

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
December 12, 2017
6:00 pm**

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Robert Gran, Jr. (Vice Chairperson)
Commissioner Jim DaSilva
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Israel Cortes
Commissioner Richard Broadhead

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

Minutes of November 14, 2017

CONSENT ITEMS

None.

PUBLIC HEARING ITEMS

1. CUP 2016-35, 36 & 37 and SPR 2016-57 – Arco Gas Station and Car Wash

A noticed public hearing to consider three conditional use permits which cumulatively allow for the construction of an 8,304 square foot mini-mart with two attached quick-serve restaurants and a 2,360 square foot self-serve drive-through car wash. In conjunction with the project, the applicant has proposed the off-site consumption of alcohol in conjunction with the mini-mart and the on-site consumption of beer and wine

in conjunction with a restaurant. The project is located at the northeast corner of Madera Avenue (SR 145) and Pecan Avenue/Avenue 13. A Mitigated Negative Declaration will also be considered by the Planning Commission.

2. CUP 2017-23 & SPR 2017-40 – The Tint Shop

A noticed public hearing to consider a conditional use permit to allow for the establishment of an automotive glass tint shop and site plan review to allow for the development of a new single-story 4,850 square foot commercial building, located approximately 200 feet north of the northeast corner of Cypress Street and Oak Street, in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-013-018). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332, (In-Fill Development Projects).

3. CUP 2017-25 and SPR 2017-41 – The Arc - Office in I Zone

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an office use with associated training activities on property located on the west side of Falcon Drive, approximately 600 feet south of the intersection at Yeager Drive and Falcon Drive in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 013-010-043). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

4. CUP 2017-26 and SPR 2017-42 – Hull Avenue Residence

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of a single-family residence on a thirty (30') foot wide existing nonconforming residential lot located approximately 100 feet southeast of the intersection at South Lake Street and Hull Avenue (341 Hull Avenue) in the R1 (Low-Density Residential) Zone District with an LD (Low-Density Residential) General Plan land use designation (APN: 011-233-015). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303, (New Construction or Conversion of Small Structures).

5. CUP 2017-27 & SPR 2017-44 – La Esperanza Market Outdoor Sales

A noticed public hearing to consider a conditional use permit and site plan review to allow for outdoor sales activities, specifically the outdoor preparation of food during weekends, in conjunction with the operation of a grocery store. The site is located at the northwest corner of the intersection at North Lake Street and East Cleveland Avenue in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 004-103-003). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15304, (Minor Alterations to Land).

6. CUP 2017-28 – Taco Express Outdoor Dining

A noticed public hearing to consider a conditional use permit to allow for outdoor dining in conjunction with a restaurant business located on the southeast corner of West Olive Avenue and Santa Cruz Street (530 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-042-021). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

7. CUP 2017-29 & SPR 2017-45 – Cold Stone Creamery Outdoor Dining

A noticed public hearing to consider a conditional use permit and site plan review to allow for outdoor dining in conjunction with an ice cream parlor business located within

the North Point Shopping Plaza located approximately 400 feet south of the intersection of North Schnoor Avenue and West Cleveland Avenue (1653 North Schnoor Avenue, Suite 101) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-390-027). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

8. CUP 2017-30 & SPR 2017-46 – MUSD at Rain Creek Bakery

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of Madera Unified School District Information Technology Department office and storage space located within the Rain Creek Bakery structure located at the northwest corner of West Almond Avenue and Commerce Drive (2401 West Almond Avenue) in the IP (Industrial Park) Zone District with an I (Industrial) General Plan land use designation (APN: 009-270-056). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities)

9. CUP 2017-31 & SPR 2017-47 – Family Mart/Valero Type 21 ABC

A noticed public hearing to consider a conditional use permit and site plan review to allow for the expansion of alcohol sales at the Family Mart/Valero gas station mini mart from beer and wine sales (Type 20) to beer, wine and distilled spirits for off-site consumption (Type 21). The project site is located at the southwest corner of West Olive Avenue and North Q Street (1211 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-101-001). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

10. CUP 2017-32 & SPR 2017-48 – La Cabanita Restaurant Type 47 ABC

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer, wine and distilled spirits (Type 47) for on-site consumption in conjunction with a restaurant located on the north side of East Yosemite Avenue, approximately 150 feet west of the intersection of East Yosemite Avenue and C Street (219 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-111-006). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines Section 15301, (Existing Facilities).

NON PUBLIC HEARING ITEMS

None.

ADMINISTRATIVE REPORTS

None.

COMMISSIONER REPORTS

ADJOURNMENT

The next regular meeting will be held on January 9, 2018.

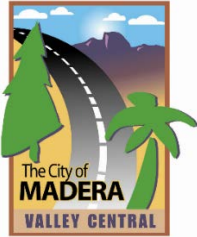
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Arco Gas Station & Car Wash
CUP 2016-35, 36 & 37, SPR 2016-57 & Environmental Determination
Item #1 – December 12, 2017**

PROPOSAL: An application for three conditional use permits which would cumulatively allow for the sale of beer and wine for on-site consumption in conjunction with a restaurant (Type 41), the sale of beer and wine for off-site consumption in conjunction with a mini mart (Type 20) and a drive-thru car wash. A site plan review accompanies the use permits that will guide development of the gas station, mini mart, two quick serve restaurants and drive-thru car wash.

APPLICANT:	Millennium Acquisition LLC	OWNER:	Millennium Acquisition LLC
ADDRESS:	NEC of Pecan and Madera Ave.	APN:	012-133-039
APPLICATION:	CUP 2016-35, 36 & 37 and SPR 2016-57	CEQA:	Categorical Exemption

LOCATION: The property is located on the northeast corner of the intersection at Pecan Avenue and Madera Avenue (State Route 145).

STREET ACCESS: The site proposes access to Pecan Avenue and Madera Avenue.

PARCEL SIZE: Approximately 2.16 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is adjacent to vacant commercial land to the north and two (2) gas stations to the west and south. Further north is a Dollar General and the Madera County Office of Education offices. Single family neighborhoods are located east and west of the project site.

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

SUMMARY: The project would provide for the construction of a mini mart with two (2) attached quick serve restaurants and a car wash that cumulatively encompass a total of approximately 10,700 square feet, and a gas station canopy encompassing approximately 5,611 square feet covering twenty (20) fuel pumps. The proposed buildings are linked through similar architectural features that provide compliance with the goals and policies of the Community Design element of the General Plan. The site has adequate parking to serve the uses with attractive landscaping throughout the parking lot and site overall. Conditions of approval guide development of the site.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 Heavy Commercial Zones
MMC § 10-3.405 Uses
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

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

Proposal

The applicant proposes to construct a new Arco gas station which will include five (5) fuel islands with a total of twenty (20) fuel pumps under an approximately 5,611 square foot canopy. Accompanying the gas station will be an approximately 4,666 square foot mini mart with two (2) attached quick serve restaurants encompassing a total of approximately 3,683 square feet. The applicant also proposes the construction of an approximately 2,360 square foot drive-thru car wash with six (6) vacuum centers.

Use Permits

In conjunction with the proposed development, the applicant anticipates the sale of beer and wine for off-site consumption in conjunction with the mini mart and the sale of beer and wine for on-site consumption in conjunction with a restaurant. The sale of alcohol for on- and off-site consumption and the establishment of a drive-thru car wash each require approval of a conditional use permit from the Planning Commission. Below is an analysis of the aforementioned uses:

- **Sale of Beer and Wine for On-site Consumption (Restaurant)**

The project site is located within Census Tract 5.02, which currently holds four (4) Alcohol Beverage Control (ABC) licenses for on-site consumption of alcoholic beverages. The current population of Census Tract 5.02 (10,473 residents) allows for a maximum of ten (10) ABC licenses for on-site consumption of alcoholic beverages. The sale of beer and wine would be ancillary to a restaurant use. Approval of Conditional Use Permit 2016-35 would not create an over-concentration of ABC licenses for the on-site consumption of alcoholic beverages within Census Tract 5.02. Approval of the use permit request would allow for the issuance of a Type 41 license by ABC.

- **Sale of Beer and Wine for Off-site Consumption (Mini Mart)**

On January 1, 1998, Section 23817.5 (Alcoholic Beverages – Limitation on Number of Licensed Premises) of the State of California Business and Professions Code was amended to permanently

establish a moratorium on the issuance of ABC licenses for the off-site consumption of beer and wine (Type 20 license) in cities and counties where the ratio of Type 20 licenses exceed one for each 2,500 inhabitants. The most recent moratorium list of cities and counties was updated on December 15, 2016, which includes all of Madera County.

Census Tract 5.02 currently holds seven (7) ABC licenses for off-site consumption of alcohol where the current population of Census Tract 5.02 (10,473 residents) allows for a maximum of nine (9) ABC licenses for off-site consumption of alcoholic beverages. The applicant proposes to purchase a Type 20 ABC license from another business within Madera County, which would result in a transferred license. The moratorium specifically prohibits all new Type 20 licenses or transfer of Type 20 licenses from cities and counties outside of Madera County. The moratorium does not apply to transfers of Type 20 licenses from within Madera County. Approval of CUP 2016-36 would not create an over-concentration of ABC licenses for the off-site consumption of alcoholic beverages within Census Tract 5.03 and would not exacerbate the ABC moratorium.

The City Council has directed to staff to observe every application for the sale of alcohol on a case by case basis. A mini mart typically sells beer and wine for off-site consumption, such is the case for the mini marts to the west and south of the project site. Conditions of approval will ensure the sale of beer and wine for off-site consumption in conjunction with the proposed mini mart will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the project site.

- Drive-Thru Car Wash

Approval of Conditional Use Permit 2016-37 would allow for a drive-thru car wash as a component of the new construction of the mini mart and quick serve restaurants. The City's Design and Development Guidelines recommend a no less than ten (10) vehicle queueing depth for a drive-thru stacking lane. The proposed design allows for a six (6) vehicle queueing depth. This design can be supported by staff due to the greater speed that is typical of a modern drive-thru car wash, allowing for vehicles to move through the car wash quicker than other drive thru uses. Of note, the queueing area is located to the rear of the project site, consistent with the Design and Development Guidelines.

General Plan Conformance

Any new construction on a property requires conformance with the goals and policies of the City's General Plan. The proposed project provides compliance with the General Plan:

- Architecture

The proposed building elevations for the mini-mart and quick serve restaurants provide a contemporary architectural style. The building is proposed with the following architectural features:

- Defined primary entrance tower
- Varied pop-outs on all four elevations
- Windows with aluminum framing on the front and side elevations
- Steel awnings directly above all windows
- Wall lights
- Horizontal trim and score lines
- Stone wainscot on pop-outs on all four elevations
- Stone on entirety of primary entrance tower
- Two-piece tile roofing at primary entrance tower

The color scheme proposed utilizes earth tones with Arco and AM/PM signage that will complement the color scheme on the buildings. Cumulatively, these proposed features provide compliance with Policy CD-53 of the Community Design element, which requires that unarticulated structures be broken up by creating horizontal emphasis. The car wash and gas

station canopy are linked visually with the mini mart building in that the building is proposed with similar architectural features (Policy CD-52).

- **Site Design**

The proposed location of the mini mart and quick serve restaurants is consistent with Policies CD-15 and CD-57, which require buildings to be located along the street frontage and reducing the visual impact of the parking lot. In order to create a more walkable community, the site includes walkways from both streets to the building entrances and bicycle parking (Policies CD-19 and CD-21).

- **Landscaping**

Landscaping is proposed to enhance and embellish the appearance of the project site. Landscape planters are proposed between the parking lot and the entrance of the mini-mart and quick serve restaurants. Landscape peninsulas are proposed throughout the perimeter of the parking lot (Policy CD-58). Cumulatively, the proposed landscaping on the site will create an attractive pedestrian environment and reduce the impact of heat islands (Policy CD-50).

Parking

The City's parking standards for a mini-mart require one space for each 250 square feet of gross floor area. A restaurant requires one space for each three seats of a fixed nature, plus one space for each 50 square feet of net floor area available for non-fixed seating. The mini-mart encompasses 4,666 square feet, requiring a minimum of nineteen (19) proposed parking stalls. The applicant does not currently have any prospective tenants for the proposed quick serve restaurants. Because no floor plan illustrating restaurant seating was provided to staff, staff recommends the remaining number of stalls proposed on the site plan equate to the City's parking requirements for a restaurant. The site plan provides for a total of forty-nine (49) parking stalls for the mini mart and quick serve restaurants. Because nineteen (19) parking stalls are required for the mini mart, a total of thirty (30) parking stalls remain. Per the City's parking standards for a restaurant, this would equate to a maximum allowance of ninety (90) seats for both restaurants combined.

Although the car wash is a drive-thru use, there are also proposed vacuum stations that require customers to park and use the vacuum stations. The City does not have a parking standard for vacuum stations, but there are a total of twelve (12) dedicated parking stalls for six (6) vacuum stations. This would equate to two (2) parking stalls for each vacuum station. Staff finds this to be sufficient parking for the proposed vacuum stations.

Site Improvements

On-site improvements for the project include the construction of buildings encompassing a total of approximately 10,700 square feet, a gas station canopy at approximately 5,611 square feet with twenty (20) fuel pumps, a parking field, installation of landscaping throughout the site and a trash enclosure.

Off-site improvements for the project are extensive and include the following:

- Construction of a new sewer service connection.
- Construction of a new parallel eighteen (18") inch sewer main.
- Construction of facilities to convey storm runoff to an existing basin and excavation of the basin.
- Installation of a new water meter and backflow prevention device.
- Extension of twelve (12") inch water main.
- Construction of fire hydrants.
- Construction of a handicap access ramp at the northwest corner of Pecan Avenue and Madera Avenue.
- Construction of two (2) driveway approaches.

- Construction of concrete sidewalk, curb and gutter.
- Installation of street lights.
- Relocation of the signal pole at northwest corner of Pecan Avenue and Madera Avenue.
- Improvements required to provide a 100 foot arterial street along the north half of Pecan Avenue and east half of Madera Avenue.
- Median islands on both Pecan Avenue and Madera Avenue.
- Irrevocable Offers of Dedication along both street frontages.

The proposed conditional use permits were 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 the sale of beer and wine for on- and off-site consumption, and establishment of a drive-thru car wash 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 ...;*

RECOMMENDATION

The information presented in this report supports conditional approval of the conditional use permits 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 Permits 2016-35, 36 and 37, and Site Plan Review 2016-57, subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permits and site plan review request, 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 Permits 2016-35, 36 and 37, and Site Plan Review 2016-57, based on and subject to the findings and conditions of approval:

Findings

- An initial study and mitigated negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) 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 judgement 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 CEQA.
- The sale of beer and wine for on-site consumption in conjunction with a restaurant 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.

- The sale of beer and wine for off-site consumption in conjunction with a mini mart 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.
- The establishment of a drive-thru car wash 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.
- 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 these use permits.
2. The applicant's failure to utilize any of the use permits within one year following the date of this approval shall render the conditional use permits null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permits 2016-35, 36 and 37 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permits 2016-35, 36 and 37, and Site Plan Review 2016-57 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 permits or modify the conditions of approval.
5. Site Plan Review 2016-57 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).
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 2016-57.

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.
8. Except as noted herein, all on- and off-site improvements shall be made prior to issuance of final occupancy of the structures. Approved entitlements (Conditional Use Permit 2016-35, 36 and/or 37) as part of this project shall not be utilized until final occupancy of the structures has been issued by the Building Department.

Building Department

9. A building permit is required for all improvements. The tenant space and outdoor dining area must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.
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

General

11. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
12. Impact fees shall be paid at time of building permit issuance.
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: plan review, traffic study review, encroachment permit processing, grant/easement deed acceptance and improvement inspection fees.
14. The improvement plans for the project shall be signed and sealed by an engineer and shall be submitted to the Engineering Division in accordance with the submittal process.
15. The improvement plans for the project shall include the most recent version of the City's General Notes.
16. 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.
17. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Division.
18. Improvements within the State of California right-of-way require an encroachment permit from Caltrans.

Sewer

19. New sewer service connection(s) shall be constructed to current City standards.
20. Sewer main connections six inches (6") and larger in diameter shall require manhole installation.

21. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage, prior to an Encroachment Permit.
22. The existing sewer system that serves this section of the City is approaching or at capacity due to a constricted section of the sewer system on Pecan Avenue. The developer shall construct the following master plan improvements to accommodate sewer loads for this development:
 - A parallel eighteen (18") inch sewer main on Pecan Avenue along the project parcel frontage. The sewer line shall be constructed between two manholes spaced at typical City of Madera maximum spacing guidelines and at the elevation necessary to allow for connection to future upstream and downstream portions of the system to be constructed at a later date.

This parallel line is 100% reimbursable from Development Impact Fees. Timing of the reimbursement is subject to availability of funds in the appropriate sewer impact fee account at the time reimbursement is requested. In lieu of constructing this improvement, the developer may submit a cash payment equivalent to the cost of construction that will be used by the City to accelerate construction of the full master plan improvement when additional funds become available. Reimbursement of this cash payment will also be subject to full reimbursement following construction of the full master plan sewer improvements between the project site, and Monterey Street and the project site.

Storm Drain

23. Storm runoff from this project site is planned to go to the Abshire Basin located northeast of this project. The developer shall construct sufficient facilities to convey storm runoff to the existing basin and excavate the basin to an amount equivalent to this project's impact on the basin.
24. A detailed drainage study shall be provided that identifies available capacity and/or necessary storm drain improvements to convey site runoff to the Abshire Basin. The study shall support the design of proposed drainage conveyance facilities to be constructed by the developer.

Streets

25. The developer shall make a payment of \$294.00 for the traffic study review fee.
26. An Irrevocable Offer of Dedication shall be made to dedicate twenty (20') feet of right-of-way along the entire project parcel frontage on Pecan Avenue to provide a half-street width of fifty (50') feet, north of the center line.
27. An Irrevocable Offer of Dedication or dedication deemed by Caltrans shall be made for additional right-of-way along Madera Avenue (State Route 145) in accordance with that specified by Caltrans through the traffic study currently under review.
28. In addition to typical half-street dedications on Pecan Avenue, an Irrevocable Offer of Dedication shall be made to dedicate additional right-of-way as may be required for additional improvements as required from the traffic study that, at present, are anticipated to include a separate west-to-north right turn lane.
29. The developer shall dedicate a Public Utility Easement of ten (10') feet along the entire parcel frontage on Pecan Avenue and Madera Avenue.

30. Driveway approach(es), one each, along Pecan Avenue and Madera Avenue shall be constructed to street type entrance with a minimum face of curb radius of fifteen (15') feet and be constructed to current City and ADA standards. Driveway approaches shall be located as far as possible from the intersection of Pecan Avenue and Madera Avenue.
31. The developer 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 shall provide mutual right of access for all future developments located to the east and north of the project parcel. The developer shall pay associated fees to the Engineering Department.
32. Throat length for driveways shall be sufficient in length as to reasonably eliminate the possibility of vehicles queuing into the City right-of-way.
33. The north half of Pecan Avenue and the east half of Madera Avenue along the entire project frontage shall be improved to a one-hundred (100') foot arterial street per City of Madera standards. Adequate transitions with the existing improvements relative to grade and alignment shall be provided. In addition to basic City arterial and Caltrans highway improvements, off-site construction requirements including additional lanes are subject to complying with the mitigation measures provided within the traffic study.
34. Unless otherwise agreed by Caltrans as required by the traffic study and other physical limitations as may be identified, the developer shall be responsible for the construction of median islands on both the Pecan Avenue and Madera Avenue frontages. Subject to limitations that may be identified, construction of a temporary median on Pecan Avenue along the project frontage will be required.
35. The developer shall construct concrete sidewalk, curb and gutter in its ultimate location along the entire parcel frontage of Pecan Avenue and Madera Avenue per City standards. An unimpeded ADA path of travel shall be maintained at all times.
36. The developer shall relocate the signal pole on the northeast corner of Pecan Avenue and Madera Avenue as may be necessary to accommodate street widening.
37. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.
38. "No Parking" signs shall be installed along the Pecan Avenue and Madera Avenue project parcel frontage per City standards.
39. The developer shall install street lights along Pecan Avenue and Madera Avenue frontages in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
40. The developer shall annex into and execute the documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
41. The developer shall construct an ADA ramp at the northeast corner of Pecan Avenue and Madera Avenue per City and ADA standards.

Water

42. Water service connection(s) shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City right-of-way and backflow prevention device installed within private property.
43. A separate water meter and backflow prevention device shall be required for landscape area.
44. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage, prior to an Encroachment Permit.
45. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
46. The developer shall extend the existing twelve (12") inch water main in Pecan Avenue along the entire project frontage. Dependent upon water pressure requirements, as determined through a water system analysis, the developer may be required to extend from its current termination point at Madera Avenue to a connection point approximately 760 feet east of Madera Avenue. The water main shall be constructed to current City standards.
47. The developer shall construct a fire hydrant along Pecan Avenue per City standards. The exact location of the fire hydrant shall be approved by the City Engineer.
48. The difference in cost between the eight (8") inch and 12" water main is eligible for reimbursement through the impact fee program, regardless of location; adjacent to or beyond the project site limits. Reimbursement requires entering into a reimbursement agreement with the City of Madera. Timing of the reimbursement is dependent upon availability of funds in the water pipes impact fee account at the time reimbursement is requested.

Fire Department

49. All fire lanes shall be identified and posted to comply with current California Fire Code (CFC) standards.
50. Portable 2A10BC-rated fire extinguishers shall be required for the mini mart and quick serve restaurant areas. 4A40BC-rated fire extinguishers shall be required for the dispensing canopy.
51. Building permits are required for all new construction.
52. The kitchen hood and duct suppression systems may be required for the restaurant uses.
53. Dispensing areas shall be provided with all safety signage required in the CFC.
54. The vapor recovery system for the proposed fuel dispensing shall comply with the CFC.
55. A key box shall be required for the proposed structure.
56. On-site and/or off-site fire hydrants shall be required for protection of the project in accordance with the CFC Appendices B and C.

57. All buildings shall be independently addressed and the addresses shall be plainly visible from the road providing access to the property.

Planning Department

General

58. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
59. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
60. 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.
61. 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 these permits.

On-Site Consumption of Alcohol (Restaurant)

62. Conditional Use Permit 2016-35 allows for the on-site consumption of beer and wine in conjunction with a restaurant. This entitlement requires a Type 41 Alcohol Beverage Control (ABC) license to be obtained. Modification of the license type requires amendment of Conditional Use Permit 2016-35.
63. The applicant shall obtain/maintain a Type 41 license from ABC and shall comply with all applicable ABC requirements.
64. The sale of alcoholic beverages shall be restricted to on-site consumption only in conjunction with the restaurant. No sale of alcoholic beverages for off-site consumption shall occur as a component of the restaurant's operations.
65. No outdoor consumption of alcoholic beverages shall be allowed at any time as a component of the restaurant.
66. No outdoor dining shall occur on the site without first securing the approval of a conditional use permit from the Planning Commission to provide for such activity.

Off-Site Consumption of Alcohol (Mini Mart)

67. Conditional Use Permit 2016-36 allows for the off-site consumption of beer and wine in conjunction with a mini mart. This entitlement requires a Type 20 ABC license to be obtained as a transfer license only. The license shall only be transferred from another location within the boundaries of Madera County. Modification of the license type requires amendment of Conditional Use Permit 2016-36.
68. The sale of alcoholic beverages shall be restricted to off-site consumption only in conjunction with the mini mart. No sale of alcoholic beverages for on-site consumption shall be allowed in or occur as a component of the mini mart.
69. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.

70. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
71. The applicant shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
72. The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location, and stating that no loitering will be tolerated.
73. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco-related products shall be utilized in any way.
74. The applicant shall post "No Smoking" signage to the extent required by law.
75. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be sold.
76. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in a digital format of no less than thirty (30) days. Footage will be shared with law enforcement upon request.
77. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
78. The sale of beer shall occur in packs of six or greater. However, 24-ounce bottled imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
79. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
80. The sale of wine coolers shall occur in no less than packs of four (4).
81. The sale of wine shall not be sold in containers less than 750 ml.
82. No malt liquor or fortified wine products shall be sold.
83. No display of alcohol shall be made from an ice tub, barrel or similar container.
84. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.

Car Wash

85. Conditional Use Permit 2016-37 allows for the establishment of a drive-thru car wash use to include six (6) vacuum stations. The proposed use shall be limited to self-service drive-thru car washing, drying and vacuuming; there shall be no outdoor repairs, storage/display of goods or other services, or vehicles for sale.
86. The drive-thru car wash shall have a reclamation or recycling water system.
87. The vacuum stations shall be incorporate three or fewer complementary colors to the car wash building and/or signage.

Building Colors, Materials and Lighting Considerations

88. The construction of buildings approved as part of Site Plan Review 2016-57 shall be consistent with the approved colors 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.
89. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
90. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

91. Prior to the issuance of building permits, the applicant is 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.
92. All electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within an electrical/mechanical service room(s) and/or area(s). Transformers may be mounted on pads, per the approval and direction of the Planning Manager.
93. 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 (6') enclosure constructed so as to match the primary color and material of the structure.
94. Natural gas meter placement shall be screened from public view per Planning Department approval.
95. Roof access ladders shall be located within the interior of the building.
96. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to Site Plan Review 2016-57.
97. 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 matte black or with a color better suited to minimize their appearance.
98. 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.

Fences and Walls

99. The developer shall construct a new trash enclosure in conjunction with the construction of the mini-mart, quick serve restaurant and drive-thru car wash. The trash enclosure shall be constructed of a stucco exterior and painted to match the primary structure. The

location of the trash enclosure shall be consistent with the approved site plan.

Landscaping

100. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped 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's Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages, in undeveloped areas of the property and within the parking field.
 - On-site landscaping shall meet the minimum standards of five percent (5%) 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.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Landscaped areas shall be protected by raised six-inch (6") concrete curbing, except where a reduced standard is allowed by the Planning Manager.
 - 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.
101. 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.

Parking

102. 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 nineteen feet (19') deep, or seventeen (17') feet deep when abutting a landscape planter with a minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle is twenty-six (26') feet for primary drive aisles.
103. 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 amendment of Site Plan Review 2016-57.
104. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Signage

105. All on-building signage shall be of pan channel letter quality or better and 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 Madera Municipal Code Chapter 10-6.

Air Quality Measurement Requirements

106. The developer shall comply with Regulation VII (Fugitive PM10 Prohibitions) of the San Joaquin Valley Air Pollution Control District concerning dust suppression during

construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).

California Department of Transportation (Caltrans)

107. The applicant shall secure a Caltrans encroachment permit in advance of performing any work in the Madera Avenue (State Route 145) right-of-way. The applicant shall be responsible for all improvements, impact fees and/or mitigation fees identified by Caltrans at the time of issuance of an encroachment permit.

(OR)

Motion 2: Move to continue the application for Conditional Use Permits 2016-35, 36 and 37, and Site Plan Review 2016-57 to the January 9, 2018 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permits 2016-35, 36 and 37, and Site Plan Review 2016-57 based on and subject to the following findings (specify):

ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan
Colored Elevations (Mini Mart & Restaurants)
Colored Elevations (Car Wash)
Colored Elevations (Gas Station Canopy)
SJVAPCD Letter
CalTrans Letter

Aerial Photo



INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

Arco Gas Station, Mini-Mart and Car Wash Conditional Use Permit 2016-35, 36 and 37 Site Plan Review 2016-57

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: Conditional Use Permit 2016-35, 36 and 37
Site Plan Review 2016-57

Applicant: Millennium Acquisitions LLC

Owner: Millennium Acquisitions LLC

Location: The project site encompasses approximately 2.16 acres of land. The project site is located on the northeast corner of the intersection at Pecan Avenue (Avenue 13) and South Madera Avenue (California State Route 145).

Proposal: An application for three (3) conditional use permits to allow for the sale of alcohol for off-site consumption in conjunction with a mini mart, the sale of alcohol for on-site consumption in conjunction with a restaurant, and a car wash. An application for site plan review accompanies the conditional use permits which will guide the development of the proposed structures. The project proposes an approximately 4,666 square foot mini mart, two attached quick serve restaurants encompassing approximately 3,638 square feet, an approximately 2,360 square foot car wash and an approximately 5,611 square foot gas station canopy. The project also proposes site appurtenances including landscaping that shall be consistent with the State of California's Model Water Efficient Landscape Ordinance (MWELO), parking fields, electric car charging stations, concrete walkways, parking lot illumination and vacuum centers in conjunction with the car wash. The gas station proposes five (5) fuel islands with a total of twenty (20) fuel pumps.

Zone District: C2 (Heavy Commercial)

General Plan Land Use Designation: C (Commercial)

Surrounding Land Uses and Zoning:

- South – Gas Station and Mini Mart (Valero)
- North – Vacant commercial land
- West – Gas Station and Mini Mart (Shell) with multiple commercial retail tenants
- East – Vacant commercial land

Responsible and Interested Agencies:

- California Department of Transportation (CalTrans)
- San Joaquin Valley Air Pollution Control District (SJVAPCD)
- Madera Irrigation District (MID)

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 _____
Printed Name : Robert Holt, Assistant Planner

Date: November 16, 2017

Explanation of Environmental Checklist

I. AESTHETICS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 type="checkbox"/>	<input checked="" 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 will not have a substantial adverse effect on a scenic vista and will not have an overall adverse visual impact on the immediate area. The project will not substantially damage scenic resources and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light on the site. Existing City standards will ensure 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. **No Impacts.** The project would not substantially 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.
- 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 because lighting will be down shielded and directed per the approval of the City Engineer.

