



Community and Economic Development Planning Division

Jamie Bax
Director *JB*

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- mc_planning@madera-county.com

PLANNING COMMISSION DATE: August 2, 2022

AGENDA ITEM: #1

CUP	2022-010	Conversion of existing retail into apartments
APN	064-062-036	Applicant: Kogler Enterprises
		Owner: Meroujan Kitsinian
CEQA		Exempt

REQUEST:

Renovation of existing upstairs commercial space to three (3) apartment units.

LOCATION:

On the west side of Road 425A north of its intersection with California State Route 41 (40278 Road 425A), Oakhurst.

ENVIRONMENTAL ASSESSMENT:

Under the provision of the California Environmental Quality Act (CEQA) Article 19 Section 15303(a), 15303(b), and the Madera County Environmental Evaluation Guidelines, the County has determined that this project will not have a significant effect on the environment and is exempt from CEQA.



RECOMMENDATION: Approval of Conditional Use Permit #2022-010 subject to conditions and the associated findings of fact.

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: CC (Community Commercial) Designation

SURROUNDING: CC (Community Commercial) Designation

ZONING (Exhibit B):

SITE: CUM (Commercial, Urban, Median) Designation

SURROUNDING: CUM (Commercial, Urban, Median) Designation

LAND USE:

SITE: Commercial

SURROUNDING: Commercial

SIZE OF PROPERTY: 0.49 Acres

ACCESS : The property is accessed by California State Route 41

BACKGROUND AND PRIOR ACTIONS:

63-130B: Temporary sign permit, SP 98-11, MSP 98-01: Master Sign Plan for new building signage for occupants of Suite E at the Big Foot Center.

PROJECT DESCRIPTION:

This is a request for Conditional Use Permit to allow renovating existing upstairs commercial space to three apartment units.

ORDINANCES/POLICIES:

Chapter 18.32.010 of the Madera County Zoning Ordinance outlines the allowable uses within the CUM (Commercial, Urban, Median) District.

Chapter 18.92 of the Madera County Zoning Ordinance outlines the procedures for the processing of conditional use permits.

ANALYSIS:

The request is for a Conditional Use Permit to allow for the conversion of existing upstairs commercial into three apartment units. The proposed project is located on a 0.49-acre parcel that is zoned CUM (Commercial, Urban, Median) and has the General Plan Designation of CC (Community Commercial). The Zoning Ordinance for CUM does allow multiple family dwellings in a permanent structure with an approved Conditional Use Permit. Existing commercial businesses on the parcel

includes an Indian cuisine restaurant, fast food restaurant, hair salon, and professional offices

The proposed project will convert existing upstairs commercial and office space into three (3) apartments. Renovation of existing space would include the addition of a bathroom, bedroom, kitchen, mini-split air conditioning systems and implementing fire walls and doors for each of the three (3) apartment units. Egress signage will also be provided. No new building will be constructed as a result of this proposed project. Water usage for the proposed project would be up to 33,300 cubic feet per year. Approximately 300 gallons of wastewater will be generated daily on the MD22A sewer system. The parcel currently generates approximately 1 to 7 cubic meters of solid waste per week. It is anticipated that the proposed project will not affect the existing solid waste volume.

Madera County Ordinance 18.69.050 requires two (2) off-street parking spaces minimum per dwelling for CUM (Commercial, Urban, Median) Districts within the Mixed-Use Core Components. Conditions of approval have been set for the proposed project to meet these requirements.

The project site is accessed by California State Route 41. The project is site is surrounded by commercial and residential activity. Any impact from the proposed conversion of existing upstairs commercial to three apartment units is anticipated to be less than significant. There may be a slight increase in activity during the construction phase of the project. However, the impacts related to the construction phase of the project will subside once the conversion is completed.

The project has been circulated to County Departments. Comments were received by the Madera County Environmental Health Division, Public Works Division, and Building and Fire Safety Division. If the project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$50.00 for Notice of Exemption filing fee. The project is categorically exempt from CEQA and will not be required to pay the California Department of Fish and Wildlife fees.

FINDINGS OF FACT:

The following findings of fact must be made by the Planning Commission to make a finding of approval of the project. Should the Planning Commission vote to approval the project, Staff recommends that the Planning Commission concur with the following:

1. *The proposed project does not violate the spirit or intent of the Zoning Ordinance.* The proposed project is allowed in the CUM (Commercial, Urban, Median) Zone District with an approved Conditional Use Permit. The proposed conversion of existing upstairs commercial to apartment units is

consistent with existing commercial on the project site and residential activities nearby.

2. *The proposed project is not contrary to the public health, safety, or general welfare.* The activity during the construction phase is not anticipated to be contrary to public health, safety, or general welfare of the community. Once the conversion of existing upstairs commercial to apartment units is completed, there is anticipated to be a negligible effect on public health, safety, or general welfare.
3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors in that the project must adhere to local and state health and building codes.* No additional odors, noise, dust, smoke, or glare is being produced by the project. There may be a temporary increase in activity during the construction of the proposed conversion. However, any impact from construction activities is anticipated to be less than significant.
4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.* The conversion of existing upstairs commercial to apartment is not likely to cause an adverse effect upon property values and general desirability of surrounding properties.

WILLIAMSON ACT:

The property is not subject to the Williamson Act.

GENERAL PLAN CONSISTENCY:

The General Plan designation for the property is CC (Community Commercial) which allows for retail, wholesale, services, restaurants, professional and administrative offices, hotels and motels, public and quasi-public uses, and similar and compatible uses. The proposed project would convert the existing upstairs commercial into three apartment units while commercial operations would remain on the ground floor as is. The property is within the CUM (Commercial, Urban, Median) Zone District which allows for multi-family dwelling on a permanent structure with a Conditional Use Permit. The zoning ordinance and general plan designation are compatible with proposed use.

RECOMMENDATION:

Approval of Conditional Use Permit #2022-010 subject to conditions.

CONDITIONS

See attached conditions of approval.

