

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
January 9, 2018
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

None.

CONSENT ITEMS

None.

NON PUBLIC HEARING ITEMS

NP1. Election of Chairperson and Vice-Chairperson for 2018

PUBLIC HEARING ITEMS

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

A continued 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).

2. CUP 2013-11 MOD and SPR 2017-24 – Joyee’s Recycling Center Redesign

A noticed public hearing to consider modification of a conditional use permit and site plan review to allow for the redesign of an existing recycling center on property located on the east side of North D Street, approximately 100 feet north of the intersection of North D Street and Riverside Drive (709 North D Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 004-011-008).

3. CUP 2017-33 and SPR 2017-49 – Single Family Residence in a C1 Zone

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 property located approximately 100 feet north of the intersection at North C Street and West 4th Street (308 North C Street), in the C1 (Light Commercial) Zone District with a LD (Low Density Residential) General Plan land use designation (APN: 007-081-014).

4. CUP 2017-35 – Arco Tobacco Sales

A noticed public hearing to consider a conditional use permit to allow for the sale of tobacco in conjunction with a recently approved convenience store on property located at the northeast corner of the intersection at Pecan Avenue and Madera Avenue (State Route 145) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-133-039).

ADMINISTRATIVE REPORTS

- 1. Workshop – Introduction to the Zoning Ordinance Update.**

COMMISSIONER REPORTS

ADJOURNMENT

The next regular meeting will be held on February 13, 2018.

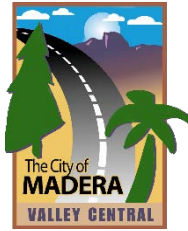
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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.

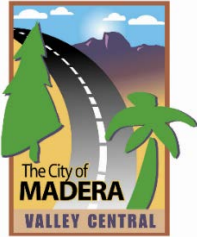
Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning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



NP1. Election of Chairperson and Vice-Chairperson for 2018.



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 #1 – January 9, 2018**

PROPOSAL: A continued public hearing item to consider 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. Unfortunately, the applicant and property owner are unable to agree to the requirement for an Irrevocable Offer of Dedication of ten (10’) feet of right-of-way on East Cleveland Avenue.

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 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 2 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.

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 (3) 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, barbeque 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. These recommendations essentially facilitate the maintenance of the property. 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 Plan Review

As with all use permit requests, staff is required to perform site plan review (SPR) on the project site. The SPR is designed to bring the project site up to current City standards. For the La Esperanza property, several factors cumulatively result in necessary improvements. Non-permitted structures require removal and replacement and deferred maintenance to fences, landscaping and trash storage result in additional requirements. Off-site improvements include the reconstruction of a handicap access ramp. A condition of approval requiring the reconstruction of two (2) driveway approaches on East Cleveland Avenue has been removed since the project was continued at the December 12th Planning Commission meeting. The recommended improvements, both on- and off-site, are the minimum requirements based on the proposal for outdoor sales activities.

Acceptance of Conditions of Approval

The applicant and property owner have expressed agreement with all but one condition of approval. Condition No. 15 requires that an Irrevocable Offer of Dedication 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. The requirement for offers of dedication of right-of-way (whenever necessary) is standard for all projects where site plan review is required. The General Plan includes a policy (Policy CI-5) that requires that all necessary rights-of-way for arterial and collector streets be dedicated at the earliest opportunity. The site plan review, required as a part of the use permit request, is the earliest opportunity to require that the offer of dedication be made.

Typically, acknowledgement and acceptance of the recommended conditions of approval is a necessary component of any recommendation for approval. In this case though, after much dialogue centered on resolution of the concerns of the applicant and property owner, staff remains supportive of the allowance for outdoor sales contingent upon compliance with the conditions. Approval allows the applicant and property owner thirty days to sign the Acknowledgement and Acceptance of Conditions of Approval form. Failure to sign the required acknowledgement form would render the permit null and void.

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 application with or without conditions
- continue the hearing, or
- deny the application

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, at a minimum, amendment of 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.
8. All on-site and off-site requirements listed herein shall be completed in advance of any outdoor sales activities commencing on the La Esperanza Mercado project site.

Engineering Department

General

9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
10. 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.
11. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.

12. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.

Streets

13. 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.
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 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 (7) 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 rehabilitated 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 trash enclosure shall be painted to match the primary color of the market structure. 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 and a drought-tolerant ground cover and/or 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 barbecuing of foods on the open-air barbeque 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.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-27 and Site Plan Review 2017-44 to the February 13, 2018 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:

Findings

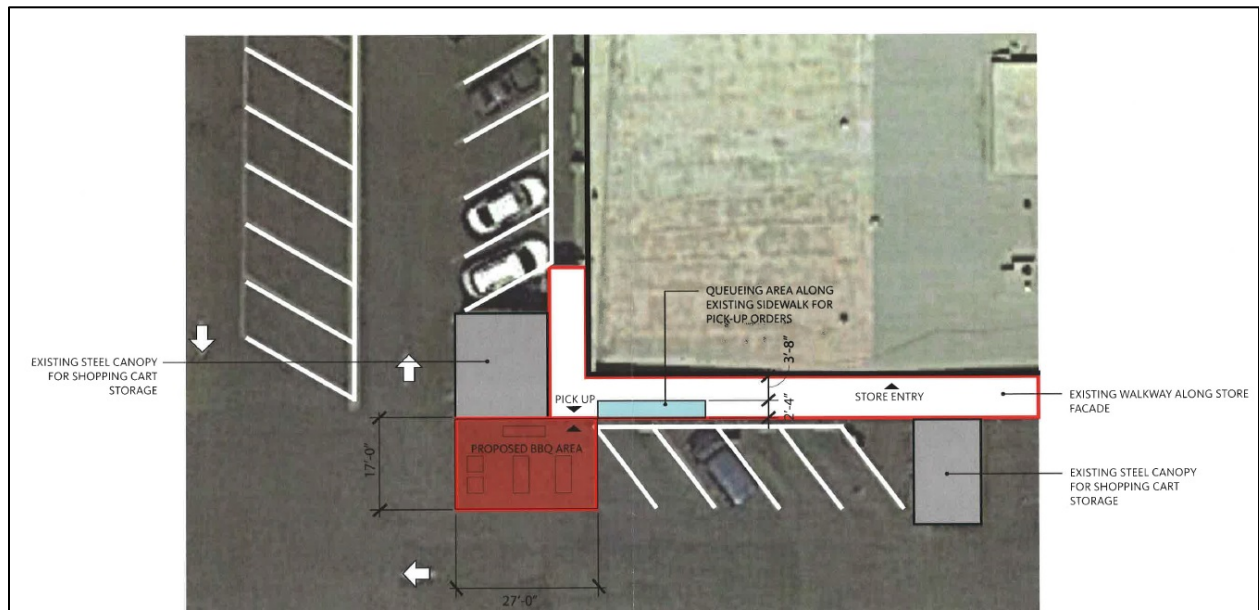
- The property owner is unable to agree with conditions of approval requiring the Irrevocable Offer of Dedication of ten (10') feet of right-of-way. Because the applicant and property owner do not agree with the condition of approval, conformance with the General Plan cannot be made.

- Due to nonconformance with the General Plan the proposed outdoor sales activities in association with the operation of the La Esperanza Mercado is detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or detrimental or injurious to the property and improvements in the neighborhood or general welfare of the City.

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



Waiting area



Existing storage area



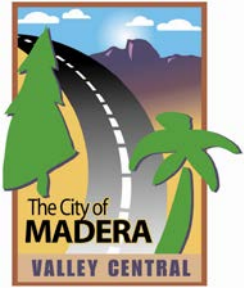
Trash Enclosure area indicated on Site Plan



Current location of trash receptacles



Another storage area on the site



CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
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(559) 661-5430

**Staff Report: Joyee's Recycling Center Redesign
CUP 2013-11 MOD, SPR 2017-24 & Categorical Exemption
Item #2 – January 9, 2018**

PROPOSAL: An application to amend Conditional Use Permit 2013-11 and a site plan review to allow for the redesign of a recycling center, including the addition of two (2) drive-thru lanes and the construction of an approximately 400 square foot permanent shade structure.

APPLICANT:	Sergio Mondragon	OWNER:	SI Nishimito Company
ADDRESS:	709 North D Street	APNs:	004-011-008
APPLICATION:	CUP 2013-11 MOD and SPR 2017-24	CEQA:	Categorical Exemption

LOCATION: The project site is located east on North D Street, approximately 100 feet north of the intersection of North D Street and Riverside Drive.

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

PARCEL SIZE: One parcel encompassing approximately 0.28 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is a fully developed light commercial property. The property includes a caretaker's quarters, restroom structure and a designated area for recycling materials. To the south is a pharmacy and the Fresno River. To the north is a retail strip mall and the former Bridge Store. To the east and west are churches and residential neighborhoods.

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 a redesign of their recycling center due to current problems on the site including circulation, noise and aesthetics which have placed the recycling center in noncompliance with required conditions of approval. Circulation problems are caused by customers parking vehicles in a cluster on the site, making it difficult to enter and exit the parking lot. Staff has received multiple noise complaints from the neighboring residents. The aesthetics of the site are inconsistent with the goals and policies of the General Plan. The redesign includes two (2) drive-thru lanes, a loading/unloading zone, a storage area for their commercial storage trucks, a new permanent shade structure and sound walls which cumulatively address the operational concerns on the site. The proposal also includes sufficient parking for employees and the existing caretaker's residence.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zones; Uses Permitted

MMC § 10-3.4.0102 Site Plan Review Applicability

MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

In 2006 and 2011, the Planning Commission approved two (2) conditional use permits, Conditional Use Permit 2006-25 and Conditional Use Permit 2011-13, that allowed for recycling centers on the project site. The first recycling center abandoned the site. The second approval never was utilized, resulting in the expiration of the associated use permit. On June 11, 2013, the Planning Commission approved Conditional Use Permit 2013-11, which allowed for the establishment of Joyee's Recycling Center on the project site.

