

REPORT TO CITY COUNCIL

Approved by:

A handwritten signature in blue ink, appearing to read "Gary Conte". The signature is written over a horizontal line.

Gary Conte, Planning Manager

A handwritten signature in blue ink, appearing to read "Arnaldo Rodriguez". The signature is written over a horizontal line.

Arnaldo Rodriguez, City Manager

Council Meeting of: April 6, 2022

Agenda Number: C-2

SUBJECT:

Rezone property located on 801 South Gateway Drive

RECOMMENDATION:

The Planning Commission and staff recommend the City Council hold a public hearing, make the necessary findings, and take actions as follows:

1. Waive full reading and introduce an Ordinance Rezoning approximately 0.27 acres at 801 South Gateway Drive (APN 011-111-005) from an I – Industrial Zone district to a C2 – Heavy Commercial Zone district.

SUMMARY:

The applicant, Hardev Singh, is proposing to rezone approximately 0.27 acres at 801 South Gateway Drive to conform with the site's General Plan land use designation. The applicant proposes to rezone the subject site from I – Industrial to C2 – Heavy Commercial zone district (REZ 2021-02).

The project proposal was reviewed and considered by the Planning Commission (Commission) at its meeting on March 8, 2022. At the meeting, the Commission heard from the applicant's representative who expressed acceptance to all project conditions of approval. No public comments were received at the Commission hearing. The Commission found the proposed rezone to be in conformance with the General Plan and has adopted Resolution No. 1909 recommending adoption of a Categorical Exemption pursuant to the California Environmental Quality Act Guidelines Section 15301 and approval of rezoning the subject site C2 – Heavy Commercial.

A resolution adopting the Categorical Exemption and an ordinance approving rezoning the subject site C2 – Heavy Commercial have been prepared for Council action consistent with the Planning Commission’s recommendation.

DISCUSSION:

The subject site’s current zone district of I – Industrial is inconsistent with the site’s General Plan Land Use designation of C – Commercial. The applicant is proposing a rezone from the current I – Industrial zone to a C2 – Heavy Commercial zone to enable the subject site to be consistent with the site’s City’s General Plan Land Use designation and to better align with goals and policies established in the General Plan and zoning ordinance. The site’s current industrial zone classification allows for uses that are inconsistent with the site’s commercial General Plan land use designation.

The proposed rezone will also ensure that all future proposed uses are subject to the building rules and regulations of a C2 – Heavy Commercial zone district, allowing for better functionality with all surrounding current and future uses.

REZ 2021-02 is consistent with i) the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public’s health, safety, peace, comfort, convenience and general welfare; and iii) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. The project is consistent with the General Plan goals and policies as further set forth in the attached ordinance. A rezone also provides support for the City’s Land Use Core Principles and fosters comprehensive planning “to ensure individual projects are integrated with existing and future projects and considers the form and function of the surrounding area” (City of Madera General Plan, p. 8-7).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW:

A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission has recommended the City Council find and determine that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

PUBLIC NOTICE:

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper and notification by mail of owners and occupants within at least a 300-foot radius of the subject property.

FISCAL IMPACT:

The applicant paid \$11,137.50 in Planning Department entitlement fees to offset the costs associated with processing REZ 2021-02, CUP 2021-15, VAR 2022-01 and SPR 2021-23. Additional fees will be required from the Building Department in conjunction with any on-site improvements and/or interior or exterior building improvements contemplated by the applicant. improvement plans and building plan check and permitting.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The proposed rezone is consistent with the Vision Madera 2025 Plan and supports and encourages good jobs and economic opportunities. In considering the request for a rezone, the City Council is considering an opportunity to underscore the need to attract commercial businesses and to encourage residents to buy locally as outlined in by the General Plan.