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 Impact 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 prepared 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 Urban and Built-up Land within the 2016 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 Urban and Built-Up Land on the 2016 Madera County Important Farmland Map. The project site has been identified for commercial uses within the City of Madera General Plan, and the land has not been utilized for any agricultural purposes for an extended length of time.
- b. **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 commercial uses.
- c. **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 Impact 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 Air Pollution Control District (SJVAPCD). 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 SJVAPCD 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 SJVAPCD has determined that project specific emissions are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 tons/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.

The type of proposed development is subject to Rule 9510 (Indirect Source Review) by the SJVAPCD. The project would not create substantial air emissions or deterioration of ambient air quality, and any future development would be subject to SJVAPCD 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 SJVAPCD, 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 Impact 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 has been recently been subjected to

commercial urbanization in the past, 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 Impact 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 unique 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 Impact 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.

- a.
 - i. **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.
 - ii. **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.
 - iii. **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.
 - iv. **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 Impact 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: The San Joaquin Valley Unified Air Pollution Control District staff has concluded that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both manmade and natural that have occurred in the past; that is occurring now; and may occur in the future. The Air District has advanced a methodology of reducing the (assumed) significance of impacts around performance measures applied to projects or alternatively, by comparing project-level impacts to an identified GHG emissions threshold.

In the absence of further regulatory or scientific information related to GHG emission and CEQA significance, it is currently too speculative to make a significant determination regarding this 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.

VIII. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 type="checkbox"/>	<input checked="" 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 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 site is not within a quarter mile of any existing or proposed school. The project will not result in any hazards to air traffic or be a substantial air safety hazard. The project will not interfere with any emergency response or evacuation plans. 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.
- 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 substance sites within the City of Madera (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e. **No Impacts.** The project site is not located within an airport land use plan or within two miles of a public airport or public use airport. The project would not result in a safety hazard for the people residing or working in the project area.
- 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 Impact 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 is within 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. All plant nutrient handling and/or transfer areas will include containment and capture features.
- 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 Impact 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 no 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. The proposed project is consistent with the requirements.
- 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 Impact 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 Impact 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 Impacts.** 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 Impacts.** 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 not located within an airport land use plan or 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 is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 Impacts.** The proposed project 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. Sufficient capacity exists in the City’s residential inventory to accommodate that growth.
- 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 Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
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:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The project will not result in substantial adverse physical impacts from new or altered public facilities. 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. This additional demand is consistent with the demand anticipated in the General Plan and evaluated its demand in the General Plan EIR.

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 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 commercial 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 Impact 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: Commercial 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 Impact 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 checked="" type="checkbox"/>	<input 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: Streets serving the project site are designed for high traffic volume. Madera Avenue (California State Route 145) is a State highway and Pecan Avenue is an arterial street. The applicant had a Traffic Impact Study completed for the proposed project. The traffic impact study describes improvements that would mitigate the anticipated traffic impacts of the proposed project to achieve acceptable levels of service from Caltrans and the City Engineer.

Mitigation Measure 16(a)-1:

The required off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study and the requirements of the City Engineer and Caltrans.

- 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 result in a change in traffic patterns, including either an increase in traffic levels or a change in location, but would not result 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.

UTILITIES AND SERVICE SYSTEMS.

Would the project:

	Potentially Significant Impact	Less than Significant Impact 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 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.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporation	Less than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Determination:

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Biological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population, Public Services, and Utilities and Service Systems. Transportation and Traffic require recommendations from the traffic impact study and requirements that satisfy the level of service from CalTrans and the City Engineer.

The traffic/transportation impact identified in this Initial Study is considered to be less than significant with recommendations from the traffic impact study and requirements that satisfy the level of service from Caltrans and the City Engineer due to increased traffic as a result of the construction of the project. Therefore, a Mitigated Negative Declaration is the appropriate level of documentation for this project.

**CITY OF MADERA
MITIGATION MONITORING PROGRAM**

Project Name and/or File Number: Conditional Use Permits 2016-35, 36 and 37
Site Plan Review 2016-57

Project Description: An application for three (3) conditional use permits to allow for the sale of alcohol for off-site consumption in conjunction with a mini mart, the sale of alcohol for on-site consumption in conjunction with a restaurant, and a car wash. An application for site plan review accompanies the conditional use permits which will guide the development of the proposed structures. The project proposes an approximately 4,666 square foot mini mart, two attached quick serve restaurants encompassing approximately 3,638 square feet, an approximately 2,360 square foot car wash and an approximately 5,611 square foot gas station canopy. The project also proposes site appurtenances including landscaping that shall be consistent with the State of California's Model Water Efficient Landscape Ordinance (MWELO), parking fields, electric car charging stations, concrete walkways, parking lot illumination and vacuum centers in conjunction with the car wash. The gas station proposes five (5) fuel islands with a total of twenty (20) fuel pumps.

Monitoring Phase:

Pre-construction ___; Construction X; Pre-occupancy X; Post-occupancy ___

Public Resources Code 21081.6 requires public agencies to adopt mitigation reporting and monitoring programs for all projects for which a mitigated negative declaration has been prepared. This law is intended to ensure the implementation of all mitigation measures incorporated into the project as set down in the California Environmental Quality Act (CEQA) process.

The Mitigation Monitoring Program for the proposed project will be in place through all phases of implementation for the project. The City of Madera will have the primary enforcement role for mitigation measures that are the responsibility of the City of Madera to implement. The "Environmental Monitor" (EM) is the Planning Manager, who will be responsible for operation of the program. The EM is responsible for managing and coordinating monitoring activities with City staff and for managing City reviews of the proposed project.

During site development, site visitations, construction management and permit inspections by City staff assure that mitigation measures and conditions are being met. Failure to meet any condition of development may lead to a suspension of construction activities and code enforcement action.

CUP 2016-35, 36, 37 and SPR 2016-57 Mitigation Measures

16. Transportation/Traffic

16(a)-1 The required off-site improvements relative to traffic impacts shall be consistent with the recommendations of the traffic impact study and the requirements of the City Engineer and Caltrans.

LEGAL DESCRIPTION

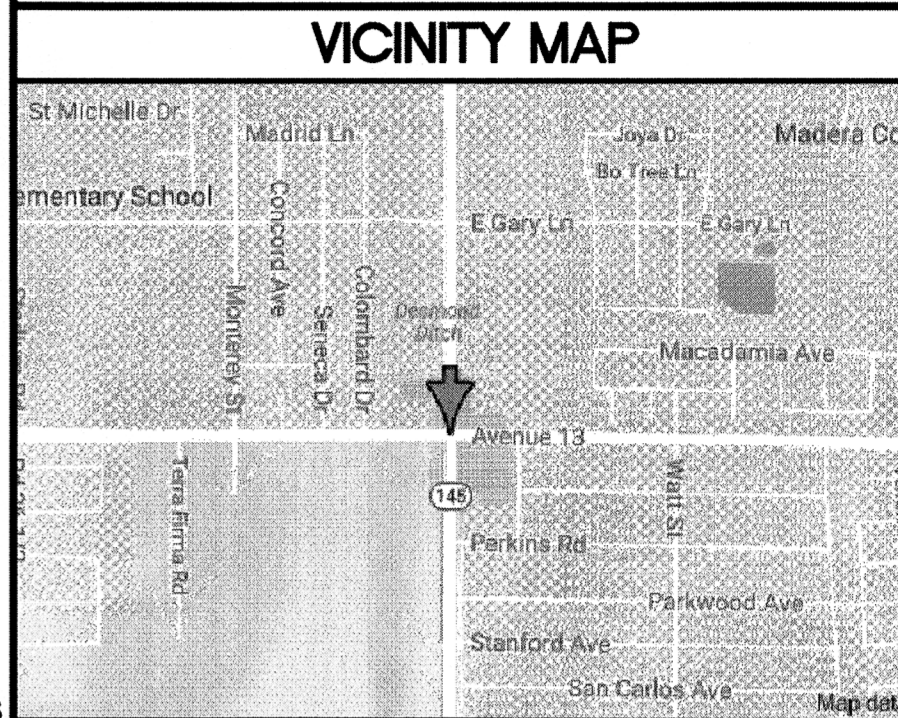
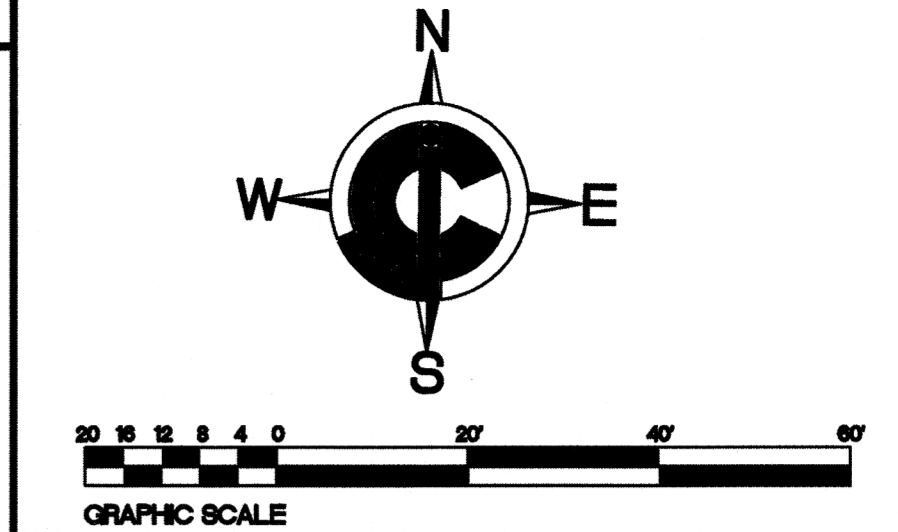
THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF MADERA, CITY OF MADERA, DESCRIBED AS FOLLOWS:

THAT PORTION OF PARCEL "B", AS DESCRIBED IN DEED RECORDED AUGUST 25, 1995 AS DOCUMENT NO. 9521083, MADERA COUNTY OFFICIAL RECORDS, AND SHOWN ON RECORD OF SURVEY RECORDED IN BOOK 44 OF MAPS, AT PAGE 42, MADERA COUNTY RECORDS AND LYING IN SW 1/4 OF SECTION 30, TOWNSHIP SOUTH, RANGE 18 EAST, M.D.B. & M DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 30; THENCE SOUTH 88°55'28"EAST, ALONG THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 90.00 FEET; THENCE NORTH 1°04'32"EAST, 22.00 FEET; THENCE NORTH 39°06'08"WEST, 10.47 FEET TO A POINT WHICH IS 30.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 30, AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 39°06'08"WEST, 53.13 FEET TO A POINT WHICH IS 50.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF SAID SECTION 30; THENCE NORTH 0°14'00"EAST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 255.44 FEET; THENCE SOUTH 88°55'28"EAST, AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 316.03 FEET; THENCE SOUTH 00°14'00"WEST AND PARALLEL WITH THE WEST LINE OF SAID SECTION 30 A DISTANCE OF 296.03 FEET TO A POINT WHICH IS 30.00 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID SECTION 30; THENCE NORTH 88°55'28"WEST AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 30 A DISTANCE OF 282.35 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF, CONVEYED TO THE CITY OF MADERA BY DEED RECORDED MARCH 18, 1996, AS DOCUMENT NO. 9806866, OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 30, THENCE SOUTH 88°55'18"EAST, A DISTANCE OF 90.00 FEET; THENCE NORTH 01°04'42"EAST, A DISTANCE OF 22.00 FEET; THENCE NORTH 39°06'34"WEST, A DISTANCE OF 10.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39°06'34"WEST, A DISTANCE OF 50.22 FEET THENCE SOUTH 89°46'00"EAST, A DISTANCE OF 18.16 FEET; THENCE SOUTH 00°14'00"WEST, A DISTANCE OF 7.14 FEET; THENCE SOUTH 43°29'57"EAST, A DISTANCE OF 16.13 FEET; THENCE SOUTH 88°55'28"EAST, A DISTANCE OF 113.57 FEET; THENCE SOUTH 01°04'42"WEST, A DISTANCE OF 20.00 FEET; THENCE NORTH 88°55'18"WEST, A DISTANCE OF 110.75 FEET TO THE POINT OF BEGINNING.

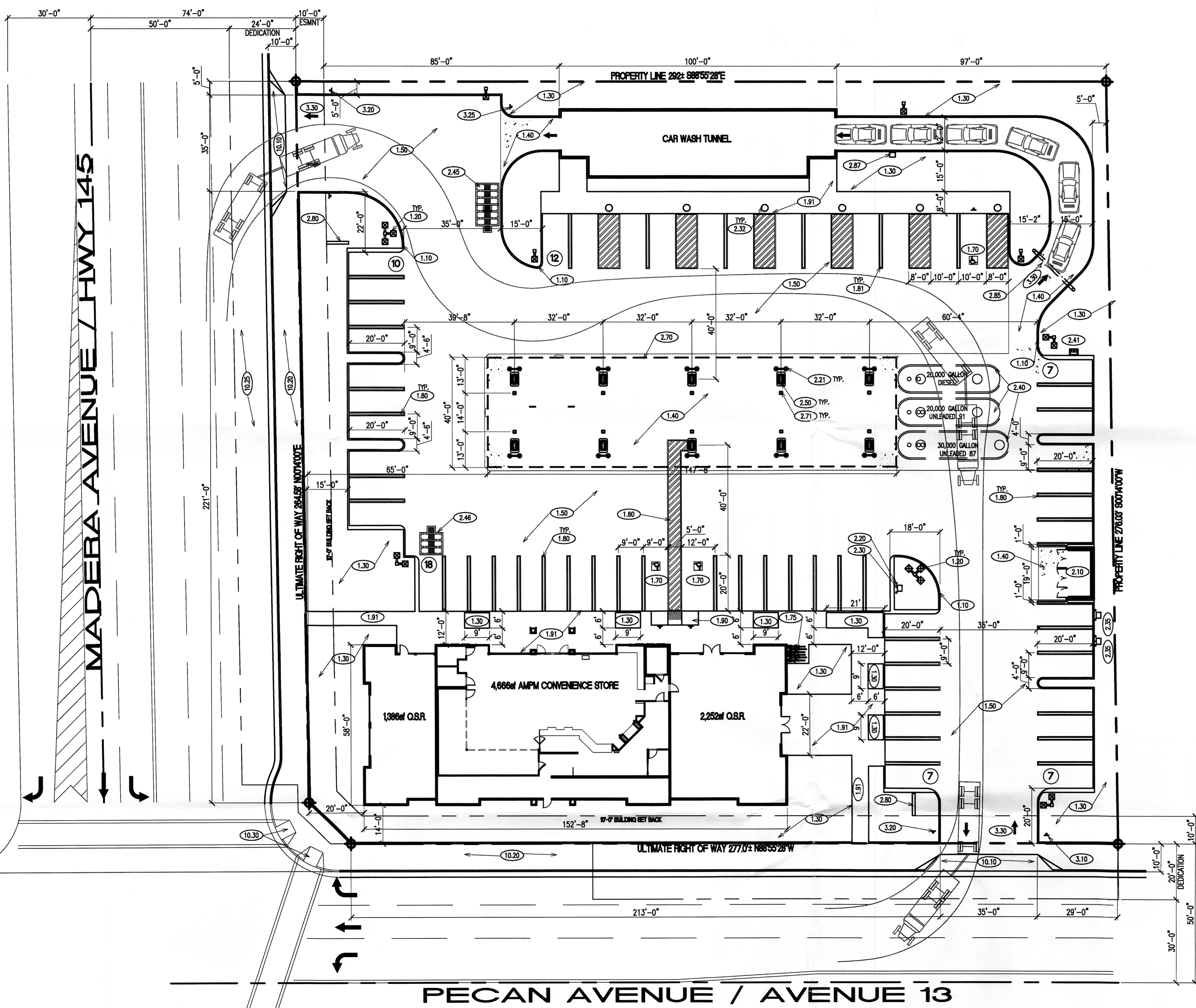


CONSTRUCTION NOTES

- 1.10 6" CONCRETE CURB
- 1.20 20" LED AREA LIGHT WITH PHOTO-CELL AND TIME CLOCK SWITCHING PER "CALGREEN" AND TITLE 24 REQUIREMENTS. HOOD AND ARRANGE SO AS NOT TO CAUSE A NUISANCE TO ADJACENT STREET TRAFFIC OR TO LIVING ENVIRONMENT. THE AMOUNT OF LIGHT THAT SHALL BE PROVIDED SHALL BE PER THE PUBLIC WORKS STANDARDS AND CALGREEN
- 1.30 LANDSCAPING WITH AUTOMATIC IRRIGATION
- 1.40 6" CONCRETE DRIVE SLAB WITH #3 BARS @ 18" O.C. OR AS SPECIFIED IN SOILS REPORT IF AVAILABLE.
- 1.50 6" OVER 4" A.B. ASPHALT PAVING OR AS SPECIFIED IN SOILS REPORT IF AVAILABLE.
- 1.60 HANDICAP PATH OF TRAVEL (MIN. 48" WIDE AND SLOPE NOT TO EXCEED 2% EACH WAY)
- 1.70 HANDICAP PARKING SPACE WITH ALL RELATED SIGNAGE (SLOPE NOT TO EXCEED 2% E.W.)
- 1.75 BICYCLE PARKING (MIN. 3) PER CAL GREEN CODE
- 1.80 9'X20' STANDARD PARKING SPACES
- 1.81 10'X20' PARKING SPACES
- 1.85 LOADING ZONE STRIPE
- 1.90 CONCRETE HANDICAP RAMP (SLOPE 8.33%)
- 1.91 CONCRETE SIDEWALK (MIN. 48" WIDE WITH 2% CROSS SLOPE WHERE HANDICAP PATH OF TRAVEL OCCURS)
- 2.10 TRASH ENCLOSURE PER CITY OF MADERA PUBLIC WORKS STANDARD
- 2.20 6" CONCRETE FILLED STEEL GUARD POSTS
- 2.21 U-SHAPE STEEL GUARD POSTS
- 2.30 AIR/WATER UNIT
- 2.32 CAR WASH VACUUM UNIT
- 2.35 ELECTRIC CHARGING STATION
- 2.40 UNDER GROUND STORAGE TANKS (2) 20,000 GALLON AND (1) 30,000 GALLON UNDER REINFORCED CONCRETE SLAB
- 2.41 TANK VENT RISERS CARBON CANISTER
- 2.45 3,000 GALLON UNDERGROUND CLARIFIER BY JENSEN PRECAST OR EQUAL
- 2.46 1,500 GALLON UNDERGROUND GREASE INTERCEPTOR BY JENSEN PRECAST OR EQUAL
- 2.50 CONCRETE ISLAND W/ (1) MULTI PRODUCT DISPENSER (6" MIN. & 8" MAX. HEIGHT)
- 2.70 FUELING CANOPY
- 2.71 FUELING CANOPY COLUMNS
- 2.80 ID SIGNAGE
- 2.85 CAR WASH ENTRANCE SIGNAGE AND HEIGHT BAR
- 2.87 CAR WASH PAYPOINT MACHINE
- 2.90 ELECTRICAL PANELS
- 3.10 ADA PARKING LOT ENTRY SIGN PER CHAPTER 11B OF CBC
- 3.20 INSTALL 30" STANDARD "STOP" SIGN AT LOCATIONS SHOWN.
- 3.25 INSTALL 30" STANDARD "DO NOT ENTER" SIGN AT LOCATIONS SHOWN.
- 3.30 PARKING LOT TRAFFIC DIRECTION ARROWS PAINTED ON PAVING WITH NON-REFLECTIVE WHITE PAINT.
- 10.10 CONCRETE DRIVEWAY PER CITY OF MADERA PUBLIC WORKS STANDARD
- 10.20 CONCRETE SIDEWALK PER CITY OF MADERA PUBLIC WORKS STANDARD
- 10.25 ASPHALTIC STREET PAVING AND STRIPING PER CITY OF MADERA PUBLIC WORKS STANDARD
- 10.30 EXISTING CORNER CURB RADIUS AND HANDICAP RAMPS TO REMAIN

SITE DATA INFORMATION

DEVELOPER'S INFORMATION: MILLENNIUM ADJUSTMENTS LLC 6725 N. GOLDEN STATE BLVD. FRESNO, CA 93722		ACCESSOR'S PARCEL NUMBER 012-133-039	
CONTACT: SHAWN SHIRAJIAN		ZONING: C-2	
	SQ. FT.	ACRE	RATIO
NET LOT AREA	80,487.0	1.85	-
AMPM BUILDING AREA			
OCCUPANCY: M	4,666.0	-	5.8%
CONSTRUCTION: V-B			
Q.S.R. #1 AREA			
OCCUPANCY: A	2,252.0	-	2.8%
CONSTRUCTION: V-B			
Q.S.R. #2 AREA			
OCCUPANCY: A	1,386.0	-	1.7%
CONSTRUCTION: V-B			
CANOPY AREA			
OCCUPANCY: M	5,611.0	-	7.0%
CONSTRUCTION: V-B			
CAR WASH			
OCCUPANCY: B	2,360.0	-	2.9%
CONSTRUCTION: V-B			
LANDSCAPING AREA	19,503.0	-	24.2%
RETAIL: 1/250			
QSR1: 1/3 SEAT			
56 SEAT/3 = 19	HANDICAP	17'X20'	2 3
QSR2: 1/3 SEAT			
24 SEAT/3 = 8	REGULAR	9'X20'	44 47
	TOTAL:		46 50



SITE PLAN

SCALE: 1"=20'-0"

DATE SIGNED: _____
SEAL

ISSUES / REVISIONS

1	07/30/17	REVISED PER CLIENT/CITY
2	11/22/17	REVISED PER PLANNING
3	11/28/17	REVISED PER PLANNING
4		
5		
6		

DATE DESCRIPTION
DRAWN BY: G. DE VERA
CHK'D BY: F. COHEN

PROJECT NAME AND ADDRESS:
3800 AM/PM + (2) Q.S.R.'s
N.E.C. MADERA AVENUE
PECAN AVENUE
MADERA, CA. 93637

CJC Design, Inc.
Design Planning Permitting

22485 La Palma Avenue, Suite 202, Yorba Linda, CA 92887
Tel: 714 920-8843
www.cjcdesign.com

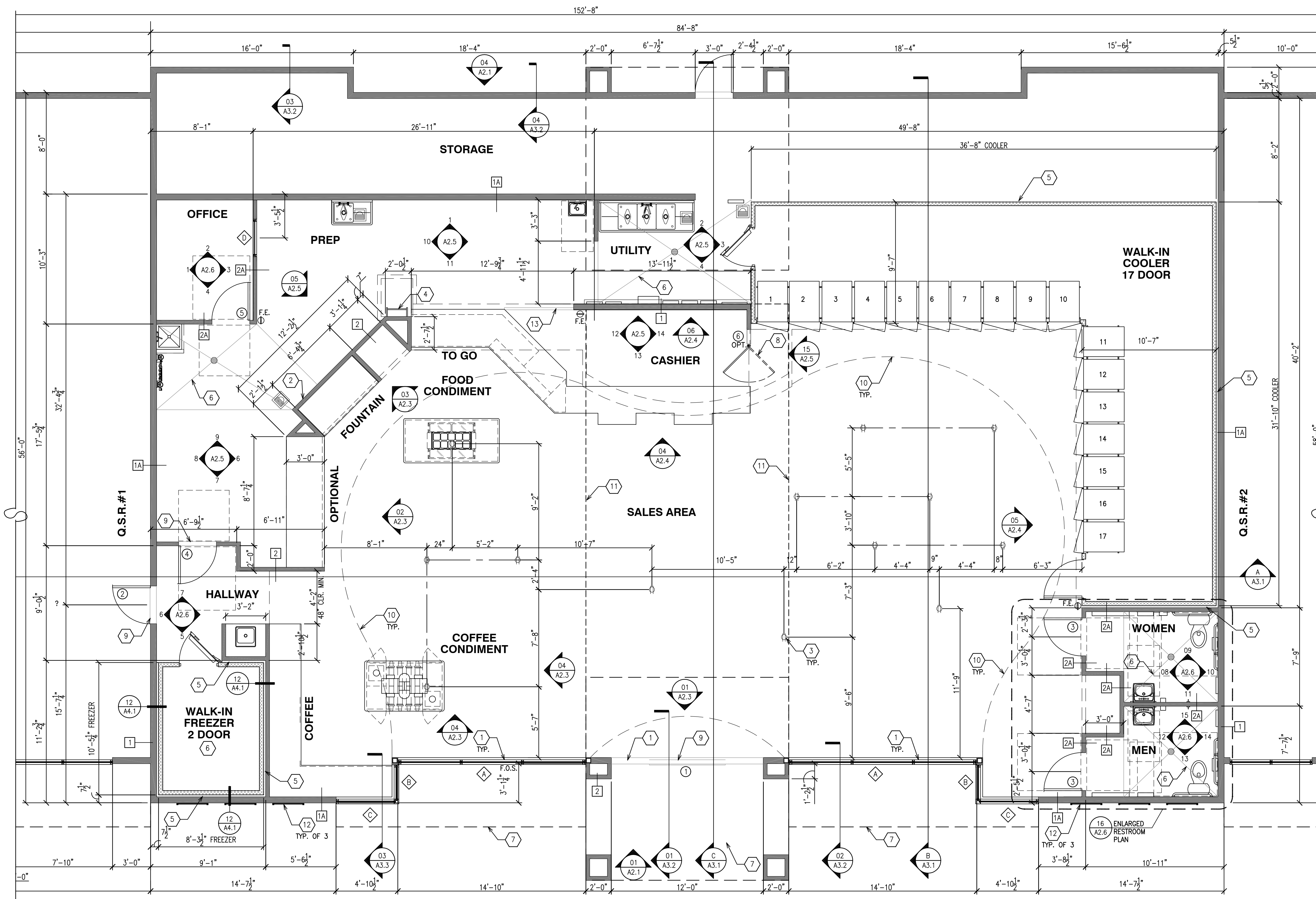


SHEET TITLE

SITE PLAN

PROJECT NO: 16075

C.11



01 CONSTRUCTION FLOOR PLAN
SCALE: 1/4"=1'-0"

ROOM FINISH SCHEDULE

INTERIOR FINISHES	SALES	CASHIER	HALLWAY	RESTROOMS	OFFICE	PREP/UTILITY	WALK-IN
FLOOR	GLAZED PORCELAIN TILE REFER TO FINISH CALLOUT ON A1.2.				COLORED CONCRETE SEALER REFER TO FINISH CALLOUT ON A1.2.		CLEAR CONCRETE SEALER REFER TO FINISH CALLOUT ON A1.2.
BASE	CERAMIC SANITARY COVE BASE REFER TO FINISH CALLOUT ON A1.2.				CERAMIC TOP SET THIN LIPCOVE BASE. REFER TO FINISH CALLOUT ON A1.2.		INTEGRAL METAL COVE BASE WITH 3/8" RADIUS. BY COOLER MFR. REFER TO SPECIFICATION ON Q1.2.
WALLS	PAINTED SMOOTH FINISH 5/8" GYPSUM BOARD. REFER TO CALLOUT ON SHEET A2.3 - A2.6.			WALL TILE OVER 5/8" WATER RESISTANT GYPSUM BOARD. REFER TO CALLOUT ON A2.6.	PAINTED SMOOTH FINISH 5/8" GYPSUM BOARD. REFER TO CALLOUT ON SHEET A2.6.	WALL TILE AND FRP OVER 5/8" WATER RESISTANT GYPSUM BOARD. REFER TO CALLOUT ON A2.5.	STUCCO-GALVALUM. BY COOLER MFR. REFER TO SPECIFICATION ON Q1.2.
FASCIA/SOFFIT	FASCIA PAINTED SMOOTH FINISH 1/2" GYPSUM BOARD. REFER TO CALLOUT ON A2.3 & A2.4. SOFFIT PAINTED SMOOTH FINISH 5/8" WATER RESISTANT GYPSUM BOARD. REFER TO CALLOUT ON A1.3.	NOT APPLICABLE					
CEILING	PAINTED PLYWOOD AND OPEN WEB TRUSSES. REFER TO CALLOUT ON A1.3.	PAINTED SMOOTH FINISH 5/8" GYPSUM BOARD. REFER TO CALLOUT ON A1.3.		PAINTED SMOOTH FINISH 5/8" WATER RESISTANT GYPSUM BOARD. REFER TO CALLOUT ON A1.3.	PAINTED SMOOTH FINISH 5/8" GYPSUM BOARD. REFER TO CALLOUT ON A1.3.	WASHABLE SUSPENDED WHITE CEILING TILE REFER TO CALLOUT ON A1.3.	STUCCO-GALVALUM. BY COOLER MFR. REFER TO CALLOUT ON Q1.2 AND A1.3.

