



Community and Economic Development
Planning Division

Jamie Bax
Director *JB*

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PLANNING COMMISSION DATE: January 16, 2024

AGENDA ITEM: #1

CUP	#2023-014	Conditional Use Permit to add two additional fuel dispensers and replace the existing fuel canopy.
APN	049-150-002	Applicant: Josan & Josan Inc. Owner: Josan & Josan Inc.
CEQA	Exempt	Section 15303

REQUEST:

For the addition of two fuel dispensers, demolish the current fuel canopy and install a larger canopy.

LOCATION:

The subject property is located on the northwest corner of Avenue 10 1/2 and Business Route 41, (10512 Business Route 41), Madera.

ENVIRONMENTAL ASSESSMENT:

CEQA Exemption Section 15303 New Construction or Conversion of Small Structures, which consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures.



RECOMMENDATION: Adoption of a resolution approving Conditional Use Permit #2023-014 subject to conditions and concurrence with Findings of Fact.

CUP #2023-014

STAFF REPORT

January 16, 2023

GENERAL PLAN DESIGNATION (Exhibit A):

SITE: CC (Community Commercial) Designation

SURROUNDING: CC (Community Commercial)
VLDR (Very Low Density Residential)
OS (Open Space)

ZONING (Exhibit B):

SITE: CRM (Commercial, Rural, Median) District

SURROUNDING: CRM (Commercial, Rural, Median); RRM (Residential, Rural, Multiple Family) District; ARE-20 (Agriculture Rural Exclusive) District

SIZE OF PROPERTY: 41,361 square feet

ACCESS (Exhibit A): Access to the site is from Avenue 10 ½ and Business Route 41.

BACKGROUND AND PRIOR ACTIONS:

Conditional Use Permit 88-01 to allow the sale of gasoline at a proposed mini-mart.

Variance 88-02 to allow a 30-foot front setback where a 120-foot front setback is required.

PROJECT DESCRIPTION:

The applicant is requesting to replace the existing canopy which is approximately 1,900 square feet and replacing it with a new 4,320 square foot canopy adding an additional 2,420 square feet and install two additional fuel dispensers. The project is located on the northwest corner of Avenue 10 1/2 and Business Route 41 (10512 Business Route 41), Madera. The project site is developed and currently has an operational convenience/gas station on the property with existing landscaping. An existing transformer and trash enclosure are located southwest of the convenience/gas station. Located east of the convenience/gas station are six fuel dispensers running from west to east in rows of two. An existing canopy also runs west to east and covers four of the six fuel dispensers. To the north of the existing canopy and east of the convenience/gas station are four existing underground tanks, three of which are approximately 12,000 gallons, and the fourth is a 10,000-gallon underground storage tank. The project site has twenty parking spaces one of which is American Disability Act (ADA) accessible, and the other six are from the fuel dispensers. The project has a free-standing sign located on the northeast of the project and a monument sign on the southeast corner of the project. There are currently three access points to the project site. Two are located on the southeast (southeast access to be closed off) and the southwest side of the property off of Avenue 10 ½. The third is located on the northeast side of the property off of Business Route 41.

SJR

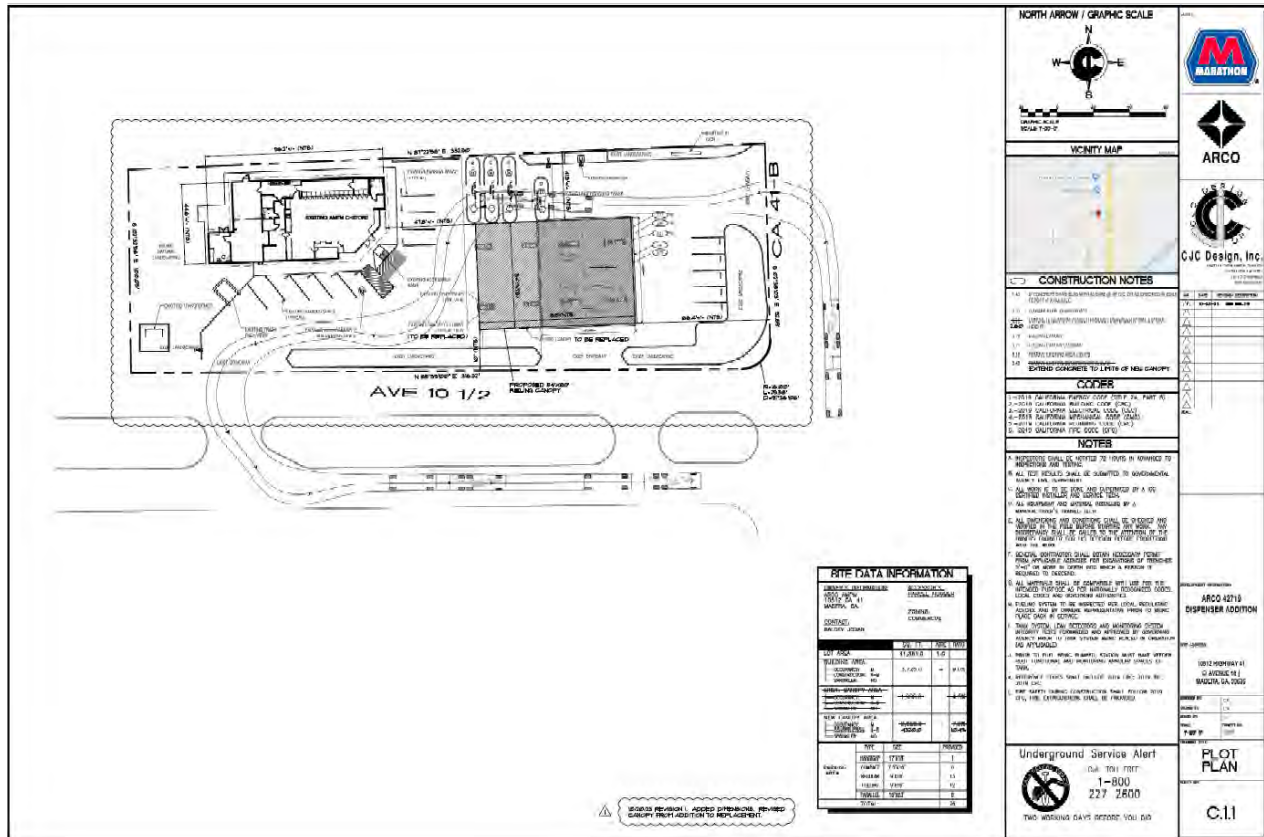


Figure 1

ORDINANCES/POLICIES:

Section 18.34.010 of the Madera County Zoning Ordinance outlines the permitted uses within the CRM (Commercial, Rural, Median) District

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

Section 18.94.020 of the Madera County Zoning Ordinance outlines standardized conditions for automobile service stations.