ATTACHMENTS:

1. Exhibit A, General Plan Map

CUP #2022-010
STAFF REPORT

August 2, 2022

2. Exhibit A-1, Area Plan map
3. Exhibit B, Zoning Map
4. Exhibit C, Assessor's Map
5. Exhibit D-1, Overall Site Plan
6. Exhibit D-2, Elevation Plan
7. Exhibit E, Aerial Map
8. Exhibit F, Topographical Map
9. Exhibit G, Operational Statement
10. Exhibit H, Environmental Health Division Comments
11. Exhibit I, Public Works Division Comments
12. Exhibit J, Building and Fire Safety Comments

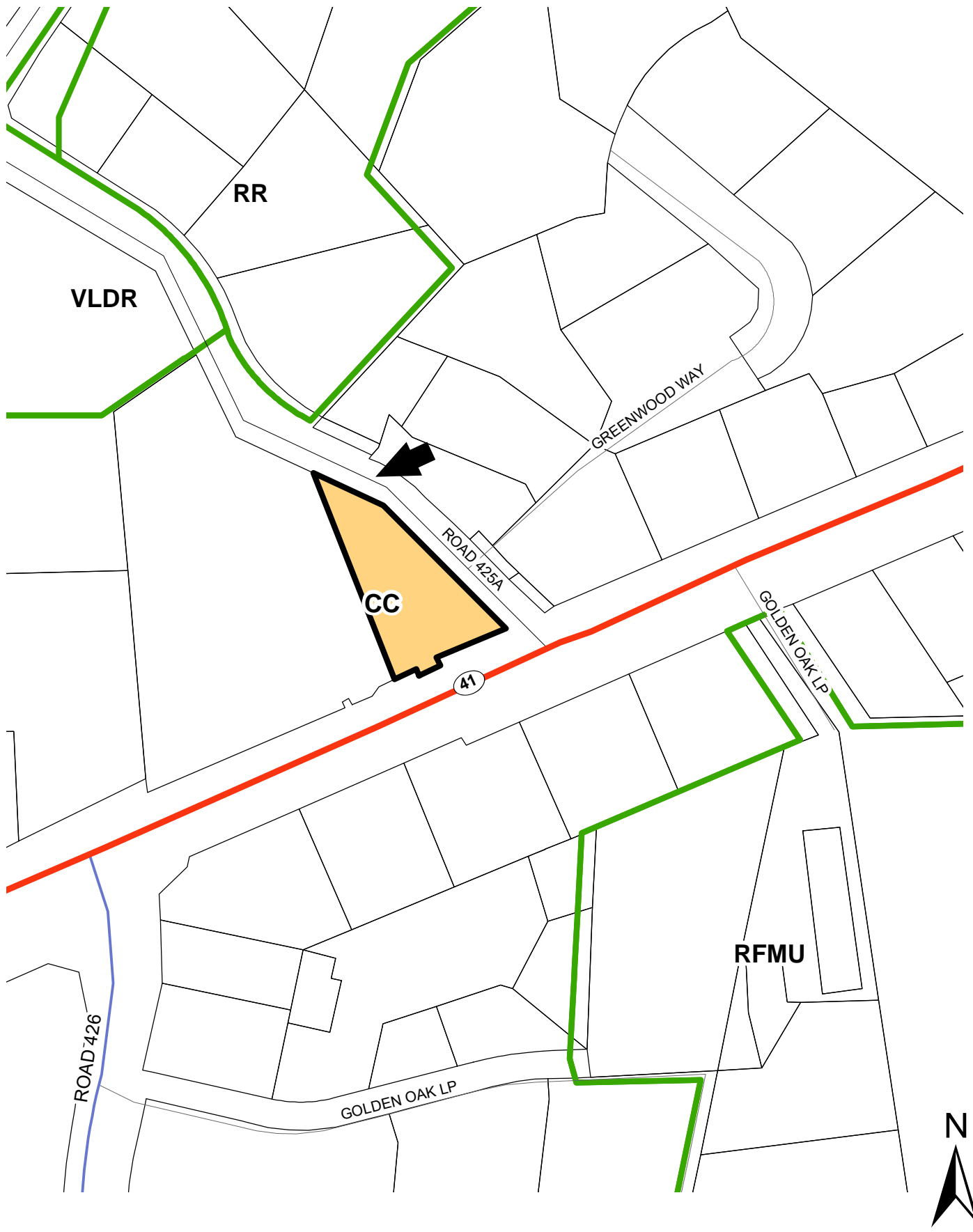
CONDITIONS OF APPROVAL

PROJECT NAME:	CUP 2022-010 - Kogler Enterprises
PROJECT LOCATION:	on the west side of Road 425A north of its intersection with California State Route 41 (40278 Road 425A), Oakhurst.
PROJECT DESCRIPTION:	Converting existing upstairs retail/office into apartments
APPLICANT:	Kogler Enterprises
CONTACT PERSON/TELEPHONE NUMBER:	MEROUJAN, KITSINIAN (559-683-5666)

