



THE PLANNING & ZONING RESOURCE COMPANY

1300 South Meridian Avenue, Suite 400 • Oklahoma City, Oklahoma 73108
Telephone (405) 840-4344 • Fax (405) 840-2608

ZONING AND SITE REQUIREMENTS SUMMARY

***PZR REPORT™* FOR:**

**NWC OF WEST INDUSTRIAL AVENUE
AND SCHNOOR AVENUE
MADERA, CALIFORNIA 93637**

**Prepared For:
KH FUNDING CA, LLC**

Date: Draft – 10/12/2021

PZR SITE NUMBER: 150360-1

NATIONAL PLANNING & ZONING CONSULTING SERVICE

THE PLANNING & ZONING RESOURCE COMPANY

1300 SOUTH MERIDIAN AVENUE, SUITE 400
OKLAHOMA CITY, OKLAHOMA 73108
(405) 840-4344
(405) 840-2608 FAX

ZONING AND SITE REQUIREMENTS SUMMARY

I. Property Location and Size

1. Jurisdiction:	<i>City of Madera, California</i>
2. Name:	<i>NWC of West Industrial Avenue and Schnoor Avenue</i>
3. Address:	<i>NWC of West Industrial Avenue and Schnoor Avenue</i>
4. Size:	<i>18.66 Acres or 812,829.60 Square Feet +/- (Per Survey)</i>

II. Existing Land Use and Zoning

1. Date of Existing Ordinance:	<i>Current as Provided Online</i>
2. Existing Zoning Designation:	<i>"I" Industrial</i>
3. Adjacent Zoning Designation and or Uses if Applicable:	<i>North, East & South: "I" West: "IP" Industrial Park</i>
4. Existing/Proposed Land Use:	<i>Vacant Land; Proposed Warehouse</i>

Is The Existing/Proposed Use in Conformance? Yes, as Vacant Land. Yes, as to the Proposed Use of Warehouse. See Section "VI" (See Section 10-3.1002 for Code reference)

III. Zoning Regulations

1. Are copies of zoning regulations available for this site?	<i>Yes, Attached</i>
2. If any aspect of the property is not in conformance with current zoning, does the municipality provide ordinances dealing with non-conforming use?	<i>Yes, Attached (For Information Only)</i>

IV. Property Specification

1. Building Set-Back Lines		
	Required	Proposed
Building Setbacks-		
a. Front / Side / Rear:	Not Restricted	Front Lot Line: 44 Feet (Per Scale of Site Plan) North Lot Line: 11.73 Feet (Per Scale of Site Plan) South Lot Line: 11.73 Feet (Per Scale of Site Plan) Rear Lot Line: 40 Feet (Per Survey)

Is The Proposed Parking in Conformance? Yes, provided the Proposed Parking is striped in accordance with the Approved Site Plan and all applicable zoning regulations. See Section "VI" (See Section 10-3.1002 for Code reference)

2. Building Size

- a. Maximum Building Height or Stories: **65 Feet**
- b. Proposed Building Height or Stories: **Height not shown on Site Plan**
- c. Building Site Area Requirements: **Minimum Lot Width: 150 Feet**
Existing: 629.95 Feet (Per Survey)

Is The Proposed Parking in Conformance? Yes, provided the Proposed Parking is striped in accordance with the Approved Site Plan and all applicable zoning regulations. See Section "VI" (See Section 10-3.1002 for Code reference)

3. Density

- a. Building Density Formula: **Not Restricted**
- b. Approximate Building Footprint: **144,300 Square Feet (Per SPR 2021)**

Is The Proposed Building in Conformance? Yes, provided the Proposed Buildings are constructed in accordance with the Approved Site Plan and all applicable zoning regulations. See Section "VI" (See Section 10-3.1003 for Code reference)

4. Parking

a. Parking Space Formula:

***One Space for each Two Employees,
Plus One Space for each 300 Square
Feet of Office Space and Customer Net
Floor Area, Plus One Loading Space for
each 12,000 Square Feet of Gross Floor
Area. (Per SPR 2021-24)***

Per Site Plan-

***Proposed Employee Count 148 / 2 = 74
Proposed Office Area: 10,360 Square
Feet / 300=34.5***

b. Parking Spaces Required:

108.5; 109 Total Parking Spaces

c. Proposed Parking Spaces:

134 Total Parking Spaces (Per Site Plan)

<i>Is The Proposed Parking in Conformance?</i>	<i>Yes, provided the Proposed Parking is striped in accordance with the Approved Site Plan and all applicable zoning regulations. See Section "VI" (See Section 10-3.1205 for Code reference)</i>
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V. Site History

- | | |
|---|--|
| 1. Was special permitting or condition(s) applied to existing zoning? | Yes |
| a. Site Plan Approval or Planned Unit Development? | Site Plan Approval
(Copy Attached) |
| b. Other? | SPR 2021-24 Staff Report (Copy Attached)
Resolution No. 1889 approving Site Plan Review 2021-24 (Copy Attached) |
| 2. Violation Information | |
| a. Are there any outstanding zoning code violations on file? | <i>This information has been requested and shall be forwarded upon receipt.</i> |
| b. Are there any outstanding building code violations on file? | <i>Not Applicable; the subject property is Vacant Land with no improvements.</i> |
| c. Are there any outstanding fire code violations on file? | <i>Not Applicable; the subject property is Vacant Land with no improvements.</i> |
| 3. Is a Certificate of Occupancy available for the site? | <i>Not Applicable; the subject property is Vacant Land with no improvements.</i> |

VI. Conclusions

- | | |
|--|---|
| 1. Conformance Status: | <i>Legal Conforming as Vacant Land</i> |
| <i>Legal Conforming as to the Proposed Use of Warehouse provided the proposed buildings are constructed in accordance with the Approved Site Plans, the zoning ordinance, and any other applicable Conditions.</i> | |
| <i>This report should not be relied upon as evidence that the site has been approved by the municipality for any specific future use. All proposed construction or future uses will be required to undergo municipal review and / or Site Plan Approval. This Report is a recitation of the existing Zoning Code for this particular designation, and the municipality may or may not require different or additional requirements prior to plan approval for construction.</i> | |
| 2. Nonconforming Characteristics of the Site: | <i>None</i> |
| 3. Recommended Action: | <i>None</i> |
| 4. Rebuildability Clause: | <i>Not Applicable</i> |

Other Comments: A current zoning letter has been requested and will be included in the final version of this report. Attached is a portion of the City's zoning map for reference only.

Please note, this Report was prepared as a Draft Report, as we have not received all municipal information from the jurisdiction. It is believed to be accurate to all available information known to PZR as of the date shown. A Final Report will be issued upon receipt of municipal documents, and any substantial changes to the Report will be noted in this Section.

The Planning & Zoning Resource Company has relied on information provided by the following:

<i>Municipal Officials</i>	<i>Surveyor</i>
<i>Steven Woodsworth Chief Building Official 205 W 4th Street Madera, CA 93637 (559)-661-5440</i>	<i>Bed Rock Engineering PO Box 25783 Fresno, CA 93729 (559)-645-4849 Survey Dated: 09/29/2021</i>

This report was prepared by Darmisha Biggs. Questions may be directed to Deborah Brunk at 405.840.4344, Extension 3342 or by email to deborah.brunk@pzs.com. Please reference PZR Site Number 150360-1.

Municipal Documents

City of Madera Zoning Map

Map Legend

- Parcels
- City Limits

Roadways

- State Route 99
- Major Roads

Zone Districts

Residential Districts

- RA - (One unit per each 12,000 square feet)
- R1 - (One unit per each 6,000 square feet)
- R2 - (One unit per each 3,000 square feet)
- R3 - (One unit per each 1,800 square feet)
- PD (12000) - Planned Development
(One unit for each 12,000 sq. ft. of site area)
- PD (8000) - Planned Development
(One unit for each 8,000 sq. ft. of site area)
- PD (6000) - Planned Development
(One unit for each 6,000 sq. ft. of site area)
- PD (4500) - Planned Development
(One unit for each 4,500 sq. ft. of site area)
- PD (3000) - Planned Development
(One unit for each 3,000 sq. ft. of site area)
- PD (2000) - Planned Development
(One unit for each 2,000 sq. ft. of site area)
- PD (1500) - Planned Development
(One unit for each 1,500 sq. ft. of site area)

Commercial Districts

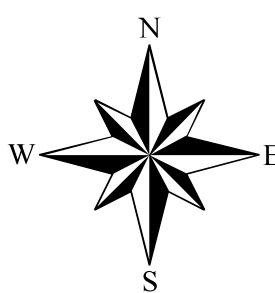
- C1 - Light Commercial
- C2 - Heavy Commercial
- CH - Highway Commercial
- CN - Neighborhood Commercial
- CR - Restricted Commercial
- PO - Professional Office
- POWYO - Professional Office
West Yosemite Avenue Overlay

Industrial Districts

- I - Industrial
- IP - Industrial Park

Other Districts

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



0 0.25 0.5 1 Miles

This City of Madera Zoning Map is hereby
adopted on _____
by Madera City Council Ord. No. _____.

Signed _____
Dated: _____
Sonia Alvarez, City Clerk

Signed _____
Dated: _____
Christopher Boyle, Planning Manager

History of Map - Adopted September 1, 2010 - Ordinance No. 576 C.S.
Amended: Ord. No. 582 C.S. (Midtown), Ord. No. 583 C.S. (O Street),
Ord. No. 585 C.S. (Knox-Gottschalks), Ord. No. 587 C.S. (County Complex),
Ord. No. 589 C.S. (Concor Drive), Ord. No. 591 C.S. (West 6th St.),
Ord. No. 595 C.S. (Emily Apartments), Ord. No. 597 C.S. (Housing Element),
Ord. No. 598 C.S. (DPP Filings), Ord. No. 599 C.S. (Riverside Villas),
Ord. No. 599 C.S. (Nassar W. Yosemite), Ord. No. 599 C.S. (Parkside),
Ord. No. 599 C.S. (MUSD), Ord. No. 599 C.S. (Riverside),
Ord. No. 599 C.S. (WY Office Complex), Ord. No. 599 C.S. (Linden Multifamily),
Ord. No. 599 C.S. (County Campus), Ord. No. 599 C.S. (Avila),
Ord. No. 599 C.S. (Boston Motors)

Gary Svanda , County Assessor

Property Address:

General Information

Parcel # (APN): **009-330-011-000** [Open Map](#)
Owner: See Full Detail
Mailing Address: **P O BOX 1 MADERA CA 93637**
Legal Description: **MIDVALE COL SEC 26 T11S R17E**
Use Type: **AGRICULTURAL**
Tax Rate Area: **002-052**

Assessment

Total Value:	\$239,602	Year Assd:	2021
Land:	\$239,602	Zoning:	
Structures:		Use Code:	See Full Detail
Other:		Census Tract:	See Full Detail
% Improved:	See Full Detail	Price/SqFt:	
Exempt Amt:			
HO Exempt:	N		

**Full Detail \$14.95** [Add to Cart](#)

PLEASE NOTE: If a field is empty on this page, there is no data available, and the field will also be empty on the Full Detail property report.

Sale History

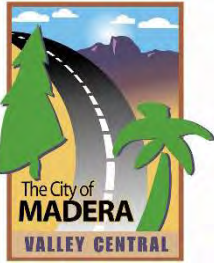
	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	01/27/1999			See Full Detail
Document Number:	1999R0002229			See Full Detail
Document Type:				
Transfer Amount:				
Seller (Grantor):	See Full Detail			

Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres:	Spaces:	Site Influence:
Lot SqFt:	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		

**The information provided here is deemed reliable, but is not guaranteed.

[Additional reports on this property](#) ►



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: South Schnoor Avenue Industrial Warehouse Project SPR 2021-24 Item # 2 – August 10, 2021

PROPOSAL: An application for a site plan review (SPR 2021-24) to construct four (4) single story, pre-engineered metal multi-tenant industrial warehouse buildings ranging in size from 35,100 to 37,050 square feet (sf) for a total of 74 leasable units at 1,950 sf each, totaling a gross building area of 144,300 sf on approximately 9 acres of a 16.57 acre vacant parcel. In addition, an approximately 36,500 sf (0.84 acre) temporary stormwater drainage/infiltration basin is proposed at the northeast corner of the parcel. No development is proposed for the remaining 6.73 acres at this time.

APPLICANT:	Madera Industrial WHSE, LLC Erin Volpp 1967 N. Gateway Blvd., Suite 102 Fresno, CA 93727	OWNER:	Franco Development Properties, L.P. Linda Franco P.O. Box 1 Madera, CA 93639
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SITE ADDRESS:	No address assigned	APN:	009-330-011
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APPLICATIONS:	SPR 2021-24	CEQA:	Mitigated Negative Declaration
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LOCATION: The project site is an existing vacant parcel (no address available) east of South Schnoor Avenue between Modoc Street and West Almond Avenue, on the west side of the State Route 99 (refer to Attachment 1).

STREET ACCESS: The project site has street access from South Schnoor Avenue.

PROJECT SIZE: The project is proposed to occupy the southern 9.0 acres of the total 16.57-acre parcel, excluding the 0.84-acre stormwater retention/infiltration pond at the northeast corner of the parcel.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project is proposed to occupy an existing vacant infill parcel with no improvements or structures. A Pacific Gas and Electric Company (PG&E) easement diagonally transects the northeasterly section of the project site. The site is generally level with a gentle slope from northeast

to southwest. The existing biotic conditions and resources of the project site can be defined as ruderal and is composed of herbaceous vegetation. There are no shrubs or trees present on the site. South Schnoor Avenue, a two-lane, north-south Collector with a center turn lane forms the westerly project site boundary. Current street frontage improvements include curb and gutter, storm drains and streetlights. A curb cut for a future driveway onto the project site is located at the northwest corner of the project site. No sidewalk improvements are present. A Union Pacific Railroad spur line serving industrial uses south of the project site forms the project's southerly boundary (refer to Attachment 2).

Existing surrounding uses include vacant land planned and zoned Industrial to the north and east. There are existing industrial uses to the south (Sealed Air) and west (Nutra Blend and Purl's Sheet Metal, Heating, Air Conditioning), zoned Industrial and Industrial Park respectively.

ENVIRONMENTAL REVIEW: An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

SUMMARY: The applicant, Madera Industrial WHSE, LLC, proposes to construct four (4) buildings ranging in size from 35,100 sf. (Buildings C and D) to 37,050 sf. (Buildings A and B) for a total of seventy four (74) leasable units at 1,950 sf each, totaling a gross building area of 144,300 sf. In addition, a 0.84-acre temporary stormwater drainage / infiltration basin is proposed at the northeast corner of the parcel. No development is proposed for the remaining 6.73 acres at this time. The proposed use is consistent with the current I (Industrial) zone district. After review of the proposed project, the warehouse project is anticipated to be compatible with surrounding land uses. Conditions, as appropriate, have been recommended for the site plan review (SPR 2021-24) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

As identified in Attachments 3 and 4 and referenced in Table 1 below, the project site is surrounded primarily by vacant land planned for Industrial development and zoned Industrial or Industrial Park. Surrounding existing uses include various industrial businesses (Nutra Blend and Purl's Sheet Metal, Heating, Air Conditioning, and Fire Station #57) to the west of the project site, across South Schnoor Avenue; industrial uses to the south (Sealed Air, Evapco) and east along West Almond Ave and South Pine Street respectively; and apartments and heavy commercial uses to the north of the project site, across another vacant parcel.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from Project Site	Existing Use	General Plan Designation	Zone District
North	Vacant	Industrial	I
East	Vacant	Industrial	I
South	Industrial	Industrial	I
West	Industrial	Industrial	IP
IP – Industrial Park I – Industrial			

ANALYSIS

The Madera Municipal Code (MMC) establishes procedures for the review and approval of site plan reviews (Section 10-3.4). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the I (Industrial) zone district. Additional development standards identified in the MMC, such as parking requirements, also apply. In addition to the MMC, the City's General Plan includes community design, land use, circulation and infrastructure goals and policies specific to development within the City.

Site Plan and Elevations

The project is proposing to construct four (4) single story, pre-engineered metal buildings for flex/warehouse space to occupy approximately 9.0 acres of the total 16.57 acre parcel, ranging in size from 35,100 sf (Buildings C and D) to 37,050 sf (Buildings A and B), for a total of seventy four (74) leasable units at 1,950 sf each, totaling a gross building area of 144,300 sf (refer to Attachment 5). Tenants will have the option to lease more than one (1) unit to increase their floor square footage needs.

As shown in Attachment 6, Buildings A through D propose a maximum height of 21 ft with each unit consisting of an 18 ft clear height warehouse space, a 14 ft high roll up door, 16 x 30-foot rear yard with interior double man-door access and privacy fencing, a 10 x 14-foot office with heating and cooling, an interior restroom and shop sink. Additional project characteristics include exterior secured fencing, automatic sliding security gate, security lighting, security cameras, a shared truck well and landscaping.

Building Architecture

The City of Madera General Plan Community Design Element Policy CD-62 addresses Goal 13 of the General Plan, which is well-designed industrial development. Policy CD-62 states:

Development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high-quality design principles, including:

- Offices and enclosed structures oriented toward street frontages.
- Building facades that provide visual interest.
- Loading facilities and storage areas which are screened from public view along collectors and arterials.
- Visually appealing fences and walls.
- The use of landscaped buffers around parking lots and industrial structures.

The General Plan further expands on industrial development design within the Land Use Element and Policy LU-28, which states:

To maintain the quality of life and aesthetic value of the major circulation routes used by both industrial and non-industrial traffic; the portions of industrial sites in public view along arterials and collectors shall be subject to the same standards for architectural review as commercial buildings, including architecture, street trees, frontage and parking lot landscaping, and screening of outdoor storage visible from public right-of-ways.

The project is located along South Schnoor Avenue, which is a Collector street according to the General Plan's Circulation and Infrastructure Element. According to Policy LU-28, mentioned above, the project would be subject to the same architectural review and standards as commercial development. The application of the Commercial Design and Development Guidelines have been applied to this project to

provide for a visually appealing building façade along South Schnoor Avenue in accordance with both General Plan Policies CD-62 and LU-28.

To provide compliance with the General Plan Policies, staff has conditioned the project with improvements along the western elevations of the proposed development. In conjunction with installation of a sidewalk along the project frontage, enhancements in landscaping and architectural treatments will provide for a visually appealing façade at a pedestrian scale. These treatments include varied wall reliefs with a three-color paint scheme, accent lighting, and installation of street trees and landscaping.

Landscaping

Landscaping is proposed to enhance and embellish the appearance of the project site. According to the site plan provided (Attachment 5), landscape improvements are proposed along South Schnoor Avenue, in front of the proposed wrought iron fence to the west of Building A and B. Landscape along the frontage of industrial projects which are located on collector streets are required per General Plan Policy CD-62 and LU-28 to install visually appealing landscaping to improve the attractiveness of the development. Staff is recommending and conditioning the project to provide landscaping, street trees, and internally located shade trees to provide for an attractive industrial development. The landscape plans will be reviewed for compliance with City and State requirements and are required to be prepared by a licensed landscape architect.

Signage

The proposal is subject to Section 10-6.09 of the City's Sign Regulations. No signs are approved with this site plan review and a separate sign permit must be applied for. Permanent window signage is prohibited, and temporary window signage is subject to the City's Sign Regulations. Temporary signage, such as for a grand opening, is subject to a separate sign permit independent from any on-building or freestanding sign permit issued.

Tenant Occupancy Limitations

Tenants are expected to be a combination of established local businesses, regional companies, and national corporations. Uses permitted to occupy any tenant suite will be limited service business (e.g., contractors, electricians, maintenance providers, security companies, HVAC vendors, etc.), personal and professional storage, e-commerce warehousing, and last-minute delivery. Uses exclusively prohibited from occupying any tenant suite are any automotive repair or services, cannabis and cannabis paraphernalia, faith-based meeting facilities, gyms or other athletic group facilities, and high pile storage or operations utilizing hazardous materials in excess of the maximum allowable quantities of hazardous materials listed in Table 307.1(1) per California Building Code Section 311.2.

Circulation and Parking

Access to and from the site would be provided by a single ingress/egress driveway on South Schnoor Avenue. The project includes two (2) looped drive isles. An interior drive isle will serve the warehouse tenant employee and customer parking area, and an outer loop drive isle will provide access to the tenant's rear yards. The project proposes 134 standard 9 x 19 foot parking spaces and 24 additional extended stalls will be parking spaces to meet the project's needs to provide "loading" parking requirements.

The initial site plan provided with the application, which was analyzed in the IS/MND, proposed two driveways separated by a 36-foot-wide landscape island. Subsequent to the release of the IS/MND for

public review, the applicant revised the proposed site plan to include a single driveway approach. The revision was to address potential conflicts of ingress/egress among neighboring properties.

The City's parking standards do not specifically identify parking ratios for "flex/warehouse space" occupancy. Based on the uses to be permitted to occupy space within the project site, the most applicable City parking space standard appropriate for the proposed project is "manufacturing, warehouses, storage uses and whole sale houses" which is as follows:

One (1) space for each two (2) employees, plus one (1) space for each 300 sf of office space and customer net floor area, plus one (1) loading space for each 10,000 sf of gross floor area.

The project proposes to provide 140 sf of office space per leasable tenant space for a combined total of 10,360 sf of office space, and 1,810 sf of warehouse space (1,950 ft less 140 sf of office space per unit) per leasable tenant space for a combined total of 133,940 sf of warehouse space. The total amount of potential office space would require thirty-four (34) parking spaces and the total amount of potential warehouse space would require 14 vehicle loading spaces. The number of employees per tenant space is unknown currently. A conservative estimate of employees per tenant space is likely to be a minimum of two (2) employees. Based on this estimate, the total amount of employee parking would be 74 parking spaces. Combined (office space, employee and warehouse loading) parking space required for the project would be 123 spaces. The current 158 parking spaces meets that standard and no additional spaces would be required.

The American with Disabilities Act (ADA), requires a set number of accessible parking spaces based on the total number of parking spaces required. With total number parking spaces provided for the project at 158 spaces, the project requires six (6) ADA compliant parking stalls, one (1) of which must be a van accessible space and provide an access aisle on the passenger side of the parking space. The current eight (8) accessible stalls meet this requirement and no additional ADA spaces would be required.

In addition to on-site vehicular parking requirements, the project is also required to provide provisions for short-term and long-term bicycle parking facilities to serve the needs of customers and employees, respectively, that may travel to and from the project site by bicycle (short-term and long-term parking refer to the duration a bicycle is estimated to be using a designated bicycle parking space in a given day). The proposed Site Plan (Attachment 5) identifies the locations of both short- and long-term bicycle parking facilities. Short-term and long-term bicycle parking is proposed towards the entrance to the site along South Schnoor Avenue, behind the wrought iron gates. Details pertaining to bicycle racks or storage were not included as part of the Site Plan Review application. Based on proposed building total gross square footage, the project is to provide a minimum of ten (10) bicycle parking spaces for employees and two (2) spaces for patrons for a total of twelve (12) minimum bicycle parking spaces with three (3) feet of separation between each rack.

The proposed use is an allowed use in the I zone district. The site plan and elevations have been reviewed in accordance with the applicable development standards of the MMC, including but not limited to, setbacks, height limits, parking, access, and landscaping requirements. The proposed development has also been evaluated against the applicable General Plan community design, land use, circulation, infrastructure goals and policies. The proposed development, as conditioned, is consistent with the requirements of the MMC and the General Plan.

With the construction of the 0.84-acre temporary stormwater drainage / infiltration basin, and compliance to the project conditions of approval, development of the project site will not put additional stress on the City of Madera's public infrastructure and utilities systems. The necessary water, wastewater, storm drainage, and roadway improvements to serve the project site have been reflected in the conditions of approval for SPR 2021-024.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been reviewed for compliance with CEQA. The City has prepared an initial study and determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Initial Study/Mitigated Negative Declaration (IS/MND) was published for a 21-day review and comment period commencing on July 19, 2021 and ending on August 9, 2021. Comments were received from Cal Trans on August 5th and have been addressed in the revised Initial Study. No further comments have been received as of the date of this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a warehouse is not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide additional industrial and employment opportunities, specifically for small businesses, within the City.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution recommending adoption of a Mitigated Negative Declaration for the project and conditional approval of SPR 2021-24 by the Planning Commission. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on the Mitigated Negative Declaration and Site Plan Review 2021-24, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Site Plan Review 2021-24 and determining to either:

- Adopt a resolution adopting a Mitigated Negative Declaration for the project and approving SPR 2021-24 as conditioned (Motion 1); or
- Continue the hearing to September 14, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for SPR 2021-24 to the September 14, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.) (Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving Site Plan Review 2021-24, based on and subject to the findings and conditions of approval as follows:

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2021-24 is consistent with the purpose and intent of the I (Industrial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any applicable specific plans.

