

**REGULAR MEETING AGENDA
CITY OF MADERA
PLANNING COMMISSION**

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
May 10, 2016
6:00 pm**

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Ruben Mendoza (Vice Chairperson)
Commissioner Robert Gran, Jr.
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Jim DaSilva
Commissioner Jeff Dal Cerro

INTRODUCTION OF STAFF

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

MINUTES: April 12, 2016

CONSENT ITEMS:

None.

PUBLIC HEARING ITEMS

1. CUP 2012-02 MOD & SPR 2016-04 – Dollar General

A noticed public hearing to consider modification of an existing conditional use permit and site plan review to allow for the sale of distilled spirits where only the sale of beer and wine is currently allowed as a component of an existing grocery store located at the southwest corner of Gary Lane and South Madera Avenue (1200 S. Madera Avenue) in the C2 (Heavy Commercial) Zone District with a C

(Commercial) General Plan land use designation. (APN: 012-320-005) A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

2. CUP 2016-03 & SPR 2016-09 – Liberty Baptist Church

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church to be located on the east side of South Gateway Drive (801 South Gateway Drive), south of its intersection with 12th Street, in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-151-008). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

3. SPR 2016-22 and ZAP 2016-02 – California Custom Processing

A noticed public hearing to consider an application for site plan review to allow for the development of an approximately 85,000 square foot almond processing plant on 8.49 acres located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. A Zoning Administrator Permit allowing for food products manufacturing in the I (Industrial) Zone District accompanies the site plan review application. A Negative Declaration will also be considered by the Planning Commission.

4. CUP 2011-03 MOD & SPR 2016-14 – Thrive Martial Arts Studio

A noticed public hearing to consider approval of a modification to an existing conditional use permit that allows for a martial arts studio in an existing 5,000 square foot lease space located on the northeast corner of Maple Street and South Pine Street (225 S. Pine Street, Suite 106), in the I (Industrial) Zone District with a C (Commercial) General Plan land use designation. A site plan review will also be considered (APN: 012-021-006). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

5. CUP 2014-02 MOD & SPR 2014-07 - TEC Gymnastics Expansion

A noticed public hearing to consider a modification to an existing conditional use permit and site plan review which would allow for the expansion of a gymnastics facility. The project site is located at 528 Noble Street in an industrial park bound by Noble Street to the East, Pine Street to the west, Gill Avenue to the south, and Maple Street to the north, in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. The existing conditional use permit allows for a 7,500 square foot gymnastics facility. The applicant proposes to occupy an additional 5,000 square feet of lease area (APN: 012-401-010). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

6. CUP 2014-05 MOD & SPR 2014-03 – Emma’s Carniceria & Taqueria

A noticed public hearing to consider a modification to an existing conditional use permit and site plan review that allows for a carniceria/taqueria at the southeast corner of South C Street and East 10th Street (601 S. C Street) in the CR (Restricted Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 011-082-016). The modification would allow for on-site

dining to occur where only take-out service had been permitted prior. A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

7. CUP 2016-04 & SPR 2016-13 – Los Dos Amigos Restaurant

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine as a component of a new restaurant located on the south side of East Yosemite Avenue approximately 125 feet west of South C Street (226 E. Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-161-019). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

8. CUP 2016-05 & SPR 2016-16 – Mountain Mike’s Pizza

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine as a component of new pizza restaurant within a 2,775 square foot tenant space located within The Crossroads Shopping Center located at the southwest corner of East Yosemite Avenue and Tozer Street (1460 E. Yosemite Avenue, Suite A) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 008-142-076). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

9. CUP 2016-07 & SPR 2016-18 – Camarena Health School-Based Clinic

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of a 3,873 square foot school-based Camarena Health Center clinic to be constructed on the Madera South High School campus located on the northwest corner of West Pecan Avenue and Stadium Road in the U (Unclassified) Zone District with a P&SP (Public and Semi Public) General Plan land use designation (APN: 012-410-004). The clinic will be open to the general public as well as students, and non-school clients will come and go from the medical office located on the school campus. A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15314 (Minor Additions to Schools), will also be considered by the Planning Commission.

10. CUP 2016-08 Herbalife Fitness

A noticed public hearing to consider a conditional use permit to allow for an athletic fitness center component at an existing Herbalife lounge. The 900 square foot Herbalife lounge currently has seating for sixteen and serves Herbalife drinks and teas. The project site is located north of Riverside Drive on the east side of North D Street (711 N. D Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 004-011-007). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

NON-PUBLIC HEARING ITEMS

1. Review of Madera Athletic Club

A review of the performance of Conditional Use Permits 1963-23, 1989-30 and 1991-13, which cumulatively allow for the athletic fitness club located at 1803 Sunset Avenue, and determination as to the necessity of scheduling a public hearing to determine whether revocation is appropriate.

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on June 14, 2016.

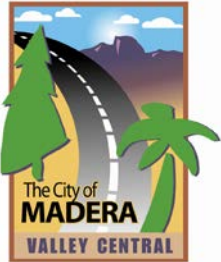
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Dollar General – CUP 2012-02 MOD, SPR 2016-04
& Environmental Determination
Item #1 – May 10, 2016**

PROPOSAL: An application for modification of an existing conditional use permit and site plan review to allow for the sale of distilled spirits where only the sale of beer and wine is currently allowed as a component of an existing Dollar General store.

APPLICANT:	Dolgen California, LLC #13620	OWNER:	DG Strategic II, LLC
ADDRESS:	1200 South Madera Avenue	APN:	012-320-005
APPLICATIONS:	CUP 2012-02 MOD SPR 2016-04	CEQA:	Categorical Exclusion

LOCATION: This project site is located at the southwest corner of Madera Avenue and Gary Lane.

STREET ACCESS: The site is accessed from Madera Avenue and Gary Lane.

PARCEL SIZE: 1.49 acres

GENERAL PLAN DESIGNATION: C (Community Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is developed with a 12,382 square feet Dollar General commercial development. Residential development is located immediately west of the project site. Commercial and office development is located in all other directions along the Madera Avenue business corridor. A vacant parcel is located immediately south of the site.

ENVIRONMENTAL REVIEW: This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: A conditional use permit was approved for the sale of beer and wine for off-site consumption when the Dollar General project was originally approved in April of 2012. The applicant requests to add twelve (12') feet of distilled spirits within locked cabinets. Although an allowance for distilled spirits sales has not been supported in the past, the limited nature of the expansion request, the lack of overconcentration in the census tract, and no meaningful opposition from surrounding residents allows for favorable findings.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.901 Heavy Commercial Zone
MMC § 10-3.4.0101 Site Plan Review
MMC § 10-3.1301 Use Permits

The General Plan designates the project site as C (Commercial) property. The project site is located in the C2 (Heavy Commercial) Zone District. The C2 (Heavy Commercial) Zone District allows for the sale of alcoholic beverages subject to the approval of a use permit by the Planning Commission.

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Conditional Use Permit 2012-02 and Site Plan Review 2012-02 were approved by the Planning Commission on April 10, 2012. The request for modification of Conditional Use Permit 2012-02 was continued by the Planning Commission to the May 10, 2016 public hearing at the Commission's regular meeting on March 8, 2016.

ANALYSIS

Operations

The current conditional use permit that allows for the sale of alcoholic beverages permits the sale of beer and wine for off site consumption as part of the daily business operations of the Dollar General grocery store. The sale of beer and wine for off-site consumption is considered a Type 20 license with the State of California Department of Alcohol Beverage Control (ABC).

The Alcohol Beverage Control (ABC) uses United States Census Tracts to monitor the number and distribution of authorized Alcohol Beverage Control licenses. Based on the population of each tract, the Alcohol Beverage Control has calculated the optimal number of licenses that should be allowed in each tract. Tracts that have too many licenses are considered to be "over-concentrated," since the tract can be considered over-served by businesses with alcohol sales. The project site is located within Census Tract 5.02, where (again, based on population) the Alcohol Beverage Control identifies the optimal number of licenses to be nine (9) on-sale and nine (9) off-sale licenses. Census Tract 5.02 is not an area of over-concentration for Alcohol Beverage Control licenses for both the on-site and off-site sale and consumption of alcoholic beverages. Currently, there are four (4) on-sale and eight (8) off-sale Alcohol Beverage Control licenses in Census Tract 5.02.

Site Conditions

Staff recently inspected the Dollar General site to confirm compliance with existing conditions of approval. An earlier inspection found a lack of maintenance and care to the site, with large areas overrun with weeds or, conversely, devoid of mulch materials and absent of any of the original plantings. The recent inspection found improved conditions. Landscaping has been repaired and is now professionally maintained. The site is being maintained by a professional landscape maintenance crew and should continue to improve with their care and attention. Trash and debris also no longer littered the property. Noncompliance with required conditions of approval has been resolved.

Dollar General also resolved noncompliance with product offerings for beer and wine and is currently operating in compliance with the existing conditions of approval for the sale of beer and wine. The sale of beer in packages of as little as three cans of beer has been discontinued and conditions of approval that require the sale of beer and in quantities of not less than a six-pack are in compliance.

Use Permit Modification

A change in license type or other intensification or expansion of the conditionally permitted use requires that the existing conditional use permit receive approval of a request for modification from the Planning Commission. The applicant has requested to modify the existing use permit (CUP 2012-02) in order to additionally allow for the sale of distilled spirits as a component of the business product mix. The current Type 20 license allows for the sale of beer and wine for off-site consumption. The proposed sale of beer, wine and distilled spirits for off-site consumption is considered a Type 21 license with the Alcohol Beverage Control.



Specifically, the request would allow for the installation of a twelve (12') foot locked cabinet that would be stocked with an assortment of distilled spirits. Access to distilled spirits product would be provided by sales associates and the cabinet would be locked when not being attended to by staff. The cabinet would be added to the existing twelve (12') feet of wine products, eight (8') feet of shelved beer display and twelve (12') feet of refrigerated beer product.

The applicant proposes to secure an existing Type 21 license from within the City and transfer that license to the 1200 Madera Avenue location. No additional outlet for alcoholic beverages would result from this request if approved. The license is currently utilized at a liquor store located on West Cleveland Avenue. The nearest Type 21 licenses are located within 900 feet to the south of the project site and within 1,500 feet north of the project site.

Opposition

The Madera County Office of Education (MCOE) objected to the original proposal to sell alcoholic beverages in 2012. Their letter is attached. In response to the 2012 MCOE letter, Dollar General Representatives asserted, "One thing I want to make perfectly clear is that Dollar General is not a liquor store. A small component of their revenue is attributable to the sale of beer and wine, but the vast majority of their sales are 'general merchandise' products."

Based on the current request, it appears that Dollar General wishes to alter what had been a mitigating factor in pacifying opposition to the sale of any alcoholic beverages in 2012.

Staff has advised the MCOE of the Dollar General request to add alcoholic beverages. In response to the proposal for modification, MCOE provided a brief communication indicating their continued opposition. No formal letter has been received as of this writing.

Summary

When making a recommendation to the Planning Commission concerning a specific discretionary request, staff is challenged to digest all of the information both in support and/or opposition of that request and make a one recommendation. In the case of this request to add distilled spirits, a case can be made both for and against the request.

Whereas the site had exhibited a lack of maintenance that placed the permit in noncompliance with required conditions of approval, the applicant has now made all corrections necessary to being in full compliance. Whereas it appears that there is not a demonstrable need for additional stores providing distilled spirits as a part of their product mix, the request would only transfer an existing license and no new outlet for distilled spirits would be created. Moreover, only twelve feet of locked product would be added to the product mix of the store. Whereas the use is in proximity to the MCOE offices, no issues have been identified with the existing sale of beer and wine and no demonstrable opposition by the MCOE has been received in conjunction with the current request. Cumulatively, staff can make finding of support for the modification of the use permit to include a distilled spirits component.

This proposed Site Plan Review application and Conditional Use Permit were reviewed by various city departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

RECOMMENDATION

It is recommended that the Planning Commission approve the conditional use permit modification request to expand alcohol sales to include distilled spirits at the existing Dollar General store located at 1200 South Madera Avenue, consistent with the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04.

Motion 1: Move to approve Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04 based on and subject to the findings and existing conditions of approval.

Findings

- The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).
- The establishment of a Dollar General store offering alcoholic beverages as a component of the business is consistent with the purposes of the C (Commercial) General Plan designation and the C-2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.

- Development of the site is consistent with the Madera General Plan principles, goals and policies.
- The project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the Dollar General store will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Site Plan Review 2016-04 will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. The Conditional Use Permit 2012-02 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. The applicant's failure to utilize Conditional Use Permit 2012-02 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2012-02 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
6. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Director.

8. The use shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff shall schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
9. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
10. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Planning Department

11. Conditional Use Permit 2012-02 MOD shall allow for the sale of beer, wine and distilled spirits. This entitlement allows for the transfer of a Type 21 ABC license to this property. Modification of the license type requires amendment of this use permit.
12. The Type 21 license utilized at this property shall be transferred to the property from an existing location within the City. No new license shall be established on the property.
13. Condition #79 of CUP 2012-02 is amended as follows:

The sale of alcoholic beverages shall be limited to the following:

 - Sales of beer and malt beverages shall be in quantities of not less than a six-pack.
 - Sales of wine shall be in containers of at least seven hundred fifty (750) ml.
 - Wine coolers, whether made from wine or malt products, shall not be sold in quantities of less than factory packs of four.
 - Distilled spirits shall be sold in containers of at least 750 ml.
 - No wine shall be sold with an alcohol content greater than fifteen (15) percent by volume
14. Display of beer product shall be restricted to eight (8') or shelf (warm) display. Display of wine products shall be restricted to twelve (12') feet of shelf (warm) display. Up to twelve (12') feet of refrigerated cold box display area may also be used for the display of beer and/or wine.
15. Display of distilled spirits shall be limited to twelve (12') feet of locked cabinets. Distilled spirits shall not be displayed in any other location other than the locked cabinets. The cabinets shall be locked at all times except when necessary to access the merchandise displayed within.
16. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
17. The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control. The applicants, its operators and successors, shall comply with all applicable city, state and federal requirements and standards. Material violation of any of those laws concerning the use will be cause for revocation of this permit.

18. No outdoor display of merchandise shall be allowed.
19. No consumption of alcoholic beverages shall be allowed to occur on the property.
20. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
21. Hours of operation shall be from as early as 8:00 am until as late as 10:00 pm, seven (7) days a week.
22. All conditions applicable to approval of Conditional Use Permit 2012-02 and Site Plan Review 2012-02 shall remain effective and are not revised in any way by this approval except as modified herein.

(OR)

Motion 2: Move to continue the public hearing on Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04 to the June 14, 2016 Planning Commission meeting, to allow for the following information to be provided or for the following reason(s) (specify):

(OR)

Motion 3: Move to deny Conditional Use Permit 2012-02 MOD and Site Plan Review 2016-04, with the following finding(s):

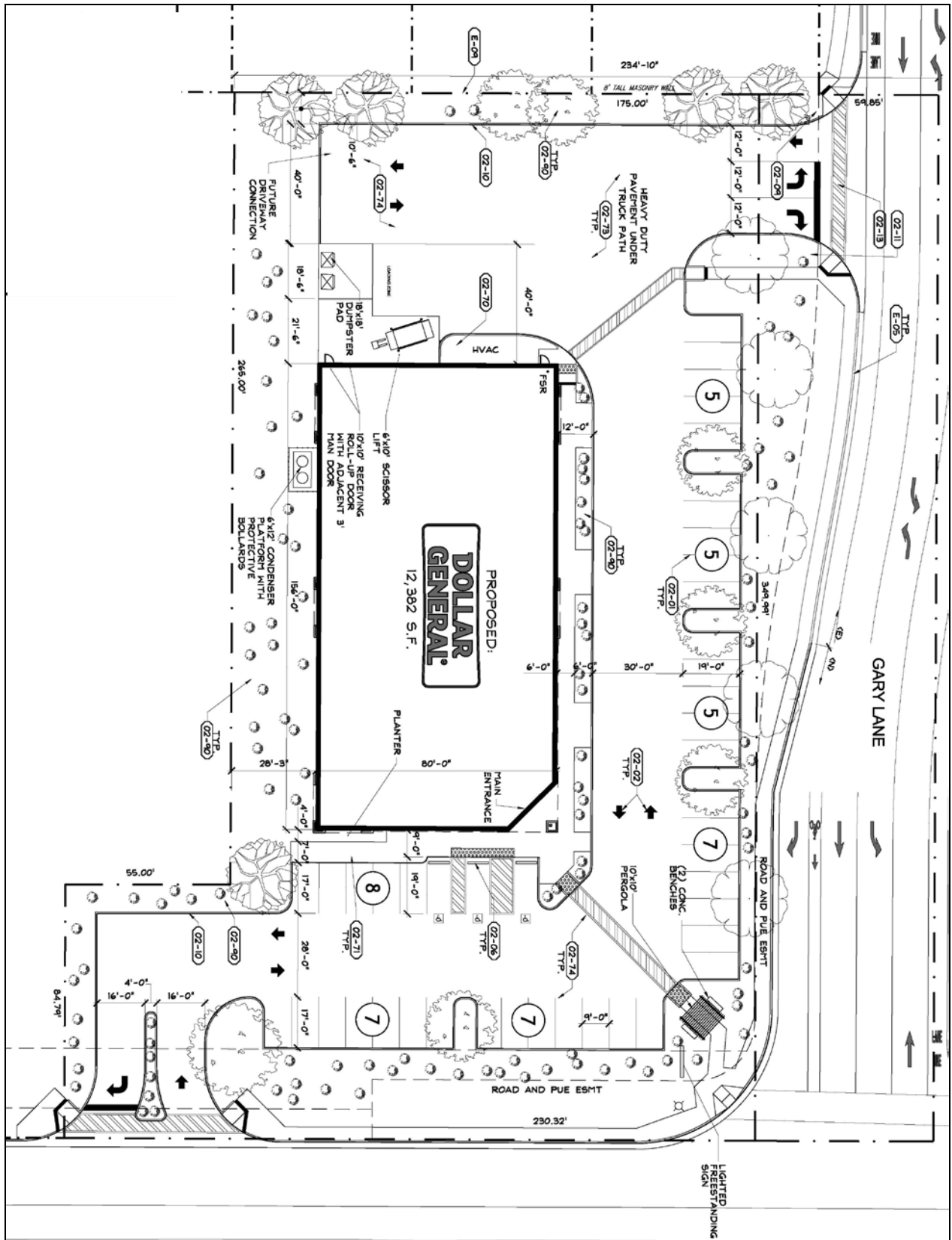
ATTACHMENTS

Aerial Photo
Site Plan
Elevations
Color Rendering
Comment Letters
Photos of Display Areas

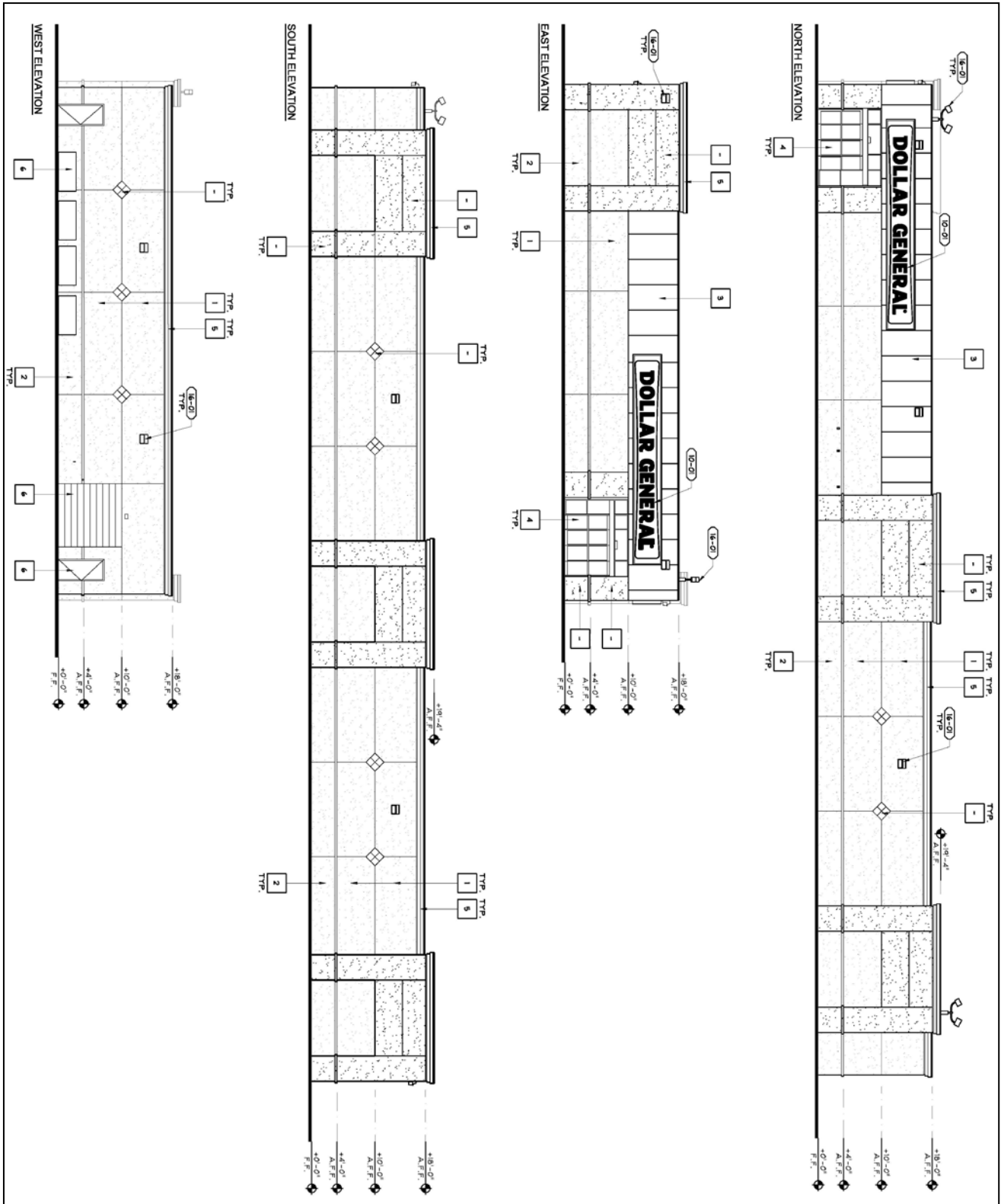
Aerial Image



Site Plan



Elevations



Color Rendering



Original Comment Letters

April 3, 2011

City of Madera
Steven Greer
205 West Fourth Street
Madera, CA. 93637



RE: CUP2012-02 & SPR 2012-02 – Dollar General

Dear Mr. Greer,

It has come to the attention of the Madera County Office of Education that Dollar General is in the process of planning to build a store on the southwest corner of Gary Lane and Madera Avenue. As you are aware, Pioneer Technical Center is located at 1025 South Madera Avenue, and MCOE's instructional support center is also in its construction stage.

