



# Community and Economic Development Planning Division

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**PLANNING COMMISSION DATE:**

**February 13, 2024**

**AGENDA ITEM: #2**

<b>CUP</b>	<b>#2023-015</b>	<b>Conditional Use Permit for a Multi-Tenant Building for Office and Warehouse Space</b>
<b>APN</b>	<b>#049-160-005</b>	<b>Applicant: Arthur Petrosyan</b>
		<b>Owner: ARSHAK &amp; SHACKE PETROSYAN TRUSTEE</b>
<b>CEQA</b>	<b>Exempt</b>	<b>Categorical Exemption 15303 (c)</b>

**REQUEST:**

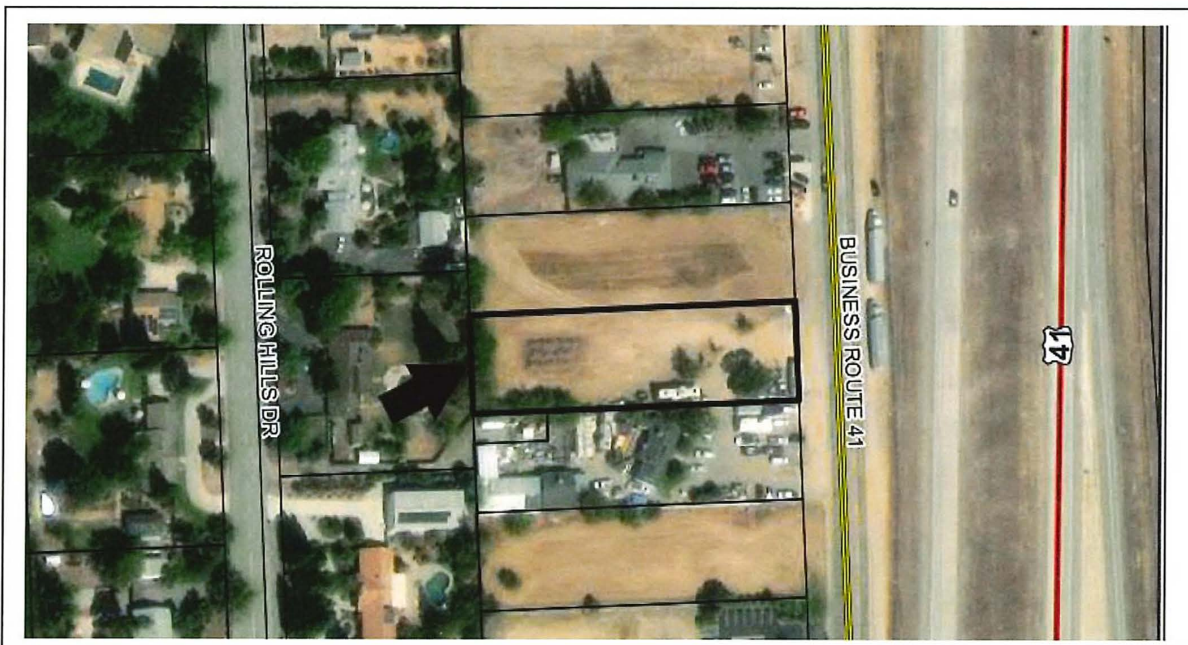
The applicant is requesting a Conditional Use Permit #2023-015 to allow for the building of a 6,692 sqft new commercial multi-tenant building for office and warehouse use and storage and supply.

**LOCATION:**

Located on the west side of Business Route 41, approximately 0.3 miles north of its intersection with Avenue 10 (10356 Business Route 41), Madera.

**ENVIRONMENTAL ASSESSMENT:**

Under the provision of the California Environmental Quality Act (CEQA) Article 19 section 15303 (c)(3), New Construction or Conversion of Small Structures, therefore the proposed project is not subject to CEQA.



**RECOMMENDATION:** Adoption of a resolution approving Conditional Use Permit #2023-15 subject to conditions and Findings of Fact and approving a related Categorical Exemption under the California Environmental Quality Act.

**GENERAL PLAN DESIGNATION (Exhibit A):**

**SITE:** CC (Community Commercial) Designation

**SURROUNDING:** CC (Community Commercial) Designation

**ZONING (Exhibit B):**

**SITE:** CRM (Commercial, Rural, Median) District

**SURROUNDING:** CRM (Commercial, Rural, Median) District, RRM (Residential, Rural, Multiple Family) District.

**LAND USE:**

**SITE:** Commercial

**SURROUNDING:** Commercial; Residential

**SIZE OF PROPERTY:** 0.8 Acres

**ACCESS (Exhibit D):** The property is accessed by Business Route 41.

**BACKGROUND AND PRIOR ACTIONS:**

Vacant. No prior actions.

**PROJECT DESCRIPTION:**

There are no existing structures on the current parcel. The applicant proposes to build a 6,692 square foot new commercial multi-tenant building for office and warehouse use and storage and supply. The project is located on the west side of Business Route 41, approximately 0.3 miles north of its intersection with Avenue 10, (10356 Business Route 41), Madera. The project site is topographically flat and is vacant.

The project site is not gated or fenced. The expected operational time limits will be 7 days a week and 12 hours a day Monday thru Sunday. There will be a total of 8 visitors per day Monday thru Saturday 12 months a year. Two customers per day on site per tenant. The multi-tenant building will utilize 12 employees for the proposed use.

**ORDINANCES/POLICIES:**

Chapter 18.34 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 and approval of conditional use permits.

Part 1 of the Madera County General Plan outlines the CC (Community Commercial) designation.

**ANALYSIS:**

This is a request for the building of a 6,692 sqft new commercial multi-tenant building for office and warehouse tenants used for storage and supply. The building will gain access from Business Highway 41. The project site will be leasing tenant spaces to individuals running their own small companies with storage use for tenants such as sub-contractors like plumbers, electricians, and mechanical contractors. The applicant estimates 240 gallons of water will be used from their existing well on site and no additional wells are proposed.

The applicant will include landscaping along the frontage of Business Route 41, to blend with the surrounding areas. There will be a monument sign of 12 feet high and 2 feet wide placed at the Northeast corner of project site for adequate identification of the building.