ALTERNATIVES:

The Council could consider alternatives other than the Planning Commission and staff's recommendation for approval of the rezone ordinance. Those include:

1. Denial of the request for rezone. Should the requests be denied, the project site would remain with the current zoning district and CUP 2021-15, VAR 2022-01 and SPR 2021-23 would be suspended would be suspended.
2. Continuing the item with direction to staff to provide additional information so as to allow the Council time to digest that information in advance of a decision.
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. Map
2. Rezone Ordinance
Exhibit A
3. Existing and Proposed Zoning
4. Planning Commission Resolution

Attachment 1 – Aerial View



Attachment 2 – Rezone Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA
AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE
APPROXIMATELY 0.27 ACRES OF PROPERTY LOCATED AT 801 SOUTH
GATEWAY DRIVE (APN: 011-111-005) FROM THE I – INDUSTRIAL TO THE
C2 – HEAVY COMMERCIAL ZONE DISTRICT**

WHEREAS, Hardev Singh (“Owner”) owns the property at 801 South Gateway Drive (APN: 011-111-005) in Madera, California (“site”); and

WHEREAS, the Owner has submitted application REZ 2021-02 to the City of Madera (City) to rezone approximately 0.27 acres at 801 South Gateway Drive; and

WHEREAS, the rezone is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities); and

WHEREAS, the proposed rezone will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code; and

WHEREAS, the Planning Commission received and reviewed application REZ 2021-02 at a duly noticed meeting on March 8, 2022, wherein the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after its hearing, the Planning Commission adopted Resolution No. 1909 recommending to the City Council of the City of Madera the approval of REZ 2021-02 as conditioned; and

WHEREAS, concurrently with the consideration of REZ 2021-02, the Planning Commission approved Conditional Use Permit 2021-15 (CUP 2021-15), Variance 2022-01 (VAR 2022-01) and Site Plan Review 2021-23 (SPR 2021-23) and submitted said approvals to City Council; and

WHEREAS, conditional approval of CUP 2021-15, VAR 2022-01 and SPR 2021-23 by the Planning Commission are contingent to City Council approval of REZ 2021-02; and

WHEREAS, under the City's Municipal Code, the City Council is authorized to review and approve rezones on behalf of the City; and

WHEREAS, the City provided notice of the City Council hearing as required by law; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. Public Hearing. The City Council received the submittals from the Planning Commission and held a duly noticed public hearing on April 6, 2021 on the rezoning of the Site as shown in Exhibit "A."

SECTION 3. Findings. Based upon the record before it at the public hearing, the City Council determines the adoption of the proposed rezoning ordinance as recommended by the Planning Commission is in the best interest of the City of Madera. The City Council finds REZ 2021-02 is consistent with the City's Zoning Ordinance to promote the growth of the City in an orderly and sustainable manner and to ensure consistency with the City General Plan. The City Council hereby makes the following findings:

1. THE PROPOSED REZONE WILL PROVIDE THE REQUIRED CONSISTENCY BETWEEN THE GENERAL PLAN AND ZONING.
2. THE REZONE IS NOT EXPECTED TO BE DETERMENTAL TO THE HEALTH, SAFETY, PEACE, COMFORT OR GENERAL WELFARE OF THE NEIGHBORHOOD OR THE CITY.

SECTION 4. Approval of Rezone. The City Council hereby approves REZ 2021-02 and hereby amends the City of Madera Zoning Map as provided for in Chapter 3 of Title X of the Madera Municipal Code as illustrated in the hereto attached Exhibit "A" which indicates the segment of the City of Madera Zoning Map to be amended.

SECTION 5. Effective Date of Rezone. Unless the adoption of this amendment to the Zoning Map is lawfully stayed, thirty-one (31) days after adoption of this amendment, the

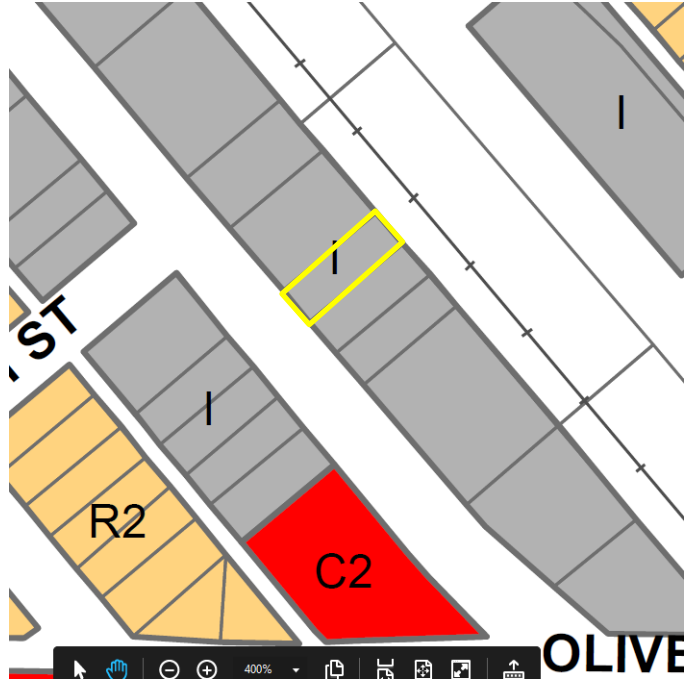
Planning Manager and City Clerk shall cause these revisions to be made to the City of Madera Zoning Map which shall also indicate the date of adoption of this revision and be signed by the Planning Manager and City Clerk.