Section 18.102.040 of the Madera County Zoning Ordinance outlines the vehicular parking space requirements.

Goal 1.D.2: The County shall encourage existing and new commercial centers to provide a variety of goods and services, both public and private.

ANALYSIS:

The applicant is requesting a Conditional Use Permit to replace the existing canopy, which is approximately 1,900 square feet, and replacing it with a new 4,320 square

**CUP #2023-014
STAFF REPORT**

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foot canopy, resulting in an additional 2,420 square feet and installing two additional fuel dispensers. The construction of the newly constructed canopy will provide cover for the existing fuel dispensers, including the newly installed fuel dispensers. The two new fuel dispensers will provide four additional fueling points and two additional parking spaces (per 18.102.040 Convenience store with gasoline sales 1 space per 200 sq. ft. of gross floor area (50% of spaces at fuel pumps count toward parking space requirements). The convenience/gas station will operate seven days a week, twenty-four hours a day. The operation currently has ten employees and plans an additional four, for a total of fourteen employees.

Public Works requires the access point located on the southeast side of the property off of Avenue 10 ½ to be closed off completely, resulting in one access point on the southwest side of the property off of Avenue 10 ½ and the second access point located on the northeast side of the property off of Business Route 41. The applicant will also be required to submit two sets of Underground Storage Tank plans to Environmental Health showing the connections of the newly installed fuel dispensers.

The project falls under the CEQA Exemption Section 15303, “New Construction or Conversion of Small Structures” which pertains to the construction and location of limited numbers of new, small facilities or structures and the installation of small new equipment and facilities in small structures. More specifically in urbanized areas such as the project site the exemption applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Conditional Use Permit Analysis

A conditional use permit is an administrative method of providing relief from the strict terms of a comprehensive zoning ordinance. Unlike the variance procedure, the Planning and Zoning Law is silent with respect to the proper criteria to evaluate whether a CUP should be issued. The CUP is well recognized by zoning administrators and the courts as a necessary and proper method to provide flexibility and alleviate hardship. The granting of use permits is a quasi-judicial administrative function. Use permits run with the land (*County of Imperial v. McDougal*, 19 Cal. 3d 505, 510 (1977)). Jurisdictions cannot condition a use permit on its’ transfer (*Anza Parking Corp. v. City of Burlingame* 195 Cal. App. 3d 855, 860 (1987)). This basically means that if the facility were to be sold to a new owner, that new owner would have to abide by the conditions in place at time of sale. If the Conditional Use Permit were amended (increase in footprint of the site, new

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STAFF REPORT

January 16, 2023

amenities, etc.), then new conditions can be applied dependent on what is being amended. The original conditions would remain in place and enforceable.

The Conditional Use Permit allows the jurisdiction to allow uses that are not typically seen on proposed sites with a series of conditions that would reduce (or eliminate) any potential impacts related to the project. In addition, should an applicant fail to adhere to any of the conditions of approval, having the CUP in place gives the County more leverage to enforce the conditions. This can include up to, and including, revocation of the CUP for failure to adhere to conditions. The county does not necessarily jump right to revocation hearings but goes through the steps of working with the applicant to come into compliance first. If failure to comply continues, then Staff has the standing to bring the CUP to a public hearing before the Planning Commission and to request revocation.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, in the amount of \$50.00 to cover the Notice of Exemption (CEQA) filing at the Madera County Clerks' office. The County Clerk Fee is due within five days of approval of this permit at the Planning Commission.

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 approve 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 CRM zone district allows for an automobile service station with a conditional use permit, which best describes this project.

2. *The proposed project is not contrary to the public health, safety, or general welfare.*

The project is not contrary to the health, safety or welfare of the public. The project will adhere to the conditions of approval outlined by the Environmental Health Department, Fire Department, and Public Works.

3. *The proposed project is not hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors.*

The project does not intend to change the current operation of a convenience/ gas station and only intends to construct a new 4,320 square foot canopy and install two additional fuel dispensers, which, as a result the project will not be hazardous, harmful, noxious, offensive, or a nuisance

because of noise, dust, smoke, odor, glare, or similar, factors.

4. *The proposed project will not cause a substantial, adverse effect upon the property values and general desirability of the surrounding properties.*

The project and area to the north and south of the project site has a Community Commercial land use designation. The activities and use are consistent with the General Plan and Zoning ordinance and would not negatively impact the general property values and general desirability of the surrounding properties, resulting in a nuisance.

GENERAL PLAN CONSISTENCY:

The parcel has a CC (Community Commercial) land use designation. CC provides retail, wholesale services, restaurants, professional and administrative offices, hotels, motels, and similar compatible uses.

The property is zoned CRM (Commercial, Rural, Median) District, which allows for automobile service stations with a Conditional Use Permit. The Zoning and General Plan designations are compatible with the proposed use.

RECOMMENDATION:

The analysis provided in this report supports approval of the Conditional Use Permit (CUP #2023-014) and concurrence with the Findings of Fact supporting approval.

Should the Planning Commission vote to approve the project, Staff recommends that the Commission approve the Conditions of Approval associated with this project.

CONDITIONS

See attached.

ATTACHMENTS:

1. Conditions of Approval
2. Resolution
3. Exhibit A, General Plan Map
4. Exhibit B, Zoning Map
5. Exhibit C, Assessor's Map
6. Exhibit D-1, Site Plan
7. Exhibit D-2, Elevation
8. Exhibit E, Aerial Map
9. Exhibit F, Topographical Map
10. Exhibit G, Operational Statement
11. Exhibit H, Application
12. Exhibit I, Environmental Health Comments
13. Exhibit J Fire

14. Exhibit K Public Works

CONDITIONS OF APPROVAL

PROJECT NAME:	CUP#2023-014 Arco AM PM Expansion
PROJECT LOCATION:	located on the northwest corner of Avenue 10 1/2 and Business Route 41, (10512 Business Route 41), Madera
PROJECT DESCRIPTION:	The applicant is proposing to construct 2 additional dispensers (4 fueling points) replace and expand the existing gas canopy
APPLICANT:	Josan & Josan Inc.
CONTACT PERSON/TELEPHONE NUMBER:	Baldev Josan 559-352-7001