GENERAL NOTES

- A. ALL DIMENSIONS ARE TO FACE OF STUD UNLESS NOTED OTHERWISE.
- B. ALL DENOTED DIMENSIONS ARE TO BE USED. PLANS SHALL NOT BE SCALED.
- C. EXTERIOR WALL ARE 2x6. INTERIOR WALLS 2x4 U.N.O., SEE STRUCTURAL PLANS FOR FRAMING REQUIREMENTS.
- D. SEE PLUMBING PLANS FOR DIMENSIONS TO PLUMBING FIXTURES
- E. REFER TO SHEET Q1.1 FOR EQUIPMENT PLAN.
- F. REFER TO SHEET Q2.1 FOR EQUIPMENT SCHEDULE.
- G. ALL EQUIPMENT SHALL MEET ACCESSIBILITY REACH RANGE REQUIREMENTS.
- H. PROVIDE PLASTIC CORNER GUARDS AT EDGES BELOW 6'-0".
- I. ALL COUNTERTOPS SHALL BE MAX. 34" A.F.F. WITH A 3'-FOOT WIDE TRANSACTION AREA AT CASHIER. CONTRACTOR SHALL COORDINATE WORK WITH CABINET INSTALLER FOR CABINET INSTALLATION. CONTRACTOR TO ROUTE UTILITIES THROUGH CABINETS. CONTACT CABINET INSTALLER FOR SITE SPECIFIC CABINET SHOP DRAWINGS.
- J. 4" HIGH BACKSPASH AT ALL COUNTERTOPS THAT TERMINATE AT WALL. BACKSPASH TO MATCH COUNTERTOP MATERIAL.
- K. THE CONTRACTOR SHALL ASSIST STORE PERSONNEL BY ASSEMBLING MERCHANDISE GONDOLAS AND SHELVING AS SHOWN ON Q1.1.
- L. ALL EQUIPMENT AND CABINETS SHALL BE FREE OF SHARP EDGES. CONTACT MANUFACTURER OR PREP EDGES FOR SAFETY.
- M. CONTRACTOR SHALL ROUTE ALL CONDENSATE DRAIN LINES TO FLOOR SINKS. THE CONTRACTOR SHALL ASSIST STORE PERSONNEL BY ASSEMBLING MERCHANDISE GONDOLAS AND SHELVING AS SHOWN ON Q1.1.
- N. CONTRACTOR SHALL INSTALL NEW PARTITIONS/WALLS WITH GYPSUM WALL BOARD AND FINISHES AS NOTED ON FINISH SCHEDULE AND INTERIOR ELEVATIONS ON SHEET A2.3 THRU A2.6. ALL PARTITIONS/WALLS SHALL BE BRACED FOR LATERAL FORCES, PER BUILDING CODE REQUIREMENTS.
- O. FLAME SPREAD CLASSIFICATIONS FOR INTERIOR WALLS SHALL COMPLY WITH LOCAL CODES.
- P. FIRE EXTINGUISHERS (2A:10B:C) SHALL BE INSTALLED AT SALES COUNTER, BACK ROOM, OFFICE, & FUEL CANOPY LOCATIONS IF NOT SHOWN ELSEWHERE ON THIS DRAWING. VERIFY WITH OWNER FOR DETAILS, CONFIRM FINAL DETAILS WITH LOCAL FIRE INSPECTOR.
- Q. CONTRACTOR SHALL ASSIST THE OWNER WITH STORE EQUIPMENT TO PREPARE A DELIVERY STAGING AREA. COORDINATE WITH OWNER FOR THE DELIVERY SCHEDULE AND SHIPPING DAMAGES, AS APPLICABLE.
- R. CONTRACTOR SHALL PROVIDE A CLEAN, SMOOTH SURFACE FOR GRAPHICS INSTALLATION.
- S. ALL DIMENSIONS SHALL BE FIELD VERIFIED BY CONTRACTOR FROM CABINET AND EQUIPMENT CLEARANCES PRIOR TO WALL ERECTION. DISCREPANCIES SHALL BE DIRECTED TO OWNER.
- T. WATER HEATERS SHALL BE CAPABLE OF DELIVERING MIN. 120" WATER TO ALL SINKS.
- U. ALL FLOOR/WALL TILE AND COVE BASE SHALL BE INSTALLED BY THE GENERAL CONTRACTOR ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS.
- V. ALL DOORS MUST HAVE NO MORE THAN 5 LBS OPENING FORCE AND MUST HAVE A SWEEP PERIOD OF 3 SECONDS TO CLOSE FROM 70" OPEN TO 3" FROM THE LATCH.
- W. CARBONATOR BACK-FLOW PREVENTOR DRAIN LINE OUTLET SHALL BE TO NEW FLOOR SINK PROVIDED FOR THIS AREA.

KEYED NOTES

- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET AS.1 & SPECIFICATION.
- 2 INSTALL 6" PVC CHASE FOR FOUNTAIN SYRUP LINES.
- 3 FLOOR RECEPTACLES, REFER TO ELECTRICAL PLANS.
- 4 ROOF LADDER PER DETAIL 7/A4.1
- 5 1" MINIMUM AIR GAP AT PREFABRICATED COOLER/FREEZER
- 6 DEPRESSED SLAB, REFER TO SLAB PLAN.
- 7 LINE OF CANOPY ABOVE
- 8 DOUBLE SWING METAL GATE PROVIDED BY SHOPCO
- 9 THRESHOLD, REFER TO DOOR SCHEDULE ON SHEET AS.1
- 10 LINE OF SOFFIT ABOVE
- 11 LINE OF CLERESTORY CEILING OPENING
- 12 WALL SIGNS
- 13 TRANSITION STRIP

WALL LEGEND

- WOOD FRAMED WALL
- PREFABRICATED COOLER/FREEZER WALL
- 1 2x6 STUDS @ 16"o.c.
- 1A 2x6 STUDS @ 16"o.c. W/ THERMAL INSULATION
- 2 2x4 STUDS @ 16"o.c.
- 2A 2x4 STUDS @ 16"o.c. W/ SOUND BATT INSULATION

OCCUPANCY LOAD

SALES - 2,171 S.F. (2171/30)	= 72
CASHIER - 130 S.F. (130/100)	= 2
OFFICE - 72 S.F. (72/100)	= 1
RESTROOMS - 136 S.F. (EXEMPT)	= 0
PREP/UTILITY - 553 S.F. (553/200)	= 3
COOLER/FREEZER - 622 S.F. (*EXEMPT)	= 0
TOTAL (NET): 3,684 S.F.	= 78 OCCUPANTS
TOTAL (GROSS): 3,799 S.F.	
*COOLER IS A NON OCCUPABLE SPACE PER SECTION 202 DEFINITION OF AN OCCUPABLE SPACE.	
EXITS REQUIRED: 2	
EXITS PROVIDED: 2	

DATE SIGNED: _____
SEAL

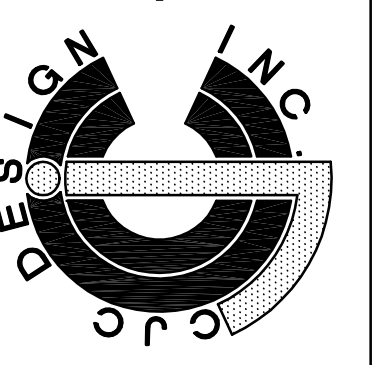
ISSUES / REVISIONS

NO.	DESCRIPTION
1	
2	
3	
4	
5	
6	

DATE DESCRIPTION
DRAWN BY: G. DE VERA
CHK'D BY: F. COHEN
3800 AM/PM + (2) Q.S.R.'S
N.E.C. MADERA AVENUE
PECAN AVENUE
MADERA, CA. 93637

PROJECT NAME AND ADDRESS

CJC Design, Inc. Permitting
Design Planning
22485 La Palma Avenue, Suite 202, Yorba Linda, CA 92887
Tel: (714) 920-9443
Fax: (714) 927-0260
www.cjcdesign.com

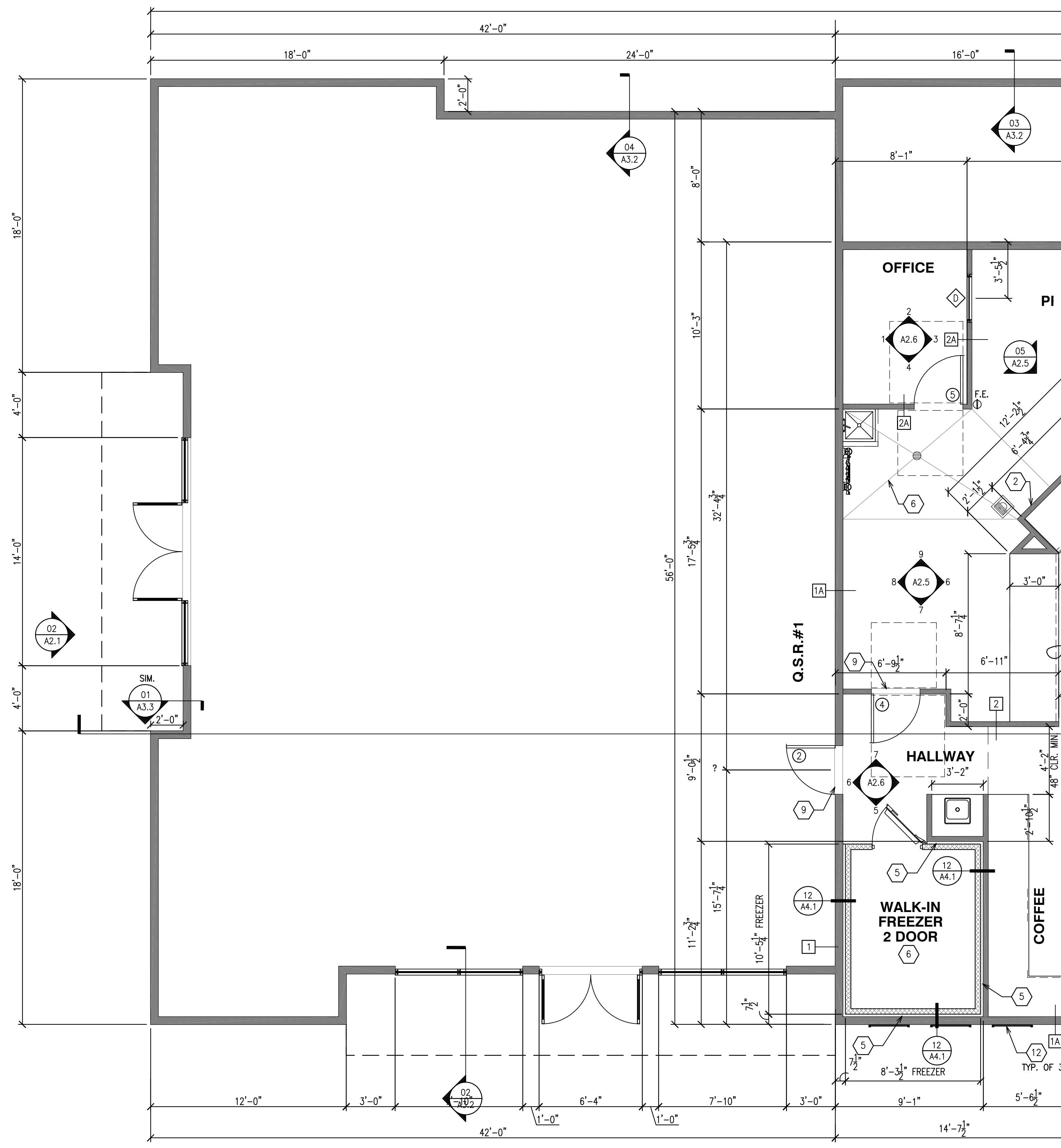


SHEET TITLE

AMPM FLOOR PLAN

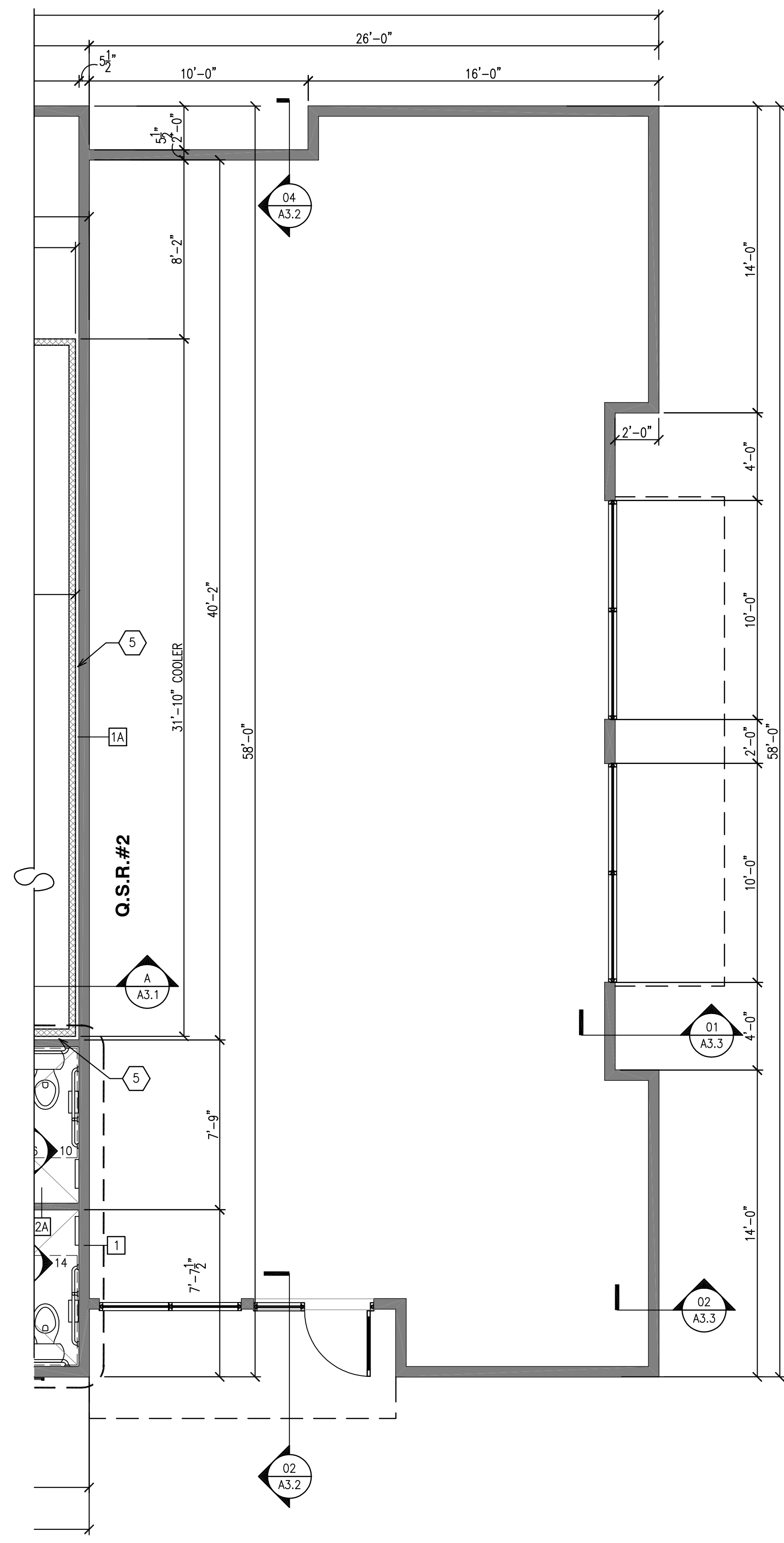
PROJECT NO: 16075

A1.1



01 CONSTRUCTION FLOOR PLAN
SCALE: 1/4"=1'-0"

01 CON
SCALE: 1/4"



GENERAL NOTES

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- D. SEE PLUMBING PLANS FOR DIMENSIONS TO PLUMBING FIXTURES
- E. REFER TO SHEET Q1.1 FOR FOR EQUIPMENT PLAN.
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- G. ALL EQUIPMENT SHALL MEET ACCESSIBILITY REACH RANGE REQUIREMENTS.
- H. PROVIDE PLASTIC CORNER GUARDS AT EDGES BELOW 6'-0".
- I. ALL COUNTERTOPS SHALL BE MAX. 3/4" A.F.F. WITH A 3'-FOOT WIDE TRANSACTION AREA AT CASHIER. CONTRACTOR SHALL COORDINATE WORK WITH CABINET INSTALLER FOR CABINET INSTALLATION. CONTRACTOR TO ROUTE UTILITIES THROUGH CABINETS. CONTACT CABINET INSTALLER FOR SITE SPECIFIC CABINET SHOP DRAWINGS.
- J. 4" HIGH BACKSPASH AT ALL COUNTERTOPS THAT TERMINATE AT WALL. BACKSPASH TO MATCH COUNTERTOP MATERIAL.
- K. THE CONTRACTOR SHALL ASSIST STORE PERSONNEL BY ASSEMBLING MERCHANDISE GONDOLAS AND SHELVING AS SHOWN ON Q1.1.
- L. ALL EQUIPMENT AND CABINETS SHALL BE FREE OF SHARP EDGES. CONTACT MANUFACTURER OR PREP EDGES FOR SAFETY.
- M. CONTRACTOR SHALL ROUTE ALL CONDENSATE DRAIN LINES TO FLOOR SINKS.
- N. CONTRACTOR SHALL INSTALL NEW PARTITIONS/WALLS WITH GYPSUM WALL BOARD AND FINISHES AS NOTED ON FINISH SCHEDULE AND INTERIOR ELEVATIONS ON SHEET A2.3 THRU A2.6. ALL PARTITIONS/WALLS SHALL BE BRACED FOR LATERAL FORCES, PER BUILDING CODE REQUIREMENTS.
- O. FLAME SPREAD CLASSIFICATIONS FOR INTERIOR WALLS SHALL COMPLY WITH LOCAL CODES.
- P. FIRE EXTINGUISHERS (2A:10B:C) SHALL BE INSTALLED AT SALES COUNTER, BACK ROOM, OFFICE, & FUEL CANOPY LOCATIONS IF NOT SHOWN ELSEWHERE ON THESE DRAWINGS. VERIFY WITH OWNER FOR DETAILS, CONFIRM FINAL DETAILS WITH LOCAL FIRE INSPECTOR.
- Q. CONTRACTOR SHALL ASSIST THE OWNER WITH STORE EQUIPMENT TO PREPARE A DELIVERY STAGING AREA. COORDINATE WITH OWNER FOR THE DELIVERY SCHEDULE AND SHIPPING DAMAGES, AS APPLICABLE.
- R. CONTRACTOR SHALL PROVIDE A CLEAN, SMOOTH SURFACE FOR GRAPHICS INSTALLATION.
- S. ALL DIMENSIONS SHALL BE FIELD VERIFIED BY CONTRACTOR FROM CABINET AND EQUIPMENT CLEARANCES PRIOR TO WALL ERECTION. DISCREPANCIES SHALL BE DIRECTED TO OWNER.
- T. WATER HEATERS SHALL BE CAPABLE OF DELIVERING MIN. 120° WATER TO ALL SINKS.
- U. ALL FLOOR/WALL TILE AND COVE BASE SHALL BE INSTALLED BY THE GENERAL CONTRACTOR ACCORDING TO THE MANUFACTURER'S INSTRUCTIONS.
- V. ALL DOORS MUST HAVE NO MORE THAN 5 LBS OPENING FORCE AND MUST HAVE A SWEEP PERIOD OF 3 SECONDS TO CLOSE FROM 70° OPEN TO 3° FROM THE LATCH.
- W. CARBONATOR BACK-FLOW PREVENTOR DRAIN LINE OUTLET SHALL BE TO NEW FLOOR SINK PROVIDED FOR THIS AREA.

KEYED NOTES

- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.1 & SPECIFICATION.
- 2 INSTALL 6" PVC CHASE FOR FOUNTAIN SYRUP LINES.
- 3 FLOOR RECEPTACLES, REFER TO ELECTRICAL PLANS.
- 4 ROOF LADDER PER DETAIL 7/A4.1
- 5 1" MINIMUM AIR GAP AT PREFABRICATED COOLER/FREEZER
- 6 DEPRESSED SLAB, REFER TO SLAB PLAN.
- 7 LINE OF CANOPY ABOVE
- 8 DOUBLE SWING METAL GATE PROVIDED BY SHOPCO
- 9 THRESHOLD, REFER TO DOOR SCHEDULE ON SHEET A5.1
- 10 LINE OF SOFFIT ABOVE
- 11 LINE OF CLERESTORY CEILING OPENING
- 12 WALL SIGNS
- 13 TRANSITION STRIP

WALL LEGEND

- WOOD FRAMED WALL
- PREFABRICATED COOLER/FREEZER WALL
- 1 2x6 STUDS @ 16"o.c.
- 1A 2x6 STUDS @ 16"o.c. W/ THERMAL INSULATION
- 2 2x4 STUDS @ 16"o.c.
- 2A 2x4 STUDS @ 16"o.c. W/ SOUND BATT INSULATION

DATE SIGNED: _____

SEAL

ISSUES / REVISIONS

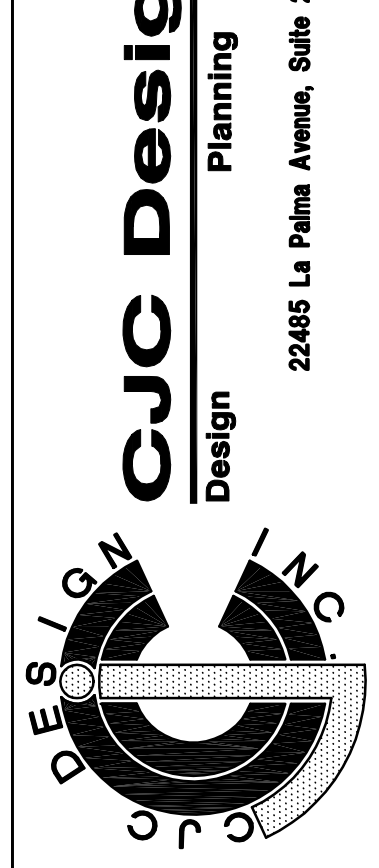
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DATE DESCRIPTION

DRAWN BY: G. DE VERA
CHK'D BY: F. COHEN
3800 AM/PM + (2) Q.S.R.'S
N.E.C. MADERA AVENUE
PECAN AVENUE
MADERA, CA. 93637

PROJECT NAME AND ADDRESS

CJC Design, Inc.
Permitting
Design
22485 La Palma Avenue, Suite 202, Yorba Linda, CA 92887
Tel: (714) 920-9443
Fax: (714) 917-0560
www.cjcdor.com



SHEET TITLE

Q.S.R. FLOOR PLANS

PROJECT NO: 16075

A1.1



01 FRONT ELEVATION
SCALE: 1/4"=1'-0"



05 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



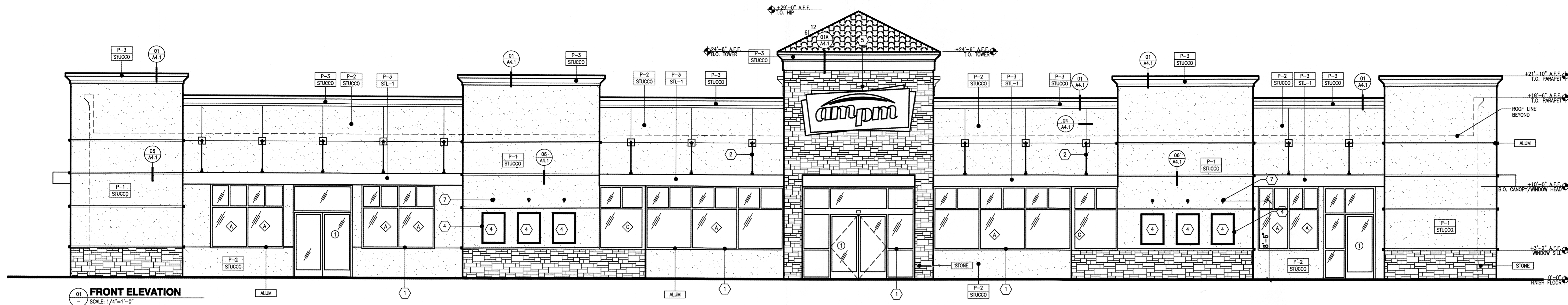
02 LEFT ELEVATION
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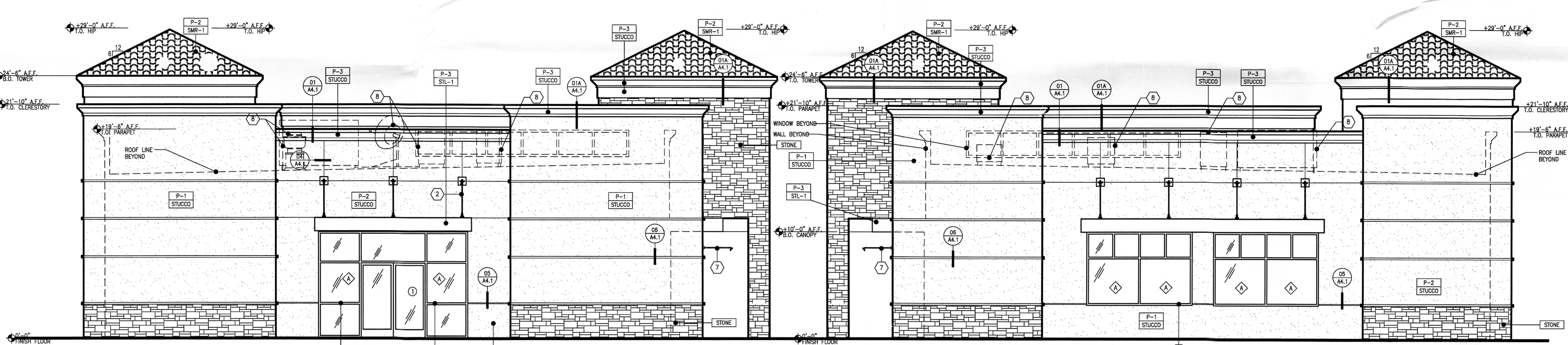
04 REAR ELEVATION
SCALE: 1/4"=1'-0"

ARCO - N.E. Corner of Madera Avenue @ Pecan Avenue, Madera, CA 93637



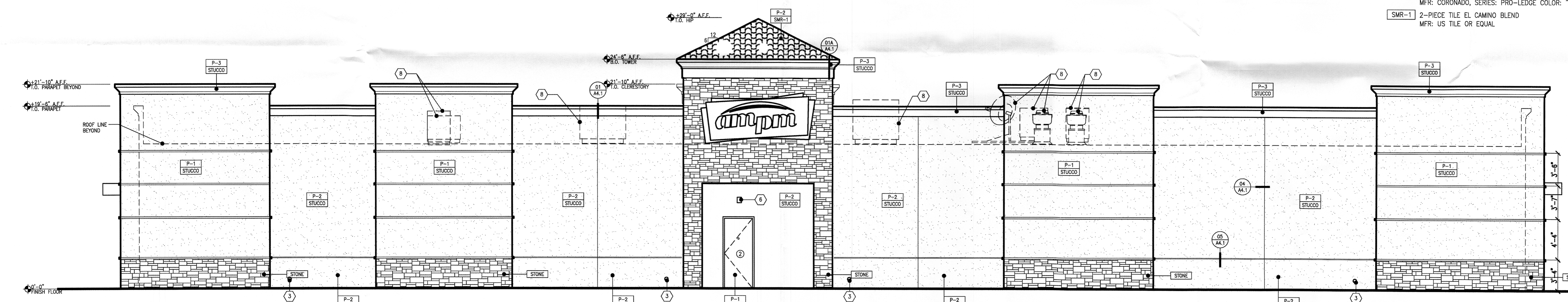


01 FRONT ELEVATION
SCALE: 1/4"=1'-0"



02 LEFT ELEVATION
SCALE: 1/4"=1'-0"

03 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



04 REAR ELEVATION
SCALE: 1/4"=1'-0"

- GENERAL NOTES**
- A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN A CLOSELY AS POSSIBLE TO ELEVATIONS.
- KEYED NOTES**
- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET A5.3 & SPECIFICATION.
 - 2 STEEL AWNING ROD AND CLEVIS
 - 3 OVERFLOW DRAIN
 - 4 WALL POSTER
 - 5 INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
 - 6 WALL MOUNTED LED FIXTURE
 - 7 WALL MOUNTED SIGN LIGHTING
 - 8 ROOFTOP EQUIPMENT BEYOND
- COLOR LEGEND**
- P-1 DUNN EDWARDS, DE6130, "WOODED ACRE"
 - P-2 DUNN EDWARDS DE6128, "SAND DUNE"
 - P-3 DUNN EDWARDS DEC756, "WEATHERED BROWN", HIGH GLOSS
- MATERIAL LEGEND**
- STUCCO 3/8" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
 - S-FLEX STUC-O-FLEX ELASTOMERIC ACRYLIC FINISH OVER CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
 - ALUM CLEAR ANODIZED ALUMINUM
 - STL-1 STEEL AWNING
 - STONE PANELIZED STONE VENEER (PROTOTYPE OPTION)
MFR: CORONADO, SERIES: PRO-LEDGE COLOR: "ALASKAN SUNSET"
 - SMR-1 2-PIECE TILE EL CAMINO BLEND
MFR: US TILE OR EQUAL