The project number of deliveries will be one a day per tenant. The project will utilize UPS and Fedex for deliveries. The tenants will utilize an estimated of two service trucks per tenant. There will be a total of 26 parking stalls on site. The project site will have designated parking for employees, customers and delivery vehicles in accordance with the Madera County ordinance section 18.102.040 – Vehicular parking space requirements.

CEQA analysis has determined that the project is exempt under the categorical exemption new construction or conversion of small structures. Under California State CEQA guidelines section 15303 (c) CEQA applies only to projects which have potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### Conditional Use Permit (CUP) Analysis

An administrative method of providing relief from the strict terms of a comprehensive zoning ordinance is a conditional use permit. 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 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 grants 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.

This project has been circulated to internal departments. These internal departments include Madera County Environmental Health Division, Public Works Division, and Building and Fire Safety Division. Comments were received from Environmental Health, Public Works and Fire Marshal.

The project is Categorical Exempt from CEQA and will not be required to pay the California Department of Fish and Wildfire fees.

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 to cover the Notice of Exemption (CEQA) filing fee.

**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 parcel is zoned CRM (Commercial, Rural, Median) District. The zoning designation allows for professional office and warehouse establishments with an approved conditional use permit. The conditional use permit process requires submittal of supporting documentation that allows the jurisdiction to analyze the project for health, safety, and welfare issues to make a recommendation. The approved conditional use permit provides the local jurisdiction the authority to ensure that the proposed project is maintained in a safe manner in accordance with the conditions included in the approval.
2. *The request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County.* The building will be in a predominately commercial portion of the County which allows for professional office and warehouse facilities with an approved conditional use permit.
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 must adhere to the conditions of approval. The project will not generate hazardous, harmful, noxious, or offensive odors.
4. *The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the neighborhood.* The project as designed will not have an adverse effect upon the property values and general desirability of the surrounding properties.

**WILLIAMSON ACT:**

The subject property is not subject to a Williamson Act contract.

**GENERAL PLAN CONSISTENCY:**

The General Plan designation for the parcel is CC (Community Commercial) Designation 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 building of a new commercial multi-tenant building for office and warehouse tenants used for storage and supply, is a compatible use under General Plan designation CC. The property is zoned CRM (Commercial, Rural, Median) District which allows for professional office and warehouse establishments is a compatible use with a conditional use permit. The building of an office and warehouse multi-tenant building with a conditional use permit is consistent with the General Plan. The General Plan and Zoning designations are consistent and compatible with each other.

**RECOMMENDATION:**

Staff recommends approval of Conditional Use Permit #2023-15 subject to conditions and Findings of Fact and approving a related Categorical Exemption under the California Environmental Quality Act.

**CONDITIONS**

See attached.

**ATTACHMENTS:**

1. Exhibit A, General Plan Map
2. Exhibit B, Zoning Map
3. Exhibit C, Assessor's Map
4. Exhibit D-1, Site Plan
5. Exhibit D-2, Floor Plan
6. Exhibit D-3, Elevation Plan
7. Exhibit D-4, Grading Plan Phase 1
8. Exhibit D-5, Grading Plan Phase 2
9. Exhibit D-6, Grading Plan Phase 3
10. Exhibit E, Aerial Map
11. Exhibit F, Topographical Map
12. Exhibit G, Operational Statement
13. Exhibit H, Environmental Health Comments
14. Exhibit I, Public Works
15. Exhibit J, Fire Comments
16. Exhibit K, Rolling Hills Will Serve Letter
17. Exhibit L, Resolution

**CONDITIONS OF APPROVAL**

<b>PROJECT NAME:</b>	CUP #2023-015
<b>PROJECT LOCATION:</b>	located on the east side of Rolling Hills Drive, approximately 1600' North of its intersection with Avenue 10 (10356 Business Route 41), Madera
<b>PROJECT DESCRIPTION:</b>	The applicant is proposing a 6,692 sqft new commercial multi-tenant building for office and warehouse tenants used for storage and supply
<b>APPLICANT:</b>	Arthur Petrosyan
<b>CONTACT PERSON/TELEPHONE NUMBER:</b>	

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Environmental Health</b>					
1	Proposed building shall comply with Madera County Code Title 13 as it relates to onsite domestic water and onsite wastewater treatment systems.	EH			
2	Proposed project is within the Bakman Water District (BWD). Provide a Will-Serve Letter from BWD for availability of domestic water services.	EH			
3	Submit an Engineered Design Onsite Wastewater Treatment System (OWTS) application to Environmental Health Division for review and approval.	EH			
4	Solid waste collection with sorting for recyclables, garbage and organics is required.	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			

**Fire Marshal**

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
1	The Building shall be designed to the current adopted building code at time of construction.	Fire & Building			
<b>Planning</b>					
1	Facility to operate in accordance with submitted Operational Statement and plans unless otherwise modified by conditions of approval.	Planning			
2	The applicant shall be required to maintain the facility at an acceptable level as determined by the Planning Department regarding visual/aesthetic components of the facility.	Planning			
3	Any proposed lighting associated with this project is to be hooded and directed downward and away from adjoining parcels.	Planning			
4	Use low-glare lighting to minimize nighttime glare effects on neighboring parcels.	Planning			
5	All internal parking and circulation areas within the project site shall be maintained in a dust-free condition.	Planning			
6	If archeological evidence is noted on the site prior to the start of construction, no work shall start without first notifying the Planning Department and completion of an Archeological study.	Planning			
7		Planning			
8		Planning			
9		Planning			