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Environmental Health					
1	The facility will be regulated under the Hazardous Material Business Plan and or Waste Generator depending on the type and/or amount of hazardous material on-site. (Article I, Chapter 6.95, of the California Health & Safety Code)	EH			
2	If facility is already regulated by this Division the applicant must update their Hazardous Material Business Plan if the hazardous material storage location or hazardous material quantity(s) has changed.	EH			
3	As of January 2013 all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.calepa.ca.gov	EH			
4	Submit two set of Underground Storage Tank (UST) plans to Environmental Health Division for review and approval. UST permit review and operating permit fees will apply.	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 Division.	EH			
6	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			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
Planning					
1	The project shall be developed and operate in accordance with the operational statement and site plan submitted with the application, except as modified by the conditions of approval required for the project.	Planning			
2	The project shall comply with the conditions out lined in CUP 88-01 and VA 88-02	Planning			
3	Convenience stores with gasoline sales shall provide 1 space per 200 sq. ft. of gross floor area (50% of spaces at fuel pumps count toward parking space requirements)	Planning			
4	All parking facilities shall include handicap accessible parking spaces. The required number of spaces, as well as their size, location, and design shall conform to the provisions contained in the Americans with Disabilities Act (ADA) and as otherwise required by state and federal law. Handicap parking spaces shall be included in the required number of spaces for a project (i.e., ten spaces required—nine standard spaces and one handicap parking space can be provided).	Planning			
Fire					
1	The project will be required to meet current adopted Building Code standards upon application for a building permit.	Fire			
Public Works					
1	At any time during the operations of the proposed or existing development, at the County's discretion and depending on the condition of the roadways at the time, the County reserves the rights to require the applicant to repair and provide any necessary improvements to the existing roadways if there are damages to the existing pavement caused by the operations from the proposed the development.	Public Works			
2	If access approaches or road improvements are to be added to the proposed development, the applicant is required to provide such improvement plans to the Public Works Department for review.	Public Works			
3	Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600 Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.	Public Works			
4	Owner to make sure new drainage ties into existing system. Must also confirm that drain inlet is still operating at full capacity.	Public Works			
5	The existing easterly driveway approach on Avenue 10½ is to be closed off completely.	Public Works			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
6	The developer will be required to install complete street elements and site frontage improvements on Avenue 10½ and Business 41, up to the property lines, including but not limited to installation of curb & gutter, drainage inlet, sidewalk, streetlights, pavement widening, signs, pavement striping, landscaping, and drainage improvements. (General Plan Policy 2.B.1)	Public Works			
7	Curbs are generally placed to coincide with the ultimate width of the road and pavement is widened to adjoin the new curb. A curb ramp is to be constructed in accordance with 2023 Caltrans Standard Plans A88A and A88B, dated May 1, 2023, or Madera County's latest design standards whichever is newer.	Public Works			
8	General Plan Policies 2E.12 - To improve the County roadways as well as to provide sufficient access to existing and new development, the developer will be required to finance and install pedestrian walkways, equestrian trails, and multi-purpose paths in the new development, as appropriate.	Public Works			
9	An encroachment permit will need to be obtained prior to commencing any work within the road right of way.	Public Works			
10	All work done on the project site is subject to periodic inspections by the County and shall be certified by the Developer's Engineer of Record. All work in the County right of way will be inspected by the County in accordance with the encroachment permit requirements. The developer shall reimburse the County for all on and off site inspection costs incurred by County staff. 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 (Streets & Highways Code Section 1460).	Public Works			
11	On site traffic circulation and vehicle queues will need to be evaluated to ensure not to have any vehicles spill back onto the public street during the peak hours of operation.	Public Works			
12	Avenue 10½ is classified as a 60-ft Local and Business 41 is a 100-ft Arterial road. No additional road right of way dedication is needed for either road.	Public Works			
13	Applicant will be required to pay Road Impact Fees for any additional and/or modified use pursuant to Chapter 14.70 of Madera County Code.	Public Works			
14	On-site drainage facilities shall be improved and/or modified to ensure all on-site drainage is retained on the property and outside of the County right of way. The developer is required to verify that the existing drainage facilities are in fully functional and still have adequate capacity to accommodate the proposed operation.	Public Works			
15	Applicant shall apply for and obtain a grading permit from the Public Works Department for any onsite grading pursuant to Chapter 14.50.030 of Madera County Code.	Public Works			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
16	The County does not maintain water or sewer utilities to serve this location. Applicant will be responsible for provision of water and sewer facilities as applicable.	Public Works			
17	Applicant will be responsible for arranging for waste disposal services pursuant to Madera County Code, Chapter 7.24	Public Works			
18	Onsite storage adequate for solid waste bins for Municipal Solid Waste (Grey), Recycling (Blue), and Organics (Green) services shall be incorporated into the site layout .	Public Works			
19	A more detailed review will be conducted at the time of improvement plan submission.	Public Works			

BEFORE
THE PLANNING COMMISSION
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of)	Resolution No.: <u>PCR 2024-_____</u>
)	
JOSAN & JOSAN INC.)	RESOLUTION APPROVING THE
CONDITIONAL USE PERMIT #2023-014)	APPLICATION OF JOSAN & JOSAN
)	INC. FOR A CONDITIONAL USE
)	PERMIT AND APPROVING A CEQA
)	FINDING UNDER SECTION 15303 OF
_____)	THE CEQA GUIDELINES

WHEREAS, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, January 16, 2024 held a duly noticed public hearing to consider the application of Josan & Josan Inc. for a Conditional Use Permit; and

WHEREAS, County staff has presented substantial factual information regarding the Conditional Use Permit; and

WHEREAS, the hearing was to consider the application of Blair Josan & Josan Inc. for a Conditional Use Permit (CUP #2023-014) to allow for the addition of two fuel dispensers, demolish the current fuel canopy (1,900 square feet), and replace it with a new canopy (4,320 square feet) that can include the two new dispensers; and

WHEREAS, the property (049-150-002) is a 41,361 square foot parcel located on the northwest corner of Avenue 10 1/2 and Business Route 41, (10512 Business Route 41), Madera; and

WHEREAS, the property is zoned CRM (Commercial, Rural, Median) District; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission finds as follows:

1. That per Section 15303, the activity is covered by the New Construction of Conversion of Small Structures exemption of the California Environment Quality Act (CEQA).

2. That the proposed use is consistent with the General Plan and Zoning Ordinance and any applicable Area Plan or Specific Plan. The General Plan designation for the property is CC (Community Commercial) which allows for retail, wholesale services, restaurants, professional and administrative offices, hotels, motels, and similar compatible uses. The property is zoned CRM (Commercial, Rural, Median) District, which allows for automobile service stations with a Conditional Use Permit. The Zoning and General Plan designations are compatible with the proposed use.

