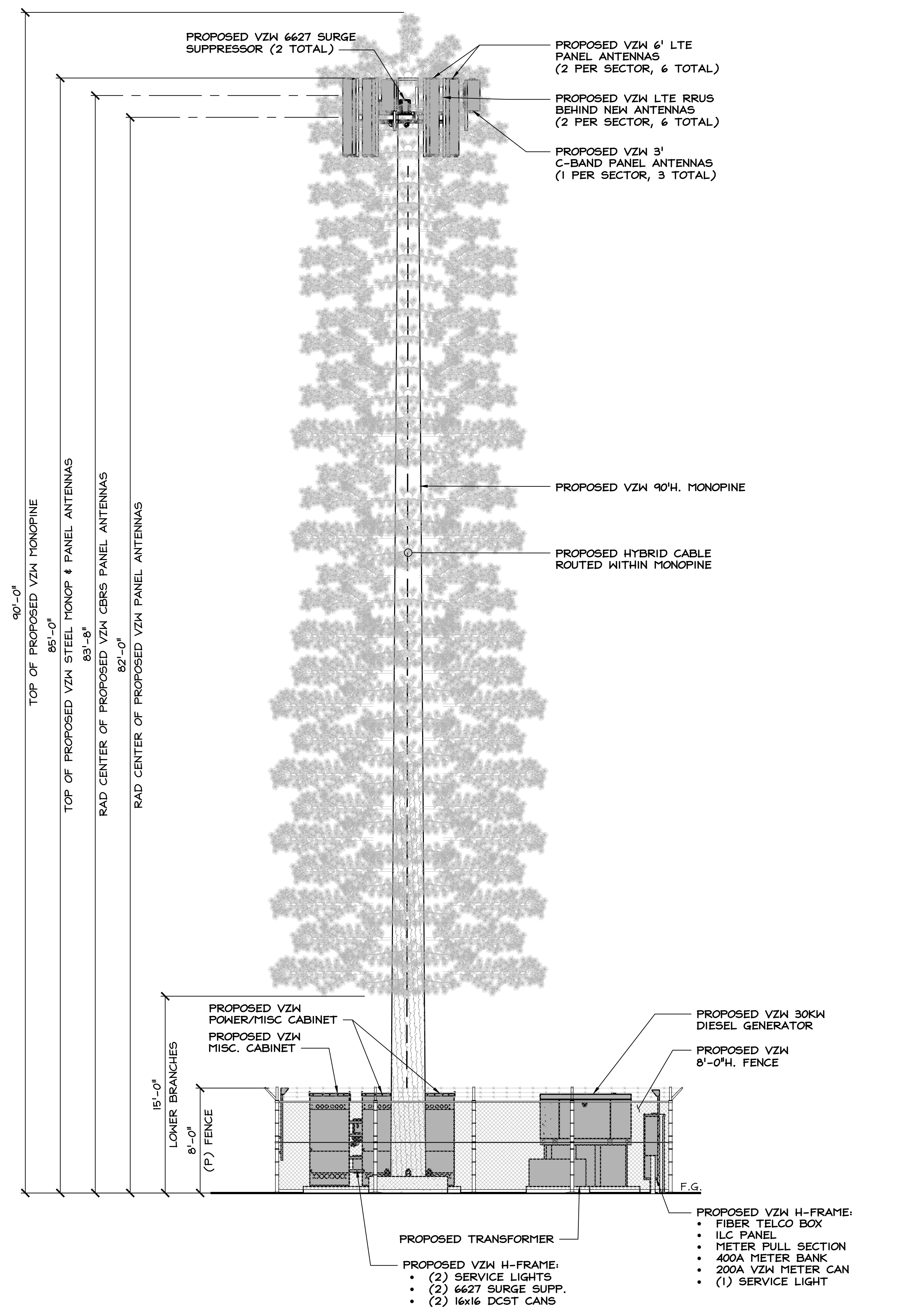
SOUTH MADERA
 MONOPINE:
 1016 S PINE ST.
 MADERA, CA 93637