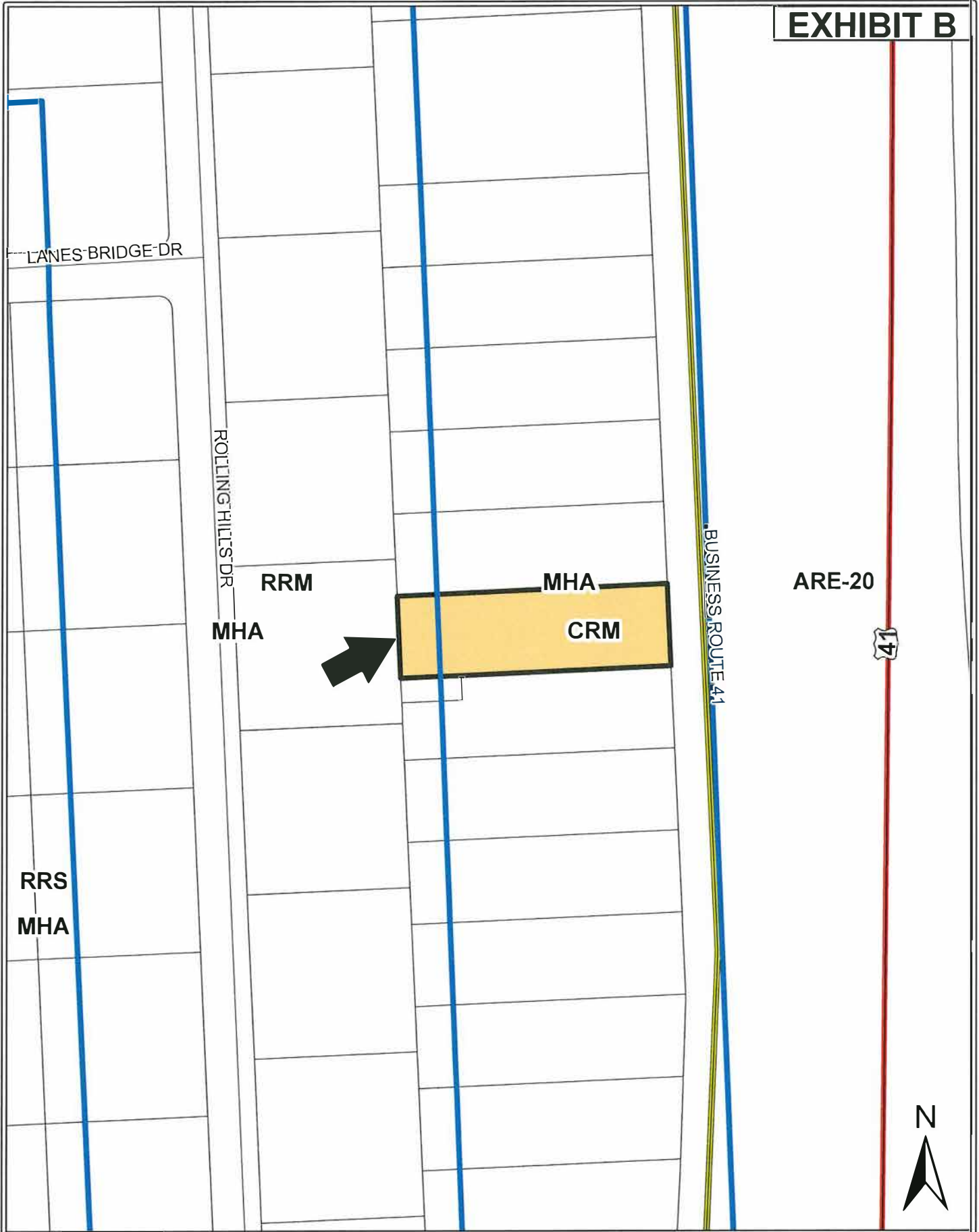


No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
<b>Public Works</b>					
1	An encroachment permit will need to be obtained prior to commencing any works within the County road right-of-way.	Public Works			
2	Except as approved and permitted by the County, all appurtenances, 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			
3	All proposed driveway approaches must be designed and installed in accordance with county standard ST-24B/24C/25/26 for commercial use unless approved otherwise. The approach layout and installation will be inspected by the Public Works inspector for acceptance.	Public Works			
4	The developer will be required to install complete street elements and site frontage improvements including, but not limited to, installation of curb & gutter, sidewalk, streetlights, pavement widening, signs, pavement striping, landscaping, and drainage improvements at their sole cost. Curbs are generally placed to coincide with the ultimate width of the road and pavement is widened to adjoin the new curb. The geometric design of all roads and road appurtenances will be in accordance with County standards road specifications and, or any concept not mentioned either CALTRANS or AASHTO standards (MCC 17.32.080 and General Plan Policy 2.B.1).	Public Works			
5	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 plan review and inspection costs incurred by County staff, including contracted consultant services is used as provided in section 17.24.300 (Ord. 278.A, sec 16, 1964 & Ord. 278 sec 802f.1, 1963) (MCC 17.44.050).	Public Works			
6	On site traffic circulation and vehicle queues will need to be evaluated to ensure vehicles do not spill back onto the public street during the peak hours of operation causing interruptions to the free-flow of through traffic.	Public Works			
7	At the time of applying for building permits, the 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			

No.	Condition	Department/Agency	Verification of Compliance		
			Initials	Date	Remarks
8	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			
9	On-site drainage facilities (i.e. detention/retention ponds and/or swales, subterranean drainage systems, etc.) 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. Plans showing the on-site drainage improvements and/or modifications shall be prepared by a registered Civil Engineer and submitted to the Public Works department, with appropriate drainage analysis and calculations, for review and approval prior to starting site work.	Public Works			
10	The developer shall provide flood control or drainage systems within the proposed development to carry storm runoff both tributary to and originating within the land division in accordance with the flood control practices as conditioned by the county. Post-development drainage flow shall be limited to the predevelopment rate. The developer shall submit a grading and drainage plan, and on-site storm runoff storage calculation, to the Public Works Department for review and approval or provide a copy of the overall approved master drainage plan for reference. This plan shall identify onsite retention for any increase in stormwater runoff generated by the proposed development.	Public Works			
11	If there is an existing drainage storage pond on-site and/or calculation available for this development, the developer is required to verify that the drainage system and its storage still have adequate capacity and are fully functional.	Public Works			
12	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			
13	Applicant will be responsible for arranging for waste disposal services pursuant to Madera County Code, Chapter 7.24.	Public Works			
14	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			