3. That the proposed project does not violate the spirit or intent of the zoning ordinance. The CRM zone district allows for an automobile service station with a conditional use permit, which best describes this project.

4. That the request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County. The project is not contrary to the health, safety or welfare of the public. The project will adhere to the conditions of approval outlined by the Environmental Health Department, Fire Department, and Public Works.

5. That the proposed project will not be hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. The project does not intend to change the current operation of a convenience/gas station and only intends to construct a new 4,320 square foot canopy and install two additional

fuel dispensers, which, as a result, the project will not be hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar, factors.

6. That the proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the properties. The project and area to the north and south of the project site has a Community Commercial land use designation. The activities and use are consistent with the General Plan and Zoning ordinance and would not negatively impact the general property values and general desirability of the surrounding properties, resulting in a nuisance.

7. As a result of Findings 1 – 6, the Conditional Use Permit is approved, subject to the applicable conditions and mitigation measures.

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The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Madera County Planning Commission on this _____ day of _____ 2024 by the following vote:

COMMISSIONER MILES-MATTINGLY VOTED: _____
COMMISSIONER DAL CERRO VOTED: _____
COMMISSIONER BURDETTE VOTED: _____
COMMISSIONER PALMER VOTED: _____
COMMISSIONER ESTRADA VOTED: _____

Tom Burdette, Chairperson

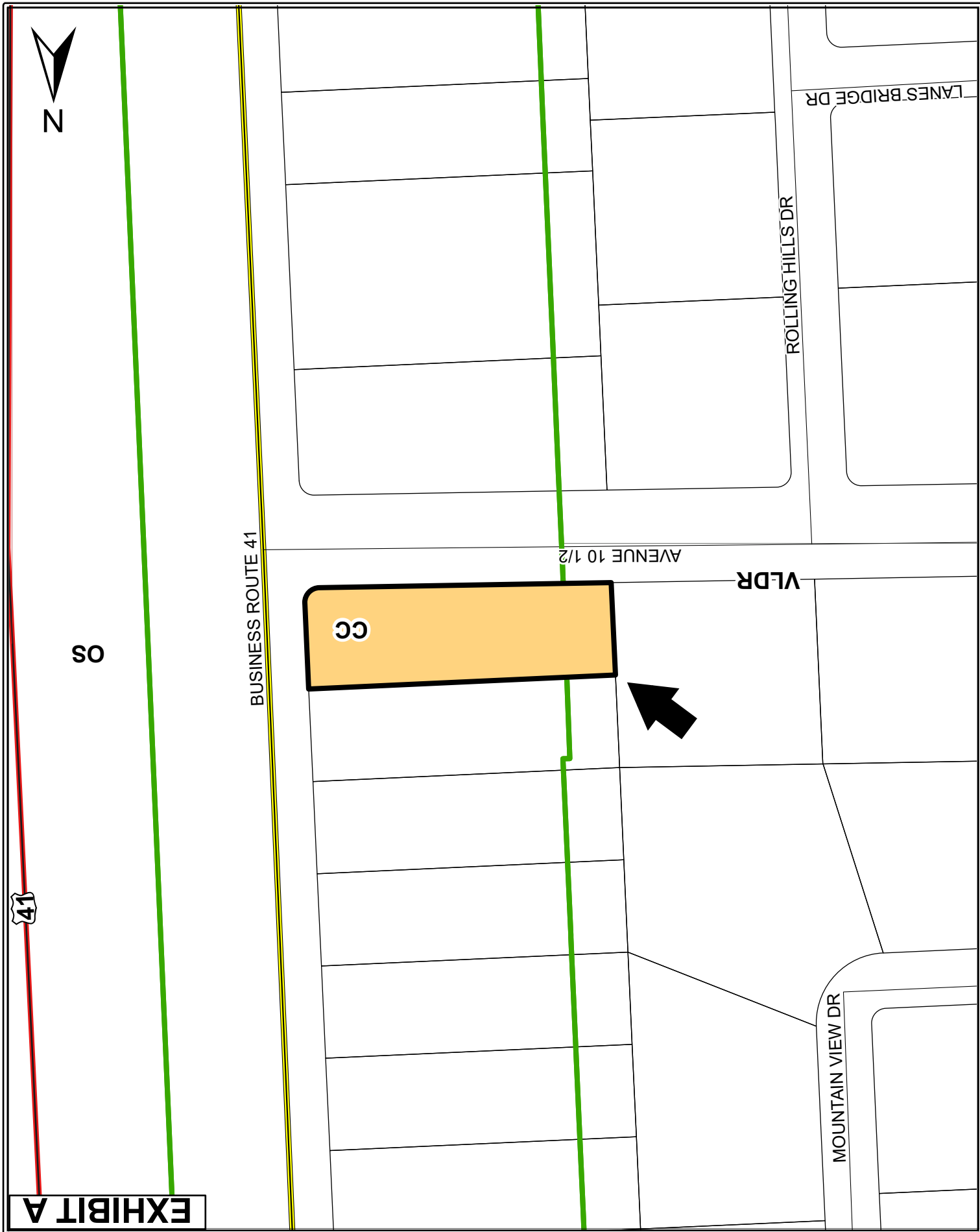
ATTEST:

Secretary of the Planning Commission

Approved as to Legal Form:
COUNTY COUNSEL

By: **Dale E. Bacigalupi**
Digitally signed by: Dale E. Bacigalupi
DN: CN = Dale E. Bacigalupi email = dbacigalupi@lozanosmith.com C = US O = Lozano Smith
Date: 2023.12.21 13:29:44 -08'00'