ANALYSIS

Background

Shortly after receiving approval of Conditional Use Permit 2013-11, the applicant established their recycling center on September 6, 2013. The business has grown exponentially over time, resulting in site issues that are a detriment to the health, safety, peace, morals, comfort and general welfare of the persons residing and working in the neighborhood. There are three main concerns related to the operation of a recycling center; circulation, noise and aesthetics. These concerns are addressed by the proposed amendment to the use permit.

Circulation

Currently, the parking lot does not provide sufficient circulation to safely queue cars in and out of the site to drop off recyclables. Customers park their cars where space is available and do not utilize the parking stalls on the site. This creates a cluster of vehicles in the parking lot with no clear direction on how to ingress or egress out of the site. Recently the parking stalls were restriped, which now forces vehicles to back into North D Street creating a traffic safety hazard.

The proposed redesign relocates the existing driveway approach flush with the southern property line, which connects to two (2) drive-thru lanes. Customers will drive up to the loading/unloading zone, unload their recyclables and leave the site through the paved alleyway. There is also sufficient parking (five stalls) for employees of the site and there are 2 dedicated parking stalls for the caretaker's residence.

Noise

The noise on the site is currently being directed primarily towards North D Street and the alleyway. Staff has received complaints specific to noise from neighbors in the area.

Staff recommends a six (6') foot tall masonry block wall be constructed along the southern property line. An additional block wall is recommended in proximity to the handling and weighing areas so as to further repress and direct noise away from sensitive receptors.

Aesthetics

The current aesthetics of the recycling center do not comply with the goals and policies of the General Plan. There are different types of low-quality fencing material on the site, constant placement of trash receptacles and bags in the parking lot, temporary shade structures and the storage of large recycling storage trucks on the site. Cumulatively, the current operation creates a blighted condition along North D Street.

The applicant proposes to screen the site with wood and masonry block fencing, which is consistent with other approved recycling centers in the City. There is a proposed designated area for storing the commercial storage trucks directly behind the loading/unloading zone, which will primarily be screened from the parking lot by a masonry block wall. The applicant also proposes landscape peninsulas with shade trees in the parking lot, which satisfies General Plan Policies CD-50 and CD-58. Because a recycling center is not an aesthetically pleasing business by nature, staff recommends the screening of the site consistent with the conditions of approval.

Cumulatively the applicant's proposal, combined with the recommended conditions of approval, resolves the main concerns of circulation, noise and aesthetics of the existing recycling center.

The proposed amendment to the conditional use permit and site plan review 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 the redesign of a recycling center 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 amendment 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 2013-11 MOD and Site Plan Review 2017-24 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 2013-11 MOD and Site Plan Review 2017-24, determining to either:

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

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 2013-11 MOD and Site Plan Review 2017-24, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act (CEQA).
- As conditioned, a recycling center is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the uses, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties because issues associated with circulation, noise and aesthetics have been addressed.
- As conditioned, the establishment, maintenance or operation of the recycling center will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval applicable to the approval of Conditional Use Permit 2013-11 shall be superseded by Conditional Use Permit 2013-11 MOD, as listed herein.
2. 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.
3. The applicant's failure to utilize Conditional Use Permit 2013-11 MOD within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. Conditional Use Permit 2013-11 MOD 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 Conditional Use Permit 2013-11 MOD.
5. Site Plan Review 2017-24 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 2013-11 MOD and Site Plan Review 2017-24 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 and/or building plans submitted for any/all 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. 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. The project shall be developed in accordance with the site plan, as reviewed and approved with the Site Plan Review. Minor modifications to the Site Plan necessary to meet regulatory or engineering constraints may be made with approval from the Planning Manager.
10. All on-site and off-site requirements listed herein shall be completed on or before July 1, 2018. Failure to complete all requirements by the stated time will result in closure of the recycling center until all conditions of approval are satisfied.

Building Department

11. The applicant shall submit detailed plans that include interior setbacks for ADA compliance to be approved by the Building Department.

Engineering Department

General

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 the project. Fees due may include, but shall not be limited to, the following: plan review, encroachment permit processing, easement acceptance and improvement inspection fees.
14. Improvement plans signed and sealed by an engineer 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.

Sewer

16. The existing sewer service connection shall be upgraded to include a cleanout per City standards.

Streets

17. The proposed driveway approach on North D Street shall be constructed to a street-type entrance with a minimum face curb radius of fifteen (15') feet and be constructed to current City and ADA standards. The beginning of curb radius shall be one (1') foot or greater from the southern property line.

18. The existing driveway approach on North D Street shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards. The location shall be consistent with the approved site plan.
19. The damaged curb along North D Street shall be reconstructed per current City standards, approximately four (4') feet immediately north of the existing driveway.
20. The alley shall be paved from the northern end of the project parcel to Riverside Drive per City standards. Grading of the alley shall be constructed in such a way that future drainage patterns are not negatively constrained. The structural section shall be per City standard or greater to sufficiently accommodate the increase in traffic volumes.
21. An Irrevocable Offer of Dedication shall be made to dedicate ten (10') feet of right-of-way along the entire project parcel frontage on North D Street to provide a half-street width of fifty (50') feet, east of the center line. A \$452.00 easement acceptance fee or the fee in effect at that time shall be paid to the Engineering Department.