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

SPR 2021-24 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the I zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

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

SPR 2021-24 will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site has access to South Schnoor Avenue, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

(OR)

Motion 2: Move to continue the public hearing on SPR 2021-24 to the September 14, 2021 with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

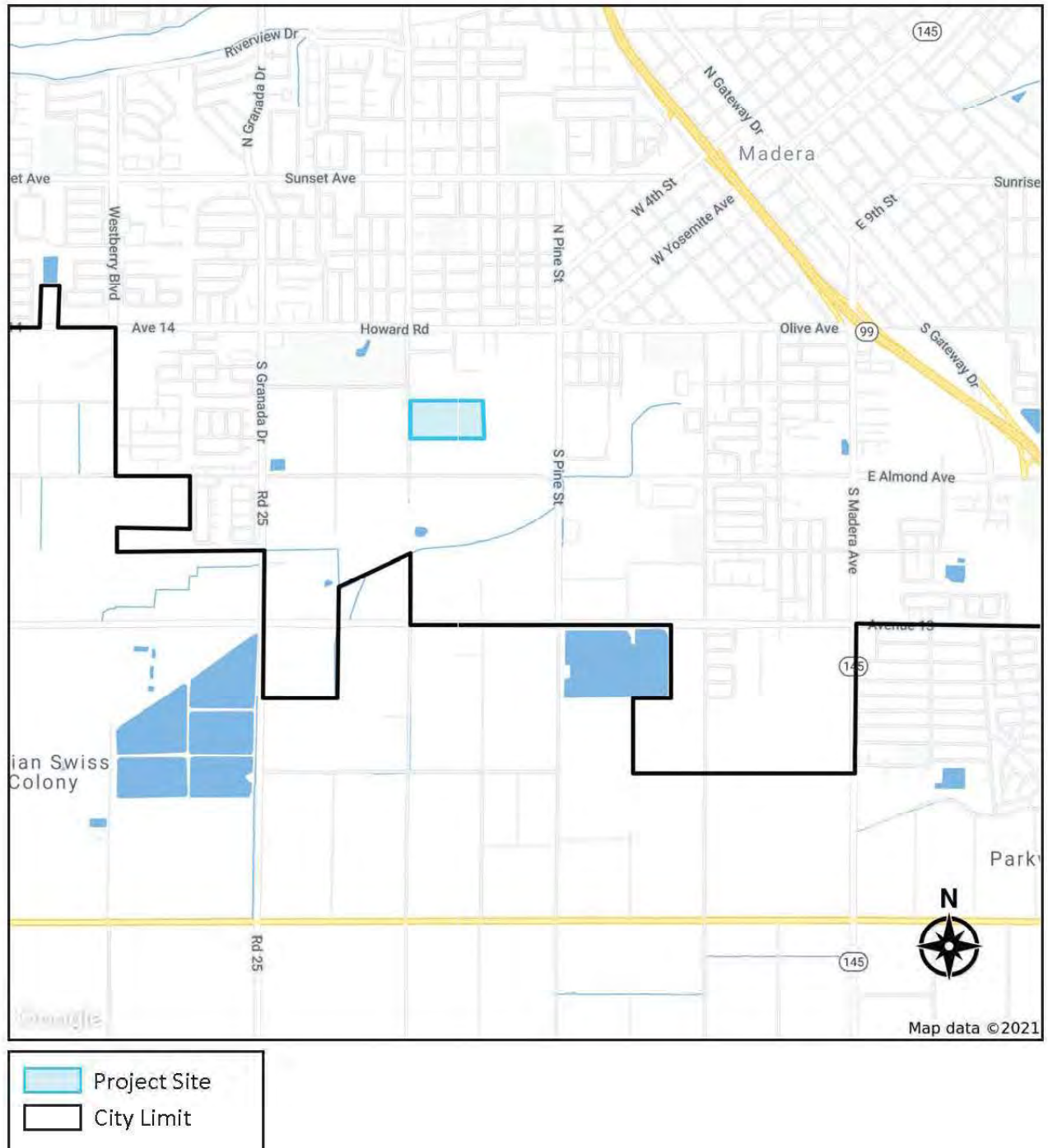
(OR)

Motion 3: Move to continue the application for SPR 2021-24 to the September 14, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

- Attachment 1: Vicinity Map
- Attachment 2: Aerial Photo
- Attachment 3: General Plan Land Use Map
- Attachment 4: Zoning Map
- Attachment 5: Site Plan
- Attachment 6: Elevations
- Attachment 7: Initial Study/ Mitigated Negative Declaration (IS/MND) for SPR 2021-24
- Attachment 8: Cal Trans comment letter and City response regarding IS/MND
- Attachment 9: Planning Commission Resolution for SPR 2021-24

Attachment 1: Vicinity Map

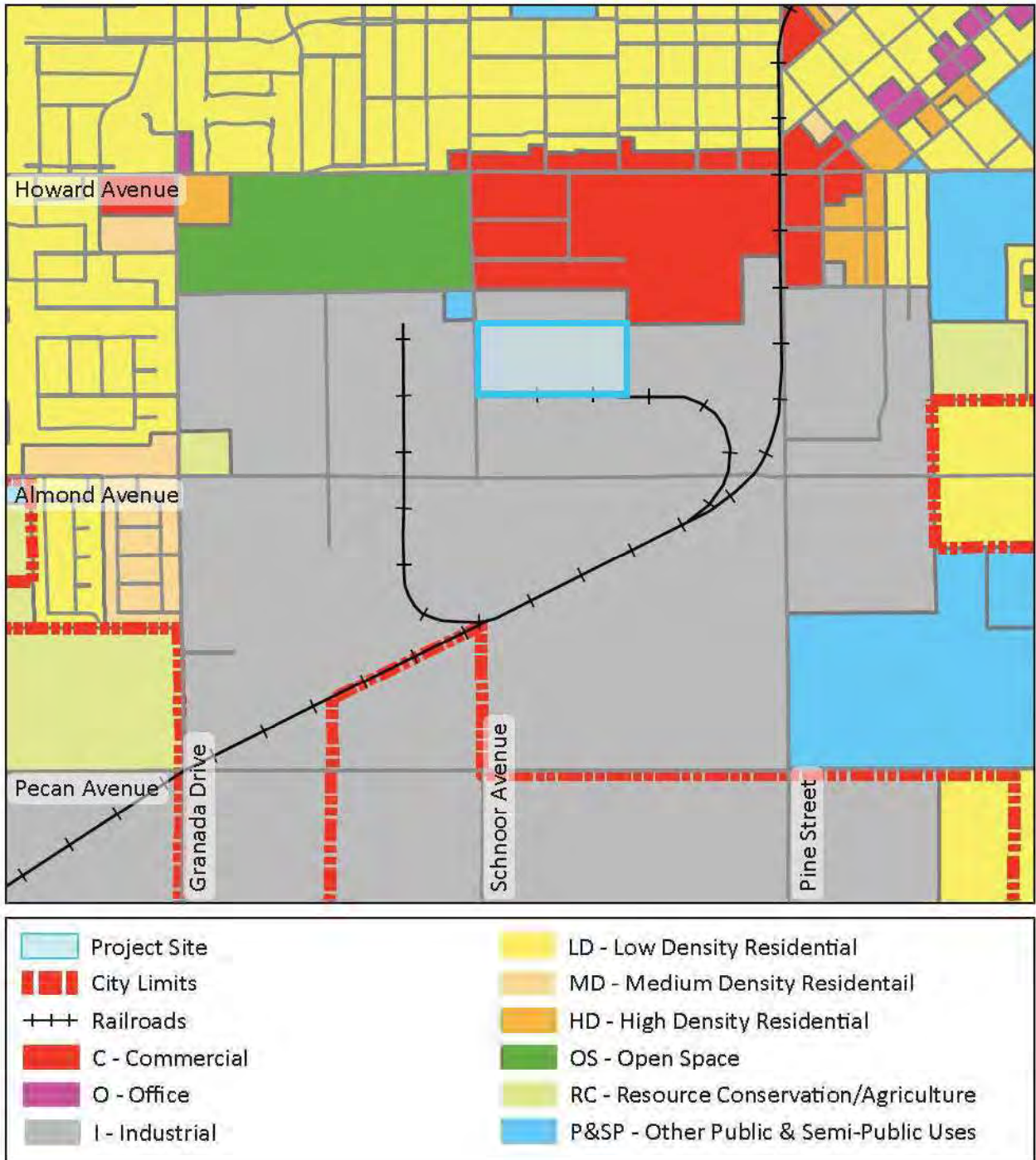


Attachment 2: Aerial Photo

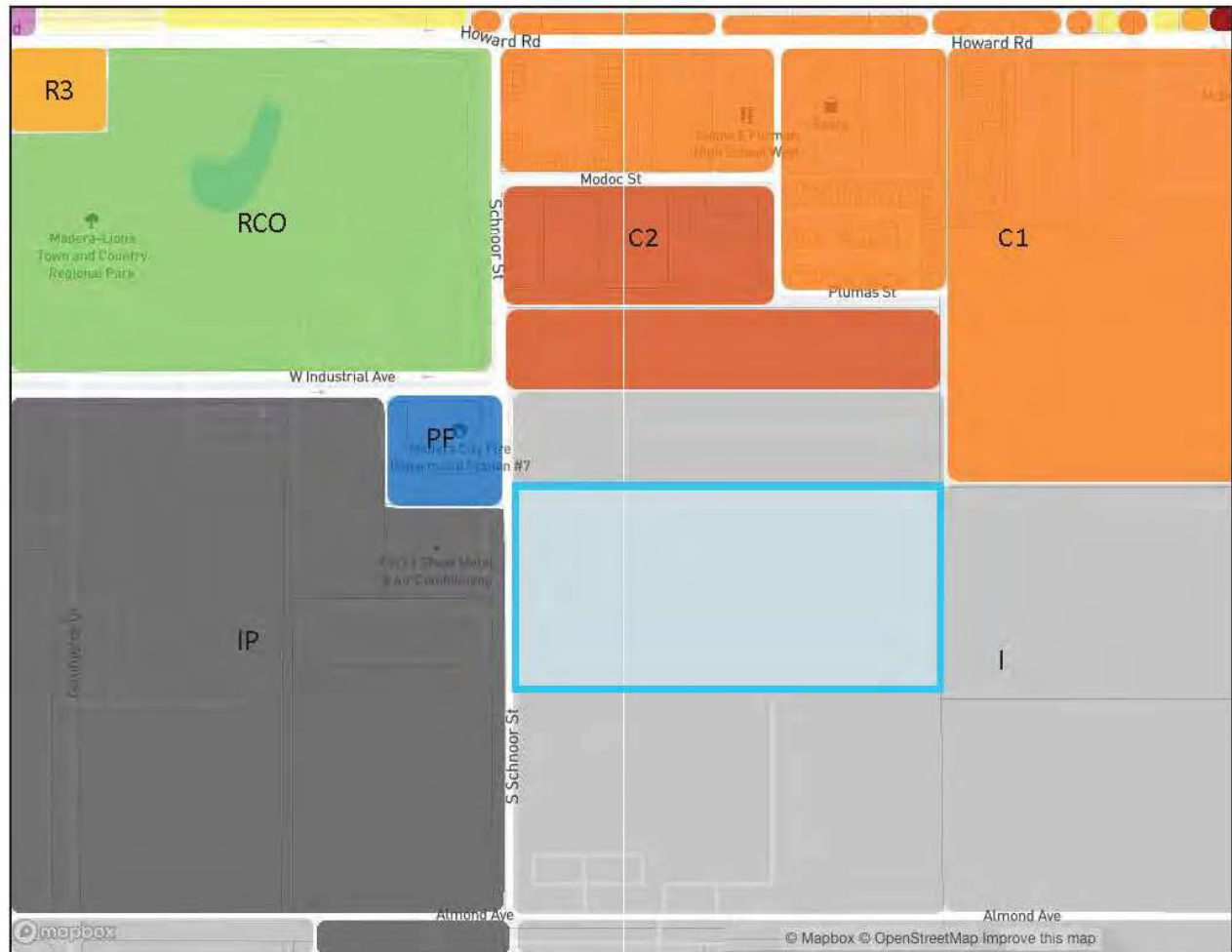


 Project Site

Attachment 3: General Plan Land Use Map



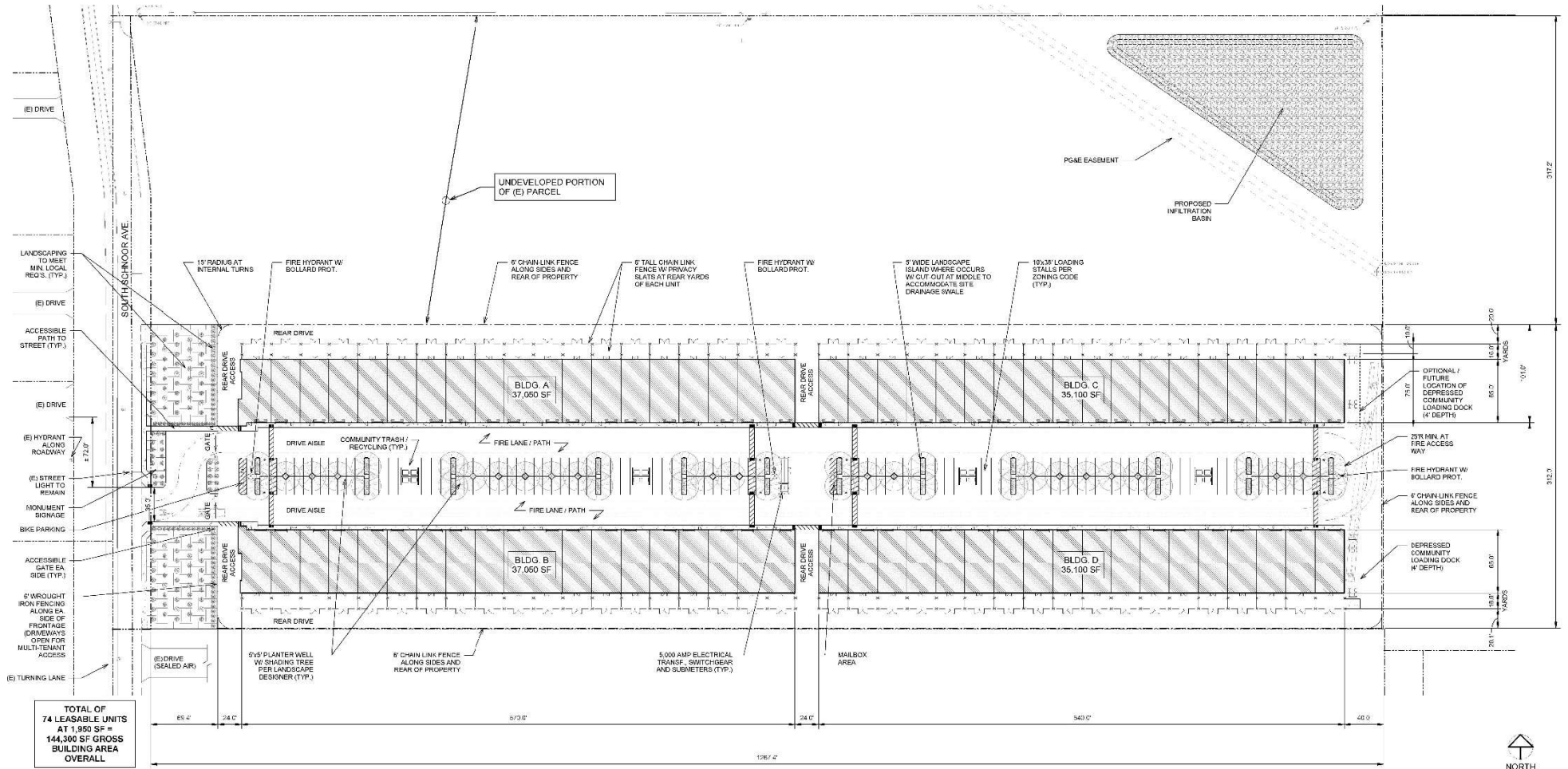
Attachment 4: Zoning Map



 Project Site	 PO - Professional Office
 RA - (One unit per each 12,000 SF)	 I - Industrial
 R1 - (One unit per each 6,000 SF)	 IP - Industrial Park
 R3 - (One unit per each 2,000 SF)	 PF - Public Facilities
 C1 - Light Commercial	 RCO - Resource Conservation & Open Space
 C2 - Heavy Commercial	

Attachment 5: Site Plan

CITY OF MADERA OFF-STREET PARKING REQUIREMENTS (MUNICIPAL CODE SECTION 10.1.1202)	
USE	PARKING SPACES REQUIRED
MANUFACTURING, WAREHOUSES, STORAGE USES, AND WHOLESALE HOUSES	ONE SPACE FOR EACH TWO EMPLOYEES, PLUS ONE SPACE FOR EACH 300 SQUARE FEET OF OFFICE SPACE AND CUSTOMER NET FLOOR AREA, PLUS ONE LOADING SPACE FOR EACH 11,000 SQUARE FEET OF GROSS FLOOR AREA
PARKING STALL CALCULATION	
STANDARD STALLS - 8'x16'	
(2 EMPLOYEES PER UNIT x 74 UNITS = 148 EMPLOYEES / 2 = 74 SPACES	
- (74 UNITS) (140 SF OFFICE / UNIT) / 200 = 32 SPACES	
108 SPACES REQUIRED	
134 SPACES PROVIDED	
LOADING SPACES - 10'x35'	
(2) (37,050 SF + 35,100 SF) / 10,000 = 14 LOADING SPACES REQUIRED	
24 LOADING SPACES PROVIDED	



TOTAL OF
74 LEASABLE UNITS
AT 1,950 SF =
144,300 SF GROSS
BUILDING AREA
OVERALL

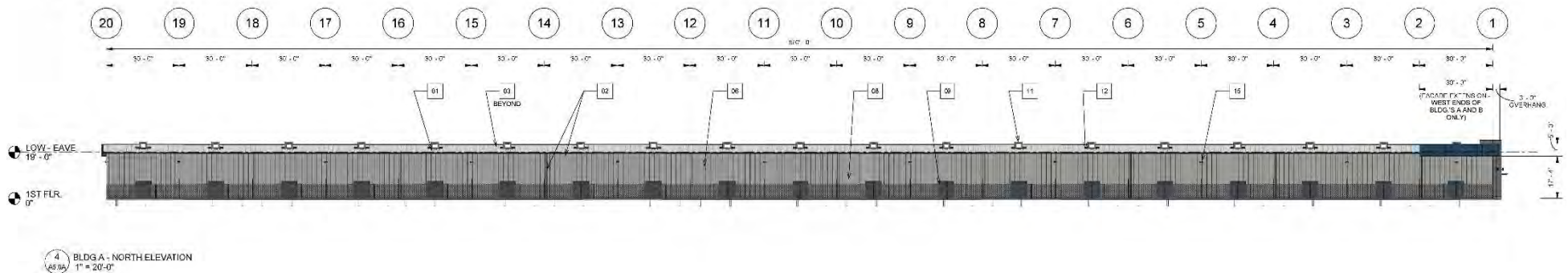
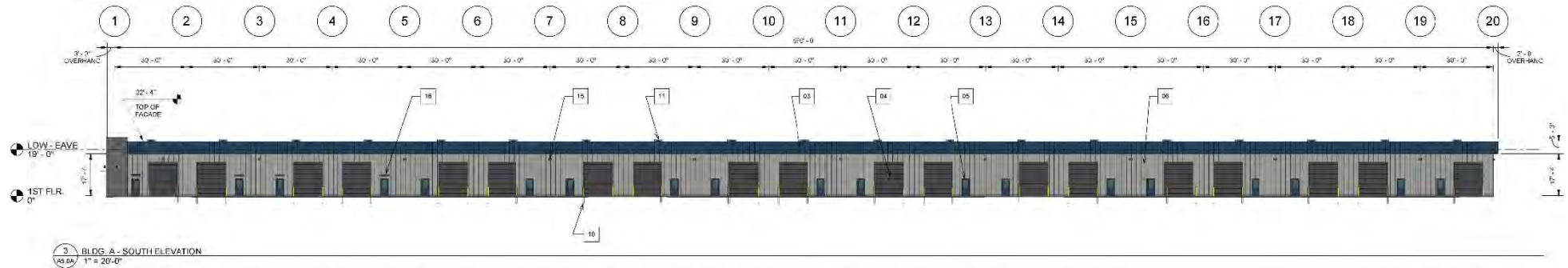
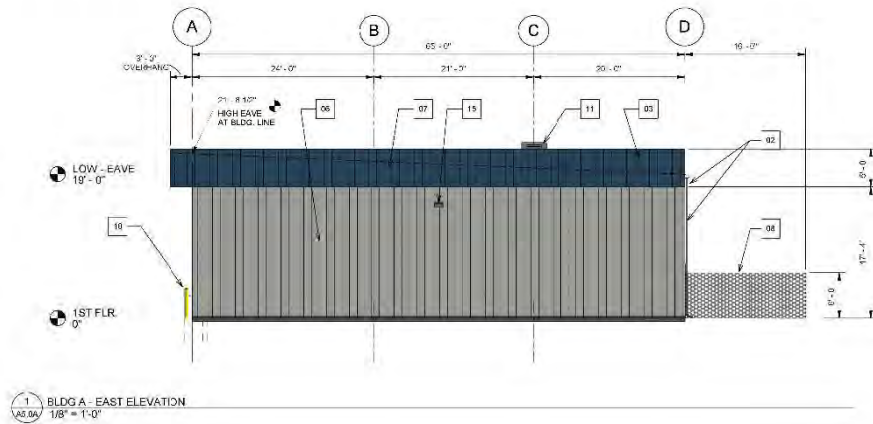


Attachment 6: Elevations

ELEVATION KEYNOTES

- | | | | |
|--|---|---|---------------------------|
| 01 24 GA. R-PANEL ROOF DECK BY PEMB MANUF. (COOL ROOF / WHITE COLOR TO MEET T24 ENERGY CODE AS APPLICABLE) | 06 REVERSE RIB 26 GA. R-PANEL AT ALL EXTERIOR WALLS PER PEMB MANUF. (STANDARD GREY COLOR) | 11 ROOFTOP MOUNTED EVAPORATIVE COOLING UNIT FOR SHOP / WAREHOUSE AREA | 18 DOOR CANOPY (TYP OF 4) |
| 02 GUTTER AND DOWNSPOUT PER PEMB MANUFACTURER (COLOR TO MATCH WALL PANELS) | 07 ROOF SLOPS BEYOND 11/2" / FT.) | 12 (1) 8x8 SKY LIGHT EACH UNIT | |
| 03 PROJECTED FACADE 26 GA. R-PANEL PER PEMB MANUFACTURER (STANDARD BLUE COLOR PER MANUFACTURER) | 08 6" TALL CHAINLINK FENCE AT YARDS W/ PRIVACY SLATS | 13 BACK-LIGHT BUILDING SIGNAGE (UNDER SEPARATE PERMIT) | |
| 04 12x14 OVERHEAD DOORS - STANDARD GREY COLOR | 09 DOUBLE LEAF 16' WIDE ACCESS IN CHAIN LINK FENCE AT YARDS | 14 ARCH. WALL LIGHT | |
| 05 3x7 WALK-DOOR / ENTRANCE (PAINTED BLUE COLOR TO MATCH BLDG. FACADE PANELS) | 10 NEW 4" DIA 6" SAFETY BOLLARD (PAINTED SAFETY YELLOW) | 15 LED WALL PACK FOR SITE LIGHTING AS REQ'D. PER ELECTRICAL ENGINEER | |

NOTE - BLDG. A OPPOSITE HAND. BLDG'S C & D SIMILAR



Attachment 7:
Initial Study/Mitigated Negative Declaration (IS/MND) for SPR 2021-24

Initial Study/Mitigated Negative Declaration distributed as a separately bound document and is also posted on the City's website on the Planning Department page under Current Projects and Environmental Review at the following website address:

<https://www.madera.gov/home/departments/planning/>.

Please refer to the separately bound document titled "South Schnoor Avenue Industrial Warehouse Project Site Plan Review (SPR) 2021-24 Initial Study/Mitigated Negative Declaration, July 2021."

Attachment 8:
Cal Trans comment letter and City response regarding IS/MND

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



August 5, 2021

MAD-99/145-10.85
Industrial Warehouse Project
SPR 2021-24, Preliminary Review
<https://ld-igr-gts.dot.ca.gov/district/6/report/23690#32919>

SENT VIA EMAIL

Derek Sylvester, Associate Planner
City of Madera, Planning Department
205 West 4th Street, Madera, CA 93637
p. (559) 661.5436

Dear Mx. Sylvester,

Thank you for the opportunity to review SPR 2021-24 and Initial Study/Negative Declaration (IS/ND) for the proposed South Schnoor Avenue Industrial project. The project proposes the development of four (4) single-story, pre-engineered metal buildings (PEMB) for flex/warehouse spaces to occupy approximately 9.0 acres of a 16.57-acre parcel. The four (4) buildings will range in size from 35,100 square feet (Buildings C and D) to 37,050 square feet (Buildings A and B) for a total of 74 leasable units at 1,950 square feet, totaling a gross building area of 144,300 square feet. The project is located in southwest area of the City of Madera, approximately 1.5 miles southwest of State Route 99 (SR 99) and 1.4 miles west of SR 145.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. As a point of information, according to the operational statement and trip generation analysis, the proposed facility will generate approximately 1,000 daily trips. However, Project related traffic and operational maintenance would be temporary, and therefore, would not result in any long-term degradation in operating conditions on local roadways used for the project. Based on the description provided and Initial Study, the project is expected to have minimal impacts on the State facilities. However, if there any deviations from what is being proposed, then Caltrans would like to have a chance to review again.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

2. A Vehicle Miles Traveled (VMT) analysis was conducted but trips associated with large trucks were excluded from the VMT analysis and only employee and customer trips were considered. **As a result, it is recommended the VMT analysis be revised to include large truck trips for the parcels. It is also recommended that improvements for existing and future bike/pedestrian facilities on roads within the boundaries of the specific plan and connectivity between home to work/home to shops be considered in the VMT analysis.**
3. Caltrans recommends the project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce VMT.
4. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.
5. Caltrans recommends, if not done so already, the City/County of Madera develop a Development Impact Fee Program to fund future major transportation projects in the area so that projects, such as this one, can pay into to mitigate their fair share.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,



David Padilla, Branch Chief
Transportation Planning – North



PLANNING DEPARTMENT

Gary Conte, AICP, Planning Manager

TO: City of Madera Planning Commission
FROM: Gary Conte, AICP, Planning Manager
RE: Response to Comments from Caltrans on the Initial Study/Mitigated Negative Declaration (IS/MND) for Site Plan Review (SPR) 2021-24
DATE: August 6, 2021

The following memo is a response to the comment letter dated August 5, 2021 received from Caltrans on the above noted document.

The Notice of Intent was published on July 17th, 2021 and this IS/MND was routed to responsible and trustee agencies for comment. The comment period will end on August 10, 2021 and thus far, one comment letter has been received and has been attached to this memo for reference. This comment letter, submitted by Caltrans and dated August 5, 2021, is addressed below. These responses are clarifications to the record and are not "substantial revisions" as outlined in Section 15073.5 and thus do not require recirculation. Specifically, section 15073.5(c) of the CEQA Guidelines state the following:

Recirculation is not required under the following circumstances: ...

- 4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Most of items listed in the document are informational and not directly related to the analysis and findings contained in the IS/MND. Item number 2 in the letter is the only item related to the CEQA analysis and states the following:

Comment: *A Vehicle Miles Traveled (VMT) analysis was conducted but trips associated with large trucks were excluded from the VMT analysis and only employee and customer trips were considered. As a result, it is recommended the VMT analysis be revised to include large truck trips for the parcels. It is also recommended that improvements for existing and future bike/pedestrian facilities on roads within the boundaries of the specific plan and connectivity between home to work/home to shops be considered in the VMT analysis.*

Response: The VMT analysis/screening was conducted in compliance with the Office of Planning and Research (OPR) 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA and CEQA Guidelines. Specifically, CEQA Guidelines Section 15064.3 state that, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project." Page 4 of the above-mentioned technical advisory, under "Recommendations Regarding Methodology" states the following:

"Vehicle Types. Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks."

As discussed in the IS/MND, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. Thus, per state guidance and regulations, heavy-duty truck VMT need not be included in the VMT analysis. Based on the analysis contained in the IS/MND, the project screens out of a formal VMT analysis. Thus, no changes are needed and no changes have been made to the IS/MND.

Attachment 9:
Planning Commission Resolution

RESOLUTION NO. 1889

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING SITE PLAN REVIEW 2021-24
(SOUTH SCHNOOR AVENUE INDUSTRIAL WAREHOUSE PROJECT)**

WHEREAS, Franco Development Properties LP (“Owner”) owns APN 009-330-011 in Madera, California (“site”); and

WHEREAS, the project site is a vacant 16.57-acre property located east of South Schnoor Avenue between Modoc Street and West Almond Avenue and is planned and zoned for Industrial land uses; and

WHEREAS, the applicant, Madera Industrial WHSE, LLC, is seeking a site plan review (SPR) to allow for the construction of four (4) industrial buildings ranging in size from 35,100 square feet (sf) (Buildings C and D) to 37,050 sf (Buildings A and B) for a total of seventy four (74) leasable units at 1,950 sf each, totaling a gross building area of 144,300 s., as proposed by SPR 2021-24; and

WHEREAS, an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program have been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

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

WHEREAS, the Planning Commission has independently reviewed and considered the information contained in the IS/MND; and

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

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

WHEREAS, the Planning Commission received and reviewed SPR 2021-24 at a duly noticed meeting on August 10, 2021; 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, the Planning Commission now desires to approve SPR 2021-24, with conditions.

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

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

2. CEQA: The Planning Commission finds an environmental assessment initial study and mitigation monitoring and reporting program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and notices as required by CEQA. As such, the Planning Commission adopts a Negative Declaration and the mitigation monitoring and reporting program for the project.

3. Findings for SPR 2021-24: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-24, as conditioned. With conditions, the project is consistent with the requirements of the 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 property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2021-24 is consistent with the purpose and intent of the I (Industrial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any applicable specific plans.

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

SPR 2021-24 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Industrial (I) zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

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

SPR 2021-24 will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site has access to South Schnoor Avenue, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

4. Approval of SPR 2021-24: Given that all findings can be made, the Planning Commission hereby approves SPR 2021-24 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 10th day of August 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2021-24

EXHIBIT "A"
SPR 2021-24 SOUTH SCHNOOR AVEUNE INDUSTRIAL WAREHOUSE PROJECT
CONDITIONS OF APPROVAL
AUGUST 10, 2021

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 SPR 2021-24 (South Schnoor Avenue Industrial Warehouse Project) 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 APN 009-330-011 that are being developed under SPR 2021-24 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2021-24.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. SPR 2021-24 will expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Deferrals are not permitted for any condition included herein, unless otherwise stated.
7. Development of the project shall conform to the plans designated by the City as Attachment 1 through 3, subject to the conditions noted herein. Minor modifications to the approved Site Plan Review 2021-24 Improvement Plans necessary to meet regulatory, engineering or similar constraints may at a minimum be made at the discretion and approval of the Planning Manager. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2021-24 be filed for review and approval through the applicable City process.
8. Any proposed modifications to the approved site plan and elevations of SPR 2021-24, including but not limited to building exteriors, access drive locations, parking/loading areas, fence/walls, lighting, new buildings, landscaping or use of the site shall require an amendment (modification) to SPR 2021-24 as specified in the MMC.

9. Site Plan Review 2021-24 approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
10. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
11. It shall be the responsibility of the applicant, property owner and/or successor-in-interest to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
12. The applicant, property owner and/or successors-in-interest shall comply with all federal, State and local laws. Material violation of any applicable laws concerning the use of subject site will be cause for revocation of SPR 2021-24.
13. 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
14. 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.
15. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate 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.

16. The project shall comply with all mitigation measures identified in the Mitigated Negative Declaration for the South Schnoor Avenue Industrial Warehouse Project, including the mitigation monitoring and reporting program.

PLANNING DEPARTMENT

General Conditions

17. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with SPR 2021-24 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
18. 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.
19. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
20. 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.
21. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

Building Architecture, Materials and Colors

22. Building elevations, as a conditioned herein, shall include a minimum of a three (3) color exterior painting scheme.
23. Bollards located on both sides of the roll-up door entrance to each unit shall be painted a color similar in likeness to the main wall of the building.
24. The first four (4) entry doors on each of the street facing buildings, a total of eight (8), shall be provided with a covered entrance (awning or roof overhang) of adequate size to protect persons entering or existing the building from inclement weather conditions.
25. All roof and ground mounted utility, electrical and mechanical equipment shall be screened to the specifications of the Planning Department. If ground mounted, applicant shall identify proposed methods to architecturally integrate equipment locations or identify proposed methods to screen equipment using landscaping. Any roof mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall mounted equipment shall be painted to match the exterior wall.
26. All ducts and vents penetrating roofs or exterior building walls shall be directed away from the front of project site entrance sides of the buildings using methods to minimize their appearance and visibility from the street. All roof mounted ducts and vents shall be painted matt black or with a color better suited to minimize their appearance.
27. Fire sprinkler risers shall be located within the interior of the buildings or located out of public view.