GENERAL PLAN MAP



LANES BRIDGE DR

ROLLING HILLS DR

AVENUE 10 1/2

V-LDR

CC

BUSINESS ROUTE 41

OS

MOUNTAIN VIEW DR

41

EXHIBIT A





ZONING MAP

ASSESSOR'S MAP

ORIGINAL
IN BLUE

ROLLING HILLS SUBDIVISION
VOL. 8 PAGES 6, 7

Tax Area Code
65-004

49-15



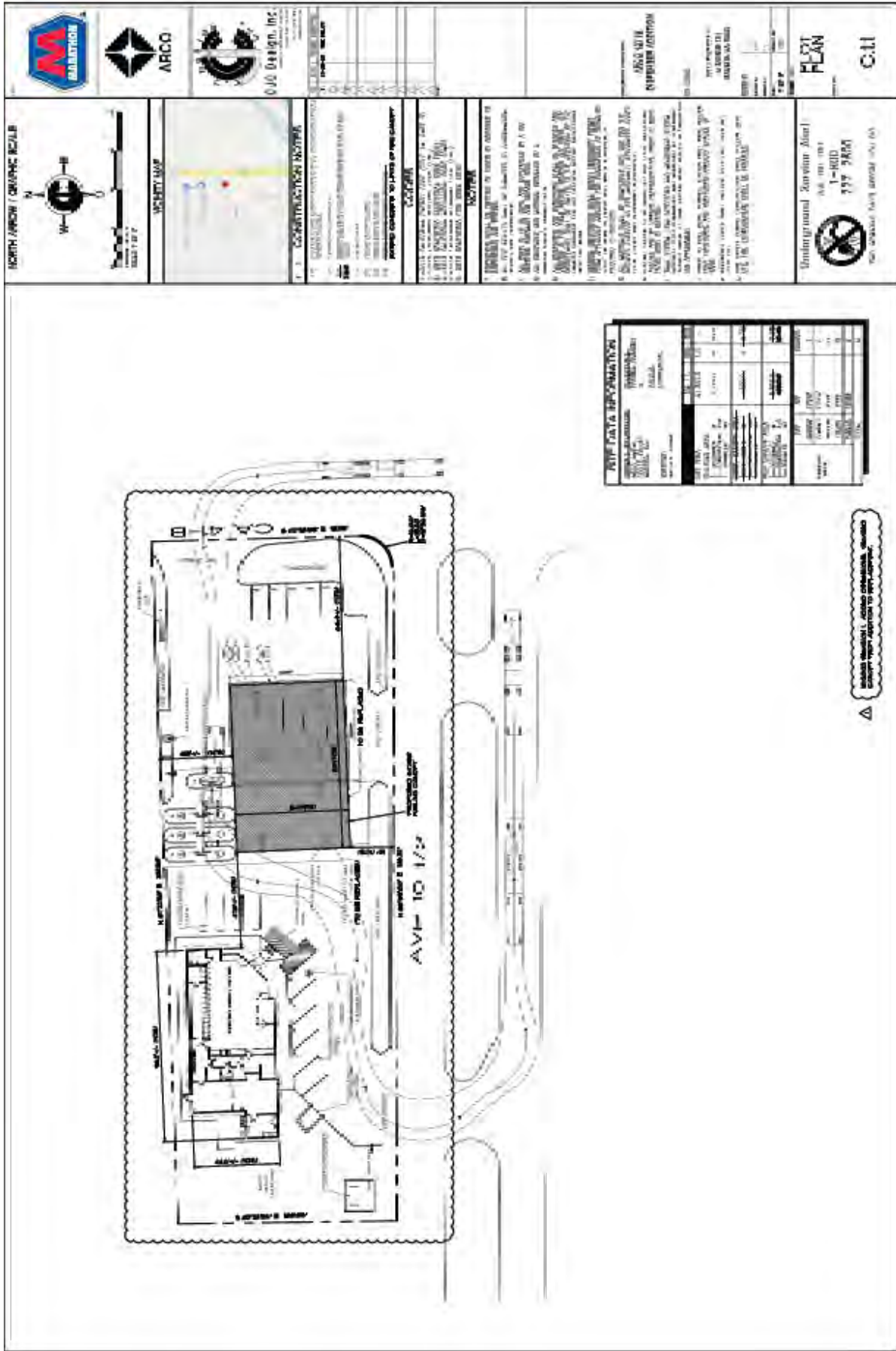
08/07-14 012 10000 Madera County Assessor, All Rights Reserved.

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

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

Assessor's Map No. 49-15
Golden Valley Unified School Dist.
County of Madera, Calif.
1960

EXHIBIT C



LOGO: M SUBSTITUTION

ARCOC

QJO Design, Inc.

GENERAL NOTES:

1. THE INFORMATION ON THIS PLAN IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS SUBJECT TO CHANGE WITHOUT NOTICE.
2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AUTHORITIES.
3. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION FROM THE LOCAL UTILITY COMPANIES.
4. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEY DATA FROM A LICENSED SURVEYOR.
5. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ENGINEERING INFORMATION FROM A LICENSED ENGINEER.
6. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHITECTURAL INFORMATION FROM A LICENSED ARCHITECT.
7. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION INFORMATION FROM A LICENSED CONTRACTOR.
8. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE INFORMATION FROM A LICENSED INSURER.
9. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY LEGAL INFORMATION FROM A LICENSED ATTORNEY.
10. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY FINANCIAL INFORMATION FROM A LICENSED FINANCIAL INSTITUTION.

DATE: 10/10/15

BY: J. SMITH

CHECKED: M. JONES

SCALE: AS SHOWN

SHEET NO. 1 OF 1

PROJECT: ARCOC

LOCATION: AVENUE 10 1/2, AVENUE 10, AVENUE 9, AVENUE 8

FLAT PLAN

C.M.I.