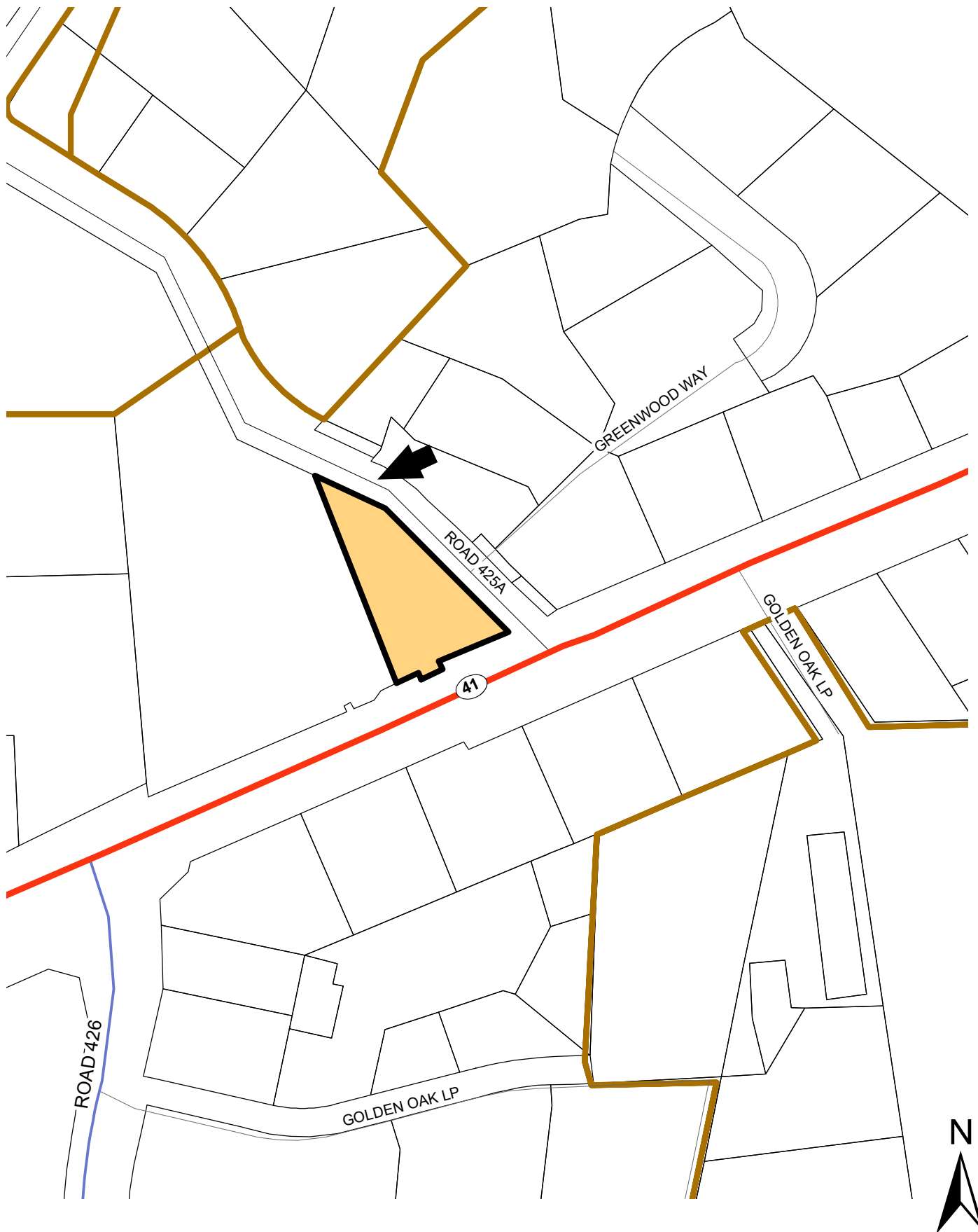
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
1	If this proposed project is within 200 feet of a public sanitary sewer or within MD-22 service area (Sewer Maintenance District MD-22A) it shall connect. Please provide a Will Serve letter from MD-22A.	EH			
2	If this proposed project is within 500 feet of an existing public water system (Hillview Water Company/ Cal American) it shall connect. Please provide a Will Serve letter from Hillview Water Company/ Cal American.	EH			
3	Solid waste collection with sorting for recyclables and garbage is required. If applicable at time of approval Senate Bill 1383 is required to be implemented.	EH			
4	The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise(s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.	EH			
5	During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this department. The owner/operator of this property must submit all applicable permit applications to be reviewed and approved by this department prior to commencement of any work activities.	EH			
Fire					
1	The project will be required to meet all currently California and Madera County adopted codes.	Fire			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Planning					
1	The project shall operate in accordance with the operational statement and plans submitted for the project except as modified by the conditions of approval of this conditional use permit.	Planning			
2	All lighting associated with this project shall be hooded and directed away from adjoining properties	Planning			
3	All driveways, circulation areas and parking areas are to be constructed and maintained in a dust-free manner.	Planning			
5	Any construction activity associated with this project will be limited to the hours of 7 AM to 7 PM Monday through Friday and 9 AM to 5 PM on Saturday. Construction activities will be prohibited on Sundays.	Planning			
6	Provide two off-street parking spaces minimum per dwelling to the requirements of the underlying zoning district.	Planning			
7	A designated trash enclosure shall be provided for all commercial, industrial, institutional, and multiple family uses. See Section 18.102.130 of the Madera County Municipal Code for design requirements. Trash enclosures shall comply with this standard and all standards as established by state law. Such enclosure shall be screened from adjacent properties through the use of a solid wall. The enclosure shall comply with setback distances from the road right-of-way edges and shall not be located within an easement or the vision setback areas of driveways. The enclosures will not have to comply with side and rear property line setbacks or setback distances from buildings, but will be subject to review and approval by both the planning and engineering departments. Location of the enclosures will be determined by the proximity to residential uses and zones, aesthetic considerations, and reasonable access to the units. Numbers and types of enclosures (single or double) to be provided will be determined by the engineering department based on the size and type of the development proposed.	Planning			
Public Works					
1	The subject property, APN 064-062-036 (property) is within Madera County Maintenance Districts No. 22A, Oakhurst (MD-22A). Special Districts has reviewed the applicant's CUP application and plot plan and has the following comments/corrections:	Public Works (Engineering)			

