Print Form

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Madera
200 W. 4th Street
Madera, Ca 93637

From: (Public Agency): County of Madera - CED
200 W. 4th Street
Madera, Ca 93637
(Address)

Project Title: CUP 2025-011 ACE Hardware Nursery

Project Applicant: Russell Shaw

Project Location - Specific:

Northwest corner of Westlake Drive and SR 49, 40596 Westlake Drive (064-142-056)

Project Location - City: N/A Project Location - County: Madera

Description of Nature, Purpose and Beneficiaries of Project:

Expansion of a commercial retail business to construct canopies and coverings for an existing nursery, product display of plants, expanded customer and employee parking, and access driveways to Liberty Drive. See attached memo for a more detailed Project Description.

Name of Public Agency Approving Project: Madera County

Name of Person or Agency Carrying Out Project: Russell Shaw

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: 15301 and 15303
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

See attached memo for explanation of analysis.

Lead Agency Contact Person: Trevor Stearns Area Code/Telephone/Extension: 559-675-7821

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: Trevor Stearns Date: 10/8/2025 Title: Senior Planner

▪ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Notice of Exemption for Project Conditional Use Permit (CUP) 2025-011

Project Description:

The Proposed Project (Project) consists of the expansion of an existing commercial/retail business (Ace Hardware). The Project site is approximately 6.41 acres and zoned and planned as Commercial, Urban, Median (CUM) Zone District and Community Commercial, respectively. Of the total area of the parcel, approximately 3 acres are developed. Currently, the business is operating a typical commercial storefront, with a temporary nursery just north of the commercial structure. The Proposed Project is seeking to expand the nursery with a permanent structure by approximately 5,400 square feet. This expanded nursery will consist of a 1,350 square foot enclosed greenhouse for plant display, a covered 1,250 square foot employee storage area, and a covered 1,812 square foot cashier's area. The remaining area will be an enclosed outdoor area containing trees, plants, groundcover, shrubs, and outdoor equipment. The entire expanded area will be shaded but not completely enclosed.

The Project also proposes expanding its parking lot and connecting two drive approaches north to Liberty Drive. The current parking lot has an approximate total of 115 parking stalls and 5 ADA-compliant stalls. The proposed expanded parking lot will include 34 additional parking stalls, which include parking for employees, the public, and commercial vehicles.

The western drive approach will be open to public access. The eastern drive approach will be gated.

The north portion of the parcel is predominantly vacant/disturbed land. The Project site is surrounded by development except for the parcel directly north of the site.

Reason for Exemption:

The Proposed Project is exempt pursuant to Categorical Exemptions 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures. As mentioned above, the project proposes a moderate expansion of an existing nursery that is ancillary to the primary use of the property. The project site is not located adjacent to a Scenic Highway, not located on a parcel on the Cortese List, and not identified on a historical resources registry.

The proposed expansion will add approximately 5,400 square feet of additional nursery space, 34 parking stalls, and two drive approaches connecting to Liberty Drive. The construction of which is within the confines of the 15301 exemption specific to example (e), which denotes expansions can be proposed if they are less than 10,000 square feet, if:

1. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and;
2. The area in which the project is located is not environmentally sensitive.

The Project is already connected to public services required to operate due to the existing nature of the primary use of the property. Additionally, the area where the proposed expansion is occurring is already disturbed land, void of natural features.

Furthermore, the Project is subject to the 15303-exemption specific to example (c), which details an example of types of new commercial developments meeting the intent of the exemption. Although the Project involves the expansion of an existing commercial nursery and may exceed the specific size parameters listed in the example, the exemption is not restricted to the listed examples. Therefore, the Project qualifies because it involves the expansion of an existing nursery, introduces no new land uses, and does not involve unusual circumstances that would result in a significant impact.