Fire Department

22. A minimum of two (2) 2A10BC-rated fire extinguishers shall be required. The fire extinguishers shall be mounted between three (3') and five (5') feet above the finished floor and shall be within seventy-five (75') feet of travel distance of all portions of the building. If the fire extinguisher locations are not plainly visible, then they shall be identified by signage.
23. The type of storage and the method of arrangement shall be approved by the City Fire Marshal prior to issuance of building permits. Certain types of storage and storage heights may require that special fire protection measures be taken. The storage of combustible materials is not permitted above twelve (12') feet in any case.
24. Prior to delivery of recycling containers, all flammable vegetation shall be removed from the building site at a minimum distance of thirty (30') feet and maintained year-round.
25. The proposed shade structure shall have sufficient clearance to adjacent structures and property lines or the building shall be equipped with fire-rated exterior walls.

Planning Department

General

26. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
27. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
28. 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.
29. 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 2013-11 MOD.

Operations

30. Conditional Use Permit 2013-11 MOD allows for the redesign of an existing recycling center, consistent with the herein listed conditions of approval.
31. The drive-thru ingress/egress lane shall be consistent with the approved site plan. The lane shall be a minimum width of twenty (20') feet.
32. The storage and/or placement of material shall not, in any way, impede and/or restrict egress from the caretaker's unit.
33. The hours of operation for the recycling center shall be as follows:
 - Monday – Saturday: 8:00 a.m. – 6:00 p.m.
 - Sunday: 12:00 p.m. – 5:00 p.m.
34. There shall be an allowance for no more than two (2) commercial recycle storage vehicles/trailers on the site during hours of operation. No overnight storage of vehicles shall occur.
35. The recycling center shall accept California Redemption Value (CRV) aluminum, plastic glass bottles, and cans only.
36. An adult operator/employee who must be eighteen (18) years of age or older shall be on-site during all hours of operation and shall be responsible for adherence to these conditions of approval.
37. All recyclable materials shall be maintained in proper containers at all times. No loose material storage (in piles or otherwise) shall be allowed.
38. All recyclables shall be stored underneath the shade structure and removed to an off-site facility daily. No overnight storage of materials shall be allowed.
39. It shall be the responsibility of the operator to gather and return any shopping carts discarded by patrons of the recycling center to the point of origin of the shopping carts. Carts discarded on or adjacent to the recycling center shall be assumed to be discarded by patrons of the recycling center and cart return shall be the responsibility of the operator.
40. All substances, including but not limited to, milk, soft drinks, soap, solvent and other substances and materials from any containers shall be removed at once from pavement and sidewalk areas. No such substances may remain on-site or be flushed into gutters or the storm drain system.
41. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2013-11 MOD.

Location of Recyclable Material Transfers

42. All handling of recyclables shall only occur within the loading/unloading zone and underneath the shade structure. The loading/unloading zone shall be approved by the Planning Manager.
43. All transfer of recyclables from weighing containers to bulk storage containers shall only occur in close proximity to the loading/unloading zone and the shade structure.

Handling of Recyclable Material

44. Materials shall be transferred from the seller's containers into plastic containers or fabric bags. No metal containers for receiving of materials shall be utilized.
45. After weighing, recycling material shall be transferred commercial grade plastic or burlap material bags.
46. Material bags shall be located out of public view and shall be removed from the site daily.
47. The type of storage and method of arrangement shall be approved by the City Fire Marshall prior to a final building permit.

Shade Structure

48. The shade structure shall be constructed with roofing to match the existing restroom. Structural poles shall be painted to match the existing restroom. There shall be no allowance for any temporary shade structures on the site. The existing restroom shall be repainted as a component of this amendment.

Fences and Walls

49. A six (6') foot solid masonry block wall shall be located along the entire southern property line and around the recyclables loading/unloading zone, shade structure and commercial truck storage area.
50. All other fencing on the site shall be of wood quality material or better. The site shall be screened with a wood fence at the western property line. No fencing shall impede required paths of travel.

Landscaping

51. A detailed landscape and irrigation plan shall be submitted to the Planning Department for review and approval as part of the submittals for building permit plan check. The landscape and irrigation plan shall include:
 - Existing landscaped areas along all street frontages and within parking fields shall be freshened with drought-tolerant plantings.
 - Shade trees shall be installed within the proposed landscape peninsulas throughout the parking lot, with a minimum of one tree per five parking spaces.
 - 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.
52. 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

53. 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.

54. 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.