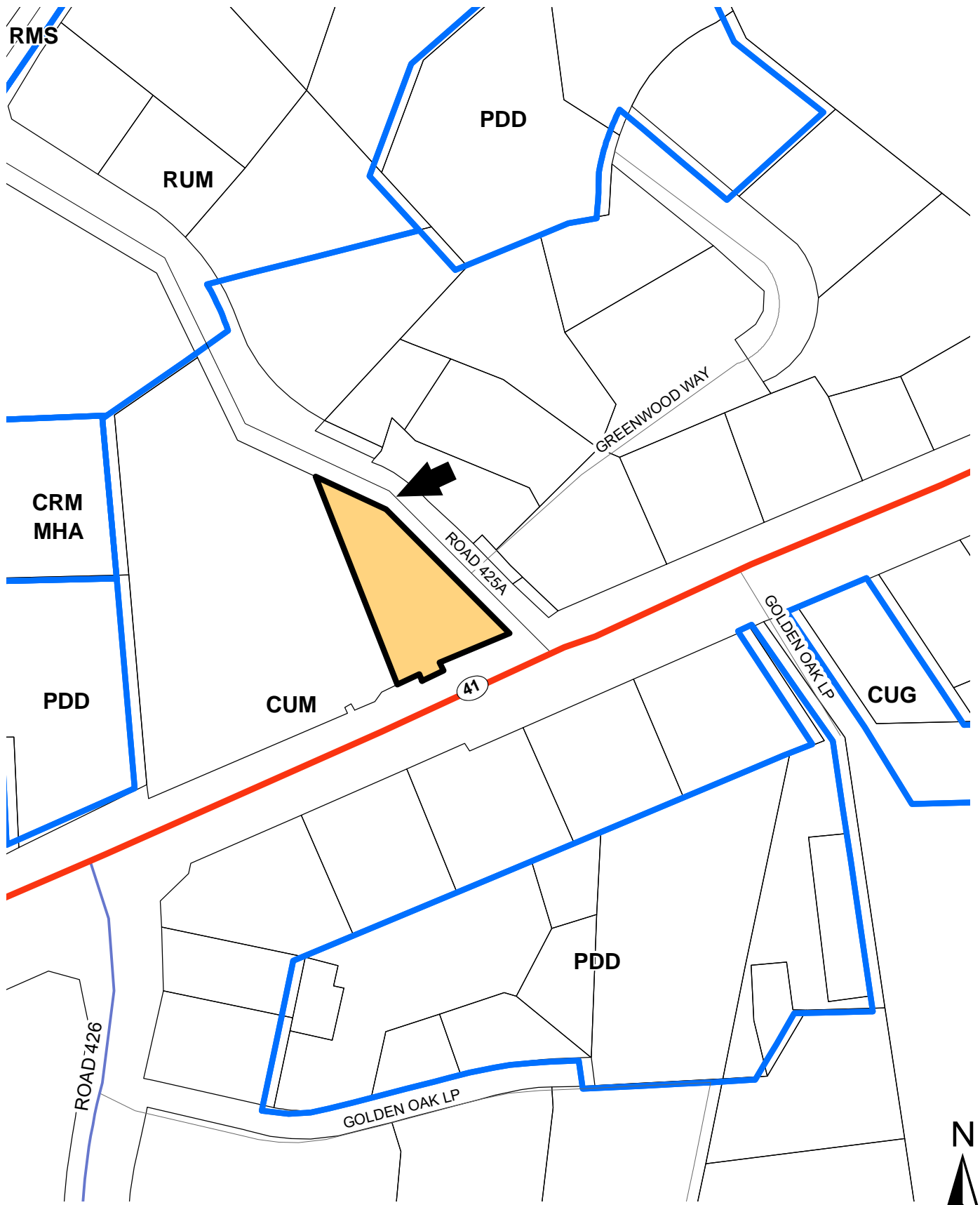
No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
2	The property does not have sufficient sewer units allocated for this development. In order to provide sewer service to the proposed development, additional sewer unit/s is required to be allocated to the property. In order to help determine exactly how much additional sewer units will be required, please provide the following information in regards to each suite (on the bottom floor) :	Public Works (Engineering)			
3	Type of use The square footage of each suite if type of use is restaurant, then please provide the square footage of the dining area only	Public Works (Engineering)			
4	Due to the development being located within Caltrans facilities, the applicant will need to comply with any conditions imposed by Caltrans.	Public Works (Roads)			
5	Street parking along Road 425A at the project's frontage will not be permitted.	Public Works (Roads)			
6	Except as approved and permitted by the County, all appurtenances, such as fences along with private signs, shall be located outside of the public road right-of-way.	Public Works (Roads)			



GENERAL PLAN MAP



AREA PLAN MAP



ZONING MAP

Assessor's Map No. 64-06
 Bass Lake School District
 County of Madera, Calif.
 1966

OAKHURST KNOLLS NO. 1 R.M. Bk. 7 Pg. 41
 OAKHURST KNOLLS NO. 2 R.M. Bk. 8 Pg. 57

NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

NOTE: Assessor's Block Numbers Shown in Ellipses. Assessor's Parcel Numbers Shown in Circles.

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7158-1-46
 3-47 03



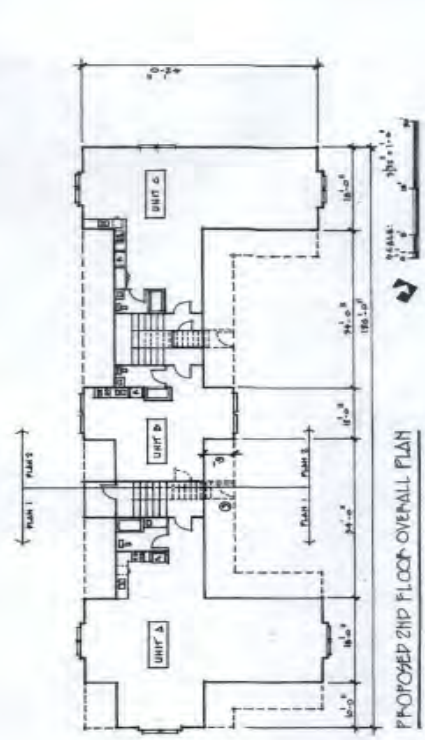
Tax Area No.
 56-020, 56-046
 56-107

POR OF SW 1/4 SEC. 11 T.7S. R.21E. M.D.B.&M.
 OAKHURST KNOLLS NO. 1 & 2
 1/4 COR. OF NW 1/4
 FOR SW 1/4

NOTE: A PORTION OF THE
 SOUTHWEST-NEAST CORNER OF THE
 LIVE OAK DRIVE AND OAK DRIVE
 DRIVE HAS BEEN MOVED AT
 AN EARLIER DATE