**EXHIBIT B**



**ZONING MAP**

ASSESSOR'S MAP

ORIGINAL

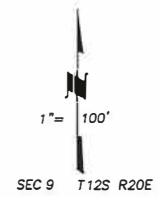
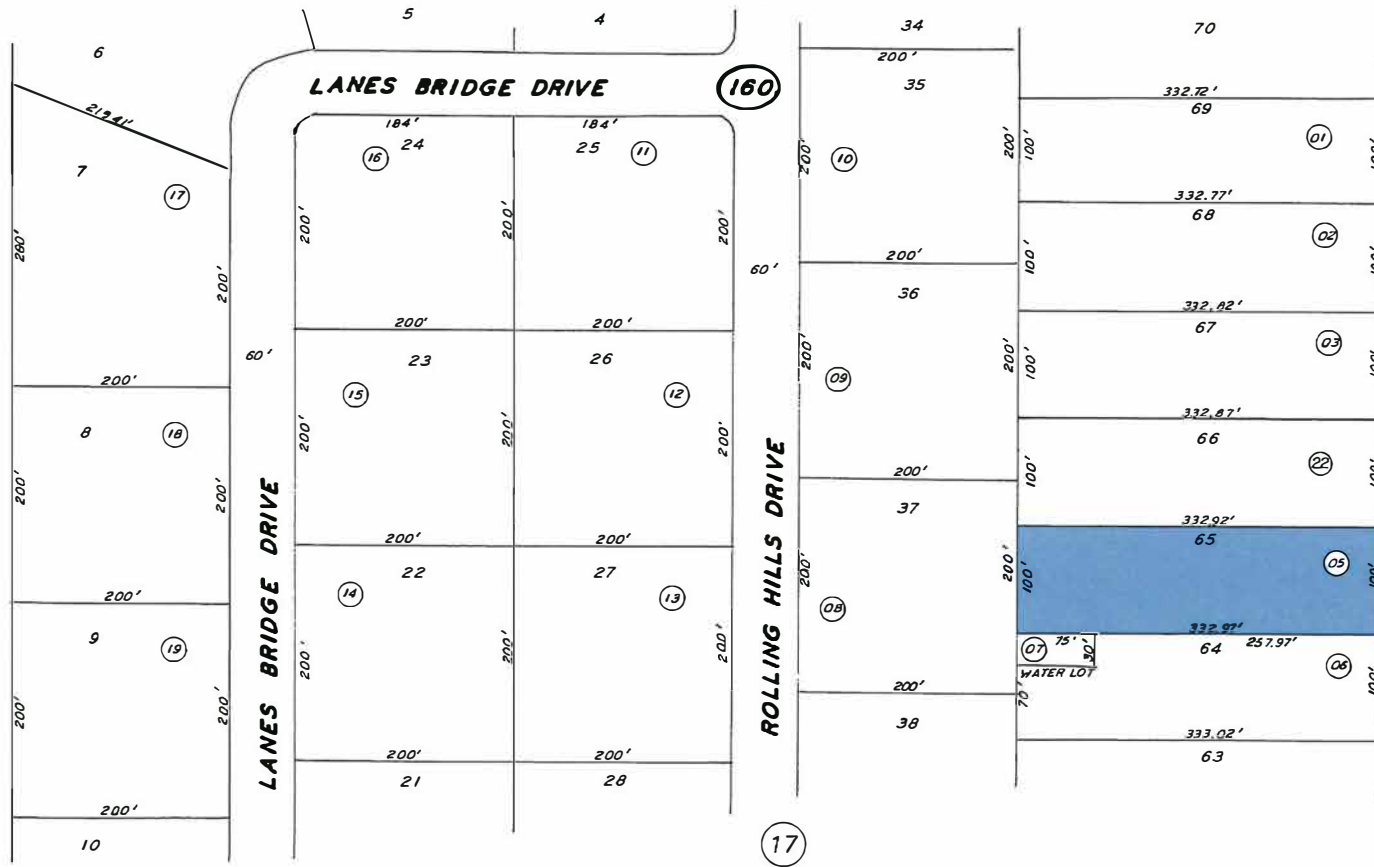
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48

ROLLING HILLS SUBDIVISION  
VOL. 8 PGS. 6 & 7

Tax Area Code  
65-004

49-16



05

41

BUSINESS ROUTE

CU-TRMS RS 56/75

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 Squares.   
 Assessor's Parcel Numbers Shown in Circles.

Assessor's Map No. 49-16  
Golden Valley Unified School Dist.  
County of Madera, Calif.  
1960

07205-22 CLR ©2003 Madera County Assessor, All Rights Reserved

EXHIBIT C



**SJA**  
Design Group  
1815 Colorado Ave.  
Covina CA 91021  
PH: 909.842.9222

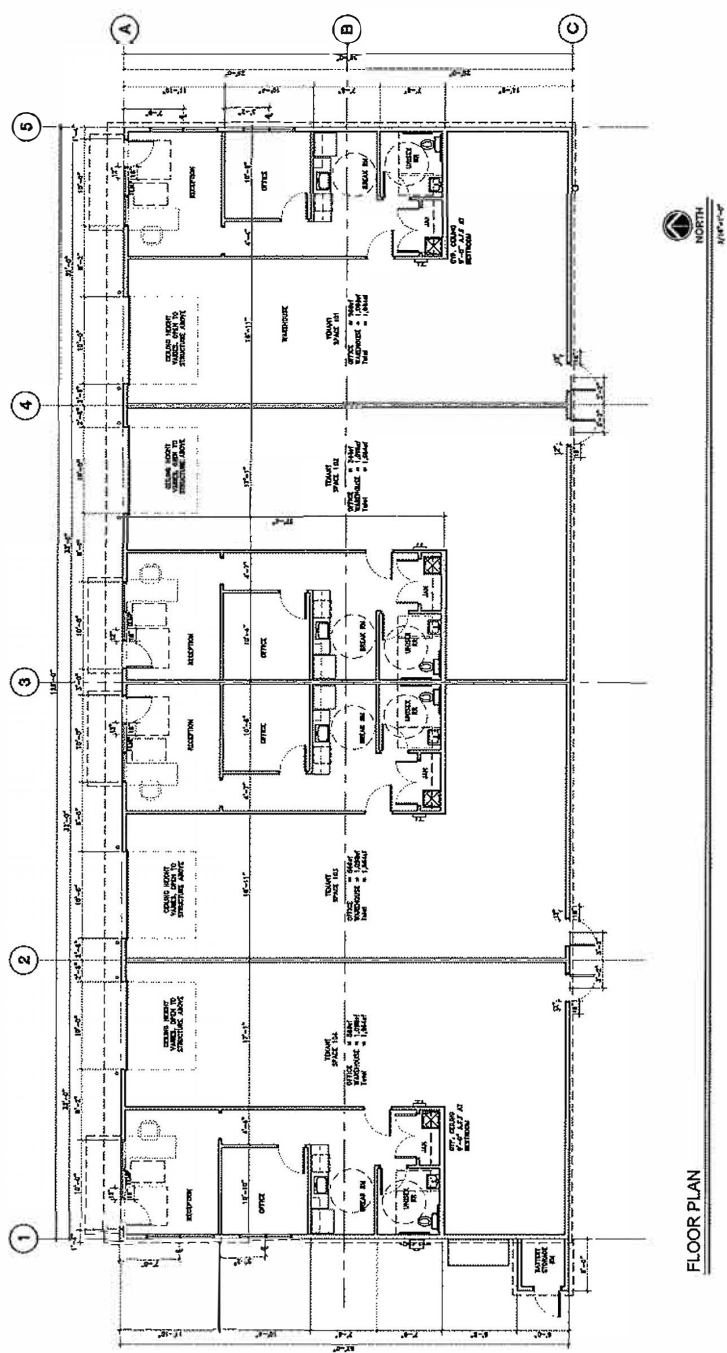
**Rolling Hills Lot 65**  
HWY 41 Frontage Rd  
Madera, CA