DATE SIGNED: _____

SEAL

ISSUES / REVISIONS	DATE	DESCRIPTION
1	11/22/17	REV. PER PLANNING
2		
3		
4		
5		
6		

DATE DESCRIPTION

DRAWN BY: G. DE VERA

CHK'D BY: F. COHEN

3800 AM/PM + (2) Q.S.R.'s
N.E.C. MADERA AVENUE
MADERA, CA. 93637

PROJECT NAME AND ADDRESS:

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www.cjcdp.com

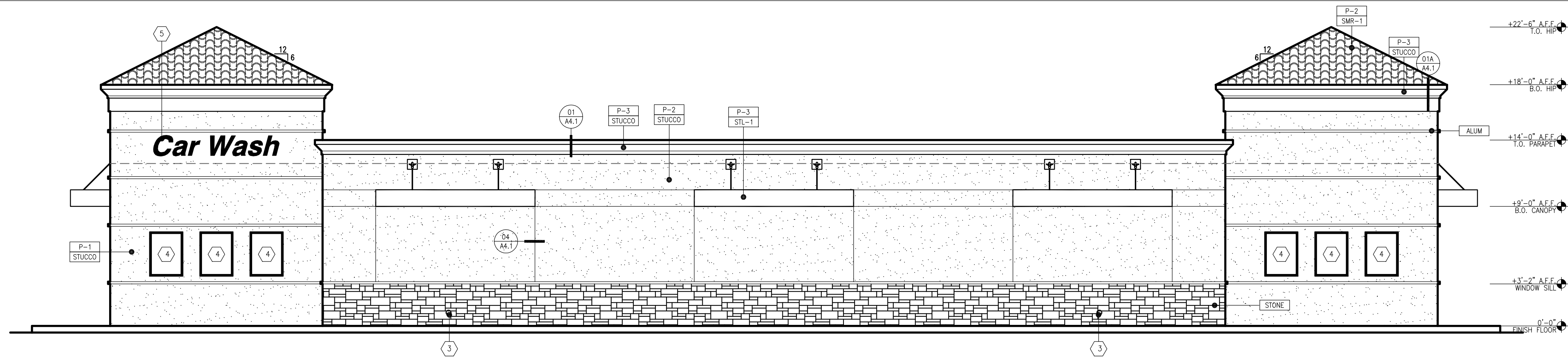


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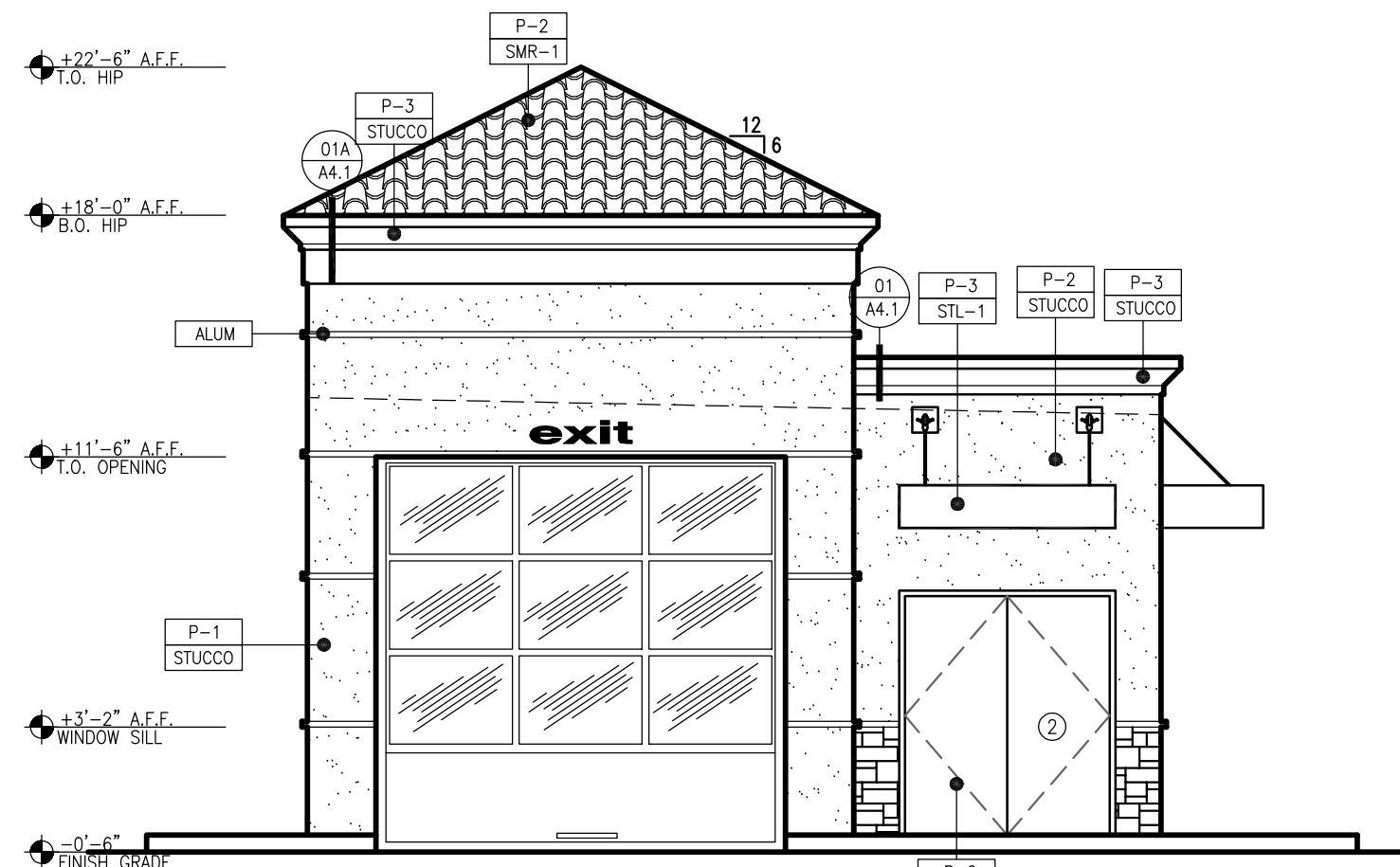
EXTERIOR ELEVATIONS

PROJECT NO: 16075

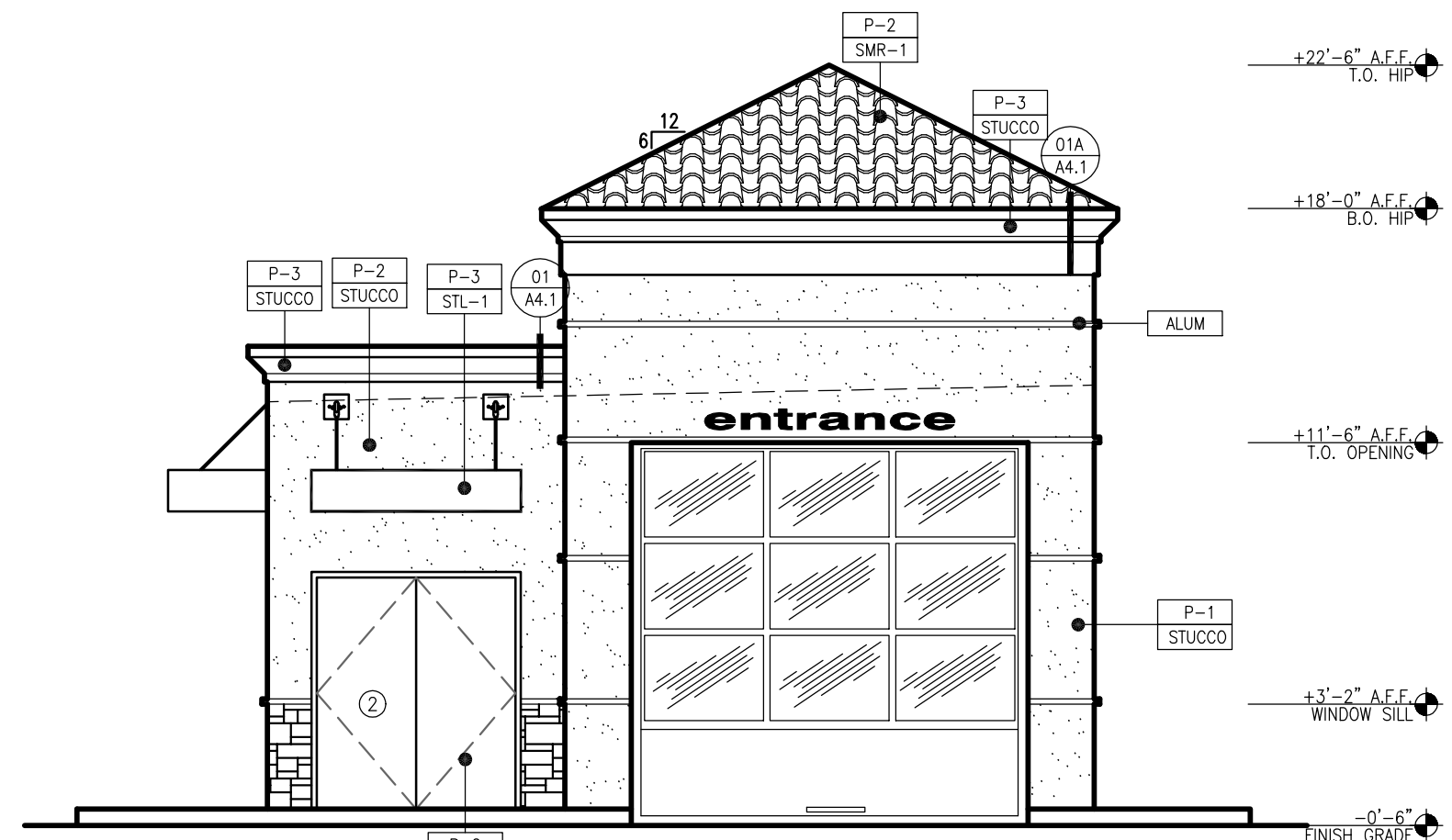
A2.1



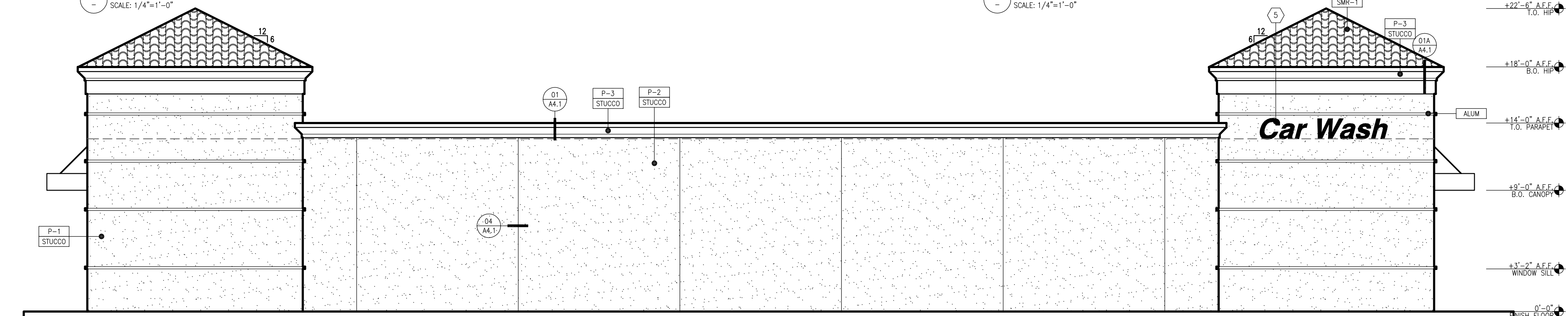
01 FRONT ELEVATION
SCALE: 1/4"=1'-0"



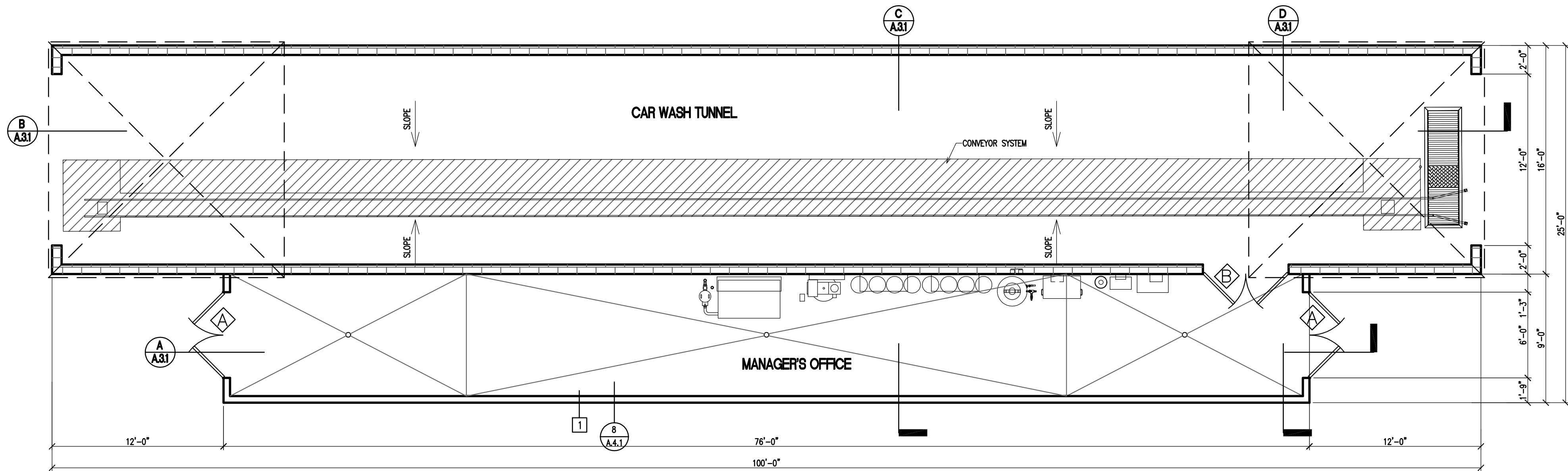
03 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



02 LEFT ELEVATION
SCALE: 1/4"=1'-0"



04 REAR ELEVATION
SCALE: 1/4"=1'-0"



00 FLOOR PLAN
SCALE: 3/16"=1'-0"

GENERAL NOTES

A. REVEAL LOCATIONS IN FINISH SYSTEM SHOWN ARE TO ALIGN A CLOSELY AS POSSIBLE TO ELEVATIONS.

KEYED NOTES

- 1 ALUMINUM ENTRANCE AND STOREFRONT SYSTEM, REFER TO SHEET AS.3 & SPECIFICATION.
- 2 STEEL AWNING ROD AND CLEVIS
- 3 OVERFLOW DRAIN
- 4 WALL POSTER
- 5 INTERNALLY ILLUMINATED SURFACE MOUNTED WALL SIGN
- 6 WALL MOUNTED LED FIXTURE
- 7 WALL MOUNTED SIGN LIGHTING
- 8 ROOFTOP EQUIPMENT BEYOND

COLOR LEGEND

- P-1 DUNN EDWARDS DE6130, "WOODED ACRE"
- P-2 DUNN EDWARDS DE6128, "SAND DUNE"
- P-3 DUNN EDWARDS DEC756, "WEATHERED BROWN", HIGH GLOSS

MATERIAL LEGEND

- STUCCO 3/8" CEMENT PLASTER, INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
- S-FLEX STUC-O-FLEX ELASTOMERIC ACRYLIC FINISH OVER CEMENT PLASTER; INSTALLED PER MFG. SPECIFICATIONS; TEXTURE: FINE SAND FINISH
- ALUM CLEAR ANODIZED ALUMINUM
- STL-1 STEEL AWNING
- STONE PANELIZED STONE VENEER (PROTOTYPE OPTION) MFR: CORONADO, SERIES: PRO-LEDGE COLOR: "ALASKAN SUNSET"
- SMR-1 2-PIECE TILE EL CAMINO BLEND MFR: US TILE OR EQUAL

DOOR SCHEDULE

A	DESCRIPTION	: 3'X 7' HOLLOW CORE METAL DOOR BY TRUDOOR OR EQUAL
	HINGES	: 1 1/2 PR. 4 1/2 x 4 1/2 BUTT HINGES
	HARDWARE	: SCHLAGE OLYMPIAD D50 PD-26D (LEVEL HANDLES)
	DOOR CLOSER	: INTERNATIONAL #54 ALUMINUM
B	DESCRIPTION	: 3'X 7' FIBERGLASS DOOR w/WEATHER STRIPPING BY TRUDOOR OR EQUAL
	HINGES	: 1 1/2 PR. 4 1/2 x 4 1/2 BUTT HINGES
	HARDWARE	: SCHLAGE OLYMPIAD D50 PD-26D (LEVEL HANDLES)
	DOOR CLOSER	: INTERNATIONAL #54 ALUMINUM
	THRESHOLD	: PEMKO-#200-5AV X 6' ALUMINUM
	FINISH	: PAINT TO MATCH WALL
	DESCRIPTION	: 3'X 7' FIBERGLASS DOOR w/WEATHER STRIPPING BY TRUDOOR OR EQUAL
	HINGES	: 1 1/2 PR. 4 1/2 x 4 1/2 BUTT HINGES
	HARDWARE	: SCHLAGE OLYMPIAD D50 PD-26D (LEVEL HANDLES)
	DOOR CLOSER	: INTERNATIONAL #54 ALUMINUM
	THRESHOLD	: PEMKO-#200-5AVx36" W/ VINYL SWEEP #307-AV
	FINISH	: FIBERGLASS GRAY PER MANUFACTURE
	MISC	: 1/4" TEMPERED GLASS (HALF TOP DOOR)

DATE SIGNED: _____
SEAL

ISSUES / REVISIONS

NO.	DESCRIPTION
1	
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DATE DESCRIPTION
DRAWN BY: G. DE VERA
CHK'D BY: F. COHEN
3800 AM/PM + (2) Q.S.R.'S
N.E.C. MADERA AVENUE
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MADERA, CA. 93637

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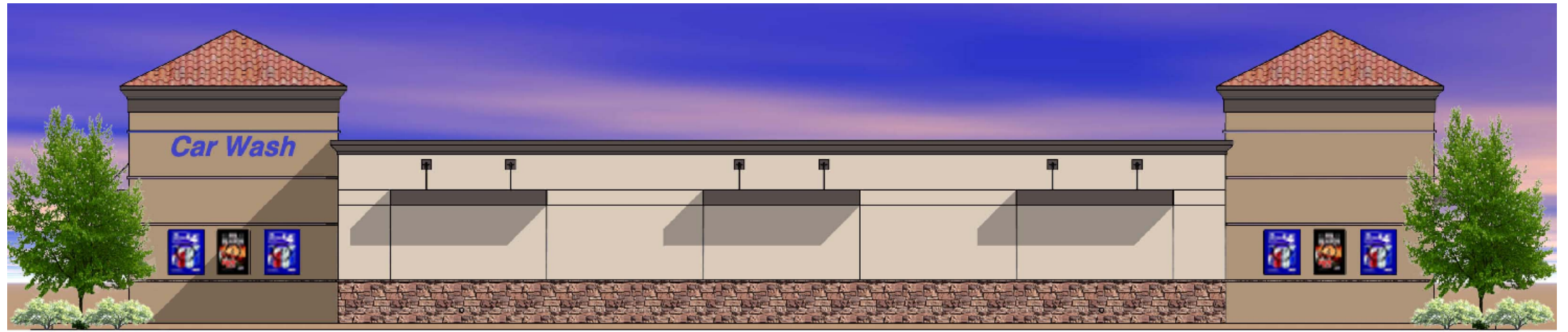


SHEET TITLE

CAR WASH FLOOR/ELEV.

PROJECT NO: 16075

CWA2.1



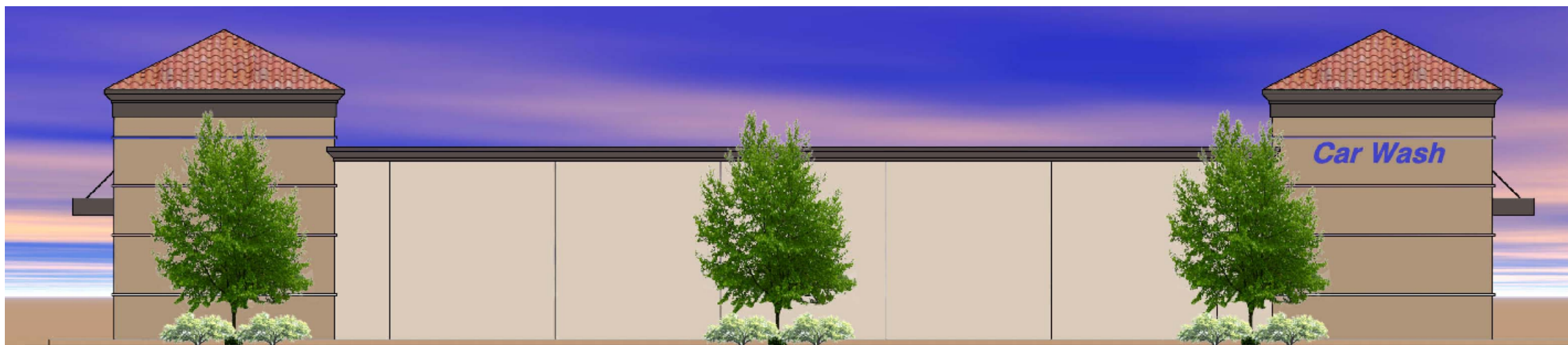
01 FRONT ELEVATION
SCALE: 1/4"=1'-0"



03 RIGHT ELEVATION
SCALE: 1/4"=1'-0"



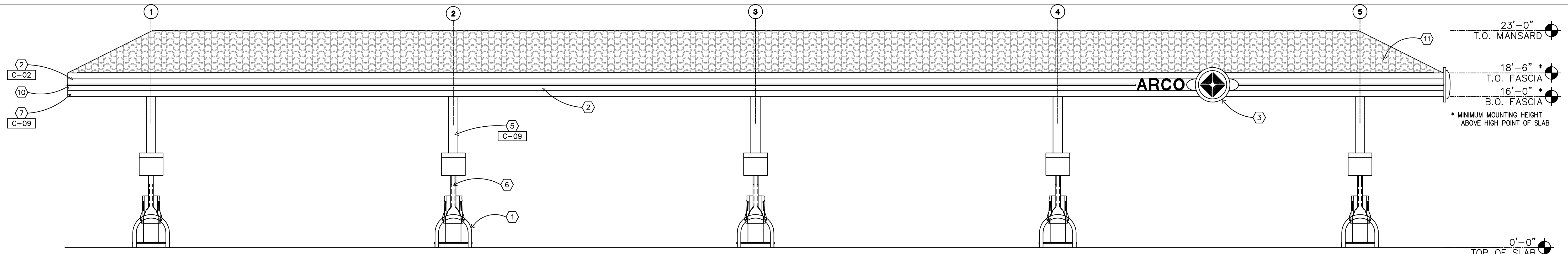
02 LEFT ELEVATION
SCALE: 1/4"=1'-0"



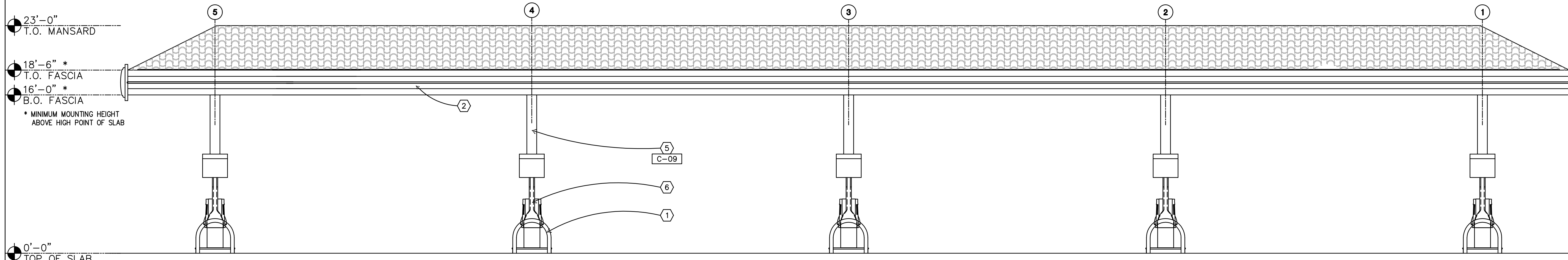
04 REAR ELEVATION
SCALE: 1/4"=1'-0"

ARCO - N.E. Corner of Madera Avenue @ Pecan Avenue, Madera, CA 93637

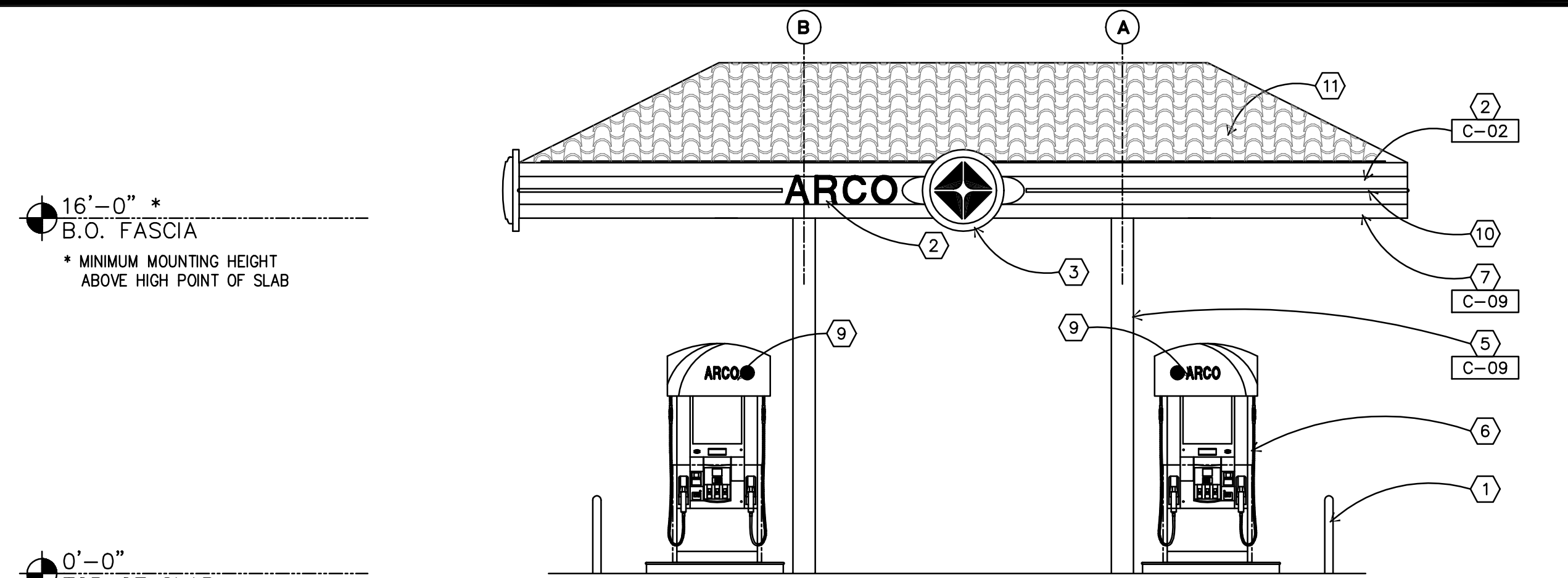




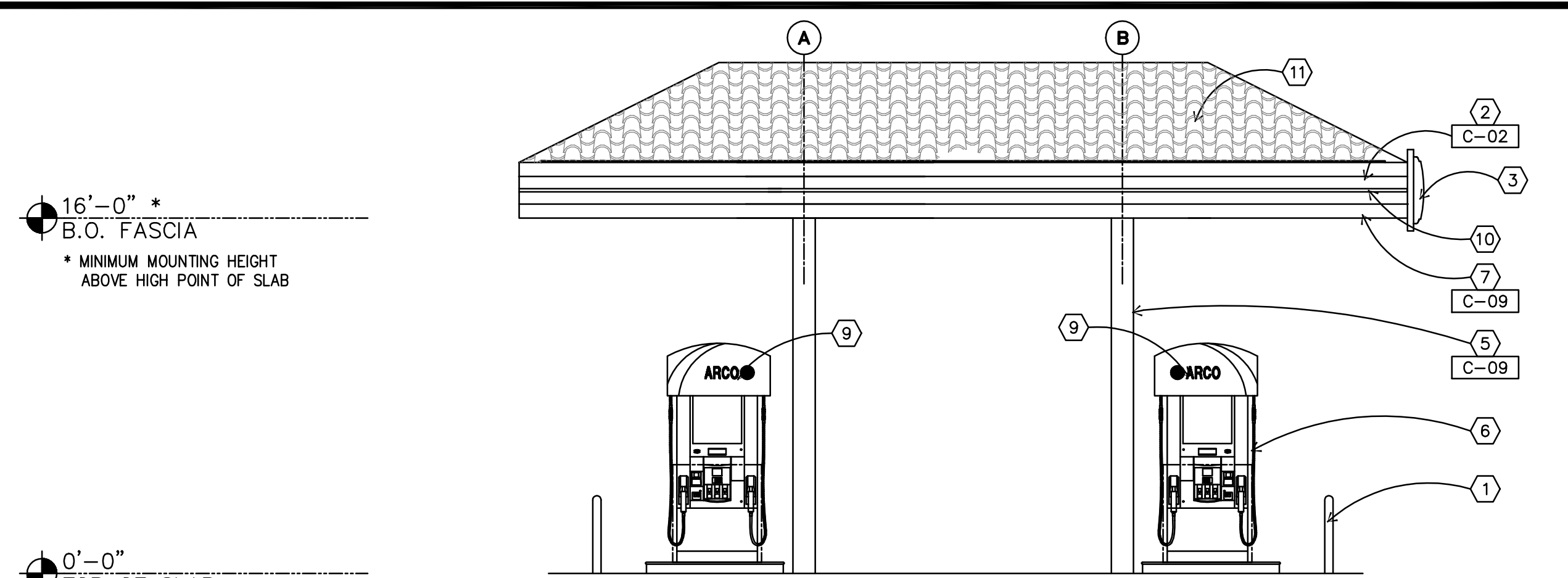
01 NORTH ELEVATION
CA.1.1 SCALE: 3/16"=1'-0"