28. Prior to submittal of a building permit, applicant and / or successors-in-interest shall identify the following information on one (1) or more site plans for the Planning Department review and approval:
 - a) Location of natural gas and electrical utility meters.
 - b) Location of all exterior heating, ventilation and air conditioning (HVAC) and / or evaporative cooler equipment.
 - c) Location of exterior mechanical and electrical equipment.
29. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet shall be located behind the project fence paralleling South Schnoor Avenue and shall be screened from the public viewshed visible from South Schnoor Avenue.
30. Roof access ladders on buildings shall be located within the interior of the buildings or out of public view.
31. Prior to submittal of a building permit application, the applicant shall submit to the Planning Department for review and approval, a materials and color presentation board(s) detailing building and trash enclosure materials and colors and color elevations. The colors and materials shall be harmonious with the surrounding area.
32. Prior to submittal of a building permit application, the applicant shall submit to the Planning Department for review and approval the type and specifications of exterior lighting fixtures to be installed on the site. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs are not permitted.
33. Developer shall contact the Planning Department when all site lighting is operational. Subject to an operational illumination inspection, additional light screening may be determined to be warranted. If warranted, applicant shall be responsible for installing additional light screening prior to approval of final inspection.

Parking

34. Parking areas shall be constructed according to the conditionally approved site plan. Any deviation from the conditionally approved site plan shall be evaluated by the Planning Manager to determine the need for modification to the site plan.
35. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
36. Parking areas shall be constructed in accordance with City of Madera Standard E-4, have a width of not less than nine (9) feet and a length of not less than nineteen (19) feet except that up to 25 percent of the required parking spaces may be designated for compact car use.
37. No wheel stops shall be incorporated into the parking field/parking space layout except to allow for the protection of plantings, buildings, structures, trees, etc. In no case, will any parking space incorporate a wheel stop to provide for less than a nine (9) foot by nineteen (19) foot dimension parking space.
38. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street, and shall be located so that sufficient area is available for maneuvering purposes.

39. No overnight outdoor storage of materials or equipment shall be permitted in parking lot. Parking of vehicles in parking lot shall be limited to seventy-two (72) consecutive hours. Storage or parking of inoperative vehicles in the parking lot shall be prohibited.
40. The site's parking area shall not be used for alternative uses other than parking of vehicles.
41. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.
42. Short-term and long-term bicycle parking is required to serve customers and employees, respectively. A minimum of ten (10) bicycle parking spaces for employees and two (2) spaces for customers for a total of twelve (12) minimum bicycle parking spaces with three (3) feet of separation between each rack is required.

Trash Enclosures

43. Outdoor trash areas shall be placed equal distance within the project site parking area and shall be screened on three sides with masonry wall composed of an exterior cement plaster finish painted consistent with building colors and not be visible from South Schnoor Avenue.
44. Trash enclosures gates shall be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
45. Driveways or travel aisles shall provide unobstructed access for collection vehicles to directly access trash enclosures without need of the waste hauler to rollout or reorient waste bins for loading operations, consistent and compliant with the servicing requirements established by the City's waste hauling operations. In loading areas, the minimum overhead vertical clearance shall be twenty-two (22) feet for loading operations.

Fencing

46. All walls and fences shall be consistent with the Madera Municipal Code. No wall or fence shall exceed a maximum height of six (6) feet measured from finish grade. Installation of barbed wire or other form of security wire is prohibited.
47. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.
48. Fencing materials, location, and height shall conform to those listed on the approved Site Plan. The rear yards of each leasable unit shall be of chain link type with installation of privacy slats.

Landscaping

49. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of seventy-five percent (75%) of all landscaped areas;

- d) Street trees shall be planted at a maximum thirty (30) foot intervals. No less than 11 street trees shall be included as part of the landscape plan. Street tree selection shall be from the City's "Approved City Street Tree List" and be of the same street tree species presently planted along the South Schnoor Avenue corridor;
 - e) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - f) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
- 50. Parking lot shade trees should be planted within the parking area to provide a minimum of 50% shade coverage over parking bays at high noon.
 - 51. On-site and off-site landscaping and irrigation shall not be installed until a landscape plan(s) is approved by the Planning Department. Any deviation from the approved plan(s) shall require written request and approval by the Planning Department.
 - 52. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
 - 53. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three (3) years to ensure that streetscapes and landscaped areas are installed and maintained as approved under SPR 2021-24.
 - 54. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
 - 55. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

Signage

- 56. No signs apart from "No Parking" and "Bike Route signs along South Schnoor Avenue are approved as part of SPR 2021-24. Approval of SPR 2021-24 constitutes neither a basis for, nor approval of, any exceptions to the Madera Sign Ordinance.
- 57. All signage apart from "No Parking" and "Bike Route signs shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
- 58. Applicant shall prepare and submit a Master Sign Program for the purpose of providing a cohesive, complementary, and proportionate signage for the entire project site. Master Sign Program shall at a minimum: 1) identify and define complex on-building and freestanding identification signage allowance, type, dimensions, material, colors, and location; 2) directional signage allowance, type, dimensions, material, color and location(s); 3) on-building signage allowances type, dimensions, material color and locations for each building as well as for individual tenant; and 4) address sign designs – no plastic, vinyl or similar type of material shall be used for building addresses. Master Sign Program is subject review and approval of the Planning Department prior to submittal of a building permit application.

ENGINEERING

General Conditions

59. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
60. Impact fees shall be paid at time of building permit issuance
61. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
62. Improvement plans shall be signed and sealed by an engineer and submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
63. The improvement plans for the project shall include the most recent version of the City's General Notes.
64. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
65. All off-site improvements shall be completed prior to issuance of final occupancy.
66. The developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

67. 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.
68. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
69. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
70. The developer shall install fire hydrants along South Schnoor Avenue in accordance with current City standards. Fire hydrant locations shall be approved by the City Fire Marshall.
71. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on South Schnoor Avenue.
72. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

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

75. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on South Schnoor Avenue.
76. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
77. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

78. Storm runoff from this project site is planned to go to the Evapco Basin (EV) located south of the proposed project site, or as directed by the City Engineer. Per the Storm Drainage System Master Plan, the EV basin is at capacity and requires a new basin to the north. In lieu of the fact said basin does not exist, the developer may construct a temporary on-site basin. A detailed drainage study shall be provided to support the chosen path of conveyance, storage and design of any necessary drainage facilities.
79. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
80. This project shall comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall submit to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

81. The developer shall install sidewalk along the South Schnoor Avenue project frontage in accordance with City and American with Disabilities Act (ADA) standards.
82. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk, as necessary, to current City and ADA standards.
83. The proposed driveway approach on South Schnoor Avenue shall be constructed to a street-type entrance in accordance with City and ADA standards. The driveway curb radii and width must be designed to accommodate truck turn movements into the site without impacting egress. One driveway approach only will be allowed on South Schnoor Avenue with this proposal.
84. The driveway approach shall have a minimum throat length of thirty (30) feet from face of curb. The throat length shall be justified based on anticipated operation of the complex and the ability to ensure vehicle queues do not extend into the public right-of-way.
85. "No Parking" signs shall be installed along the South Schnoor Avenue project parcel frontage per City Standards.
86. "Bike Route" signs shall be installed along South Schnoor Avenue in accordance with City standards.
87. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on South Schnoor Avenue. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

88. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
89. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

94. Buildings will be equipped throughout with fire sprinklers in accordance with the California Fire Code (CFC) and National Fire Protection Association (NFPA) 13. A permit must be obtained for the installation by a licensed C16 Contractor. If high piled storage is desired, it must comply with CFC Table 3206.
95. A fire sprinkler supervisory alarm system is required for the monitoring of the fire sprinkler system.
96. One 2A10BC rated fire extinguisher must be provided inside each tenant space. All fire extinguishers must be mounted between 3-5 feet AFF at the handle in visible and accessible locations.
97. A Knox Box must be provided for access to the site and the applicant shall provide a key for the required Knox Boxes.
98. On-site fire hydrants are required and shall be provided in accordance with appendices B & C of the California Fire Code. Fire hydrants shall be located within the raised parking landscape islands.
99. Fire access roads shall be posted in accordance with the CFC and turn-around shall comply with CFC Appendix D.

AIRPORT LAND USE COMMISSION

100. No component of operations of the facility shall create, or cause to be created, electrical interference with aircraft communications or navigation; and
101. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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

-END OF CONDITIONS-

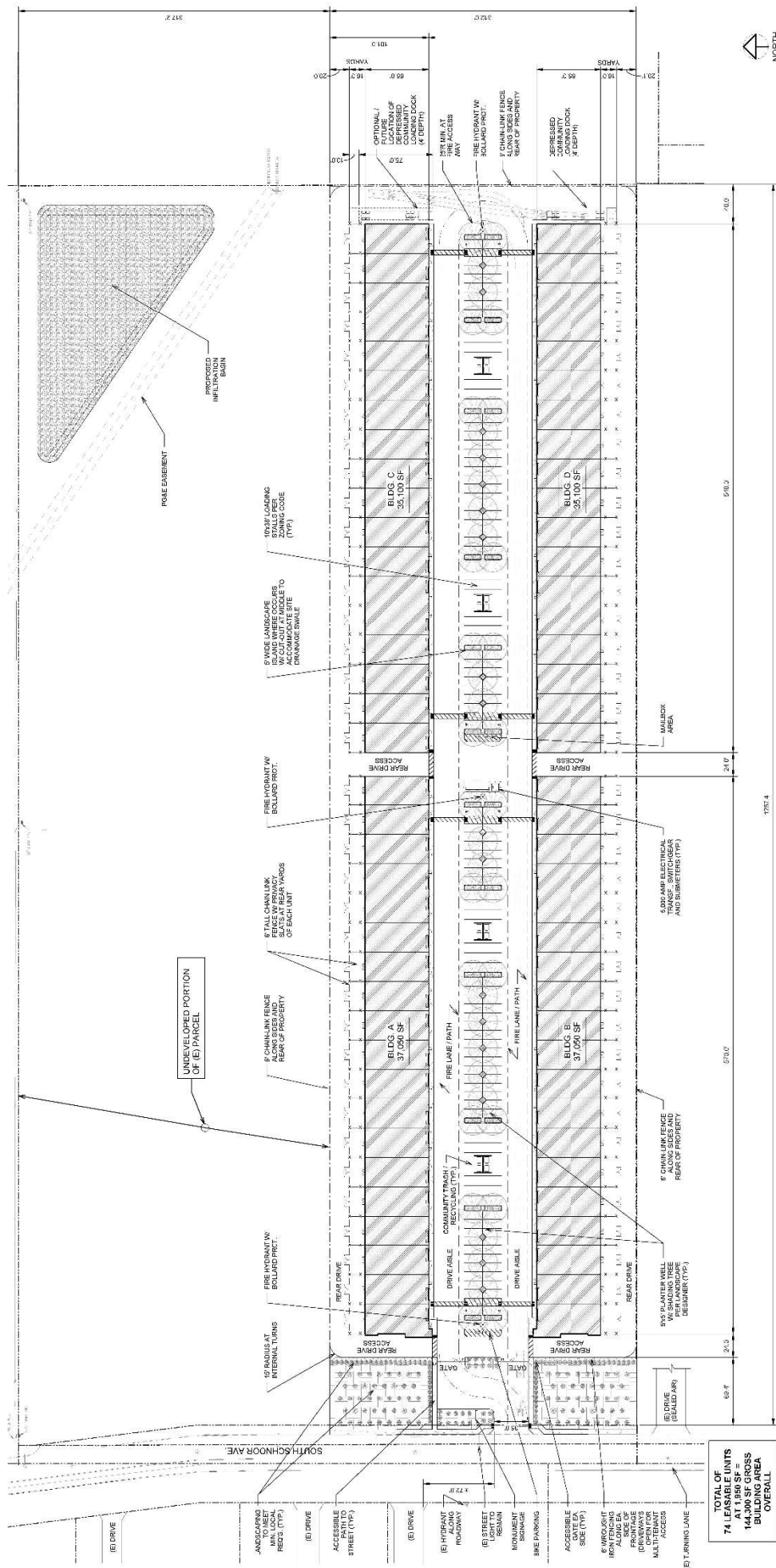
Attachment 1: Site Plan
Attachment 2: Floor Plan
Attachment 3: Elevations

CITY OF HANOVER OFF-STREET PARKING REQUIREMENTS MUNICIPAL CODE SECTION 16.5.1220L

USE	PARKING SPACES REQUIRED
MANUFACTURING, INDUSTRIAL, AND STORAGE USES	ONE SPACE FOR EACH TWO EMPLOYEES PLUS ONE SPACE FOR EACH CUSTOMER
WHOLESALE HOUSES	CUSTOMER NET FLOOR AREA PLUS ONE LOADING SPACE FOR EACH 1,000 SQUARE FEET OF GROSS FLOOR AREA

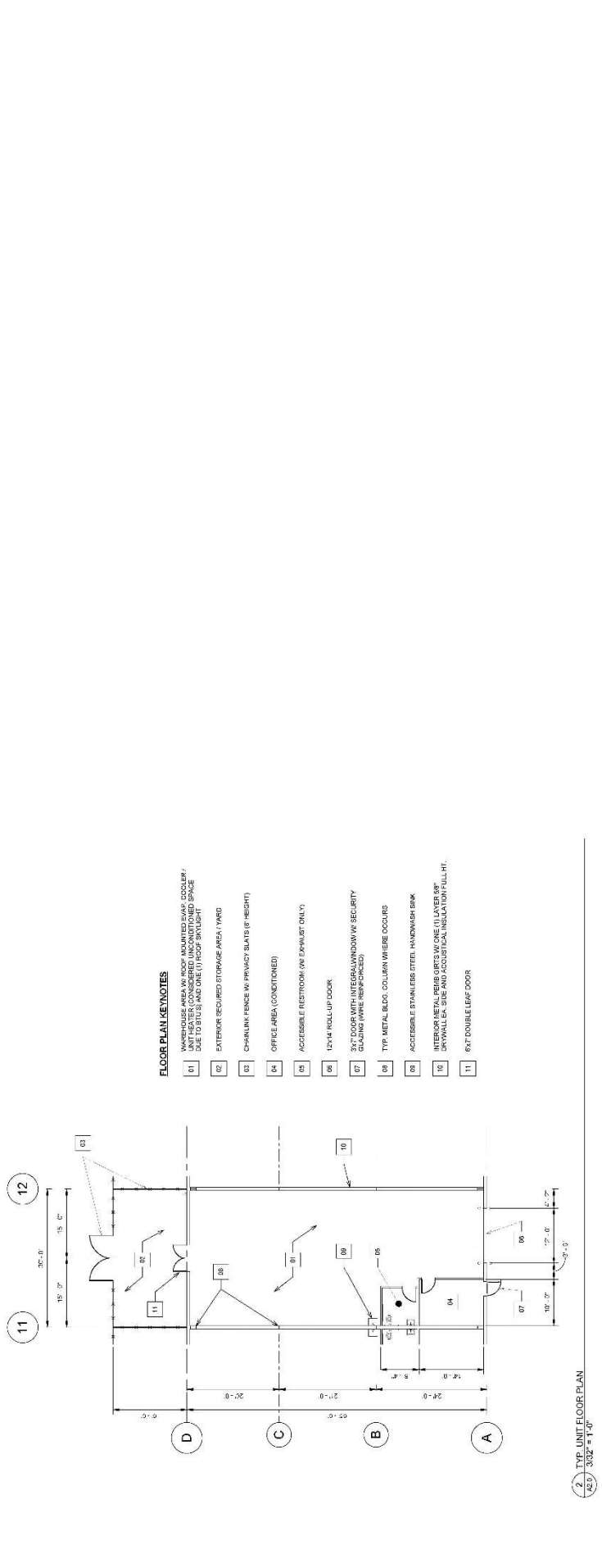
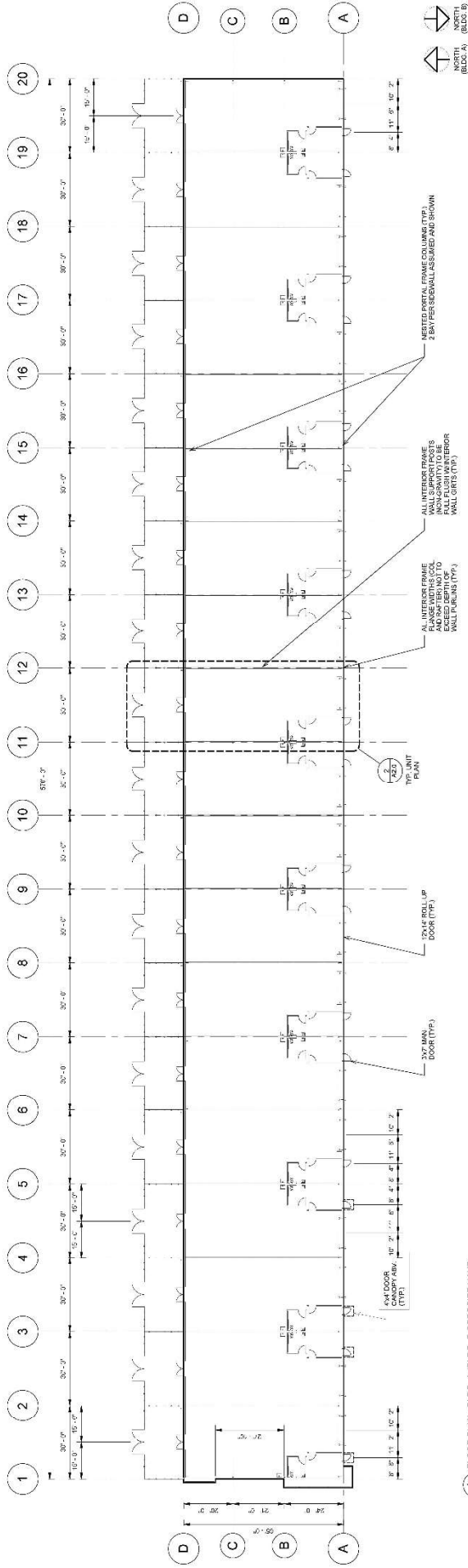
PARKING RETAIL CALCULATION

STANDARD RETAIL, B.V.E.	LOADING SPACES REQUIRED
100 CARS PER HOUR - 24 HOURS - 144 CARS PER HOUR - 2 = 74 SPACES (144 MINUTES PER HOUR / 1200 = 12 SPACES)	ONE LOADING SPACE PER 100 SPACES
100 SPACES REQUIRED	
104 SPACES PROVIDED	
LOADING SPACES - 10/25	
	(203' 660 SF - 16,000 SF) / 10,000 = 14 LOADING SPACES REQUIRED
	24 LOADING SPACES PROVIDED



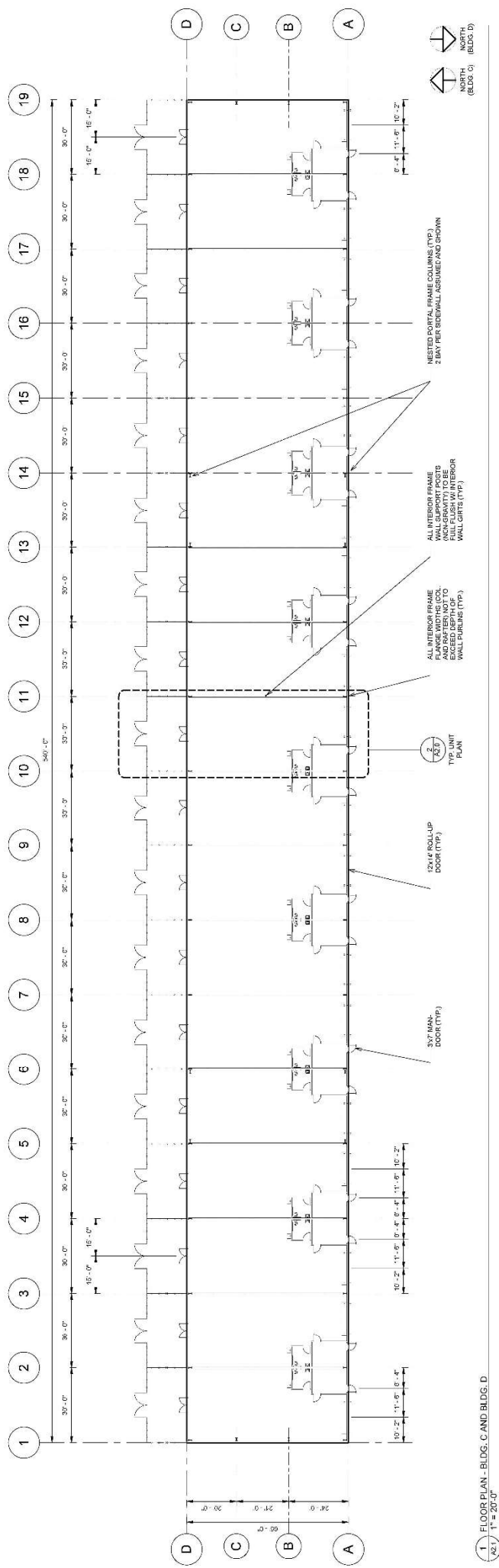
1 SITE PLAN
A1.0
1" = 50'-0"

Attachment 2: Floor Plan



FLOOR PLAN KEYNOTES

1. WAREHOUSE AREA W/ ROOF MOUNTED EXHAUST COOLER. (SEE DETAIL FOR EXHAUST COOLER SPACE DUE TO SLATS AND ONE (1) ROOF SKYLIGHT)
2. EXTERIOR SECURED STORAGE AREA YARD
3. CHALKLINE FENCE W/ PRIVACY SLATS (6' HEIGHT)
4. OFFICE AREA (CONDITIONED)
5. ACCESSIBLE RESTROOM (W/ EXHAUST ONLY)
6. 12'x14' ROLL-UP DOOR
7. 3'x7' DOOR WITH INTEGRAL WINDOW W/ SECURITY GLASSING (W/RE-RESPONSE)
8. TYP. METAL BLDG. COLUMN WHERE OCCURS
9. ACCESSIBLE STAINLESS STEEL HANDWASH SINK
10. INTERIOR METAL FRAME GRIFFS W/ ONE (1) LAYER 48" DRYWALL & SIDE AND ACoustical INSULATION FULL HT.
11. 6'x7' DOUBLE LEAF DOOR



Attachment 3: Elevations

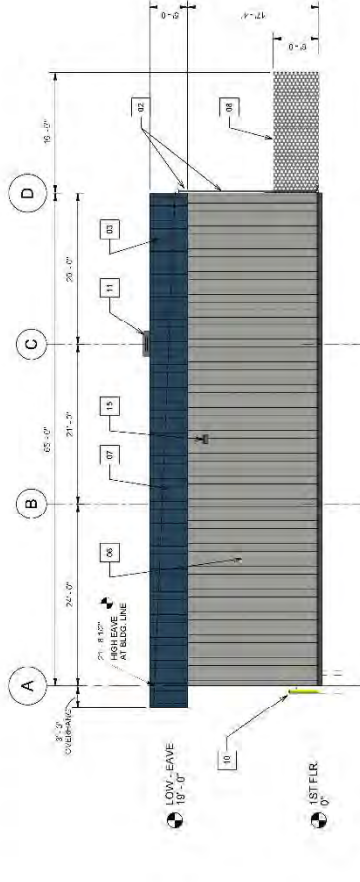
ELEVATION KEYNOTES

- 01 2x6 SIPS PANEL ROOF EAVE PERMANENT (COLOR ROOF: WHITE COLOR TO MATCH THE ENERGY CODE AS APPLICABLE)
- 02 GUTTER AND DOWNSPOUT PER PERMANENT MANUFACTURER (COLOR TO MATCH WALL PANELS)
- 03 PROJECTED FACADE SIGA, R PANEL PER PERMANENT MANUFACTURER (STANDARD BLUE COLOR PER MANUFACTURER)
- 04 12x14 OVERHEAD DOORS - STANDARD GREY COLOR
- 05 2x6 WALL SIDING - EXTERIOR PAINTED BLUE COLOR TO MATCH BLDG. FACADE PANELS
- 06 RIBBONSIDE 26 GA. S-PANEL AT ALL EXTERIOR WALLS PER PERMANENT MANUFACTURER (STANDARD GREY COLOR)
- 07 ROOF SLOPE BEYOND (12/12)
- 08 6" TALL CHAINLINK FENCE AT VARIOUS W/ PRIVACY BLATS
- 09 12x14 OVERHEAD DOORS - STANDARD GREY COLOR
- 10 NEW 4'x8' 8" SAFETY BOLLARD (PAINTED SAFETY YELLOW)

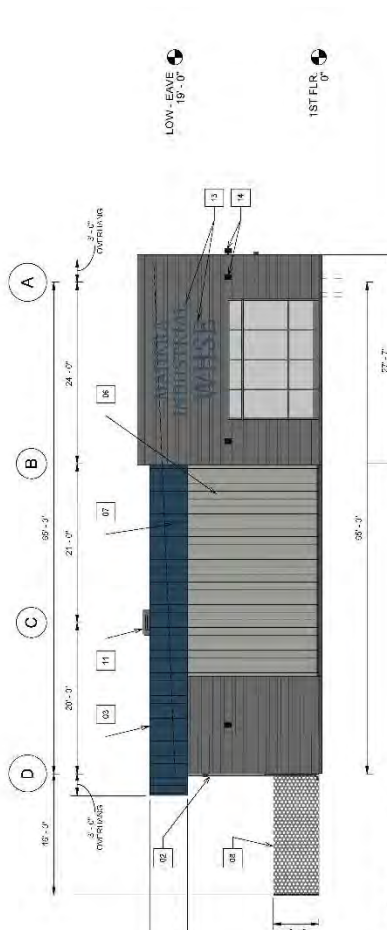
- 11 ROOFTOP MOUNTED QUANTUMATIVE COOLING UNIT FOR SHOP WAREHOUSE AREA
- 12 (1) W/ SKY LIGHT EACH UNIT
- 13 BACK-LIGHT BUILDING SIGNAGE (UNDER SEPARATE PERMIT)
- 14 ARCH WALL LIGHT
- 15 LED WALL SIGNAGE SITE LIGHTING AS REQ'D PER ELECTRICAL ENGINEER

NOTE: BLDG. A OPPOSITE HAND. BLDG'S C & D SIMILAR

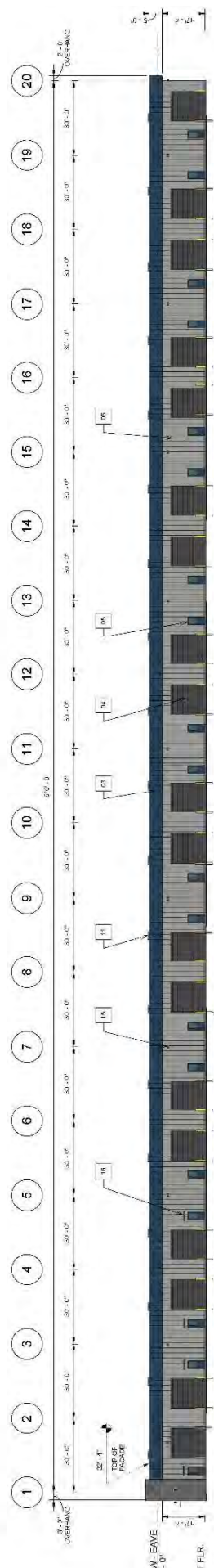
- 16 DOOR CANOPY (TYP. OF 4)



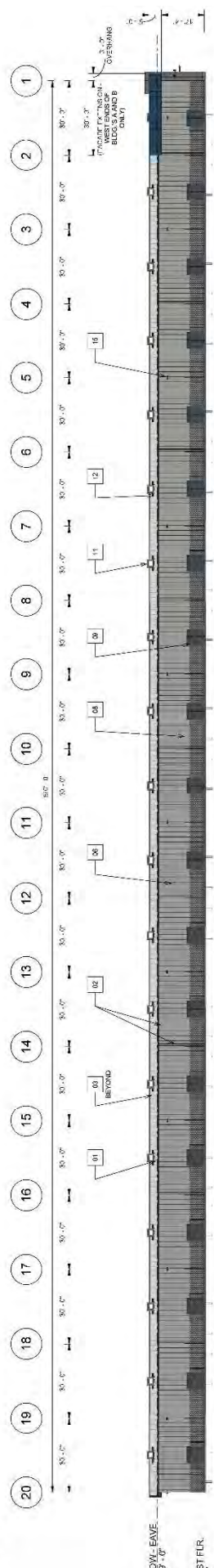
1 BLDG A - EAST ELEVATION
AS SH. 1" = 1'-0"



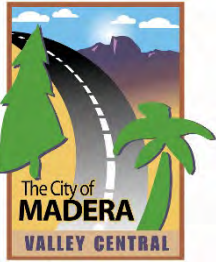
2 BLDG A - WEST ELEVATION
AS SH. 1" = 1'-0"



3 BLDG A - SOUTH ELEVATION
AS SH. 1" = 20'-0"



4 BLDG A - NORTH ELEVATION
AS SH. 1" = 20'-0"



CITY OF MADERA PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: South Schnoor Avenue Industrial Warehouse Project SPR 2021-24 Item # 2 – August 10, 2021

PROPOSAL: An application for a site plan review (SPR 2021-24) to construct four (4) single story, pre-engineered metal multi-tenant industrial warehouse buildings ranging in size from 35,100 to 37,050 square feet (sf) for a total of 74 leasable units at 1,950 sf each, totaling a gross building area of 144,300 sf on approximately 9 acres of a 16.57 acre vacant parcel. In addition, an approximately 36,500 sf (0.84 acre) temporary stormwater drainage/infiltration basin is proposed at the northeast corner of the parcel. No development is proposed for the remaining 6.73 acres at this time.