Date: 01.24.23  
Drawn By: Anna Jovan  
Project #: 23004  
Floor Plan

Revisions  
Δ mm

SHEET No.  
**A2.1**



The floor plan, sections, and elevations are the property of SJA Design Group and are not to be used for any other project without the written consent of SJA Design Group.

Rolling Hills Lot 65  
 HWY 41 Frontage Rd  
 Madera, CA



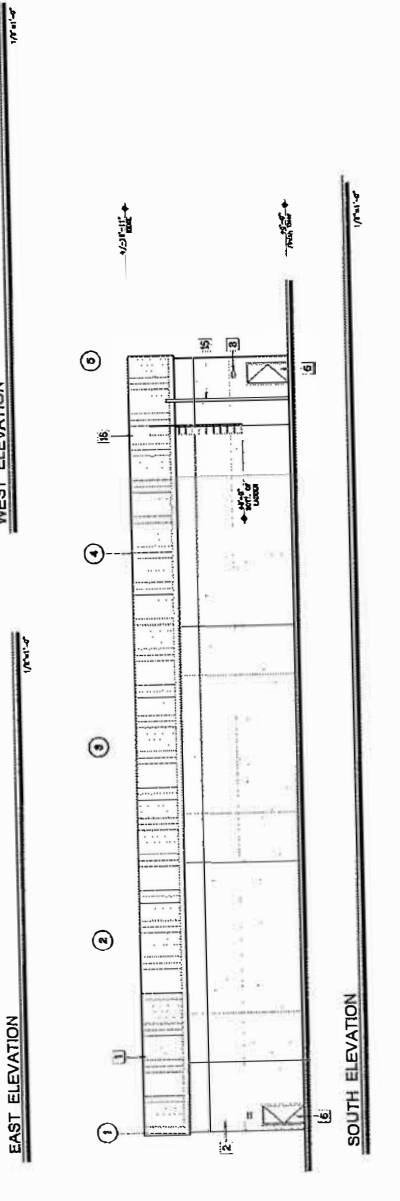
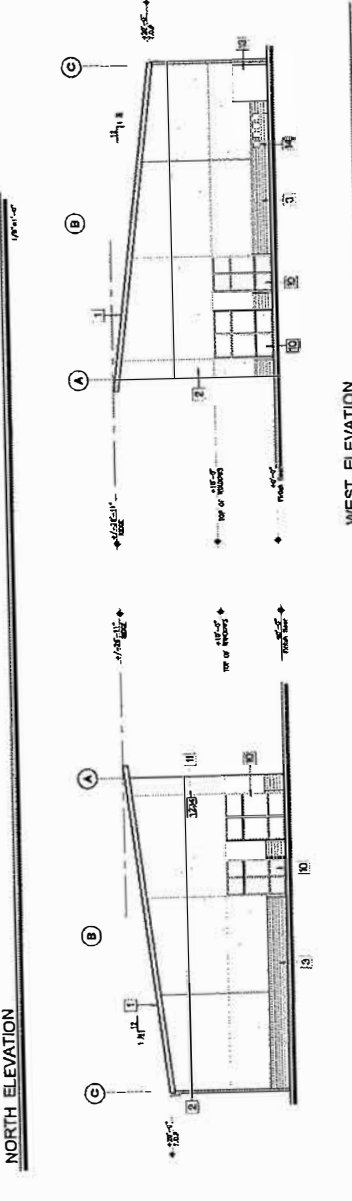
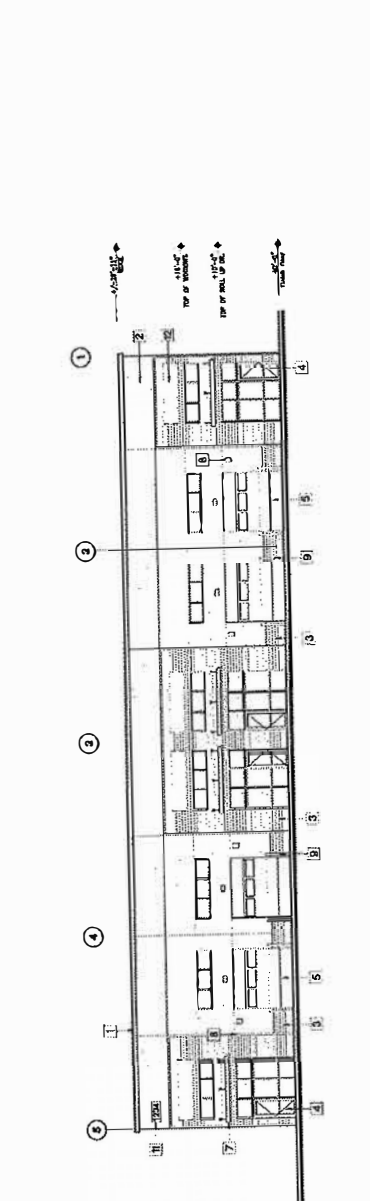
DATE: 01.24.23  
 DRAWN BY: Steve Jones  
 PROJECT #: 23004  
 EXTERIOR  
 ELEVATION 1