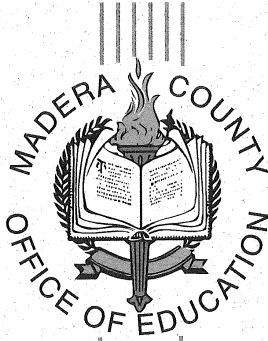
Although we do not oppose the construction of a Dollar General in Madera, we do however respectfully ask that the City reconsider allowing the sale of alcoholic beverages at a site that is caddy-corner to a school facility. I have also cited ABC's Section 23789 Rule 61.4 which states: ABC may deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)

Please feel free to call with any questions you may have. 559-673-6051 ext. 236

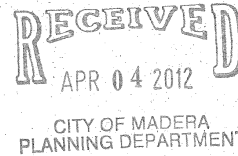
Sincerely,

Opie Riar
Facilities Manager
Madera County Office of Education



Cecilia A. Massetti, Ed.D.
Superintendent

April 3, 2012



City of Madera
Dave Tooley
205 West Fourth Street
Madera, CA. 93637

RE: CUP2012-02 & SPR 2012-02 – Dollar General

Dear Mr. Tooley,

It has come to the attention of the Madera County Office of Education that Dollar General is in the process of planning to build a store on the southwest corner of Gary Lane and Madera Avenue. As you are aware, Pioneer Technical Center is located at 1025 South Madera Avenue, and MCOE's instructional support center is also in its construction stage.

Although we do not oppose the construction of a Dollar General in Madera, we do however respectfully ask that the City reconsider allowing the sale of alcoholic beverages at a site that is caddy-corner to a school facility.

Sincerely,


Opie Riar
Facilities Manager
Madera County Office of Education

28123 Avenue 14 • Madera, CA 93638 • (559) 673-6051 • FAX (559) 673-5569
www.maderacoe.k12.ca.us



www.evgra.com

April 4, 2012

VIA OVERNIGHT DELIVERY

Cecilia A. Massetti, Ed.D.
Madera County Superintendent of Schools
Madera County Office of Education
28123 Avenue 14
Madera, CA 93638
(559) 673-6051

Re: Proposed Dollar General Store, SWC Gary & Madera, Madera, CA


Dear Ms. Massetti:

I received a copy of the enclosed letter from Opie Riar expressing concerns regarding my company's plans to construct a new Dollar General store on the southwest corner of Gary Ln and Madera Ave (Hwy 145) in Madera, CA.

I had a good conversation with Mr. Riar this afternoon, explaining who Dollar General is, what they are, and, perhaps more importantly, what they are not. One thing I want to make perfectly clear is that Dollar General is not a liquor store. A small component of their revenue is attributable to the sale of beer and wine, but the vast majority of their sales are "general merchandise" products.

Respecting the busy schedule that a person in your position must have, I hope you can find a moment to thumb through the enclosed brochure, and I invite you to call me if there are any questions I can answer. I would also like to better understand your plans for the school near our store and discuss how we might mitigate any potential conflicts before they arise.

I can be reached at any time at (602) 567-7129. Thank you for your time.

Sincerely,

Russell Perkins
Evergreen Devco, Inc.

enclosure

Arizona
2390 E. Camelback Rd., Suite 410, Phoenix, AZ 85016
Phone: 602-808-8600 Fax: 602-808-9100

California
200 N. Maryland Ave., Suite 201, Glendale, CA 91206
Phone: 818-240-8727 Fax: 818-240-1823

Colorado
12460 1st St., P.O. Box 247, Eastlake, CO 80614-0247
Phone: 303-552-6160 Fax: 303-280-2978

MCOE Response to Current Request



CITY OF MADERA PROJECT REVIEW	205 W. Fourth Street Madera CA 93637 (559) 661-5434 rholt@cityofmadera.com
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From: Planning Division

Date: February 1, 2016

To: City Departments/Division

- Chief Building Official
- City Engineer
- Interim Fire Official
- Police Chief
- Public Works Director
- Parks & Community Services Director

- Airport Director
- EDC Director
- Successor Agency Director
- Neighborhood Revitalization Coordinator
- Other

Outside Agencies:

- PG&E
- AT&T
- CalTrans
- County Assessor's Office
- Madera Unified School District
- Madera County LAFCO
- Madera Downtown Association
- Air Pollution Control
- Madera Irrigation District

- Madera County RMA
- County Transportation Commission
- Crop Duster's Association
- U.S. Army Corps of Engineers
- Department of Fish & Game
- Madera County LAFCO/Olivia
- U.S. Fish and Wildlife Service
- Environmental Protection Agency
- San Joaquin Valley Information Center

The following project is being distributed for your review and comment. Return comments to project manager, Robert Holt.

CUP 2012-02 MOD and SPR 2016-04 Dollar General ABC
1200 S. Madera Avenue

An application for modification of an existing Conditional Use Permit and Site Plan Review to allow for the sale of distilled spirits where only the sale of beer and wine is currently allowed as a component of an existing grocery store located at the southwest corner of Gary Lane and S. Madera Avenue (1200 S. Madera Avenue) in the C2 (Heavy Commercial) Zone District, with an C (Commercial) General Plan land use designation. (APN: 012-320-005)

Comments (written response or emailed) due by February 16, 2016

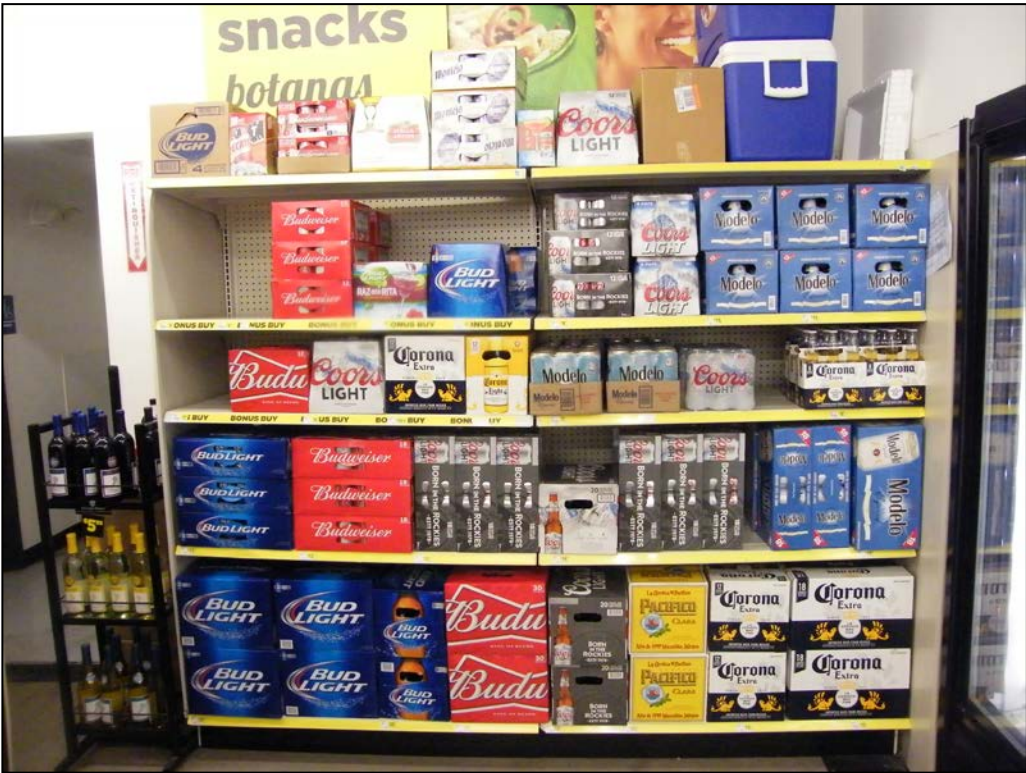
Comments (if additional space needed, please write on reverse or attach page):

The County Office of Ed maintains its previous position and opposes the sale of alcohol at a site near a school facility. As Dollar General is aware, Pioneer Tech Center is located across the street.

Sincerely,

Opie Riar

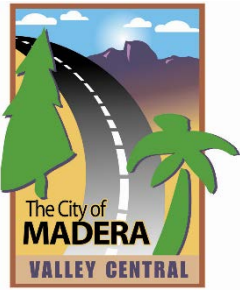
Current Display Areas





Proposed Distilled Spirits Cabinet





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Liberty Baptist Church
CUP 2016-03, SPR 2016-09 & Environmental Determination
Item #2 - May 10, 2016**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a church.

APPLICANT:	David Rasnake	OWNER:	Harjeet Singh
ADDRESS:	801 South Gateway Drive	APN:	011-151-008
APPLICATION:	CUP 2016-03 & SPR 2016-09	CEQA:	Categorical Exemption

LOCATION: The property is located along the east side of South Gateway Drive and southeast of its intersection with 12th Street (801 S. Gateway Drive).

STREET ACCESS: The site has access to South Gateway Drive.

PARCEL SIZE: 0.34 acre industrial parcel, of which the church suite is a part thereof.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The light industrial property is developed with a 6,000 square foot structure that currently houses three automotive repair businesses. Liberty Baptist Church would be located in the office suite at the front of the parcel with parking provided on-site as a component of the center overall. The site is generally surrounded by commercial and industrial development located along the South Gateway Drive heavy commercial/light industrial corridor.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

SUMMARY: The church is an ancillary use in the light industrial complex and would not adversely affect the character of the industrial complex or the activities therein. The office suite can accommodate the assembly activities of the church and there is ample on-site parking for the church. The church will only open when all other businesses in the complex are closed.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1001 Industrial Zone
MMC § 10-3.405 Uses
MMC § 10-3.1202 Parking Regulations
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

A church may be allowed in any zone subject to the approval of a conditional use permit by the Planning Commission. The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. If the Commission cannot make the appropriate findings, the use permit should be denied.

Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Site Plan Review 1985-01 allowed for the construction of the building. Site Plan Review 1986-12 and Site Plan Review 1987-19 were completed to allow for changes to the site to bring it to its current state of development. Conditional Use Permit 2015-27 and Site Plan Review 2015-31 allowed for the establishment of a heavy industrial automobile repair use in the light industrial site. CUP 2016-03 and Site Plan Review 2016-09 were continued to this date by the Planning Commission on April 12, 2016.

ANALYSIS

Background

Churches are allowed in any zone in the City with the approval of a use permit. The industrial complex site is occupied by automotive repair businesses.

Operations

The Liberty Baptist Church is proposed in a 1,200 square foot tenant suite. The floorplan includes an assembly room/sanctuary with seating for approximately 30 people. The church tenant space also includes a class room, break room, restroom and janitorial closet. Services and bible study will be held on Sundays from between 10:00 am and 1:00 pm and 5:00 pm to 7:00 pm as well as Wednesdays and Thursdays between 6:00 pm and 9:00 pm.

The use should be compatible with other businesses currently occupying the building as the majority is automotive uses with business hours that do not coincide with church service times. It should be noted, however, that the site's existing zoning allows for a range of industrial uses that would not require discretionary approval. As such, the applicant should be aware of the possibility that future tenants in the immediate vicinity may be of a nature that might not be considered complimentary to the church.

This use permit proposes to allow for up to three special event or fundraising activities per calendar year. A temporary use permit must be applied for at least three weeks prior to the

event/activity so that staff can determine compatibility of proposed activities and apply appropriate conditions of approval.

Parking

The industrial complex was developed with fourteen (14) parking spaces serving 6,000 square feet of floor area. These accommodations equate to a parking ratio of one stall per each 416 square feet of lease area. Uses typical of this type of industrial development require one parking stall per each 400 square feet of gross floor area, plus one parking stall for each two employees.

CURRENT TENANT	GROSS FLOOR AREA	DAYTIME REQUIREMENTS	NIGHT/SUNDAY REQUIREMENTS
Frank’s Auto Repair	1,600	4	-
Mufflers, Cats and Radiators by Sylvestre	800	3	-
Madera Smog & Repair	2,400	7	-
Liberty Baptist Church	1,200	-	8
TOTAL	6,000	14	8

The City of Madera parking ordinance allows parking stalls to serve as “joint use” stalls in some cases. In the case of a church, up to 100% of required parking can be supplied by uses primarily considered to be daytime uses such as service shops. On this site, all of the parking requirements of the automotive repair tenants can be considered daytime uses. Although the church does propose a Sunday morning bible study, it would not meaningfully impact the operations of the other tenants as it is during the weekend. Typically, no more than thirty (30) individuals could be expected to attend any church activity.

Considering all factors, there is sufficient parking on site to serve the use.

Site Improvements

The repurposing of the office so as to accommodate a church changes the building occupancy classification to an “A” Assembly type occupancy. Conditions of approval are focused upon improvements to the structure necessary to provide for the assembly occupancy.

This proposed conditional use permit was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a church is not specifically addressed in the vision or action plans, the overall project does indirectly support Strategy 336 which encourages cooperation and continued collaboration with the church community.

RECOMMENDATION

The light industrial complex can accommodate a church within the office suite. The suite will need to make certain improvements necessary for the church, which changes the occupancy classification of the structure to an assembly occupancy. With these improvements in place, staff recommends conditional approval of Conditional Use Permit 2016-03 and Site Plan Review 2016-09.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2016-03 and Site Plan Review 2016-09, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to approve the requested Conditional Use Permit 2016-03 and Site Plan Review 2016-09 based on and subject to the findings and conditions of approval as listed.

Findings

- This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The operation of a church is consistent with the purposes of the C (Commercial) General Plan designation and the I (Industrial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking on site to allow for the proposed church.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt, in the Planning Department, of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2016-03 allows for the establishment of a church, consistent with the stated conditions of approval.
3. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for an extension has been submitted to and approved by the Planning Commission.

4. The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
5. This conditional use permit will expire if the use is discontinued for a twelve-month period.
6. Site Plan Review 2016-09 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
7. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

Building Department

8. A building permit is required for all improvements. The tenant space must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act within 90 days of this approval.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage and shall be confirmed at final inspection.

Engineering Department

General

10. Nuisance on-site lighting shall be redirected as requested by the City Engineer, within 48 hours of notification.
11. Improvements within the City right-of-way requires an Encroachment Permit from the Engineering Division.
12. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: encroachment permit processing, improvement inspection fees, and grant deed acceptance fee.

Water

13. Existing or new water service connections shall be upgraded or constructed to current City standards by the property owner, including water meters located within the City right-of-way and backflow prevention devices located within private property.

Sewer

14. Existing or new sewer service connection shall be upgraded or constructed to current City standards by the property owner.

15. Existing or new sewer service connections shall have a sewer cleanout upgraded or constructed to current City standards by the property owner.

Streets

16. "No Parking" signs shall be installed along project frontage on Gateway Drive per City standards at such time as Gateway Drive is widened for two travel lanes in each direction. No project is currently scheduled for change.
17. An Irrevocable Offer of Dedication shall be made to dedicate a ten (10) foot right-of-way along the entire project frontage to provide fifty (50) feet of right-of-way along Gateway Drive, east of the center line at such time as Gateway Drive is widened for two travel lanes in each direction. No project is currently scheduled for change.

Fire Department

18. 2A10BC-rated portable fire extinguishers are required. A minimum of one is required, which must be mounted between 3-5 feet above the floor in a visible and accessible location.
19. The address must be posted and visible from the street.
20. Architectural plans must be submitted and a building permit issued for any changes to the structure, except as specifically exempted in the California Building Code/California Fire Code.

Planning Department

21. This use permit allows for the establishment of a church within an approximately 1,200 square foot office space. The site includes no less than fourteen (14) on-site parking stalls to serve the 6,000 square foot light industrial complex.
22. The church shall operate consistent with the approved floor plan and operational statement. Alterations to the approved floor plan and/or the approved operation statement shall require amendment of Conditional Use Permit 2016-03.
23. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
24. Up to three (3) special events and/or fundraising activities may be permitted each year with the approval of a temporary use permit in each case. In no case shall any special event/fundraising activity cause a reduction in parking below the number of stalls required to serve the site. Special events shall only occur during daytime hours, when ample parking is available to serve the site.
25. No nursery facility shall be developed as a component of the lease space without prior approval of the Building Official.
26. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
27. The property owner shall install a new trash enclosure with a finish and color similar to the primary structure, built to City standards, to hold two bins prior to occupancy of the church. The location of the trash enclosure shall be approved by the Planning Manager.

28. The property owner, manager and the applicant shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.
29. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
30. All required parking shall be permanently maintained with all parking spaces as shown on the required site plan submittal. Any modifications in the approved parking layout shall require approval by the Planning Manager.
31. Prior to occupancy, the applicant shall submit a detailed landscaping and irrigation plan to the Planning Department for review and approval. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. Any deviation from the plan shall require prior written request and approval. Removal or modification shall be at the developer's expense. The plan shall be submitted to the Planning Department within thirty (30) days of this approval. All landscaping shall be installed within ninety (90) days after the Planning Department approval.
32. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.
33. Church staff and parishioners shall only utilize parking stalls provided onsite. Neighboring properties shall not be adversely impacted by church activities.
34. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved sign permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit 20156-03 and Site Plan Review 2016-09 to the June 14, 2016 Planning Commission meeting: (specify)

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2016-03 and Site Plan Review 2016-09 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Photos
Site Plan

Aerial Photo

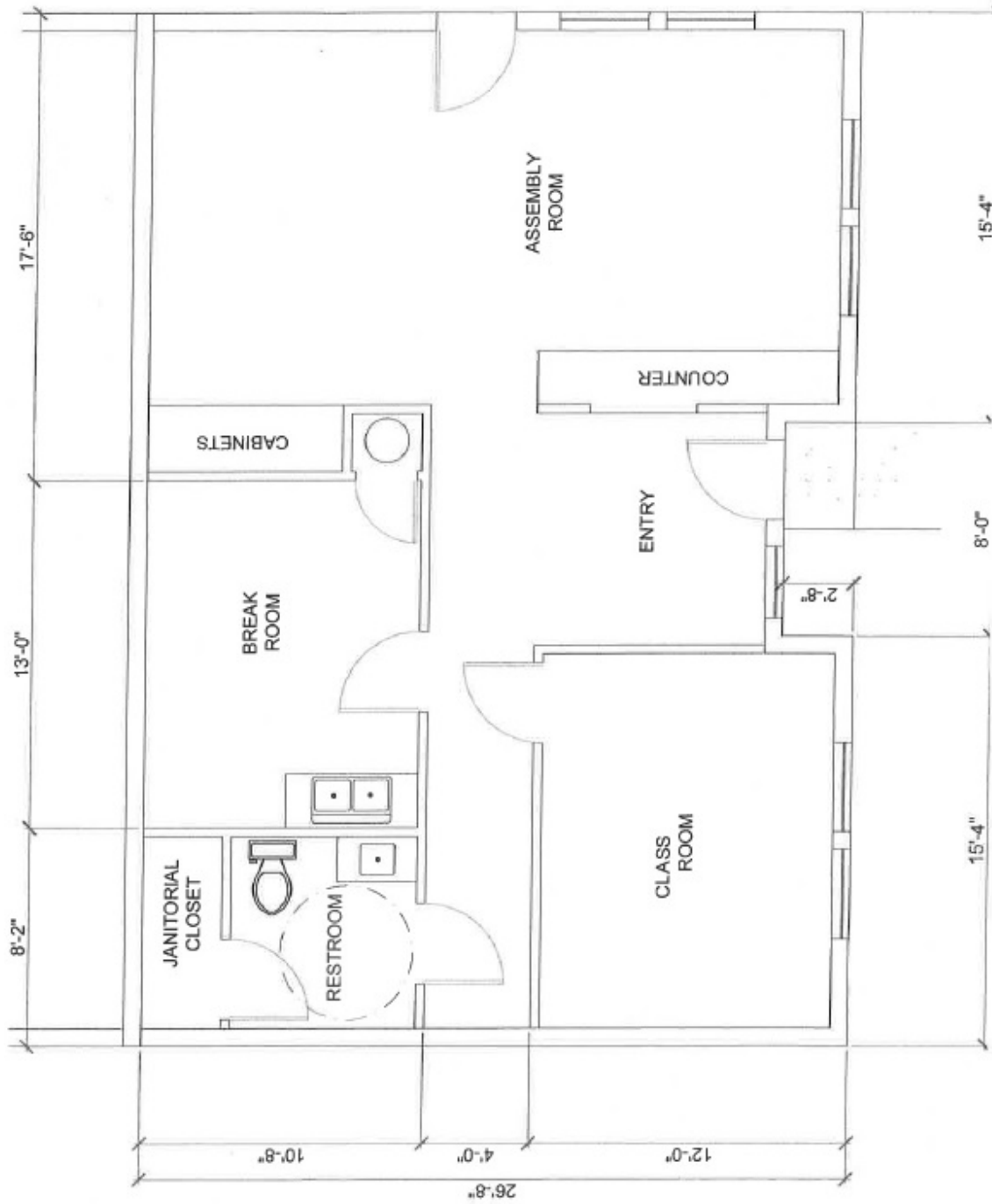


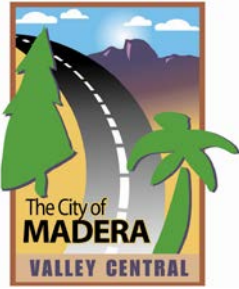
Site Photos





Site Plan





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: California Custom Processing
SPR 2016-22, ZAP 2016-02 and Negative Declaration
Item #3 – May 10, 2016**

PROPOSAL: Consideration of adoption of a negative declaration and application for a site plan review and zoning administrator permit to allow for the development of an almond processing plant.

APPLICANT:	California Custom Processing	OWNER:	Ed McIntyre
ADDRESS:	Aviation Drive, east of the Condor Drive alignment	APN:	Unassigned
APPLICATION:	SPR 2016-22 & ZAP 2016-02	CEQA:	Negative Declaration

LOCATION: The property is located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment.

STREET ACCESS: The site is accessed by Aviation Drive.

PARCEL SIZE: Approximately 8.49 acres

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The site is currently vacant. The surrounding property is vacant. The nearest improved site is the Sheriff's facility approximately 300 feet to the west.

ENVIRONMENTAL REVIEW: An initial study and Negative Declaration have been prepared for consideration by the Commission in conformity with the California Environmental Quality Act (CEQA) guidelines.

SUMMARY: The proposed almond processing plant is compatible with the Airport Land Use Compatibility Plan, Specific Plan No.1, the I (Industrial) Zone and the goals and policies of the General Plan. A negative declaration has been prepared in support of the project.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1001 Industrial Zone
MMC § 10-3.417 Zoning Administrator
MMC § 10-3.4.0101 Site Plan Review
MMC § 10-3.1202 Parking Spaces Required

The I (Industrial) Zone District allows for the development of an almond processing plant subject to the approval of a zoning administrator permit. The City's Zoning Ordinance allows for the incorporation of conditions of approval necessary to safeguard the public safety, health and welfare within the granting of a zoning administrator permit. A site plan review application must also be processed in order to memorialize the development of the property consistent with all applicable codes.