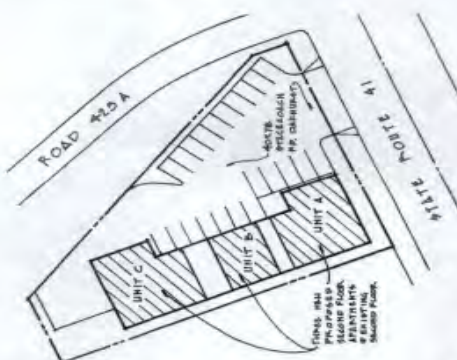
ORIGINAL

ASSESSOR'S MAP

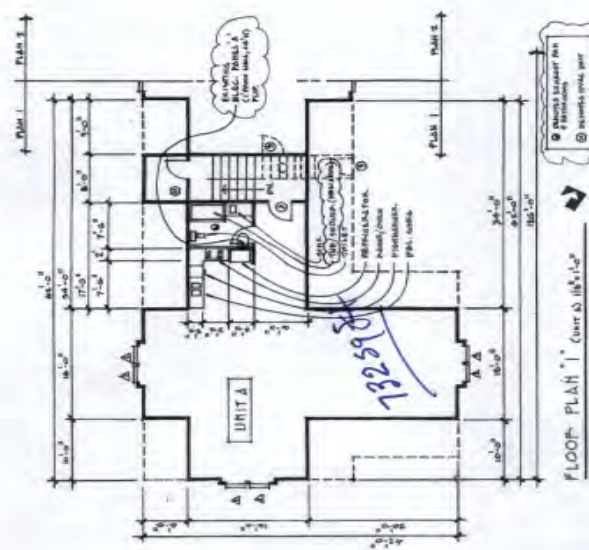


PROPOSED 2ND FLOOR OVERALL PLAN

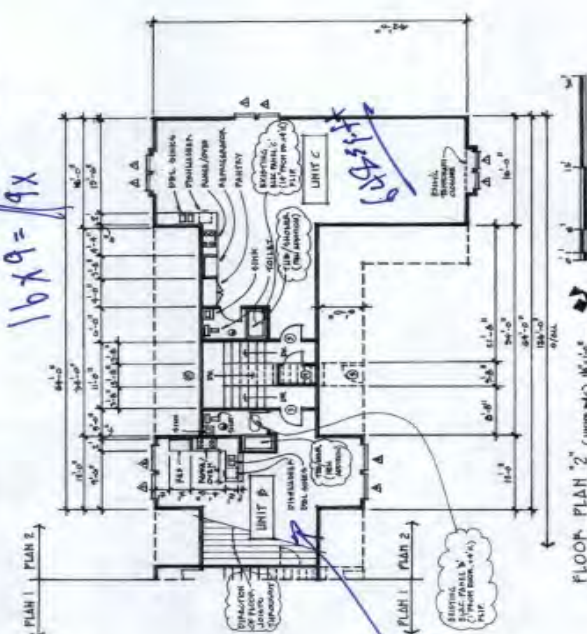
- NOTES:
- 1) Minimum actual operable window areas of each existing window (all units) = 7.5' x 7.0' approx. per unit.
 - 2) Maximum actual operable window area of each existing window (all units) = 7.5' x 7.0' approx. per unit.
 - 3) Maximum actual window height of all existing window units = 7.0'.
 - 4) One half the window area shall be located on all elevations. The window area shall be maximum 1" thick horizontal steel casement. Do not put on light fitting, self-closing, and self-latching.
 - 5) All floor ceilings to be finished with 1/2" type G or 5/8" type S on 1" x 4" joists. All floor ceilings shall be finished with 1/2" type G or 5/8" type S on 1" x 4" joists. All floor ceilings shall be finished with 1/2" type G or 5/8" type S on 1" x 4" joists. All floor ceilings shall be finished with 1/2" type G or 5/8" type S on 1" x 4" joists.
 - 6) All floor ceilings shall be finished with one layer of 5/8" type S on 1" x 4" joists. All floor ceilings shall be finished with one layer of 5/8" type S on 1" x 4" joists.
 - 7) Sprinkler locations to be determined by the sprinkler system company.
 - 8) Provide an egress to adjacent covered lot in each bathroom (mounted in ceiling above toilet, fan to exhaust @ cubic feet of air per minute).



PARTIAL SITE PLAN



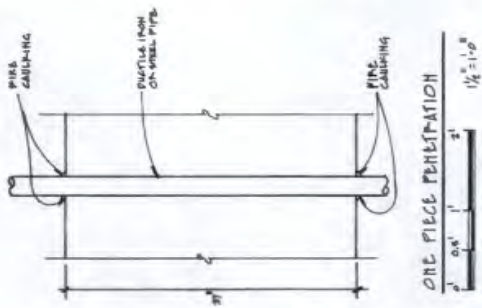
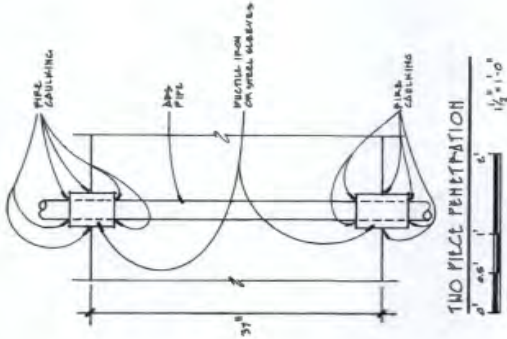
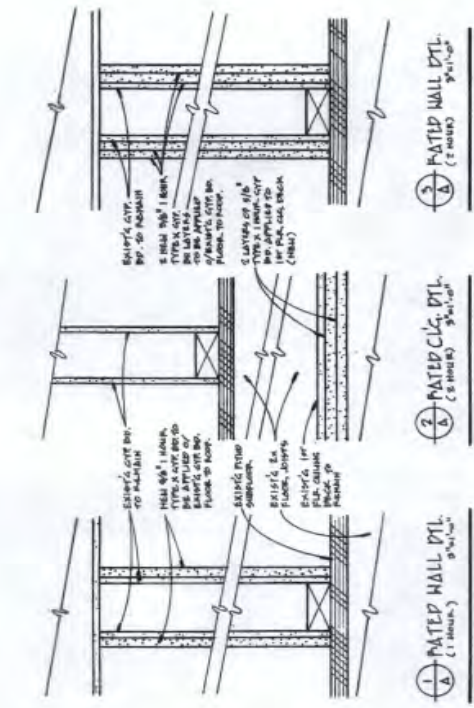
FLOOR PLAN 1 - Unit A



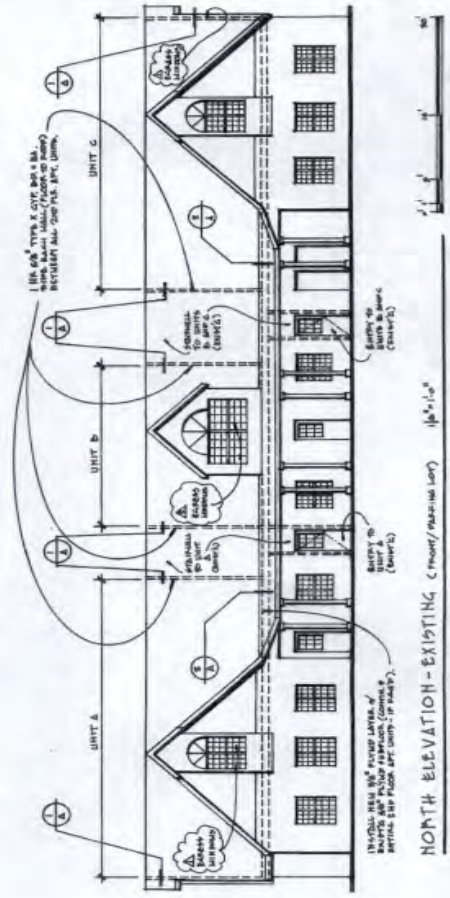
FLOOR PLAN 2 - Units B & C

Handwritten notes:
 132.59 sq ft
 16 x 9 = 144
 16 x 9 = 144

SITE PLAN



MICHAEL KARBAY AIA/MCRP
 C-187874





Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

AERIAL MAP



TOPOGRAPHICAL MAP



Community and Economic Development Planning Division

Matthew Treber
Director

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- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

OPERATIONAL/ENVIRONMENTAL STATEMENT CHECKLIST

It is important that the operational/environmental statement provides for a complete understanding of your project proposal. Please be as detailed as possible.