Revisions  
 2/2/24

SHEET No.  
 A3.1



No.	Description
1	REMOVE SHAW WALL SEWER AT ROAD
2	1/2" CORR. RAINSP. AT WALL, LENS & TRUCK
3	WALLS ADJACENT TO DRIVE
4	RECONSTRUCT EXIST. INTERIOR & EXTERIOR SEE PLAN
5	1/2" CORR. RAINSP. AT ROAD WITH WOOD SLATS SEE PLAN
6	RECONSTRUCT EXIST. INTERIOR & EXTERIOR SEE PLAN
7	REMOVE EXIST. WOOD SLATS AT ROAD SIDEWALK
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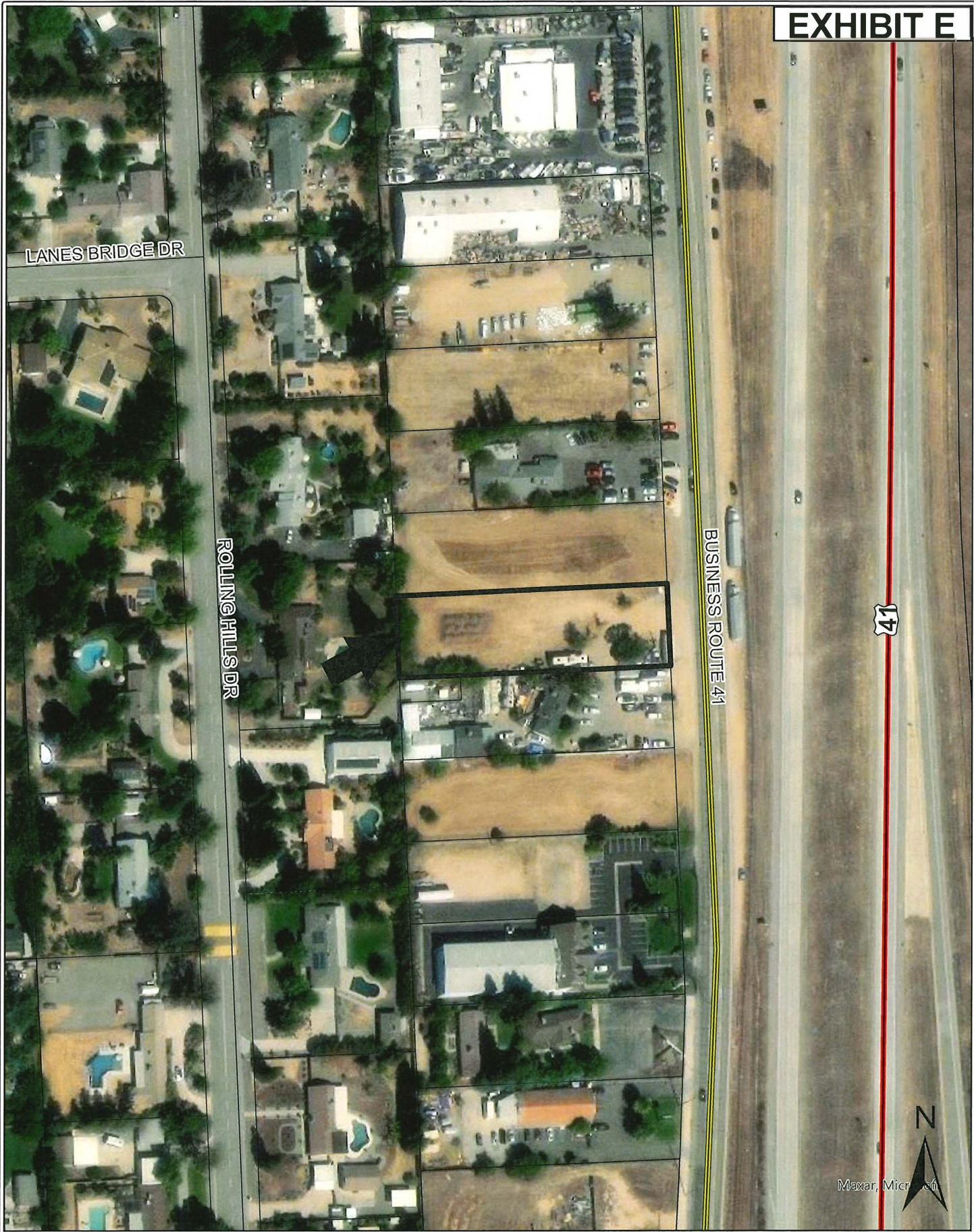
ELEVATION PLAN MAP











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, NOAA



## Community and Economic Development Planning Division

## EXHIBIT G

- 200 W 4<sup>th</sup> Street
- Suite 3100
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- 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: 049-16-05

Applicant's Name: Arthur G. Petrosyan

Address: 41198 Grove Court Madera, CA 93636

Phone Number: 559-916-5531

2. Describe the nature of your proposal/operation.

Building a 1 story office / warehouse with (4) proposed tenant spaces. Each space will have +/- 560sf of office and remaining tenant space as warehouse

3. What is the existing use of the property?

vacant

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?

this is tenant spaces for lease to individuals running their own small companies with storage use for tenants such as sub-contractors like plumbers, framers etc...

5. What are the proposed operational time limits?

Months (if seasonal): open 12 months out of the year

Days per week: (7 days a week / Monday thru Sunday)

Hours (from 6am to 6pm): Total Hours per day: 12 hrs a day Monday thru Sunday

6. How many customers or visitors are expected?

Average number per day: Week days only - 2 visitor a day per tenant total of (4) visitor per day Mon - thru Sat.

Maximum number per day: (8) visitor per day max - Mon. thru Sat.

What hours will customers/visitors be there? between 8am to 4pm (costumer hours differ from business hours)

7. How many employees will there be?

Current: 3 max per tenant a total of (4) tenants = total of 12 employees but they will not stay long since they most likely come to pick up orders or supplies and leave to job sites

Future: no growth since each tenant space is small and limited offices space

Hours they work: 6am to 6pm

Do any live onsite? If so, in what capacity (i.e. caretaker)? no

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

tenants will be allowed to store basic bldg materials relative to their work

9. Will there be any service and delivery vehicles? only UPS/ FEDEX for deliveries , tenants will have services Trucks for workers .