PRIOR ACTION

A lot line adjustment was recently processed in order to create the property currently proposed for development.

ANALYSIS

Business Model

The applicant, California Custom Processing (CCP), is an almond processor who provides blanching, dry roasting, pasteurizing, sorting, drying and packaging of almond products. CCP currently is located at 2121 West Almond Avenue in a small facility. Development of this new industrial campus will allow for the logical growth of the company. The 8.49 acre project site is proposed to be improved with the construction of an 86,133 square foot office and warehouse structure, including shipping and receiving centers, parking fields and paved driveway surfaces, landscaping and fencing, and other appurtenances necessary for the development of the industrially-zoned project site. CCP anticipates fifteen employees will work from the project site at full build out.

General Plan Consistency

All proposed improvements will be developed consistent with the General Plan's goals and policies for industrial development which mandate "well-designed industrial development". Policy CD-62 summarizes that goal by requiring that "development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high-quality design principles, including:

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

Policy CD-65 adds additional direction on the quality of construction by requiring that "regardless of building materials or construction techniques, such as tilt up concrete or prefabricated metal buildings, all buildings shall meet all of the City's standards and guidelines for excellence in design."

Specific Plan No. 1

Within Specific Plan No. 1, the project site is envisioned for industrial activities, with industrial uses desiring larger sites encouraged in the easterly and southerly portions of the Industrial Park. The proposed site plan is also in conformance with the development standards of the plan, which require twenty-five (25') foot front yard setbacks and expansive landscaping of street frontages. The applicant has enhanced conformity with wrought-iron fencing, set-back loading docks and an employee picnic area. It is recommended that the applicant also include a trash enclosure within final site design.

Madera Countywide Airport Land Use Compatibility Plan

The Madera Countywide Airport Land Use Compatibility Plan (ALUCP) has the fundamental purpose of promoting land use compatibility around the airport, in order to ensure "the orderly expansion of airports" over time. A primary concern is the safety of citizens both on the ground and in the air, hoping to minimize loss of life in the event of an airport accident.

All but a small component of the project parcel is located in the D (Other Airport Environs) Zone of the ALUCP. Within this zone, the development of light industrial, specifically food products preparation, is a compatible land use. A small component of the project parcel is in the B2 (Sideline Zone) where the activity is only conditionally compatible. In order to ensure compatibility, no structural improvements are proposed within the portion of land within the B2 Zone.

Parking

The Municipal Code requires that industrial uses provide one space for each two employees, plus one space for each 300 square feet of office space and customer net floor area plus one loading space for each 10,000 square feet of gross floor area. As proposed the facility is required to provide a minimum of eighteen (18) parking stalls. With thirty-two (32) stalls proposed, sufficient parking is provided.

Infrastructure

The site can be adequately served with sewerage, water and storm drain currently located in the Aviation Drive right-of-way. Street improvements commensurate with the construction of a one hundred (100') foot wide arterial street requirement as a component of the construction of the project.

Future improvement of Aviation Drive to an arterial standard is planned to provide for future development of this area of the City. Arterial streets are the principle network for traffic flow in the community, connecting areas of major activity to each other as well as to state highways. A primary goal of arterial streets is to reduce traffic interruptions and improve both capacity and traffic safety. In order to achieve these goals, recommended conditions of approval require designing project driveways and providing reciprocal access in a manner that allows project driveways to be converted to shared access with the neighboring properties when they develop.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although an almond processing plant is not specifically addressed in the vision or action plans, the project cumulatively supports the statements of "A Well-Planned City" with "Good Jobs and Economic Opportunities," while promoting "A Safe, Healthy Environment," because California Custom Processing represents good industrial development that creates jobs in an industry that focuses on efficient use of water resources.

RECOMMENDATIONS

The almond processing plant will provide a service that is consistent with the purpose of the I (Industrial) Zone District and compatible with the surrounding industrial area and applicable plans. The almond processing plant will not create any significant adverse impacts. It is recommended that the Commission adopt the negative declaration and approve the site plan review and zoning administrator permit, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the conditional use permit and site plan review.

Motion 1a: Move to adopt a negative declaration, consistent with Section 15070(a) of the California Environmental Quality Act; and

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.

(AND)

Motion 1b: Move to approve Site Plan Review 2016-22 and Zoning Administrator Permit 2016-02 based on and subject to the findings and conditions of approval as listed below.

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act that determines that there is no substantial evidence that the project will have a significant effect on the environment, and that the document reflects the independent judgment of the Planning Commission of the City of Madera after considering all of the information in the record before it, and is hereby adopted in accordance with the California Environmental Quality Act.
- The establishment of an almond processing plant is consistent with the purposes of the I (Industrial) General Plan designation and the I (Industrial) Zone District.
- The almond processing plant is consistent with the purposes of the I (Industrial) General Plan designation and the I (Industrial) Zone District, which provide for the use, subject to the issuance of a zoning administrator permit.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies, Specific Plan No. 1 and the Madera Countywide Airport Land Use Compatibility Plan.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Site Plan Review 2016-22 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or the required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. The applicant's failure to utilize Zoning Administrator Permit 2016-02 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing and approved by the Planning Director. The Director may determine that substantive changes require formal modification to the conditional use permit and/or site plan review.
5. The approved site plan is based on a parcel configuration being created by Lot Line Adjustment 2016-01. The lot line adjustment shall be recorded prior to the issuance of permits for construction of the project. Development of the approved project shall be in compliance with the conditions of approval for Lot Line Adjustment 2016-01.

Building Department

6. Provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan - The uses of all rooms and activity areas shall be identified on the plans
 - d) All exterior elevations
 - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
7. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

8. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
9. Any and all on-site wells and septic systems shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
10. Impact fees shall be paid at time of building permit issuance.
11. The developer shall reimburse City for improvements previously installed, as calculated by the City Engineer whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of Business License.
12. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
13. Improvement plans sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director of City Engineer shall be notified so that procedures required by state law can be implemented.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
17. The subdivider shall record reciprocal ingress/egress easements acceptable to the City of Madera across those portions of the site necessary to allow shared driveway access points. The easement(s) shall provide mutual right of access for all future developments located east and west of the parcel on Aviation Drive.
18. Final design of project driveways shall demonstrate the ability for easy conversion of driveways to shared access, consistent with Condition No. 17 above.

Water

19. Water service connections shall be constructed per current city standards including water meters located within city right-of-way and backflow prevention device located within private property.
20. A separate water meter and backflow prevention device will be required for landscape area.
21. The developer shall reimburse its fair share cost to the city for previously constructed water main along the entire project frontage.

22. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

Sewer

23. Onsite sewer system shall discharge to the nearest street sewer main.
24. The developer shall provide the type and quantity of sanitary sewage/waste to be discharged into the city system (chemicals, grease, oil, etc.).
25. Sewer service connection(s) shall be constructed to current city standards.
26. Sewer service connections shall have sewer cleanout constructed per current city standards.
27. The developer shall reimburse its fair share cost to the city for previously constructed sewer main along the entire project frontage.
28. Sewer main connections six (6") inches in diameter or larger shall require manhole installation.
29. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.

Storm Drain

30. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.

Streets

31. Proposed driveway approaches shall be street type entrance with minimum face curb radius of 15 feet and be constructed to current city standards with ADA path of travel.
32. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the city right-of-way.
33. "No Parking" signs shall be installed along Aviation Drive frontages per city standards.
34. The developer shall dedicate twenty (20') feet for a total of sixty (60') feet of right-of-way along Aviation Drive, north of the centerline.
35. The developer shall construct sidewalk per city standards in its ultimate location consistent with a one hundred (100') foot right-of-way arterial street along the entire Aviation Drive project frontage. ADA path of travel shall be maintained across the Aviation Drive project frontage.
36. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 1 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
37. The developer shall enter into a deferral agreement for the possible construction by developer of one half of Condor Street along the western frontage of the project site.

Fire Department

38. Fire Sprinklers are required.
39. A fire sprinkler supervisory alarm is required.
40. Portable fire extinguishers are required in accordance with the California Fire Code.
41. On Site fire hydrants are required.
42. Fire lanes are required to provide access around the structure. Additional pavement may be required unless it can be demonstrated that the fire access lanes/roads will never be impaired by normal business operations.
43. A key box and gate access are required for fire department access.
44. The plans for construction must include a complete analysis for high piled storage.
45. The submitted document indicates "existing" equipment. All notations like this must be removed from any future submittals.
46. The address must be properly posted and plainly visible from the street frontage.

Planning Department

Site Data

- Building Area: 86,133 sq. ft. for primary structure, including 3,000 sq. ft. of office.
 - Industrial Use: Allowed Use per Zoning Ordinance.
 - Almond Processing Plant: Use Allowed with approval of ZAP.
 - Minimum Parking Requirements: 18 spaces required, 32 spaces provided
10 spaces required for office component, plus 8 additional spaces required based on one space per each two employees.
 - Loading Spaces Required: 8
47. It is the responsibility of the property owner and project proponent to ensure that any required permits, inspections and approvals from any regulatory agency other than the City of Madera are obtained from the concerned agency prior to establishment of the use.
 48. Material safety data sheets for all materials will be available as required by law.
 49. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
 50. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster owned by the property owner.
 51. All parking and loading areas shall be marked and striped to city standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be

incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles.

52. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with city standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
53. No wheel stops shall be incorporated into the parking field/parking stall layout.
54. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Building and Site Aesthetics

55. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
 - The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
56. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service rooms.
57. Final building elevations and site plan details will be designed to enhance the view of the site from the roadway, and adjacent properties, to the extent feasible (General Plan Policy CD-62).
 - a. Building and ground mounted electrical/mechanical equipment should be located outside the primary public views of the site or screened with visually appealing landscaping or fencing.
 - b. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
58. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
59. All parking lot lights/lighting shall be incorporated into landscaped areas.
60. The developer shall contact the Planning Department when all site lighting is operational. Additional light screening may be required.
61. Roof access ladders shall be located within the interior of the building.
62. The construction of buildings approved as part of site plan review shall be consistent with an approved color and materials board and representative color section rendering

of the proposed building to be reviewed and approved by the Planning Manager. Any substantial alteration shall require Planning Commission approval.

Signage

63. Signage shall be in accordance with city standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
64. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Landscaping

65. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
66. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.
67. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Areas throughout the project shall be planted so as to provide a minimum of 70% vegetative cover upon maturity.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscape shall be developed between the primary structure the sidewalk abutting the parking field.
 - The landscape plan shall include a no-less-than two-foot high hedge wherever parking stalls face the public right-of-way to reduce headlight glare onto public streets.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.

Walls and Fences

68. A trash enclosure shall be constructed of masonry block consistent with city standards with a finish color to match the primary structure.
69. Wrought iron fencing shall be utilized for all fencing primarily visible from the street. Wrought iron gates shall be incorporated as a component of the fencing. Chain link fencing may be utilized along all side and rear yards, as well as all areas out of site from the public right-of-way.

San Joaquin Valley Air Pollution Control District

70. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project.

(OR)

Motion 2: Move to continue the public hearing for Site Plan Review 2016-22 and Zoning Administrator Permit 2016-02 to the June 14, 2016 Planning Commission for the following reasons: (specify)

(OR)

Motion 3: Move to deny Site Plan Review 2016-22 and Zoning Administrator Permit 2016-02, based on and subject to the following findings: (specify)

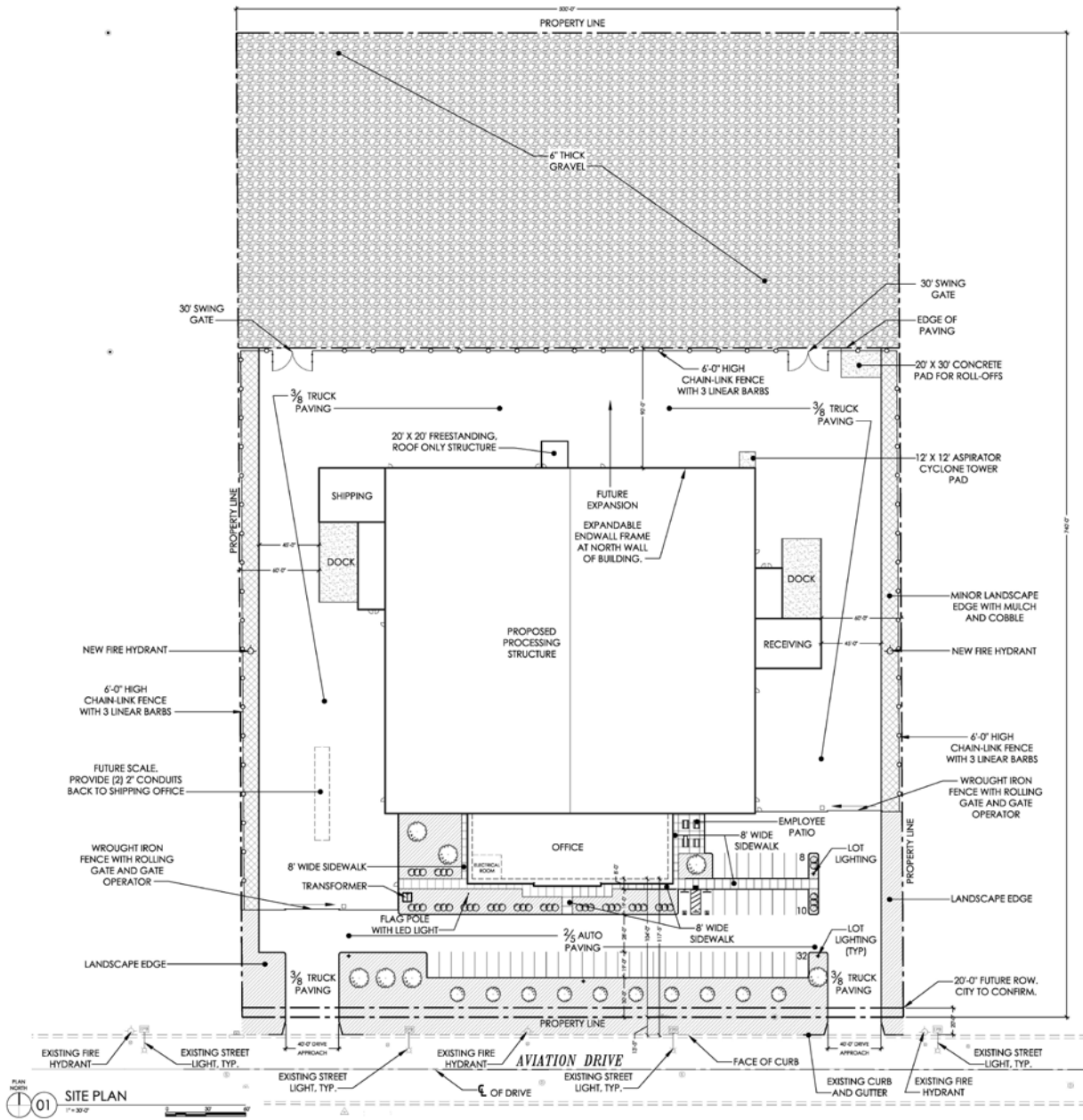
ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan
Elevations
Negative Declaration

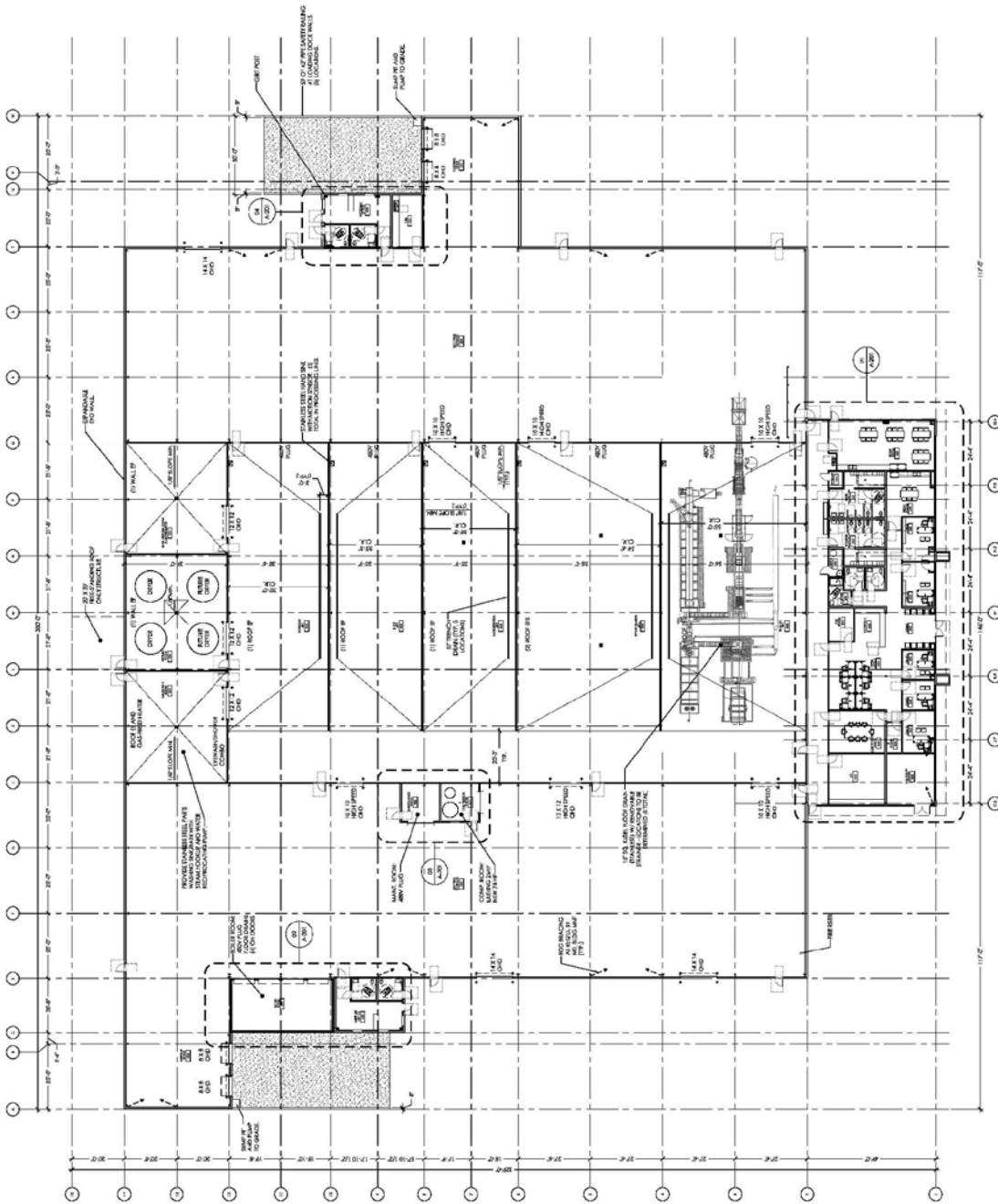
Aerial Photo



Site Plan



Floor Plan

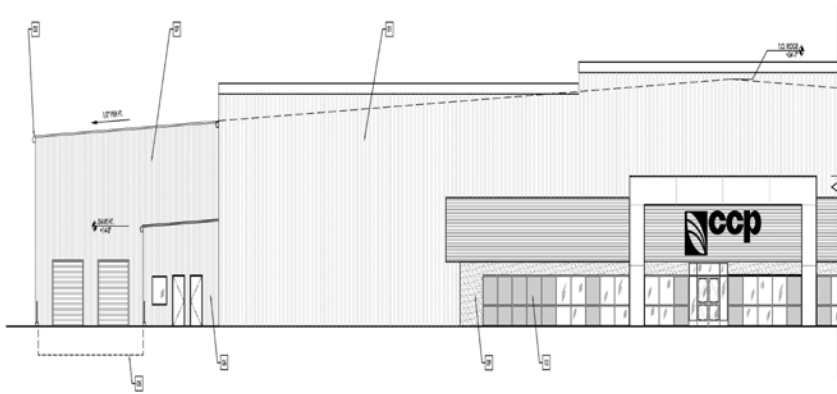


01 OVERALL FLOOR PLAN
1/16" = 1'-0"

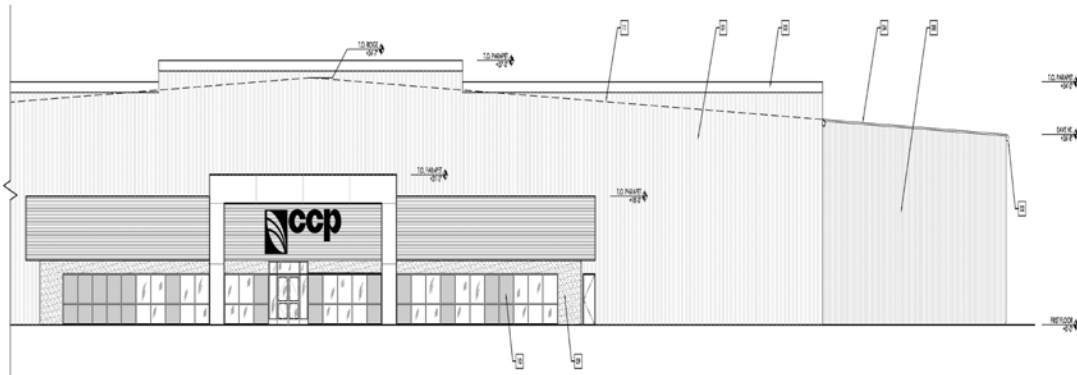
Elevations



01 OVERALL SOUTH ELEVATION
1/8"=1'-0"



02 PARTIAL SOUTH ELEVATION
1/8"=1'-0"



03 PARTIAL SOUTH ELEVATION
1/8"=1'-0"

- 1. METAL PANELS
- 2. BRICK
- 3. GLASS
- 4. CONCRETE
- 5. ASPHALT
- 6. ROOFING
- 7. MECHANICAL
- 8. SIGNAGE
- 9. LIGHTING
- 10. LANDSCAPE
- 11. FURNITURE
- 12. OTHER

SPAN | ARCHITECTS
 1000 W. 10TH AVENUE, SUITE 1000, DENVER, CO 80202
 TEL: 303.733.8800
 WWW.SPANARCHITECTS.COM
 EXTERIOR ELEVATIONS
 PROJECT: CCP



1 WEST VIEW



2 EAST VIEW



3 SOUTH VIEW



4 NORTH VIEW



5 SOUTH VIEW #1

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

California Custom Processing Zoning Administrator Permit 2016-02 Site Plan Review 2016-22

This environmental assessment has been prepared to evaluate the impacts of the proposed project as required by the California Environmental Quality Act (CEQA). CEQA requires that public agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on those projects (Public Resources Code [PRC] 21000 et seq.). For this project, the City is the lead agency under CEQA because it has the primary responsibility for approving and implementing the project, and therefore the principal responsibility for ensuring CEQA compliance.