SITE PLAN MAP

ELEVATION MAP

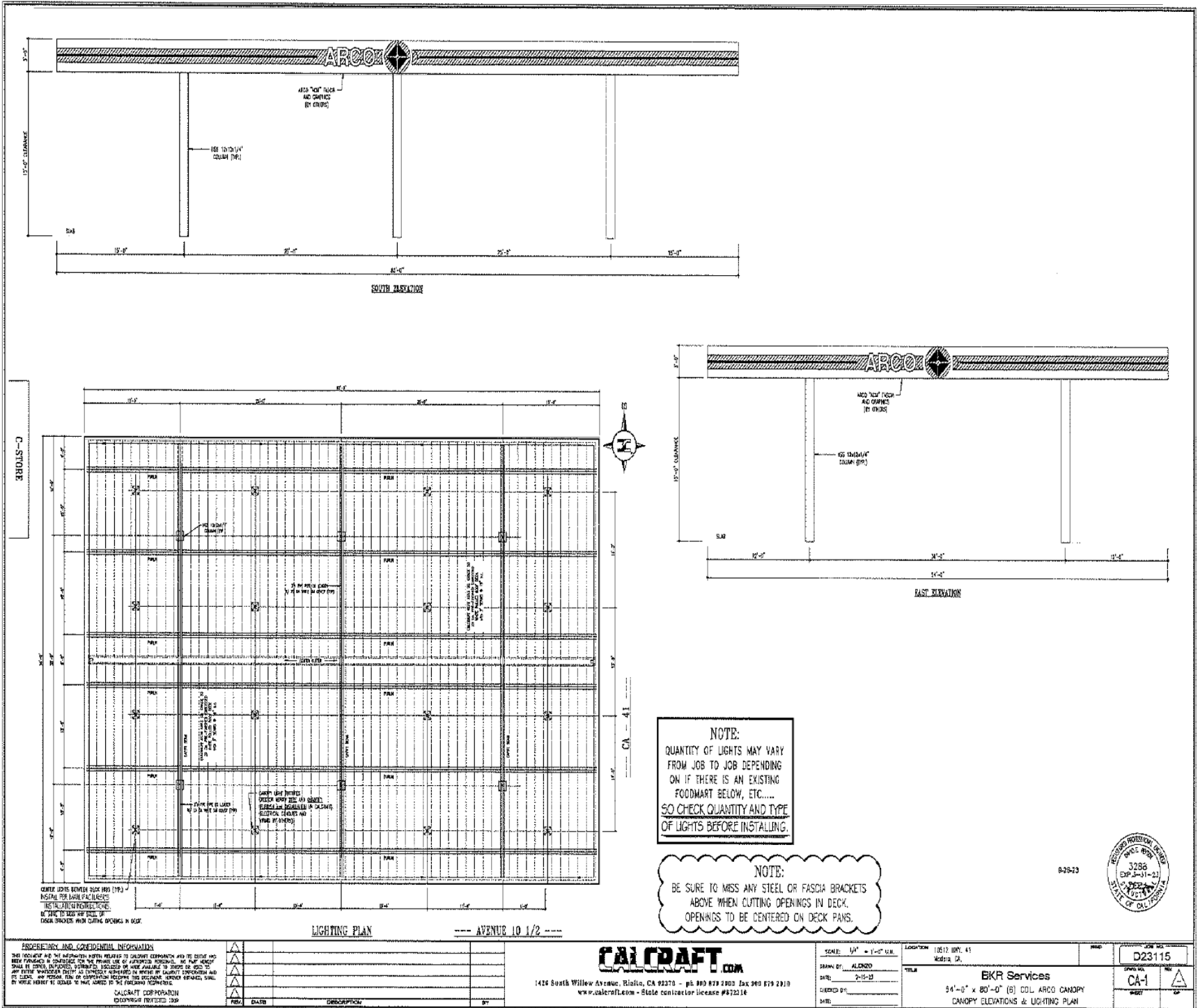


EXHIBIT D-2

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 Modesto, CA 95226
 TEL: 209.522.2300 FAX: 209.522.2301
 WWW.CALCRAFT.COM

REV.	DATE	DESCRIPTION

CALCRAFT
 1424 South Willow Avenue, Bldg. 100 Modesto, CA 95226
 TEL: 209.522.2300 FAX: 209.522.2301
 WWW.CALCRAFT.COM - State contractor license #672216

SCALE: 1/4" = 1'-0" (TYP.)
 DRAWN BY: ALLEN
 DATE: 7-15-23
 CHECKED BY:
 DATE:

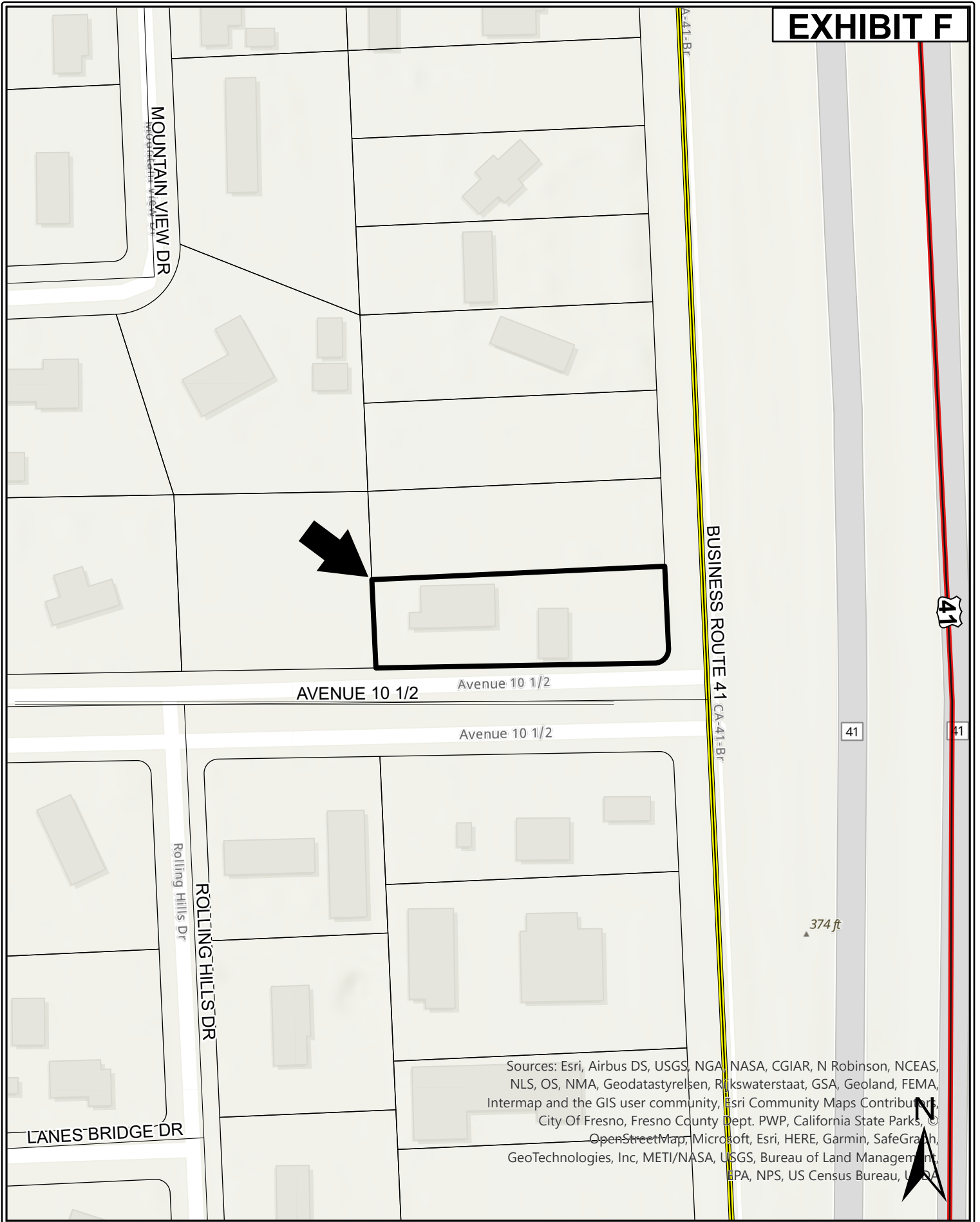
LOCATION: 10512 HWY. 41 Modesto, CA
 TITLE: BKR Services
 34'-0" x 80'-0" (8) COL. ARCO CANOPY
 CANOPY ELEVATIONS & LIGHTING PLAN