Signage

55. 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.
56. Signage shall be installed to direct customers to the pull forward and advise customers that all handling of recyclables shall occur in the loading/unloading zone.
57. Loitering shall be prohibited in or upon the premises, and in adjacent and nearby areas both public and private. A prominent, permanent sign or signs stating "No loitering is allowed on or in front of this premises" shall be posted in a location to be approved by the Planning Manager.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2013-11 MOD and Site Plan Review 2017-24 to the February 13, 2018 Planning Commission hearing for the following reasons: (specify)

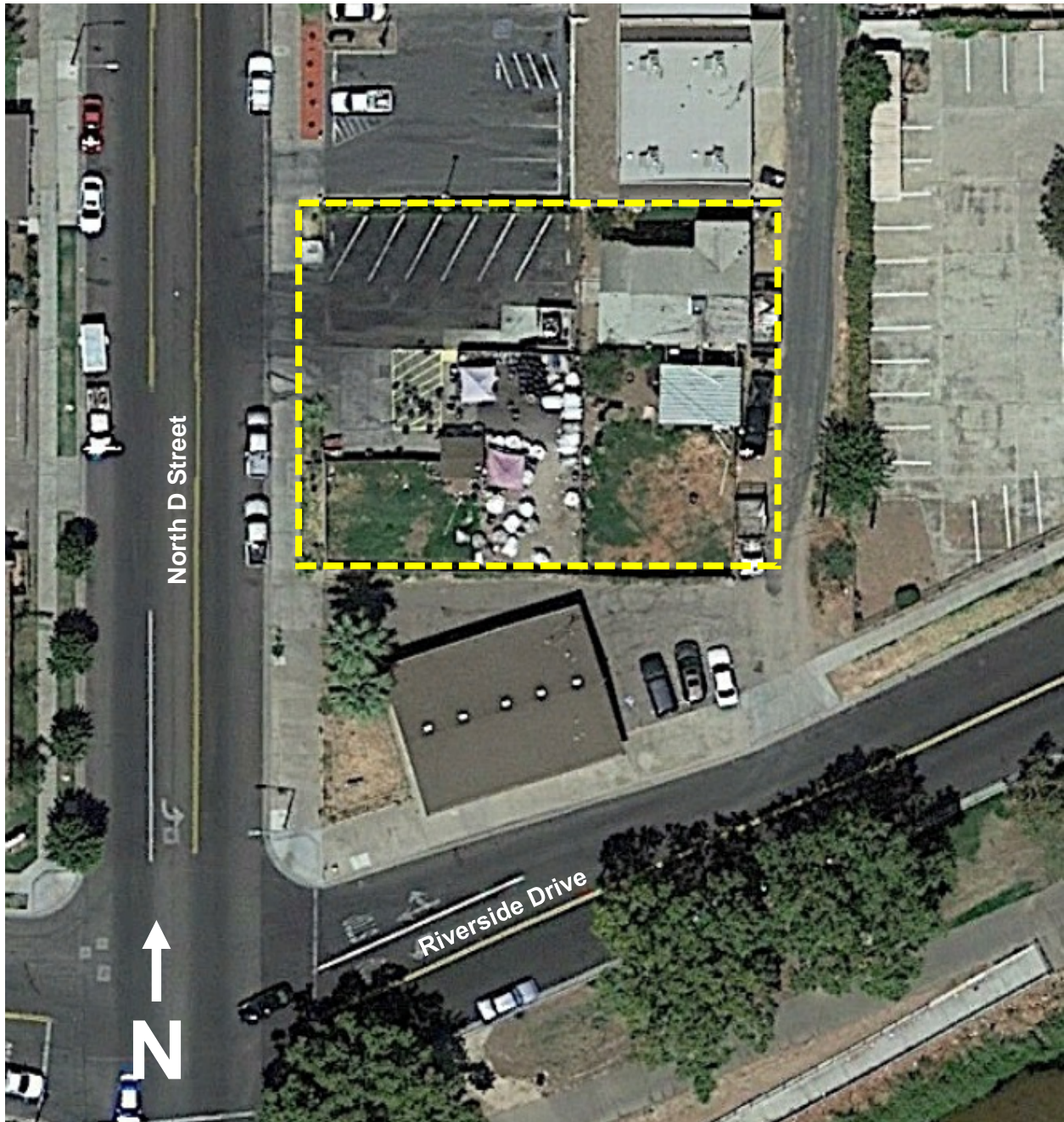
(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2013-11 MOD and Site Plan Review 2017-24, based on and subject to the following findings: (specify)

ATTACHMENTS

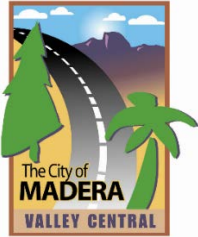
Aerial Photo
Site Photos
Site Plan

Aerial Photo



Site Photos





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Single Family Residence in a C1 Zone
CUP 2017-33, SPR 2017-49 & Categorical Exemption
Item #3 – January 9, 2018**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the construction of an approximately 2,455 square foot single family residence within the C1 (Light Commercial) Zone District.

APPLICANT:	Terry Armentrout	OWNER:	Samuel & Brenda Tarin
ADDRESS:	308 North C Street	APN:	007-081-014
APPLICATION:	CUP 2017-33 and SPR 2017-49	CEQA:	Categorical Exemption

LOCATION: The property is located on the west side of North C Street, approximately 110 feet north of the intersection at East 4th Street and North C Street.

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

PARCEL SIZE: Approximately 7,440 square feet.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is surrounded by single-family residences in every direction.