SHEET TITLE
ANTENNA LAYOUT PLAN

SHEET NUMBER
A-4



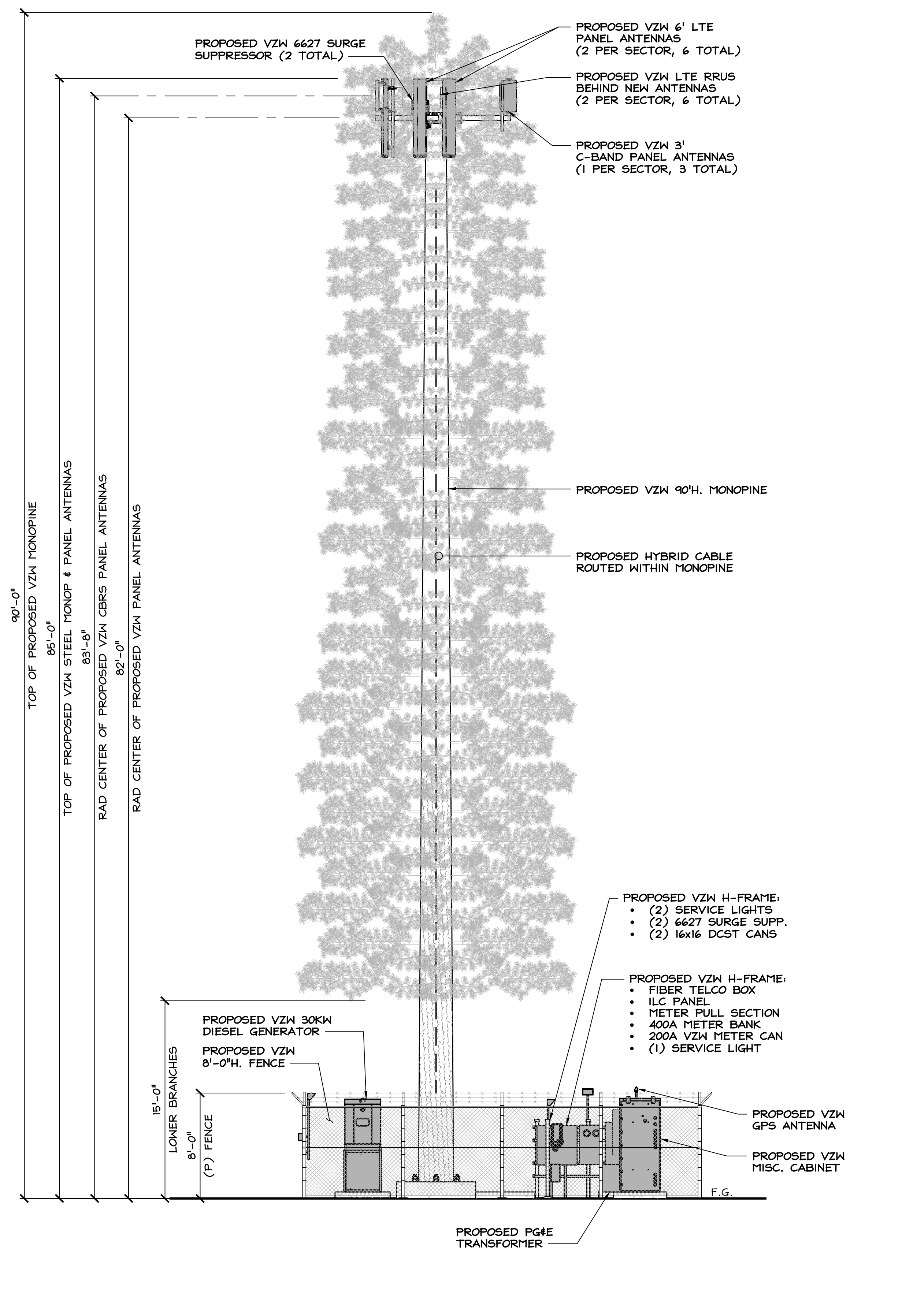
NOTES:
 1. NEW VERIZON WIRELESS ANTENNAS AND ALL TOWER MOUNTED EQUIPMENT SHALL BE PAINTED IN NON-REFLECTIVE PAINT TO MATCH MONOPINE.