SECTION 6. Effect Date of Ordinance. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

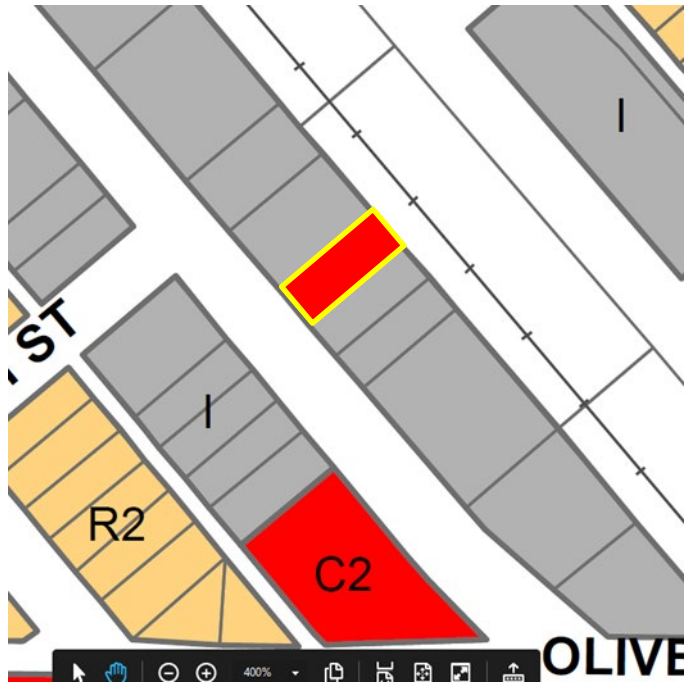
SECTION 7. Posting. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this Ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

Exhibit A: Existing and Proposed Zoning

Existing Zoning (below)



Proposed Zoning (Below)



Attachment 3: Planning Commission Resolution No. 1909

RESOLUTION NO. 1909

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING CITY COUNCIL ADOPTION OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND REZONE 2021-02 (REZ 2021-02), AND CONTINGENT APPROVAL OF VARIANCE 2022-01 (VAR 2022-01), CONDITIONAL USE PERMIT 2021-15 (CUP 2021-15), AND SITE PLAN REVIEW 2021-23 (SPR 2021-23) (AUTO USES, 801 SOUTH GATEWAY DRIVE)

WHEREAS, Hardev Singh (“Owner”) owns an existing commercial structure at 801 South Gateway Drive in Madera, California (“site”); and

WHEREAS, the site contains an existing building that is planned for and surrounded by commercial uses; and

WHEREAS, the Applicant is seeking a parking variance to allow for reduced parking requirements associated with the commercial activities on the site, as proposed by SPR 2021-23; and

WHEREAS, the existing site would require additional parking spaces to provide for the existing commercial area on-site as stated in Section 10-3.1202 of the Madera Municipal Code, “Parking Spaces Required”; and

WHEREAS, the parcel has no excess space on which to provide additional parking; and

WHEREAS, the project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities); and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve variances, site plan reviews, and environmental assessments for associated projects on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law; and

WHEREAS, the Planning Commission received and reviewed REZ 2021-02, VAR 2022-01, CUP 2021-15, and SPR 2021-23 at a duly noticed meeting on March 8, 2022; and

WHEREAS, CUP 2021-15 shall only apply and allow for small engine and auto repairs, transmission overhauling, tire rebuilding and other comparable uses to operate in one of the existing unit; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to recommend the City Council adopt a Categorical Exemption for the project pursuant to CEQA, and recommend approve REZ 2021-02. The Planning Commission also desires to contingently approve VAR 2022-01, CUP 2021-15, and SPR 2021-23, with conditions.