APPLICANT:	Madera Industrial WHSE, LLC Erin Volpp 1967 N. Gateway Blvd., Suite 102 Fresno, CA 93727	OWNER:	Franco Development Properties, L.P. Linda Franco P.O. Box 1 Madera, CA 93639
SITE ADDRESS:	No address assigned	APN:	009-330-011
APPLICATIONS:	SPR 2021-24	CEQA:	Mitigated Negative Declaration

LOCATION: The project site is an existing vacant parcel (no address available) east of South Schnoor Avenue between Modoc Street and West Almond Avenue, on the west side of the State Route 99 (refer to Attachment 1).

STREET ACCESS: The project site has street access from South Schnoor Avenue.

PROJECT SIZE: The project is proposed to occupy the southern 9.0 acres of the total 16.57-acre parcel, excluding the 0.84-acre stormwater retention/infiltration pond at the northeast corner of the parcel.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project is proposed to occupy an existing vacant infill parcel with no improvements or structures. A Pacific Gas and Electric Company (PG&E) easement diagonally transects the northeasterly section of the project site. The site is generally level with a gentle slope from northeast

to southwest. The existing biotic conditions and resources of the project site can be defined as ruderal and is composed of herbaceous vegetation. There are no shrubs or trees present on the site. South Schnoor Avenue, a two-lane, north-south Collector with a center turn lane forms the westerly project site boundary. Current street frontage improvements include curb and gutter, storm drains and streetlights. A curb cut for a future driveway onto the project site is located at the northwest corner of the project site. No sidewalk improvements are present. A Union Pacific Railroad spur line serving industrial uses south of the project site forms the project's southerly boundary (refer to Attachment 2).

Existing surrounding uses include vacant land planned and zoned Industrial to the north and east. There are existing industrial uses to the south (Sealed Air) and west (Nutra Blend and Purl's Sheet Metal, Heating, Air Conditioning), zoned Industrial and Industrial Park respectively.

ENVIRONMENTAL REVIEW: An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

SUMMARY: The applicant, Madera Industrial WHSE, LLC, proposes to construct four (4) buildings ranging in size from 35,100 sf. (Buildings C and D) to 37,050 sf. (Buildings A and B) for a total of seventy four (74) leasable units at 1,950 sf each, totaling a gross building area of 144,300 sf. In addition, a 0.84-acre temporary stormwater drainage / infiltration basin is proposed at the northeast corner of the parcel. No development is proposed for the remaining 6.73 acres at this time. The proposed use is consistent with the current I (Industrial) zone district. After review of the proposed project, the warehouse project is anticipated to be compatible with surrounding land uses. Conditions, as appropriate, have been recommended for the site plan review (SPR 2021-24) to ensure consistency with the Zoning Ordinance and General Plan and other applicable City plans and policies.

SURROUNDING LAND USES

As identified in Attachments 3 and 4 and referenced in Table 1 below, the project site is surrounded primarily by vacant land planned for Industrial development and zoned Industrial or Industrial Park. Surrounding existing uses include various industrial businesses (Nutra Blend and Purl's Sheet Metal, Heating, Air Conditioning, and Fire Station #57) to the west of the project site, across South Schnoor Avenue; industrial uses to the south (Sealed Air, Evapco) and east along West Almond Ave and South Pine Street respectively; and apartments and heavy commercial uses to the north of the project site, across another vacant parcel.

Table 1. Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from Project Site	Existing Use	General Plan Designation	Zone District
North	Vacant	Industrial	I
East	Vacant	Industrial	I
South	Industrial	Industrial	I
West	Industrial	Industrial	IP
IP – Industrial Park I – Industrial			

ANALYSIS

The Madera Municipal Code (MMC) establishes procedures for the review and approval of site plan reviews (Section 10-3.4). Section 10-3.1001 through 10-3.1004 of the MMC also establishes standards specific to development within the I (Industrial) zone district. Additional development standards identified in the MMC, such as parking requirements, also apply. In addition to the MMC, the City's General Plan includes community design, land use, circulation and infrastructure goals and policies specific to development within the City.

Site Plan and Elevations

The project is proposing to construct four (4) single story, pre-engineered metal buildings for flex/warehouse space to occupy approximately 9.0 acres of the total 16.57 acre parcel, ranging in size from 35,100 sf (Buildings C and D) to 37,050 sf (Buildings A and B), for a total of seventy four (74) leasable units at 1,950 sf each, totaling a gross building area of 144,300 sf (refer to Attachment 5). Tenants will have the option to lease more than one (1) unit to increase their floor square footage needs.

As shown in Attachment 6, Buildings A through D propose a maximum height of 21 ft with each unit consisting of an 18 ft clear height warehouse space, a 14 ft height roll up door, 16 x 30-foot rear yard with interior double man-door access and privacy fencing, a 10 x 14-foot office with heating and cooling, an interior restroom and shop sink. Additional project characteristics include exterior secured fencing, automatic sliding security gate, security lighting, security cameras, a shared truck well and landscaping.

Building Architecture

The City of Madera General Plan Community Design Element Policy CD-62 addresses Goal 13 of the General Plan, which is well-designed industrial development. Policy CD-62 states:

Development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high-quality design principles, including:

- Offices and enclosed structures oriented toward street frontages.
- Building facades that provide visual interest.
- Loading facilities and storage areas which are screened from public view along collectors and arterials.
- Visually appealing fences and walls.
- The use of landscaped buffers around parking lots and industrial structures.

The General Plan further expands on industrial development design within the Land Use Element and Policy LU-28, which states:

To maintain the quality of life and aesthetic value of the major circulation routes used by both industrial and non-industrial traffic; the portions of industrial sites in public view along arterials and collectors shall be subject to the same standards for architectural review as commercial buildings, including architecture, street trees, frontage and parking lot landscaping, and screening of outdoor storage visible from public right-of-ways.

The project is located along South Schnoor Avenue, which is a Collector street according to the General Plan's Circulation and Infrastructure Element. According to Policy LU-28, mentioned above, the project would be subject to the same architectural review and standards as commercial development. The application of the Commercial Design and Development Guidelines have been applied to this project to

provide for a visually appealing building façade along South Schnoor Avenue in accordance with both General Plan Policies CD-62 and LU-28.

To provide compliance with the General Plan Policies, staff has conditioned the project with improvements along the western elevations of the proposed development. In conjunction with installation of a sidewalk along the project frontage, enhancements in landscaping and architectural treatments will provide for a visually appealing façade at a pedestrian scale. These treatments include varied wall reliefs with a three-color paint scheme, accent lighting, and installation of street trees and landscaping.

Landscaping

Landscaping is proposed to enhance and embellish the appearance of the project site. According to the site plan provided (Attachment 5), landscape improvements are proposed along South Schnoor Avenue, in front of the proposed wrought iron fence to the west of Building A and B. Landscape along the frontage of industrial projects which are located on collector streets are required per General Plan Policy CD-62 and LU-28 to install visually appealing landscaping to improve the attractiveness of the development. Staff is recommending and conditioning the project to provide landscaping, street trees, and internally located shade trees to provide for an attractive industrial development. The landscape plans will be reviewed for compliance with City and State requirements and are required to be prepared by a licensed landscape architect.

Signage

The proposal is subject to Section 10-6.09 of the City's Sign Regulations. No signs are approved with this site plan review and a separate sign permit must be applied for. Permanent window signage is prohibited, and temporary window signage is subject to the City's Sign Regulations. Temporary signage, such as for a grand opening, is subject to a separate sign permit independent from any on-building or freestanding sign permit issued.

Tenant Occupancy Limitations

Tenants are expected to be a combination of established local businesses, regional companies, and national corporations. Uses permitted to occupy any tenant suite will be limited service business (e.g., contractors, electricians, maintenance providers, security companies, HVAC vendors, etc.), personal and professional storage, e-commerce warehousing, and last-minute delivery. Uses exclusively prohibited from occupying any tenant suite are any automotive repair or services, cannabis and cannabis paraphernalia, faith-based meeting facilities, gyms or other athletic group facilities, and high pile storage or operations utilizing hazardous materials in excess of the maximum allowable quantities of hazardous materials listed in Table 307.1(1) per California Building Code Section 311.2.

Circulation and Parking

Access to and from the site would be provided by a single ingress/egress driveway on South Schnoor Avenue. The project includes two (2) looped drive isles. An interior drive isle will serve the warehouse tenant employee and customer parking area, and an outer loop drive isle will provide access to the tenant's rear yards. The project proposes 134 standard 9 x 19 foot parking spaces and 24 additional extended stalls will be parking spaces to meet the project's needs to provide "loading" parking requirements.

The initial site plan provided with the application, which was analyzed in the IS/MND, proposed two driveways separated by a 36-foot-wide landscape island. Subsequent to the release of the IS/MND for

public review, the applicant revised the proposed site plan to include a single driveway approach. The revision was to address potential conflicts of ingress/egress among neighboring properties.

The City's parking standards do not specifically identify parking ratios for "flex/warehouse space" occupancy. Based on the uses to be permitted to occupy space within the project site, the most applicable City parking space standard appropriate for the proposed project is "manufacturing, warehouses, storage uses and whole sale houses" which is as follows:

One (1) space for each two (2) employees, plus one (1) space for each 300 sf of office space and customer net floor area, plus one (1) loading space for each 10,000 sf of gross floor area.

The project proposes to provide 140 sf of office space per leasable tenant space for a combined total of 10,360 sf of office space, and 1,810 sf of warehouse space (1,950 ft less 140 sf of office space per unit) per leasable tenant space for a combined total of 133,940 sf of warehouse space. The total amount of potential office space would require thirty-four (34) parking spaces and the total amount of potential warehouse space would require 14 vehicle loading spaces. The number of employees per tenant space is unknown currently. A conservative estimate of employees per tenant space is likely to be a minimum of two (2) employees. Based on this estimate, the total amount of employee parking would be 74 parking spaces. Combined (office space, employee and warehouse loading) parking space required for the project would be 123 spaces. The current 158 parking spaces meets that standard and no additional spaces would be required.

The American with Disabilities Act (ADA), requires a set number of accessible parking spaces based on the total number of parking spaces required. With total number parking spaces provided for the project at 158 spaces, the project requires six (6) ADA compliant parking stalls, one (1) of which must be a van accessible space and provide an access aisle on the passenger side of the parking space. The current eight (8) accessible stalls meet this requirement and no additional ADA spaces would be required.

In addition to on-site vehicular parking requirements, the project is also required to provide provisions for short-term and long-term bicycle parking facilities to serve the needs of customers and employees, respectively, that may travel to and from the project site by bicycle (short-term and long-term parking refer to the duration a bicycle is estimated to be using a designated bicycle parking space in a given day). The proposed Site Plan (Attachment 5) identifies the locations of both short- and long-term bicycle parking facilities. Short-term and long-term bicycle parking is proposed towards the entrance to the site along South Schnoor Avenue, behind the wrought iron gates. Details pertaining to bicycle racks or storage were not included as part of the Site Plan Review application. Based on proposed building total gross square footage, the project is to provide a minimum of ten (10) bicycle parking spaces for employees and two (2) spaces for patrons for a total of twelve (12) minimum bicycle parking spaces with three (3) feet of separation between each rack.

The proposed use is an allowed use in the I zone district. The site plan and elevations have been reviewed in accordance with the applicable development standards of the MMC, including but not limited to, setbacks, height limits, parking, access, and landscaping requirements. The proposed development has also been evaluated against the applicable General Plan community design, land use, circulation, infrastructure goals and policies. The proposed development, as conditioned, is consistent with the requirements of the MMC and the General Plan.

With the construction of the 0.84-acre temporary stormwater drainage / infiltration basin, and compliance to the project conditions of approval, development of the project site will not put additional stress on the City of Madera's public infrastructure and utilities systems. The necessary water, wastewater, storm drainage, and roadway improvements to serve the project site have been reflected in the conditions of approval for SPR 2021-024.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project has been reviewed for compliance with CEQA. The City has prepared an initial study and determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Initial Study/Mitigated Negative Declaration (IS/MND) was published for a 21-day review and comment period commencing on July 19, 2021 and ending on August 9, 2021. Comments were received from Cal Trans on August 5th and have been addressed in the revised Initial Study. No further comments have been received as of the date of this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a warehouse is not specifically addressed in the vision or action plans, the overall project does indirectly support one of the four visions for the City: Good Jobs and Economic Opportunities. This principle recognizes the need to provide additional industrial and employment opportunities, specifically for small businesses, within the City.

RECOMMENDATION

The information presented in this report provides support for the adoption of a resolution recommending adoption of a Mitigated Negative Declaration for the project and conditional approval of SPR 2021-24 by the Planning Commission. It is recommended that the Commission consider the information in this report, as well as testimony received at the public hearing, and make a determination on the Mitigated Negative Declaration and Site Plan Review 2021-24, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Commission will be acting on the Site Plan Review 2021-24 and determining to either:

- Adopt a resolution adopting a Mitigated Negative Declaration for the project and approving SPR 2021-24 as conditioned (Motion 1); or
- Continue the hearing to September 14, 2021, with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval) (Motion 2); or
- Move to continue the application for SPR 2021-24 to the September 14, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.) (Motion 3).

Motion 1: Move to adopt a resolution of the Planning Commission of the City of Madera adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approving Site Plan Review 2021-24, based on and subject to the findings and conditions of approval as follows:

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

The property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2021-24 is consistent with the purpose and intent of the I (Industrial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any applicable specific plans.

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

SPR 2021-24 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the I zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

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

SPR 2021-24 will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site has access to South Schnoor Avenue, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

(OR)

Motion 2: Move to continue the public hearing on SPR 2021-24 to the September 14, 2021 with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – Planning Commission should articulate reasons for modifications to findings and conditions of approval)

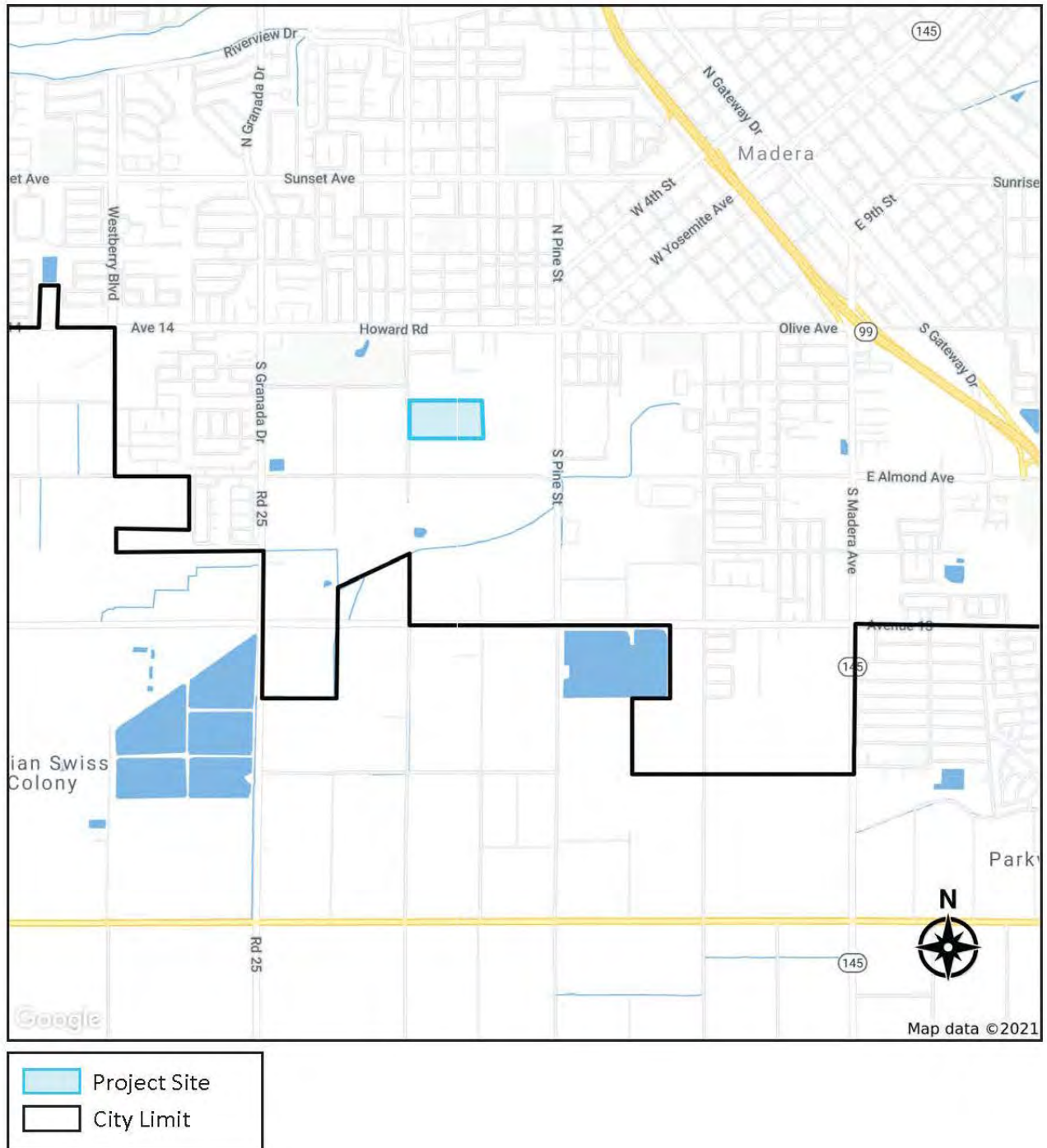
(OR)

Motion 3: Move to continue the application for SPR 2021-24 to the September 14, 2021 Planning Commission hearing with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – Planning Commission should articulate reasons for denial.)

ATTACHMENTS

- Attachment 1: Vicinity Map
- Attachment 2: Aerial Photo
- Attachment 3: General Plan Land Use Map
- Attachment 4: Zoning Map
- Attachment 5: Site Plan
- Attachment 6: Elevations
- Attachment 7: Initial Study/ Mitigated Negative Declaration (IS/MND) for SPR 2021-24
- Attachment 8: Cal Trans comment letter and City response regarding IS/MND
- Attachment 9: Planning Commission Resolution for SPR 2021-24

Attachment 1: Vicinity Map

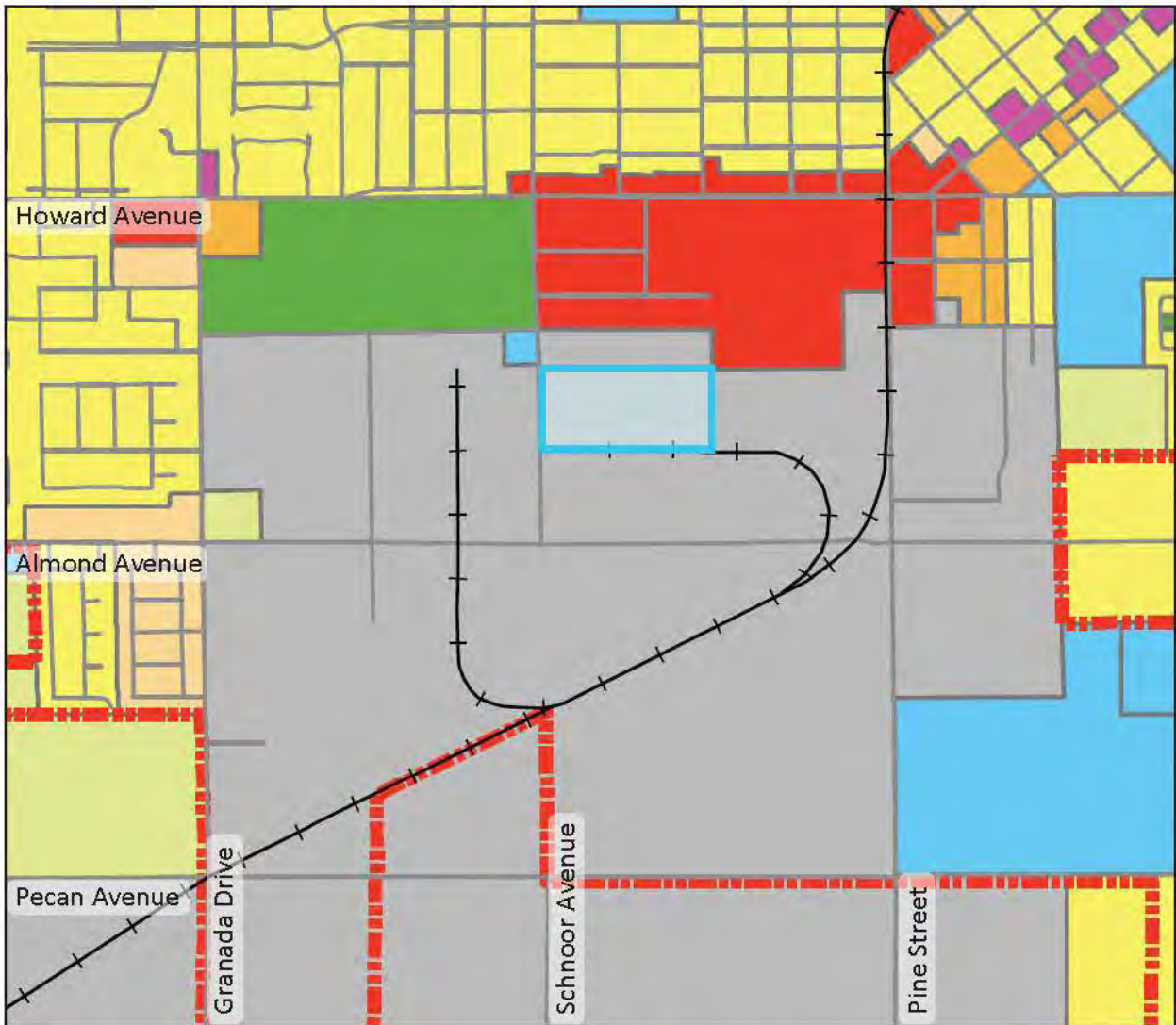


Attachment 2: Aerial Photo



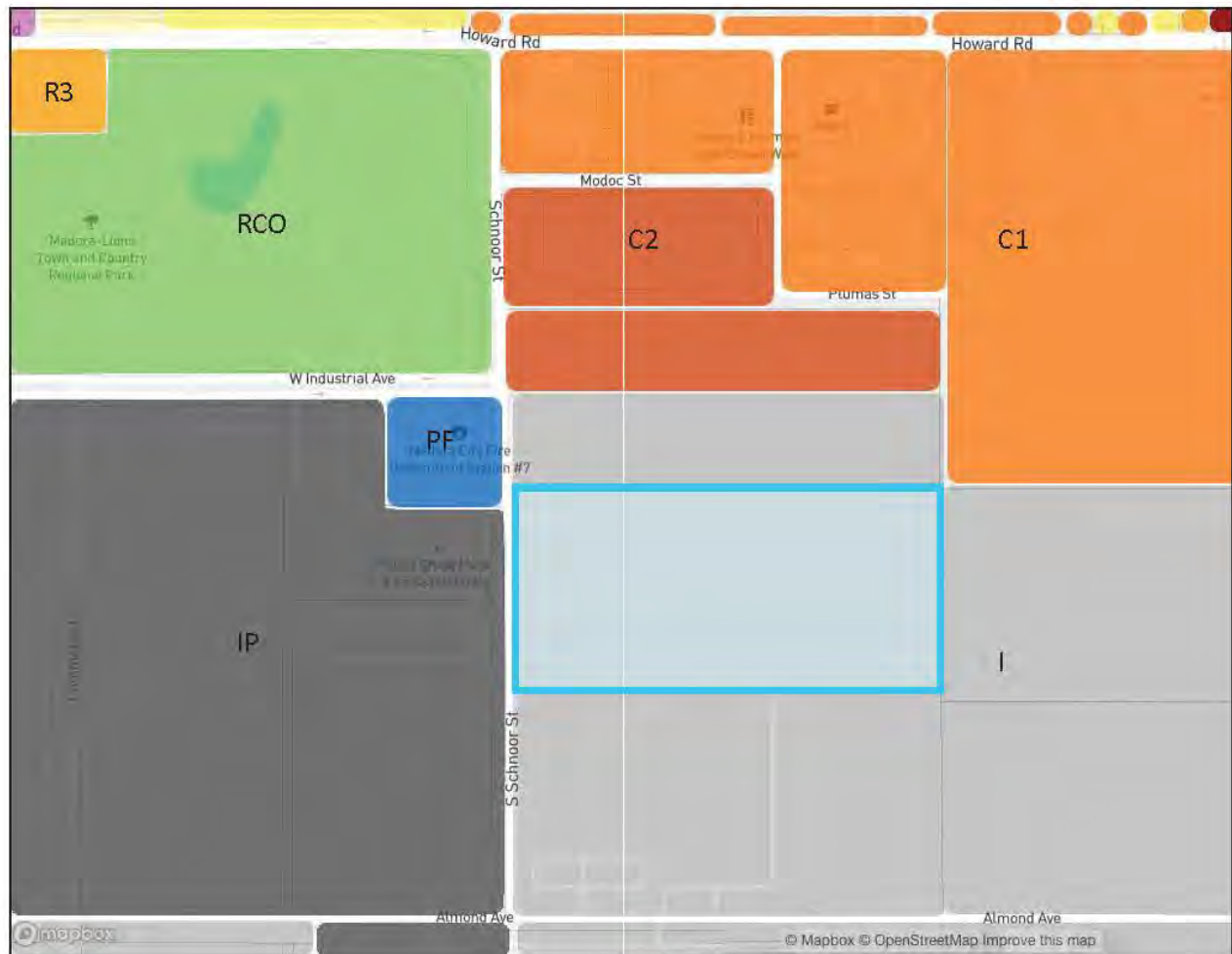
Project Site




Attachment 3: General Plan Land Use Map



- | | |
|----------------|--|
| Project Site | LD - Low Density Residential |
| City Limits | MD - Medium Density Residential |
| Railroads | HD - High Density Residential |
| C - Commercial | OS - Open Space |
| O - Office | RC - Resource Conservation/Agriculture |
| I - Industrial | P&SP - Other Public & Semi-Public Uses |

Attachment 4: Zoning Map



 Project Site	 PO - Professional Office
 RA - (One unit per each 12,000 SF)	 I - Industrial
 R1 - (One unit per each 6,000 SF)	 IP - Industrial Park
 R3 - (One unit per each 2,000 SF)	 PF - Public Facilities
 C1 - Light Commercial	 RCO - Resource Conservation & Open Space
 C2 - Heavy Commercial	

Attachment 5: Site Plan

CITY OF MADERA OFF STREET PARKING REQUIREMENTS MUNICIPAL CODE SECTION 18.1200:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
USE MANUFACTURING, WAREHOUSES, AND STORAGE USES, AND WHOLESALE HOUSES	ONE SPACE FOR EACH TWO EMPLOYEES, PLUS ONE SPACE FOR EACH 100 SQUARE FEET OF OFFICE SPACE AND CUSTOMER NET FLOOR AREA, PLUS ONE LOADING SPACE FOR EACH 10,000 SQUARE FEET OF GROSS FLOOR AREA

PARKING STALL CALCULATION

STANDARD STALLS - 30'x11'