PROPOSED SOUTH ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
 11"x17" SCALE: 3/32" = 1'-0"

NOTES:
 1. NEW VERIZON WIRELESS ANTENNAS AND ALL TOWER MOUNTED EQUIPMENT SHALL BE PAINTED IN NON-REFLECTIVE PAINT TO MATCH MONOPINE.



PROPOSED WEST ELEVATION

24"x36" SCALE: 3/16" = 1'-0"
 11"x17" SCALE: 3/32" = 1'-0"

verizon
 2770 SHADELANDS DRIVE,
 BUILDING 11
 WALNUT CREEK, CA 94598

SEQUOIA
 DEPLOYMENT SERVICES, INC.
 1 SPECTRUM POINTE DRIVE, SUITE 130
 LAKE FOREST, CA 92630-2283

ALLSTATES
 ENGINEERING & SURVEYING
 23675 BIRTCHE DRIVE
 LAKE FOREST, CA 92630

PROJECT ID: SOUTH MADERA
 DRAWN BY: RN
 CHECKED BY: SS

REV	DATE	DESCRIPTION	
I	06/12/2024	PER NEW RFD'S	SS
O	06/21/2024	100% ZD'S FOR SUBMITTAL	SS
C	06/14/2024	UPDATED PER SURVEY	SS
B	06/10/2024	100% ZD'S FOR APPROVAL	RN
A	05/21/2024	90% ZD'S FOR REVIEW	RN

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SOUTH MADERA
 MONOPINE:
 1016 S PINE ST.
 MADERA, CA 93637

SHEET TITLE
ELEVATIONS

SHEET NUMBER
A-5



EXISTING



PROPOSED LOOKING SOUTHWEST FROM PINE STREET



EXISTING



PROPOSED

LOOKING NORTHEAST FROM INDEPENDENCE DRIVE



EXISTING



PROPOSED LOOKING NORTHWEST FROM PINE STREET

ATTACHMENT 6

Planning Commission Resolution
Including:
Exhibit "A": Conditions of Approval

RESOLUTION NO. 2011

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO
SECTION 15303/CLASS 3 (NEW CONSTRUCTION OR CONVERSION OF SMALL
STRUCTURES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2024-20
AND SITE PLAN REVIEW (SPR) 2024-28**

WHEREAS, Sequoia Deployment Services, Inc. (representative) on behalf of Verizon Wireless (applicant), submitted an application for Conditional Use Permit (CUP 2024-20) and Site Plan Review (SPR 2024-28), “the project,” pertaining to a 900 square foot lease area described on a ±10.46-acre parcel located on the west side of South Pine Street between West Almond Avenue and Independence Drive at 1016 South Pine Street (APN:009-333-022), in the City of Madera, CA (“site”); and

WHEREAS, the site is designated for Industrial land uses on the General Plan Land Use Map and is zoned U (Unclassified) by the Zoning Ordinance; and

WHEREAS, in accordance with the provisions of City Municipal Code (CMC) § 10-3.1102, CUP 2024-20 was filed to request authorization to construct a 90-foot-tall unmanned monopine wireless telecommunication tower and related equipment and facilities for Verizon Wireless on the project site; and

WHEREAS, operations proposed in accordance with CUP 2024-20 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines, Section 15303/Class 3 (New Construction or Conversion of Small Structures); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve conditional use permits and environmental assessments for 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 independently reviewed CUP 2024-20 at a duly noticed meeting on November 12, 2024; and

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

WHEREAS, after due consideration of the items before it, the Planning Commission now desires to adopt this Resolution determining the project is Categorically Exempt from the provisions of Section 15303/Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines and approving CUP 2024-20.