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA Recommendation: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission recommends the City Council find and determine that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because the project will occupy an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes involving negligible or no relative expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.
3. Recommendation of City Council Approval of REZ 2021-02: The Planning Commission finds, and recommends the City Council find, that REZ 2021-02 is consistent with the General Plan. The Planning Commission further recommends that the City Council find that REZ 2021-02 i) is consistent with the General Plan goals and policies; ii) is consistent with the purpose of the zoning ordinance to promote and protect the public's health, safety, peace, comfort, convenience and general welfare; and iii) the project would provide open space, light, air, privacy, convenience of access, aesthetic values, protection of environmental values, and protection of public and private improvements. The project is consistent with the General Plan goals and policies including:
 - A. GOAL SUS-1: Establish and maintain a diverse and sustainable local economy.
 - B. Policy SUS-11: The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.

- C. Policy SUS-13: The City shall support the location and continued operation of local businesses that supply goods and services needed in City.
- D. Policy SUS-15: The City shall seek to promote, attract, and retain jobs that pay a living wage and reduce the need for residents to commute to work outside the City.

4. Findings to Approve VAR 2022-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of VAR 2022-01, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a: Strict and literal application of MMC § 10-3.1202 (Parking Spaces Required) would result in practical difficulties.

The property's size does not allow for the sufficient space needed to accommodate all proposed uses and their corresponding parking requirements as required by MMC § 10-3.1202. This creates practical difficulties related to everyday operations for the businesses in the existing units.

Finding b: Strict and literal application of MMC § 10-3.1202 (Parking Spaces Required) results in inconsistencies with goals and policies established in the General Plan.

Any proposal found to be noncompliant with any of the provisions established in the MMC requires denial unless a variance is granted. Without approval, the applicant's building will remain vacant and inoperable. A vacant and inoperable building is in direct contradiction to the Madera Vision 2025 and its goal for good jobs and economic opportunity.

Finding c: Strict and literal application of MMC § 10-3.1202 (Parking Spaces Required) results deprivation of economic privileges enjoyed by surrounding properties.

The applicant may demolish a portion of the building and provide parking; however, the inability to lease the existing units deprives the applicant of the same economic privileges granted to properties in the vicinity under identical zoning classification.

5. Findings to Approve CUP 2021-15: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2021-15, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.

The proposed uses are similar in character to the uses that have been in use since the building was constructed in 1985. They are also uses comparable to the uses defined and outlined in MMC § 10-3.902 (Heavy Commercial, Permitted Uses).

Finding b: The proposed use will be compatible with the surrounding properties.

The project site is suited for commercial uses. The project site is located within a commercial corridor and is surrounded by like uses to the north, west, and south, and a railroad line to the east. As conditioned, the uses will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for 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 such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

As discussed above, the proposed use is compatible with surrounding properties and will not have a significant, adverse environmental impact. The request will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of people residing or working in the neighborhood.

6. Findings to Approve SPR 2021-23: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2021-23, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a: The proposal is consistent with the General Plan and Zoning Ordinance.

SPR 2022-01 provides conformance with the City's General Plan by supporting land use goals and policies that desire, "comprehensive planning to ensure individual projects are integrated with existing and future projects and considers the form and function of the surrounding area" (City of Madera General Plan, p. 8-7).

Finding b: The proposal is consistent with any applicable specific plans.

The property is not located within the boundary of a specific plan.

Finding c: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects

on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in commercial zoning district. Public improvements exist and on-site utilities are consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

Finding d: The proposed project is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.

SPR 2022-01 will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

7. Approval of VAR 2022-01, CUP 2021-15, and SPR 2021-23: Given that all findings can be made, the Planning Commission hereby approves VAR 2022-01, CUP 2021-15, and SPR 2021-23 as conditioned and set forth in the Conditions of Approval attached as Attachment A, which approvals are contingent upon the following:

The approval of VAR 2021-01, CUP 2021-15, and SPR 2021-23 shall become final and effective immediately only after the City Council of the City of Madera adopts REZ 2021-02 (“Council Approval”). If the Council Approval is not made within 180 days of the adoption of this Resolution, then VAR 2021-01, CUP 2021-15, and SPR 2021-23, shall be returned to the Planning Commission for further consideration and a final decision. If the Council Approval is made within 180 days of the adoption of this Resolution, but any change is made by the Council to the Council Approval in a manner that could reasonably affect the findings of the Planning Commission herein, or require a modification or addition of a condition of approval to be consistent with the Council Approval, then VAR 2021-01, CUP 2021-15, and SPR 2021-23 shall be returned to the Planning Commission for further consideration and a final decision.