PROJECT NO.: D23115
 SHEET NO.: CA-1
 TOTAL SHEETS: 1



AERIAL MAP

EXHIBIT F



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City Of Fresno, Fresno County Dept. PWP, California State Parks, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

TOPOGRAPHICAL MAP



Community and Economic Development Planning Division

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- Suite 3100
- Madera, CA 93637
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- TDD (559) 675-8970
- mc_planning@maderacounty.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: 049-150-002

Applicant's Name: Josan & Josan Inc. (Baldev S Josan)

Address: Site Address: Arco AMPM, 10512 Avenue 10 1/2, Madera CA 93636; Mailing Address: 12019 S. Highland Ave, Selma CA 93662

Phone Number: 559-352-7001

2. Describe the nature of your proposal/operation.

Add 2 additional dispensers (4 fueling points), remove existing canopy, and construct new canopy over existing and new dispensers.

3. What is the existing use of the property?

ARCO AMPM GAS STATION/CONVENIENCE-STORE IN OPERATION FOR DECADES.

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?

Retail only; no manufacturing

5. What are the proposed operational time limits?

Months (if seasonal): N/A

Days per week: 7 (seven)

Hours (from ___ to ___): Total Hours per day: 24 (twenty-four) hours.

6. How many customers or visitors are expected?

Average number per day: 700

Maximum number per day: 1000

What hours will customers/visitors be there? 24 hours

7. How many employees will there be?

Current: 10

Future: 14

Hours they work: 24 hours, on part time and full time shifts

Do any live onsite? If so, in what capacity (i.e. caretaker)? No; N/A

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

No onsite storage.

9. Will there be any service and delivery vehicles? Yes

Number: 3-4

Type: Retail delivery vehicles, fuel delivery truck

Frequency: Daily; Tech/Repair Service vehicles when needed

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

14 asphalt parking stalls, plus 16 concrete parking stalls at fuel island.

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

Avenue 10 1/2 and Frontage 41

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

Average traffic is 700 car, 3 grocery trucks, and 1 fuel truck trip per day. An increase of 30% is anticipated.

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

No new advertising proposed at this time.

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.

The project proposes to replace the existing fuel canopy with a larger fuel canopy. No changes are proposed to the existing convenience store building.

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

No changes anticipated to existing landscaping or fencing at this time.

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

North: commercial, South: commercial; West: vacant, East: Freeway 41.

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).

Site is served by Rolling Hill Water District (Bakman Water). Actual water usage data is not available.

An increase of 30% is anticipated, which can be accommodated by the existing water service.

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

Site is currently served by a private septic system. Actual wastewater volume data is not available.

An increase of 30% is anticipated, which can be accommodated by the existing 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?

Site is served by Red Rock Environmental Group. Actual solid waste volume data is not available.

An increase of 30% is anticipated, which can be accommodated by the existing disposal service.

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

No significant grading or tree removal tasks are anticipated.

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

N/A

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?

The facility currently utilizes four 12000 underground fuel tanks. No changes are proposed.

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

N/A

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

No significant impacts are anticipated.

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

No significant impacts are anticipated.

29. If your proposal is for commercial or industrial development, please complete the following; Proposed Use(s): Fueling Station / Convenience Store

Square feet of building area(s): Existing building: 3725 SF, existing canopy: 1900 SF, proposed canopy: 4320 SF

Total number of employees: 10

Building Heights: Under 22+/- feet.

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

**APPLICATION & PERMIT
MADERA COUNTY PLANNING
COMMISSION**

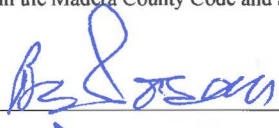
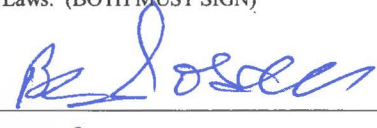
200 W. 4th Street, Suite 3100
Madera, CA 93637-3593
•(559) 675-7821 •FAX (559) 675-6573
Email: mc_planning@maderacounty.com

<input checked="" type="checkbox"/> Conditional Use Permit (CUP)	<input type="checkbox"/> Zoning Permit
<input type="checkbox"/> General Plan Amendment	<input type="checkbox"/> Variance <input type="checkbox"/> Setback
<input type="checkbox"/> General Plan Text Amendment	<input type="checkbox"/> Sign Permit <input type="checkbox"/> Master
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Site Plan Review <input type="checkbox"/> Voluntary
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Major <input type="checkbox"/> Minor <input checked="" type="checkbox"/> Amendment
<input type="checkbox"/> Parcel Map	<input type="checkbox"/> Time Extension
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Specific Plan
<input type="checkbox"/> Ag. Preserve <input type="checkbox"/> New <input type="checkbox"/> Cancel	<input type="checkbox"/> Other

Number _____
Date _____
Fee _____
Penalty _____
Receipt No. _____
Staff Date of Action _____
<input type="checkbox"/> Approve <input type="checkbox"/> Denied
PC Date of Action _____
<input type="checkbox"/> Approve <input type="checkbox"/> Denied
M.O./Res. No. _____
B. of S. Date of Action _____
<input type="checkbox"/> Approve <input type="checkbox"/> Denied

PLEASE PRINT	PROPERTY INFORMATION
Applicant: Baldev Josan	Assessor's Parcel Number(s) (required)
Mailing Address: 12019 S. Highland Avenue	049-150-002
City: Selma, CA State: CA Zip: 93662	Site Address (if applicable)
Phone: 559-352-7001	10512 Highway 41, Madera, CA 93636
Email: baldevjosan@sbcglobal.net	Prior Permit Approvals (if applicable)
	CUP 88-01
Property Owner	Intended Use (describe request clearly)
Mailing Address	Fueling station / convenience store.
City: State: Zip:	
Phone:	
Email:	
<input checked="" type="checkbox"/> Same as Applicant	

The forgoing information is true and correct to the best of my knowledge and belief. The applicant and property owner hereby acknowledge the requirements as set forth in the Madera County Code and agree to comply with all County and state Laws: (BOTH MUST SIGN)

Signature of Applicant:  Signature of Property Owner: 