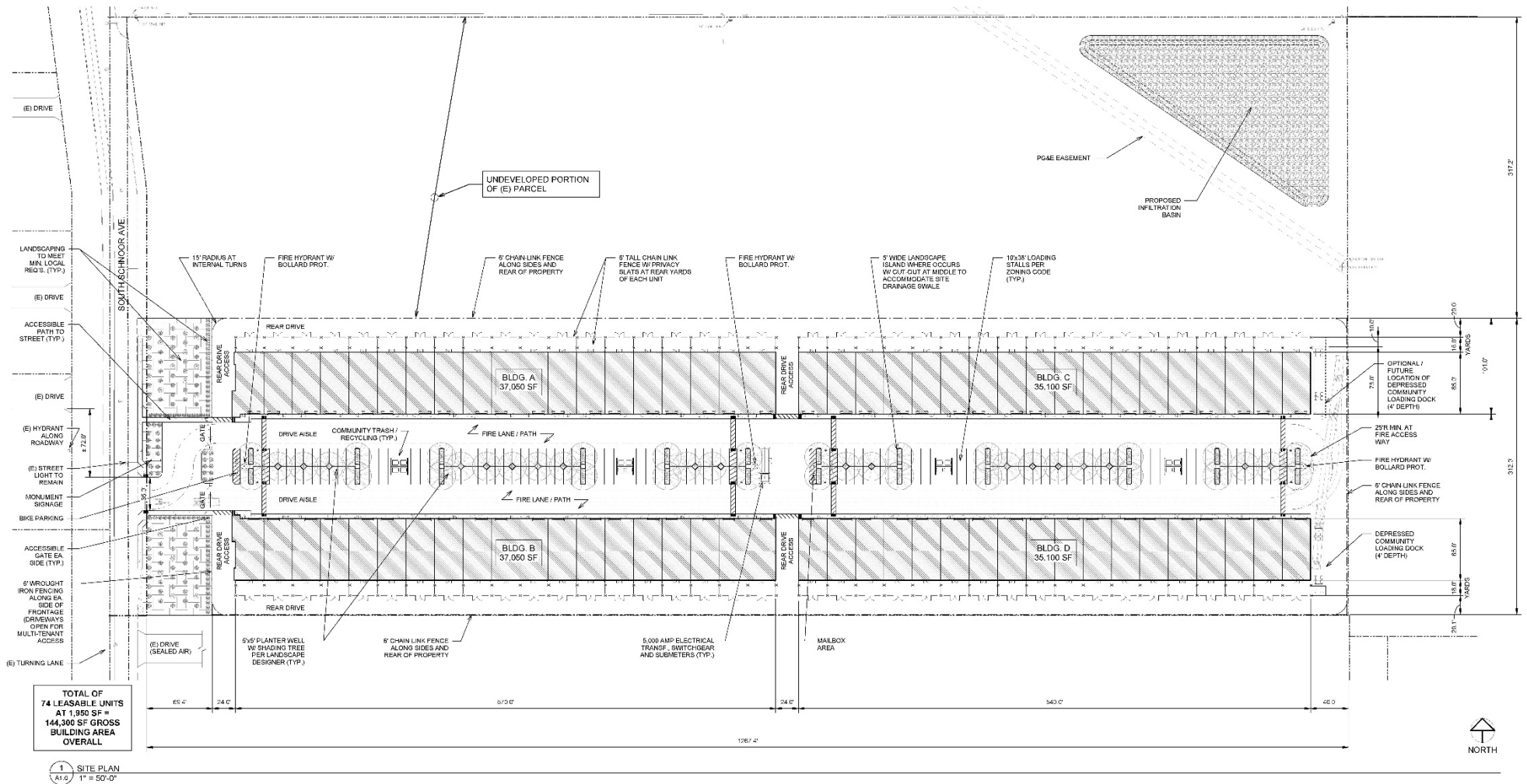
(2 EMPLOYEES PER UNIT x 74 UNITS = 148 EMPLOYEES / 2 = 74 SPACES
- (74 UNITS) 1480 SF OFFICE / 1000 = 12 SPACES
108 SPACES

134 SPACES PROVIDED

LOADING SPACES - 10'x35'

(2) (37,050 SF + 35,100 SF) / 10,000 = 14 LOADING SPACES REQUIRED

14 LOADING SPACES PROVIDED

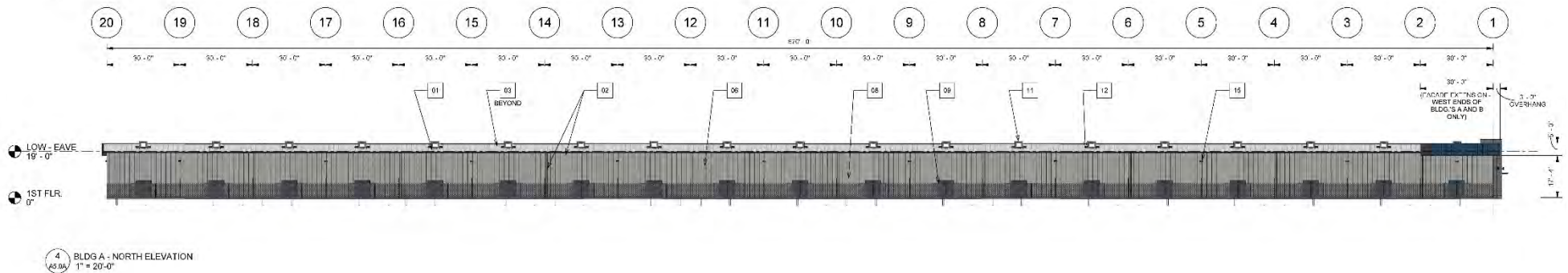
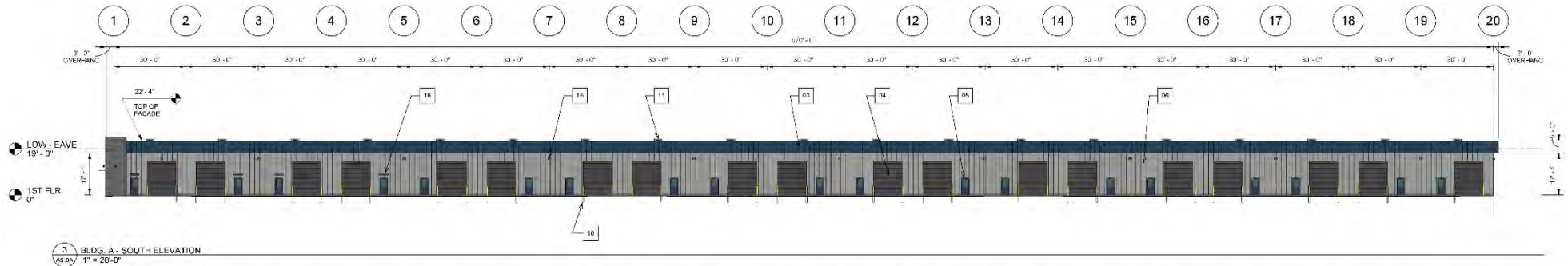
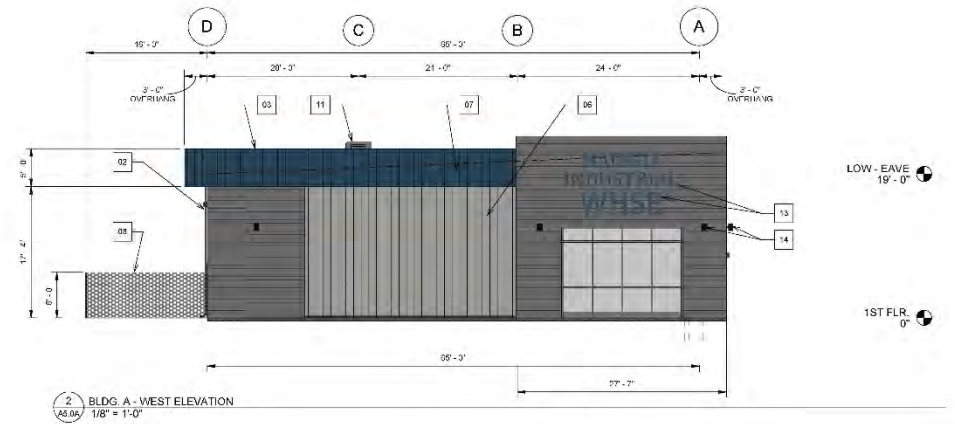
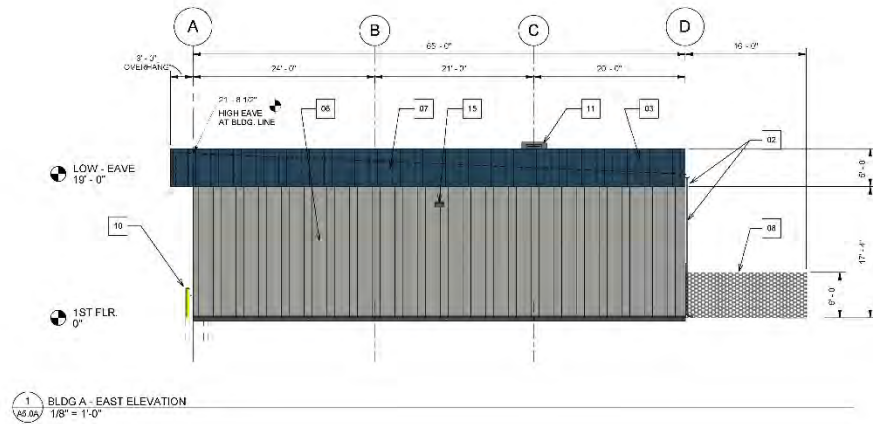


Attachment 6: Elevations

ELEVATION KEYNOTES

- | | | | |
|--|---|---|----------------------------|
| 01 24 GA. R-PANEL ROOF DECK BY PEMB MANUF. (COOL ROOF / WHITE COLOR TO MEET T24 ENERGY CODE AS APPLICABLE) | 06 REVERSE RIB 26 GA. R-PANEL AT ALL EXTERIOR WALLS PER PEMB MANUF. (STANDARD GREY COLOR) | 11 ROOFTOP MOUNTED EVAPORATIVE COOLING UNIT FOR SHOP / WAREHOUSE AREA | 18 DOOR CANOPY (TYP. OF 4) |
| 02 GUTTER AND DOWNSPOUT PER PEMB MANUFACTURER (COLOR TO MATCH WALL PANELS) | 07 ROOF SLOPS BEYOND (1/2" / FT.) | 12 (1) 6X6 SKY LIGHT EACH UNIT | |
| 03 PROJECTED FACADE 26 GA. R-PANEL PER PEMB MANUFACTURER (STANDARD BLUE COLOR PER MANUFACTURER) | 08 6" TALL CHAINLINK FENCE AT YARDS W/ PRIVACY SLATS | 13 BACK-LIGHT BUILDING SIGNAGE (UNDER SEPARATE PERMIT) | |
| 04 12x14' OVERHEAD DOORS - STANDARD GREY COLOR | 09 DOUBLE-LEAF 10' WIDE ACCESS IN CHAIN LINK FENCE AT YARDS | 14 ARCH. WALL LIGHT | |
| 05 3x7' WALK-DOOR / ENTRANCE (PAINTED BLUE COLOR TO MATCH BLDG. FACADE PANEL) | 10 NEW 4" DIA 8' SAFETY BOLLARD (PAINTED SAFETY YELLOW) | 15 LED WALL PACK FOR SITE LIGHTING AS REQ'D. PER ELECTRICAL ENGINEER | |

NOTE - BLDG. A OPPOSITE HAND. BLDG'S C & D SIMILAR



Attachment 7:
Initial Study/Mitigated Negative Declaration (IS/MND) for SPR 2021-24

Initial Study/Mitigated Negative Declaration distributed as a separately bound document and is also posted on the City's website on the Planning Department page under Current Projects and Environmental Review at the following website address:

<https://www.madera.gov/home/departments/planning/>.

Please refer to the separately bound document titled "South Schnoor Avenue Industrial Warehouse Project Site Plan Review (SPR) 2021-24 Initial Study/Mitigated Negative Declaration, July 2021."

Attachment 8:
Cal Trans comment letter and City response regarding IS/MND

CALIFORNIA STATE TRANSPORTATION AGENCY

GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
(559) 981-1041 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



August 5, 2021

MAD-99/145-10.85
Industrial Warehouse Project
SPR 2021-24, Preliminary Review
<https://ld-igr-gts.dot.ca.gov/district/6/report/23690#32919>

SENT VIA EMAIL

Derek Sylvester, Associate Planner
City of Madera, Planning Department
205 West 4th Street, Madera, CA 93637
p. (559) 661.5436

Dear Mr. Sylvester,

Thank you for the opportunity to review SPR 2021-24 and Initial Study/Negative Declaration (IS/ND) for the proposed South Schnoor Avenue Industrial project. The project proposes the development of four (4) single-story, pre-engineered metal buildings (PEMB) for flex/warehouse spaces to occupy approximately 9.0 acres of a 16.57-acre parcel. The four (4) buildings will range in size from 35,100 square feet (Buildings C and D) to 37,050 square feet (Buildings A and B) for a total of 74 leasable units at 1,950 square feet, totaling a gross building area of 144,300 square feet. The project is located in southwest area of the City of Madera, approximately 1.5 miles southwest of State Route 99 (SR 99) and 1.4 miles west of SR 145.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. As a point of information, according to the operational statement and trip generation analysis, the proposed facility will generate approximately 1,000 daily trips. However, Project related traffic and operational maintenance would be temporary, and therefore, would not result in any long-term degradation in operating conditions on local roadways used for the project. Based on the description provided and Initial Study, the project is expected to have minimal impacts on the State facilities. However, if there any deviations from what is being proposed, then Caltrans would like to have a chance to review again.

"Provide a safe and reliable transportation network that serves all people and respects the environment!"

Derek Sylvester, - Industrial Warehouse Project
August 5, 2021
Page 2

2. A Vehicle Miles Traveled (VMT) analysis was conducted but trips associated with large trucks were excluded from the VMT analysis and only employee and customer trips were considered. **As a result, it is recommended the VMT analysis be revised to include large truck trips for the parcels. It is also recommended that improvements for existing and future bike/pedestrian facilities on roads within the boundaries of the specific plan and connectivity between home to work/home to shops be considered in the VMT analysis.**
3. Caltrans recommends the project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce VMT.
4. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.
5. Caltrans recommends, if not done so already, the City/County of Madera develop a Development Impact Fee Program to fund future major transportation projects in the area so that projects, such as this one, can pay into to mitigate their fair share.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,



David Padilla, Branch Chief
Transportation Planning – North



PLANNING DEPARTMENT

Gary Conte, AICP, Planning Manager

TO: City of Madera Planning Commission
FROM: Gary Conte, AICP, Planning Manager
RE: Response to Comments from Caltrans on the Initial Study/Mitigated Negative Declaration (IS/MND) for Site Plan Review (SPR) 2021-24
DATE: August 6, 2021

The following memo is a response to the comment letter dated August 5, 2021 received from Caltrans on the above noted document.

The Notice of Intent was published on July 17th, 2021 and this IS/MND was routed to responsible and trustee agencies for comment. The comment period will end on August 10, 2021 and thus far, one comment letter has been received and has been attached to this memo for reference. This comment letter, submitted by Caltrans and dated August 5, 2021, is addressed below. These responses are clarifications to the record and are not "substantial revisions" as outlined in Section 15073.5 and thus do not require recirculation. Specifically, section 15073.5(c) of the CEQA Guidelines state the following:

Recirculation is not required under the following circumstances: ...

- 4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Most of items listed in the document are informational and not directly related to the analysis and findings contained in the IS/MND. Item number 2 in the letter is the only item related to the CEQA analysis and states the following:

Comment: *A Vehicle Miles Traveled (VMT) analysis was conducted but trips associated with large trucks were excluded from the VMT analysis and only employee and customer trips were considered. As a result, it is recommended the VMT analysis be revised to include large truck trips for the parcels. It is also recommended that improvements for existing and future bike/pedestrian facilities on roads within the boundaries of the specific plan and connectivity between home to work/home to shops be considered in the VMT analysis.*

Response: The VMT analysis/screening was conducted in compliance with the Office of Planning and Research (OPR) 2018 Technical Advisory on Evaluating Transportation Impacts in CEQA and CEQA Guidelines. Specifically, CEQA Guidelines Section 15064.3 state that, "vehicle miles traveled" refers to the amount and distance of automobile travel attributable to a project." Page 4 of the above-mentioned technical advisory, under "Recommendations Regarding Methodology" states the following:

"Vehicle Types. Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks."

As discussed in the IS/MND, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. Thus, per state guidance and regulations, heavy-duty truck VMT need not be included in the VMT analysis. Based on the analysis contained in the IS/MND, the project screens out of a formal VMT analysis. Thus, no changes are needed and no changes have been made to the IS/MND.

Attachment 9:
Planning Commission Resolution

RESOLUTION NO. 1889

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING SITE PLAN REVIEW 2021-24
(SOUTH SCHNOOR AVENUE INDUSTRIAL WAREHOUSE PROJECT)**

WHEREAS, Franco Development Properties LP ("Owner") owns APN 009-330-011 in Madera, California ("site"); and

WHEREAS, the project site is a vacant 16.57-acre property located east of South Schnoor Avenue between Modoc Street and West Almond Avenue and is planned and zoned for Industrial land uses; and

WHEREAS, the applicant, Madera Industrial WHSE, LLC, is seeking a site plan review (SPR) to allow for the construction of four (4) industrial buildings ranging in size from 35,100 square feet (sf) (Buildings C and D) to 37,050 sf (Buildings A and B) for a total of seventy four (74) leasable units at 1,950 sf each, totaling a gross building area of 144,300 s., as proposed by SPR 2021-24; and

WHEREAS, an Initial Study/Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program have been prepared, circulated, and made available for public comment pursuant to the California Environmental Quality Act (CEQA), Public Resources Code, sections 21000, et seq., the Guidelines for implementation of CEQA, Title 14 California Code of Regulations, Chapter 3, Section 15000, et seq., and the Madera Municipal Code; and

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

WHEREAS, the Planning Commission has independently reviewed and considered the information contained in the IS/MND; and

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

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

WHEREAS, the Planning Commission received and reviewed SPR 2021-24 at a duly noticed meeting on August 10, 2021; 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, the Planning Commission now desires to approve SPR 2021-24, with conditions.

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

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

2. CEQA: The Planning Commission finds an environmental assessment initial study and mitigation monitoring and reporting program were prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues. Based on this review and assessment, the Planning Commission finds that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and notices as required by CEQA. As such, the Planning Commission adopts a Negative Declaration and the mitigation monitoring and reporting program for the project.

3. Findings for SPR 2021-24: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-24, as conditioned. With conditions, the project is consistent with the requirements of the 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 property is zoned I (Industrial), which is consistent with the existing General Plan land use designation of I (Industrial). SPR 2021-24 is consistent with the purpose and intent of the I (Industrial) zone district and does not conflict with City standards or other provisions of the Code.

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

The project site is not subject to any applicable specific plans.

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

SPR 2021-24 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the Industrial (I) zone district, including provisions for access to and from the site, parking and loading facilities, drainage, and lighting. Based on the environmental analysis prepared, the project will not generate significant amounts of noise, light, or traffic.

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

SPR 2021-24 will be required to install street improvements in accordance with City standards. Related infrastructure improvements will also be required for storm drainage in conformance with City standards. The project site has access to South Schnoor Avenue, which can accommodate traffic generated from the proposed project. Based on the environmental analysis prepared, the project will not have a significant impact on traffic or the environment.

4. Approval of SPR 2021-24: Given that all findings can be made, the Planning Commission hereby approves SPR 2021-24 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 10th day of August 2021, by the following vote:

AYES: Commissioner's Robert Gran Jr., Alex Salazar, Balwinder Singh, Ramon Lopez, Rohi Zacharia, Ryan Cerioni, Bobby Sheikh

NOES: None

ABSTENTIONS: None

ABSENT: None


Robert Gran Jr.
Planning Commission Chairperson

Attest:


Gary Conte, AICP
Planning Manager

Exhibit "A" – Conditions of Approval for SPR 2021-24

EXHIBIT "A"
SPR 2021-24 SOUTH SCHNOOR AVEUNE INDUSTRIAL WAREHOUSE PROJECT
CONDITIONS OF APPROVAL
AUGUST 10, 2021

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 SPR 2021-24 (South Schnoor Avenue Industrial Warehouse Project) 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 APN 009-330-011 that are being developed under SPR 2021-24 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

GENERAL CONDITIONS

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Determination at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. Such check shall be made payable to the Madera County Clerk and submitted no later than three (3) days following action on SPR 2021-24.
3. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature on the Acknowledgement and Acceptance of Conditions of Approval.
4. SPR 2021-24 will expire one (1) year from the effective date, unless a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion of the site or structures which were the subject of the site plan or the required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.
6. Deferrals are not permitted for any condition included herein, unless otherwise stated.
7. Development of the project shall conform to the plans designated by the City as Attachment 1 through 3, subject to the conditions noted herein. Minor modifications to the approved Site Plan Review 2021-24 Improvement Plans necessary to meet regulatory, engineering or similar constraints may at a minimum be made at the discretion and approval of the Planning Manager. However, should the Planning Manager determine that modifications are substantive, he/she may require that an amendment to SPR 2021-24 be filed for review and approval through the applicable City process.
8. Any proposed modifications to the approved site plan and elevations of SPR 2021-24, including but not limited to building exteriors, access drive locations, parking/loading areas, fence/walls, lighting, new buildings, landscaping or use of the site shall require an amendment (modification) to SPR 2021-24 as specified in the MMC.

9. Site Plan Review 2021-24 approval is not an authorization to commence construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading or building permits.
10. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
11. It shall be the responsibility of the applicant, property owner and/or successor-in-interest to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
12. The applicant, property owner and/or successors-in-interest shall comply with all federal, State and local laws. Material violation of any applicable laws concerning the use of subject site will be cause for revocation of SPR 2021-24.
13. 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
14. 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.
15. Approval of this project is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys' fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate 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.

16. The project shall comply with all mitigation measures identified in the Mitigated Negative Declaration for the South Schnoor Avenue Industrial Warehouse Project, including the mitigation monitoring and reporting program.

PLANNING DEPARTMENT

General Conditions

17. All on-site improvements shall be completed prior to final building inspection and shall be completed in conformance with SPR 2021-24 to the satisfaction of the City of Madera prior to issuance of a certificate of completion.
18. 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.
19. Vandalism and graffiti shall be corrected in accordance with the provisions of the Madera Municipal Code.
20. 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.
21. The property owner, operator, and/or manager shall keep the property clear of all trash, rubbish, and debris at all times.

Building Architecture, Materials and Colors

22. Building elevations, as a conditioned herein, shall include a minimum of a three (3) color exterior painting scheme.
23. Bollards located on both sides of the roll-up door entrance to each unit shall be painted a color similar in likeness to the main wall of the building.
24. The first four (4) entry doors on each of the street facing buildings, a total of eight (8), shall be provided with a covered entrance (awning or roof overhang) of adequate size to protect persons entering or existing the building from inclement weather conditions.
25. All roof and ground mounted utility, electrical and mechanical equipment shall be screened to the specifications of the Planning Department. If ground mounted, applicant shall identify proposed methods to architecturally integrate equipment locations or identify proposed methods to screen equipment using landscaping. Any roof mounted equipment placements shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. Any wall mounted equipment shall be painted to match the exterior wall.
26. All ducts and vents penetrating roofs or exterior building walls shall be directed away from the front of project site entrance sides of the buildings using methods to minimize their appearance and visibility from the street. All roof mounted ducts and vents shall be painted matt black or with a color better suited to minimize their appearance.
27. Fire sprinkler risers shall be located within the interior of the buildings or located out of public view.

28. Prior to submittal of a building permit, applicant and / or successors-in-interest shall identify the following information on one (1) or more site plans for the Planning Department review and approval:
 - a) Location of natural gas and electrical utility meters.
 - b) Location of all exterior heating, ventilation and air conditioning (HVAC) and / or evaporative cooler equipment.
 - c) Location of exterior mechanical and electrical equipment.
29. Any ground mounted electrical transformer or other type of ground mounted electrical cabinet shall be located behind the project fence paralleling South Schnoor Avenue and shall be screened from the public viewshed visible from South Schnoor Avenue.
30. Roof access ladders on buildings shall be located within the interior of the buildings or out of public view.
31. Prior to submittal of a building permit application, the applicant shall submit to the Planning Department for review and approval, a materials and color presentation board(s) detailing building and trash enclosure materials and colors and color elevations. The colors and materials shall be harmonious with the surrounding area.
32. Prior to submittal of a building permit application, the applicant shall submit to the Planning Department for review and approval the type and specifications of exterior lighting fixtures to be installed on the site. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs are not permitted.
33. Developer shall contact the Planning Department when all site lighting is operational. Subject to an operational illumination inspection, additional light screening may be determined to be warrant. If warranted, applicant shall be responsible for installing additional light screening prior to approval of final inspection.

Parking

34. Parking areas shall be constructed according to the conditionally approved site plan. Any deviation from the conditionally approved site plan shall be evaluated by the Planning Manager to determine the need for modification to the site plan.
35. Off-street parking areas shall be paved and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.
36. Parking areas shall be constructed in accordance with City of Madera Standard E-4, have a width of not less than nine (9) feet and a length of not less than nineteen (19) feet except that up to 25 percent of the required parking spaces may be designated for compact car use.
37. No wheel stops shall be incorporated into the parking field/parking space layout except to allow for the protection of plantings, buildings, structures, trees, etc. In no case, will any parking space incorporate a wheel stop to provide for less than a nine (9) foot by nineteen (19) foot dimension parking space.
38. Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street, and shall be located so that sufficient area is available for maneuvering purposes.

39. No overnight outdoor storage of materials or equipment shall be permitted in parking lot. Parking of vehicles in parking lot shall be limited to seventy-two (72) consecutive hours. Storage or parking of inoperative vehicles in the parking lot shall be prohibited.
40. The site's parking area shall not be used for alternative uses other than parking of vehicles.
41. Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.
42. Short-term and long-term bicycle parking is required to serve customers and employees, respectively. A minimum of ten (10) bicycle parking spaces for employees and two (2) spaces for customers for a total of twelve (12) minimum bicycle parking spaces with three (3) feet of separation between each rack is required.

Trash Enclosures

43. Outdoor trash areas shall be placed equal distance within the project site parking area and shall be screened on three sides with masonry wall composed of an exterior cement plaster finish painted consistent with building colors and not be visible from South Schnoor Avenue.
44. Trash enclosures gates shall be composed of metal and shall be hinged on the outside with cane bolts to hold the gates open.
45. Driveways or travel aisles shall provide unobstructed access for collection vehicles to directly access trash enclosures without need of the waste hauler to rollout or reorient waste bins for loading operations, consistent and compliant with the servicing requirements established by the City's waste hauling operations. In loading areas, the minimum overhead vertical clearance shall be twenty-two (22) feet for loading operations.

Fencing

46. All walls and fences shall be consistent with the Madera Municipal Code. No wall or fence shall exceed a maximum height of six (6) feet measured from finish grade. Installation of barbed wire or other form of security wire is prohibited.
47. All fences shall be properly maintained so as not to create a hazard, public nuisance or blight in the surrounding neighborhood.
48. Fencing materials, location, and height shall conform to those listed on the approved Site Plan. The rear yards of each leasable unit shall be of chain link type with installation of privacy slats.

Landscaping

49. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
 - a) Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b) Provide permanent automatic irrigation systems for all landscaped areas;
 - c) Provide vegetative matter coverage of a minimum of seventy-five percent (75%) of all landscaped areas;

- d) Street trees shall be planted at a maximum thirty (30) foot intervals. No less than 11 street trees shall be included as part of the landscape plan. Street tree selection shall be from the City's "Approved City Street Tree List" and be of the same street tree species presently planted along the South Schnoor Avenue corridor;
 - e) Locate landscape material in such a way that it does not interfere with utilities above or below ground; and
 - f) Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as soil preparation techniques for all landscaped areas.
- 50. Parking lot shade trees should be planted within the parking area to provide a minimum of 50% shade coverage over parking bays at high noon.
 - 51. On-site and off-site landscaping and irrigation shall not be installed until a landscape plan(s) is approved by the Planning Department. Any deviation from the approved plan(s) shall require written request and approval by the Planning Department.
 - 52. Approved landscape and irrigation plan(s) shall be fully installed and operational prior to granting occupancy.
 - 53. The property owner, operator, and/or manager shall develop and submit to the Planning Department for review and approval, prior to issuance of a building permit, a landscape maintenance and irrigation program for the first three (3) years to ensure that streetscapes and landscaped areas are installed and maintained as approved under SPR 2021-24.
 - 54. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
 - 55. A maintenance agreement is required for all landscaping located within the public right-of-way. Such agreement shall be entered into prior to issuance of a certificate of completion.

Signage

- 56. No signs apart from "No Parking" and "Bike Route signs along South Schnoor Avenue are approved as part of SPR 2021-24. Approval of SPR 2021-24 constitutes neither a basis for, nor approval of, any exceptions to the Madera Sign Ordinance.
- 57. All signage apart from "No Parking" and "Bike Route signs shall be in compliance with the Sign Ordinance of the Madera Municipal Code Section 10-6. All permanent signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Section 10-6.
- 58. Applicant shall prepare and submit a Master Sign Program for the purpose of providing a cohesive, complementary, and proportionate signage for the entire project site. Master Sign Program shall at a minimum: 1) identify and define complex on-building and freestanding identification signage allowance, type, dimensions, material, colors, and location; 2) directional signage allowance, type, dimensions, material, color and location(s); 3) on-building signage allowances type, dimensions, material color and locations for each building as well as for individual tenant; and 4) address sign designs – no plastic, vinyl or similar type of material shall be used for building addresses. Master Sign Program is subject review and approval of the Planning Department prior to submittal of a building permit application.