8. Effective Date: This resolution is effective immediately.

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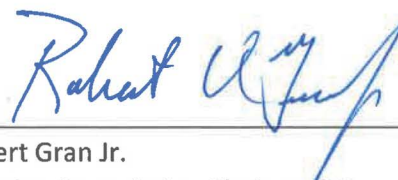
Passed and adopted by the Planning Commission of the City of Madera this 8th day of March 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:



Robert Gran Jr.
Planning Commission Chairperson

Attest:



Arnoldo Rodriguez, AICP
City Manager

Exhibit A: Conditions of Approval for CUP 2021-15 & SPR 2021-23

REZ 2021-02, VAR 2022-01, CUP 2021-15 SPR 2021-23

801 S. Gateway Dr.

Conditions of Approval, March 8, 2022

Notice to Applicant

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedications, reservations, or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through site plan review, and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval for CUP 2021-15 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2021-03 (Auto Uses, 801 South Gateway Drive) will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning

Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 801 South Gateway Drive that are being developed under CUP 2021-15 and SPR 2021-03 by the applicant. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

General

1. Approval of this site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of this site plan review may become null and void if development is not completed in accordance with all the conditions and requirements imposed on this site plan review and all City standards and specifications.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.

Planning Department

4. VAR 2022-02, CUP 2021-15, and SPR 2021-32 are contingent upon City Council approving REZ 2021-02. VAR 2022-02, CUP 2021-15, and SPR 2021-32 shall not come into effective until REZ 2021-02 is approved by City Council.
5. All parking stalls, including ADA parking, shall be restriped to City standards.
6. With a total of 12 standard parking stalls, applicant shall dedicate and limit three (3) parking spaces per each unit. This shall be done by marking the letter of each suite on the three (3) parking spaces closest to that unit.
7. The three (3) diagonal striped parking stalls fronting suites A, B, C, and E shall be removed before final approval.
8. The uses that the applicant has proposed at the time of this review, and those defined as by-right uses in a C2 – Heavy Commercial zone district per MMC, shall be the only by-right uses allowed.

Any future proposed use not listed by the applicant shall require additional review by the Planning Manager or planning staff.

9. CUP 2021-15 and SPR 2021-32 shall preclude any use that would require a higher number of parking stalls than the uses categorized as commercial and industrial defined in MMC § 10-3.1202 or uses that require more than one (1) space for each 400 sq. ft., plus one (1) space for each two (2) employees, whichever is higher.
10. Table 4 below lists all the permissible uses (Refer to Attachment 2 for exhaustive list). However, CUP 2021-15 shall only apply and allow for small engine and auto repairs, transmission overhauling, tire rebuilding and other comparable uses to operate in one of the existing units. Uses not listed under CUP 2021-15 shall require additional review.

<i>Unit A</i>	<i>Unit B, C, D, E</i>
Hair Salon/Barber	Window Tint/Auto Wrap shop
Beauty/Nail/Lashes/Massage Therapy	Smog shop
Office (as outlined in Attachment 2)	Auto repair
Cell phone/computer repair	Small engine repair
Floral business	

11. Unit B and C shall be occupied by one (1) single tenant operating one (1) single business.
12. There shall be no overnight parking and/or storage of any vehicles and/or equipment.
13. The tree fronting the property shall be kept and maintained by the applicant/owner.
14. Landscaping fronting the property on Gateway Drive shall be re-planted with new shrubs per City standards.
15. New on-site landscape per City standards is required before final approval.
16. Applicant shall maintain all on-site landscaping per City standards.
17. The 2 metal sculptures found on the entrance of the property shall be removed before final approval.
18. Any damage to on-site landscaping resulting from on-site improvements shall be addressed and corrected by the applicant/owner and /or contractor.

Fire Marshall

19. Fire and life safety requirements shall be maintained for the existing businesses in accordance with the California Fire Code. Any changes to the existing conditions will require fire approval for code compliance.