Number: 2 trucks, for each tenant space possibly

Type: typical UPS/FEDEX trucks, or F150 - Contractor trucks only

Frequency: deliveries possibly 1 a day

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

Parking lot will have AC paving, Total available stalls on site 24 standard stalls and (2) accessible stalls for a total of 26 stalls. Each tenant is assumed to have (3) employees with (2) visitor a day for a total of (5). there is a total of tenant (4) tenant spaces x 5 stalls totals of 20 stalls. We have provided 26 stalls on site.

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

Business HWY 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.

(2) standard work truck - F-150 and (1) standard vehicular car per tenant Mon. thru Sunday (2) standard visitor cars, or possible USP, or

Amazon or FEDEX delivery truck once a day Mon - thru Sat.

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

Proposed Monument sign 12 feet high by 24 inches wide. placed at North / east corner of site

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.

New 1 story, single slope light wood framed construction with Stucco exterior and Metal siding accent at front entry

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

Landscaping at front set back as required by County Ordinances

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

Auto sales, boat dealers , General office business buildings with warehouse space

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).

Each tenant space will have (1) toilet, (1) lav (1) mop sink with (1) break room sink total water fixture counts

total of (3) employees per tenant space estimated 20gpd per employee = 60gpd per tenant space and total 240 gpd for bldg with (4) tenant spaces

Per CPC 2022 Table 610.3 Water supply fixture units.

(1) Water Closet x 2.5 wfu + (1) lav x 1 wfu + (1) sink x 1.5 wfu + (1) mop sink x 3.0 = 8.0 wfu (x 4 tenants) = 32 water fixture units plus (1) hose bibb x 2.5 = 2.5 (34.5 total water supply fixture units)

Based on CPC 2022 Chart A103.1 (2) 25 gallons per minute .

A 2 Inch Domestic water line will be required and provided by Bakman Water Company plus a 4 Inch Fire service line

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

Solid or liquid waste based on CPC 2022 Table H201.1.(4) based on number of employees 3 x 20gpd (estimated waste water per gallons per day) = 60, Plus 2 visitors x 2.5gpd = 5gpd (Total 65 gpd estimated waste water per day)  
Drainage Fixture Unit per CPC 2022 Table 702.1, (1) water closet x 6 DFU + (1) Lav x 1 DFU + (1) Mop sink x 3DFU + (1) sink x 2DFU = 12DFU per tenant space x 4 = 48 DFU Per CPC 2022 Table H201.1(1) requires a min 2,250 gallon septic tank capacity

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?

per national standards a standard office use is 3.3 cubic yards of solid waste per 1,000sf of building area which would total +/- 8 cubic yards per month  
the warehouse would 6 cubic yards per 1,000sf of area totaling 27 cubic yards a month for a total of 1.2 cubic yards a Day

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

yes, grading for paved areas and new bldg pad

22. Are there any archeological or historically significant sits 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.

no bodies of water nearby

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

see site plan for existing topo / contours

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

no

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

Typical Fire & Emergency services

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

it will fit in with the surrounding existing development

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

No impact to schools since its an office space, building shall be sprinklered so impact to Fire will be minimal emergency response only and Police should be min since basic office use and closes at 6pm. No impact to special districts.

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

Use(s): Office / Warehouse use

Square feet of building area(s): 6,656 sf ( a total of (4) at 1,664sf per tenant space) plus added battery storage rm 6'x6' = 36 sf = total bldg area of 6,692sf

Total number of employees: 3 per tenant space a total of (4) tenant spaces a total of max. 12 employees

Building Heights: max . 27 feet



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

no Divisions

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**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: Adriana Ferretiz

FROM: Dexter Marr, Environmental Health Division

DATE: January 17, 2024

RE: Petrosyan, Arthur - Conditional Use Permit - Madera (049-160-005-000)

**Comments**

TO: Planning Division

FROM: Environmental Health Division

DATE: December 19, 2023

RE: Conditional Use Permit (CUP) #2023-015, Arthur Petrosyan  
Madera APN 049-160-005

The Environmental Health Division Comments:

Proposed building shall comply with Madera County Code Title 13 as it relates to onsite domestic water and onsite wastewater treatment systems.

Proposed project is within the Bakman Water District (BWD). Provide a Will-Serve Letter from BWD for availability of domestic water services.

Submit an Engineered Design Onsite Wastewater Treatment System (OWTS) application to Environmental Health Division for review and approval.

Solid waste collection with sorting for recyclables, garbage and organics is required.

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.

## 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:** December 21, 2023  
**TO:** Adriana Ferretiz  
**FROM:** Phu Duong, Public Works  
**SUBJECT:** Petrosyan, Arthur - Conditional Use Permit - Madera (049-160-005-000)

#### Comments

##### PUBLIC WORKS-TRANSPORTATION

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

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).

All proposed driveway approaches must be designed and installed in accordance with county standard ST-24B/24C/25/26 for commercial use unless approved otherwise. The approach layout and installation will be inspected by the Public Works inspector for acceptance.

The developer will be required to install complete street elements and site frontage improvements including, but not limited to, installation of curb & gutter, sidewalk, streetlights, pavement widening, signs, pavement striping, landscaping, and drainage improvements at their sole cost. Curbs are generally placed to coincide with the ultimate width of the road and pavement is widened to adjoin the new curb. The geometric design of all roads and road appurtenances will be in accordance with County standards road specifications and, or any concept not mentioned either CALTRANS or AASHTO standards (MCC 17.32.080 and General Plan Policy 2.B. I).

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 plan review and inspection costs incurred by County staff, including contracted consultant services is used as provided in section 17.24.300 (Ord. 278.A, sec 16, 1964 & Ord. 278 sec 802f.1, 1963) (MCC 17.44.050).

On site traffic circulation and vehicle queues will need to be evaluated to ensure vehicles do not spill back onto the public street during the peak hours of operation causing interruptions to the free-flow of through traffic.

At the time of applying for building permits, the 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

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.

On-site drainage facilities (i.e. detention/retention ponds and/or swales, subterranean drainage systems, etc.) 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. Plans showing the on-site drainage improvements and/or modifications shall be prepared by a registered Civil Engineer and submitted to the Public Works department, with appropriate drainage analysis and calculations, for review and approval prior to starting site work.