Project: Zoning Administrator Permit 2016-02
Site Plan Review 2016-22

Applicant: California Custom Processing, LLC

Owner: Ed McIntyre

Location: The project site encompasses approximately 8.49 acres of land. The project site is located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment.

Proposal: An application for site plan review to allow for the development of an approximately 85,000 square foot almond processing plant on 8.49 acres in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. The structure includes approximately 7,500 square feet of office space, 75,000 square feet of processing plant area and shipping and receiving centers. A Zoning Administrator Permit allowing for food products manufacturing in the I (Industrial) Zone District accompanies the site plan review application.

Existing Zone District: I (Industrial)

Existing General Plan Land Use Designation: I (Industrial)

Surrounding Land Uses and Zoning:

- South – Drainage Basin
- North – Vacant Industrial
- West – Vacant Industrial
- East – Vacant Industrial

Responsible and Interested Agencies:

- Madera Irrigation District
- San Joaquin Valley Air Pollution Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages

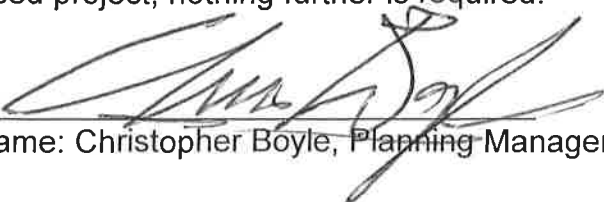
- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Mat. | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input checked="" type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Date: April 21, 2016

Printed Name: Christopher Boyle, Planning Manager

Explanation of Environmental Checklist

I. AESTHETICS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The project proposes to establish an approximately 85,000 square foot almond processing plant on 8.49 acres in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation.. The applicant, California Custom Processing, LLC, is an almond processing and packaging company. The project site would be improved with the construction of an approximately 85,000 square foot office and warehouse structure, with associated parking fields and paved driveway surfaces, landscaping and fencing. The use of the building will be primarily for the processing and packaging of almonds, with dedicated shipping and receiving docks and supporting office space.

The project will not affect a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway, and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light. Existing City Standards will insure that the impact is less than significant and will not substantially degrade the existing visual character or quality of the property and its surroundings.

a) **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources such as a scenic highway, national scenic area, or state scenic area. The project will not have a substantial adverse effect on a scenic vista. The City of Madera is located in a predominantly agricultural area near the base of the Sierra Nevada Mountain Range, which provides for aesthetically pleasing views and open spaces. By developing land within the city's sphere of influence, the proposed project will reduce development pressure on rural lands.

b) **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings, and historic buildings within a state scenic highway.

c) **Less Than Significant Impacts.** The project would not degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area. Site development is consistent with the industrial zoning on the site, and applicable specific plans and the General Plan.

d) **Less Than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with urban development as a result of the project, although it will be a less than significant impact.

II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepare pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located on land identified as Farmland of Local Importance within the 2014 California Farmland Mapping and Monitoring Program.

a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Farmland of Local Importance on the 2014 Important Farmland Map. The project site has been identified for industrial uses within the City of Madera General Plan, and the land has not being utilized for any agricultural purposes for an extended length of time.

a) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts in the affected territory. The City of Madera General Plan identifies this site for industrial uses.

b) **No Impacts.** The development of this property will not influence surrounding properties to convert from farmland to non-agricultural uses since this property is surrounded by property designated for urban development, consistent with the Madera General Plan.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are "criteria pollutants." The SJVUAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.

The project will not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans. The type of proposed development is subject to Rule 9510 (Indirect

Source Review) by the Regional Air Pollution Control District. Short-term construction impacts on air quality, principally from dust generation, will be addressed as part of Indirect Source Review (ISR). The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to Air Pollution Control District review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.

The project will be required to comply with all applicable rules and regulations of the SJVUAPCD, including but not limited to Rules 8041, 8051, 8061 and 8071.

- a) **Less Than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- b) **Less Than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) **Less Than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d) **No Impacts.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.
- e) **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

IV. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. The project area, although currently vacant, has anticipated industrial and warehousing development for an extended period of time, resulting in a highly maintained and disturbed habitat. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a) **Less Than Significant Impacts.** The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b) **No Impacts.** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- c) **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.
- d) **Less Than Significant Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f) **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

V. CULTURAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. Prior clearances have been granted to the City of Madera relative to archeological surveys conducted in the same area. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

a) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.

b) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.

c) **No Impacts.** The proposed project would not directly or indirectly destroy a unique a paleontological resources or sites or unique geologic features. There are no known paleontological resources or sites or unique geologic features located in the affected territory.

d) **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.

VI. GEOLOGY AND SOILS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

ai.) No Impacts. No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the project site. Due to the geology of the project area and its

distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.

aii) No Impacts. Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise, and taking into account the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.

aiii) No Impacts. Liquefaction describes a phenomenon in which a saturated, soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.

aiv) No Impacts. The project will not result in or expose people to potential impacts from landslides or mudflows.

b) No Impacts. Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, The California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from future urban development, if any.

c) No Impacts. The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) No Impacts. The project will not result in or expose people to potential impacts from expansive soils.

e) No Impacts. Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

VII. Greenhouse Gas Emissions. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

In that this project proposes to utilize an already developed site used for similar activities in the past, it is within reason to propose that no additional impacts beyond those historically established on the site will occur with respect to greenhouse gas emissions. In that the proposed use will consolidate the activities of a business currently utilizing multiple sites, it is within reason to anticipate a net reduction in overall greenhouse gas emissions attributable to the activities of the proposed user.

No significant impacts related to greenhouse gas emissions will occur with implementation of this project.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project site is not in proximity to a school campus. The project will not bring about a direct increase in the risk of accidental explosion or release of hazardous substances. The project site has not been identified as a hazardous material site. The project will not result in a substantial air safety hazard for people residing in the area or

future residents of the project. The project is within the boundaries of the Madera County Airport Land Use Compatibility Plan. The project will not result in any hazards to air traffic or be a substantial air safety hazard because the project will comply with the compatibility criteria of the Madera County Airport Land Use Compatibility Plan. The project will not interfere with any emergency response or evacuation plans. Truck traffic generated with construction of the project is expected to be insignificant. Traffic generated with development is not expected to be substantially higher than current volumes. The project will not bring about an increase in fire hazards in areas from flammable brush, grass, or trees

- a) **Less Than Significant Impacts.** The proposed project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- b) **Less Than Significant Impacts.** The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. MSDS sheets for products to be stored on the site identify no hazardous conditions as a result of the project.
- c) **No Impacts.** The project would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substances sites within the City of Clovis (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e) **Less Than Significant Impacts.** The project site is located within an airport land use plan, within two miles of a public airport or public use airport. The proposed project would not bring about a safety hazard related to the airport or aviation activities for people residing or working in the project area because the project will comply with the compatibility criteria of the Madera County Airport Land Use Compatibility Plan.
- f) **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g) **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion:

The proposed project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City's Master Plans. The project will not change any drainage patterns or stream courses, or the source or direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions.

The project will not expose people or property to water related hazards. During future construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during any future construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions. Standard construction practices and compliance with City ordinances and regulations, *The Uniform Building Code*, and adherence to professional engineering design approved by the Madera Engineering Department will mitigate any potential impacts from this project. This development will be required to comply with all City ordinances and standard practices which will assure that storm water will be adequately drained into the approved storm water system. The project will not create any impacts on water quality.

Based on a review of the City's FEMA maps, the site in is a Zone X, and the project will not place housing or other land uses in a 100-year flood hazard area. These are areas outside of the 500-year flood area. The project will not expose people or structures to a significant risk because of dam or levee failure. The project will not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.

a) **No Impacts.** Development of the project site would be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development would also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.

b) **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

c) **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

d) **No Impacts.** The proposed project would not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.

e) **Less Than Significant Impacts.** The proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

f) **No Impacts.** The proposed project would not degrade water quality.

g) **No Impacts.** The project would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.

h) **No Impacts.** The project would not place within a 100-year flood hazard area structures that would impede or redirect flood flows.

i) **No Impacts.** The project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

j) **No Impacts.** The project would not have any potential to be inundated by a seiche, tsunami, or mudflow.

X. LAND USE AND PLANNING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Development of the project area is consistent with the urbanization of the project area, as evaluated in the General Plan and its EIR; therefore impacts in this category are avoided.

a) **No Impacts.** The project would not physically divide an established community. Rather, it logically allows development to occur in an orderly manner, adjacent to and within the urbanized area of the City.

b) **No Impacts.** The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

c) **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impacts.** The project would not result in the loss or availability of mineral resources.

b) **No Impacts.** The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.

XII. NOISE. Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a) **No Impacts.** The proposed project would not result in exposure of persons to or the generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would not result in any permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

- d) **Less than significant impact.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e) **No Impacts.** The proposed project site is located within an airport land use plan and is located within two miles of a public airport or public use airport. Figure 14 of the Madera Municipal Airport Master Plan Report demonstrates that all 60 and 65 CNEL noise contours are contained entirely within the boundaries of the airport.
- f) **No Impacts.** The project will is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project will not induce additional substantial growth in this area. The property involved does not have any existing residential uses and the project would not displace any housing. Likewise, the project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **Less than significant impact.** The proposed almond processing facility will provide employment opportunities which may induce a minimal growth in population by individuals and/or families who move to Madera in response to opportunities for employment. Roads and other infrastructure will be improved to handle the proposed development.
- b) **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c) **No Impacts.** The proposed project would not displace any people.

XIV. PUBLIC SERVICES.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: Development of this site, under the current or requested land use and zoning, will result in an increased demand for public services. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services such as fire and police protection, and additional park and school facilities.

The project will not bring about a significant increase in demand for public services. There will be an increase in street, and water and sewer system maintenance responsibility because of this project. However, based on the density of the proposal, the increase in manpower requirements for the Public Works Department will be minimal.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The County's current landfill continues to have sufficient capacity. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- i) Fire protection. **Less than significant Impacts.** The proposed project would not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant Impacts.** The proposed project would not result in substantial adverse physical impacts associated with the provision of police protection.

iii) Schools. **Less than significant Impacts.** The Madera Unified School District levies a school facilities fee to help defray the impact of industrial development. The proposed project would not generate a significant impact to the schools in Madera.

iv) Parks. **Less than Significant Impacts.** The proposed project would not generate a significant impact to the park facilities in Madera.

v) Other public facilities. **Less than significant Impacts.** The proposed project would not have any impacts on other public facilities.

XV. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Industrial development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a) **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) **No Impacts.** The project does not include recreational facilities or facilities which might have an adverse physical effect on the environment.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: This property was included in the General Plan and its EIR and the potential traffic generated from this land use considered. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development. Aviation Drive, which provides access to the project site, will be developed as an Arterial per the General Plan. Condor Drive, south of the project site, is identified as a Collector per the General Plan.

a) **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.

b) **No Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

d) **No Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.

e) **No Impacts.** The proposed project would not result in inadequate emergency access.

f) **No Impacts.** The proposed project would not result in inadequate parking capacity.

g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The City's community sewage disposal system will continue to comply with Discharge Permit requirements. The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are available to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. The County's current landfill continues to have sufficient capacity. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

a) **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) **Less-Than-Significant Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

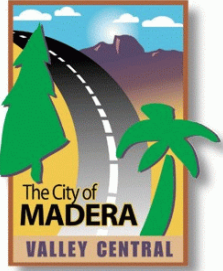
c) **Less-Than-Significant Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

d) **Less-Than-Significant Impacts.** There will be sufficient water supplies available to serve the project.

e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.

f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

g) **No Impacts.** Any development project that might be proposed on the project site would be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Thrive Martial Arts Studio
CUP 2011-03 MOD, SPR 2016-14 & Environmental Determination
Item # 4 - May 10, 2016**

PROPOSAL: An application for modification of an existing conditional use permit and site plan review to allow for the interior modification of a mixed martial arts (MMA) training facility, replacing the former MMA cage and boxing ring.

APPLICANT:	Christopher Montoya	OWNERS:	DaSilva Family Trust
ADDRESS:	225 S. Pine Street, Ste. #106	APN:	012-021-006
APPLICATIONS:	CUP 2011-03 MOD & SPR 2016-14	CEQA:	Categorical Exemption

LOCATION: The site is located on the northeast corner of South Pine Street and Maple Street

STREET ACCESS: Access to the parcel is provided via South Pine Street, Maple Street and Oak Street.

PARCEL SIZE: Approximately 1.16 acres in total, to include the 5,000 square foot lease area.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The use proposes to locate within a portion of an industrial building. Heavy commercial and light industrial activities are located to the north, south and east, with a concrete batch plant directly across South Pine Street to the west.

ENVIRONMENTAL REVIEW: This project is categorically exempt under §15301(a) (Existing Facilities) of CEQA Guidelines.

SUMMARY: The proposed modification to the conditional use permit and site plan review cumulatively provide for an interior modification of the existing mixed martial arts training facility. The unique location of the use poses minimal potential for conflict with other uses in the surrounding light industrial area. Conditions of approval guide the associated site and tenant improvements.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1002 Industrial Zones, Uses Permitted
MMC § 10-3.1202 Parking Regulations
MMC § 10-3.1301, et seq. Use Permit Procedures
MMC § 10-3.4.0101 Site Plan Review

The General Plan designates the project site as C (Commercial) property. The project site is located in the I (Industrial) Zoning District. The I (Industrial) Zoning District allows for the establishment of a martial arts studio subject to the approval of a use permit by the Planning Commission.

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Conditional Use Permit 2011-03 and Site Plan Review 2011-02 allowed for a mixed martial arts studio, which included a boxing ring and mixed martial arts cage. The conditions of approval for Conditional Use Permit 2011-03 required the amendment of the use permit when a change in use occurred.

ANALYSIS

Operations

A new martial arts studio, Thrive MMA, opened after No Limit Fight Club was purchased. Because martial arts studios can take on many forms, and subsequently have varying impacts, a condition of approval had been included in the original use permit that required amendment of the use permit whenever a change in business model was proposed that altered the use of the facility. In this case, the applicant proposed the removal of the boxing ring and mixed martial arts cage, and the installation of wrestling and jujitsu mats. This substantial change in interior floor plan subsequently changes the overall impact of the use. As an example, where No Limit Fight Club might have had four or six members in their sparring areas, the martial arts studio now has thirty students learning mixed martial arts. These changes are sufficient to require amendment to the original entitlement in order to address the changed impacts to the site.

Thrive MMA functions primarily as a mixed martial arts gymnasium. Thrive MMA operates between 4:00 pm and 9:00 pm, Monday through Thursday. Approximately 30 students utilize the martial arts studio on a daily basis. The martial arts studio includes martial arts, boxing, Jujitsu, and women's and kids' self-defense classes.

No professional fighting or boxing events are proposed to be held at the site and the site will not function in any way as a venue for promotional events. The martial arts studio will only serve as a gymnasium and training facility for martial arts students and fight team members alike.

Conformity of Use

Public assembly uses, such as gyms and clubs, are not typically suited for locating within the I (Industrial) Zone District due to potential conflicts with impacts from industrial uses related to noise, odors, air quality, traffic and aesthetics. However, it is not unheard of for light industrial and heavy commercial uses that require large amounts of floor space to be located in industrial areas. A nearby example is the Performing Arts Club (PAC), located just south of this project site. As with the PAC site, this particular area of industrial zoning has not been developed with large heavy industrial uses, but serves primarily smaller light industrial and heavy commercial uses such as the Designer Signs business and the Food Bank warehouse and office facility.

Parking

The Thrive MMA use is located in an approximately 5,000 square foot tenant space within a 20,000 square foot multi-tenant building surrounded by streets and an alleyway. The existing 20,000 square foot building has 39 parking stalls, including three (3) handicap accessible parking stalls. Staff recommends the empty space east of the roll door, in back of the Thrive MMA tenant suite, be striped to add an additional three (3) additional parking spaces to the existing parking field, totaling the number of parking stalls to 42. The proposed use would require a total of 25 parking stalls (one stall per each 200 square feet).

The current white/yellow striping of the parking field is difficult to discern between the light-colored asphalt parking field. Staff recommends the applicant restripe the parking field throughout the site with a dark color, preferably black. The applicant does not propose to use the roll door as a component of the daily business operations. There are a sufficient number of parking stalls to accommodate the proposed mixed martial arts use.

Business Name	Parking Ratio	Square Footage	Parking Req.
Andy's Signs & Design	1 stall per 2 employees, 1 stall per 300 sq. ft. of office space	1,000 sq. ft. office space	6
Food Bank	1 stall per 2 employees, 1 stall per 300 sq. ft. of office space	1,000 sq. ft. office space	9
Thrive MMA	1 stall per 200 sq. ft.	5,000 sq. ft.	25

Because of the sharp disparity in parking demand, it is recommended that parking stalls in close proximity to the Food Bank and Designer Sign's primary entrances be reserved specifically for the use of those businesses. It is proposed that three parking stalls be delineated with signage as being reserved for the identified tenant. This would increase the likelihood that parking would be available for all tenants at all times.

Site Improvements

The proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. Recommended improvements include a new trash enclosure, driveway re-constructions to provide ADA-accessibility, water meter and backflow prevention device for landscape area, and restriping of the parking field. These improvements will bring the site into compliance with current City standards.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a martial arts studio is not specifically addressed in the vision or action plans, the overall project does indirectly support Action 115.2 – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*; and also Good Jobs and Economic Opportunity which focuses in part on creating “*Abundant Commercial Opportunity*”.

PLANNING COMMISSION ACTION

The Commission will be taking action regarding Conditional Use Permit 2011-03 MOD and Site Plan Review 2016-14.

Motion 1: Move to approve the requested Conditional Use Permit 2011-03 MOD and Site Plan Review 2016-14 in conjunction with the finding and conditions of approval as listed below.

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The establishment of a martial arts studio is consistent with the purposes of the C (Commercial) General Plan designation and the I (Industrial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the martial arts studio will be compatible with surrounding properties, because its operation will not negatively impact adjoining commercial and/or industrial uses.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2011-03 MOD may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
3. Conditional Use Permit 2011-03 MOD will expire and be rendered null and void if the use is discontinued for a twelve-month period.
4. Site Plan Review 2016-14 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to

extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).

5. The applicant's failure to utilize Conditional Use Permit 2011-03 MOD within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
6. Any deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Commission.
7. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
8. The applicant shall acknowledge that other businesses may locate in the immediate vicinity, as allowed in an industrial zone, which may generate significant noise, odor or vibration that would not be considered complimentary to the martial arts studio.
9. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval or poses any unforeseen negative impacts on the site or the surrounding area, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit or modification of the conditions of approval.

Building Department

10. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
11. Current State of California and federal handicap requirements shall apply to the project. Compliance shall be checked at permit stage, shall be confirmed at final inspection and shall apply to proposed and future development.

Engineering Department

General

12. Nuisance on-site lighting shall be redirected when requested by the City within 48 hours of notification.
13. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
14. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Streets

15. Driveways along South Pine Street shall be re-constructed to the extent necessary to provide ADA-accessibility along the entire street frontage.

Water

16. The installation of a separate water meter and backflow prevention device will be required for landscape area, per City standards. A water meter shall be installed within the City right-of-way and backflow prevention device within private property.

Fire Department

17. All mats and other interior surfaces must meet the flame-spread requirements of California Code of Regulations Title 19 of the California Fire Code and California Building Code.
18. A minimum of two (2) 2A10BC-rated portable fire extinguishers are required. These must be located in accordance with the California Fire Code.
19. Panic hardware is required at all exit doors.

Planning Department

20. Approved Use of proposed space: Martial Arts Studio
 - Maximum of 30 students and five employees on site at any one time.
 - Minimum Parking Requirements 25 stalls (one stall per 200 square feet)
 - Parking Provided 25 stalls (out of 42 on site)
 - Building Lease Area 5,000 square feet (out of 20,000 sq. ft.)
21. The conditions of approval for Conditional Use Permit 2011-03 MOD and Site Plan Review 2016-14 shall supersede all prior use permit and site plan review approvals for a martial arts studio at this location.
22. The applicant shall remove all existing striping and restripe the parking field with a darker-colored hue, sufficient to easily discern the striping from the light-colored asphalt by July 1, 2016.
23. The applicant shall stripe three (3) new parking stalls in the empty space located east of the existing roll-door of the Thrive MMA tenant suite by July 1, 2016.
24. The applicant shall install three (3) business name-specific "Parking for _____ Only" signs for each business within the 20,000 square foot building by July 1, 2016. The location of signs shall be approved by the Planning Manager prior to installation.
25. The property owner shall construct a new trash enclosure with a finish and color similar to the primary structure, built to City standards, to hold two bins by July 1, 2016. The trash enclosure shall replace the existing, nonstandard enclosure. As an option, the applicant may repair the existing enclosure in such a way as to satisfy current City standards.
26. The martial arts studio may operate between 4:00 p.m. until 10:00 p.m., seven (7) days a week.
27. The site shall not function as a venue for promotional events. No professional fighting events, boxing events or other public assemblies shall be held at the site. The martial arts studio shall only serve as a gymnasium and training facility.

28. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit CUP 2011-03 MOD and Site Plan Review SPR 2016-14 to a date specified, for the following reasons or in order for the following information to be provided: (please specify date and reasons for continuance).

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2011-03 MOD and Site Plan Review 2016-14 based on the following findings (please specify reasons).