ENGINEERING

General Conditions

59. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
60. Impact fees shall be paid at time of building permit issuance
61. The developer shall pay all required fees for completion of the project. Fees due may include but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
62. Improvement plans shall be signed and sealed by an engineer and submitted to the Engineering Division according to the Engineering Plan Review Submittal Sheet and Civil Plan Check Submittal Checklist.
63. The improvement plans for the project shall include the most recent version of the City's General Notes.
64. Prior to the construction of improvements within the City right-of-way, an Encroachment Permit will be required from the Engineering Division.
65. All off-site improvements shall be completed prior to issuance of final occupancy.
66. The developer shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

67. 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.
68. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
69. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
70. The developer shall install fire hydrants along South Schnoor Avenue in accordance with current City standards. Fire hydrant locations shall be approved by the City Fire Marshall.
71. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage on South Schnoor Avenue.
72. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

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

75. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage on South Schnoor Avenue.
76. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
77. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

78. Storm runoff from this project site is planned to go to the Evapco Basin (EV) located south of the proposed project site, or as directed by the City Engineer. Per the Storm Drainage System Master Plan, the EV basin is at capacity and requires a new basin to the north. In lieu of the fact said basin does not exist, the developer may construct a temporary on-site basin. A detailed drainage study shall be provided to support the chosen path of conveyance, storage and design of any necessary drainage facilities.
79. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
80. This project shall comply with the design criteria as listed on the National Pollutant Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall submit to future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.

Streets

81. The developer shall install sidewalk along the South Schnoor Avenue project frontage in accordance with City and American with Disabilities Act (ADA) standards.
82. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter, and sidewalk, as necessary, to current City and ADA standards.
83. The proposed driveway approach on South Schnoor Avenue shall be constructed to a street-type entrance in accordance with City and ADA standards. The driveway curb radii and width must be designed to accommodate truck turn movements into the site without impacting egress. One driveway approach only will be allowed on South Schnoor Avenue with this proposal.
84. The driveway approach shall have a minimum throat length of thirty (30) feet from face of curb. The throat length shall be justified based on anticipated operation of the complex and the ability to ensure vehicle queues do not extend into the public right-of-way.
85. "No Parking" signs shall be installed along the South Schnoor Avenue project parcel frontage per City Standards.
86. "Bike Route" signs shall be installed along South Schnoor Avenue in accordance with City standards.
87. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on South Schnoor Avenue. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.

88. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
89. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater.

BUILDING DEPARTMENT

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

FIRE DEPARTMENT

94. Buildings will be equipped throughout with fire sprinklers in accordance with the California Fire Code (CFC) and National Fire Protection Association (NFPA) 13. A permit must be obtained for the installation by a licensed C16 Contractor. If high piled storage is desired, it must comply with CFC Table 3206.
95. A fire sprinkler supervisory alarm system is required for the monitoring of the fire sprinkler system.
96. One 2A10BC rated fire extinguisher must be provided inside each tenant space. All fire extinguishers must be mounted between 3-5 feet AFF at the handle in visible and accessible locations.
97. A Knox Box must be provided for access to the site and the applicant shall provide a key for the required Knox Boxes.
98. On-site fire hydrants are required and shall be provided in accordance with appendices B & C of the California Fire Code. Fire hydrants shall be located within the raised parking landscape islands.
99. Fire access roads shall be posted in accordance with the CFC and turn-around shall comply with CFC Appendix D.

AIRPORT LAND USE COMMISSION

100. No component of operations of the facility shall create, or cause to be created, electrical interference with aircraft communications or navigation; and
101. No component of operations of the facility shall create, or cause to be created, any form of visual or other sensory distractions to those aircraft landing or taking off from the airport.

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

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

-END OF CONDITIONS-

Attachment 1: Site Plan
Attachment 2: Floor Plan
Attachment 3: Elevations

Attachment 1: Site Plan

CITY OF MADERA OFF-STREET PARKING REQUIREMENTS (MUNICIPAL CODE SECTION 18-3.1202)

USE: MANUFACTURING, WAREHOUSES, STORAGE USES, AND WHOLESALE HOUSES
PARKING SPACES REQUIRED: ONE SPACE FOR EACH TWO EMPLOYEES, PLUS ONE SPACE FOR EACH 300 SQUARE FEET OF OFFICE SPACE AND CUSTOMER NET FLOOR AREA, PLUS ONE LOADING SPACE FOR EACH 10,000 SQUARE FEET OF GROSS FLOOR AREA

PARKING STALL CALCULATION

STANDARD STALLS - 8'x18'

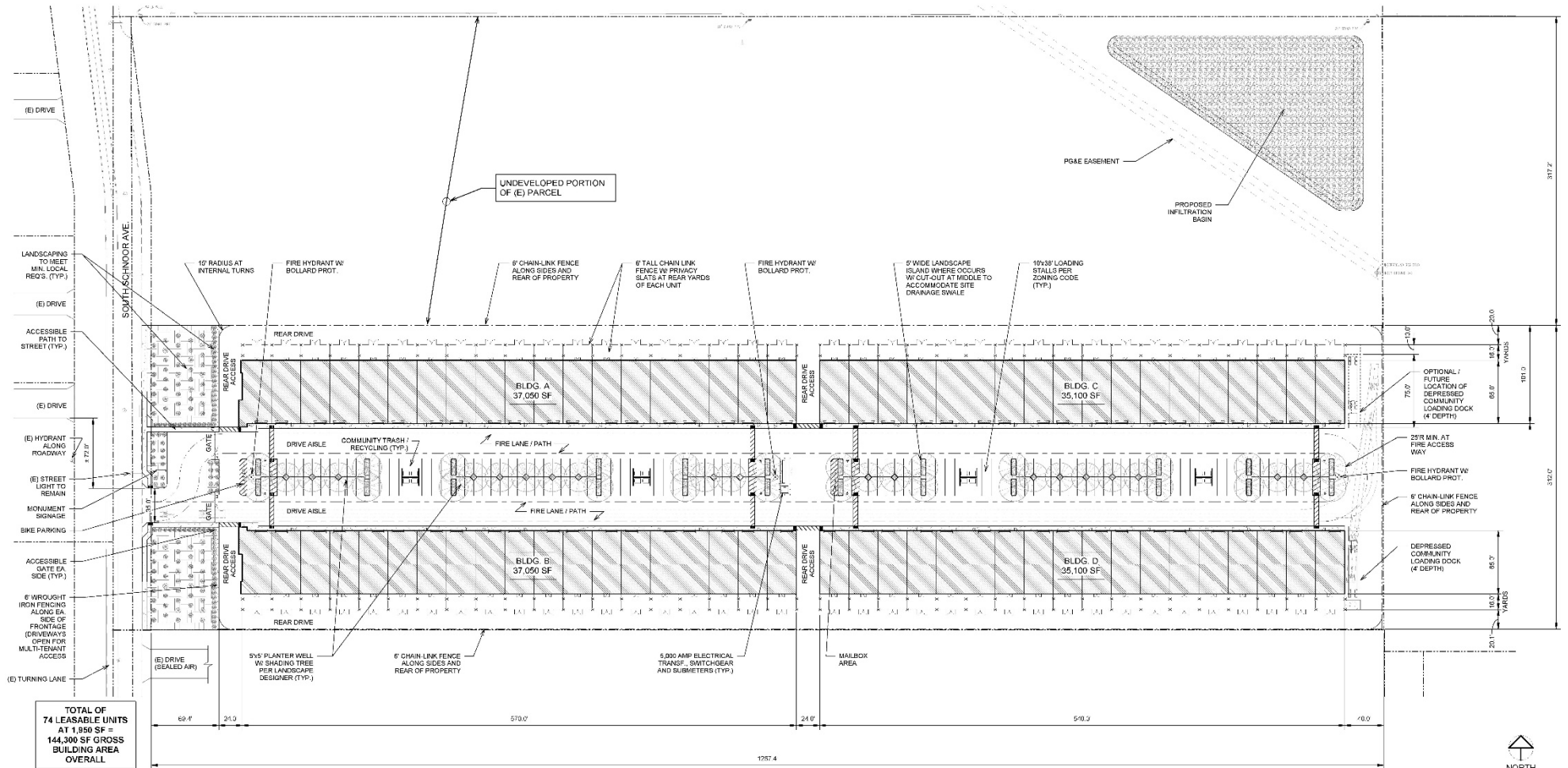
(2 EMPLOYEES PER UNIT x 74 UNITS = 148 EMPLOYEES) / 2 = 74 SPACES
 (74 UNITS x 140 SF OFFICE (UNIT) / 300 = 35 SPACES)
 108 SPACES REQUIRED

134 SPACES PROVIDED

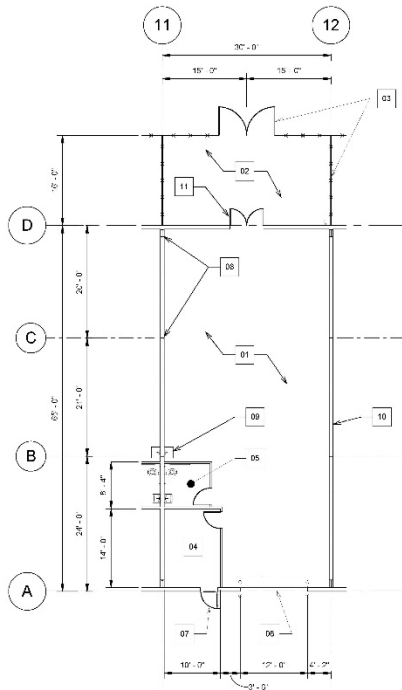
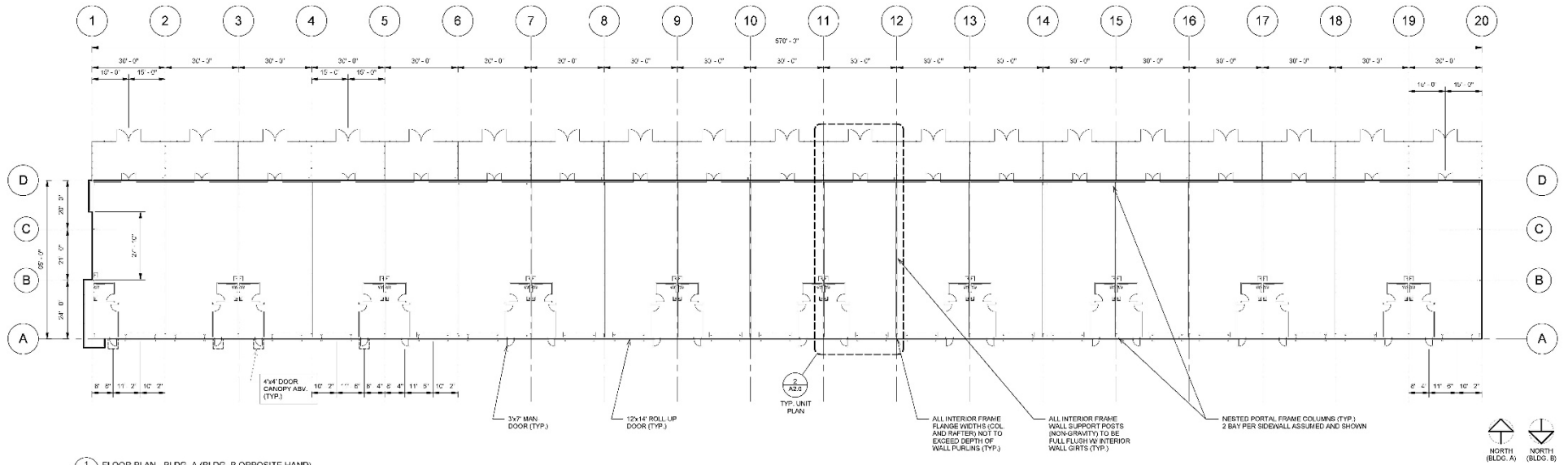
LOADING SPACES - 10'x35'

(2)(37,050 SF - 35,100 SF) / 10,000 = 14 LOADING SPACES REQUIRED

24 LOADING SPACES PROVIDED

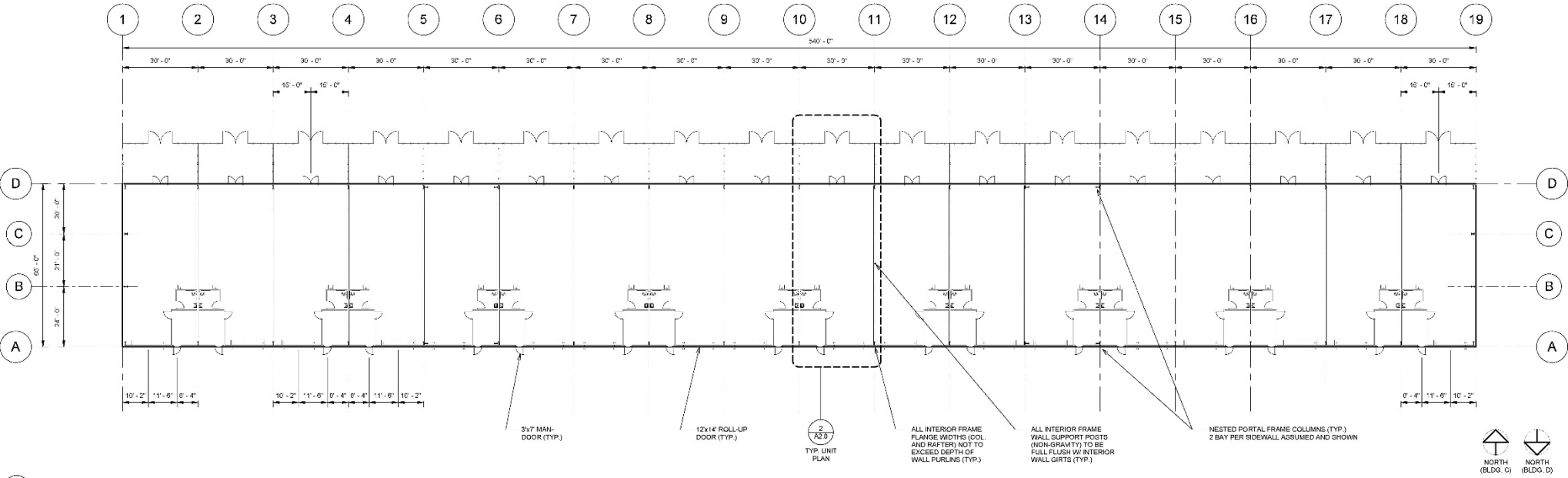


Attachment 2: Floor Plan



FLOOR PLAN KEYNOTES

- 01 WAREHOUSE AREA W/ ROOF MOUNTED EVAP. COOLER / UNIT HEATER (CONSIDERED UNCONDITIONED SPACE DUE TO STUCCO AND ONE (1) ROOF BR/LIGHT)
- 02 EXTERIOR SECURED STORAGE AREA / YARD
- 03 CHAINLINK FENCE W/ PRIVACY SLATS (6' HEIGHT)
- 04 OFFICE AREA (CONDITIONED)
- 05 ACCESSIBLE RESTROOM (W/ EXHAUST ONLY)
- 06 12x14 ROLL-UP DOOR
- 07 3x7 DOOR WITH INTEGRAL WINDOW W/ SECURITY GLAZING (W/RE REINFORCED)
- 08 TYP. METAL BLDG. COLUMN WHERE OCCURS
- 09 ACCESSIBLE STAINLESS STEEL HANDWASH SINK
- 10 INTERIOR METAL PEMB GIRTS W/ ONE (1) LAYER 58" DRYWALL EA. SIDE AND ADDITIONAL INSULATION FULL HT.
- 11 6x7 DOUBLE LEAF DOOR

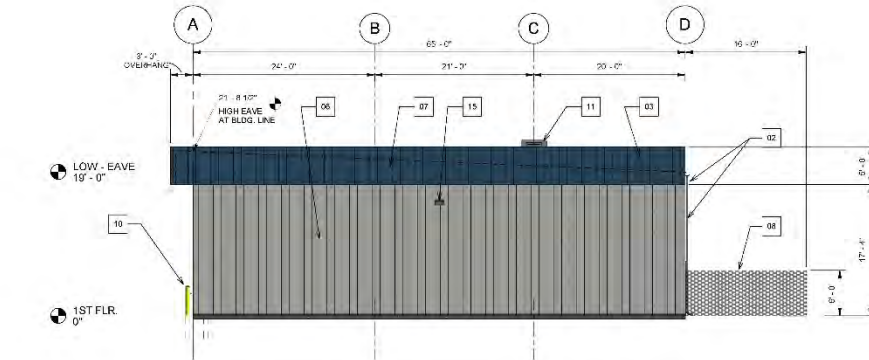


Attachment 3: Elevations

ELEVATION KEYNOTES

- | | | | |
|---|--|---|----------------------------|
| 01 24 GA. R-PANEL ROOF DECK BY PEMB MANUF. (COOL ROOF: WHITE COLOR TO MEET T24 ENERGY CODE AS APPLICABLE) | 06 REVERSE RB 26 GA. R-PANEL AT ALL EXTERIOR WALLS PER PEMB MANUF. (STANDARD GREY COLOR) | 11 ROOFTOP MOUNTED EVAPORATIVE COOLING UNIT FOR SHOP / WAREHOUSE AREA | 18 DOOR CANOPY (TYP. OF 4) |
| 02 GUTTER AND DOWNSPOUT PER PEMB MANUFACTURER (COLOR TO MATCH WALL PANELS) | 07 ROOF SLOPE BEYOND (1/2" / FT.) | 12 (1) 8'x6' SKY LIGHT EACH UNIT | |
| 03 PROJECTED FACADE 26 GA. R-PANEL PER PEMB MANUFACTURER (STANDARD BLUE COLOR PER MANUFACTURER) | 08 6" TALL CHAINLINK FENCE AT YARDS W/ PRIVACY SLATS | 13 BACK-LIGHT BUILDING SIGNAGE (UNDER SEPARATE PERMIT) | |
| 04 12x14' OVERHEAD DOORS - STANDARD GREY COLOR | 09 DOUBLE-LEAF 10' WIDE ACCESS IN CHAINLINK FENCE AT YARDS | 14 ARCH. WALL LIGHT | |
| 05 3x3' WALL DOOR / ENTRANCE (PAINTED BLUE COLOR TO MATCH BLDG. FACADE PANEL) | 10 NEW 4'2x4' 0" SAFETY BOLLARD (PAINTED SAFETY YELLOW) | 15 LED WALL PAD FOR SITE LIGHTING AS REQ'D. PER ELECTRICAL ENGINEER | |

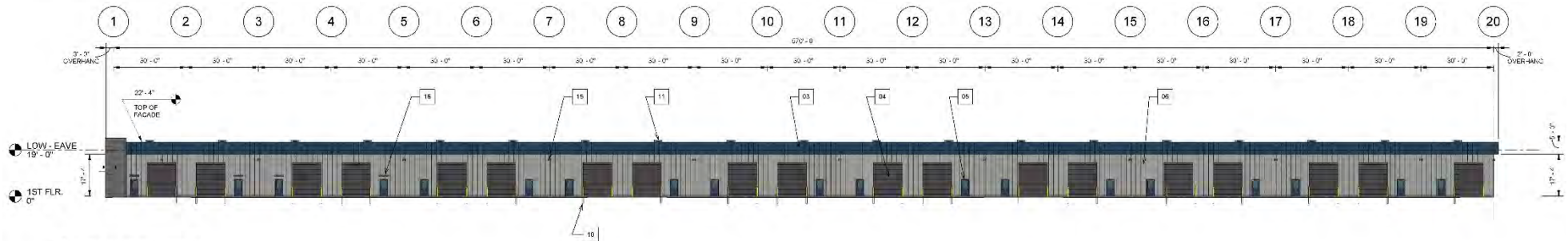
NOTE - BLDG. A OPPOSITE HAND. BLDG'S C & D SIMILAR



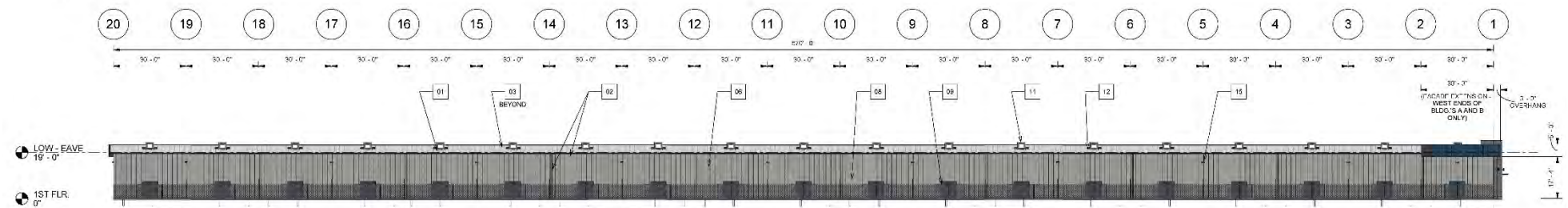
1 BLDG. A - EAST ELEVATION
1/8" = 1'-0"



2 BLDG. A - WEST ELEVATION
1/8" = 1'-0"



3 BLDG. A - SOUTH ELEVATION
1" = 20'-0"



4 BLDG. A - NORTH ELEVATION
1" = 20'-0"



**FORTY-FIVE (45) DAYS WEED ABATEMENT
NOTICE OF VIOLATION
DECLARING A PUBLIC NUISANCE &
NOTICE OF HEARING TO CONDUCT ABATEMENT**

APN: 009-330-011

Notice Date:	March 31, 2021
Location of Violation:	Vacant Parcel 009-330-011
Owner:	[REDACTED]

Notice is hereby given that the Neighborhood Revitalization Department for the City of Madera has conducted an inspection of the above described real property and has identified the following conditions, which are in violation of the Madera Municipal Code:

The specific violations are as follows:

MMC § 3-15.03 Clearance Standards.
MMC § 3-15.05 Owner Responsibilities.

Corrective Action(s) include but are not limited to:

MMC§ 3-15.03 Clearance Standards:

(A)Parcels Five (5) Acres or Less.

Total mowing and/or removal of weed, brush, rubbish, rank growths and/or other hazardous debris is required. Proper disposal of all item(s) is required.

(B) Parcels Greater than Five (5) Acres.

- (1) Create a fire break of minimum thirty (30) feet in width around the perimeter of the property.
- (2) Remove weed clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (3) Properly dispose of any clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (4) Create and maintain a minimum 100 feet width setback between and surrounding any structure(s) found on the property.
- (5) Any storage of any material(s) or equipment(s) must be in accordance with Chapter 3 of Title III of this code.


MMC § 3-15.05 Owner Responsibilities.

The burning, attempt to burn, burying or attempt to bury of any such weeds and/or any other materials is not allowed without written permission by the City Administrator, his or her designee. Property owners are responsible for how a violation is removed or abated within their property. The following responsibilities shall apply:



**FORTY-FIVE (45) DAYS WEED ABATEMENT
NOTICE OF VIOLATION
DECLARING A PUBLIC NUISANCE &
NOTICE OF HEARING TO CONDUCT ABATEMENT**

APN: 009-330-011

Notice Date:	March 26, 2020
Location of Violation:	Vacant Parcel 009-330-011
Owner:	

Notice is hereby given that the Neighborhood Revitalization Department for the City of Madera has conducted an inspection of the above described real property and has identified the following conditions, which are in violation of the Madera Municipal Code:

The specific violations are as follows:

**MMC § 3-15.03 Clearance Standards.
MMC § 3-15.05 Owner Responsibilities.**

Corrective Action(s) include but are not limited to:

MMC§ 3-15.03 Clearance Standards:

(A)Parcels Five (5) Acres or Less.

Total mowing and/or removal of weed, brush, rubbish, rank growths and/or other hazardous debris is required. Proper disposal of all item(s) is required.

(B) Parcels Greater than Five (5) Acres.

- (1) Create a fire break of minimum thirty (30) feet in width around the perimeter of the property.
- (2) Remove weed clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (3) Properly dispose of any clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (4) Create and maintain a minimum 100 feet width setback between and surrounding any structure(s) found on the property.
- (5) Any storage of any material(s) or equipment(s) must be in accordance with Chapter 3 of Title III of this code.

MMC § 3-15.05 Owner Responsibilities.

The burning, attempt to burn, burying or attempt to bury of any such weeds and/or any other materials is not allowed without written permission by the City Administrator, his or her designee. Property owners are responsible for how a violation is removed or abated within their property. The following responsibilities shall apply:



**FORTY-FIVE (45) DAYS WEED ABATEMENT
NOTICE OF VIOLATION
DECLARING A PUBLIC NUISANCE &
NOTICE OF HEARING TO CONDUCT ABATEMENT**

APN: 009-330-011

Notice Date:	March 15, 2019
Location of Violation:	Vacant Parcel 009-330-011
Owner:	[REDACTED]

Notice is hereby given that the Neighborhood Revitalization Department for the City of Madera has conducted an inspection of the above described real property and has identified the following conditions, which are in violation of the Madera Municipal Code:

The specific violations are as follows:

**MMC § 3-15.03 Clearance Standards.
MMC § 3-15.05 Owner Responsibilities.**

Corrective Action(s) include but are not limited to:

MMC§ 3-15.03 Clearance Standards:

(A)Parcels Five (5) Acres or Less.

Total mowing and/or removal of weed, brush, rubbish, rank growths and/or other hazardous debris is required. Proper disposal of all item(s) is required.

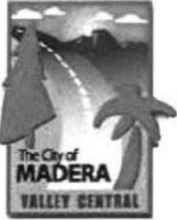
(B) Parcels Greater than Five (5) Acres.

- (1) Create a fire break of minimum thirty (30) feet in width around the perimeter of the property.
- (2) Remove weed clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (3) Properly dispose of any clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (4) Create and maintain a minimum 100 feet width setback between and surrounding any structure(s) found on the property.
- (5) Any storage of any material(s) or equipment(s) must be in accordance with Chapter 3 of Title III of this code.

MMC § 3-15.05 Owner Responsibilities.

The burning, attempt to burn, burying or attempt to bury of any such weeds and/or any other materials is not allowed without written permission by the City Administrator, his or her designee. Property owners are responsible for how a violation is removed or abated within their property. The following responsibilities shall apply:

- (A) Remove any and all weeds, dirt, rubbish, brush, and rank growth of any kind, on private property and from all right-of-way's adjacent to the property. Disking and/or mowing is allowed.



**FORTY-FIVE (45) DAYS WEED ABATEMENT
NOTICE OF VIOLATION
DECLARING A PUBLIC NUISANCE &
NOTICE OF HEARING TO CONDUCT ABATEMENT**

APN: 009-330-011

Case Number:	2016-00572
Notice Date:	March 22, 2018
Location of Violation:	Vacant Parcel 009-330-011
Owner:	[REDACTED]

Notice is hereby given that the Neighborhood Revitalization Department for the City of Madera has conducted an inspection of the above described real property and has identified the following conditions, which are in violation of the Madera Municipal Code:

The specific violations are as follows:

MMC § 3-15.03 Clearance Standards.

MMC § 3-15.05 Owner Responsibilities.

Corrective Action(s) include but are not limited to:

MMC§ 3-15.03 Clearance Standards:

(A) Parcels Five (5) Acres or Less.

Total mowing and/or removal of weed, brush, rubbish, rank growths and/or other hazardous debris is required. Proper disposal of any and all item(s) is required.

(B) Parcels Greater Than Five (5) Acres.

1. Create a fire break of minimum thirty (30) feet in width around the perimeter of the property.
2. Remove weed clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
3. Properly dispose of any clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
4. Create and maintain a minimum 100-foot width setback between and surrounding any structure(s) found on the property.
5. Any storage of any material(s) or equipment(s) must be in accordance with Chapter 3 of Title X of this code.

MMC § 3-15.05 Owner Responsibilities.

The burning, attempt to burn, burying or attempt to bury of any such weeds and/or any other materials is not allowed without written permission by the City Administrator, his or her designee. Property owners are responsible for how a violation is removed or abated within their property. The following responsibilities shall apply:



**FORTY-FIVE (45) DAYS WEED ABATEMENT
NOTICE OF VIOLATION
DECLARING A PUBLIC NUISANCE &
NOTICE OF HEARING TO CONDUCT ABATEMENT**

APN: 009-330-011

Case Number:	2016-00572
Notice Date:	March 30, 2017
Location of Violation:	Vacant Parcel 009-330-011
Owner:	<div style="background-color: black; width: 200px; height: 50px; margin: 0 auto;"></div>

Notice is hereby given that the Neighborhood Revitalization Department for the City of Madera has conducted an inspection of the above described real property on and has identified the following conditions, which are in violation of the Madera Municipal Code:

The specific violations are as follows:

MMC § 3-15.03 Clearance Standards.

MMC § 3-15.05 Owner Responsibilities.

Corrective Action(s) include but are not limited to :

MMC§ 3-15.03 Clearance Standards:

(A) Parcels Five (5) Acres Or Less.

Total mowing and/or removal of weed, brush, rubbish, rank growths and/or other hazardous debris is required. Proper disposal of any and all item(s) is required.

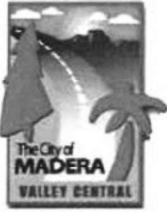
(B) Parcels Greater Than Five (5) Acres.

- (1) Create a fire break of minimum thirty (30) feet in width around the perimeter of the property.
- (2) Remove weed clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (3) Properly dispose of any clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (4) Create and maintain a minimum 100 foot width setback between and surrounding any structure(s) found on the property.
- (5) Any storage of any material(s) or equipment(s) must be in accordance with Chapter 3 of Title X of this code.

MMC § 3-15.05 Owner Responsibilities.