02 SOUTH ELEVATION
CA.1.1 SCALE: 3/16"=1'-0"



03 WEST ELEVATION
CA.1.1 SCALE: 3/16"=1'-0"



04 EAST ELEVATION
CA.1.1 SCALE: 3/16"=1'-0"

KEYED NOTES

- 1) ARCHED BOLLARD
- 2) VINYL DECAL APPLIED TO ACM PANEL
- 3) ILLUMINATED SIGN BOX (BY OTHERS) FIELD VERIFY LOCATION
- 4) STEEL BEAM, REFER TO STRUCTURAL
- 5) STEEL COLUMN, REFER TO STRUCTURAL
- 6) FUEL DISPENSER AND CURB (BY OTHERS)
- 7) ALUMINUM COMPOSITE MATERIAL FASCIA PANELS (BY OTHERS)
- 8) NOT USED
- 9) 4" x 6" HANDHOLE WITH COVERPLATE ON INSIDE FACE OF COLUMN (TYP.)
- 10) LED "LASER LIGHT" STRIP TO MATCH
- 11) US TILE OR EQUAL 2-PIECE EL CAMINO BLEND TILE ROOF

EXTERIOR PAINTS

- C-02 COLOR: ARCO BLUE
PMS 288C - SATIN FINISH
- C-09 COLOR: PEARL
MATCH RAL 1013 - SEMI-GLOSS
- C-11 COLOR: ARCO LIGHT BLUE
PMS 2935C - SATIN FINISH

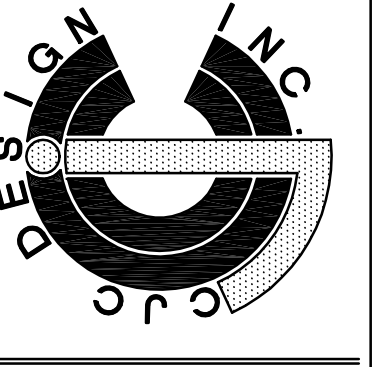
DATE SIGNED: _____
SEAL

ISSUES / REVISIONS
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6

DATE DESCRIPTION
DRAWN BY: G. DE VERA
CHK'D BY: F. COHEN
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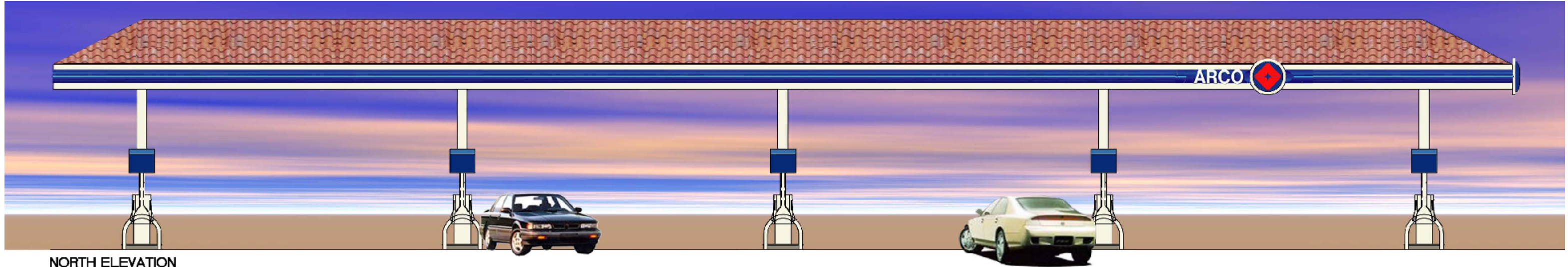


SHEET TITLE

CANOPY ELEVATIONS

PROJECT NO: 16075

CA.11



NORTH ELEVATION



WEST ELEVATION



ARCO - N.E. Corner of Madera Avenue @ Pecan Avenue, Madera, CA 93637



January 12, 2017

Robert Holt
City of Madera
Planning Division
205 W. Fourth Street
Madera, CA 93637

**Project: CUP 2016-35, 36, and 37 & SPR 2016-57 – Arco Gas Station,
Mini Mart and Car Wash
NEC of Pecan Avenue and Madera Avenue (SR 145)**

District CEQA Reference No: 20170028

Dear Mr. Holt:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a 8,280 square foot mini-mart with (2) attached quick-serve restaurants, a 5,852 square foot fuel canopy with (5) fuel islands, and a 1,284 square foot car wash with drive-thru and five (5) vacuum stations, located at the northeast corner of Pecan Avenue and Madera Avenue, in Madera, CA. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed quick-serve restaurants and car wash would equal or exceed 2,000 square feet of commercial space. Therefore, the District concludes that this portion of the project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

discretionary approval, and to pay any applicable off-site mitigation fees. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

3. Based on the information provided to the District, the proposed Arco gas station will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.
4. Particulate Matter 2.5 microns or less in size (PM_{2.5}) from under-fired charbroilers (UFCs) pose immediate health risk. Since the cooking of meat can release carcinogenic PM_{2.5} species like polycyclic aromatic hydrocarbons (PAH), controlling emissions from under-fired charbroilers will have a substantial positive impact on public health.

Charbroiling emissions occur in populated areas, near schools and residential neighborhoods, resulting in high exposure levels for sensitive Valley residents. The air quality impacts on neighborhoods near restaurants with UFCs can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises environmental concerns.

In addition, the cooking emissions source category is one of the largest single contributors of directly emitted PM_{2.5} in the Valley. Photochemical modeling conducted for the 2012 PM_{2.5} Plan showed that reducing commercial charbroiling emissions is critical to achieving PM_{2.5} attainment in the Valley.

The District committed to amend Rule 4692 (Commercial Charbroiling) in 2016, with a 2017 compliance date, to add emission control requirements for UFCs, as committed to in the District's 2012 PM_{2.5} Plan. Installing charbroiler emissions control systems during construction of new facilities is likely to result in substantial economic benefit compared to costly retrofitting.

Therefore, the District strongly recommends that your agency require new restaurants that will operate UFCs to install emission control systems during the construction phase. To ease the financial burden for Valley businesses that wish to

install control equipment before it is required, the District is offering incentive funding during the time leading up to the amendment to the rule. Restaurants with UFCs may be eligible to apply for funding to add emission control systems. Please contact the District at (559) 230-5858 for more information.

5. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.
6. The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please call Sharla Yang at (559) 230-5934.

Sincerely,

Arnaud Marjollet
Director of Permit Services



For Brian Clements
Program Manager

AM: sy

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

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FAX (559) 445-5875

TTY 711

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*Making Conservation a
California way of life.*

November 21, 2017

06-MAD-145-08.06

CUP 2016-35, 36 and 37 & SPR 2016-57
Arco Gas Station, Mini Mart and Car Wash
Revised Site PlanMr. Robert Holt, Planner
City of Madera Planning Division
205 W. Fourth Street
Madera California 93637

Dear Mr. Holt:

Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities. The following comments are based on the revised site plan submitted on November 2, 2017 to allow for the construction of the following:

The Project is proposing to construct a gas station with 20 fueling positions, 1,284 square-foot car wash, and 8,280 square-foot minimart with two fast food restaurants located on the northeast corner of State Route (SR) 145 and Pecan Avenue (Avenue 13), in the City of Madera.

- The curb return bulb-outs on SR 145 and Pecan Avenue shall be eliminated. The corner shall be reconstructed with dual curb ramps per the current Caltrans Standard Plans.
- The traffic signal pole will need to be reconstructed or replaced. New Internet Protocol (IP) cameras shall be installed on the traffic signal poles.
- A Limit line on the east leg perpendicular to the travel lane should be added (it is not shown on the revised site plan). The existing loop detectors on eastbound approach may need to be reconstructed.
- A maximum of 35 feet curb return should be used. Show 56 feet STAA truck turning diagram for westbound right-turn movement.
- No parking along the Project frontage on SR 145 will be allowed. No Parking, R26 (CA) signs should be installed on sidewalk along the Project frontage on SR 145.
- On Pecan Avenue, the curb should be painted red at a minimum of 30 feet from the end of the curb return.
- A corner clearance of 30 feet from the end of the curb return on Pecan Avenue at SR 145 should be maintained. Therefore it is recommended that the proposed mini-mart/restaurant building be placed outside the 30-foot corner clearance.
- The existing pavement and the existing right-of-way along the south side of Pecan Avenue should be shown on the site plan.

Mr. Robert Holt, Planner

November 20, 2017

Page 2

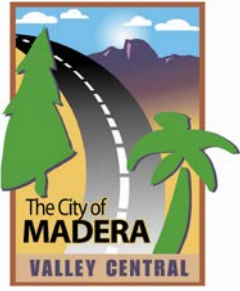
- The right-of-way dedication on Pecan Avenue should accommodate for the two future eastbound receiving lanes. This is based on the future mitigation measure for dual southbound left-turn lanes on SR 145 at Pecan Avenue.
- All roadway improvements within Caltrans right-of-way should be designed per Caltrans standards. The construction notes on the project site plan that are applied to Caltrans right-of-way should be corrected. Additional comments on the Project site plan may be added during Caltrans Permit process.
- Additional comments on the revised TIS will be given on a separate comment letter.
- Our previous comments recommended a raised median on Pecan Avenue, consistent with the west side of SR 145.

If you have any further questions, please contact David Padilla at (559) 444-2493.

Sincerely,



MICHAEL NAVARRO, Chief
Transportation Planning – North



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: The Tint Shop
CUP 2017-23, SPR 2017-40 & Categorical Exemption
Item #2 – December 12, 2017**

PROPOSAL: An application for conditional use permit to allow for an automotive, residential and commercial tint business with an auxiliary automotive detailing service, and a site plan review to allow for the construction of an approximately 4,850 square foot commercial structure that will house the business.

APPLICANT:	The Tint Shop, Jose Flores	OWNER:	Jose Flores
ADDRESS:	200 feet south of the SEC of Cypress St. and West Olive Ave.	APNs:	012-013-018
APPLICATION:	CUP 2017-23 SPR 2017-40	CEQA:	Categorical Exemption

LOCATION: The project site is located 200 feet south of the southeast corner of Cypress Street and West Olive Avenue.

STREET ACCESS: The site has access to Cypress Street.

PARCEL SIZE: Approximately 13,500 square feet (.31-acre).

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The project site is a currently vacant commercial property. Commercial property is located to the north and west. Multifamily residential is immediately south of the project site and single family residential is located to the east. A Walgreen's drug store is located immediately west of the project site across Cypress Street.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development Projects).

SUMMARY: The applicant proposes the construction of an approximately 4,850 square foot commercial structure upon a currently vacant parcel. Approval of a use permit is required for automotive uses in the C2 (Heavy Commercial) Zone District. Development of the site is in conformance with the General Plan.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.902 Uses Permitted; Heavy Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 Parking Spaces Required
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.

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for a variety of retail and service uses in the C2 (Heavy Commercial) Zone District, including automotive tint shops, subject to the approval of a conditional use permit by the Planning Commission. All new construction requires that findings of conformance with the goals and policies of the General Plan be made as a component of the approval process.

PRIOR ACTION

None.

ANALYSIS

Architecture

The proposed tint shop provides compliance with the goals and policies of the General Plan which requires "aesthetically pleasing commercial development." The proposed building elevations provide an attractive, contemporary commercial architecture. The structure includes metal and glass window systems and horizontal ribbed metal paneling, augmented with stucco that cumulatively provide architectural value and interest to the structure.

Parking

The City's parking standards for an automotive repair shop requires one parking stall for each 400 square feet of gross building floor area, plus one space for each two employees. This would equate to a parking requirement of twelve (12) total parking stalls including one (1) handicap parking stall for the tint shop site. The tint shop proposes the development of eleven stalls within the outdoor parking field as well as six parking stalls within the structure to queue vehicles being serviced. Cumulatively, there is adequate parking to serve the proposed automotive tint shop business. The parking lot location, to the side of the structure, satisfies General Plan policy CD-57, which encourages parking lots to "be located behind or on the side of buildings to reduce their visual impact."

Landscaping

Landscaping is provided between the sidewalk and the structure as well as throughout the parking lot area so as to reduce the footprint of paved areas and segregate the parking field into smaller components. The overall design of the landscaping is in conformance with General Plan policy CD-58, which requires that “parking lots shall be screened and separated into smaller units with landscaping or low walls.” Tree plantings should also result in better shade coverage to the parking field.

Proximity to Residential

The project site abuts to a multifamily residential complex on its southern border. Because of the project’s proximity to residential development, the setbacks for the project are required to closely conform not to commercial standards but to the setbacks of the residential zone. With that, the project is developed with fifteen (15’) foot front yard setback, a ten (10’) foot rear yard setback, and a ten (10’) foot side yard setback where the project abuts to the residential complex so as to better complement and provide compatibility with the adjacent residential complex.

The 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 new construction of an approximate 4,850 square foot commercial structure is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.1** – *As a component of the General Plan Update, encourage viable economic development.*”

RECOMMENDATION

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 2017-23 and Site Plan Review 2017-40 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permits 2017-23 and Site Plan Review 2017-40, determining to either:

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

Any action by the Planning Commission approving or denying the applications is subject to appeal to the City Council within fifteen (15) calendar days of the Planning Commission’s action.

Motion 1: Move to approve Conditional Use Permit 2017-23 and Site Plan Review 2017-40, based on and subject to the following findings and conditions of approval:

Findings

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development

Projects).

- Construction of the commercial structure is consistent with the goals and policies of the General Plan.
- Establishment of automotive, residential and commercial tint business with an auxiliary automotive detailing service is consistent with the purpose and intent of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District which provide for the uses, subject to the issuance of conditional use permits.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the automotive, residential and commercial tint business with an auxiliary automotive detailing service 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 Conditional Use Permit 2017-23 within one year following the date of this approval shall render the conditional use permit(s) null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-23 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit(s) and owners of the property voluntarily submitting to the City a written request to permanently extinguish the Conditional Use Permit(s).
4. Conditional Use Permit 2017-23 will expire and be rendered null and void if the use(s) is/are discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2017-40 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permits 2017-23 and Site Plan Review 2017-40 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 Site Plan Review 2017-40.
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. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite and/or issuance of a business license.

Building Department

11. Site development shall be consistent with the approved site plan. The use of 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. 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 shall be corrected.

Engineering Department

General

14. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
15. Impact fees shall be paid at time of building permit issuance.
16. The developer shall reimburse the 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.
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, easement acceptance, encroachment permit processing and improvement inspection fees.
18. Improvement plans signed and sealed by an engineer 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 an encroachment permit from the Engineering Division.

Water

22. Water service connection(s) shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
23. A separate water meter and backflow prevention device will be required for landscape area.
24. Developer shall reimburse its fair share cost to the City for previously constructed water main along the entire project frontage.

Sewer

25. Sewer service connection shall be constructed to current City standards.
26. Sewer main connections six (6") inches and larger in diameter shall require manhole installation.
27. The developer shall reimburse its fair share cost to the City for previously constructed sewer main along the entire project frontage.

Storm Drain

28. Support calculations shall be provided that prove the existing storm drain facilities are capable of intercepting runoff in accordance with the provisions of the Storm Drainage System Master Plan.
29. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site must be cleaned before entering the existing storm water system to the satisfaction of the Madera Irrigation District through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.

Streets

30. Access to the site shall be limited to the two access points (the alley and Cypress Street) as shown in the conceptual site plan dated September 2, 2017. Driveways shall be constructed per current City and ADA standards.
31. Existing curb cut outs, not intended for driveway use, shall be removed and replaced with concrete curb per current City standards.
32. The developer shall construct concrete sidewalk along the entire parcel frontage of Cypress Street per current City and ADA standards. An unimpeded ADA path of travel shall be maintained at all times.

33. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.
34. All public utilities shall be undergrounded, except transformers, which may be mounted on pads. As an alternative, the owner may enter into a deferral agreement with the City for the undergrounding of overhead electrical utilities. A deferral processing fee in the amount of \$325 is due before staff commences preparation of the agreement.
35. On-site circulation shall be designed in such a manner as to not allow vehicle circulation through the City right-of-way on Cypress Street and the alley. The circulation aisle shall be two-way.

Fire Department

36. Building permits shall be required for all new construction.
37. One, 2A10BC rated fire extinguisher is required for each 3000 square feet of the building.
38. A key box is required for access by emergency services.
39. Fire access lanes must be properly posted.

Planning Department

General

40. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
41. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
42. 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.
43. 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 Conditional Use Permit 2017-23.

Use Permit Allowances

44. Conditional Use Permit 2017-23 allows for the following automotive services:
 - Automotive window tinting
 - Automotive glass repair and replacement
 - Installation of protective films and vehicle wrapping
 - Automotive detailing for tinted vehicles
 - Mobile business component for installation of window tinting for residential and commercial properties
45. No other automotive services, repairs, and/or installations are allowed on the project site. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2017-23.
46. All automotive services shall occur inside of the structure.

47. Outdoor storage of goods and/or materials shall not be allowed.
48. No outdoor display of merchandise shall be allowed.
49. Overnight parking of vehicles shall only occur within the interior of the building.
50. Hours of operation shall be from as early as 8:00 AM until as late as 6:00 PM, seven days a week.
51. The business shall incorporate water conservation measures as part of the washing of all vehicles. At a minimum, all hoses shall be fitted with water-saving automatic shut-off nozzles and/or high pressure wands.
52. All waste water from the business shall drain into floor drains that flow into the City's sewer system. No waste water shall be allowed to have access to any storm drain facilities.

Building Colors, Materials and Lighting Considerations

53. The applicant shall submit a colors and materials board to the Planning Department prior to submission of any building permits.
54. The construction of structures approved as part of Site Plan Review 2017-40 shall be consistent with the approved colors and materials board as reviewed and approved by the Planning Manager. Any alteration shall require approval by the Planning Manager.
55. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
56. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
57. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

58. Prior to the issuance of building permits, the applicant shall identify the following information on the site plan 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.
59. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
60. Electrical/mechanical equipment shall be located in the interior of the proposed new structure(s) within an electrical/mechanical service room/area.
61. All HVAC equipment shall be ground-mounted, located out of view from the general public. The proposed location along the southern elevation of the structure is acceptable.
62. The natural gas meter placement shall be screened from public view per Planning Department approval.

63. Roof access ladders (if proposed) shall be located within the interior of the structures.
64. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the structures using methods to minimize their appearance and visibility from the street. Placements are preferred at rear sides of roof ridges. All roof-mounted ducts and vents shall be painted matte black or with a color better suited to minimize their appearance.
65. Fire sprinkler risers shall be located within the interior of the structures or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Fences and Walls

66. The developer shall construct a new six (6') foot tall slatted chain link fencing at the rear of the parking lot along the alley and adjacent to the residential property south of the project site consistent with approved plans.
67. The developer shall construct a single bin trash enclosure consistent with Engineering Department specification/detail shell No. E-7. The location of the trash enclosure shall be approved by the Planning Manager.

Landscaping

68. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for a building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
 - Landscaped areas shall be developed along all street frontages and within the parking field.
 - Shade trees shall be planted in landscaped peninsulas within the parking field.
 - The maximum mature plant height allowed in the landscaped planter adjacent to the northern boundary of the property shall be no taller than three (3') in height.
 - Landscaped areas shall be provided with permanent automatic irrigation systems.
 - Landscaped areas shall be protected by raised six (6") inch concrete curbing.
 - 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.
69. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. 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 with drought-tolerant plantings.

Parking

70. The parking requirements of the use shall be provided at the following ratio(s): one (1) stall per each 400 square feet of gross floor space, plus one (1) stall per each two (2) employees. The business suite encompasses approximately 4,850 square feet of gross square footage. A minimum of fourteen (14) parking stalls are required. Some of the required parking may be located within the structure with the approval of the Planning Manager.

71. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep, or seventeen (17') feet deep when abutting a landscape planter with minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle width shall be twenty-six (26') feet for primary drive aisles.

Signage

72. 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.
73. All on-building signage shall be of pan channel letter quality or better.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-23 and Site Plan Review 2017-40 to the January 9, 2018 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permits 2017-23 and Site Plan Review 2017-40, based on and subject to the following findings: (specify)

ATTACHMENTS

- Aerial Photo
- Elevation Rendering
- Site Plan
- Floor Plan
- Elevations

Aerial Photo



Elevation







THE TINT SHOP



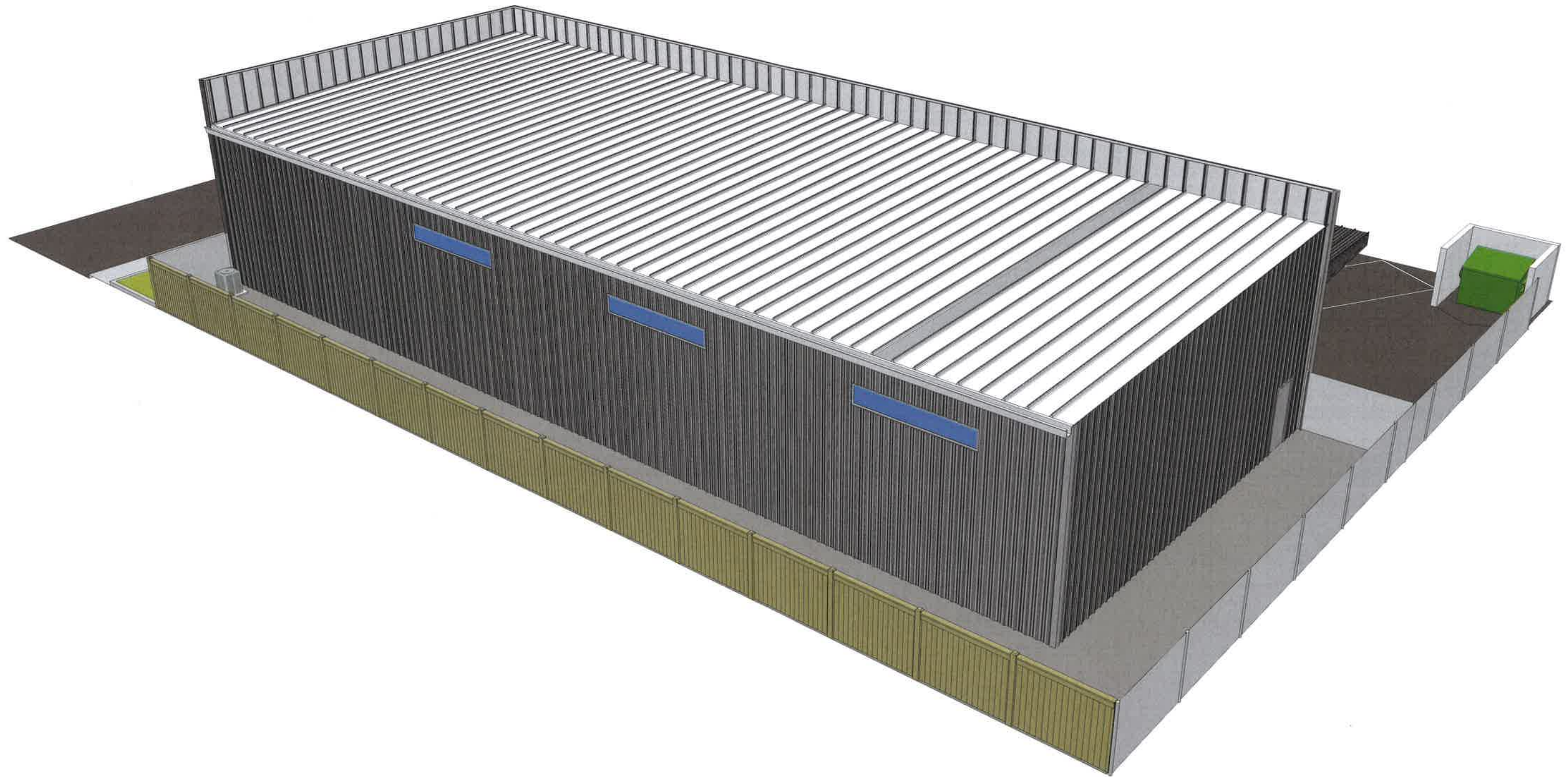


Project Name: THE TINT SHOP
Owner: Jose Flores
1688 Glade Ave.
Madera, CA 93637
(559) 474-7238
APN: 012-013-018
Project Address: "TBD" Cypress Street
Overall Site Area: 0.31 acres
Total Building Area: 4,850sf





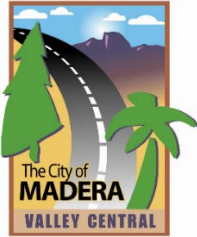
Project Name: THE TINT SHOP
Owner: Jose Flores
1588 Glada Ave.
Madera, CA 93637
(559) 474-7238
APN: 012-013-01B
Project Address: "TBD" Cypress Street
Overall Site Area: 0.31 acres
Total Building Area: 4,950sf



CUP 2017-25 & SPR 2017-41

The Arc – Office in I Zone

Staff has withdrawn this item from the agenda.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Non-conforming Lot in R Zone
CUP 2017-26, SPR 2017-42 & Categorical Exemption
Item #4 – December 12, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the construction of an approximately 1,585 square foot home on an existing non-conforming interior parcel in the R1 (Low Density Residential) Zone District and a LD (Low Density Residential) General Plan land use designation.

APPLICANT:	Pedro Valencia	OWNER:	Pedro Valencia
ADDRESS:	341 Hull Avenue	APN:	011-233-015
APPLICATION:	CUP 2017-26 and SPR 2017-42	CEQA:	Categorical Exemption

LOCATION: The property is located east on Hull Avenue, approximately 110 feet south of the intersection at South Lake Street and Hull Avenue.

STREET ACCESS: The site has access to Hull Avenue.

PARCEL SIZE: Approximately 4,500 square feet.

GENERAL PLAN DESIGNATION: LD (Low-Density Residential)

ZONING DISTRICT: R1 (Low-Density Residential)

SITE CHARACTERISTICS: The site is surrounded by single-family residences in every direction. A church is located directly west of the project site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303 (New Construction or Conversion of Small Structures).

SUMMARY: The applicant is proposing the construction of a new single-family residential home on a vacant non-conforming interior parcel in the R1 (Low-Density Residential) Zone District. Interior parcels in the R (Residential) Zone District require a minimum of fifty (50') feet in width, where the project parcel is only thirty (30') feet in width and 4,500 square feet in area. Any proposed construction or intensification on a property with a non-conforming status requires approval of a conditional use permit. The proposed residence is conditioned to comply with the goals and policies of the General Plan. The site plan review will guide the development of the property consistent with the development standards of the R (Residential) Zone District.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.507 Minimum Site Area and Dimensions
MMC § 10-3.406 Nonconforming Buildings and Uses
MMC § 10-3.407 Location of Dwellings
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

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 on this property.

ANALYSIS

Non-conforming Residential Lot

The dimensions for conforming interior lots within the R (Residential) Zone District require a minimum width of fifty (50') feet, a depth of eighty (80') feet and an overall area of at least 6,000 square feet. The project parcel in question has dimensions of only thirty (30') feet in width and 4,500 square feet in overall area. Per the Madera Municipal Code, a conditional use permit must be approved by the Planning Commission prior to the construction, expansion, or modification of any land or building not conforming to current City standards. Because the project parcel does not meet the minimum width dimension and overall area requirements of the R (Residential) Zone District, approval of a conditional use permit by the Planning Commission is required.

Setbacks

The setback yard requirements for similar interior lots in R (Residential) Zone Districts require a minimum front yard setback of twenty (20') feet to the garage and fifteen (15') feet to living space. Standard interior yard setbacks require a minimum of five (5') feet. Rear yard setbacks require a fifteen (15') foot setback when windows face the rear property line or ten (10') feet when no windows face the rear. The applicant proposes the garage in front of living space and windows facing the rear.