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 interior parcel in the C1 (Light Commercial) Zone District. Single family dwelling units are typically developed in R (Residential) Zone Districts with LD (Low Density) General Plan land use designation. However, the proposed development is allowed in the C1 (Light Commercial) Zone district with the 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 § 10-3.802 Uses Permitted in Light Commercial Zones
MMC § 10-3.1301 Use Permits
MMC § 10-3.406 Nonconforming Buildings and Uses
MMC § 10-3.407 Location of Dwelling
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

A conditional use permit was approved in January of 1994, which allowed for the construction of a two-story four-unit residential structure with a variance for a five (5) foot side yard setback as part of Conditional Use Permit 1993-23 and Variance 1993-09. Building records indicate the development on the site never occurred.

ANALYSIS

Single Family Residence in a C1 Zone

The project site and the adjacent properties are located within the C1 (Light Commercial) Zone District. Surrounding development is primarily single-family residential homes. The General Plan identifies the project site as within the LD (Low Density) land use designation.

Typically, staff would recommend that a rezone from the C1 (Light Commercial) Zone District to an appropriate residential zone district be completed in conjunction with the construction of a home on a commercial property. This would bring about compatibility with the proposed use, zoning and the General Plan. In this case though, as part of the upcoming Zoning Ordinance update, all of the parcels along this street section will be rezoned consistent with the LD (Low Density) General Plan land use designation. In light of this planned zone change, to require only one parcel to be rezoned seemed unnecessary at this time. Instead, in advance of the anticipated rezoning, staff has required that a conditional use permit be approved by the Planning Commission to allow for the development of any use permitted in the R (Residential) Zone District. After the completion of the rezoning to a residential zone district, conformance between the use, the zoning and the General Plan will be established.

General Plan Conformance

In order to make overall findings of General Plan conformity, the proposed single family residential home on the project site is required to implement the goals and policies of the City's General Plan. As proposed, the single-family home provides a garage subordinate design which allows "visual importance to the house itself" (CD-32). In addition, the proposal includes architectural treatments and landscaping of the front courtyard "reflecting attention to detail as necessary to produce high

architectural design and construction quality” (CD-34). The proposed development includes a front porch as a component of elevating the architectural value of the structure per Policy CD-35.

Further analysis indicate the proposed new development will “not physically divide [the] established neighborhood” (CD-38), rather provide use of the vacant parcel on the neighborhood block, closing physical divides within the neighborhood’s land use. The proposed single-family residential home will provide compatibility within the existing neighborhood’s design and scale as required by General Plan Policy CD-39.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of the new construction of a home on a commercial zone 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 2017-33 and Site Plan Review 2017-49 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 2017-33 and Site Plan Review 2017-49, 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 2017-33 and Site Plan Review 2017-49, 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 with a LD (Low-Density Residential) General Plan land use designation is consistent with the goals and policies of the City, 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 2017-33 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 2017-49 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 2017-33 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. 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. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Streets

11. If alley access is obtained, a concrete or asphalt apron/drive approach leading into the property shall be constructed to prevent premature deterioration of the pavement edge.
12. If alley access is obtained, the entirety of the alley frontage between existing alley paving and property line shall be paved in accordance with City standards.

Water

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

Sewer

14. Sewer service connection shall be constructed to current City standards.

Fire Department

15. A home fire sprinkler system is required.
16. The address must be properly posted and plainly visible from the street fronting the property.

Planning Department

General

17. Conditional Use Permit 2017-33 allows for the construction of a single-family residential home and a detached garage within an interior parcel in the C1 (Light Commercial) Zone District on the property located at 308 North C Street (APN: 007-081-014) consistent with the herein listed conditions of approval.
18. All standards for location and design of buildings (including accessory structures) and fences, unless amended by these conditions of approval, shall conform to R1 (residential) development standards.

Site, Floor and Elevation Plans

19. The applicant and/or developer shall construct the single-family residence and proposed accessory structure(s) to be consistent with the conditionally approved site plan, floor plan and elevations.
20. The applicant shall submit a colors and materials board to the Planning Department for review and approval prior to submittal of any building permits.

Landscaping

21. 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 2017-33 and Site Plan Review 2017-49 to the February 13, 2018 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-33 and Site Plan Review 2017-49 based on and subject to the following findings (specify)