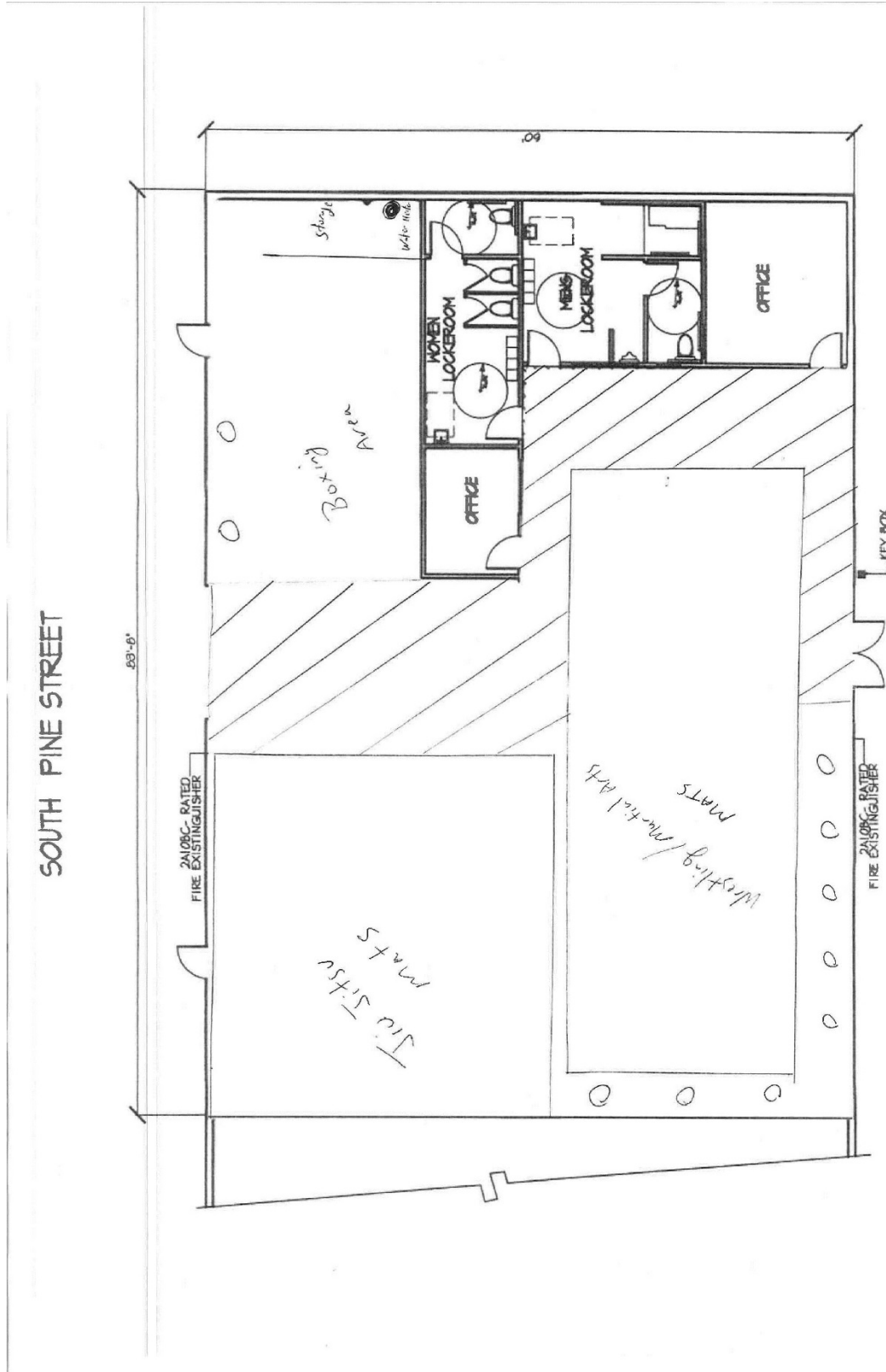
ATTACHMENTS

Aerial Photo
Site Plan
Site Photos

Aerial Photo



Site Plan

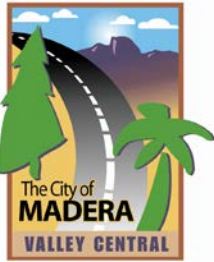


Site Photos



Empty space to be restriped with three additional parking stalls





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: TEC Gymnastics
CUP 2014-02 MOD2 & SPR 2016-12 & Categorical Exemption
Item #5 – May 10, 2016**

PROPOSAL: An application to modify a conditional use permit and site plan review to allow for the expansion of an approved gymnastics facility to occupy an additional 5,000 square feet.

APPLICANT:	Tammi Britton & Coleen Spraggins	OWNER:	David Berry
ADDRESS:	528 Noble Street, Suite 108, 110/112	APN:	012-401-010
APPLICATION:	CUP 2014-02 MOD & SPR 2014-07	CEQA:	Categorical Exemption

LOCATION: The site is located on the west side of Noble Street, approximately 200 feet north of its intersection with Gill Avenue. The proposed gymnastics facility would occupy 12,500 square feet of a 37,500 square foot building.

STREET ACCESS: Access to the parcel is provided via Noble Street.

PARCEL SIZE: Approximately 2.71 acres

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The use is proposed in a portion of an existing industrial building in an industrial park. Other tenants in the building include mostly warehousing activities related to auto uses.

ENVIRONMENTAL REVIEW: This project is categorically exempt under §15301 (Existing Facilities) of CEQA Guidelines.

SUMMARY: The proposed expansion was originally approved in 2014, but the applicant did not move forward with the expansion at that time and the project expired. The site continues to be an acceptable location for the gymnastics facility, since the industrial park continues to be repurposed to commercial activities. Improvements commensurate with a commercial site are required.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802, I (Industrial) Zone
MMC § 10-3.1202, Parking Regulations
MMC § 10-3.1301, et seq., Use Permit Procedures

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Site Plan Review 2006-09 was completed to allow for the development of a 37,500 square foot shell building within an existing industrial complex. Conditional Use Permit 2014-02 and Site Plan Review 2014-02 were completed in February of 2014 to allow for the establishment of a 7,500 square foot gymnastics facility. An amendment to the use permit to allow for the expansion of the facility was approved in May of 2014, but the anticipated expansion never was completed.

ANALYSIS

Background

TEC Gymnastics currently occupies a 7,500 square feet tenant space in the Span Industrial Park. The proposed modification would provide for the expansion of the use from the existing 7,500 square foot lease space into an adjoining 5,000 square feet for a total of 12,500 square feet of business area. The business currently operates within a building originally constructed to serve as an industrial warehouse. Over time, the use of the building has converted from the original vision for the property into the present condition where multiple tenant spaces serve in varying capacities, from offices, to warehousing, to auto shop space, to a church. Issues discussed as part of this analysis include operational concerns, parking requirements and site improvements.

Operations

The TEC Gymnastics business would expand into an adjoining 5,000 square foot tenant space within the existing structure. The current space accommodates many training areas including a 2,500 square foot gymnastics floor, a vault and runway, a strength and conditioning area, a dance and karate room, and storage area. The business also offers pre-school gymnastics, yoga, cheer, and hosts birthday parties. The expansion area would be utilized primarily for dance and tumbling areas, as well as storage of equipment. The applicant operates the business from 8:00 a.m. until 9:00 p.m., six days a week, closed on Sundays. Most visitation onto the site occurs from between 3:30 p.m. and 7:30 p.m. weekdays. During non-school periods such as the summer season, the applicant typically operates an expanded schedule.

The expansion of the use is compatible with other businesses currently occupying the building as the majority is warehousing uses with very limited amounts of traffic generated. It should be noted, however, that the site's existing zoning allows a range of industrial uses that would not require discretionary approval. As such, the applicant should be aware of the possibility that future tenants in the immediate vicinity may be of a nature that might not be considered complimentary to the gymnastics studio.

Parking

The project site is developed with seventy two (72) parking stalls including three (3) handicap accessible spaces. There is additional space on the parcel that could potentially be developed into additional parking. Parking standards for the site as proposed call out the following parking ratios:

Business	Size (sf)	Ratio	Parking Req.
Gymnastics students	12,500	1:3 students	42 stalls
Gymnastics employees		1:2 employees	3 stalls
Always Towing	5,000	Auto shop	4 stalls
Auto Restore	5,000	Auto shop	4 stalls
Silva Ford	5,000	Warehouse	4 stalls
State of California	5,000	Warehouse	4 stalls
Evolution Fitness	5,000	1:3 students	5 stalls
		1:2 employees	2 stalls
Total	37,500 sf		68 stalls
Parking Provided:			72 Stalls

Parking is in place on the site to accommodate expansion of the business to serve any combination of students (at one stall per three students) and employees (at one stall per two employees). The parking calculation shown above of forty-five (45) required parking stalls for the gymnastics facility is based on an initial proposal of one hundred twenty-five (125) students and five (5) employees to utilize the entire 12,500 square foot space. There is sufficient parking to serve the expanded gymnastics facility.

Site Improvements

As noted earlier in this report, the site continues to convert from a light industrial and warehousing complex to a mixture of varying commercial uses. With this continued conversion comes requirements for installation of improvements commensurate with commercial activities. Whereas in the past a deferral of sidewalk improvements has been applied to the site, sidewalks are now a required component. Also required is the installation of water meters and improved American with Disabilities Act compliance.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city”. The Commission, by considering how this development connects to other uses in this commercial/industrial area is actively implementing this key concept of the Vision Plan.

RECOMMENDATION

The information presented in this report supports conditional approval of the use permit modification and site plan review request.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the Use Permit Modification and Site Plan Review to allow for the expansion of a gymnastics facility.

Motion 1: Move to approve Conditional Use Permit 2014-02 MOD2 and Site Plan Review 2016-12, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be no expansion of the existing structure.
- The expansion of a gymnastics facility is consistent with the purposes of the I (Industrial) General Plan land use designation and the I (Industrial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed expansion of the gymnastics facility.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Site Plan Review 2016-12 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
3. Conditional Use Permit 2014-02 MOD2 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.

4. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2014-02 MOD2 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
6. Conditional Use Permit 2014-02 MOD2 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
10. The applicant shall acknowledge that other businesses may locate in the immediate vicinity, as allowed in an industrial zone, which may generate significant noise, odor or vibration that would not be considered complimentary to the gymnastics studio.

Building Department

11. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits. Applicant must demonstrate the number of restrooms provided meets code or add additional restrooms as required.
12. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection and shall apply to proposed and future development.
13. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified. Any item not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

14. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.

15. The improvement plans for the project shall include the most recent version of the City's General Notes.
16. Developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
17. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

Streets

18. Developer shall construct concrete sidewalks along the project's Noble Street parcel frontage per city standards. The sidewalk improvements shall be completed prior to occupancy of the additional 5,000 square feet of lease space.
19. Developer shall install bumper blocks in parking stalls in order to maintain a clear ADA accessible path of travel from the street, along the existing building frontage all the way to the business entrance. The ADA improvements shall be completed prior to occupancy of the additional 5,000 square feet of lease space.

Water

20. Existing water service connection shall be upgraded to current city standards including Automatic Meter Reading (AMR) water meter located within city right-of-way and backflow prevention device located within private property. The water meter improvements shall be completed prior to occupancy of the additional 5,000 square feet of lease space.
21. A separate water meter and backflow prevention device will be required for landscape area. The separate water meter and backflow prevention device shall be completed prior to occupancy of the additional 5,000 square feet of lease space.

Fire Department

22. The building will be reclassified as an Assembly Occupancy. Occupant load calculations and an egress analysis are required.
23. Prior to occupancy of the additional 5,000 square foot lease space, and upon completion of the required occupant load calculations and egress analysis (see above), a sign must be clearly posted that limits the occupant load. The sign shall read, "Maximum Occupant Load-___". The sign shall be posted near the entry doors and the lettering shall be a minimum of one (1) inch block letter with a stroke of at least ¼ inch.
24. A minimum of five (5) 2A10BC-rated portable fire extinguishers are required; three for the originally approved tenant space and two for the addition.
25. Building permits will be required for all construction interior improvements. Complete plans must be submitted and the building must be retrofit to comply with the requirements for an Assembly Occupancy which must comply with current code due to a change in occupancy classification.
26. The number of restrooms required for women and men will be calculated during plan check.

27. Panic hardware must be installed on all doors serving as the means of egress for assembly occupancies.
28. Emergency lighting and exit signage are required.
29. A key box is required for access by emergency services personnel or a new key will be required if an existing key box is already provided at the site.
30. A fire alarm system may be required. If a fire alarm system was required for the original space, the addition must be protected as well since the overall/cumulative space must be analyzed.
31. Fire sprinkler alteration will be anticipated and permits must be obtained by a licensed C16 contractor.
32. All furnishings, mats, etc., must comply with flame spread requirements of Chapter 8 of the California Building Code and the requirements of Title 19.

Planning Department

33. This modification to the approved use permit allows for the expansion of a gymnastics facility to an additional 5,000 square foot tenant suite for a total of 12,500 square feet. The site includes seventy-two (72) parking stalls to serve the 37,500 square foot building. At no time shall the business serve any combination of students (at one stall per three students) and employees (at one stall per two employees) where the total number of parking stalls required by the use would exceed forty-nine (49) stalls.
34. The conditions of approval for Conditional Use Permit 2014-02 MOD2 and Site Plan Review 2016-12 shall supersede all prior use permit and site plan review approvals for TEC Gymnastics.
35. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
36. No outdoor activities shall be allowed. Outdoor storage of goods and/or materials shall not be allowed.
37. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
38. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster/refuse containers owned by the property owner.
39. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
40. The gymnastics business may be open from as early as 8:00 am in the morning to as late as 10:00 pm at night, seven days a week.
41. The hosting of special events and competitions shall be subject to periodic review and inspection by the City to determine the safety of participants and attendees, and adequacy of the site to host such events. At no time shall the occupancy of the space exceed the occupancy load as determined by the Fire Official.

42. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.
43. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2014-02 MOD2 and Site Plan Review 2016-12 to the June 14, 2016 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2014-02 MOD2 and Site Plan Review 2016-12, based on and subject to the following findings: (specify)

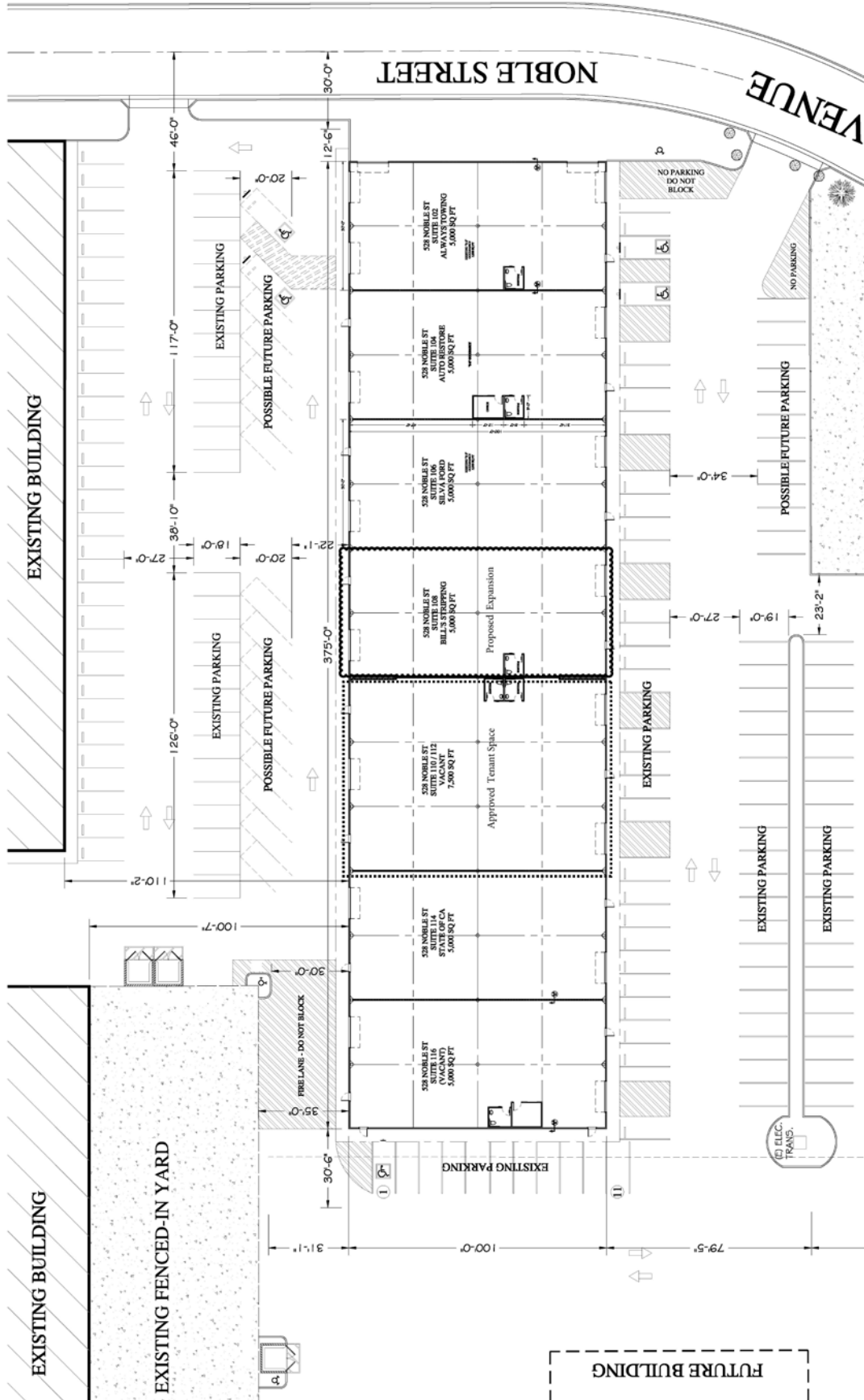
ATTACHMENTS

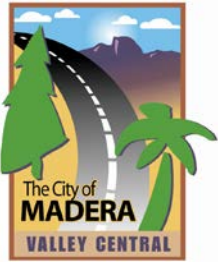
Aerial Photo
Site Plan

Aerial Photo



Site Plan





CITY OF MADERA
PLANNING COMMISSION

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

Staff Report: Emma's Carniceria & Taqueria
CUP 2014-05 MOD & SPR 2016-11
Item #6 - May 10, 2016

PROPOSAL: An application for a conditional use permit and site plan review to allow for on-site dining as a component of an established take-out only carniceria/taqueria.

APPLICANT:	Paulino & Emma Silva	OWNER:	Baldip Sahota
ADDRESS:	601 S. C Street	APN:	011-082-016
APPLICATION:	CUP 2014-05	CEQA:	Categorical Exemption

LOCATION: The property is located at the southeast corner of South C Street and East 10th Street.

STREET ACCESS: The site has access to East 10th Street.

PARCEL SIZE: 3,750 square feet

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: CR (Restricted Commercial)

SITE CHARACTERISTICS: The project site is a fully developed commercial property with a neighborhood market next door. There are residential uses in all directions, with one vacant commercial parcel directly across the street.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

SUMMARY: The establishment of on-site dining as a component of an established take-out only carniceria/taqueria is not detrimental to the surrounding uses or the neighborhood as a whole. Installation of a unisex restroom is required in order to allow for on-site dining. All improvements should be installed prior to any allowance.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.9.101 Restricted Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1301 Use Permits
MMC § 10-3.1202 Parking Spaces Required

The CR (Restricted Commercial) Zone District requires the approval of a conditional use permit by the Planning Commission to establish a restaurant or cafe. The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

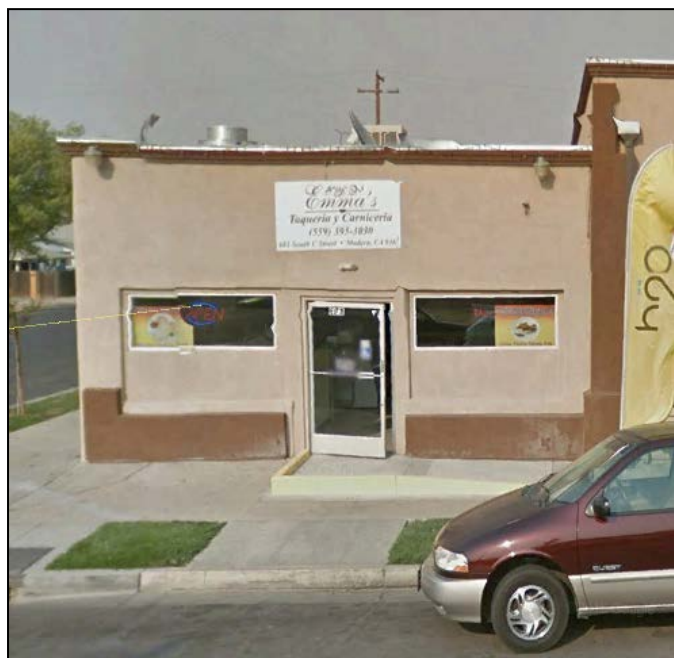
PRIOR ACTION

Conditional Use Permit 2013-08, Site Plan Review 2013-07, and Variance 2013-01 were approved on May 14, 2013 allowing for the relocation and expansion of a neighborhood market into a former auto body shop. Conditional Use Permit 2014-05 and Site Plan Review 2014-03 were then approved on March 11, 2014, allowing for the establishment of a take-out only taqueria and carniceria.

ANALYSIS

Background

Emma's Carniceria and Taqueria is located in a 1,500 square foot structure that once served as the C Street Market. The adjacent structure was converted from an auto body shop in 2014, allowing the C Street Market to move into an expanded space. Once the market relocated, Conditional Use Permit 2014-05 allowed for a carniceria/taqueria to operate on a take-out basis only in the former market location. Parking and landscaping were developed as a component of the redevelopment of the project site overall. Within the approval of Conditional Use Permit 2014-05, it was noted that a small dining area could be considered at a later date, pending further evaluation of the compatibility of the use on the project site.



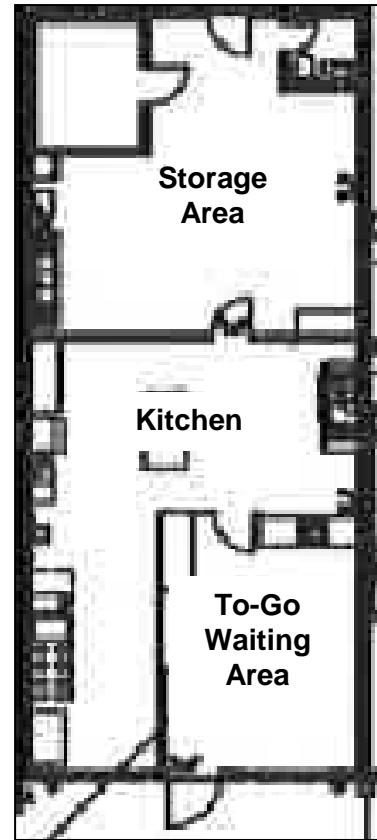
In completing a routine inspection of the business, staff observed on-site dining, which led to this subsequent request to amend Conditional Use Permit 2014-05.

Restroom Requirements

The applicant's original proposal dedicated 625 square feet to storage space, with the remaining 816 square feet utilized as a kitchen and to-go area. No on-site dining was proposed because of the lack of a required unisex restroom.

In order to allow for on-site dining, building codes require that a unisex restroom be provided for and accessible to all patrons of the business. No exception to this requirement is available. In the case of the current floor plan, substantial tenant improvements may be required in order to provide the required restroom in a location appropriately available to all patrons.

Within this request, the applicant has not provided exhibits of a revised floor plan that includes the incorporation of the required unisex restroom. If approved, the applicant would then submit exhibits consistent with the approved conditions of approval sufficient to provide for the issuance of building permits and the construction of all required improvements. No on-site dining would be allowed until such time as the restroom was in place and available to patrons. Staff supports this approach because it allows the applicant to invest in the property after the allowance for on-site dining has been deliberated by the Commission.