The building is proposed with the following setbacks:

- Front yard setback: Twenty (20') feet
- Side yard setbacks: Five (5') feet each
- Rear yard setback: Twenty (20') feet

As proposed, the building is consistent with all required setbacks in the R (Residential) Zone District.

General Plan Conformance

In order to make overall findings of General Plan conformity, the proposed single-family residential home is required to implement the goals and policies of the City's General Plan. One policy that is impossible to achieve is a garage subordinate design (Policy CD-32). Because the width of the property is only thirty (30') feet, there is no possibility to develop a driveway that could lead to a garage at the rear of the property and be consistent with the setback standards of the R (Residential) Zone District. In order to detract the stark dominance of the garage, the applicant is proposing a wooden lap board siding on the front and back of the gable, and either stone, brick, or rock wrapped around the three pillars at the front of the house. These additions produce high architectural design and construction quality (Policy CD-34).

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.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of the new construction of a home on a non-conforming residential property is not specifically addressed in the vision or action plans, the overall project does indirectly support **Strategy 131** – *Create well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components.*

RECOMMENDATION

The information presented in this report supports conditional approval of the conditional use permit and site plan review 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 2017-26 and Site Plan Review 2017-42 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the request for Conditional Use Permit 2017-26 and Site Plan Review 2017-42, 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 2017-26 and Site Plan Review 2017-42, 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 15303 (New Construction or Conversion of Small Structures).
- The construction of a single-family residential home on a non-conforming interior residential lot is consistent with the purposes of the LD (Low-Density Residential) General

Plan designation and the R (Residential) Zone District which provide for the use, subject to the issuance of a conditional use permit.

- As conditioned, the development will be compatible with the surrounding neighborhood.
- 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 these use permits.
2. The applicant's failure to utilize the 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 2017-26 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Site Plan Review 2017-42 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).
5. All future development on the property not memorialized within Conditional Use Permit 2017-26 shall conform to the R1 (Low-Density Residential) Zone District development standards.
6. 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

7. A building permit is required for new construction on the site. All new construction must meet the requirements of the California Building Code and California Fire Code.

Engineering Department

General

8. Impact fees shall be paid at the time of a building permit issuance.

9. 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.
10. Improvements plans shall be submitted to the Engineering Division in accordance with the submittal process.
11. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

Streets

12. The proposed driveway approach on Hull Street shall be constructed per current City and ADA standards.

Water

13. Water service connection shall be constructed to current City standards including an Automatic Meter Reading (AMR) water meter installed within City right-of-way.

Sewer

14. A sewer service connection shall be constructed to current City standards including a clean out.

Fire Department

15. A home fire sprinkler system is required.

Planning Department

General

16. Conditional Use Permit 2017-26 allows for the construction of a single-family residential home within an existing non-conforming interior parcel in the R1 (Low-Density Residential) Zone District on the property located at 341 Hull Avenue (APN: 011-233-015) consistent with the herein listed conditions of approval.

Construction of Home

17. The applicant and/or developer shall construct the single-family residence to be consistent with the conditionally approved site plan, floor plan and elevations.
18. The applicant shall submit a colors and materials board to the Planning Department for review and approval prior to submittal of any building permits.
19. The building shall not have any HVAC utility on the roof. All HVAC utility shall be ground-mounted.
20. A new fence shall be constructed of wooden material along the interior sides of the property (north and south property line). The height of the fence shall follow all height requirements of the R (Residential) Zone District.
21. The following embellishments shall be incorporated to the final elevation of the home:
 - Wooden lap board siding on the front and back gable.
 - Stone/Rock/Brick wrapping around the three (3) front pillars. The pillar at the patio entrance shall be completely wrapped in one of the aforementioned materials. The chosen material shall be submitted to and approved by the Planning Manager.

Landscaping

22. Landscaping shall be installed in conjunction with the construction of the single-family residence. Landscaping and irrigation plans shall be submitted to and approved by the Planning Department prior to the issuance of a building permit. Landscaping and irrigation plans shall comply with the State of California's Model Water Efficiency Landscape Ordinance, where applicable.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-26 and Site Plan Review 2017-42 to the December 12, 2017 Planning Commission hearing, based on and subject to the following (specify):

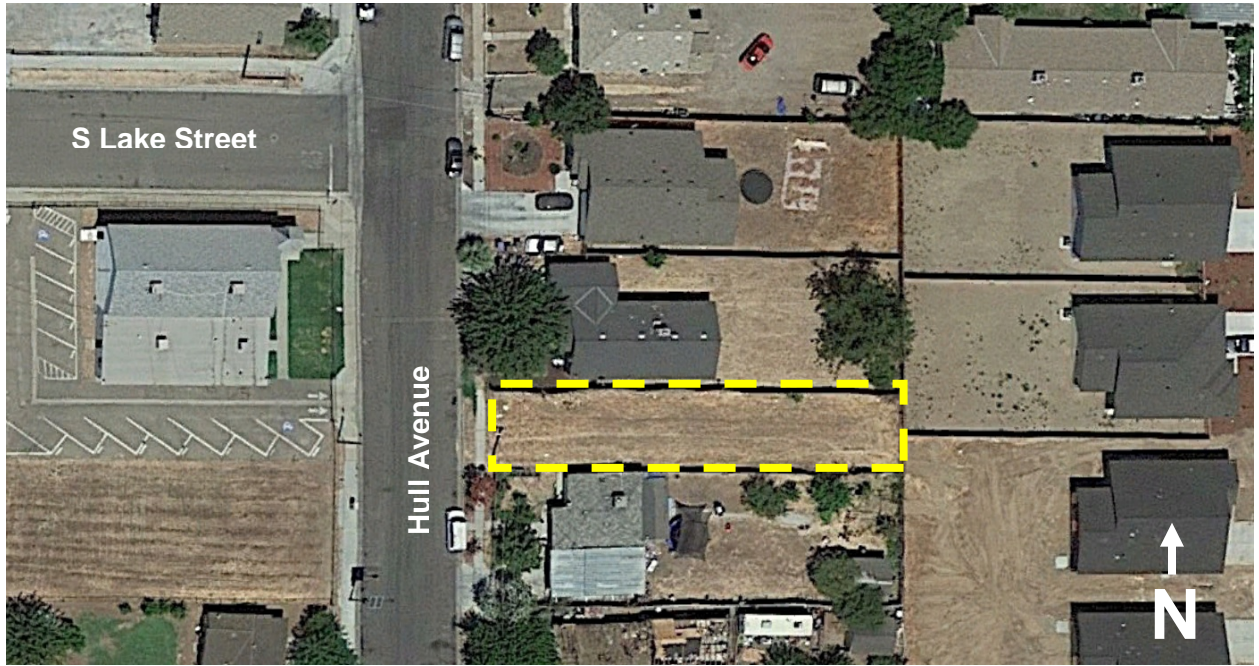
(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-26 and Site Plan Review 2017-42 based on and subject to the following findings (specify)

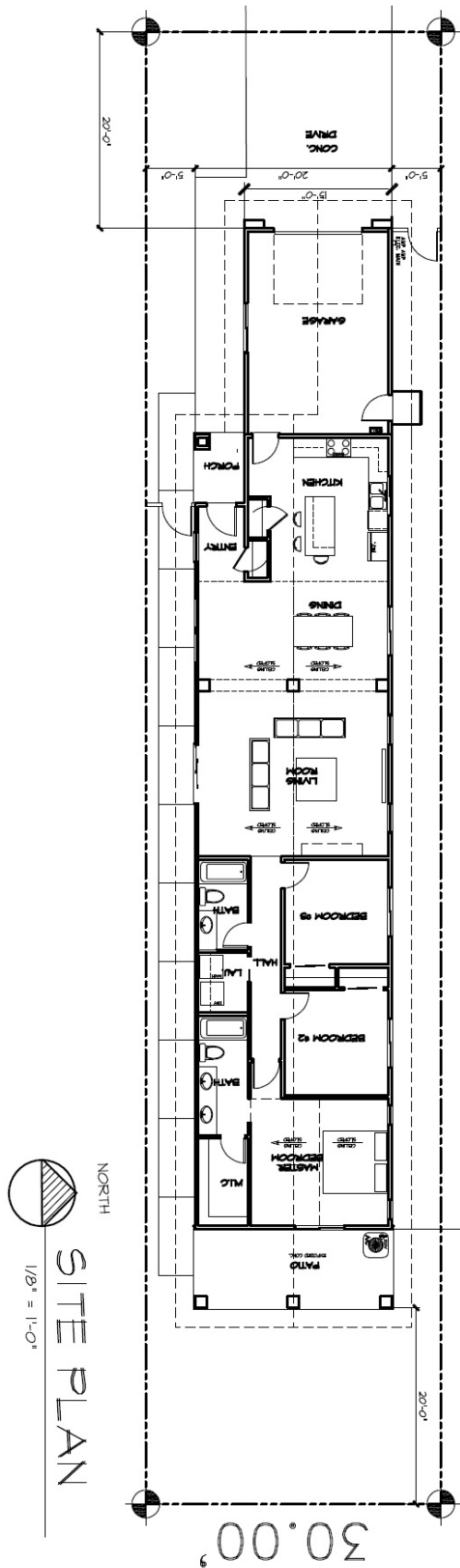
ATTACHMENTS

Aerial Photo
Site & Floor Plan
Elevations (Front & Rear)
Elevations (Side)
Site Photo

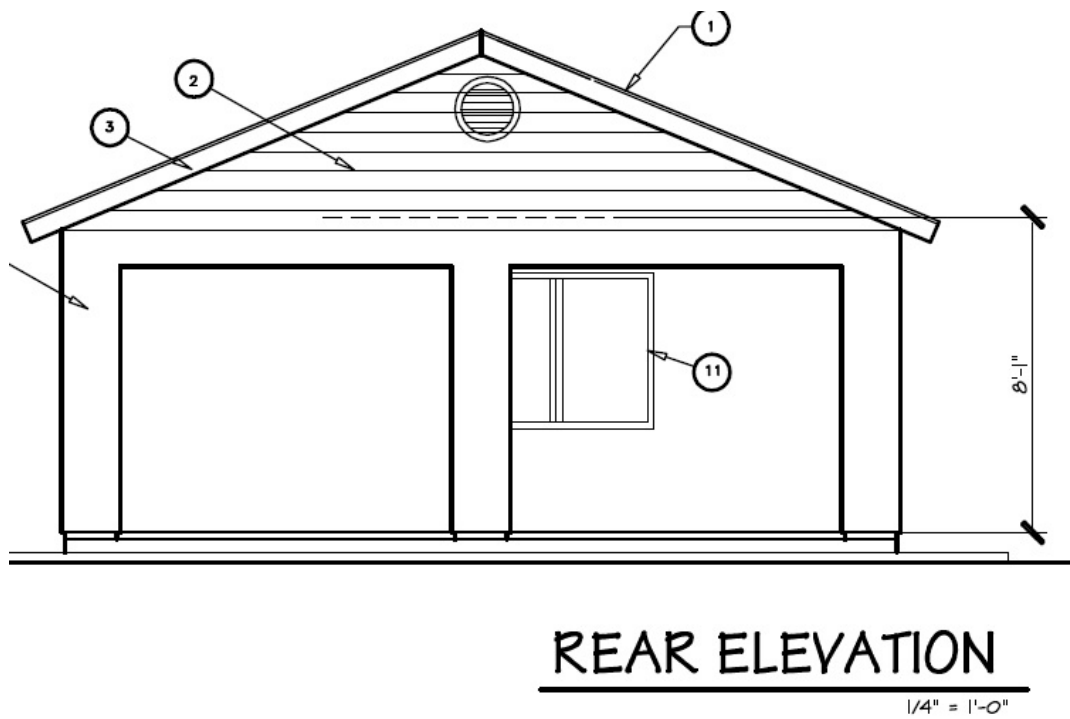
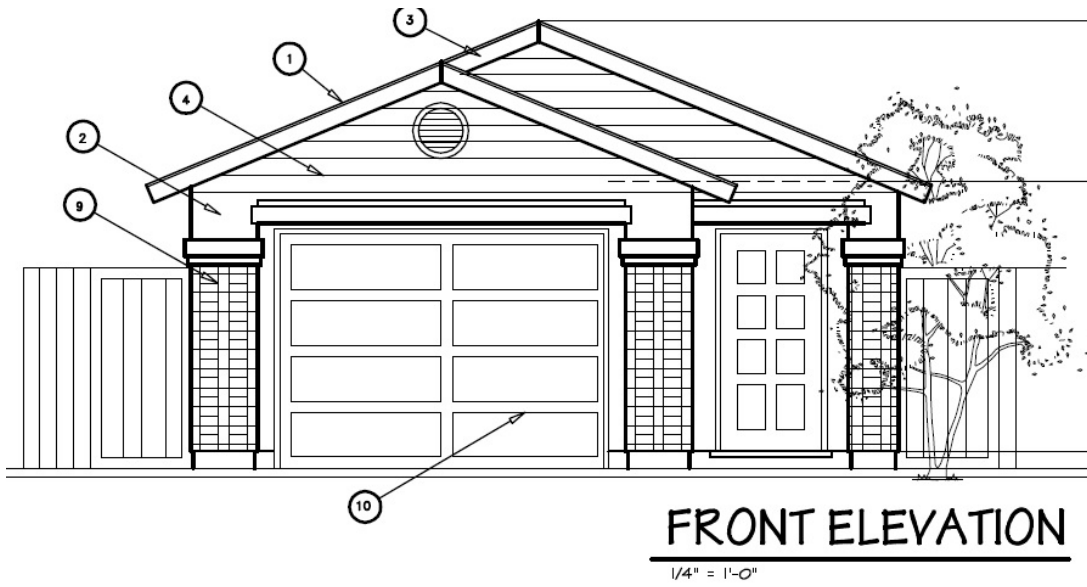
Aerial Photo



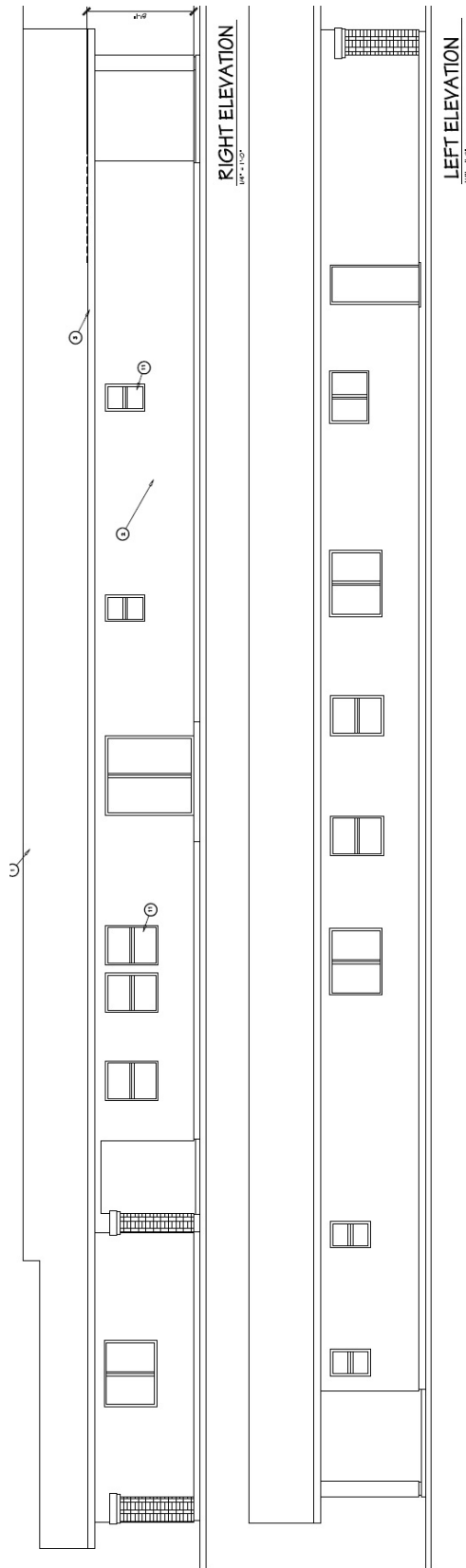
Site & Floor Plan



Elevations (Front & Rear)

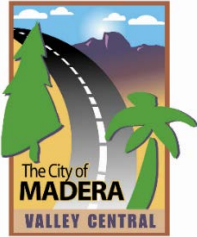


Elevations (Side)



Site Photo





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: La Esperanza Outdoor Food Sales
CUP 2017-27, SPR 2017-44 & Categorical Exemption
Item #5 – December 12, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for outdoor cooking activities in conjunction with the La Esperanza Mercado.

APPLICANT:	La Esperanza Ramirez-Vazquez, Inc./Rafael Delgadillo	OWNER:	Bill W. Chu, Inc.
ADDRESS:	823 East Cleveland Avenue	APN:	004-103-003
APPLICATION:	CUP 2017-27 and SPR 2017-44	CEQA:	Categorical Exemption

LOCATION: The property is located at the northwest corner of North Lake Street and East Cleveland Avenue.

STREET ACCESS: The site has access to North Lake Street and East Cleveland Avenue.

PARCEL SIZE: Approximately 2.05 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is generally surrounded by single-family neighborhoods. Immediately south of the project site is a Valero gas station and mini mart, east of the site is a recycling center and southeast of the site is a mini-mart.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15304 (Minor Alterations to Land).

SUMMARY: Staff has for some time observed an outdoor barbeque occurring at La Esperanza Mercado. Staff informed the applicant that an outdoor sales establishment on a property in the C1 (Light Commercial) Zone District requires approval of a conditional use permit from the Planning Commission. The outdoor cooking activities occurs every Saturday and Sunday between the hours of 8:00 a.m. and 5:00 p.m. The event includes two (2) barbeque grills and a waiting area outside at the southwest corner of the grocery store. All food preparation is required to occur within the interior of the grocery store, per the Madera County Environmental Health Department. Some on-site features, such as non-permitted carports and dilapidated fenced areas, are recommended to be resolved in a manner that complies with the goals and policies relative to “aesthetically pleasing commercial development” in the Community Design Element of the General Plan.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Uses Permitted

MMC § 10-3.1301 Use Permits

MMC § 10-3.4.0102 Site Plan Review Applicability

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

The site has had various use permits and site plan reviews between the years of 1987 and 2007. The use permits allowed for various uses, such as a carnival event, recycling center, used clothing store and a shaved ice stand. The site plan reviews allowed for the watermill on the site and a remodeled dining area within the market. The use permit for the allowance of a recycling center (Conditional Use Permit 1992-22) was revoked by the Planning Commission in 2008 due to its abandonment. No other entitlements have been approved on the project site.

ANALYSIS

Background

La Esperanza Mercado opened its doors in 2002 as a grocery store and meat market. In 2007, Site Plan Review (SPR) 2007-37 was approved to allow for an interior remodel of the grocery store which added on-site dining.

Staff recently observed outdoor cooking activities occurring on a Saturday in September of 2017. Staff informed the applicant of the requirement for approval of a use permit by the Planning Commission for an outdoor sales establishment on a property within the C1 (Light Commercial) Zone District.

Operations

The outdoor cooking activities occur every Saturday and Sunday between the hours of 8:00 a.m. and 5:00 p.m. The event has two barbeque grills within the parking lot that are roped off, a queuing area for customers along the front of the structure heading east of the barbecue grills, and an area for handling and packaging the food once it is cooked. All food is purchased within the grocery store and customers pick up the food after it has been cooked and packaged to take home. There will be no outside dining in conjunction with the outdoor cooking activities.

Madera County Environmental Health

The Madera County Environmental Health Department requires that no food preparation may take place out-of-doors except the barbecuing of foods on an open-air barbecue and the application of condiments to the foods barbecued. This includes, but isn't limited to, forming, trimming, grinding or slicing the barbecued food. Outdoor cooking is allowed with an open-air barbecue,

which specifies the cooking of food directly over hot coals, heated lava, hot stones or gas flame on equipment suitably designed and maintained for use out of doors.

Site Plan Review & General Plan Conformance

The site has two (2) carports that were placed within the parking lot without the required building permits. One carport is being used as a cover for shopping carts and the other as a cover for the preparation of food in conjunction with the outdoor cooking activities.

There are also three fenced areas being used for storage of materials. Two of the fenced areas are dilapidated storage areas and the third area is surrounded by a large block wall. The site plan indicates the block wall area as the trash enclosure at the northeast corner of the structure, but staff's inspection observed that this area is being used as storage for wooden pallets, barbecue grills and other various materials. The current trash receptacles are being placed at the northwest corner of the property. Cumulatively, the two (2) carports and dilapidated storage areas detract from Goal 12 (Aesthetically Pleasing Commercial Development) and its subsequent policies of the General Plan's Community Design Element.

Staff recommends, at a minimum, that the carports be removed from the site and new fencing be installed to adequately screen the materials being stored on-site. As an alternative, staff would encourage the reconstruction of the covered areas in such a way as to complement existing architecture, allowing for implementation of General Plan policies that require "high quality urban design throughout Madera."

Site Improvements

Off-site improvements include the reconstruction of a handicap access ramp and two driveway approaches, and an Irrevocable Offer of Dedication for ten (10') feet of right-of-way along East Cleveland Avenue.

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.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of the establishment of outdoor cooking activities 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 conditional use permit and site plan review 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 2017-27 and Site Plan Review 2017-44 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the request for Conditional Use Permit 2017-27 and Site Plan Review 2017-44, 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 2017-27 and Site Plan Review 2017-44, 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 15304 (Minor Alterations to Land).
- The establishment of outdoor cooking activities 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, the development will be compatible with the surrounding neighborhood.
- 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.

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 these use permits.
2. The applicant's failure to utilize the 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 2017-27 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2017-27 and Site Plan Review 2017-44 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 permits or modify the conditions of approval.
5. Site Plan Review 2017-44 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).
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 2017-44.

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.

Engineering Department

General

8. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
9. 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.
10. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
11. Improvements within the City right-of-way require Encroachment Permit/s from the Engineering Division.

Streets

12. The developer shall reconstruct/upgrade the existing handicap access ramp located at the northwest corner of North Lake Street and East Cleveland Avenue to current ADA standards.
13. The two (2) driveways along East Cleveland Avenue shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage.
14. If the applicant believes that a hardship waiver is applicable based on the cost of these improvements in relation to overall project cost, a request for waiver may be submitted for consideration and an ultimate determination by the City.
15. An Irrevocable Offer of Dedication shall be made to dedicate ten (10') feet of right-of-way along the entire project parcel frontage on East Cleveland Avenue to provide a half-street width of fifty (50') feet, north of the center line.

Fire Department

16. One 2A10BC-rated fire extinguisher shall be required within fifty (50') feet of the barbeque and plainly visible.
17. Nuisance calls from smoke generation may incur fines and are the responsibility of the owner.

Planning Department

General

18. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
19. The applicant shall operate in a manner that does not generate noise, odor, blight 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 and/or developer 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 Conditional Use Permit 2017-27.

Outdoor Cooking Activities

22. Conditional Use Permit 2017-27 allows for outdoor cooking activities on the La Esperanza Mercado site. The outdoor cooking activities shall be allowed to operate during the regular business hours of the La Esperanza Mercado business, seven days a week, consistent with the herein listed conditions of approval.
23. The barbeque grills shall only be placed in the designated area on the approved site plan during the outdoor cooking activities. The barbeque grills shall be stored in the storage area at the northeast corner of the grocery store during non-operative hours of the outdoor cooking activities.
24. The barbeque grills shall be roped off and non-accessible to all customers.

Carports and Dilapidated Fenced Areas

25. The existing non-permitted carports on the site shall be removed prior to any future outdoor cooking activities occurring.
26. The dilapidated fenced areas abutting the structure to the north and separate from the structure to the west shall be removed and replaced with new fencing sufficient to adequately screen the stored materials. The fence material(s) shall be approved by the Planning Manager.

Fences and Walls

27. A new masonry block trash enclosure shall be constructed to City Engineering standards. The location of the trash enclosure shall be approved by the Public Works Director.

Landscaping

28. The landscaping planters along the North Lake Street property frontage shall be rehabilitated to include, at a minimum, three (3") inches of mulch or a drought-tolerant ground cover and drought-tolerant plantings. A landscaping and irrigation plan shall be submitted to the Planning Department consistent with the State of California's Model Water Efficient Landscape Ordinance (MWELO) for review and approval.
29. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. 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 with drought-tolerant plantings.

Parking

30. On-site parking shall be provided at all times in conformance with the Madera Municipal Code. Further expansion of the use or additional or accessory uses may 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 an amendment to Site Plan Review 2017-44.

Signage

31. The applicant shall submit a sign permit application for non-permitted signage currently

installed on the building prior to any future outdoor cooking activities.

32. 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.

Madera County Environmental Health Department

33. The applicant shall submit a plan review application with specification sheet(s) and the plan review fee to the Madera County Environmental Health Department prior to further operation of the outdoor cooking activities.
34. All food being cooked outdoors shall be cooked by an open-air barbeque, which requires that food be cooked using hot coals, heated lava, hot stones, gas flame, or other method approved by the department. The open-air barbeque shall be temporary or mobile that remains fixed during the hours of operation of the outdoor cooking activities.
35. No food preparation shall take place out-of-doors except the barbequing of foods on the open-air barbeque and the application of condiments to the foods barbequed. No other form of preparation including, but not limited to, forming, trimming, grinding or slicing may take place out-of-doors.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-27 and Site Plan Review 2017-44 to the January 9, 2017 Planning Commission hearing, based on and subject to the following (specify):

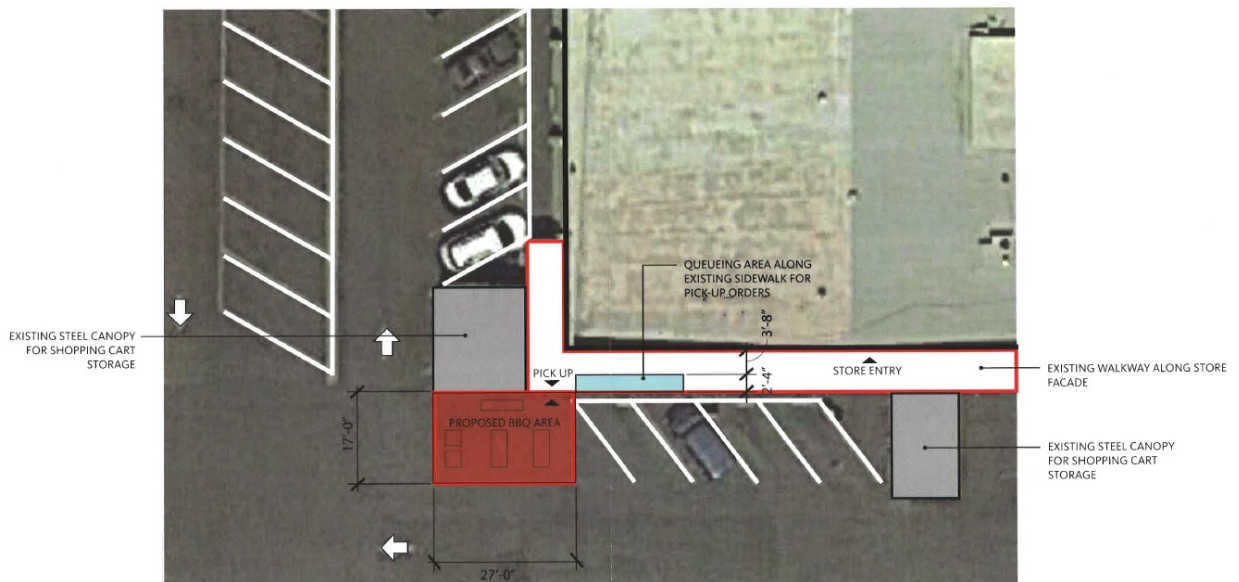
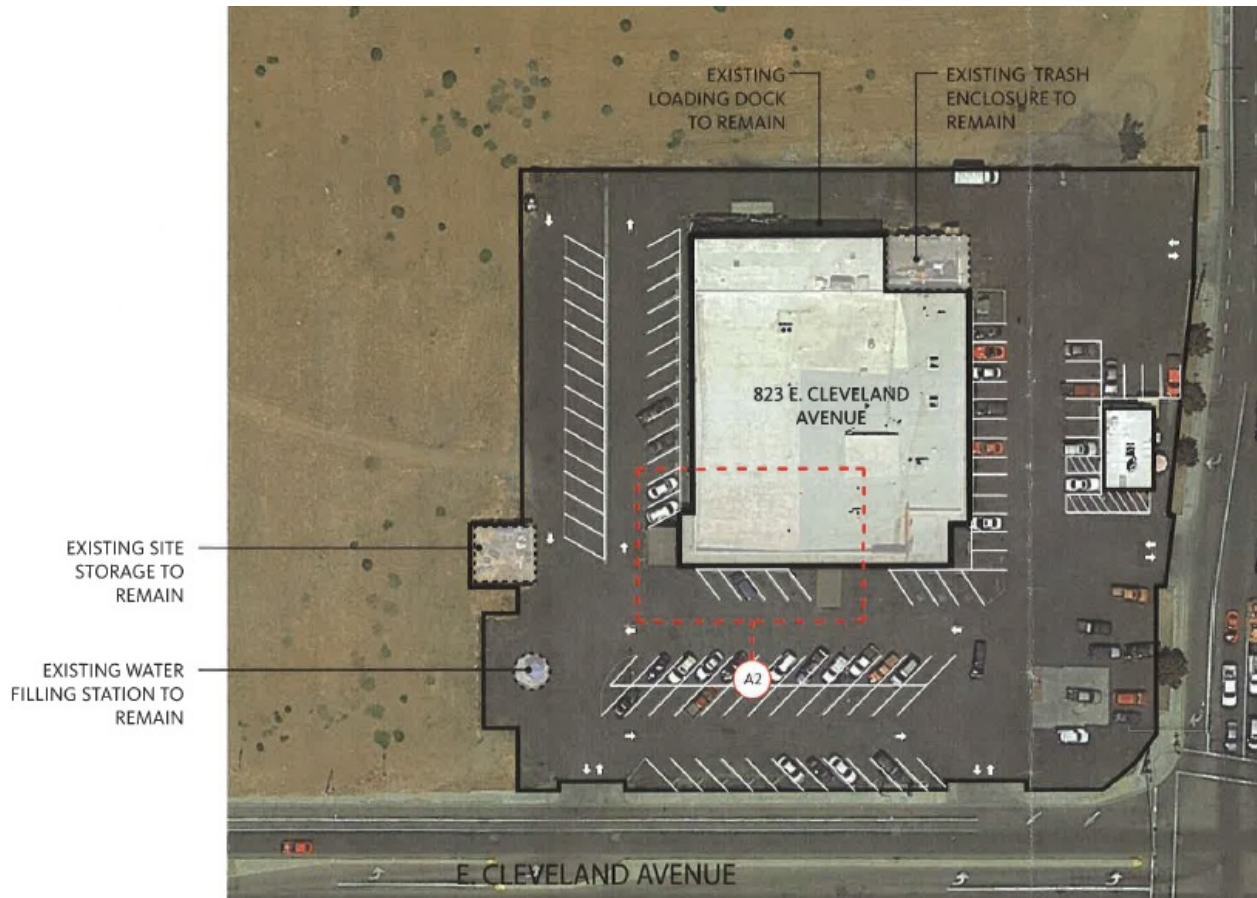
(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-27 and Site Plan Review 2017-44 based on and subject to the following findings (specify)

ATTACHMENTS

Site Plan
Madera County Environmental Health Department Letter
Site Photos

Site Plan



Madera County Environmental Health Department Letter



Community and Economic Development Environmental Health Division

Dexter Marr
Deputy Director

• 200 W. 4TH Street, Suite 3100
• Madera, CA 93637
• (559) 675-7823
• FAX (559) 675-7919
• envhealth@madera-county.com

11/28/2017

Madera County Environmental Health Comments:

Re: La Esperanza Market Outdoor Sales located at 823 E. Cleveland Avenue-Madera

Owner shall submit plan review application, specification sheet(s), and pay plan review fee for approval prior to operation. In addition, the owner shall meet the requirements of an Open-air barbecue at a permanent food facility a specification sheet(s).