The burning, attempt to burn, burying or attempt to bury of any such weeds and/or any other materials is not allowed without written permission by the City Administrator, his or her designee. Property owners are responsible for how a violation is removed or abated within their property. The following responsibilities shall apply:

- (A) Remove any and all weeds, dirt, rubbish, brush, and rank growth of any kind, on private property and from all right-of-ways adjacent to the property. Discing and/or mowing is allowed.



**FORTY-FIVE (45) DAYS WEED ABATEMENT
NOTICE OF VIOLATION
DECLARING A PUBLIC NUISANCE &
NOTICE OF HEARING TO CONDUCT ABATEMENT**

APN: 009-330-011

Case Number:	2016-00572
Notice Date:	March 17, 2016
Location of Violation:	Vacant Parcel at Parcel Number: 009-330-011
Owner:	<div style="background-color: black; width: 200px; height: 50px; margin: 0 auto;"></div>

Notice is hereby given that the Neighborhood Revitalization Department for the City of Madera has conducted an inspection of the above described real property on March 14, 2016 and has identified the following conditions, which are in violation of the Madera Municipal Code:

The specific violations are as follows:

MMC § 3-15.03 Clearance Standards.

MMC § 3-15.05 Owner Responsibilities.

Corrective Action(s) include but are not limited to:

MMC§ 3-15.03 Clearance Standards:

(A)Parcels Five (5) Acres Or Less.

Total mowing and/or removal of weed, brush, rubbish, rank growths and/or other hazardous debris is required. Proper disposal of any and all item(s) is required.

(B) Parcels Greater Than Five (5) Acres.

- (1) Create a fire break of minimum thirty (30) feet in width around the perimeter of the property.
- (2) Remove weed clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (3) Properly dispose of any clippings, rank growths, brush, any debris, any rubbish, and/or other hazardous materials.
- (4) Create and maintain a minimum 100 foot width setback between and surrounding any structure(s) found on the property.
- (5) Any storage of any material(s) or equipment(s) must be in accordance with Chapter 3 of Title X of this code.

MMC § 3-15.05 Owner Responsibilities.

The burning, attempt to burn, burying or attempt to bury of any such weeds and/or any other materials is not allowed without written permission by the City Administrator, his or her designee. Property owners are responsible for how a violation is removed or abated within their property. The following responsibilities shall apply:

- (A) Remove any and all weeds, dirt, rubbish, brush, and rank growth of any kind, on private property and from all right-of-ways adjacent to the property. Discing and/or mowing is allowed.

(B) If after the expiration of the time period provided to correct the violation and the owner has not corrected the violation, the City of Madera will move forward by taking proper steps to abate the violation(s) at the sole expense and responsibility of the property owner.

In order to avoid fines, penalties or otherwise accruing any costs associated with this violation(s), please cause the violation(s) listed above to be fully corrected on or before **May 1, 2016**.

If compliance is met by the time period stated in this notice, then you may disregard the hearing notice below. However, in the event the violation is left unabated, the City of Madera, after acquiring the approval of the City Council, will thereof possess the authority to abate the violation at the sole expense and responsibility of the property owner, and an administrative fee of \$150.00 will be charged if compliance is not met. The City of Madera shall collect all fees and costs related to the enforcement of violations at this property.

Additionally, consequences of maintaining the violation pursuant to this notice will result in the issuance of an administrative citation in the amount of \$100.00 for the 1st citation; \$500.00 for the 2nd citation and \$1,000.00 for the 3rd and each successive citation, as this violation is considered a misdemeanor.

NOTICE OF HEARING TO CONDUCT ABATEMENT ACTIONS

All property owners having objections to the proposed abatement of the nuisances are hereby notified to attend the public hearing to be held on **May 18, 2016**, at **6:00 p.m.**, at City Hall Council Chambers, 205 West 4th Street, Madera, California 93637, where and when all objections will be heard and given due consideration.

If the violation is not abated within the forty-five (45) days period provided by this Notice, the City of Madera, upon approval of the City Council, shall seek to abate the violation at the sole expense of the property owner. However, if abated within the time period provided herein, you may disregard this notice, and, after a re-inspection, the case will be closed.

Any inquiries regarding this notice or action proposed to be taken should be directed to the City of Madera Neighborhood Revitalization Department by calling (559) 661-5114.

By: F. Rodriguez
Fabela Rodriguez
City of Madera
Neighborhood Revitalization
428 East Yosemite Avenue, Madera, California 93638
(559) 661-5114 Phone · (559) 674-7018 Fax

Date: March 17, 2016



Zoning Ordinance / Land Development Code

with

Most Current Revision Date

CITY OF MADERA, CALIFORNIA

CODE OF ORDINANCES

Contains 2020 S-45 current through

Ordinance 968 C.S., passed 12-18-19

Published by:

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Applicable Zoning District
Showing
Permitted/Conditional Land Uses
and
Bulk Regulations

§ 10-3.301 ESTABLISHMENT.

(A) In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to promote the public health, safety, peace, comfort and general welfare, 13 classes of land use zones are established to be known as follows:

- (1) **PD.** Planned Development Zones
- (2) **R.** Residential Zones
- (3) **RCO.** Resource Conservation and Open Space Zone
- (4) **PF.** Public Facilities Zone
- (5) **PO.** Public Office Zone
- (6) **C-1.** Light Commercial Zone
- (7) **C-2** Heavy Commercial Zone
- (8) **C-R.** Restricted Commercial Zone
- (9) **WY.** West Yosemite Avenue Overlay Zone
- (10) **I.** Industrial Zone
- (11) **UR.** Urban Reserve Zone
- (12) **U.** Unclassified Zone
- (13) **IP.** Industrial Park Zone
- (14) **N-C.** Neighborhood Commercial Zones
- (15) **H-C.** Highway Commercial Zones

(B) An "S" subdesignation may be added to a zone classification applied to a parcel or parcels of land when deemed appropriate by the City Council, upon recommendation of the Planning Commission, for the purpose of setting forth special provisions for the use of such land on an interim or transitional basis. Such use may be one that would otherwise not be permitted by the regular zoning classification. The "S" subdesignation shall be established by ordinance, after due public hearing processes, and the ordinance shall set forth the circumstances of the subdesignation, including but not limited to the purpose and time period for the special provisions. Upon the termination of the specified time period the special provisions shall automatically become null and void and the subdesignation shall be duly deleted from the zoning map of the city without further hearing.

('61 Code, § 10-3.301) (Ord. 231 N.S., passed - - ; Am. Ord. 26 C.S., passed 4-16-62; Am. Ord. 105 C.S., passed 4-5-67; Am. Ord. 183 C.S., passed 5-31-72; Am. Ord. 315 C.S., passed 6-6-79; Am. Ord. 326 C.S., passed 12-3-79; Am. Ord. 380 C.S., passed 9-21-81; Am. Ord. 392 C.S., passed 3-29-82; Am. Ord. 452 C.S., passed 1-15-86; Am. Ord. 485 C.S., passed 10-21-87; Am. Ord. 589 C.S., passed 11-18-92)

INDUSTRIAL ZONES

§ 10-3.1001 I ZONES.

The regulations set forth in this subchapter shall apply in all I industrial zones unless otherwise provided in this chapter.
(61 Code, § 10-3.1001) (Ord. 231 N.S., passed - -)

§ 10-3.1002 USES PERMITTED.

(A) The following uses shall be permitted in I zones:

- (1) Animal hospitals, kennels and veterinarians;
- (2) Automobile dismantling and use parts storage, provided such must be conducted wholly within a building;
- (3) Boat-building works;
- (4) Building materials, sales and storage;
- (5) Dairy products processing;
- (6) Dwelling for a caretaker or security guard and his immediate family, necessary and incidental to a use located in such zone;
- (7) Electrical and electronic instruments, devices and appliances, manufacture and assembly;
- (8) Garment manufacture;
- (9) Ice and cold storage plants;
- (10) Laboratory, experimental and testing;
- (11) Machine shops;
- (12) Pharmaceuticals and drugs, manufacture;
- (13) Prefabrication of buildings;
- (14) Stone monument works;
- (15) Textile manufacturing;
- (16) Accessory buildings and uses customarily incidental to any of the above uses;
- (17) Other retail and wholesale stores or storage and service establishments, light industrial and manufacturing uses determined by the Planning Commission to be similar in character and are not more detrimental to the welfare of the neighborhood in which they are located than any use listed in this subsection, unless such business or enterprise is hereafter in this chapter specifically listed in another classification.

(B) Uses permitted with a Zoning Administrator's permit:

- (1) Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks.
- (2) Food products manufacturing;
- (3) Frozen food processing and storage;
- (4) Fruit and vegetable canning, packing and processing;
- (5) Furniture manufacture;
- (6) Hatcheries;
- (7) Wood products manufacturing, and;

(C) Any of the following industrial or manufacturing uses provided that those uses which in the opinion of the Commission may be of objectionable nature by reason of production of offensive odor, dust, smoke, fumes, noise, bright light, vibration, or involving the storage or handling of explosive or dangerous materials, and all the uses listed in this subsection, may be permitted only if a use permit is first secured in each case:

- (1) All uses permitted in any R zone;
- (2) Drilling for and/or removal of oil, gas, or other hydrocarbon substances;
- (3) Commercial excavations of building or construction materials;
- (4) Manufacture or storage of acid, cement, gas, inflammable fluids, glue, gypsum, lime or plaster of paris, refining of petroleum or its products, smelting of iron, tin, zinc, or other ores;

- (5) Junk yards;
- (6) Brewery;
- (7) Poultry and rabbit processing;
- (8) Automobile dismantling and use parts storage; and
- (9) Nurseries (plant materials and supplies);
- (10) Adult oriented businesses as provided in § 10-7.01 of this title;
- (D) Any type of dwelling subject to first securing a use permit in each case; and

(E) Signs appurtenant to any permitted use may be erected in I zones subject to all the laws, rules, and regulations of the city pertaining to signs, including, but not necessarily limited to, the terms and provisions of § 10-3.415 of the General Provisions subchapter of this chapter pertaining to architectural control.

('61 Code, § 10-3.1002) (Ord. 231 N.S., passed - - ; Am. Ord. 173 C.S., passed 1-19-72; Am. Ord. 690 C.S., passed 8-5-98; Am. Ord. 697 C.S., passed 3-17-99; Am. Ord. 740 C.S., passed 9-18-02)

§ 10-3.1003 HEIGHT OF STRUCTURES.

The maximum height of any building shall be 65 feet; provided, however, additional height may be permitted if a use permit is first secured.

('61 Code, § 10-3.1003) (Ord. 231 N.S., passed - -)

§ 10-3.1004 YARD REQUIREMENTS.

(A) *Front yards.* There shall be no requirements for front yards except where the frontage in a block is partially in a R zone in which case the front yard shall be the same as required in such R zone.

(B) *Side yards.* There shall be no requirements for side yards except where the side of a lot abuts upon the side of a lot in a R zone in which case the side yard shall not be less than ten feet.

(C) *Rear yard.* There shall be no requirements for rear yards except where the rear of a lot abuts on an R zone in which case the rear yard shall be not less than ten feet.

('61 Code, § 10-3.1004) (Ord. 231 N.S., passed - -)

INDUSTRIAL PARK ZONES (IP)

§ 10-3.11.501 IP ZONES.

The regulations set forth in this subchapter shall apply in all Industrial Park (IP) zones unless otherwise provided in this chapter.

('61 Code, § 10-3.11.501) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.502 PURPOSE.

The purpose of the regulations set forth in this subchapter is to provide a set of regulations which will insure the creation of an environment exclusively for, and conducive to, the development and protection of modern, large-scale administrative facilities, research institutions, specialized manufacturing organizations, and distributions centers for major retail outlets, all of a type in which the architecture, landscaping, and operations of the uses are such that each is a credit to the other, and investments in well-designed and maintained plants and grounds are secured by the maintenance of the highest standards throughout the district.

('61 Code, 10-3.11.502) (Ord. 183 C.S., passed 5-31-72; Am. Ord. 598 C.S., passed 5-17-93; Am. Ord. 602 C.S., passed 9-20-93)

§ 10-3.11.503 PERMITTED USES.

(A) The following uses shall be permitted in IP zones:

- (1) Apparel and other finished products made from fabrics and similar materials;
- (2) Books, newspaper and magazine printing and publishing and allied industries;
- (3) Electrical and electronic instruments, machinery, equipment and supplies manufacturing;
- (4) Furniture and fixture manufacturing;
- (5) Fabricated metal products manufacturing, except ordnance machinery and transportation equipment;
- (6) Leather and leather products;
- (7) Textile mill products;
- (8) Professional, scientific, and controlling instruments;
- (9) Photographic and optical goods;
- (10) Watches and clocks.

('61 Code, 10-3.11.503) (Ord. 183 C.S., passed 5-31-72; Am. Ord. 598 C.S., passed 5-17-93; Am. Ord. 602 C.S., passed 9-20-93; Am. Ord. 690 C.S., passed 8-5-98)

§ 10-3.11.503.1 USES REQUIRING A ZONING PERMIT.

(A) Uses permitted with a Zoning Administrator's permit:

- (1) Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks;
- (2) Chemicals and allied product manufacturing;
- (3) Rubber and miscellaneous plastics manufacturing;
- (4) Processing, warehousing and wholesale distribution of food and kindred products manufacture.

(Ord. 690 C.S., passed 8-5-98)

§ 10-3.11.504 ACCESSORY USES.

The following structures and uses shall be permitted in IP zones when accessory to a use permitted by the provisions of this subchapter:

- (A) Incidental sales in connection with a permitted use;
- (B) Accessory uses and structures customarily appurtenant to a permitted use; and
- (C) Recreational facilities for employees and guests.

('61 Code, § 10-3.11.504) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.505 USES REQUIRING USE PERMITS.

(A) The following uses shall be permitted with a Use Permit:

(1) Warehousing and wholesale distribution of manufactured or assembled products; and

(2) Any research or light manufacturing use which is determined by the Commission to be consistent with the purposes of this subchapter, which will not impair the present or potential uses or values of adjacent parties nor be detrimental to the public health, safety, peace, morals, comfort, or general welfare of the community, and which conforms to the performance standards set forth in this subchapter.

('61 Code, § 10-3.11.505) (Ord. 183 CS., passed 5-31-72; Am. Ord. 690 C.S., passed 8-5-98)

§ 10-3.11.506 PERFORMANCE STANDARDS.

All uses in IP zones shall meet the following performance standards.

(A) *Noise.* The maximum sound pressure level of activities other than street or highway transportation, temporary construction work, or temporary oil or gas drilling or exploration operations, as determined by the City Engineer, shall not exceed the standards for octave bands within the frequency limits given below after applying the correction factors:

(1) *Noise at zone boundaries.* At no point on the boundary of an IP zone shall the sound pressure level of any individual operation, use, or plant exceed the decibel levels in the designated octave bands set forth below:

Octave Band	Maximum Permitted Sound Level in Decibels (.0002
Cycles Per Second	Dynes/cm²)
0 - 75	72
75 - 150	67
150 - 300	59
300 - 600	52
600 - 1,200	46
1,200 - 2,400	40
2,400 - 4,800	34
Above 4,800	32

(2) *Noise at property lines.* At no point on the lot lines of any property shall the sound pressure level of any individual operation, use or plant exceed the decibel levels in the designated octave bands shown below:

Octave Band	Maximum Permitted Sound Level in Decibels (.0002
Cycles Per Second	Dynes/cm²)
0 - 75	80
75 - 150	75
150 - 300	70
300 - 600	64
600 - 1,200	58
1,200 - 2,400	53
2,400 - 4,800	49
Above 4,800	46

(3) *Corrective factors in noise measurement.* To any irregular or impulsive noise, one or more of the following corrective factors shall be added to the values permitted sound level:

Character of Noise	Correction in Decibels
Occurs between 10:00 p.m. and 7:00 a.m.	Minus 10
Noise source operates less than a total of 30 minutes in any day	Plus 10
Noise of impulsive character, such as hammering	Minus 5

(B) *Air pollution.* There shall be no discharge into the atmosphere, from any source, of particulate matter in excess of 0.3 grams per cubic foot of gas at standard conditions. There shall be no emission of gas, smoke, particulate material, dust, or other air contaminants for a period or periods aggregating more than three minutes in any one hour which contaminants are:

(1) As dark or darker in shade as that designated as No. 2 on the Ringelmann Chart as published by the US Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection § 10-3.11.506(B)(1) of this subsection.

(C) *Odor.* Odors from gases shall not be in such quantity as to be offensive beyond the lot lines of the use.

(D) *Vibration.* Vibration from any machine, operation, or process shall not cause a perceptible motion at the lot lines.

(E) *Glare and heat.* Glare and heat from any source shall not be produced beyond the lot lines.

(F) *Radioactivity and electrical disturbances.* The use of radioactive materials within IP zones shall be limited to measuring, gauging, and calibration devices, such as tracer elements in X-ray and like apparatus, and in connection with the processing and preservation of foods. All electrical and electronic devices and equipment shall be suitably wired, shielded, and controlled so that in operation they shall not, beyond the lot lines, emit any electrical impulses or waves which will adversely affect the operation and control of any other electrical or electronic devices and equipment.

('61 Code, § 10-3.11.506) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.507 HEIGHT REGULATIONS.

No structure in the IP zones shall exceed 50 feet in height except upon approval of a conditional use permit by the Planning Commission.

('61 Code, § 10-3.11.506) (Ord. 183 C.S., passed 5-31-72; Am. Ord. 421 C.S., passed 3-19-84; Am. Ord. 494 C.S., passed 1-20-88)

§ 10-3.11.508 LOT AREA.

The minimum building site area in IP zones shall be one acre.

('61 Code, § 10-3.11.508) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.509 LOT WIDTH.

The minimum lot width in IP zones shall be 150 feet.

('61 Code, § 10-3.11.509) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.510 LOT DEPTH.

The minimum average lot depth in IP zones shall be 150 feet.

('61 Code, § 10-3.11.510) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.511 LOT COVERAGE.

Not more than 50% of the lot area in IP zones shall be covered with buildings.

('61 Code, § 10-3.11.511) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.512 YARD REQUIREMENTS.

The following yards shall be required in IP zones:

(A) *Front yards.* Front yards shall have a minimum depth of 50 feet.

(B) *Side yards.* There shall be a minimum combined side yard width of 40 feet for both sides, and no one side yard shall have a width of less than ten feet. For every one foot the building exceeds 30 feet in height, one additional foot of side yard shall be required on each side. Side yards on the street side of corner lots shall be equal in depth to the front yard requirements set forth in subsection § 10-3.11.512(A) of this section.

(C) *Rear yards.* Rear yards shall have a minimum depth of 20 feet.

('61 Code, § 10-3.11.512) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.513 USES IN BUILDINGS.

All uses in IP zones shall be conducted wholly within a completely enclosed building, except for off- street parking and loading, store age, and the disposal of trash and refuse.

('61 Code, § 10-3.11.513) (Ord. 183 C.S., passed 5-31-72)

§ 10-3.11.514 DISPOSAL FACILITIES.

Trash and refuse collection and disposal facilities in IP zones shall be enclosed by a solid fence or hedge no lower in height than the facilities themselves.

§ 10-3.411 YARD ENCROACHMENTS.

Where yards are required by this chapter, they shall be not less in depth or width than the minimum dimension specified for any yard, and they shall be at every point open and unobstructed from the ground upward, except as follows:

(A) *Architectural features.* Fireplaces, bay windows, balconies, cornices, canopies, and eaves, not providing additional floor space within the building, may extend into a required front, side, or rear yards not to exceed two feet.

(B) *Porches.*

(1) Covered porches, landing spaces, or outside stairways, which do not extend above the level of the entrance floor of the building may project into any required side yard not more than three feet and not exceeding six feet into any required front yard. An open work railing, not more than 30 inches in height, may be installed or constructed on any such porch or landing space.

(2) Open porches, landing spaces, or outside stairways, if unroofed and unenclosed, which do not extend above the level of the entrance floor of the building to a maximum of 30 inches, is not limited as to its projection into front and side yards, provided it is not more than 120 square feet in area. Projections into a required rear yard are subject to the same limitations as a deck.

(C) *Decks.* When larger than 120 square feet or when the deck is constructed higher than 30 inches above finish grade, a wood deck may occupy up to 30% of a required rear yard area, but may not extend any closer than three feet to the rear or side property lines. Except as provided under open porches above, such a deck may not be located in the front setback area.

(D) *Accessory buildings and structures.* Except as provided elsewhere in this title, the following regulations shall apply to the location of accessory buildings:

(1) *Attached accessory building.* Where an accessory building is attached to and made a part of the main building, it shall be made structurally an integral part of, and have a common wall with, the main building and shall comply in all respects with the requirements of this chapter applicable to the main building.

(2) *Detached accessory buildings.* A detached accessory building or structure to be constructed in an R-1, R-2, R-3, or PD zone (unless otherwise provided by an approved precise plan) shall be subject to the following standards:

(a) Buildings designed for residential occupancy, or detached accessory structures larger than 1,000 square feet in size or higher than 12 feet shall be located at least ten feet from any dwelling building existing or under construction on the same lot or any adjacent lot. Such accessory building shall conform to the setback requirements for the primary dwelling unit on the lot.

(b) Structures not designed for residential occupancy, such as patio covers, gazebos, cabanas, and pool shelters, less than 1,000 square feet in area and less than 12 feet in height, shall be located as follows:

1. For structures with walls, at least a three-foot separation from the walled side to any building on the same lot is required. A three-foot separation from any side or rear lot line must be maintained.

2. For structures with wall surfaces of less than 10%, no separation is required from other buildings on the same lot, except at windows where three feet must be maintained. A three-foot separation from any side or rear lot line must also be maintained.

3. In the case of a corner lot, such structure shall meet the street side yard setback requirements for the primary dwelling unit on the lot.

('61 Code, § 10-3.411) (Ord. 231 N.S., passed - -; Am. Ord. 601 C.S., passed 9-7-93)

Applicable Off - Street Parking Requirements

OFF-STREET PARKING REGULATIONS

§ 10-3.1201 GENERAL REQUIREMENTS.

(A) It is the purpose of this section to allow evaluation of off-street parking requirements for vehicles to prevent or lessen the traffic congestion and parking problems on public streets and to leave street parking available to persons making short-term visits for shopping, personal business and related activities. Off-street parking and off-street loading facilities shall be provided incidental to new land uses and major alterations and enlargements of existing land uses. Major land use development proposals will be expected to meet on-site parking requirements and, for customer satisfaction, should want to provide parking for their convenience. On-site parking is a normal part of land use development and satisfying Code requirement will be the rule and not the exception. Allowing large scale or high intensity land uses an exception to Code requirements, or to pay in-lieu fees, may have a tendency to over-load the city's existing parking inventory on at least a short-term basis, and in the case of some areas, exceed the city's ability to satisfy long-term needs. The number of parking spaces and the number of loading berths prescribed in this subchapter, or to be prescribed by the Planning Commission, shall be proportional to the need for such facilities created by the particular type of land use. Off-street parking and loading areas shall be laid out in a manner that will ensure their usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from their impact. The provisions of this subchapter are intended to:

- (1) Provide clear standards for parking requirements;
- (2) Provide parking requirements that are appropriate for specified land uses;
- (3) Provide for flexibility in meeting parking requirements;
- (4) Ensure that parking requirements are consistent with the land use goals of the community; and
- (5) Discourage unnecessary curb cuts and the loss of on-street parking spaces through the construction of driveways downtown.

The provisions of this subchapter are also intended to deal with major problems, conditions, and needs which are apparent in attempting to provide sufficient off-street parking facilities in areas of intense commercial development, including:

- (1) The difficulty in assembling land by private means;
- (2) The often excessive time required in assembling land by private means;
- (3) The varying financial capabilities and traffic generating characteristics among the various types of commercial enterprises;
- (4) The importance of avoiding the development of a fragmented pattern of off-street parking facilities which may bear little relation to the needs of a commercial area as a whole;
- (5) The importance of prescribing regulations which will not inadvertently discourage private investment within the community while alleviating or preventing traffic congestion; and
- (6) The importance of achieving a reasonable distribution of burden among private interests and the public at large consistent with their individual and collective responsibilities to provide off-street parking and loading facilities.

(B) Every building hereafter erected in the city shall be provided with parking spaces as provided in §10-3.1202 of this subchapter, subject to the other provisions of this subchapter. Such parking spaces shall be made available and shall be maintained for parking purposes according to the required use of the building.

(C) Every building hereafter reconstructed, remodeled, or structurally altered shall be provided with parking spaces as required by the new use of the building. The parking spaces required by this subsection shall be determined by subtracting the number of parking spaces required by the provisions of § 10-3.1202 of this subchapter for the building as used prior to its reconstruction, remodeling, or structural alteration from the number of spaces required by § 10-3.1202 for the building for its proposed use after its reconstruction, remodeling, or structural alteration. Such parking spaces shall be made available and shall be maintained for parking purposes according to the required use of the building. For buildings other than dwellings, if the number of parking spaces thus determined does not exceed the number of spaces required by the provisions of § 10-3.1202 for the building as used prior to its reconstruction, remodeling, or structural alteration by at least 10% or by five spaces, whichever is greater, no additional parking space need be provided by reason of the reconstruction, remodeling, or structural alteration of the building. In the event it is not possible to determine the number of parking spaces required for a particular building in the manner set forth in this subsection, the Commission shall determine an adequate number of parking spaces for such a building based on standards comparable to those set forth in § 10-3.1202.

('61 Code, § 10-3.1201) (Ord. 26 C.S., passed 4-16-62; Am. Ord. 721 C.S., passed 9-20-00)

§ 10-3.1202 PARKING SPACES REQUIRED.

Except as provided in §10-3.1205 of this subchapter, the number of off-street parking spaces required shall be as follows:

Downtown Parking

Use	Parking Spaces Required	District Standards
<i>Residential uses</i>		
Residential dwellings	1½ spaces for each bachelor or one bedroom dwelling unit and two spaces for dwelling unit having more than one bedroom. In each instance one space per unit must be covered.	Same
Multi-family housing projects	In addition to parking spaces required in residential dwellings above, all projects with six or more units shall also provide off-street parking for visitors at locations reasonably central to the units to be served at a rate of one space for the first four units and one space for each four units thereafter.	Same
Senior citizen housing projects under § 10-3.5.1 Affordable Housing Density Bonus	One cover parking space for each unit, plus one guest parking space provided at the rate of one space for every four units, which shall be located in close proximity and easily accessible to the units they are designated to serve. Employee parking shall be provided at a rate of one space per every two employees. Parking for a manager's quarters shall be required at the standard residential rate. Sufficient additional open space area shall be provided to allow for compliance with standard residential rates should the project be converted in whole, or in part, for occupancy by other than senior citizens.	Same

Downtown Parking

Use	Parking Spaces Required	District Standards
Rooming and lodging houses, fraternity and sorority houses, and private clubs having sleeping rooms	One space for each sleeping room.	Same
Motels	One space for each sleeping room, plus one space for each two employees.	Same
Hotels	One space for each three beds.	Same
<i>Commercial and industrial uses</i>		
Banks	One space for each 250 square feet of gross floor area.	Same
Business and professional offices	One space for each 300 square feet of gross floor area.	One space for each 450 square feet of gross floor area
Retail food stores	One space for each 250 square feet of gross floor area	One space for each 375 square feet of gross floor area

All other retail stores and personal service establishments, such as barber, beauty, and repair shops	One space for each 300 square feet of gross floor area	One space for each 450 square feet of gross floor area
Retail stores which handle only bulky merchandise, such as furniture, appliances, hardware, and similar establishments	One space for each 400 square feet of gross floor area, plus one space for each two employees.	One space for each 600 square feet of gross floor area
Motor vehicle sales, machinery sales, and auto repair garages	One space for each 400 square feet of gross floor area, plus one space for each two employees.	One space for each 600 square feet of gross floor area

Downtown Parking

Use	Parking Spaces Required	District Standards
Manufacturing, warehouses, storage uses, and wholesale houses	One space for each two employees, plus one space for each 300 square feet of office space and customer net floor area, plus one loading space for each 10,000 square feet of gross floor area.	One space for each two employees, plus one space for each 450 square feet of office space and customer net floor area, plus one loading space for each 10,000 square feet of gross floor area.
<i>Places of assembly</i>		
Establishments for the sale and consumption of food and beverages on the premises	One space for each three seats of a fixed nature, plus one space for each 50 square feet of net floor area available for non-fixed seating.	Same
Drive-in restaurants	One space for each three seats.	Same
Auditoriums	One space for each three seats.	Same
Theaters	One space for each five seats.	Same
Churches	One space for each four seats.	Same
Skating rinks, dance halls, and similar establishments	One space for each 50 square feet of net floor area used for dancing or skating or one space for each 200 square feet of gross floor area, whichever is greater.	Same
Libraries and museums	One space for each 400 square feet of gross floor area, plus one space for each two employees.	One space for each 600 square feet of gross floor area, plus one space for each two employees.
Mortuaries and funeral homes	One space for each vehicle used in conjunction with the establishment, plus one space for each two employees, plus one space for each four seats in the main chapel.	Same

Downtown Parking

Use	Parking Spaces Required	District Standards
All places of assembly without fixed seating, other than those uses set forth in establishments for the sale and consumption of food and beverages on the premises	One space for each 25 square feet of gross floor area used for assembly.	Same
<i>Educational uses</i>		

Elementary and junior high schools	One space for each faculty member and employee.	Same
High schools	One space for each individual employed on the campus, plus one space for each five students.	Same
Junior colleges, colleges, universities, and trade and draft schools	One space for each individual employed on the campus, plus one space for each two students not residing on the premises.	Same
Day care and nursery schools	One space for each employee	Same
School auditoriums, assembly halls, stadiums, and gymnasiums	One space for each three seats if such number will provide a greater number of spaces than set forth in elementary and junior high schools, high schools, and junior colleges, colleges, universities, and trade and draft schools.	Same

Health

Medical and dental offices and clinics	Four spaces for each doctor, plus one space for each employee or one space for each 250 square feet of gross floor area, whichever is greater.	Same
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Use	<i>Parking Spaces Required</i>	Downtown Parking <i>District Standards</i>
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Asylums, sanitariums, old-age homes, orphanages, convalescent homes, nursing homes, and children's homes	One space for each three beds plus one space for each two employees on the largest shift.	Same
Hospitals	One space for each two employees, plus one space for each doctor, plus one space for each three beds or one space for each 1,000 square feet of gross floor area, whichever is greater.	Same
Animal veterinary hospitals and clinics	Four spaces for each doctor, plus one space for each two employees.	Same

Public uses

City, county, special districts, state, and federal administrative offices, excluding places of assembly	One space for each two employees, plus one space for each vehicle used in conjunction with the establishment, and one space for each 300 square feet of gross floor area.	Same
Public buildings and grounds, other than administrative offices and educational uses	One space for each two employees on the maximum work shift, plus the number of additional spaces prescribed by the Commission.	Same

Utility uses

Electric distribution and transmission substations, gas regulator stations, sewage treatment plants, and other utility buildings and uses	One space for each two employees on the maximum work shift, plus one space for each 300 square feet of net floor open to the public.	Same
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Use	Parking Spaces Required	District Standards
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Transportation facilities

Airports, heliports, bus stations, truck terminals, and railroad stations and yards	One space for each two employees on the maximum work shift, plus the number of additional spaces prescribed by the Commission.	Same
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('61 Code, § 10-3.1202) (Ord. 26 C.S., passed 4-16-62; Am. Ord. 301 C.S., passed 8-4-78; Am. Ord. 452 C.S., passed 1-15-86; Am. Ord. 571 C.S., passed 9-18-91; Am. Ord. 589 C.S., passed 11-18-92; Am. Ord. 721 C.S., passed 9-20-00)

§ 10-3.1203 PARKING REQUIREMENTS FOR USES NOT SPECIFIED.