Parking

Historically, the project site had no developed on-site parking stalls. The redevelopment of the site resulted in the provision of five (5) on-site parking stalls and a requirement within Variance 2013-01 that "only uses with parking requirements of one parking stall per each 300 square feet of floor area (or greater) shall be allowed in the proposed tenant space." The proposed restaurant use, with on-site dining, is required to provide one parking stall per each three seats. Thus, the restaurant could provide seating for no more than fifteen (15) patrons and be within the requirements of the conditions of approval because the use would still only requires a total of five (5) parking stalls serving the 1,500 square foot restaurant. It is recommended that a finding be made that the parking requirements of the use as a whole are consistent with the requirements of Variance 2013-01.

Site Plan Review

The improvements required as part of site plan review are largely centered around the provision of the required bathroom. Other improvements commensurate with the development standards of the CR (Restricted Commercial) Zone District, which requires special attention be given to commercial development in close proximity to the residential neighborhoods, were incorporated into the redevelopment of the site completed in 2014. Those improvements included new building facades, on-site parking, landscaping enhancements, alley improvements, and a trash enclosure.

This proposed conditional use permit and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an allowance for a carniceria/taqueria is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*”

RECOMMENDATION

The information presented in this report supports conditional approval of the use permit and site plan review.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the conditional use permit and site plan review.

Motion 1: Move to approve the modification of Conditional Use Permit 2014-05 and Site Plan Review 2016-11, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The establishment of on-site dining in conjunction with a restaurant is consistent with the purposes of the C (Commercial) General Plan land use designation and the CR (Restricted Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, establishment of on-site dining in conjunction with a restaurant will be compatible with surrounding properties.
- As conditioned, there is adequate parking and site features to allow for on-site dining in conjunction with a restaurant.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.

2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2014-05 may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2014-05 will expire if the use is discontinued for a twelve-month period.
5. Site Plan Review 2016-11 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or the required action to extend the approval before expiration date is taken. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Any future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the approved site plan review.
7. Any deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to commencement of any improvements on the site.

Building Department

9. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
10. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage and confirmed at final inspection.

Fire Department

11. Building permits must be obtained prior to starting work on tenant improvements. Please provide plans with complete occupant load calculations to show that the proposed use complies as a B-Occupancy. If not, the space must comply as an A-Occupancy. Records currently identify the project site as an M-Occupancy.
12. One portable 2A10BC-rated fire extinguisher is required. The fire extinguisher must be mounted in a visible and accessible location.
13. A kitchen hood fire extinguishing system is required. The system must be installed by a licensed C16 contractor. A permit must be obtained prior to the start of work.
14. A K-class fire extinguisher that is compatible with the kitchen hood system must be provided.

Planning Department

15. The use permit and site plan review allow for the establishment of a restaurant in a CR (Restricted Commercial) zone. On-site dining with seating for no more than fifteen (15) patrons shall be allowed upon completion of all required tenant improvements, including the installation of one unisex restroom facility accessible to all restaurant patrons.
16. The applicant shall submit plans to the Planning Department that demonstrate consistency with the conditions of approval listed herein prior to submitting plans for building permit. All work required as part of the approved plans shall be completed in advance of on-site dining occurring on the property.
17. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
18. No outdoor display of merchandise and/or outdoor storage of goods and materials shall be allowed.
19. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
20. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
21. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
22. The use shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to determine whether revocation of the permit or modification of the conditions of approval is appropriate.
23. Pick-ups, deliveries and parking lot sweeping shall be allowed only between 7:00 a.m. and 10:00 p.m. All other property maintenance activities, such as landscaping maintenance services, shall occur only between the hours of 8:00 a.m. and 5:00 p.m., except where warranted by an emergency.
24. Hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. daily.
25. All conditions applicable to approval of Conditional Use Permit 2013-08, Site Plan Review 2013-07 and Variance 2013-01 and subsequent modifications shall remain effective and are not revised in any way by this approval except as modified herein.
26. On-site parking shall be provided at all times in conformance with the Municipal Code and Variance 2013-01. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.

27. All signage on the project site shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.
28. All new signage shall be in accordance with city standards and shall be pan channel letter or better quality, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit, which will be required by the Building Department.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2014-05 MOD and Site Plan Review 2016-11 to the June 14, 2016 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify).

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2014-05 MOD and Site Plan Review 2016-11, based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan
Elevations

Aerial Photo

Before Remodeling



After Remodeling of Site



Site Plan

SOUTH 'C' STREET TAQUARIA INTERIOR CONVERSION

Gary A. Rogers - Architect
 407 S. MADRA AVE. SUITE 100
 MADRA, CALIFORNIA 94557
 PHONE (925) 474-4599
 FAX (925) 474-4598
 PLANNING • DESIGN • CONSTRUCTION PROJECT SOLUTIONS

BALDIP SAHOTA
 MADRA, CA 94567 (925) 662-0206, (408) 346-7868
 PROJECT SITE: 601 S. V STREET, MADRA, CA 94567

PLANNING

DATE: 1/20/14
SCALE: 1/2" = 1'-0"
PROJECT NO.: 14-0001
DATE: 1/20/14

CS.1

Building Owner
 89650 I BETHA GARREZ
 MADRA, CA 94567
 TEL: (925) 814-8004

Tenant
 BALDIP SAHOTA
 601 S. V STREET
 MADRA, CA 94567
 (925) 662-0206
 (408) 346-7868

Architect
 GARY A. ROGERS
 MADRA, CA 94567
 PHONE: (925) 474-4599

THIS PROJECT SHALL COMPLY WITH:

- 203 CALIFORNIA BUILDING CODE (CBC)
- 203 CALIFORNIA ELECTRICAL CODE (CEC)
- 203 CALIFORNIA FIRE CODE (FC)
- 203 CALIFORNIA MECHANICAL CODE (CMC)
- 203 CALIFORNIA GREEN BUILDING CODE (CGBC)

TAKUARIA AREA:
 KITCHEN FLOOR SF: 595 SF
 COLD BOX: 222 SF
 STORAGE / FR: 222 SF
 TOTAL BUILDING AREA: 1442 SF

SHEET INDEX	
01	LOOK SHEET
A1	FLOOR PLAN
A2	EXISTING EXTERIOR ELEVATION

Site Data

601 S. V STREET
 MADRA, CA 94567
 LOT AREA: 10,000 SQ. FT.
 LOT FRONT: 100 FT.
 LOT DEPTH: 100 FT.
 LOT AREA: 10,000 SQ. FT.
 ZONE: C-2
 DISTRICT: 14-0001

ADDITIONAL DATA:
 ADJACENT TO: 601 S. V STREET
 ADJACENT TO: 601 S. V STREET
 ADJACENT TO: 601 S. V STREET

Building Data

EXISTING USE: COMMERCIAL
 OCCUPANCY CATEGORY: COMMERCIAL
 TYPE OF CONSTRUCTION: TYPE III
 BUILDING HEIGHT: 30'-2"

ALLOWABLE AREA CALCULATION

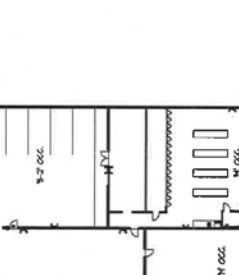
ALLOWABLE AREA: 10,000 SQ. FT.
 EXISTING AREA: 1,442 SQ. FT.
 ALLOWABLE EXCESS AREA: 8,558 SQ. FT.

Exits required per Occ. Load

EXISTING AREA: 1,442 SQ. FT.
 ALLOWABLE EXCESS AREA: 8,558 SQ. FT.
 TOTAL AREA: 10,000 SQ. FT.

Building Area Separations

AREA	SEPARATION
FLOOR PLANT INTERIOR	M
FLOOR PLANT EXTERIOR	M
FACING DAMAGE INTERIOR	1-2
FACING DAMAGE EXTERIOR	1-2



NOTE:
 PROJECT CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

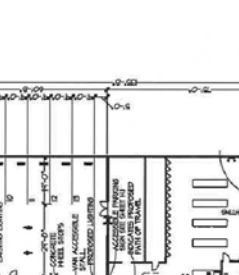
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Building Area Separations

AREA	SEPARATION
FLOOR PLANT INTERIOR	M
FLOOR PLANT EXTERIOR	M
FACING DAMAGE INTERIOR	1-2
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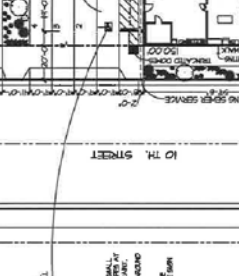
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Building Area Separations

AREA	SEPARATION
FLOOR PLANT INTERIOR	M
FLOOR PLANT EXTERIOR	M
FACING DAMAGE INTERIOR	1-2
FACING DAMAGE EXTERIOR	1-2

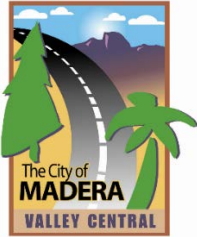


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CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Los Dos Amigos Beer and Wine Sales
CUP 2016-04, SPR 2016-13 & Environmental Determination
Item #7 – May 10, 2016**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the on-site consumption of beer and wine as a component of a new restaurant.

APPLICANT:	Eduardo Rojas	OWNER:	Eduardo Rojas
ADDRESS:	226 E. Yosemite Avenue	APN:	007-161-019
APPLICATION:	CUP 2016-04 & SPR 2016-13	CEQA:	Categorical Exemption

LOCATION: The property is located on the south side of East Yosemite Avenue approximately 125 feet west of its intersection with South C Street.

STREET ACCESS: The site has access to East Yosemite Avenue.

PARCEL SIZE: 0.09 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The surrounding area is in the Downtown Commercial District, with commercial uses surrounding the property in every direction.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: The sale of beer and wine as part of the daily operations of a new Los Dos Amigos restaurant is a normal component of a Mexican-style restaurant's business model. Although there would be an over-concentration of California State Department of Alcoholic Beverage Control (ABC) licenses for the on-site consumption of alcoholic beverages, there would be no adverse conditions created by the allowance. The parking regulations are exempt as the business is within the Downtown Parking District.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.801 Light Commercial Zones
MMC § 10-3.405 Uses
MMC § 10-3.406 Nonconforming Buildings and Uses
MMC § 10-3.1205 Parking Exemptions
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

No prior action has been taken.

ANALYSIS

Operations

The site was originally occupied by Azteca de Oro restaurant. This restaurant's allowance to sell alcoholic beverages was granted as an existing non-conforming "grandfathered" use. The grandfathered use expired due to inactivity of the use on site for more than six (6) months. The applicant proposes to open a new Los Dos Amigos restaurant in the former Azteca de Oro restaurant. The applicant is applying for a new Alcohol Beverage Control (ABC) license for the sale of beer and wine for on-site consumption as a component of the daily restaurant operations. The sale of beer and wine would be ancillary to the restaurant use. There would not be a bar or club use associated with the restaurant. Food and beverages are ordered and served at sit-down tables. The proposed restaurant would operate from 8:00 a.m. through 10:00 p.m.

The project site is located within Census Tract 8, which currently has twenty (20) ABC licenses for the on-site consumption of alcoholic beverages and seventeen (17) ABC licenses for the off-site consumption of alcoholic beverages. The current population of Census Tract 8 (7,027 residents) allows for a maximum of six (6) ABC licenses for both the on- and off-site consumption of alcoholic beverages, resulting in an overly-concentrated census tract for both on- and off-site consumption.

City Council has directed Staff to review each application for a conditional use permit for the sale and/or consumption of alcoholic beverages within areas of over-concentration on individual case-by-case basis and weigh each application on its specific merits.

Parking

The parking standards are exempt, per section 10-3.1205(B) of the Madera Municipal Code, as the business is located within the Downtown Parking District.

This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of sales of alcoholic beverages are not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*;

RECOMMENDATIONS

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-04 and Site Plan Review 2016-13 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit.

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to approve Conditional Use Permit 2016-04 and Site Plan Review 2016-13, based on and subject to the findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- Parking standards are exempt per section 10-3.1205(B) of the Madera Municipal Code.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-04 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-04 will expire if the use is discontinued for a twelve-month period.
5. Conditional Use Permit 2016-04 and Site Plan Review 2016-13 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-13.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

8. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

Engineering Department

10. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.
11. Prior to August 1, 2016, the existing water service connection shall be upgraded to current City standards, including the water meter located within the City right-of-way and backflow prevention device located within private property.

Fire Department

12. The use allows for a maximum occupancy load of 49 occupants.

Planning Department

13. Conditional Use Permit 2016-04 allows for the sale of beer and wine in association with the operation of a bona fide eating establishment. This entitlement requires the issuance of a Type 41 Alcohol Beverage Control license. Modification of the license type requires amendment of this use permit.
14. The project shall be developed in accordance with the conditions of approval of the use permit.
15. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
16. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.
17. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
18. No outdoor display of merchandise shall be allowed.
19. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed.
20. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
21. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.
22. Hours of operation shall be from as early as 8:00 am until as late as 10:00 pm, seven (7) days a week.
23. All signage shall be in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2016-04 and Site Plan Review 2016-13 to the June 14, 2016 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2016-04 and Site Plan Review 2016-13 based on and subject to the following findings (specify):

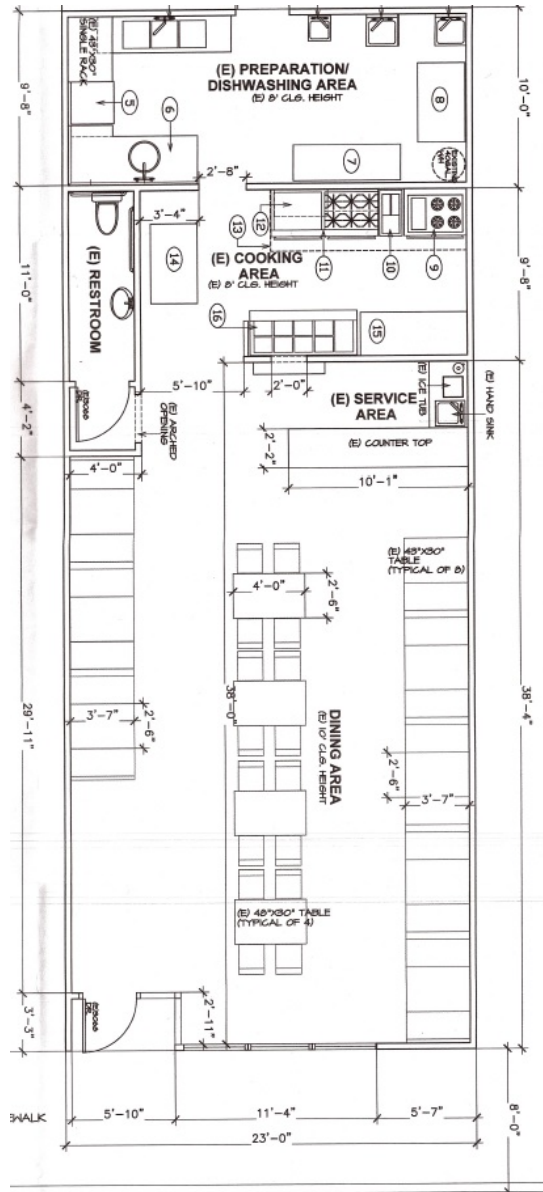
ATTACHMENTS

Aerial Photo
Site Plan

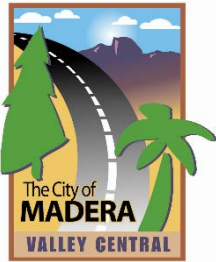
Aerial Photo



Site Plan



E. YOSEMITE AVE



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Mountain Mike’s Pizza - CUP 2016-05 & SPR 2016-16
On-Sale Beer and Wine ABC License
Item #8 – May 10, 2016**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the on-site consumption of beer and wine as a component of a new restaurant within The Crossroads shopping center.

APPLICANT:	Johnny Babasi	OWNER:	Q/S Tozer Ave, LLC.
ADDRESS:	1460 E. Cleveland Avenue	APN:	008-142-076
APPLICATION:	CUP 2016-01 & SPR 2016-06	CEQA:	Categorical Exemption

LOCATION: The property is located at the southwest corner of East Yosemite Avenue and Tozer Street.

STREET ACCESS: Access to the site is gained throughout the shopping center, which accesses East Yosemite Avenue, Tozer Street and Elm Street.

PARCEL SIZE: 1.09 acres within an approximately 10.57-acre shopping center.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The property is bounded by East Yosemite Avenue to the northwest and Tozer Street to the northeast with commercial uses beyond. Elm Street is adjacent to the site to the southwest with existing single and multi-family uses beyond.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

SUMMARY: The sale of beer and wine as part of the daily operations of a new Mountain Mike’s Pizza restaurant is a normal component of a pizza parlor’s business model. There would be no over-concentration of California State Department of Alcoholic Beverage Control (ABC) licenses for the on-site consumption of alcoholic beverages.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zones

MMC § 10-3.405 Uses

MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

In 2004, the Planning Commission and City Council approved Rezone (REZ) 2004-07 and General Plan Amendment (GPA) 2004-03, which cumulatively prepared the project site for the development of a commercial shopping center. Site Plan Review 2006-07 memorialized the construction of the Crossroads shopping center. Various use permits have been approved in support of the shopping center tenants, including use permits for drive-thru components and outdoor sales activities.

ANALYSIS

Operations

Mountain Mike's pizza parlor is preparing to open its second location in Madera, in an existing tenant space within the Crossroads shopping center. The applicant wishes to sell beer and wine as a component of the daily restaurant operations. The sale of beer and wine would be ancillary to the restaurant use. Food and beverages would be ordered and served at a counter or sit-down table. The proposed restaurant (Mountain Mike's Pizza) would operate from 11:00 am through 11:00 pm.

The project site is located within Census Tract 9, which currently has only one (1) Alcohol Beverage Control (ABC) license for the on-site consumption of alcoholic beverages and nine (9) ABC licenses for the off-site consumption of alcoholic beverages. The current population of Census Tract 9 (9,612 residents) allows for a maximum of eight (8) ABC licenses for the on-site consumption of alcoholic beverages and eight (8) ABC licenses for the off-site consumption of alcoholic beverages. There would be no over-concentration of ABC licenses for the on-site consumption of alcoholic beverages with the approval of this use permit. It should be noted that there is an over-concentration of ABC licenses for the off-site consumption of alcoholic beverages.

The Sugar Pine Village Master Plan anticipates retail commercial uses, such as grocery/super market stores, drug stores, food establishments, laundromats, barber and beauty shops, and other shops serving the day to day needs. The proposed Mountain Mike's pizza parlor would be compatible with its surrounding commercial uses and the Sugar Pine Village Master Plan.

Site Improvements

This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report. A water meter upgrade to an Automatic Meter Reading (AMR) water meter within the City right-of-way will be required to bring the site into compliance with current City standards.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of sales of alcoholic beverages are not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...;*

RECOMMENDATIONS

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-05 and Site Plan Review 2016-16 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit.

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to approve Conditional Use Permit 2016-05 and Site Plan Review 2016-16, based on and subject to the findings and conditions of approval:

Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is no over-concentration of ABC licenses for the on-site consumption of alcoholic beverages (beer and wine only).
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-05 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. This conditional use permit will expire if the use is discontinued for a twelve-month period.
5. Conditions of approval for entitlements approving The Crossroads shopping center, allowing the construction of the subject tenant space, shall remain in force. This conditional use permit does not alter, modify nor supersedes any conditions of approval set forth in the previous entitlements, with the exception of the allowance for beer and wine sales at this location.
6. Conditional Use Permit 2016-05 and Site Plan Review 2016-16 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to revoke the permit or modify the conditions of approval.
7. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-16.
8. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

9. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
10. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

Engineering Department

11. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.
12. Existing water service connection shall be upgraded to current City standards, including Automatic Meter Reading (AMR) water meter located within the City right-of-way and backflow prevention device located within private property, if not previously installed.

Planning Department

13. Conditional Use Permit 2016-05 allows for the sale of beer and wine in association with the operation of a bona fide eating establishment. This entitlement requires the issuance of a Type 41 Alcohol Beverage Control license. Modification of the license type requires amendment of this use permit.
14. The project shall be developed in accordance with the conditions of approval of the use permit.
15. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
16. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.
17. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
18. No outdoor display of merchandise shall be allowed.
19. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed.
20. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
21. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.
22. Hours of operation shall be from as early as 11:00 am until as late as 11:00 pm, seven (7) days a week.
23. All signage shall be in compliance with the Crossroads Master Sign Criteria at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2016-05 and Site Plan Review 2016-16 to the June 14, 2016 Planning Commission hearing, based on and subject to the following (specify):

(OR)

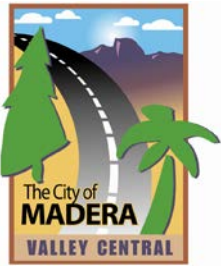
Motion 3: Move to deny the application for Conditional Use Permit 2016-05 and Site Plan Review 2016-16 based on and subject to the following findings (specify):

ATTACHMENTS

Aerial Photo

Aerial Photo





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: CUP 20136-07 & SPR 2016-18 & Environmental Determination Camarena Health Center School-Based Clinic Item #9 - May 10, 2016

PROPOSAL: An application for approval of a conditional use permit and site plan review to allow for the construction of a school-based Camarena Health Center clinic on the Madera South High School campus.

APPLICANT: Paulo Soares
Camarena Health Center **OWNER:** Madera Unified School District

ADDRESS: 705 West Pecan Avenue **APN:** 012-410-004

APPLICATIONS: CUP 2016-07 & SPR 2016-18 **CEQA:** Categorical Exemption

LOCATION: This project site is located on the northwest corner of West Pecan Avenue and Stadium Road.

STREET ACCESS: The site is accessed from West Pecan Avenue and Stadium Road.

PARCEL SIZE: The educational campus encompasses 96.62 acres.

GENERAL PLAN DESIGNATION: P&SP (Public and Semi Public)

ZONING DISTRICT: U (Unclassified)

SITE CHARACTERISTICS: The property is a portion of an existing high school campus. The campus is located on the southern boundary of the City. Industrial development and agricultural activities are located north of the project site. Residential development and agricultural activities are located south of the project site. Residential development and vacant residential lands are located east of the project site. Industrial development and vacant industrial land is located west of the project site.

ENVIRONMENTAL REVIEW: This project is categorically exempt under §15314 (Minor Additions to Schools) of CEQA Guidelines.

SUMMARY: Camarena Health Center proposes the construction of a 4,260 square foot health center which would provide medical and dental services to both students and the general public at large. The school nurse will occupy a portion of the structure. Although on school property, the project would be developed within a lease area, and is not considered a school facility. Although the use is not contemplated within the General Plan, the structure is in general conformance with the goals and policies of the General Plan. Parking, although not ideal, is sufficient to serve the proposed use.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.801 Light Commercial Zone
MMC § 10-3.4.0101 Site Plan Review
MMC § 10-3.1201 Parking Regulations
MMC § 10-3.1301 Use Permits

The General Plan designates the project site as P&SP (Public and Semi Public) property. The project site is located in the U (Unclassified) Zone District. The U (Unclassified) Zone District specifies that “all uses not otherwise prohibited by law shall be permitted provided that a use permit shall be first secured” per the approval of the Planning Commission. Construction of the physical improvements on the site is subject to the site plan review process to ensure consistency with the General Plan and compliance with other applicable ordinance.