Open-air Barbecue means a piece of equipment designed for barbecuing food, where the food is prepared out of doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method approved by the department, on equipment suitably designed and maintained for use out of doors, that is operated by a temporary food facility, or a mobile food facility that remains fixed during hours of operations at a community event or a permanent food facility (Section 113843).

Note: Barbecuing means that cooking is achieved by radiant heat and not via conduction or convection. The food being barbecued must be heated **directly over** the heat source and not through an intermediate medium or vessel. Wrapping the food in foil or placing the food in cooking utensils, i.e., pots and pans, and then placing the wrapped food or utensil over the heat source, does not constitute barbecuing. Examples of equipment that are not considered to be open-air barbecues include but are not limited to, griddles, ranges, ovens, and some underground vaults and pits.

No food preparation may take place out-of-doors except the barbecuing of foods on the open-air barbecue and the application of condiments to the foods barbecued. No other form of preparation including, but not limited to, forming, trimming, grinding, or slicing, may take place out-of-doors.

Contact Environmental Health Division for "Open Air BBQ Guidelines" (559) 675-7823.

Jerri Becker, MPH, Sr. REHS
Environmental Health Division

Site Photos



Existing non-permitted carports on the site

Site Photos



Waiting area



Existing storage area

Site Photos



Trash Enclosure area indicated on Site Plan

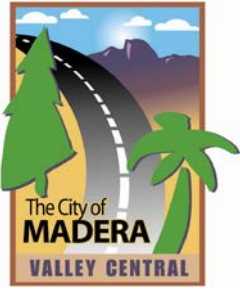


Current location of trash receptacles

Site Photos



Another storage area on the site



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Taco Express Outdoor Dining
CUP 2017-28 & Categorical Exemption
Item #6 – December 12, 2017**

PROPOSAL: An application for a conditional use permit to allow for an outdoor dining patio area as a component of an existing restaurant.

APPLICANT:	Isabel Hernandez / Taco Express	OWNER:	Joseph L. Pereyra
ADDRESS:	530 West Olive Avenue	APN:	012-042-020 and 021
APPLICATION:	CUP 2017-28	CEQA:	Categorical Exemption

LOCATION: The project site is located at the southeast corner of West Olive Avenue and Santa Cruz Street.

STREET ACCESS: The site has access to West Olive Avenue and Santa Cruz Street.

PARCEL SIZE: Two parcels encompassing approximately 0.34 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is located in an existing tenant suite within an existing retail complex, which includes retail and office space tenants. Madera Unified School District academic facilities are located directly west of the project site. Single family residences are located to the north and south, with multi-family dwelling units abutting the east side of the project site.

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

SUMMARY: The Taco Express is requesting approval to continue providing current outdoor dining services as component of their business model. The outdoor dining area encompasses approximately two hundred and sixty (260) square feet. Per the Madera Municipal Code, approval of a conditional use permit is required in order to establish outdoor dining. A site plan review is normally required in conjunction with the conditional use permit. However, in August of 2017 a site plan review was completed which facilitated all required improvements on the site.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Uses Permitted; Light Commercial Zones

MMC § 10-3.1202 Parking Spaces Required

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

The earliest known recorded entitlement on the project site was approved on June 9, 1987, which allowed for the establishment of an auto repair shop through Conditional Use Permit 1987-17. Guys in the Back Auto Repair and Machine Shop was approved and operated from December of 1971 until November of 2011.

In August of 2011, Site Plan Review 2011-10 was completed, which allowed for the demolition and remodeling of the structure on the project site. The project site was remodel to accommodate three (3) tenant suites, in addition to facilitating the installation of a paved parking field, landscaping/irrigation and a courtyard on the property.

In August of 2017, Site Plan Review 2011-10 MOD was completed, which allowed for the construction of a fourth tenant suite in the existing retail complex. Any improvements requiring the project site be brought to current City standard were addressed within the site plan review.

ANALYSIS

Operations

The Taco Express, for some time has been providing outdoor dining services as component of their business model. The applicant has taken initiative to pave over existing landscape in the front of the restaurant to accommodate two outdoor tables. Based on business's average clientele, Taco Express can serve anywhere from twenty-seven (27) and forty-five (45) customers in a day. The applicant has noted a significant number of customers are educators and students who walk off the academic campuses located west of Santa Cruz Street. Business hours will remain as followed: Monday through Sunday, 8:00 a.m. – 8:00 p.m.

The applicant proposes to reorganize seating arrangements for both indoor and outdoor dining to comply with the permitted twenty-eight (28) allowed seats for the restaurant. Currently, indoor dining occupies nine (9) tables and two (2) outdoor tables. The outdoor dining area is proposed to utilize six (6) chairs, leaving the remaining twenty-two (22) chairs for indoor customer use.

Parking

The City's parking standards for a restaurant requires a ratio of one (1) parking stall for each three (3) seats. The restaurant currently accommodates seating for twenty-four (24), requiring eight (8) parking stalls. With the allowance for outdoor dining, the restaurant would provide seating for twenty-eight (28) patrons. With the parking requirements for all uses of the commercial complex calculated, there is sufficient parking to accommodate an outdoor dining component. It is important to note that when the project site was redeveloped, Zoning Ordinance provided that a five (5) parking stall bonus be provided to the site. Thus, whereas there are only fourteen (14) developed parking stalls, the retail complex may be developed in such a way as to allow for uses requiring up to a total of nineteen (19) parking stalls. The site's parking requirements have been calculated and appropriated as followed:

<u>Business Name</u>	<u>Business Use</u>	<u>Parking Ratio Requirement</u>	<u>Total # of Units</u>	<u># of Parking Stalls Required</u>
Taco Express	Restaurant	1 space per 3 seats	28 seats	9 stalls
Procad Design	Office	1 space per 300 sf	1,120 sf	3.7 stalls
Una Vida Saludable	Retail Food	1 space per 250 sf	967 sf	3.2 stalls
Vacant	Retail/Office	1 space per 300 sf	769 sf	2.6 stalls
Total Number of Required Parking Stalls:				19 stalls
Total Number of Provided Parking Stalls				14 stalls
Total parking stalls provided with five (5) stall bonus per MMC § 10-3.1201(c):				19 stalls
Total Number of Required ADA Parking Stalls:				1 stall
Total Number of Provided ADA Parking Stalls:				1 stall

All parking allotted to the commercial complex has now been exhausted.

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.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of outdoor dining use 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 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 2017-28 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2017-28, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2017-28, 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).
- A restaurant with outdoor dining is consistent with the purpose of the C (Commercial) General Plan designation and the C-1 (Light Commercial) Zone District which provides for the use, subject to the approval of a conditional use permit.
- As proposed, the site provides for sufficient parking for an allowance for an outdoor dining area.
- As conditioned, outdoor dining will be compatible with the surrounding properties.
- As conditioned, the establishment, maintenance or operation of the restaurant and outdoor dining 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 Conditional Use Permit 2017-28 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 2017-28 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 2017-28 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. Conditional Use Permit 2017-28 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 to be in violation of the conditions of approval, the Planning Department may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
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 2011-10 MOD.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and/or approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

8. Any structural modifications or alterations incidental the proposed outdoor dining shall require site and floor plans be submitted to the Building Department prior to obtaining required building permits.

Fire Department

9. A site plan of the outdoor dining area with complete information is required to determine allowable/required space.
10. Any fabric covering, awnings, umbrellas must be fire retardant in accordance with the California Code of Regulations, Title 19 and the California Fire Code.

Planning Department

General

11. Vandalism and graffiti on the site shall be corrected per the Madera Municipal Code.
12. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
13. 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.
14. 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 Conditional Use Permit 2017-28.

Operations

15. Conditional Use Permit 2017-28 allows for outdoor dining to occur in the proposed approximate two hundred and sixty (260) square feet of dining area located in front of the restaurant frontage.
16. The total allowable number of seating for the restaurant shall not exceed twenty-eight seats, to be a cumulative amount for both indoor and outdoor dining.
17. Outdoor dining hours shall occur concurrent with regular business hours as followed:

- Monday –Sunday: 8:00 a.m. – 8:00 p.m.
18. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2017-28.
 19. The outdoor dining shall only be allowed in the approved outdoor dining patio area.
 20. No outdoor display of merchandise shall be allowed.
 21. No amplified or live performance music shall be allowed in the outdoor dining patio area.
 22. Smoking shall be prohibited in the outdoor dining patio, except as provided by law.
 23. Outdoor dining furniture i.e. tables, chairs, umbrellas shall not impede ADA paths of travel at any time.

Landscaping

24. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. 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 with drought-tolerant plantings and maintain groundcover mulch.
25. The applicant shall submit a landscape and irrigation plan to the Planning Department for approval that facilitates the installation of a boxwood hedge (three foot tall at maturity) within the landscaped area in proximity to and surrounding the outdoor patio. The hedges and supporting irrigation shall be installed within thirty days of approval. A three (3") inch deep mulch shall cover the entirety of the landscape area.

Signage

26. No permanent or temporary signage shall be placed within the outdoor patio dining area or affixed onto the outdoor dining patio fencing and/or protective barriers.
27. All current and future 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 2017-28 to the January 9, 2018 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-28, based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Plan

Aerial Photo

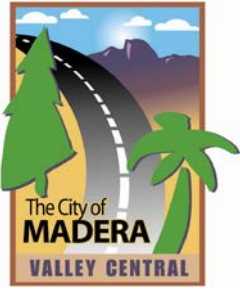


Patio area being utilized for outdoor dining

Site Plan



Current outdoor dining area



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Cold Stone Outdoor Dining
CUP 2017-29, SPR 2017-45 & Categorical Exemption
Item #7 – December 12, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of outdoor seating as a component of a proposed Cold Stone creamery ice cream parlor.

APPLICANT:	Ritesh Patel / SRARJ, Inc.	OWNER:	Northpointe Retail LLC
ADDRESS:	1653 North Schnoor Avenue #101	APN:	006-390-027
APPLICATION:	CUP 2017-29 & SPR 2017-45	CEQA:	Categorical Exemption

LOCATION: The project site is located approximately 400 feet southeast of the intersection of West Cleveland Avenue and North Schnoor Avenue.

STREET ACCESS: The site has access to North Schnoor Avenue.

PARCEL SIZE: The project site encompasses approximately 2,000 square feet.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The Northpointe shopping center, encompasses 31,104 square feet of total floor area distributed amongst three commercial structures. The project site is bounded by existing tenant suites, which include retail and professional office uses. The shopping center is surrounded by retail to the north, northwest, south, east and a planned residential development to the southwest.

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

SUMMARY: The applicant is requesting to establish outdoor seating for a proposed ice cream parlor that will occupy an existing tenant suite. The outdoor dining area will be limited located in proximity to and as an amenity of the ice cream parlor. Per the Madera Municipal Code, approval of a conditional use permit (CUP) is required in order to establish outdoor dining. The site plan review will facilitate completion of all required on and off-site improvements for the project site.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Uses Permitted; Light Commercial Zones

MMC § 10-3.1202 Parking Spaces Required

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

The project site was approved for development on January 26, 2004 as part of Site Plan Review 2004-01, which allowed for the construction of three commercial structures encompassing a 31,104 square foot floor area.

ANALYSIS

Operations

The applicant is requesting approval to establish outdoor seating as a component of the business model for a proposed ice cream parlor to be located in an existing tenant suite encompassing approximately 1,740 square feet. The applicant has proposed an outdoor seating area to accommodate up to five (5) tables along the west frontage section of the suite and the north patio section of the suite. The allowable square footage of outdoor dining space will ultimately be determined by California Fire Code regulations upon submittal of an official site and floor plan, in conjunction with submittals for building permit plan check.

Outdoor dining is proposed to occur during the regular business hours of 10:00 am to 11:00 pm, seven days a week. The ice cream parlor is projecting to serve anywhere from 200 to 500 customers per day.

Staff inspected the proposed ice cream parlor suite and its surroundings. It was determined that insufficient space was available for outdoor dining along the western business frontage. Conversely, ample area suitable for outdoor dining is available immediately to the north of the tenant suite within an existing unutilized outdoor patio area. Based on these site observations, it is recommended that outdoor seating should only occur within the northern patio section of the suite.

Parking

The Northpointe shopping center was developed with 165 parking stalls serving 31,104 square feet of floor area. Uses typical in retail commercial developments require one parking stall per each 300 square feet of floor area. Based on the calculations, the 31,104 square foot area requires that the shopping center provide 104 parking stalls. The shopping center has

approximately a sixty-one (61) surplus of parking stalls to serve the tenants within the shopping center.

The City’s parking standards for the ice cream parlor requires a ratio of one (1) parking stall for each three (3) seats. The applicant is proposing to accommodate seating for forty-five (45), requiring fifteen (15) parking stalls be provided. The proposed number of seating will be distributed between the indoor and outdoor dining as conditioned by condition No. 27. As proposed, all parking allotted on the shopping center has not yet been exhausted. There is sufficient parking to accommodate for all the uses within the shopping center, including the ice cream parlor with outdoor seating. The site’s parking requirements have been calculated and appropriated as followed:

<u>Business Name</u>	<u>Business Use</u>	<u>Parking Ratio Requirement</u>	<u>Total # of Units</u>	<u># of Parking Stalls Required</u>
Pad A (retail only)	Retail Only	1 space per 300 sf	8,068 sf	27 stalls
Gabriela’s (Pad A)	Restaurant	1 space per 3 seats	66 seats	22 stalls
Pad B (retail only)	Retail Only	1 space per 300 sf	11,220 sf	37 stalls
Cold Stone (Pad B)	Restaurant	1 space per 3 seats	45 seats	15 stalls
Pad C (retail only)	Retail Only	1 space per 300 sf	5,616 sf	19 stalls
Cazadores (Pad C)	Restaurant	1 space per 3 seats	78 seats	26 stalls
Total Number of Required Parking Stalls per MMC § 10-3.1201(c):				146 stalls
Total Number of on-site Parking Stalls				165 stalls
Total Number of Required ADA Parking Stalls:				6 stall
Total Number of Provided ADA Parking Stalls:				8 stall

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.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of outdoor dining use 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 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 2017-29 and Site Plan Review 2017-45 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2017-29 and Site Plan Review 2017-45, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2017-29 and SPR 2017-45, 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).
- An ice cream parlor with outdoor dining is consistent with the purpose of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provides for the use, subject to the approval of a conditional use permit.
- As proposed, the site provides for sufficient parking to provide for an allowance for an outdoor dining patio.
- As conditioned, outdoor dining will be compatible with the surrounding properties.
- As conditioned, the establishment, maintenance or operation of the restaurant and outdoor dining 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 Conditional Use Permit 2017-29 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 2017-29 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 2017-29 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. Site Plan Review 2017-45 will expire one year from the date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Conditional Use Permit 2017-29 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 the Planning Department to be in violation of the conditions of approval, the Planning Department may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 for 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 Site Plan Review 2017-45. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2017-29.
9. It shall be the responsibility of the property owner and/or 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. All on-site and off-site requirements listed herein shall be completed in advance of any request for occupancy of the tenant suite and/or issuance of a business license.

Building Department

11. Building permits are required for all proposed tenant improvements. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
12. The applicant shall submit detailed plans that include setbacks for ADA compliance to be approved by the Building Department.

Engineering

General

13. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
14. The 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.
15. Improvements within the City right-of-way require an encroachment Permit from the Engineering Division.

Water

16. Existing water service connection(s) shall be upgraded to include an Automatic Meter Reader water meter per City standards.

Sewer

17. Existing sewer service connection shall be upgraded to include a cleanout per City standards.

Fire Department

18. A building permit is required for tenant improvements.
19. A site plan of the outdoor dining area with dimensions and complete information is required to determine allowable/ required space.
20. Any fabric covering, awnings, umbrellas must be fire retardant in accordance with California Code of Regulations, Title 19 and the California Fire Code.
21. One (1) 2A10BC rated fire extinguisher is required. The extinguisher shall be mounted in a visible and accessible location.
22. A key box shall be required or new keys shall be provided if there is an existing key box.

Planning Department

General

23. Vandalism and graffiti on the site shall be corrected per the Madera Municipal Code.
24. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
25. The property owner, operator and/or 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.
26. 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 Conditional Use Permit 2017-29.

Operations

27. Conditional Use Permit 2017-29 allows for outdoor dining to occur only along the northern patio section of the tenant suite. The total allowable outdoor dining area within the aforementioned parameter shall be determined at the plan check stage.
28. The total allowable number of seats (indoor and outdoor combined) for the ice cream parlor shall not exceed a total of forty-five (45) seats. The total maximum allowable number of outdoor seats shall be determined by the Fire Marshall upon submittal of a required floor plan and site plan at the time of tenant improvement plan check.
29. Placement and design of the outdoor dining furniture shall be approved by the Planning Department prior to installation on the site.
30. Outdoor dining hours shall be permitted to occur as followed:
 - Monday –Sunday: 8:00 a.m. – 11:00 p.m. daily. The outdoor seating area shall not be utilized at any other times.
31. The outdoor dining shall only be allowed in the approved outdoor dining patio area.

32. No outdoor display of merchandise shall be allowed.
33. No amplified or live performance music shall be allowed in the outdoor dining patio area.
34. Smoking shall be prohibited in the outdoor dining patio, except as provided by law.
35. Outdoor dining furniture i.e. tables, chairs, umbrellas shall not impede ADA paths of travel.

Landscaping

36. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. 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 with drought-tolerant plantings.

Signage

37. No permanent or temporary signage shall be placed within the outdoor patio dining area or affixed onto any outdoor dining patio furniture, fencing and/or protective barriers.
38. All current and future 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 2017-29 and Site Plan Review 2017-45 to the January 9, 2018 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-29 and Site Plan Review 2017-45, based on and subject to the following findings: (specify)

ATTACHMENTS

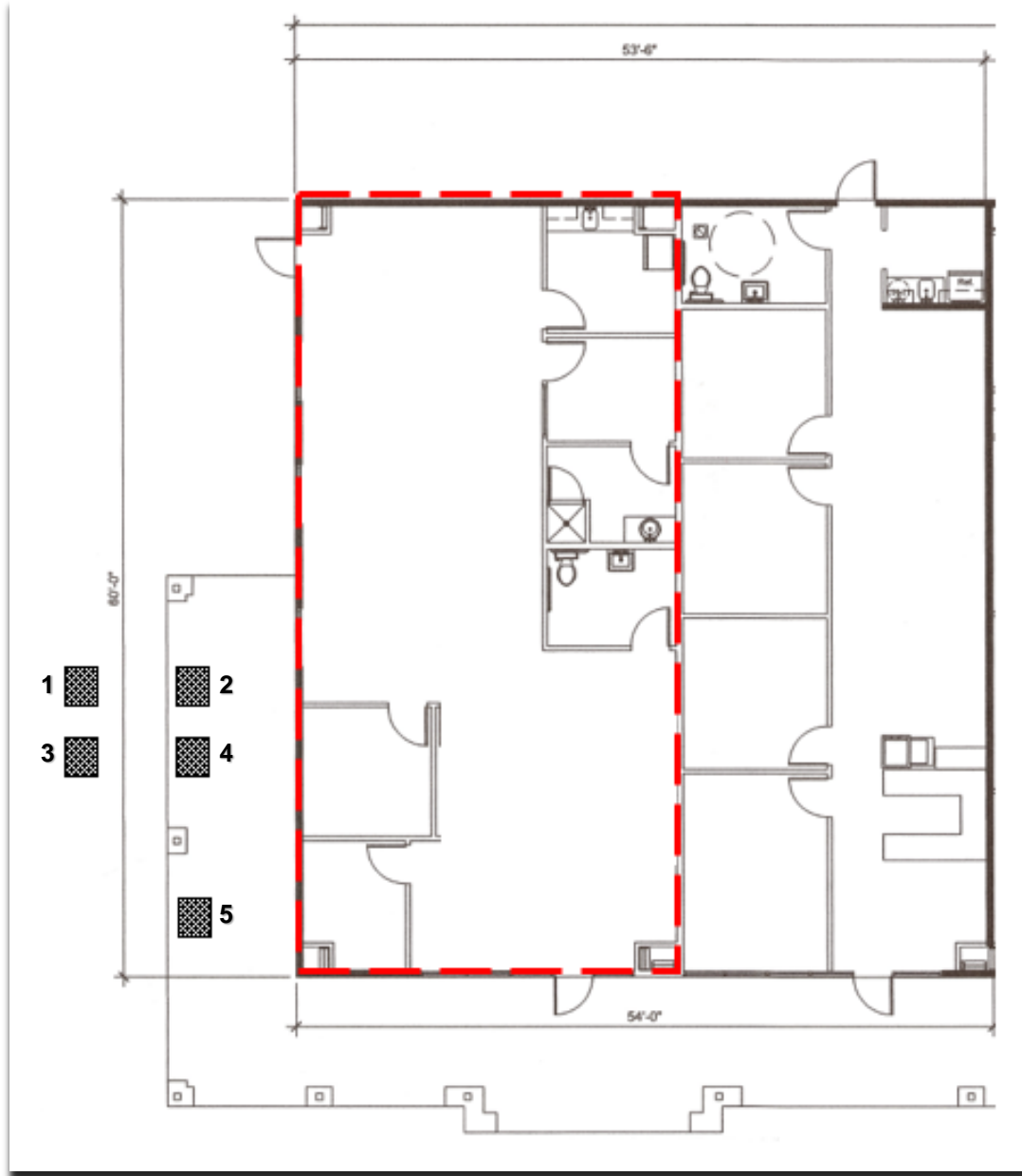
Aerial Photo
Site Plan
Elevation

Aerial Photo



Proposed Ice Cream Parlor within Pad B of the Northpointe shopping center.

Site Plan

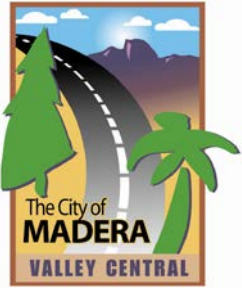


Conceptual floor plan of outdoor seating. (Not to scale)

Elevation



Conceptual elevation of outdoor seating for five (5) tables. (Not to scale)



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: MUSD at Rain Creek Baking, Co.
CUP 2017-30, SPR 2017-46 & Categorical Exemption
Item #8 – December 12, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for Madera Unified School District to occupy approximately 9,750 square feet of office space within the Rain Creek Baking, Co. structure.

APPLICANT:	Madera Unified School District/Rosalind Cox	OWNER:	East Denair LLC
ADDRESS:	2401 West Almond Avenue	APNs:	009-270-056
APPLICATION:	CUP 2017-30 and SPR 2017-46	CEQA:	Categorical Exemption

LOCATION: The project site is at the northwest corner of West Almond Avenue and Commerce Drive.

STREET ACCESS: The site has access to West Almond Avenue and Commerce Drive.

PARCEL SIZE: Approximately 6.6 acres.

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: IP (Industrial Park)

SITE CHARACTERISTICS: The project site is immediately surrounded by heavy industrial uses and large warehouses. North of the project site is Lions Town and Country Park, west of the project site are single-family neighborhoods, east of the site are industrial uses and vacant industrial land, and south of the site are heavy industrial uses.

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 Madera Unified School District occupied approximately 9,750 square feet of office space within the Rain Creek Baking Co. structure without first consulting with staff as to the suitability of the use within the IP (Industrial Park) Zone District. The IP (Industrial Park) Zone District allows for “warehousing and . . . distribution . . . of assembled products” with the approval of a conditional use permit by the Planning Commission. Conditions of approval serve to provide compatibility with the other adjacent and surrounding uses.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.11.503 Uses Permitted; Industrial Park Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 Parking Spaces Required
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

Three (3) site plan reviews have been approved for the development of the property between the years of 1988 and 2012 (Site Plan Review 1988-16, Site Plan Review 1989-19 and Site Plan Review 2012-05).

ANALYSIS

Background

The Madera Unified School District (MUSD) occupied approximately 9,750 square feet of building space on the subject property in July of 2015. During an inspection in the immediate area, the Building Official observed a Madera Unified School District sign on the front entrance door at the Rain Creek Baking Company site. Further inspection found that MUSD had occupied space within the building and tenant improvements had been made without the required permits. According to the Fire Marshal, the tenant improvements resulted in blocked access to required fire egress paths of travel. Staff informed MUSD of fire safety violations and the requirement of approval of a conditional use permit by the Planning Commission. The potential allowance for the office use in the IP (Industrial Park) Zone District, at first glance, might be viewed as a courtesy accommodation to the MUSD. After closer scrutiny of the activities of the MUSD in the proposed location, staff can see a rationale for allowance of the use within the zone. The IP (Industrial Park) Zone District allows for "warehousing and . . . distribution . . . of assembled products" with the approval of a conditional use permit (CUP) by the Planning Commission.

Operations

The operations of the MUSD, although at a smaller scale than probably envisioned by the Zoning Ordinance, closely compares with uses allowed via the CUP process. The Information Technology (IT) department is currently located within a 9,750 square foot area of the Rain Creek Bakery structure that had been utilized by the previous tenant as office and related storage space. The office space includes multiple offices, a conference room, work room and storage room. The IT department warehouses the district's inventory of computers and supporting equipment, assembles new and repairs in-service computers and computer parts within the work and storage rooms, for distribution to the various campuses of the district. These activities are consistent with

the warehousing and distribution of assembled products, a permitted use subject to the approval of a use permit.

Industrial Park Zone District

The purpose of the IP (Industrial Park) Zone District is to ensure the creation of an environment exclusively for, and conducive to, the development and protection of modern, large-scale administrative facilities, research institutions, specialized manufacturing organizations, and distribution centers for major retail outlets. A finding of consistency with the purpose and intent of the zone is included as a component of staff's recommendation.