ATTACHMENTS

Aerial Photo
Site Photo
Elevations
Floor Plan

Aerial Photo

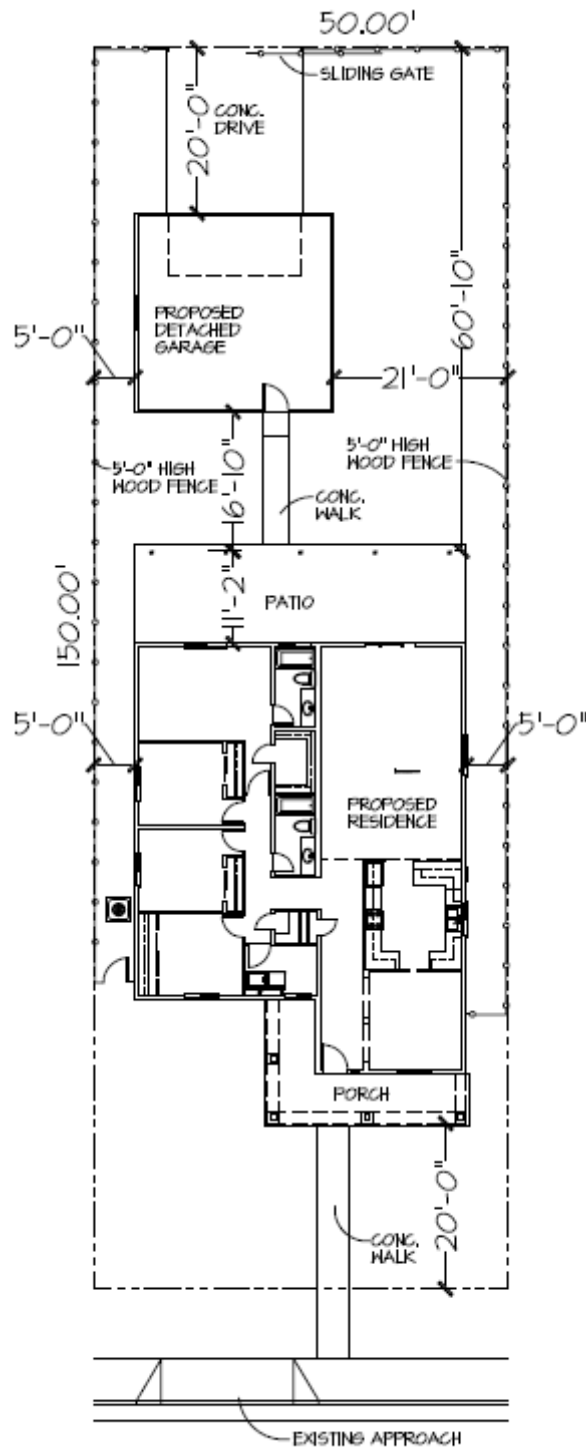


Site Photo



Undeveloped project site

Floor Plan

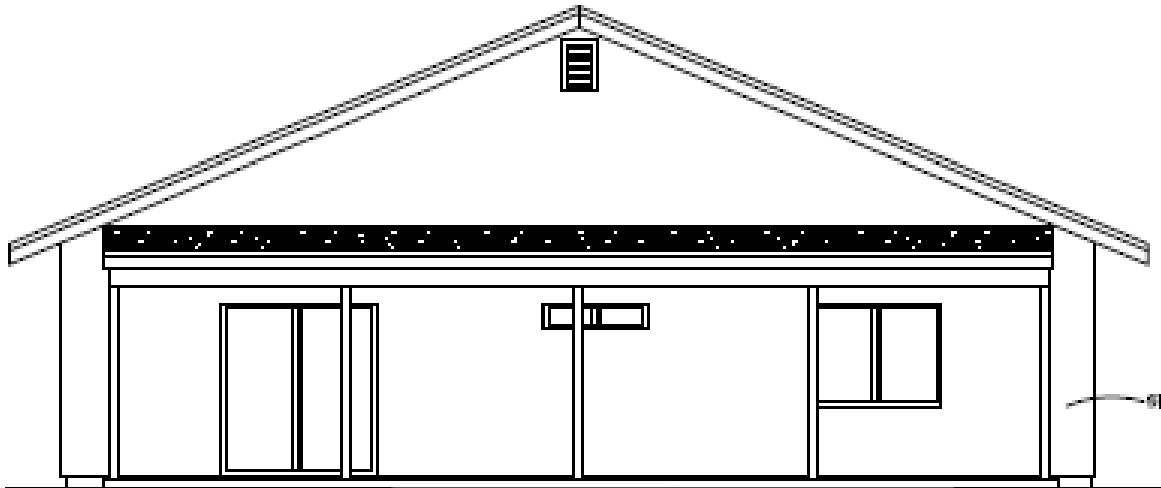


Proposed floor plan for a single-family residence

Elevations (Front & Rear)



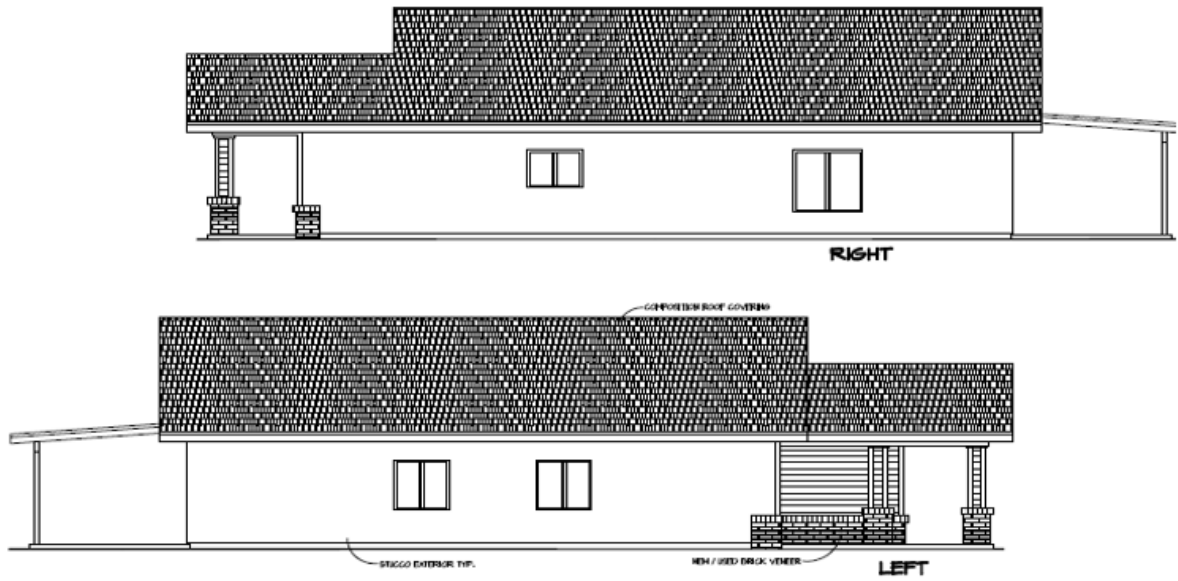
FRONT
EXTERIOR ELEVATION
SCALE: 1/4"=1'-0"