The City’s Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

None.

ANALYSIS

Background

Camarena Health Center proposes the construction of a health center which would provide medical and dental services to both students and the general public at large. The structure is proposed to be located near the southeast corner of the Madera South High School campus. The structure would be constructed by Camarena Health Center on a leased portion of land. Although constructed on the school property, the facility would essentially function as a private facility developed on a school campus. Typically, school facilities are not processed by a local agency, such as a city. In this case though, because the proposed improvements are not being developed by the school district, but instead on leased school district property, the project is subject to local permitting requirements.

Business Model

The 4,260 square foot health center would have two entrances; one secured entrance serving students attending Madera South High School and one common entrance available to the general public. Both students and the general public would be able to schedule appointments for both medical and dental concerns. The student entrance would access the school nurse’s office which would be located within a portion of the facility. A connecting interior door would

provide access to the Camarena Health Center portion of the structure. The common entrance would provide unrestricted access to the general public, who could schedule appointments at the health center just as they currently do at other Camarena Health Center locations.

Architecture

The structure is designed to meld within the overall architecture of the school campus, employing a cubic minimalist approach similar to other campus structures. The design does provide structural “pop outs” that provide articulation and variation sufficient to break up the mass of each wall segment. Multiple windows of assorted sizes finish the architectural elevations. Although it is expected that the stucco structure would be painted to meld with the adjoining school campus, a color and materials board and representative color rendering is recommended as a condition of approval.

Landscaping

As a component of the overall construction project, demolition and removal of existing landscaping should be anticipated. Replacement of the disturbed areas with drought tolerant landscape consistent with state law is recommended as a requirement of the project. A landscape and irrigation plan consistent with the state’s Model Water Efficient Landscape Ordinance should accompany submittals for building permit plan check. Although the proposed site design has the structure surrounded by concrete flatwork, it is recommended that the applicant incorporate landscaped planting beds between the structure and the flatwork, consistent with General Plan policies. Integration with the existing landscape should also be demonstrated within the submittal.

Parking

City parking standards for the proposed use call out a ratio of one parking space for each 250 square feet of floor area, plus one parking stall for every two employees, and four spaces for each doctor. This would translate into a requirement of a minimum of approximately thirty-five (35) parking stalls for the proposed use. No additional parking is proposed as a part of the project. Only a reconfiguration of ADA parking stalls in proximity to the proposed health center site is proposed.

Parking requirements for high schools call out the provision of one stall for each employee, plus one space for each for each five students. This translates into a requirement of a minimum of approximately 800 parking stalls (3000 student and 200 employees). There are currently almost 1000 parking stalls on the campus, but many of those stalls are chained off and dedicated as event parking. The employee parking lot, which is the parking lot that would also serve the health center, contains over 360 stalls. Thus, although parking analysis would suggest that student parking is constricted, it would also indicate that the parking field dedicated to employees would provide sufficient parking for patients of the clinic.

Consistency with General Plan

The P&SP (Public and Semi-Public) land use designation does not contemplate or anticipate the construction of commercial, profit-based enterprises being situated within the land use designation. Nonetheless, some goals and policies of the Community Design element might be satisfied by providing health and dental care services in close proximity to potential patients, such as at a high school site. Some of the goals in the Community Design element of the General Plan that might be satisfied by the project include:

CD-5 Walkable community.

CD-7 Preserve and enhance the character of existing residential neighborhoods.

CD-11 Design commercial development to enhance the pedestrian environment.

The structure itself also appears to demonstrate conformity to the General Plan, which asks for “aesthetically pleasing commercial development.”

Circulation Concerns

Problems exist along the Stadium Road frontage to the school campus. Vehicles regularly back up causing traffic delay and congestion. The proposed health center creates additional traffic impacts upon the site and Stadium Road. Conditions of approval have been incorporated into this entitlement which provide necessary dedications for future road projects and require reconfiguration of an existing point of entry onto the campus from Stadium Road as an immediate component of project construction. Because the peak drop-off periods associated with the operation of the schools causes the greatest impact to traffic and circulation on the site, it is recommended that the health center be open to the general public only from as early as 9:00 a.m. until as late as 6:00 p.m. on weekdays. Hours of operation on the weekends may begin as early as 7:00 a.m. until as late as 6:00 p.m.

This proposed conditional use permit and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

RECOMMENDATION

Cumulatively, the information presented in this report supports conditional approval of the use permit and site plan review request. No additional allowance for private enterprises on school campuses should be considered until the merit of this project can be weighed.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the conditional use permit and site plan review.

Motion 1: Move to approve Conditional Use Permit 2016-07 and Site Plan Review 2016-18 based on and subject to the findings and conditions of approval as listed below.

Findings

- This project is categorically exempt under §15314 (Minor Additions to Schools) of CEQA Guidelines.
- The establishment of a Camarena Health Center is consistent with the purposes of the U (Unclassified) Zone District, subject to the issuance of a conditional use permit.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the Camarena Health Center will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Site Plan Review 2016-18 will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. Conditional Use Permit 2016-07 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. The applicant's failure to utilize Conditional Use Permit 2016-07 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2016-07 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
6. Conditional Use Permit 2016-07 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Director.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

10. The applicant shall provide a confirmation letter from the Division of the State Architect recognizing that this project is the responsibility of the local authority having jurisdiction, prior to or as a component of plan check submittals.

11. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
12. The developer shall provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and includes the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan
 - d) All exterior elevations
 - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
13. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
14. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified after reviews are completed. Any item not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

15. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
16. Impact fees shall be paid at time of building permit issuance.
17. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
18. Improvement plans sealed by a Professional Engineer licensed in the State of California shall be submitted to the Engineering Division in accordance with the submittal process.
19. The improvement plans for the project shall include the most recent version of the City's General Notes.
20. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.

21. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

Water

22. All water meter connections to the Madera South High School shall be documented.
23. All existing and new school site water service connection(s) shall be upgraded or constructed to current city standards including Automatic Meter Reading (AMR) water meter located within city right-of-way and backflow prevention device located within private property.
24. A separate water meter and backflow prevention device will be required for landscape area.

Sewer

25. The sewer service connection shall be constructed to current City standards including cleanouts.
26. Sewer main connections six (6") inches and larger diameter shall require manhole installation.

Storm Drain

27. The developer shall confirm the destination of storm water runoff from the construction site. In the event, additional storm runoff from this project enters a City storm basin, the developer shall excavate the basin to the degree necessary to accommodate the additional runoff.
28. The developer shall coordinate with MID to confirm flow does not impact their system.

Streets

29. Where a full 40-foot of half-street right-of-way west of the Stadium Road centerline does not exist, the Madera Unified School District shall dedicate the remaining right-of-way.
30. The Madera Unified School District shall dedicate sufficient right-of-way for one of the needed to construct dual left turn lanes with 125 feet of storage on the southbound approach to the intersection of Stadium and Pecan in addition to the 40-foot half street right-of-way.
31. The Madera Unified School District shall dedicate sufficient right-of-way for one of the needed to construct dual left turn lanes with 125 feet of storage on the eastbound approach to the intersection of Stadium and Pecan in addition to the 50-foot half street right-of-way.
32. The existing driveway on Stadium Road north of Pecan Avenue shall be reconstructed to fully restrict the ability to make left turn movements into and from the driveway or, a median island shall be constructed on Stadium that restricts such movements.
33. The developer shall reconstruct/upgrade existing handicap access ramp located at the northwest corner of Pecan Avenue and Stadium Road to current ADA standards.
34. All existing handicap access curb ramps along project parcel frontage on Stadium Road shall be upgraded to comply with current ADA standards or confirm that existing facilities meet current ADA standards.

35. The developer shall repair 40" x 60" block of uneven patched sidewalk along the west side of Stadium Road, approximately 75-feet north of Pecan Avenue, per City standards.

Fire Department

36. Portable fire extinguishers are required in accordance with the CFC.
37. A load/unload zone is required for certain OSHPD 3 clinics. The exact nature of the services must be determined to verify this requirement.
38. Placement of the structure may not reduce the existing structure's required setbacks. This must be clearly documented on the plans.
39. Installation/utilization of special medical gas piping will require the appropriate permits.
40. Guard railing will be required at the roof access hatch unless it is located further from the roof edge or the parapet is constructed to comply with the guardrail requirements.
41. HVAC smoke detector activated shut-off devices must be interconnected with respect to shut-down of the units.

Planning Department

Site Data

- Building Area: 4,260 square feet
- Minimum Parking Requirements: 35 spaces
- Parking Provided: 968 spaces (includes 30 accessible spaces)
- Loading Spaces Required: 0

42. The health center shall be open to the general public only from as early as of 9:00 a.m. until as late as 6:00 p.m. on weekdays. Hours of operation on the weekends may begin as early as 7:00 a.m. until as late as 6:00 p.m. The school nurse may see patients during all hours of school operation.
43. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
44. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster(s) owned by the property owner.
45. All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles.
46. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City Standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to

be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

47. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

48. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:
 - The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment
49. Electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service room(s). Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be integrated into building architecture.
50. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six foot enclosure constructed so as to match the primary color and material of the structure.
51. Natural gas meter placement shall be screened from public view per Planning Department approval.
52. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
53. Roof access ladders shall be located within the interior of the building or out of public view.
54. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
55. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance.
56. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Building Colors, Materials and Lighting Considerations

57. The construction of buildings approved as part of site plan review shall be consistent with the approved color and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Commission. Any alteration shall require Planning Commission approval.

58. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
59. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
60. The developer shall contact the Planning Department when all site lighting is operational. At this time, additional light screening may be required.

Signage

61. Signage shall be in accordance with City Standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
62. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Landscaping

63. On-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
64. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.
65. A detailed landscaping and irrigation plan consistent with the state's Model Water Efficient Landscape Ordinance shall be submitted to the Planning Department for review and approval prior to issuance of building permits, and shall include:
 - Landscaped areas shall be developed between the frontages of building and the parking areas.
 - Landscape areas shall be developed between sidewalks and the structure.
 - Any tree removed shall be replaced with a new tree.
 - A detailed planting list for landscaping, with the number, size and specie of all plantings shall be included as part of the approved plan.

(OR)

Motion 2: Move to continue the public hearing on Conditional Use Permit 2013-25 and Site Plan Review 2013-30 to the October 8, 2013, for the following reasons or in order for the following information to be provided: (Please specify reasons.)

(OR)

Motion 3: Move to deny Conditional Use Permit 2013-25 and Site Plan Review 2013-30 based on the following findings: (Please specify reasons.)

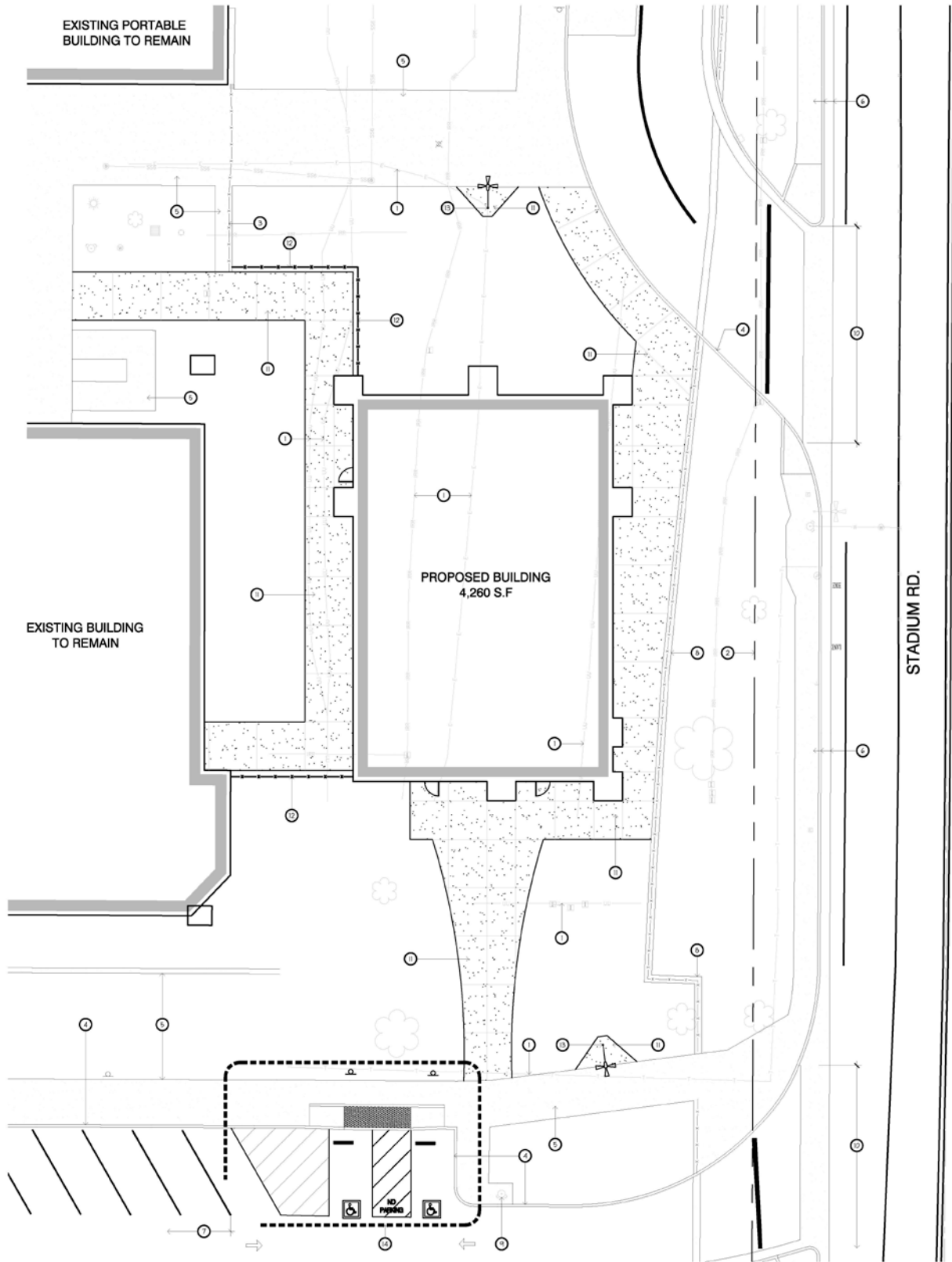
ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan
Elevations

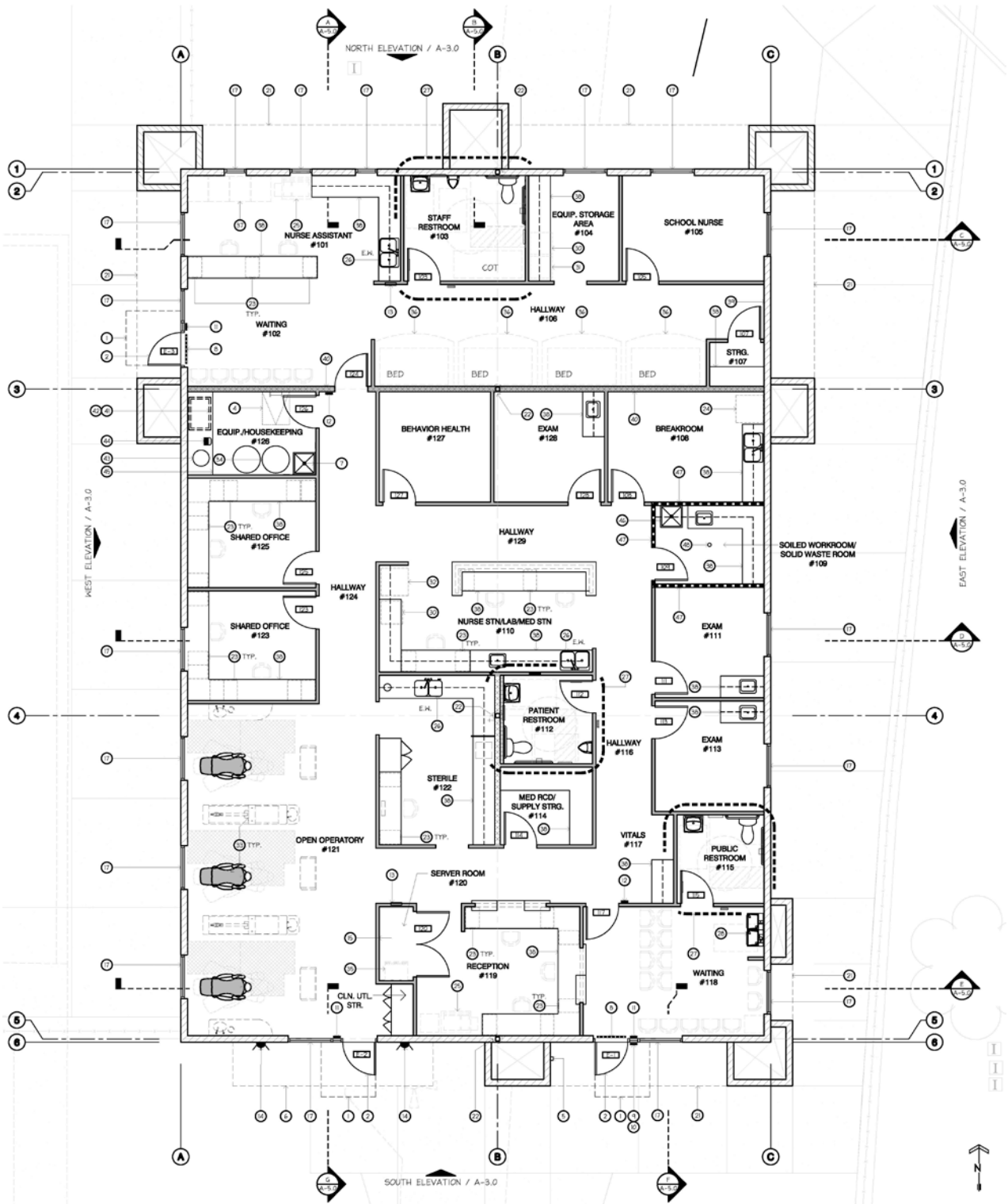
Aerial Image



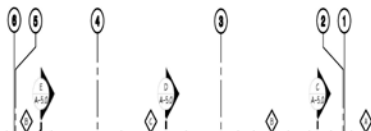
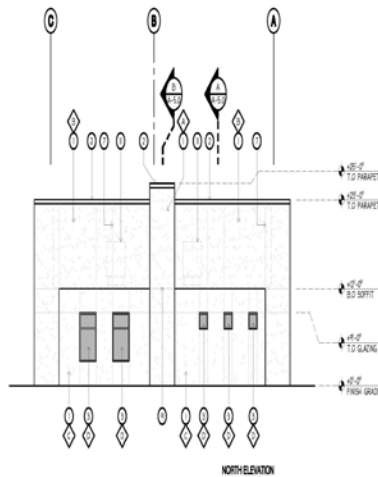
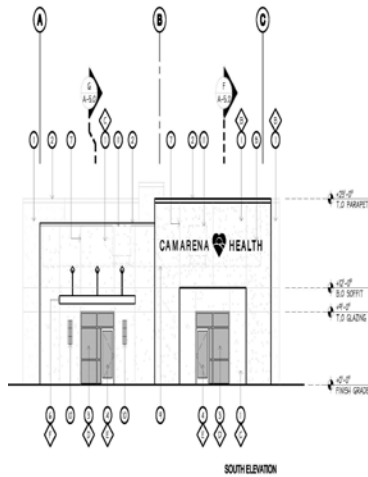
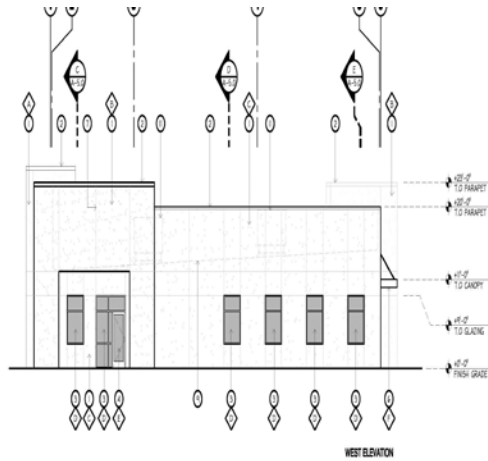
Site Plan



Floor Plan



Elevations



ADDITIONAL INFORMATION

- LOCATION OF GYI PARAPET CAP FLASHING - PAINT 2-COATS ENAMEL TO MATCH COLOR OF FINISH MATERIAL DIRECTLY BELOW - REFER TO COLOR/MATERIAL LEGEND FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
- LOCATION OF DUAL PANE GLAZING SYSTEM - REFER TO COLOR/MATERIAL LEGEND FOR ADDITIONAL INFORMATION - STOREFRONT DOOR AND WINDOW PARAPETS SHALL MEET ALL ENERGY CALCULATION REQUIREMENTS.
- LOCATION OF STOREFRONT (DOORS) - REFER TO COLOR SCHEDULE AND DETAILS FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
- LOCATION OF STREET ADDRESS NUMBERS LOCATED SO AS TO BE PLAINLY VISIBLE FROM THE STREET ON ROAD - LETTERS, NUMBERS, AND SPACES SHALL BE A MINIMUM OF 1/2" HIGH, HAVE A FINISH BE REFLECTIVE, AND BE CONTRASTING WITH THE BACKGROUND COLOR OF THE BUILDING - DURING THE HOURS OF DARKNESS, THE NUMBERS SHALL BE EXTERNALLY ILLUMINATED (INTERNAL OR EXTERNAL).
- LOCATION OF EXTERIOR METAL CANOPY - REFER TO COLOR/MATERIAL LEGEND FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
- LOCATION OF STOREFRONT PRODUCTS WITH WIDE V-SOURED - PROVIDE THE 1/2" WIDE BY 1/4" DEEP SKEED - PAINT 2-COATS ENAMEL TO MATCH COLOR OF SKEED FINISH.
- SHAWD LINES INDICATE POTENTIAL TENANT SIGNAGE - SIGNAGE SHALL BE SUBMITTED UNDER A SEPARATE APPLICATION/PERMIT - REFER TO ELECTRICAL PLANS FOR ADDITIONAL INFORMATION AND REQUIREMENTS - PROVIDE SEE ADDED FLASHING UNDER BUILDING WAPER THROUGH THE WALL FACE OF BEYOND THE PERPETER OF THE SIGN CONFIGURATION.
- SHAWD LINE INDICATES APPROXIMATE TOP OF ROOF SHEATHING LOCATION (BEYOND).
- LOCATION OF ROOF SURFACE MOUNTED LIGHT FIXTURES - REFER TO ELECTRICAL PLANS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
- SHAWD LINES INDICATE APPROXIMATE LOCATION OF HVAC UNITS ON ROOF DECK SCREENED BY PARAPET AS SHOWN.