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 the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15303/Class 3 (New Construction or Conversion of Small Structures) of the State of California Environmental Quality Act (CEQA) Guidelines because the project is limited to development and use of a 90-foot tall unmanned monopine wireless telecommunications tower and ancillary equipment and facilities in an urbanized area. The use will not involve the use of significant amounts of hazardous substances. Necessary public services and facilities within reasonable length are available for purposes of the project and the surrounding area is not environmentally sensitive. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and there are no unusual circumstances.
3. Findings to Approve CUP 2024-20: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit, 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 proposed wireless facility uses are consistent with the goals, objectives and policies of the General Plan Industrial land use designation and the U (Unclassified) zone district.

The proposed use is not considered to be of a sensitive nature, the introduction of which would generally obstruct or adversely impact the ability to develop planned industrial lands and/or viability to conduct operations for which planned for industrial uses and zoned unclassified areas are intended.

CUP 2024-20 was filed to request authorization to allow construction of a 90-foot-tall unmanned wireless monopine tower telecommunications facility to be established on the site in accordance with the provisions of City Municipal Code (CMC) § 10-3.1102.

As conditioned, development of the site is consistent with the Madera General Plan goals and policies and the Design and Development Guidelines.

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

The proposed unmanned telecommunications facility use is not intensive and would be considered more compatible with adjacent industrial uses. For this reason, the proposed use of the project site will contribute to the viability of the site adjacent industrial planned and zoned lands.

The proposed use is not considered to be of a sensitive nature. The fall zone of the proposed structure is devoid of habitable structures. The project site is a preferred site as defined by the provisions of Title X, Chapter 9 of the City Municipal Code. The project site and surrounding area is primarily planned and zoned for industrial use. Typical industrial operations should be expected to occur and should not be deemed to constitute a nuisance due to the introduction of the subject uses on the project site.

The Madera South High School athletic fields (i.e., softball diamonds, football fields & track and tennis courts are located to the east across South Pine Street (a planned Arterial roadway); the nearest instructional facilities ±1450 linear feet away. The surrounding area has experienced intermittent urban development consisting of industrial uses.

As conditioned, the wireless facility will be compatible with the surrounding land uses and the established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

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 wireless communications facility will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted and will be protected.

The Applicant submitted a Pre-Activation Radio Frequency Electromagnetic Energy Exposure Report in accordance with the provisions of the City Municipal Code. This report concluded for accessible area at ground level, exposure levels are calculated to be below the FCC's most stringent General Population MPE Limits.

4. Findings for SPR 2024-28: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2024-28,

as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106 and Title X, Chapter 9. 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, operative plans and Municipal Code.

The property is zoned U (Unclassified), which is consistent with the existing General Plan land use designation of I (Industrial) pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan. As conditioned, the project is consistent with the purpose and intent of the U zone district and does not conflict with City standards or other provisions of the Code including those specifically pertaining to Wireless Facilities at Title X, Chapter 9 of the City Municipal Code. Therefore, the project is consistent with the General Plan and Zoning Ordinance of the City of Madera.

The project site is not located within the boundaries of a specific plan.

Finding b: 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 proposed project includes an a wireless tower monopine unmanned telecommunications facilities and minor improvements within a described 900 square foot lease area.

Site Plan Review 2024-28 has been evaluating with respect to surrounding land uses and has been reviewed and is consistent with all applicable requirements for development in the U zone district including provisions for access to and from the site, parking, drainage, and lighting. The project will comply with all location and design standards of Title X, Chapter 9 of the City Municipal Code pertaining to Wireless Facilities and is conditioned to ensure safety and welfare of the public is maintained. The project will not generate significant amounts of noise, light, or traffic.

Finding c. The proposal is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.

Site Plan Review 2024-28 only requires minimum improvements as it proposed development limited to a described 900 square foot lease area on a developed parcel within the City. The project will create a paved

access path to the telecommunications area. All established legal policies relating to traffic, street improvements, and environmental quality will be satisfied.

5. Findings for Wireless Facility: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the proposed wireless facility, as conditioned. With conditions, the project is consistent with the Location Standards and Design Standards for Wireless Facilities in the City Municipal Code Sections 10-9.09 and 10-9.10 respectively. 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 proposed wireless facility is in a preferred location; or the proposed wireless facility is in a discouraged location and the applicant has demonstrated through a meaningful comparative analysis that no more preferred location or support structure would be technically feasible and potentially available;

The proposed wireless facility is planned to be located on a property planned for Industrial uses and within the U (Unclassified) zone district, which is considered to be a preferred location.