The developer shall provide flood control or drainage systems within the proposed development to carry storm runoff both tributary to and originating within the land division in accordance with the flood control practices as conditioned by the county. Post-development drainage flow shall be limited to the predevelopment rate. The developer shall submit a grading and drainage plan, and on-site storm runoff storage calculation, to the Public Works Department for review and approval or provide a copy of the overall approved master drainage plan for reference. This plan shall identify onsite retention for any increase in stormwater runoff generated by the proposed development.

If there is an existing drainage storage pond on-site and/or calculation available for this development, the developer is required to verify that the drainage system and its storage still have adequate capacity and are fully functional.

**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

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**MEMORANDUM**

**DATE:** December 21, 2023  
**TO:** Adriana Ferretiz  
**FROM:** Phu Duong, Public Works  
**SUBJECT:** Petrosyan, Arthur - Conditional Use Permit - Madera (049-160-005-000)

**Comments**

**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.



Community and Economic Development  
Fire Prevention Division

Deborah Mahler, Fire Marshal  
Deputy Director

**EXHIBIT J**

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

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**MEMORANDUM**

TO: Adriana Ferretiz  
FROM: Deborah Mahler, Fire Marshal  
DATE: January 23, 2024  
RE: Petrosyan, Arthur - Conditional Use Permit - Madera (049-160-005-000)

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**Condition**

The Building shall be designed to the current adopted building code at time of construction.



September 8, 2023

Mr. Arthur G. Petrosyan  
Petrosyan Family Trust  
41198 Grove Court  
Madera, California 93636

Re: Bakman Water Company - Rolling Hills Will Serve Letter (the "Letter")  
10356 Business Route 41, Madera County, California 93636 (the "Premises")  
RH Lot 65 (APN: 049-160-005) - New Commercial Construction (the "Project")

To whom it may concern:

This letter will serve as confirmation that the Project is completely within Bakman Water Company's ("BWC") Rolling Hills service area boundaries. Water will be served to the Premises without exception under the rules and regulations of the California Public Utilities Commission and State Water Resources Control Board.

Bakman Water Company's ability to serve this Project is conditioned upon the Project meeting all BWC standards and specifications and it being in compliance with all requirements of appropriate regulatory agencies. The requirements of installing a backflow device will need to be in accordance with BWC's most current standards at the time of installation. Financial arrangements have been made for water service at the Premises.

This letter is non-transferrable and if the Project design changes, this letter is void and will require further evaluation.

Best Regards,  
BAKMAN WATER COMPANY

A handwritten signature in blue ink, appearing to read "S. Bakman", is written over a horizontal line.

By: Shaymus Bakman  
Its: Vice President

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

In the Matter of	)	Resolution No.: <u>2024-</u>
	)	
ARTHUR PETROSYAN	)	RESOLUTION APPROVING THE
CONDITIONAL USE PERMIT #2023-015	)	APPLICATION OF ARTHUR PETROSYAN
	)	FOR A CONDITIONAL USE PERMIT AND
	)	RELATED CATEGORICAL EXEMPTION
	)	UNDER THE CALIFORNIA
_____	)	ENVIRONMENTAL QUALITY ACT

**WHEREAS**, the Planning Commission at a regular meeting in the Madera County Government Center, 200 West Fourth Street, Madera, California on Tuesday, February 13th, 2024, held a duly noticed public hearing to consider the application of Arthur Petrosyan 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 Arthur Petrosyan for a Conditional Use Permit (CUP #2023-015) to allow for a 6,692 square foot new commercial multi-tenant building for office and warehouse tenants used for storage and supply; and

**WHEREAS**, the property 049-160-005 (0.8 acres) is located on the west side of Business Route 41, approximately 0.3 miles north of its intersection with Avenue 10 (10356 Business Route 41), Madera; and

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

**WHEREAS**, per CEQA section 15303 New Construction or Conversion of Small Structures (c), the proposed project is covered by the new construction or conversion of small structures; 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. The Commission finds that the proposed use is consistent with the General Plan and Zoning Ordinance, and any applicable Area Plan or Specific Plan. The subject property is designated CC (Community Commercial) by the General Plan. The property is zoned CRM (Commercial, Rural, Median) District. The proposed use is consistent with zoning designation of CRM and general plan designation of CC which allows for professional office and warehouse establishments such as a new commercial multi-tenant building for office and warehouse tenants used for storage and supply.

2. The Commission found that any potentially significant negative impacts to environmental quality and natural resources have been properly evaluated. Under the provisions of the California Environmental Quality Act (CEQA), Section 15303 New Construction or Conversion of Small Structures (c), the proposed project exempt from CEQA as there will be no possibility the activity will have a significant effect on the environment as the project will have a square footage of 6,692 which is under the 10,000 square footage in floor area listed on sites zoned for use not involving the use of significant hazardous substance where public services and facilities are available and the surrounding area is not environmentally sensitive.

3. The proposed project does not violate the spirit or intent of the zoning ordinance. The parcel is zoned CRM (Commercial, Rural, Median) District. The zoning designation allows for professional office and warehouse establishments with an approved conditional use permit. The conditional use permit process requires submittal of supporting documentation that allows the jurisdiction to analyze the project for health, safety, and



welfare issues to make a recommendation. The approved conditional use permit provides the local jurisdiction the authority to ensure that the proposed project is maintained in a safe manner in accordance with the conditions included in the approval.

4. The request will not be contrary to the public health, safety, or general welfare of the citizens of Madera County. The facility is in a predominately commercial portion of the County which allows for a professional office and warehouse facilities with an approved conditional use permit.

5. 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 must adhere to the conditions of approval. The project will not generate hazardous, harmful, noxious, or offensive odors.

6. The proposed project will not, for any reason, cause a substantial, adverse effect upon the property values and general desirability of the neighborhood. The project as designed will not have an adverse effect upon the property values and general desirability of the surrounding properties.

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

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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 ESTRADA VOTED: \_\_\_\_\_  
COMMISSIONER BURDETTE VOTED: \_\_\_\_\_  
COMMISSIONER PALMER VOTED: \_\_\_\_\_  
COMMISSIONER DAL CERRO VOTED: \_\_\_\_\_

\_\_\_\_\_  
Chairperson

ATTEST:

\_\_\_\_\_  
Secretary of the Planning Commission

Approved as to Legal Form:  
COUNTY COUNSEL

By: \_\_\_\_\_