Sheet 11 of 14
DESIGN, LLC
 PLANNING - DESIGN - CONSTRUCTION
 1000 TULLOCH ROAD, SUITE 400
 CLIVE, CALIFORNIA 94701
 925-948-1800 OFFICE
 925-948-2887 FAX

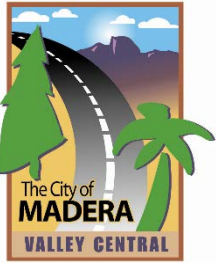
COLOR / MATERIAL LEGEND

MATERIAL	FINISH	COLOR
◇	STUCCO	PAINTED SCHOOL COLOR PURPLE
◇	STUCCO	PAINTED SCHOOL COLOR GRAY
◇	STUCCO	PAINTED SCHOOL COLOR OFF-WHITE
◇	GLAZING SYSTEM	FACTORY FINISH GLASS FINISH SHALL BE DUAL GLAZED LOW E (4 PANE) GLAZING AND THERE SHALL BE CLEAR TILL ANODIZED.
◇	STOREFRONT DOOR	FACTORY FINISH GLASS FINISH SHALL BE LOW E (4 PANE) GLAZING AND FRAME SHALL BE CLEAR TILL ANODIZED.
◇	METAL CANOPY	PAINTED SCHOOL COLOR PURPLE

NOTE TO GENERAL CONTRACTOR:
GENERAL CONTRACTOR SHALL PROVIDE BRUSH-OUT PAINT COLORS (MATCHING THE EXISTING ADJACENT SITE BUILDINGS) TO THE DESIGN FIRM FOR REVIEW AND APPROVAL PRIOR TO PAINTING THE PROPOSED BUILDING FINISHES.

PROJECT
 PROPOSED DEVELOPMENT FOR:
 CAMARENA HEALTH SCHOOL BASE CLINIC
 705 WEST PECAN AVENUE
 MADERA, CA. 93637

STATUS
 Current Release Date
 01-14
 Planning Submittal



<p>CITY OF MADERA PLANNING COMMISSION</p>	<p>205 W. Fourth Street Madera CA 93637 (559) 661-5430</p>
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**Staff Report: Herbalife Fitness
CUP 2016-08 & Environmental Determination
Item # 10 - May 10, 2016**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a fitness component to an existing Herbalife café/lounge.

APPLICANT:	Florencio Jasso	OWNER:	Daud A Abu Ziadih
ADDRESS:	711 N. D Street	APN:	004-011-007
APPLICATION:	CUP 2016-08	CEQA:	Categorical Exemption

LOCATION: The property is located along the eastern side of North D Street, approximately 215 feet north of the intersection at North D Street and Riverside Drive.

STREET ACCESS: The site has access to North D Street.

PARCEL SIZE: 0.14 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is a fully developed light commercial property. The property includes a 1,800 square foot office building with two tenant suites. Residential uses surround the property to the east and west, commercial uses are located along the North D Street commercial corridor to the north, and the Fresno River is south of the site.

ENVIRONMENTAL REVIEW: This project is categorically exempt under §15301 (Existing Facilities) of CEQA Guidelines.

SUMMARY: The fitness component of the Herbalife lounge/café is a new component within the evolving Herbalife business model. The fitness use would not coincide with the lounge/café use and would subsequently have no impact on the parking required to serve the use.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zones
MMC § 10-3.1202, Parking Regulations
MMC § 10-3.1301, et seq., Use Permit Procedures

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

Site Plan Review 2016-01 allowed for the memorialization of the Herbalife café/lounge use.

ANALYSIS

Background

In January of 2016, Site Plan Review 2016-01 was approved for the establishment of the Herbalife café/lounge use. Upon inspection of the site, after approval of the site plan review, Staff found a fitness use being utilized at the business. Staff contacted the applicant concerning submission of a required conditional use permit application necessary for the operation of the athletic fitness component of the business.

Operations

The Herbalife fitness use will operate within the tenant suite at all times. The fitness use does not coincide with the café/lounge use, but instead operates as an ancillary component of the Herbalife business. The applicant moves all of the lounge chairs and tables to the back of the suite during the duration of each fitness session. The fitness equipment includes small dumbbells between three (3) and five (5) pounds. The business opens between the hours of 7:00 a.m. and 11:00 p.m., seven days a week. There is one instructor with a maximum of ten (10) students in one session. There is one fitness session per day, alternating between morning and night sessions. Staff recommends the fitness use only be allowed to operate between the hours of 8:00 a.m. and 10:00 a.m., and 4:00 p.m. and 7:00 p.m.



Parking

The applicant informed Staff the number of students at one session has peaked at twenty (20) students, which draws parking concerns. Staff reached out to neighboring businesses to find if

the establishment of the Herbalife fitness use has created an influx of parking. The neighboring businesses stated there has been an influx of parking in the past few weeks. Further investigation found that a new Alcoholics Anonymous business moved into the tenant suite adjacent to Herbalife. Staff cannot discern whether parking has always been an issue, or if either business is the cause of a recent influx in parking. One office employee informed that they had noticed the fitness use occurring in the parking lot. Recommended conditions of approval do not provide for outdoor activities in association with the Herbalife use.

The property has a total of 25 on-site parking stalls, including two (2) handicap parking stalls. The parking ordinance requires that one stall be provided for each 200 square feet of gross floor area, or at a rate of one stall per three (3) students, and one (1) stall for every two employees, whichever is greater. The Herbalife suite encompasses approximately 780 square feet of gross floor area. The current Herbalife lounge/café use requires five (5) parking stalls. The fitness use requires five (5) parking stalls based on a maximum class size of ten (10) students and two (2) employees. There will be a requirement for a total of five (5) parking spaces to accommodate either use. With 25 available stalls, there is adequate parking on the site to serve the use.

Business Name	Parking Ratio	Square Footage	Parking Stall Regs.
Centro Latino	1 stall per 300 sq. ft.	Approx. 780	3 stalls required
Chavinda Taqueria	1 stall per 3 seats 1 stall per 2 employees	Approx. 1,020	6 stalls required
<i>Herbalife</i>	1 stall per 3 students, 1 stall per 2 employees	Approx. 780	5 stalls required
Sabores de Mi Tierra	1 stall per 3 seats 1 stall per 2 employees	Approx. 900	6 stalls required
Simply Prepaid	1 stall per 300 sq. ft.	Approx. 820	4 stalls required
Alcoholics Anonymous	1 stall per 3 seats	Approx. 780	1 stall required

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The proposed business will offer residents a place to exercise. Madera 2025 **Goal HS-2** states “A healthy and fit population with access to healthcare, healthful food, and places to be active and exercise.”

RECOMMENDATION

The information presented in this report supports conditional approval of the use permit and site plan review request.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the Use Permit to allow for the establishment of a fitness component to the existing use, determining to either:

- approve the applications with or without conditions
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission’s action.

Motion 1: Move to approve Conditional Use Permit 2016-08, based on and subject to the findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be no expansion of the existing structure.
- The establishment of a fitness facility is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, there is adequate parking and site features to allow for the proposed use.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.
2. The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
3. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. Conditional Use Permit 2016-08 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

6. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
7. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection and shall apply to proposed and future development.
10. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified. Any item not in conformance with current codes and ordinances must be corrected.

Engineering Department

General

11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
12. Improvement plans for the project shall include the most recent version of the City's General Notes.
13. Improvements within the City right-of-way requires an Encroachment permit from the Engineering Division
14. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.

Water

15. Existing water service connections shall be upgraded to current City standards including water meters located within city right-of-way and backflow prevention device located within private property by July 1, 2016.

Sewer

16. Existing sewer service connection shall be upgraded to meet current City standards, at minimum site shall have a sewer clean out installed per current City standards by July 1, 2016.

Fire Department

17. 2A10BC-rated portable fire extinguishers are required. A minimum of one is required, which must be mounted between three (3') and five (5') feet above the floor in a visible and accessible location.
18. Door hardware must open from the inside without the use of a key or any special knowledge or effort.

Planning Department

19. This use permit allows for the establishment of a fitness component to the existing Herbalife lounge/café located in an approximately 780 square foot tenant suite.
20. The maximum number of fitness participants allowed in the exercise area of the tenant suite is ten (10).
21. The fitness use shall be utilized within the tenant suite at all times. No outdoor activities are permitted as a component of the business.
22. The fitness use shall only be permitted to operate from between the hours of 8:00 a.m. and 10:00 a.m., and 4:00 p.m. and 7:00 p.m.
23. The business may be open from as early as 7:00 a.m. in the morning to as late as 11:00 p.m. at night, seven days a week.
24. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
25. Outdoor dining shall not be allowed. The provision of chairs and/or tables outdoors is prohibited.
26. Outdoor storage of goods and/or materials shall not be allowed.
27. The construction of a new trash enclosure will be required that will provide service to all tenants on this site and must be constructed on or before July 1, 2016. The trash enclosure will be located along the alley that abuts the property to the east.
28. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
29. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster/refuse containers owned by the property owner.
30. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
31. The hosting of special events and competitions is not allowed for by this use permit. At no time shall the occupancy of the space exceed the occupancy load as determined by the Fire Official.

32. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained.
33. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation.
34. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2016-08 to the June 14, 2016 Planning Commission meeting.

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2016-08, based on the following findings: (specify)

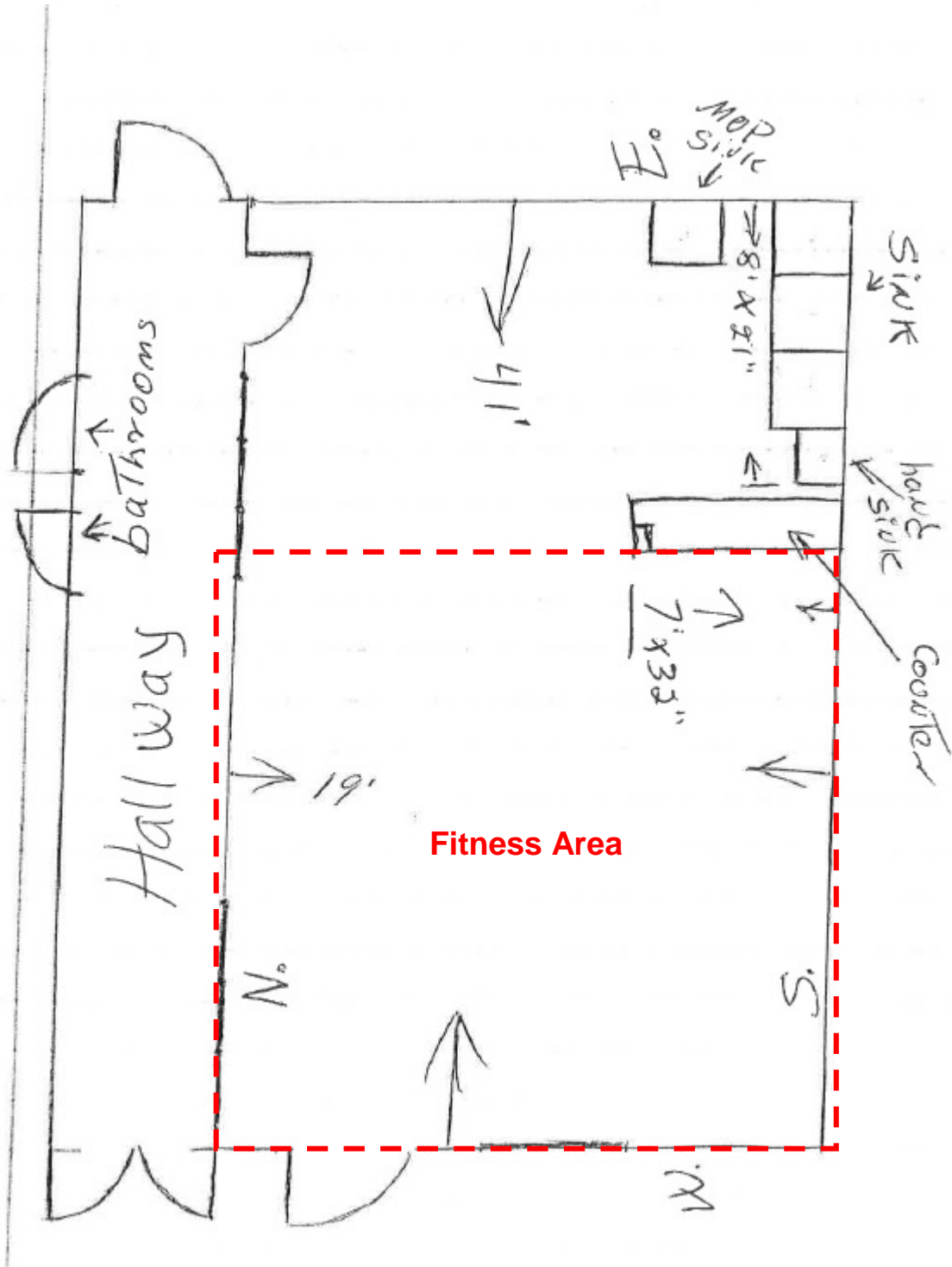
ATTACHMENTS

Aerial Photo
Site Plan as submitted
Site Photos

Aerial

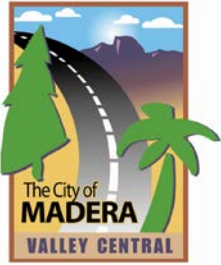


Site Plan



Photos





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Thrive Fitness – CUP 1963-23
Non-Public Hearing Item #NP1 – May 10, 2016**

PROPOSAL: A review of the performance of Conditional Use Permits 1963-23, 1989-30 and 1991-13 which cumulatively allow for the athletic fitness club located at 1803 Sunset Avenue, and determination as to the necessity of scheduling a hearing public hearing to determine whether revocation is appropriate.

APPLICANT:	Christopher Montoya	OWNER:	MCA 1803 LLC
ADDRESS:	1803 Sunset Avenue	APN:	006-182-007
APPLICATION:	CUP 1963-23	CEQA:	Categorical Exemption

LOCATION: The property is located on the northwest corner of Sunset Avenue and Orchard Avenue.

STREET ACCESS: The site has access to Sunset Avenue and Orchard Avenue.

PARCEL SIZE: 0.85-acre

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: R3 (Residential)

SITE CHARACTERISTICS: The site is a fully developed commercial site with approximately seventy (70%) percent of the property developed in structural improvements. An off-site parking lot provides parking to the site. Single family residential development surrounds the property. A church is immediately west of the athletic club site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

SUMMARY: The site is not in compliance with the conditions of approval for Conditional Use Permits 1963-23, 1989-30 and 1991-13. Although staff has received an application to amend the conditions of approval for the athletic fitness club, the application is incomplete and staff is unable to move forward with the project. Staff recommends that the conditional use permit be scheduled for a public hearing to determine whether revocation is appropriate.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses

MMC § 10-3.505 R; Conditional Uses; Commission Approval

MMC § 10-3.1301 Use Permits

MMC § 10-3.1311 Termination and Revocation

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

All use permits which have been granted may be revoked by the Planning Commission after a hearing as set forth below in the event the user of such permit, or his or its successor in interest to the real property in favor of which the permit was granted, breaches or fails to abide by any of the conditions designated in such permit.

PRIOR ACTION

Originally built in 1954 at the City's then sparsely populated western edge, the club is now land locked and surrounded by single family residential development in all directions.

In 1963, the zoning for the subject property was changed from the C1 (Light Commercial) Zone District to the R3 (Residential) Zone District. Conditional Use Permit 1963-23 was granted to allow for the athletic fitness club in a residential zone as well. A letter to Mr. Roy Lyon, owner of the facility until 1983, stated that the R3 zone "would allow you to continue your [athletic fitness] club operations and fully utilize your property for potential development." This letter was dated March 26, 1963 and signed by Marvin J. Porter, Planning Engineer.

In September of 1983, Mr. Lyon sold the club to Chris DaSilva who subsequently completed renovations to include a new weight room and racquetball courts. The Planning Director at that time, Mr. Pete Koehn, concurred with the letter written by Marvin J. Porter in 1963 and granted the permits without necessitating the public use process. One discretionary approval was processed for a setback variance (VAR 1983-08). A condition of approval of the variance required a parking agreement be recorded between the adjacent church and the athletic club property.

In April of 1986, Mr. DaSilva was advised by Mrs. James, the new Planning Director, that the Madera Municipal Code required a use permit for clubs in the R3 (Residential) zone and future expansion or modification of the Madera Athletic Club would require the approval of a use permit.

Subsequently, Conditional Use Permit 1989-30 memorialized the athletic club in the R3 (Residential) Zone District and allowed for the construction of a 6,606 square foot basketball court, unisex weight room, child care area expansion and storage room expansion. An off-site parking lot was also approved. As a component of that approval, Variance 1989-04 allowed for the development of the off-site parking lot.

Conditional Use Permit 1991-13 largely functioned as a review of the use with findings in favor of the continued operation of the athletic club and a reduction in the original number of parking stalls by five (5) spaces.

ANALYSIS

At the time of the last review in 1991, the Madera Athletic Club included a full-court basketball court, eight (8) handball and racquetball courts, swimming pool, weight room and a child care component. A parking facility and a five-stall parking variance were also in place. Findings were made at that time that the use was operating in harmony with the neighborhood.

Since that time, all handball and racquetball courts have been converted to various weight training and cardiovascular training workout stations. The basketball court has been divided into two rooms which largely function as zumba workout rooms. Other services such as dance lessons, massage therapy, and yoga have been added, and hours of operation have incrementally expanded to as early as 5:00 a.m. until as late and 11:00 p.m. Cumulatively, substantial alterations to the business model have occurred, resulting in a breakdown in the ability of existing parking to satisfy the demands of the site and increased negative impacts on the surrounding residential neighborhood.

Although the applicant has made an application for an amendment to the athletic club's use permits, the application remains incomplete and staff has no ability to either assess the use in its present form or make recommendations as to how the use might be restructured within new conditions of approval in such a way as to resolve ongoing problems with the athletic club operation prevalent on the site.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permits 1963-23, 1989-30 and 1991-13. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the sixteen total conditions of approval, seven need attention in order to be in compliance with the conditions of approval. Compliance with nine of sixteen conditions equates to a 56 percent compliance rate.

Review of the applicable conditions of approval make clear the inability of the use to operate consistent with the required conditions of approval. Significant reductions to the business hours of operation, number of activities offered, and maximum number of club members allowed would be necessary to align the business activities with the parking stalls available to serve the use. Removal of existing activities and reconstruction of original improvements such as handball courts would be required in order to bring the athletic club into compliance with the existing conditions of approval.

SUMMARY OF RECOMMENDATIONS

It is recommended that Conditional Use Permits 1963-23, 1989-30 and 1991-13 be scheduled for a public hearing at the June 14, 2016 Planning Commission meeting to determine whether revocation is appropriate.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permits 1963-23, 1989-30 and 1991-13, determining to either:

- schedule a public hearing to consider revocation of the use permit, or
- find that the review of the use permit is not warranted at this time

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Based on the following findings, move to schedule a public hearing to consider revocation of Conditional Use Permits 1963-23, 1989-30 and 1991-13 at the June 14, 2016 Planning Commission regularly scheduled meeting.

Findings

- Staff has observed non-compliance with the conditions of approval, warranting review of Conditional Use Permits 1963-23, 1989-30 and 1991-13, as approved by the Planning Commission.

(OR)

Motion 2: Move to find that the review of Conditional Use Permits 1963-23, 1989-30 and 1991-13 is not warranted at this time for the following reasons (Specify):

ATTACHMENTS

Aerial Photo
Conditional Use Permits 1963-23, 1989-30 and 1991-13 Compliance Matrix
Variance 1983-08 Compliance Matrix

Aerial Photo



Conditions of Approval Compliance Matrix

CUP 1963-23 1	That the Athletic Club operate in the same manner as it does today.	Not in compliance.
2	That the commercial uses be the same type that are in the use now.	Not in compliance.
3	That the owner and future owners of the property maintain the yards and buildings in a residential manner as is done now.	Not in compliance.
4	That all future buildings maintain residential set-backs.	Setbacks reductions were allowed with variances.
5	That all Municipal Code requirements be met.	Not in compliance. Use does not satisfy required parking and entitlements.
CUP 1989-30 6	A covenant, in a form satisfactory to the City Attorney shall be recorded on the three lots at the southwest corner of Orchard and Venturi Avenues whereby the parking spaces on these lots shall be maintained for use of the property at 1803 Sunset Ave.	No record found.
7	The development of the off-site parking lot shall commence at the earliest possible time and shall have been completed and approved prior to occupancy of the building expansion areas.	Procedural.
8	The off-site parking lot improvements shall include installation of parkstrip landscaping, relocation of a street light and the installation of a handicapped ramp.	Completed.
9	Grading and drainage plans, right-of-way improvement plans, landscaping and irrigation plans shall have been submitted for the project and approved prior to issuance of the building permit.	Completed.
10	The 20 foot wide alley adjacent to the site shall be paved to city standard along the entire length of the parcel and shall be completed prior to occupancy of the expansion areas.	Completed.
11	A new six foot masonry fence shall replace the existing fence along the north property line and may be increased to eight feet, forty feet behind the Orchard Avenue property line with the consent of the adjacent property owner.	Completed.
12	The club manager shall make every effort to make members aware of the availability of off-street parking and encourage its use. One means of accomplishing this is regular reminders in the club newsletter.	Efforts have not been successful.

Conditions of Approval Compliance Matrix, Continued

CUP 1991-13 1	The original conditions of approval for Use Permit 89-30 and Variance 89-04 will remain applicable.	Not in compliance.
2	The applicant shall continue his efforts to encourage his employees and members of the club to utilize the existing off-street parking spaces. A definitive program to accomplish this shall be submitted to the Director of Community Development within 30 days of this approval.	Efforts have not been successful. No program is on record.
3	This matter shall be referred to the City Traffic Safety Committee for review of the on-street parking situation created by members and employees of the club. The results of this review and any action taken will be reported to the Planning Commission in conjunction with Condition #4 below. Review should include Orchard and Sunset Avenues and the intersection of Williams and Sunset Avenue.	Procedural.
4	This use Permit will be reviewed by the Planning Commission in six (6) months to determine if the number of off-street parking spaces is adequate for the needs of the club and if the on-street parking situation has improved.	Completed November, 1991.
VAR 1983-08 1	That a written agreement for shared parking facilities with the church at Sunset and Orchard be recorded.	No agreement has been recorded.