1. Please provide the following information:

Assessor's Parcel Number: 064-062-036-000

Applicant's Name: Meroujan Kitsinian

Address: 40278 Road 425A Oakhurst Ca 93644

Phone Number: 626-272-9580

2. Describe the nature of your proposal/operation.

Converting Retail/ Office into Apartments.

3. What is the existing use of the property?

Retail / Office space

4. What products will be produced by the operation? Will they be produced onsite or at some other location? Are these products to be sold onsite?

No Products

5. What are the proposed operational time limits?

Months (if seasonal): Housing - no operational guidelines

Days per week: _____

Hours (from ___ to ___): Total Hours per day: _____

6. How many customers or visitors are expected?

Average number per day: 2-12

Maximum number per day: 2-12

What hours will customers/visitors be there? potentially all times but mostly evenings

7. How many employees will there be?

Current: 0

Future: 0

Hours they work: _____

Do any live onsite? If so, in what capacity (i.e. caretaker)? _____

8. What equipment, materials, or supplies will be used and how will they be stored? If appropriate, provide pictures or brochures.

No Supplies or equipments

9. Will there be any service and delivery vehicles?^{NO}

Number: _____

Type: _____

Frequency: _____

10. Number of parking spaces for employees, customers, and service/delivery vehicles. Type of surfacing on parking area.

Asphalt +Street Approx 3-6 total

11. How will access be provided to the property/project? (street name)

Hwy 41 + road 425 A

12. Estimate the number and type (i.e. cars or trucks) of vehicular trips per day that will be generated by the proposed development.

3 apartments - 3 cars - 2 trips each = 6

13. Describe any proposed advertising, including size, appearance, and placement.

None

14. Will existing buildings be used or will new buildings be constructed? Indicate which building(s) or portion(s) of will be utilized and describe the type of construction materials, height, color, etc. Provide floor plan and elevations, if applicable.

existing upstairs space (3) , plans submitted

15. Is there any landscaping or fencing proposed? Describe type and location.

NO

16. What are the surrounding land uses to the north, south, east and west property boundaries?

South Motel, North retail, East retail + apartments , West Vacant land.

17. Will this operation or equipment used, generate noise above other existing parcels in the area?

no

18. On a daily or annual basis, estimate how much water will be used by the proposed development, and how is water to be supplied to the proposed development (please be specific).

33300 CuFt, per year

19. On a daily or weekly basis, how much wastewater will be generated by the proposed project and how will it be disposed of?

? 300 gallons daily estimated on MD22A sewer system

20. On a daily or weekly basis, how much solid waste (garbage) will be generated by the proposed project and how will it be disposed of?

1- 7 cu dumpster per WK currently should stay the same.

21. Will there be any grading? Tree removal? (please state the purpose, i.e. for building pads, roads, drainage, etc.)

NO

22. Are there any archeological or historically significant sites located on this property? If so, describe and show location on site plan.

No

23. Locate and show all bodies of water on application plot plan or attached map.

N/A

24. Show any ravines, gullies, and natural drainage courses on the property on the plot plan.

N/A

25. Will hazardous materials or waste be produced as part of this project? If so, how will they be shipped or disposed of?

None

26. Will your proposal require use of any public services or facilities? (i.e. schools, parks, fire and police protection or special districts?)

Already established (no)

27. How do you see this development impacting the surrounding area?

Not at all

28. How do you see this development impacting schools, parks, fire and police protection or special districts?

Not at all

29. If your proposal is for commercial or industrial development, please complete the following; Proposed

Use(s): Retail / office existing to apartments

Square feet of building area(s): See plans

Total number of employees: 0

Building Heights: see plans

- 30.** If your proposal is for a land division(s), show any slopes over 10% on the map or on an attached map.

N/A



Community and Economic Development
Environmental Health Division

Dexter Marr
Deputy Director

- 200 W. Fourth St.
- Suite 3100
- Madera, CA 93637
- TEL (559) 661-5191
- FAX (559) 675-6573
- TDD (559) 675-8970

MEMORANDUM

TO: James Lin
FROM: Dexter Marr, Environmental Health Division
DATE: June 27, 2022
RE: Kogler Enterprises - Conditional Use Permit - Oakhurst (064-062-036-000)

Comments

TO: Planning Division
FROM: Environmental Health Division
DATE: May 26, 2022
RE: Conditional Use Permit (CUP) #2022-010, Kogler Enterprise,
Oakhurst APN 0064-062-036

The Environmental Health Division Comments:

If this proposed project is within 200 feet of a public sanitary sewer or within MD-22 service area (Sewer Maintenance District MD-22A) it shall connect. Please provide a Will Serve letter from MD-22A.

If this proposed project is within 500 feet of an existing public water system (Hillview Water Company/ Cal American) it shall connect. Please provide a Will Serve letter from Hillview Water Company/ Cal American.

Solid waste collection with sorting for recyclables and garbage is required. If applicable at time of approval Senate Bill 1383 is required to be implemented.

The construction and then ongoing operation must be done in a manner that shall not allow any type of public nuisance(s) to occur including but not limited to the following nuisance(s); Dust, Odor(s), Noise (s), Lighting, Vector(s) or Litter. This must be accomplished under accepted and approved Best Management Practices (BMP) and as required by the County General Plan, County Ordinances and any other related State and/or Federal jurisdiction.

During the application process for required County permits, a more detailed review of the proposed project's compliance with all current local, state & federal requirements will be reviewed by this department. The owner/operator of this property must submit all applicable permit applications to be reviewed and approved by this department prior to commencement of any work activities.

If there are any questions or comments regarding these conditions/requirements please, feel free to contact our Division at (559) 675-7823.