Parking

The City's parking standards for an office use require one parking stall for each 300 square feet of gross floor area. The Rain Creek Baking Company is considered a warehouse use that requires one parking stall for each 300 square feet of office space and one parking stall for each two employees. The MUSD office space equates to approximately 9,750 square feet. The Rain Creek Baking Company has approximately 75 employees and approximately 19,506 square feet of office space. This equates to a minimum requirement of 135 total parking stalls, five (5) of which are required to be handicap accessible parking stalls. The site currently has a total of 226 parking stalls, six (6) of which are handicap accessible parking stalls. The site has adequate parking to serve the Madera Unified School District office. Although parking is located on an adjacent lot, easements are required to be recorded that tie the off-site parking to the project parcel.

The 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 the establishment of a warehousing, distribution and office use in the IP (Industrial Park) Zone District is not specifically addressed in the vision or action plans, the overall project does indirectly support **Strategy 331** – *Expand and diversify business opportunities within Madera to provide workforce capacity.*

RECOMMENDATION

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 2017-30 and Site Plan Review 2017-46 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2017-30 and Site Plan Review 2017-46, determining to either:

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

Any action by the Planning Commission approving or denying the applications is subject to appeal to the City Council within fifteen (15) calendar days of the Planning Commission's action.

Motion 1: Move to approve Conditional Use Permit 2017-30 and Site Plan Review 2017-46, based on and subject to the following findings and conditions of approval:

Findings

- The project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- A warehousing, distribution and office use is consistent with the purposes of the I (Industrial) General Plan and IP (Industrial Park) 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 warehousing, distribution and office use.
- As conditioned, the warehousing, distribution and office use will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the warehousing, distribution and office 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 Conditional Use Permit 2017-30 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 2017-30 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. Site Plan Review 2017-46 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
5. Conditional Use Permit 2017-30 and Site Plan Review 2017-46 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 an item before the Planning Commission

so that it may determine whether to consider setting a hearing regarding 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 Site Plan Review 2017-46.
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.
9. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite and/or issuance of a business license.

Building Department

10. Building permits shall be required for all current work done without permits, and proposed and/or future tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
11. 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

General

12. Nuisance onsite lighting shall be redirected as requested by City Engineer within forty-eight (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. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
15. Improvements within the City's right-of-way require an Encroachment Permit from the Engineering Division.

Streets

16. The developer shall construct a handicap access ramp at the northwest corner of West Almond Avenue and Commerce Drive to current City and ADA standards.
17. The developer shall construct ADA accessible concrete sidewalk along the entire project parcel frontage on West Almond Avenue and Commerce Drive per City standards.

18. If the applicant believes that a hardship waiver is applicable based on the cost of this improvement in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Water

19. Existing water service connection(s) shall be upgraded to include an Automatic Meter Reading (AMR) water meter per City standards.

Fire Department

20. Fire extinguishers shall be required in accordance with California Fire Code (CFC) 906 throughout the office space.
21. All work requires building permits.
22. Alterations to the fire sprinkler system shall require a building permit.
23. Panic hardware may be required at the exits from the conference room.
24. A key box or new keys for an existing key box shall be required for access to the MUSD office space.

Planning Department

General

25. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
26. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
27. 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.
28. 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 Conditional Use Permit 2017-30.

Operations

29. Conditional Use Permit 2017-30 allows for the establishment of approximately 9,750 square foot warehousing, distribution and office use for the Madera Unified School District IT department. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2017-30.

Landscaping

30. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. 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 with drought-tolerant plantings.
31. Installation of mulch shall be installed three (3") inches deep into the landscape area along the building frontage at the southern elevation.

Parking

32. On-site parking shall be provided at all times in conformance with the Madera Municipal Code. Further expansion of the use or additional or accessory uses may 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 an amendment to Site Plan Review 2017-46.
33. Consistent with the requirements (Condition No. 13) of Lot Line Adjustment 2014-01 MOD, cross access easements sufficient for logical and cohesive vehicular and pedestrian ingress and egress for the parcels shall be recorded upon all adjusted parcels. Those easements shall include:
- Vehicular cross-access between Adjusted Parcel A and Adjusted Parcel C along the northern fifty (50') feet of the two parcels.
 - Vehicular cross-access to and from Adjusted Parcel C and Adjusted Parcel A and B.
 - Pedestrian cross-access between Adjusted Parcel C and Adjusted Parcel A and B.
 - A dedication of existing parking on Adjusted Parcel C sufficient to serve the improvements on Adjusted Parcel A.

Signage

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 2017-30 and Site Plan Review 2017-46 to the January 9, 2017 Planning Commission hearing for the following reasons: (specify)

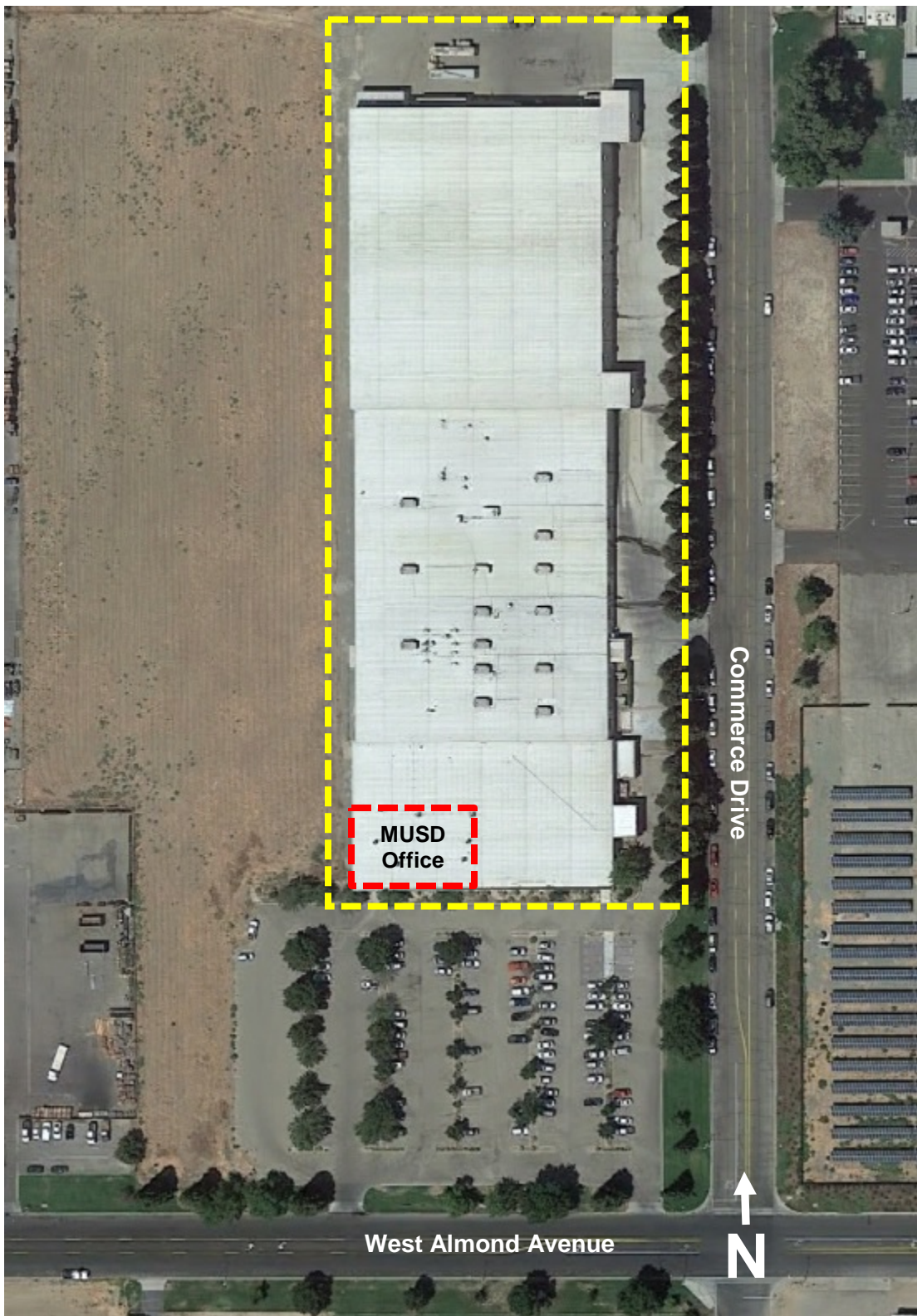
(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-30 and Site Plan Review 2017-46, based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan
Site Photo

Aerial Photo

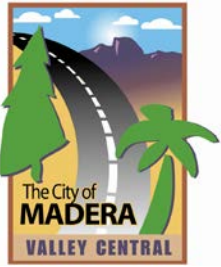


Site Plan



Site Photo





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Madera Family Market Alcoholic Beverage Sales
CUP 2017-31, SPR 2017-47 & Categorical Exemption
Item #9 - December 12, 2017**

PROPOSAL: An application for a conditional use permit to allow for a change in the sale of alcoholic beverages in association with a gas station convenience store, adding the sale of distilled spirits to the existing non-conforming “grandfathered” allowance for beer and wine sales as a component of the convenience store operations.

APPLICANT:	Navjeet Singh Chahal	OWNER:	Simone Mauro
ADDRESS:	1211 West Olive Avenue	APN:	010-101-001
APPLICATION:	CUP 2017-31 SPR 2017-47	CEQA:	Categorical Exemption

LOCATION: The property is located on the north side of West Olive Avenue, between West Yosemite Avenue and South Q Street.

STREET ACCESS: The site has access to West Olive Avenue, West Yosemite Avenue and South Q Street.

PARCEL SIZE: Approximately one-half acre.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The approximately one-half acre site is developed with a Valero-branded gas station, which includes an approximately 2,200 square foot convenience store and drive-thru automatic car wash. Commercial/retail development generally surrounds the project site with single and multifamily residential development 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 applicant would like to add the sale of distilled spirits to the existing “grandfathered” allowance for the sale of beer and wine for off-site consumption. Expansion of a grandfathered use requires that a conditional use permit be approved by the Planning Commission. Conditions of approval that guide the sale of alcoholic beverages are proposed.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zone
MMC § 10-3.406 Nonconforming Buildings and 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.

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial and retail uses. The City's Zoning Ordinance allows for food store and service station uses in the C1 (Light Commercial) Zone District, except that the sale of alcohol is allowed only with the approval of a conditional use permit.

PRIOR ACTION

The site was developed into its current configuration via Site Plan Review 1986-16 and Site Plan Review 1987-02, which provided for the development of a Johnny Quik gas station and convenience store. Site Plan Review 1997-03 provided for the addition of the drive-thru car wash.

ANALYSIS

Use Permit Request

The Madera Family Mart has sold beer and wine as a "grandfathered" use, having sold beer and wine prior to the requirements for a conditional use permit. Since the convenience store did not have a conditional use permit on file for the sale of alcoholic beverages, a use permit is required in order to allow for the expansion of the use to include distilled spirits.

In order to initiate the process for adding distilled spirits to the business model, the applicant made application with the California State Department of Alcoholic Beverage Control (ABC) to transfer an existing Type 21 license from the Huntington Beach area to their Madera convenience store. The transfer would surrender their existing Type 20 (Off-Sale Beer and Wine – Package Store) license and replace it with a Type 21 (Off-Sale General – Package). The Type 21 license allows for the sale of distilled spirits in addition to beer and wine. The Type 20 could feasibly be offered for sale to another business in need of a Type 20, but it cannot be utilized simultaneously with the proposed Type 21 license.

The project site is within Census Tract No.8. Census Tract No.8 is an over-concentrated area for ABC licenses for both the on- and off-site sale and consumption of alcoholic beverages. Currently, Census Tract No.8 holds sixteen (16) ABC licenses for off-site consumption of alcoholic beverages and twenty (20) ABC licenses for on-site consumption of alcoholic beverages. The current population of Census Tract 8.0 (7,027 residents) allows for a maximum

of six (6) ABC licenses for both on- and off-site consumption of alcoholic beverages. If approved, this request will not raise the number of licenses since the Proposed Type 21 license would replace the current Type 20 ABC license that is already factored into the current overconcentration statistics.

The existing allowance for the sale of beer and wine has not created any inordinate adverse impacts and has been generally compatible with surrounding uses. There is no compelling reason to disallow the addition of distilled spirits in association with the convenience store. Nonetheless, it would be expected that the business operator monitor the exterior of the business site in order to dissuade any vagrancy issues and to protect the public's health. It is also recommended that visibility into the business be maintained to reduce crimes of opportunity. In that the use is substantially surrounded by other commercial types of business, no restriction on hours of operation is proposed. Additional conditions of approval are designed to provide compatibility with the use while supporting favorable findings for approval.

Operations

The project site is currently branded as a Valero gas station. The convenience store and drive-thru car wash are components of the primary gas station business. The business is open from 5:00 a.m. until 12:00 midnight daily, serving approximately 500 customers per day. The applicant would only display and sell distilled spirits from behind the cash register counter. The Police Department recommends that only 375 milliliter or larger bottles/containers of distilled be allowed for sale. No alterations to the type of beer and wine sold, including the size of bottles/containers is proposed since that component of the operation has been in place for an extended period and has demonstrated itself to be compatible with and having no adverse impacts upon surrounding properties.

Parking

The existing parking field provides a total of ten (10) parking stalls serving the approximately 2,200 square foot structure. One Americans with Disabilities Act accessible stall is provided as part of the ten stalls. The overall condition of the parking field is distressed. It is recommended that the parking field be slurry sealed and restriped so as to refresh the pavement surfaces. Striping of parking stalls should be approved by the Planning Manager.

Car Wash

The car wash was originally approved in 1997 as a fully automatic drive-thru car wash. Today the car wash is home to a hand car wash and auto detailing business. Whereas automatic car washes are permitted as an ancillary use to a permitted use in the C1 (Light Commercial) Zone District, an automotive detailing business requires that a conditional use permit be approved. It is recommended that either the automatic car wash be repaired, or the detailing business secure the required conditional use permit prior to the establishment of the sale of distilled spirits.

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 sales of alcoholic beverages 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 ...*

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports conditional approval of the use permit request.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit.

Motion 1: Move to approve Conditional Use Permit 2017-31 and Site Plan Review 2017-47, based on and subject to the following findings and 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 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 adequate parking and site features to allow for the proposed sale of alcoholic beverages.
- 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. The applicant's failure to utilize Conditional Use Permit 2017-31 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 2017-31 will automatically terminate if the use is discontinued for a period of 12 consecutive months unless a written request for an extension has been submitted to and approved by the Planning Commission.
4. Conditional Use Permit 2017-31 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. Site Plan Review 2017-47 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permit 2017-31 and Site Plan Review 2017-47 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 Site Plan Review 2017-47.
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. All on-site and off-site requirements listed herein shall be completed in advance of any sale of distilled spirits as a component of the restaurant.

Building Department

11. 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.

Engineering Department

General Comments

12. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
13. 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.
14. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
15. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.

Water

16. Existing water service connection(s) shall be upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.

Streets

17. Existing handicap access ramps located at the following locations shall be reconstructed/upgraded to current ADA standards.
 - a. Southwest corner of Yosemite Avenue and Q Street
 - b. Northwest corner of Olive Avenue/ Q Street and Park Street
18. The following driveways shall be re-constructed to the extent necessary to provide ADA accessibility along the entire site frontage.
 - a. Easternmost driveway on Yosemite Avenue
 - b. 2 driveways along Olive Avenue
19. If the applicant believes that a hardship waiver is applicable based on the cost of ADA improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Planning Department

20. Conditional Use Permit 2017-31 provides for the sale of beer, wine and distilled spirits for off-site consumption as a component of the operation of a gas station convenience store. Conditional Use Permit 2017-31 provides for the issuance of a Type 21 license by the California State Department of Alcoholic Beverage Control.
21. All improvements required herein shall be completed prior to the commencement of the sale of distilled spirits.

Site Operations

22. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
23. No outdoor display of merchandise shall be allowed.
24. The gas station convenience store may be open from as early as 5:00 a.m. until as late as 12:00 midnight, seven days a week.
25. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
26. 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.
27. The property owner, operator and/or 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/or refuse containers owned by the property owner. Refuse containers shall be stored in the gated storage area to the south of the Punjab ethnic grocery store structure.
28. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. 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 with drought tolerant plantings.

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

Site Improvements

30. The existing trash enclosure shall be improved consistent with current City standards. The front doors of the enclosure shall be upgraded per City standard specifications.
31. The car wash structure is nonoperational. The applicant shall repair the car wash facility to operational status. As an alternative, the applicant may apply for a conditional use permit to utilize the structure as a hand car wash and automotive detailing business. Non-permitted signage shall be removed immediately.
32. The parking lot asphalt surface shall be crack-sealed and slurry-sealed. The parking field shall be restriped to accommodate ten (10) parking stalls per the direction of the Planning Department.
33. Non-permitted outdoor vending machines shall be permanently removed from the property.

Alcohol Sales

34. A maximum of 10 percent of the retail floor area may be devoted to alcohol sales. Retail floor area shall mean those areas directly accessible to customers, physically and visually.
35. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
36. All indoor display(s) of alcoholic beverages shall be located five feet or more away from the store entrance.
37. The applicant shall regularly monitor the area under its control to prevent the loitering of persons about the premises.
38. The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location, and stating that no loitering will be tolerated.
39. Digital security cameras shall be installed to monitor the interior and exterior of the premises. Footage shall be maintained in a digital format of not less than thirty (30) days. Footage will be shared with law enforcement upon request.
40. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
41. On-site consumption of alcohol at any time is prohibited.
42. Sale of distilled spirits shall not be sold in containers of less than 375 ml.
43. No display of alcohol shall be made from an ice tub, barrel or similar container.

44. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
45. The applicant shall implement an alcohol sales training program to train all employees regarding the responsible retailing of alcoholic beverages.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-31 and Site Plan Review 2017-47 to the January 9, 2018 Planning Commission meeting.

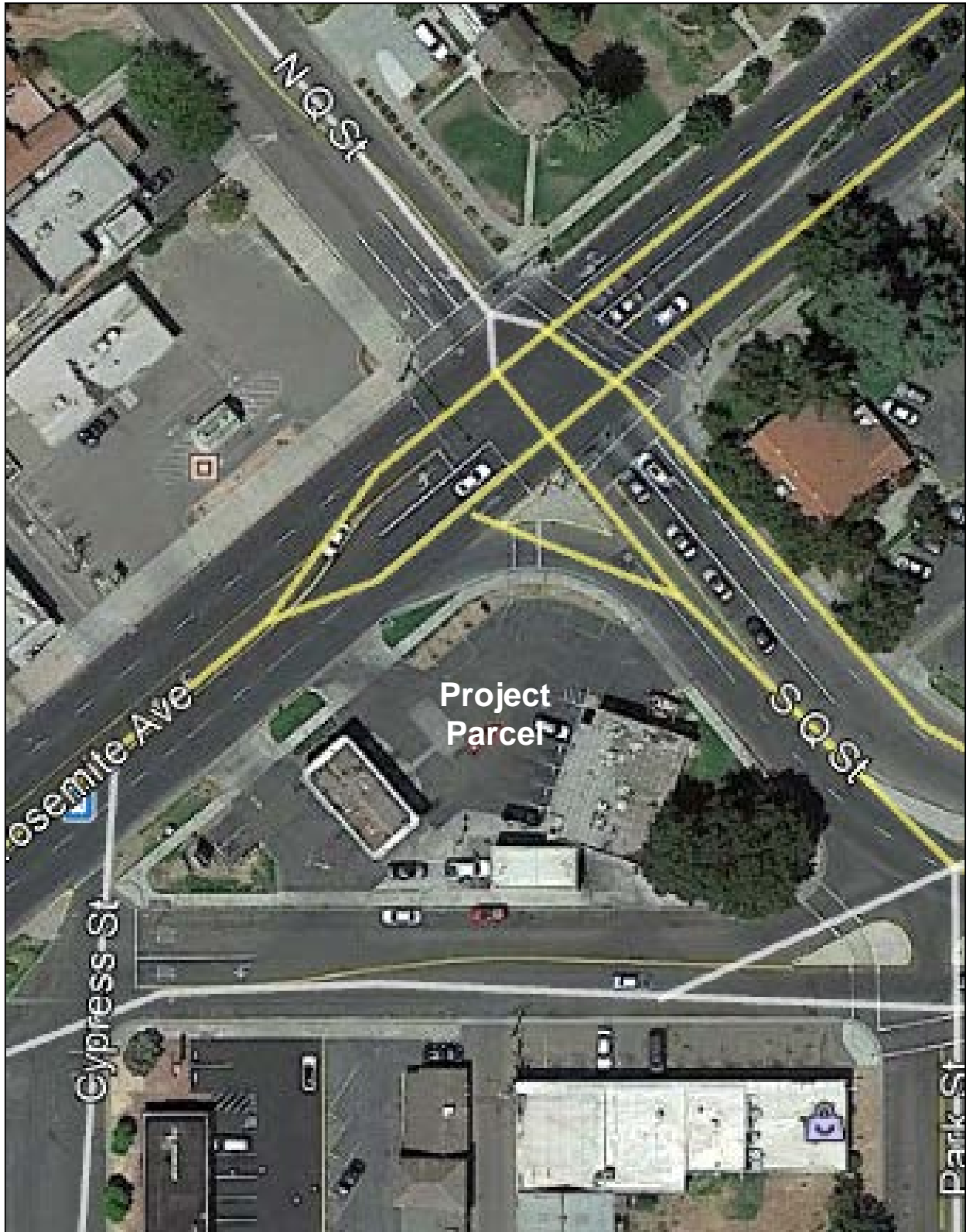
(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-31 and Site Plan Review 2017-47, based on and subject to the following findings (specify):

ATTACHMENTS

Aerial Map
Site Photos

Aerial Imagery



Site Photos



Front of store with non-permitted vending receptacles.



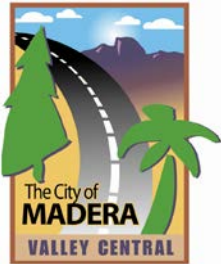
Non-operational automatic car wash with non-permitted business and signage.



Dilapidated trash enclosure fencing.



Rear of store site, with unnecessary signage.



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: La Cabanita Alcoholic Beverage Sales
CUP 2017-32 and SPR 2017-48
Item #10 - December 12, 2017**

PROPOSAL: An application for a conditional use permit to allow for a change in the sale of alcoholic beverages in association with the eating establishment, adding the sale of distilled spirits to the existing allowance for beer and wine as a component of the restaurant's operations.

APPLICANT:	Fabiola Lujan	OWNER:	Maria Melgar
ADDRESS:	219 E. Yosemite Avenue	APN:	007-111-006
APPLICATION:	CUP 2017-32	CEQA:	Categorical Exemption

LOCATION: The property is located on the north 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 and a municipal alley.

PARCEL SIZE: Approximately 2,350 sq. ft.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The 2,350 square foot site was developed with a three story building in the early period of the last century. The existing restaurant, La Cabanita Restaurante (formerly the Maya Grill and Café), is located on the ground floor, facing onto the public right-of-way (East Yosemite Avenue) with parking provided at the rear of the building, as well as by shared access/parking with the adjacent Chase Bank property. There is commercial/retail development surrounding the project site within the downtown commercial 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 applicant would like to add the sale of distilled spirits to the existing allowance for the sale of beer and wine in order to expand the restaurants offerings and enhance the dining experience of the new La Cabanita Restaurante. In that no adverse issues occurred in conjunction with the sale of beer and wine, findings in support of the request can be made.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zone

MMC § 10-3.1205 Exemptions from Parking Space Requirements

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

The site is in the historic core of the City. The ground floor has been utilized as a restaurant for an extended period of time. The Maya Grill and Café received approval for the sale of beer and wine from the Planning Commission on November 9, 2010.

ANALYSIS

Background

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial and retail uses. The City's Zoning Ordinance allows for restaurant uses in the C1 (Light Commercial) Zone District, except that the sale of alcohol is allowed only with the approval of a conditional use permit. The commercial building where the restaurant is located has been utilized for the same purpose in the past and the use has demonstrated itself to be compatible with, and having no adverse impact to, surrounding properties. Issues discussed as part of this analysis include parking and operational characteristics.

Operations

The applicant recently purchased the former Maya Grill and Café and rebranded the restaurant as the La Cabanita Restaurante. It is the desire of the applicant to create a more upscale Mexican restaurant. The addition of distilled spirits would allow the applicant to provide mixed drinks (such as margaritas) typical of an upscale Mexican restaurant. The Maya Grill and Café offered only beer and wine in conjunction with their restaurant operations. The restaurant proposes to be open from 10:00AM until 8:00 PM, seven days per week, serving lunch and dinner. The restaurant does currently have a small bar component.

Parking

In that the building was constructed in the early part of the last century, none of the parking requirements are applicable to the site. The Zoning Ordinance provides an exemption to all buildings and uses that were in existence prior to August 1, 1978. Additionally, the subject parcel is located in the Downtown Parking District, exempting it from the parking standards of the City. Four parking stalls are provided at the rear of the building. Shared access and parking is available at the adjacent Chase Bank property.

Use Permit Request

In order to initiate the process for adding distilled spirits to the business model, the applicant has made application to change their existing California State Department of Alcoholic Beverage Control (ABC) license from a Type 41 (On-Sale Beer and Wine – Eating Place) to a Type 47 (On-Sale General – Eating Place). The Type 47 license allows for the sale of distilled spirits. In conjunction with the request to the ABC, the applicant has also requested an amendment to the conditional use permit, consistent with the Zoning Ordinance of the City.

The downtown area of the City is within Census Tract No.8. Census Tract No.8 is an over-concentrated area for ABC licenses for both the on- and off-site sale and consumption of alcoholic beverages. Currently, Census Tract No.8 holds sixteen (16) ABC licenses for off-site consumption of alcoholic beverages and twenty (20) ABC licenses for on-site consumption of alcoholic beverages. The current population of Census Tract 8.0 (7,027 residents) allows for a maximum of six (6) ABC licenses for both on- and off-site consumption of alcoholic beverages. If approved, this request will not raise the number of licenses since the current ABC license is already factored into the current overconcentration statistics.

As noted prior, the existing allowance for the sale of beer and wine has not created any adverse impacts and has been compatible with surrounding uses. There is no compelling reason to disallow the addition of distilled spirits in association with the restaurant. Nonetheless, it would be expected that the business operator monitor the exterior of the business site in order to dissuade any vagrancy issues and to protect the public's health. It is also recommended that visibility into the business be maintained to reduce crimes of opportunity. In that the use is substantially surrounded by other commercial types of business, no restrictions on the restaurant hours of operation are proposed.

Off-Sale Concerns

The Type 47 license does provide for the sale of beer and wine for off-site consumption. While the current applicant has indicated no desire to sell alcohol for off-site consumption, the Police Department has indicated concerns regarding the potential for alcohol sales for off-site consumption at this location. In addressing these concerns, the ABC has indicated that the City may attach conditions of approval to the use permit that place certain limitations and/or restrictions on the sale of alcohol. This business is located within Census Tract No. 8. Census Tract No. 8 has a significant over-concentration of off-sale licenses. Because of this over-concentration and the specific concerns stated by the Police Department, it is recommended that the sale and consumption of alcoholic beverages be restricted to on-site only, with absolutely no off-sale privileges being granted. The ABC shall be notified of this condition of approval if the use permit is approved by the Planning Commission with the recommended off-site sale restriction.

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 sales of alcoholic beverages 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 ...*

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports conditional approval of the use permit request.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit.

Motion 1: Move to approve Conditional Use Permit 2017-32 and Site Plan Review 2017-48, based on and subject to the following findings and 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 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 adequate parking and site features to allow for the proposed sale of alcoholic beverages.
- 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. The applicant's failure to utilize Conditional Use Permit 2017-32 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 2017-32 will automatically terminate if the use is discontinued for a period of 12 consecutive months unless a written request for an extension has been submitted to and approved by the Planning Commission.
4. Conditional Use Permit 2017-32 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. Site Plan Review 2017-48 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)

6. Conditional Use Permit 2017-32 and Site Plan Review 2017-48 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 Site Plan Review 2017-48.
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. All on-site and off-site requirements listed herein shall be completed in advance of any sale of distilled spirits as a component of the restaurant.

Building Department

11. 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.

Engineering Department

General Comments

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The 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.
14. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.

Sewer

15. Existing sewer service connection shall be upgraded to include a cleanout per City standards.

Planning Department

16. Conditional Use Permit 2017-32 provides for the sale of beer, wine and distilled spirits for on-site consumption as a component of the operation of a restaurant. Conditional Use Permit 2017-32 provides for the issuance of a Type 47 license by the California State Department of Alcoholic Beverage Control.

17. Vandalism and graffiti shall be corrected within 24 hours of notification.
18. No outdoor displays or storage of materials shall be allowed.
19. 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.
20. The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.
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 applicant shall comply with the City of Madera sign ordinance regarding all building signage including placement and size of window signage.

Police Department

23. The sale and consumption of alcoholic beverages shall be restricted to on-site only. There shall be no off-sale privileges whatsoever.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit CUP 2017-32 and Site Plan Review 2017-48 to the January 9, 2018 Planning Commission meeting.

(OR)

Motion 3: Move to deny the application for Conditional Use Permit CUP 2017-32 and Site Plan Review 2017-48, based on and subject to the following findings (specify):

ATTACHMENTS

Aerial Map

Aerial