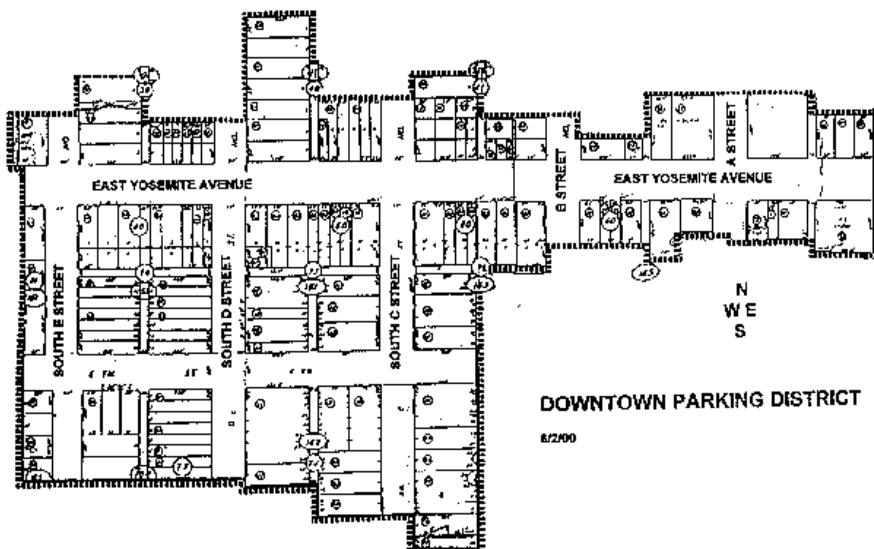
Where the parking requirements for a use are not specifically defined by this subchapter, the parking requirements for such use shall be determined by the Commission, and such determination shall be based upon the requirements for the comparable use specified in this subchapter.

('61 Code, § 10-3.1203) (Ord. 26 C.S., passed 4-16-62; Am. Ord. 721 C.S., passed 9-20-00)

§ 10-3.1204 IN LIEU PAYMENTS.

Within any parking district created under the Parking District Act of 1951 or any other Parking District Act approved by the City Council, in lieu of furnishing the parking spaces required by the provisions of this subchapter in case of the reconstruction, remodeling, or structural alteration of an existing building which has no existing off-street parking facilities or insufficient off-street parking facilities for its existing use, the parking requirements for such new, different, or expanded use may be satisfied by the payment to the city, prior to the issuance of a building permit, of the sum of \$4,500 per parking space for each parking space required by the provisions of this subchapter. Such funds shall be deposited with the city in a special fund and shall be used and expended exclusively for the purpose of acquiring and developing off-street parking facilities located, insofar as practical, in the general vicinity of the buildings for which the in lieu payments were made. Said parking fee shall be adjusted as required by the City Council based on the yearly increase in the Federal Consumers Price Index, or to more accurately reflect the cost of constructing off-street public parking facilities. Funds paid to the city for in-lieu parking shall not be refundable, in case of destruction or removal of the structure or land use for which the funds were paid. All in-lieu parking fees shall be paid prior to issuance of the first permit (any business license or building permit) for which the in-lieu fees are required.

(A) Downtown parking district.



(B) The determination for allowing payment of in-lieu fees for all or a part of the on-site parking otherwise required by the provisions of this subchapter shall be made by the Planning Commission on an individual basis in response to a request for exception filed by the applicant for the proposed new, different or expanded use. Parking adjustments provided under these provisions shall not decrease the number of parking spaces otherwise required by this subchapter.

(C) Payment of in-lieu fees will generally be allowed only as a special exception, or applicable only under special circumstances.

(D) The Planning Commission will utilize the followings guidelines when evaluating a request for on-site parking exceptions:

- (1) Payment of in-lieu fees may be considered for additions, expansions, or intensification.
- (2) Payment of in-lieu fees may be considered when parcel size, shape, location, or limitations on access prevent development of on-site parking that would meet the design standards of this subchapter.
- (3) If it is determined that providing parking on some sites will result in the loss of existing or potential on-street parking spaces due to the location of driveways or other improvements, the Planning Commission will consider the cumulative effect of providing off-street parking relative to the net gain in total parking spaces.
- (4) Requests for exceptions involving properties that would otherwise be able to provide on-site parking meeting the requirements of this subchapter may be approved subject to meeting specific conditions, including but not limited to:
 - (a) Providing sufficient on-site parking to meet employee demands based on the maximum number on a peak shift or peak hour;
 - (b) Providing sufficient on-site handicapped parking spaces to meet standard requirements based on the number of spaces which would otherwise be required by this subchapter without consideration of in-lieu fees;
 - (c) Provide loading spaces that would otherwise be required for the proposed use based on the provisions of this subchapter.
- (5) The following uses shall be excluded from requesting an exception to the parking provisions of this subchapter:
 - (a) All residential uses;
 - (b) All places of assembly (theaters, churches, lodges, etc.);
 - (c) All educational uses;
 - (d) All public uses.
- (E) In granting an exception from the parking requirements of this subchapter and authorizing the payment of in-lieu fees, the Planning Commission must make at least one or more of the following findings:
 - (1) The project site for which the parking requirement applies is 5,000 square feet or less in size and has less than fifty feet (50') of street frontage.
 - (2) The construction of required driveway(s) for on-site parking would result in the excessive loss of curb parking on street.
 - (3) Because of special circumstances applicable to the property, including size, shape, location, or surroundings, the proposed use cannot conform with the strict application of the parking regulations and the property would be deprived of privileges enjoyed by other property in the vicinity.
 - (4) The applicant, as determined by the Planning Commission, has diligently pursued meeting the parking requirements both on-site and off-site, but has been unsuccessful in meeting the requirements.
 - (5) Exceptions shall be granted only when 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, 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.
 - (6) Any exception granted may be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

('61 Code, § 10-3.1204)(Ord. 26 C.S., passed 4-16-62; Am. Ord. 301 C.S., passed 8-4-78; Am. Ord. 721 C.S., passed 9-20-00)

§ 10-3.1205 EXEMPTIONS FROM PARKING SPACE REQUIREMENTS.

(A) *Existing buildings and uses.* None of the requirements of this subchapter for off-street parking spaces shall apply to the use of a building in existence on August 1, 1978. No building, as it is used on August 1, 1978, shall be deemed to be nonconforming solely by reason of the lack of off-street parking spaces, provided that any portion of the premises available for off-street parking in connection with such building shall not be utilized for any purpose other than off-street parking if necessary to meet the requirements of this subchapter.

(B) *Parking districts.* None of the provisions of this subchapter which require the provisions of off-street parking spaces in connection with the use of property for commercial or industrial purposes shall apply to any parcel of existing improved property which is located within any parking district formed and existing under the Parking District Act of 1951 or any other parking district act approved by the Council, except any area within any such district which is available for off-street parking shall not be improved or changed without payment of the in lieu fees provided in § 10-3.1204. Determination of an area available for parking shall be made by the Planning Director whose determination shall be subject to review by the Planning Commission.

(C) *Vacant parcels demolition and new facilities.* None of the exemptions provided for in this section apply to vacant parcels of property or on parcels where existing buildings are demolished and a new facility is constructed, either in or out of

a parking district.

('61 Code, § 10-3.1205) (Ord. 26 C.S., passed 4-16-62; Am. Ord. 301 C.S., passed 8-4-78; Am. Ord. 468 C.S., passed 12-31-86)

§ 10-3.1206 REQUIRED IMPROVEMENT AND MAINTENANCE OF PARKING AREA.

Every lot used as a public or private parking area and having a capacity of five or more vehicles shall be developed and maintained in the following manner:

(A) *Surface of parking area.* Off-street parking areas shall be paved or otherwise surfaced and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. In no case shall such drainage be allowed to cross sidewalks, unless approved by the City Engineer.

(B) *Border barricades, screening, and landscaping.*

(1) Every parking area not separated by a fence from any street or alley property line upon which it abuts shall be provided with a suitable concrete curb or timber barrier not less than six inches in height, located not less than two feet from such street or alley property lines, and such curb or barrier shall be securely installed and maintained; provided, however, no such curb or barrier shall be required across any driveway or entrance to such parking area.

(2) Every parking area abutting property located in any R or PD zone shall be separated from such property by a solid wall, view-obscuring fence, or compact evergreen hedge a maximum of eight feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous R or PD zone property, and a minimum of six feet in height as measured from the finished grade of the adjacent residential property; provided, however, no fence over three feet in height shall be constructed or grown to the front of any adjacent dwelling or within 25 feet of the street corner of any corner lot.

(3) The lights provided to illuminate any parking area or used car sales area permitted by this subchapter shall be arranged so as to reflect the light away from any premises upon which a dwelling unit is located.

(C) *Entrances and exits.* The location and design of all entrances and exits shall be subject to the approval of the City Engineer.

('61 Code, § 10-3.1206) (Ord. 26 C.S., passed 4-16-62; Am. Ord. 580 C.S., passed 12-18-91; Am. Ord. 652 C.S., passed 3-6-96)

§ 10-3.1207 GENERAL REGULATIONS AND CONDITIONS.

The following regulations and conditions shall apply to all off-street parking facilities:

(A) *Size and access.* Each off-street parking space shall have a width of not less than nine feet and a length of not less than 19 feet except that up to 25% of the required parking spaces may be designated for compact car use in parking lots provided for uses other than residential dwelling units and having at least ten spaces. Compact car spaces shall have a minimum width of eight feet and a minimum length of 16 feet. Every space designated to accommodate compact cars shall be clearly marked as a compact space. Each space shall have adequate ingress and egress. Parking lot dimensions shall be set forth in the city standard specifications. When the required covered parking space for a dwelling unit is converted into a different use and occupancy, such required car space shall be relocated and covered by a garage or carport in accordance with the provisions of this chapter.

(B) *Location.* Off-street parking facilities shall be located as follows (where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building such facility is required to serve):

(1) For single or multiple-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve;

(2) For hospitals, sanitariums, rest homes, asylums, orphanages, rooming houses, lodging houses, club rooms, and fraternity and sorority houses, not more than 150 feet from the buildings they are required to serve; and

(3) For uses other than those set forth in subsections §10-3.1207(B)(1) and (2) of this subsection, not over 300 feet from the building they are required to serve.

(C) *Mixed occupancies in a building.* In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. The off-street parking facilities for one use shall not be considered as providing the required parking facilities for any other use, except as set forth in subsection § 10-3.1207(D) of this section for joint use.

(D) *Joint use.* The Building Department, upon an application by the owner or lessee of any property, may authorize the joint use of parking facilities by the following uses or activities under the conditions set forth:

(1) Up to 50% of the parking facilities required by this subchapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use considered to be primarily a nighttime use; up to 50% of the parking facilities required by this subchapter for a use considered to be primarily a nighttime use may be provided by the parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to the conditions set forth in subsection § 10-3.1207(D)(4) of this section.

(2) Up to 100% of the parking facilities required by this subchapter for a church or for an auditorium incidental to a public or parochial school may be supplied by parking facilities of a use considered to be primarily a daytime use, provided such reciprocal parking area shall be subject to the conditions set forth in subsection § 10-3.1207(D)(4) of this section.

(3) The following uses are typical daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and similar uses. The following uses are typical of nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters, and bars.

(4) Conditions required for joint use:

(a) The building or use for which application is being made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within 150 feet of such parking facility;

(b) The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed; and

(c) If the building, structure, or improvement requiring parking space is in one ownership, and the required parking space provided in another ownership, partially or wholly, there shall be a recording in the office of the County Recorder of a covenant by such owner for the benefit of the city in the form first approved by the city that such owner will continue to maintain such parking space so long as the building, structure, or improvement is maintained within the city. The covenant herein provided shall stipulate that the title to and right to use the lots upon which the parking space is to be provided will be subservient to the title to the premises upon which the building is to be erected and that it is warranted that such lots are not and will not be made subject to any other covenant or contract for use without the prior written consent of the city as authorized by the Council.

(E) *Common facilities.* Common parking facilities may be provided in lieu of the individual requirements contained herein, but such facilities shall be approved by the Building Department as to size, shape, and relationship to business sites to be served, provided the total of such off-street parking spaces, when used together, shall not be less than the sum of the various uses computed separately.

(F) *Plans.* Plans of the proposed parking area shall be submitted to the Building Department at the time of an application for a building permit for any building to which the parking area is accessory. The plans shall clearly indicate the proposed development, including the location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances of the proposed parking lot.

(G) *Accessibility.* Parking spaces shall be easily accessible by standard-size automobiles, shall be so designed as to be accessible from a public street or alley, and shall be located so that sufficient area is available for maneuvering purposes.

(H) *Stalls.* No parking space shall be so located as to require the moving of any vehicle on the premises in order to enter into or proceed out of any other stall; provided, however, this provision need not apply in the event the parking facility has an attendant at all times during the use of such facility.

(I) *Backing onto streets.* Automobile parking so arranged as to require the backing of motor vehicles from a parking space, garage, or other structure onto a major street, as designated by the Council, shall be prohibited when either or both of the following conditions exist:

(1) The property is adjacent to, and contiguous to, a public alley; or

(2) The width of the lot and/or the nature of the design of the existing and/or proposed structures is such that vehicles leaving the property may do so by moving in a forward direction with relation to the street.

(J) *Fractional spaces.* When units of measurements determining the number of required parking spaces result in a requirement of a fractional space, any fraction of $\frac{1}{2}$ or greater shall require one parking space.

(K) *Waiting areas.* Adequate ingress, egress, and waiting areas for such uses as drive-in movies, banks, and restaurants shall be provided on the subject lot as required by the City Traffic Engineer.

(L) *Loading spaces.*

(1) In any zone, in connection with every building, or part thereof, erected on, or after, August 4, 1978, having a floor area of 5,000 square feet or more, which building is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale storage, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same parcel with such building at least one off-street loading space, plus one additional loading space for each additional 20,000 square feet, or fraction thereof, of gross floor area.

(2) Each loading space shall be not less than ten feet in width, 35 feet in length, and 14 feet in height.

(3) No such space shall be located closer than 50 feet to any parcel in any R zone, unless wholly within a completely enclosed building, or unless screened by a solid wall not less than eight feet in height.

('61 Code, § 10-3.1207) (Ord. 26 C.S., passed 4-16-62; Am. Ord. 301 C.S., passed 8-4-78; Am. Ord. 452 C.S., passed 1-15-86)

§ 10-3.1208 PARKING IN THE R ZONES.

Every parking area located in an R zone shall be governed by the following provisions in addition to those required by § 10-3.1206 of this subchapter:

(A) Such parking area shall be incidental to, and accessory to, a use permitted in the zone in which the property is located or shall be incidental to, and accessory to, a commercial or industrial use located in a commercial or industrial zone immediately adjacent to the zone in which the property is located.

(B) Such parking area shall be so located that its boundary shall be adjacent to the site of the establishment to which it is accessory, except that the parking area may be separated from such site by an alley.

(C) Such parking area shall be used solely for the parking of private passenger vehicles.

(D) No sign of any kind, other than one designating entrances, exits, or conditions of use, shall be maintained on any such parking lot. Any such sign shall not exceed eight square feet in area.

('61 Code, § 10-3.1208) (Ord. 26 C.S., passed 4-16-62)

Provisions for Noncompliance / Nonconformities

§ 10-3.406 NONCONFORMING BUILDINGS AND USES.

The following regulations shall apply to all nonconforming buildings and structures, or parts thereof, and uses existing on September 15, 1954:

(A) *Land only.* The lawful use of land only, existing on September 15, 1954, although such does not conform to the regulations specified in this chapter for the zone in which such land is located, may be continued provided no such use shall be enlarged or increased nor be extended to occupy a greater area than that occupied by such use on September 15, 1954, and if any use ceases, the subsequent use of such land shall be in conformity to the regulations specified by this chapter for the zone in which such land is located.

(B) *Buildings or structures.* A building or structure in existence, or a use lawfully occupying a building or structure on September 15, 1954, or on the effective date of an applicable amendment to this chapter, which building or use does not conform to the regulations for the district in which the building or use is located, shall be deemed to be a nonconforming building or use, and may be continued as provided in this section:

(1) The lawful use of buildings or structures may be continued although such building or use does not conform to the regulations specified for the zone in which such building or structure is located.

(2) The nonconforming use of a portion of a building or structure may be extended throughout the building provided in each case a use permit shall be first approved by the Planning Commission.

(3) The nonconforming use of a building or structure may be changed to a use of the same or more restricted nature provided in each case a use permit shall first be approved by the Planning Commission.

(4) If the nonconforming use of a building or structure ceases for a continuous period of six months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the zone in which such building or structure is located and the nonconforming right shall be lost. Provided, however, that if a use permit is approved by the Planning Commission within an additional six months from the date of termination, the use may be reestablished.

(C) *Maintenance or repairs.* Ordinary maintenance and repairs may be made to any non-conforming building providing no structural alterations are made and providing such work does not exceed 15% of the appraised value of the building or structure in any one-year period. Other repairs or alterations may be permitted provided a use permit shall first be secured in each case.

(D) *Reconstruction of damaged nonconforming building.* Nothing in this chapter shall prevent the reconstruction, repair, or rebuilding and continued use of any nonconforming building or structure partially damaged by fire, collapse, explosion, or act of God, wherein the expense of such reconstruction, repair, or rebuilding does not exceed 75% of the appraised value of the building or structure according to an independent appraisal completed by an appraiser certified by the state at the time such damage occurred. All such reconstruction shall be performed under one building permit and started within a period of one year from the date of damage and be diligently prosecuted to completion. In the event the aforementioned damage is in excess of 75% of the appraised value, the building or structure may be restored only if made to conform to all the regulations of the zone in which it is located, or through approval of a use permit by the Planning Commission.

(E) *Changes to conforming use to be permanent.* Any part of a building, structure, or land occupied by such a nonconforming use which is changed to, or replaced by, a use conforming to the provisions of this chapter, as they apply to the particular zone, shall not thereafter be used or occupied by a nonconforming use.

(F) *Nonconforming uses resulting from amendments.* The foregoing provisions of this section shall apply also to buildings, structures, land, or uses which hereafter become nonconforming by reason of any reclassifications of zones or any subsequent changes to the provisions of this chapter as of the effective date of such amendment.

(G) *Exceptions; powers of eminent domain.* No parcel of land in single ownership on September 15, 1954, shall be considered non-conforming solely as the result of the taking of a part of such land for street widening or public utility purposes under the power of eminent domain.

(H) *Billboards.* All **BILLBOARDS** defined in § 10-3.201 of this chapter are declared to be non-conforming uses in any zone and shall be prohibited, and such billboards shall be removed from the premises where located on or before January 15, 1975, or within three calendar years after the effective date of any ordinance annexing the territory upon which any such sign is located, whichever is the latter; provided, however, the provisions of this section shall not apply to official notices issued by any court, public body, or officer in the performance of a public duty, or by any person in giving any legal notice, or to any directional, warning, or informational sign required by or authorized by law or by federal, state, or local authority.

('61 Code, § 10-3.406) (Ord. 231 N.S., passed - - ; Am. Ord. 117 C.S., passed 1-17-68; Am. Ord. 173 C.S., passed 1-19-72; Am. Ord. 589 C.S., passed 11-18-92)

General Definitions

DEFINITIONS

§ 10-3.201 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. Part of the main building or a detached subordinate building located on the same lot or building site, the use of which is customarily incidental to that of the main building or to the main use of the land. Where a substantial part of the wall of an accessory building is a part of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as part of the main building.

ACCESSORY USE. A use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the premises.

ALLEY. A public thoroughfare or way not less than ten feet nor more than 20 feet in width, serving as a secondary means of access to abutting property, and which has been deeded or dedicated to the city.

APARTMENT. A room or suite of two or more rooms in a multiple dwelling occupied or suitable for occupancy as a residence for one family.

APARTMENT HOUSE. See definition in this subchapter, **DWELLING, MULTIPLE**.

AUTOMOBILE COURT. A group of two or more attached, detached, or semi-detached buildings containing individual sleeping or living units designed for or used primarily for the accommodation of transient automobile travelers, with garage attached or parking space conveniently located to each unit, including tourist courts, motels, or motor lodges.

BOARDING HOUSE. A dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation. **COMPENSATION** shall include compensation in money, services, or other things of value.

BILLBOARD. Any sign containing advertising, not appurtenant to any permitted use, over six square feet in area.

BUILDING. Any structure having a roof supported by columns or by walls and designed for the housing or enclosure of any person, animal, or chattel.

BUILDING, HEIGHT OF. The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any R zone, any dwelling shall be deemed to be a main building on the lot on which the same is situated.

BUILDING SITE. See definition in this subchapter, **LOT**.

CAMP, TRAILER. Any area or tract of land used or designed to accommodate ten or more automobile trailers or ten or more camping parties, including cabins, tents, or other camping outfits.

COMMISSION. The Planning Commission of the city.

DUPLEX. A building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each family.

DWELLING. A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, clubs, or boarding houses or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint.

DWELLING GROUPS. One or more buildings containing dwelling units occupying a parcel of land, in one ownership, and arranged around a yard or court, including one-family, two-family, and multiple dwellings, but not including automobile courts.

DWELLING, MULTIPLE. A building, or portion thereof, used, designed, or intended as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including automobile courts.

DWELLING, ONE-FAMILY. A building designed and/or used exclusively for occupancy by one family, living independently of any other family.

DWELLING, TWO-FAMILY. A building designed and/or used exclusively for occupancy by two families, living independently of each other (see definition in this subchapter, **DUPLEX**).

DWELLING UNIT. Two or more rooms in a dwelling or an apartment hotel designed for occupancy by one family for living and sleeping purposes and having only one kitchen.

EMERGENCY SHELTER. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

ERECTED. Shall include built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical

operation upon the land required for a building.

FAMILY. One or more persons living as a single housekeeping unit in a dwelling unit, including necessary domestic servants. **FAMILY** shall not include such groups as customarily occupy a hotel, club, fraternity, or sorority house.

GARAGE, PUBLIC. A building used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

GARAGE, PRIVATE. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

GARAGE SPACE. Permanently maintained space of not less than $8\frac{1}{2} \times 19$ feet for the parking of automobiles off the street. Such space shall be located and arranged for an accessory building and with adequate ingress and egress.

HOME OCCUPATION. The conduct of an art or profession, the offering of a service, or the conduct of a business, or the handcraft manufacture of products within a house or garage in a residential district, which use is clearly incidental and secondary to the use of a structure for dwelling purposes and which use does not change the character thereof.

HOTEL. Any building, or portion thereof, containing six or more guest rooms used, designed, or intended to be used, let, or hired out to be occupied or which are occupied as the more or less temporary abiding place of six or more individuals who are lodged with or without meals for compensation, whether the compensation for hire is paid directly or indirectly, and in which no provision is made for cooking in any individual room or suite.

JUNK YARD. The use of more than 200 square feet of the area of any lot or the use of any portion of that half of any lot, which half adjoins any street for the storage of junk, including scrap metals or other scrap materials, or for the dismantling or wrecking of automobiles, other vehicles, or machinery, whether for sale or storage.

LOADING SPACE. A permanently maintained space of not less than 8×18 feet located off the street with access for the parking of vehicles. Whenever the provisions of this chapter shall require loading space, such space shall be in addition to any required parking space and/or garage space.

LOT. Any area or parcel of land held under separate ownership and occupied, or to be occupied, by a main building or by a dwelling group, together with such yards, open spaces, lot width, and lot area as are required by this chapter and having its principal frontage on a public street, road, or highway.

LOT, CORNER. A lot situated at the intersection of two or more intersecting streets.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

LOT LINE, FRONT. The property line dividing a lot from a street. On a corner lot the shorter street frontage shall be considered the front lot line.

LOT, INTERIOR. A lot other than a corner lot.

LOT, KEY. The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

LOT LINE. The lines bounding a lot.

LOT LINE, REAR. The line opposite the front lot line.

LOT, REVERSED CORNER. A corner lot which rears upon the side of another lot, whether separated by an alley or not.

LOT LINE, SIDE. Lot lines other than front lot lines or rear lot lines.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

NONCONFORMING BUILDING. A building or structure or portion thereof lawfully existing on September 15, 1954, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height or area regulations of the zone in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land on September 15, 1954, and which does not conform with the use regulations of the zone in which it is located.

OPEN SPACE. As required in the R and PD zones shall mean area available and accessible to residents for active and passive recreation including landscaped areas, walkways, patios, yards, and recreation facilities. To qualify as open space, an area must have a minimum dimension of 10 feet except that balconies may qualify as open space when the minimum dimension is five feet. Parking areas (spaces and driveways) may not be included in open space calculations.

PARKING SPACE. Permanently maintained space at least $8\frac{1}{2} \times 19$ feet located off the street with access for the parking of automobiles.

PROFESSIONAL OFFICES. An office for the conduct of any one of the following uses: accountant, architect, attorney, chiropractor, civil engineer or surveyor's drafting office, collection agency, cosmetologist, dentist, doctor, funeral parlor, insurance, private detective, real estate, social worker or similar use; but shall not include the following uses: advertiser,

barber shop, contractor, pest control, pharmacy, or veterinary.

ROOMING HOUSE. See definition subsection in this subchapter, **BOARDING HOUSE**.

STREET. A public thoroughfare or road easement not less than 20 feet in width, which affords principal means of access to abutting property, but not including an alley.

STREET LINE. The boundary between a street and property.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or attachment to something having a permanent location on or in the ground, including site built swimming pools. This definition does not include walls and fences less than three feet in height when located in front yards, or less than six feet in height when located in side or rear yards, nor other improvements of a minor character.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, or roof joists, for which a building permit is required.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV and AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with § 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing, but operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

USE. The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

YARD. An open space, other than a court, on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.

YARD, FRONT. A yard extending across the front of the lot between the inner side yard lines and measured between the front lot line and the nearest line of the main building.

YARD, REAR. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line or point of the main building nearest the rear line of the lot.

YARD, SIDE. A yard on each side of a building between the building and the side line of the lot and extending from the front line to the rear yard.

ZONE. A portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limited are established for buildings, all as set forth and specified in this chapter. **ZONE** shall mean and include the word **DISTRICT**.

('61 Code, § 10-3.201) (Ord. 231 N.S., passed - - ; Am. Ord. 26 C.S., passed 4-16-62; Am. Ord. 80 C.S., passed 8-5-65; Am. Ord. 452 C.S., passed 1-15-86; Am. Ord. 652 C.S., passed 3-6-96; Am. Ord. 920 C.S., passed 5-20-15)