A sites analysis was performed by Sequoia Deployment Services, Inc. for purposes of the project (Attachment 4). The Analysis concluded that based on the analysis and evaluation of the three other site alternatives, Verizon Wireless concluded that the proposed monopine facility at a maximum height of 90 feet is the least intrusive means to address the significant gap in coverage/capacity, and to address the community's wireless needs. This conclusion arises primarily from the fact that the proposed facility is the only location where there is both a willing property owner to lease space and a location on the property which presents a location for a wireless facility with little or no visual or noise impacts and is therefore preferred under the guidelines of the Madera Municipal Code.

The project may be considered consistent and compatible with the other existing uses in the surrounding area. Conditions placed on the project and compliance with the codified provisions of the CMC will ensure that the development and operation of the project does not have a substantial adverse impact on the surrounding uses.

Finding b. The proposed wireless facility complies with all applicable development standards in this chapter and any other applicable findings required for the approval, such as § 10-3.1301 of this chapter (conditional use permits) or § 10-3.4.0106 of this chapter (site plan review);

Location standards for wireless facilities are provided at CMC § 10-9.09; identifying "preferred locations," for which no alternative sites analysis is

required for new stealth facilities. Monopine towers are considered a “stealth facility,” defined by the CMC as, “concealment techniques that make a wireless facility look like something other than a wireless facility.” Industrial zones are listed as preferred locations.

A sites analysis was performed by Sequoia Deployment Services, Inc. for purposes of the project (Attachment 4). The Analysis concluded that based on the analysis and evaluation of the three other site alternatives, Verizon Wireless concluded that the proposed monopine facility at a maximum height of 90 feet is the least intrusive means to address the significant gap in coverage/capacity, and to address the community’s wireless needs. This conclusion arises primarily from the fact that the proposed facility is the only location where there is both a willing property owner to lease space and a location on the property which presents a location for a wireless facility with little or no visual or noise impacts and is therefore preferred under the guidelines of the Madera Municipal Code.

Design Standards are also provided at CMC § 10-910, including but not limited to: Concealment; Overall height; Setbacks; Fall zone; Noise; Landscaping; Security Measures; Secondary power sources; Lights; Signage; Utilities; Parking & access; Equipment; and, design requirements for monopines.

The design standards provide that all wireless facilities must be compliant with maximum overall height limits applicable to structures on the underlying parcel; provided, however, that a stealth wireless facility may exceed the applicable height limit by not more than ten feet. The height standards within the U (Unclassified) zone district specify building height limits, and yard requirements shall be as specified in the use permit. The surrounding Industrial zones permit a maximum height of 35 feet (or otherwise as determined by a Use Permit) subject to the exception that barns, tank houses, storage tanks, windmills, and silos may exceed 35 feet in height.

The location of the lease area should not obstruct or result in an impediment to future development on the larger parcel.

Finding c.

The applicant has provided a signed statement that indicates its willingness to allow other carriers and site operators to collocate transmission equipment with the proposed wireless facility whenever technically feasible and aesthetically desirable in accordance with applicable provisions in this chapter; and

The applicant has provided a signed statement that indicates its willingness to permit other carriers and site operators to collocate transmission equipment with the proposed wireless facility when feasible and aesthetically desirable.

Finding d.

The applicant has demonstrated that the proposed wireless facility will comply with all applicable FCC regulations and guidelines for human exposure to RF emissions and will not, either individually or cumulatively with other transmitters in the vicinity, result in RF exposures that exceed the FCC's maximum permissible exposure level for the general population.

The applicant has provided a detailed report concluding that the proposed wireless facilities is consistent and compliant with all applicable FCC regulations and guidelines regarding to human exposure RF emissions and will not result in RF exposure that exceeds FCC's maximum permissible exposure either individually or cumulatively with other transmitters in the vicinity of the project site as the report indicated that the RF levels are well below maximum permissible exposure.