**COUNTY OF MADERA
DEPARTMENT OF PUBLIC WORKS**

200 West 4th Street
Madera, CA 93637-8720
Main Line - (559) 675-7811
Special districts - (559) 675-7820
Fairmead Landfill - (559) 665-1310

MEMORANDUM

DATE: June 27, 2022
TO: James Lin
FROM: Phu Duong, Public Works
SUBJECT: Kogler Enterprises - Conditional Use Permit - Oakhurst (064-062-036-000)

Comments

Due to the development being located within Caltrans facilities, the applicant will need to comply with any conditions imposed by Caltrans.

Street parking along Road 425A at the project's frontage will not be permitted.

Except as approved and permitted by the County, all appurtenances, such as fences along with private signs, shall be located outside of the public road right-of-way.



Community and Economic Development
Fire Prevention Division

Deborah Mahler, Fire Marshal
Deputy Director

☐ 200 W. Fourth St.
☐ Suite 3100
☐ Madera, CA 93637
☐ TEL (559) 661-5191
☐ FAX (559) 675-6573
☐ TDD (559) 675-8970

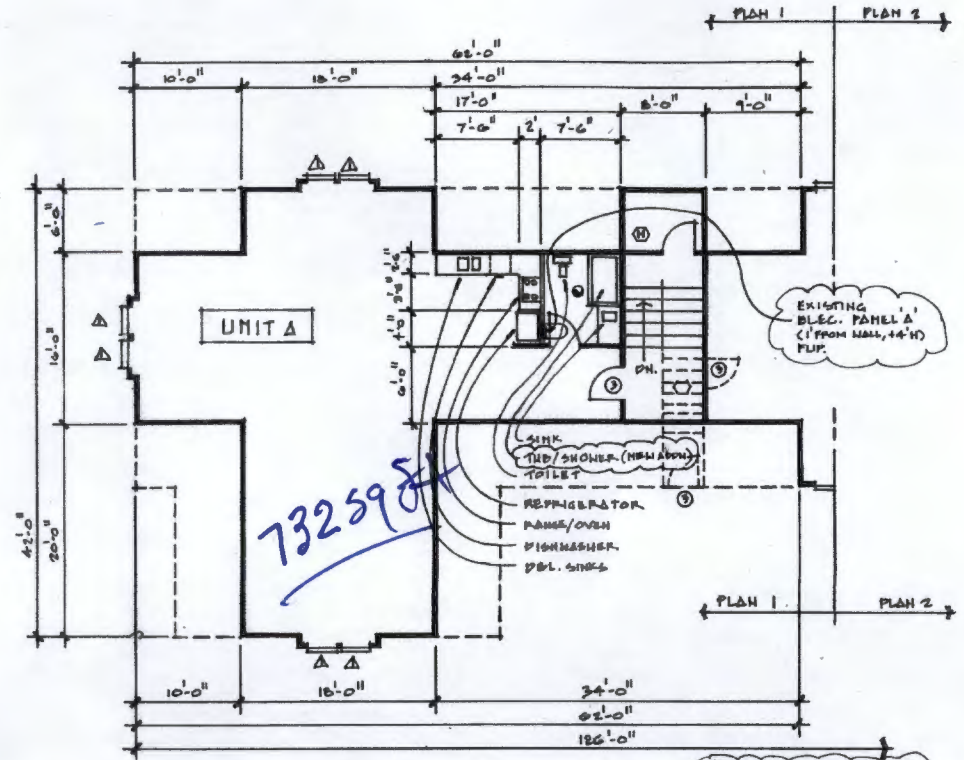
MEMORANDUM

TO: James Lin
FROM: Deborah Mahler, Fire Marshal
DATE: June 27, 2022
RE: Kogler Enterprises - Conditional Use Permit - Oakhurst (064-062-036-000)

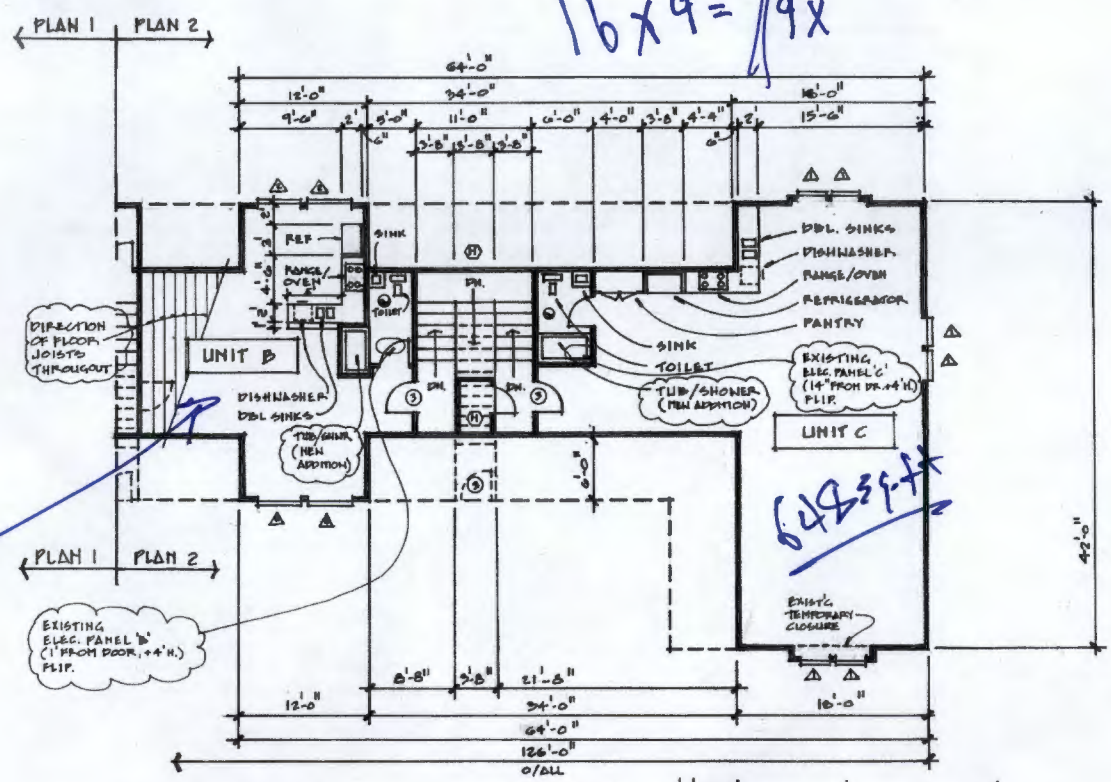
Condition

The project will be required to meet all currently California and Madera County adopted codes.