DO NOT WRITE BELOW THIS LINE

<input type="checkbox"/> Site Plan Attached	Existing Zone District:	P/A:
<input type="checkbox"/> Operational/Environmental Statement Attached	Proposed Zone District:	Acreage:
<input type="checkbox"/> Variance Findings of Fact Attached	Existing General Plan (Area Plan):	
<input type="checkbox"/> CUP Findings of Fact Attached	Proposed General Plan (Area Plan):	
<input type="checkbox"/> Map Attached <input type="checkbox"/> Parcel Map <input type="checkbox"/> Subdivision	Community Area Plan:	
<input type="checkbox"/> Other Information:		

MITIGATION MONITORING AND CONDITIONS OF APPROVAL:

PRELIMINARY APPROVAL DATE: _____

AUTHORIZED SIGNATURE: _____ **DATE:** _____

FINAL APPROVAL DATE: _____

AUTHORIZED SIGNATURE: _____ **DATE:** _____

The preliminary approval date is the initial project approval by the governing body. All permits are not considered **complete** until all mitigation measures and conditions of approval, if required, have been met and confirmed by the Planning Department. Applicants should notify the Planning Department periodically to confirm that activity is ongoing for the proposed project or provide updates regarding scheduling for future activity.



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: Sam Rashe
FROM: Dexter Marr, Environmental Health Division
DATE: November 15, 2023
RE: Josan, Baldev - Conditional Use Permit - Madera (049-150-002-000)

Comments

TO: Planning Division
FROM: Environmental Health Division
DATE: October 25, 2023
RE: Conditional Use Permit (CUP) #2023-014, Baldev Josan,
Madera APN 049-150-002

The Environmental Health Division Comments:

The facility will be regulated under the Hazardous Material Business Plan and or Waste Generator depending on the type and/or amount of hazardous material on-site. (Article I, Chapter 6.95, of the California Health & Safety Code)

If facility is already regulated by this Division the applicant must update their Hazardous Material Business Plan if the hazardous material storage location or hazardous material quantity(s) has changed.

As of January 2013 all CUPA regulated businesses must submit their Hazardous Material Business Plan electronically into the California Environmental Reporting System (CERS) at: www.cers.calepa.ca.gov

Submit two set of Underground Storage Tank (UST) plans to Environmental Health Division for review and approval. UST permit review and operating permit fees will apply.

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 Division.

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.

If there are any questions or comments regarding these conditions, contact this Division at (559) 675-7823.



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: Sam Rashe
FROM: Deborah Mahler, Fire Marshal
DATE: November 15, 2023
RE: Josan, Baldev - Conditional Use Permit - Madera (049-150-002-000)

Condition

The project will be required to meet current adopted Building Code standards upon application for a building permit.

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: November 15, 2023
TO: Sam Rashe
FROM: Madera County Public Works
SUBJECT: Josan, Baldev - Conditional Use Permit - Madera (049-150-002-000)

Comments

At any time during the operations of the proposed or existing development, at the County's discretion and depending on the condition of the roadways at the time, the County reserves the rights to require the applicant to repair and provide any necessary improvements to the existing roadways if there are damages to the existing pavement caused by the operations from the proposed the development.

If access approaches or road improvements are to be added to the proposed development, the applicant is required to provide such improvement plans to the Public Works Department for review.

Contractor shall be responsible for locating all underground utilities prior to the start of any work by contacting Underground Service Alert (USA) 48 hours prior to any excavation at 1-800-227-2600
Contractor shall be responsible for contacting the appropriate party in advance of any work for necessary inspections in compliance to these plans, standard plans and standard specifications.

Owner to make sure new drainage ties into existing system. Must also confirm that drain inlet is still operating at full capacity.

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: November 15, 2023
TO: Sam Rashe
FROM: Phu Duong, Public Works
SUBJECT: Josan, Baldev - Conditional Use Permit - Madera (049-150-002-000)

Comments

Below are Public Works Dept. Conditions Of Approval:

Public Works - Transportation

The existing easterly driveway approach on Avenue 10½ is to be closed off completely.

The developer will be required to install complete street elements and site frontage improvements on Avenue 10½ and Business 41, up to the property lines, including but not limited to installation of curb & gutter, drainage inlet, sidewalk, streetlights, pavement widening, signs, pavement striping, landscaping, and drainage improvements. (General Plan Policy 2.B.1)

Curbs are generally placed to coincide with the ultimate width of the road and pavement is widened to adjoin the new curb. A curb ramp is to be constructed in accordance with 2023 Caltrans Standard Plans A88A and A88B, dated May 1, 2023, or Madera County's latest design standards whichever is newer.

General Plan Policies 2E.12 - To improve the County roadways as well as to provide sufficient access to existing and new development, the developer will be required to finance and install pedestrian walkways, equestrian trails, and multi-purpose paths in the new development, as appropriate.

An encroachment permit will need to be obtained prior to commencing any work within the road right of way.

All work done on the project site is subject to periodic inspections by the County and shall be certified by the Developer's Engineer of Record. All work in the County right of way will be inspected by the County in accordance with the encroachment permit requirements. The developer shall reimburse the County for all on and off site inspection costs incurred by County staff.

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 (Streets & Highways Code Section 1460).

On site traffic circulation and vehicle queues will need to be evaluated to ensure not to have any vehicles spill back onto the public street during the peak hours of operation.

Avenue 10½ is classified as a 60-ft Local and Business 41 is a 100-ft Arterial road. No additional road right of way dedication is needed for either road.

Applicant will be required to pay Road Impact Fees for any additional and/or modified use pursuant to Chapter 14.70 of Madera County Code.

Public Works - Grading/Drainage

On-site drainage facilities shall be improved and/or modified to ensure all on-site drainage is retained on the property and outside of the County right of way. The developer is required to verify that the existing drainage facilities are in fully functional and still have adequate capacity to accommodate the proposed operation.

Applicant shall apply for and obtain a grading permit from the Public Works Department for any onsite grading pursuant to Chapter 14.50.030 of Madera County Code.

Public Works - Water/Sewer Utilities

The County does not maintain water or sewer utilities to serve this location. Applicant will be responsible for provision of water and sewer facilities as applicable.

Public Works – Solid Waste

Applicant will be responsible for arranging for waste disposal services pursuant to Madera County Code, Chapter 7.24

Onsite storage adequate for solid waste bins for Municipal Solid Waste (Grey), Recycling (Blue), and Organics (Green) services shall be incorporated into the site layout .

A more detailed review will be conducted at the time of improvement plan submission.