6. Approval of CUP 2024-20 and SPR 2024-28: Given that all findings can be made, the Planning Commission hereby approves CUP 20241-20 and SPR 2024-28 as conditioned and 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 12th day of November 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 CUP 2024-20 & SPR 2024-28

EXHIBIT "A"
CUP 2024-20 & SPR 2024-28
New Verizon Tower
CONDITIONS OF APPROVAL
November 12, 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 CUP 2024-20 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 15 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the

Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

CONDITIONS OF APPROVAL

General Conditions

1. 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) working days following action on CUP 2024-20.**
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant’s signature upon an Acknowledgement and Acceptance of Conditions **within thirty (30) days of the date of approval for this use permit.**
3. The applicant’s failure to utilize CUP 2024-20 within one year following the date of this approval shall render use permit(s) null and void unless a written request for an extension has been submitted to and approved by the Commission in accordance with the provisions of City Municipal Code (CMC) § 10-3.1311(A).
4. CUP 2024-20 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2024-20.
5. The project site and facilities shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, staff may schedule a public hearing before the Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
6. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager and/or City Engineer. The Planning Manager may determine that substantive changes require formal modification to the conditional use permit and/or site plan review by the Commission.
7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

9. Approval of this conditional use permit 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.

Building Department

10. A building permit is required for the site including all structures and infrastructure (electrical). Plans must be submitted to the Building Department for review and approval. No work shall commence until permits are issued.

Fire Department

11. A Knox Box or Knox Padlock is required for access. If located more than 150 feet from the public right-of-way, a paved fire access road shall be provided.
12. One, 2A10BC rated fire extinguisher is required, which must be serviced and mounted in an accessible location. NOTE: If storage batteries, a generator, or fuel tanks are placed on site the type and rating will need to be upgraded for the hazard.

Planning Department

13. Standard Conditions. Except as may be authorized therein, all wireless facilities approved under Title X, Chapter 9 of the City Municipal Code or deemed approved by the operation of law shall be automatically subject to the conditions in § 10-9.11(A) et seq. of the City Municipal Code and these conditions shall be deemed to be incorporated by reference to any permit approved or deemed approved by law.
14. Vandalism and graffiti shall be corrected per the MMC.
15. 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 project site.

16. 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.
17. The property owner and/or benefactor of the use permit(s) shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said use permit(s).
18. All other proposed uses that are not permitted by right in the Unclassified zone district shall be individually processed as separate Conditional Use Permit(s).

Building and Site Aesthetics

19. The proposed project shall comply with all Design Standards within § 19-9.10 et seq. of the City Municipal Code, including but not limited to, the following:
 - a. The proposed monopine shall comply with those provisions included within § 19-9.10(O)(3) et seq. of the City Municipal Code. This includes, but is not limited to, shape and branching.
20. The construction and placement of all buildings approved as part of SPR 2024-28 shall be in close conformance with the elevation drawings, as reviewed and approved by the Commission.
21. The applicant/developer shall provide the Planning Department with a final color and materials board and representative color section rendering of the proposed buildings.
22. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
23. All electrical/mechanical equipment shall be located within an electrical/mechanical room in the interior of the structure, with exception to transformers.
24. 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 the 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.
25. All parking lot lighting shall be incorporated into landscaped areas.
26. The developer shall contact the City Engineer when all site lighting is operational. Additional light screening may be required.
27. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

Signage

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

- a. Signage; decals; advertisements shall comply with § 10-9,10(J) of the City Municipal Code.
29. Address sign designs shall be approved by the Planning Department prior to the issuance of building permits.
30. All proposed construction announcement sign uses shall conform to the sign ordinance.

END OF CONDITIONS

CUP 2024-16 & SPR 2024-26

Country Club Commercial Uses

**THIS ITEM IS BEING CONTINUED TO THE DECEMBER 10TH
PLANNING COMMISSION MEETING.**

CUP 2023-08 and SPR 2023-26

Restaurant Drive Through

This item is being referred back to staff.