~~10x42~~
~~#16~~
~~17x16~~



FLOOR PLAN "1" (UNIT A) 116'-1" x 42'-0"

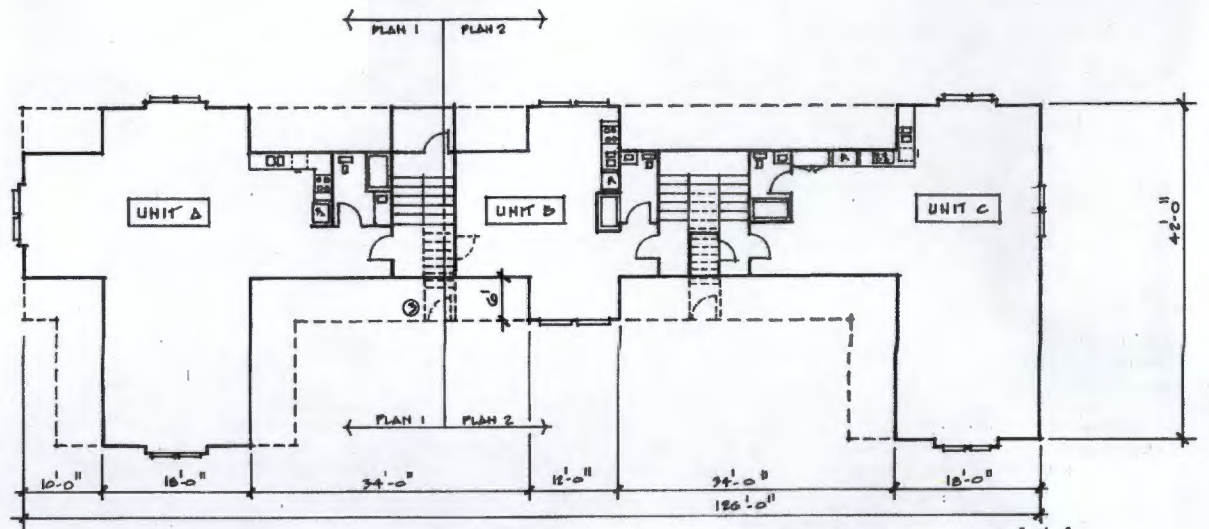


FLOOR PLAN "2" (UNITS B & C) 116'-1" x 42'-0"

35099 ft.

16x9 = 144

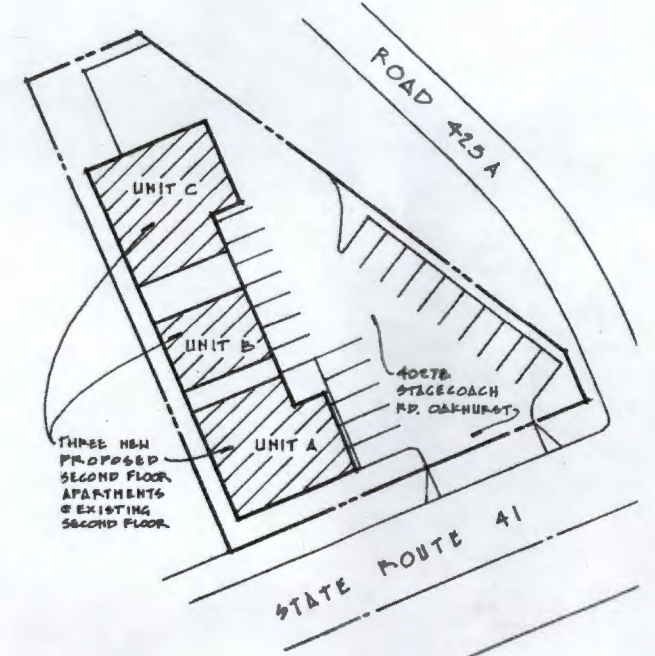
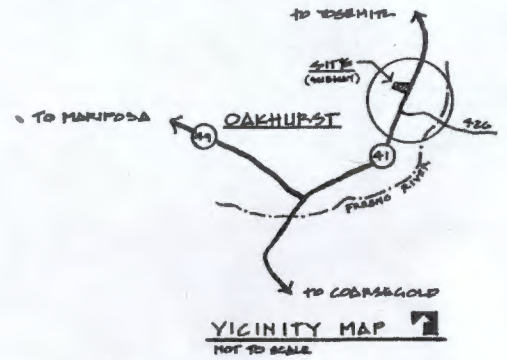
64859 ft.



PROPOSED 2ND FLOOR OVERALL PLAN

NOTES:

- 1) Minimum actual operable window area at each existing window (all units) = 3'x3' = 9.0 square feet. Δ
- 2) Maximum actual operable window area at each existing window (all units) = 3'x4' = 12.0 square feet. Δ
- 3) Maximum actual window sill height at all existing upstairs units = 30".
- 4) One hour fire resistive doors shall be located at all stairwells. Fire resistive doors shall be minimum 1" thick honeycomb steel clad doors. Doors shall be tight fitting, self closing, and self latching. \odot
- 5) All First Floor ceilings to be sheathed with two layers of 5/8" Type X one hour fire resistive gypsum board. Alternately, a 2 hour rated intumescent coating may be applied to all first floor ceilings.
- 6) All load bearing walls shall be sheathed with one layer of 5/8" Type X one hour fire resistive gypsum board from foundation to second floor roof plate.
- 7) Sprinkler locations to be determined by fire sprinkler system company.
- 8) Provide an energy star compliant powered fan in each bathroom (mounted in ceiling above toilet). Fan to exhaust 80 cubic feet of air per minute.



PARTIAL SITE PLAN NOT TO SCALE

REVISIONS	BY
22 FEB 22	NK

MICHAEL KARBAY AIA/ MCPR
 ARCHITECTURE + PLANNING + URBAN FUTURES
 P.O. BOX 1824 COARSEGOLD, CALIFORNIA 93614
 WWW.KARBAYARCHITECT.COM
 (559) 486-4200

SECOND FLOOR APARTMENT
 CONVERSION - SUBWAY BLDG.
 40276 FRESNO COACH ROAD
 OAKHURST, CA.

Date	9 FEB 22
Scale	AS SHOWN
Drawn	M. KARBAY
Job	SUBWAY
Sheet	1
Of	2 Sheets