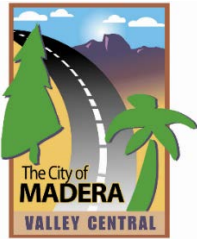
REAR

Proposed front and rear elevations

Elevations (Side)



Proposed side elevations



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Arco Tobacco Sales
CUP 2017-35 & Environmental Determination
Item #4 – January 9, 2018**

PROPOSAL: An application for a conditional use permit which would allow for the sale of tobacco products in conjunction with the operation of a convenience store as a component of the recently approved Arco gas station commercial complex.

APPLICANT:	Millennium Acquisition LLC	OWNER:	Millennium Acquisition LLC
ADDRESS:	NEC of Pecan and Madera Ave.	APN:	012-133-039
APPLICATION:	CUP 2017-35	CEQA:	Categorical Exemption

LOCATION: The property is located on the northeast corner of the intersection of 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 (MND) in support of the development of a gas station, convenience store, restaurants and drive-thru car wash commercial complex was adopted by the Planning Commission on December 12, 2017 in conformity with the California Environmental Quality Act (CEQA) guidelines. Tobacco sales are a regular component of the operations of a convenience store. Thus impacts associated with tobacco sales have been analyzed and addressed with the previously approved MND.

SUMMARY: The proposal would provide for tobacco sales in conjunction with the recently approved Arco gas station, which includes a convenience store, two quick serve restaurants and a drive-thru car wash. The project site is located more than 2,600 feet away from the closest school and other sensitive land uses to tobacco sales. The sale of tobacco is also an ancillary component of the convenience store's business model. Staff recommends approval of Conditional Use Permit 2017-35 consistent with the recommended conditions of approval.

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

The Planning Commission recently approved Conditional Use Permits 2016-35, 36 and 37 to allow for the on-site consumption of alcohol in conjunction with a restaurant, off-site consumption of alcohol in conjunction with a convenience store and a drive-thru car wash. Site Plan Review 2016-57 was approved which will guide development of the project which includes a gas station, convenience store, two (2) quick serve restaurants and a drive-thru car wash.

ANALYSIS

Tobacco Sales

On September 8, 2015, the Planning Commission determined the sale of tobacco and tobacco-related products and sundries would require the approval of a conditional use permit. The Commission acknowledged concerns that tobacco sales be located sensibly within the commercial areas of the city, mindful of surrounding land uses. Schools are a primary land use that is negatively affected by the sale of tobacco. The closest school, Madera South High School, in proximity to the proposed Arco gas station is more than 2,600 feet away. Parkwood Elementary School, east of the project site, is more than 3,000 feet away. The City has not adopted an ordinance which specifies the length of distance a tobacco retailer should be from any school, but other local government agencies that have adopted ordinances that regulate the location of tobacco retailers typically require a minimum of 1,000 feet from any school. The closest distance of the project site more than doubles this minimum distance threshold.

Staff recommends the applicant be limited to only the sale of cigarettes and tobacco only, consistent with the recommended conditions of approval. No allowance for the sale of e-cigarettes, vape paraphernalia (including juices) and marijuana paraphernalia, such as pipes and "bongs", is provided.

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 sale of tobacco 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 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 2017-35, subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the use permit request, determining to either:

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

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 2017-35, based on and subject to the findings and conditions of approval:

Findings

- An initial study and mitigated negative declaration were adopted by the Planning Commission on December 12, 2017 for this property as part of Conditional Use Permit 2016-35, 36, and 37, and Site Plan Review 2016-57. The adopted mitigated negative declaration included analysis on the impacts associated with the operation of a convenience store as a component of the overall commercial complex. The sale of tobacco and tobacco-related products are ancillary to the operations of a convenience store and were addressed in the mitigated negative declaration.
- The sale of tobacco in conjunction with a convenience store 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 the use permit 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 Permit 2017-35 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 2017-35 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. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Planning Department

General

6. All conditions applicable to approval of Conditional Use Permit 2016-35, 36 and 37, and Site Plan Review 2016-57 shall remain effective and are not revised in any way by this approval, except as modified herein.
7. 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.

Tobacco and Tobacco-Related Sales

8. Conditional Use Permit 2017-35 allows for the sale of cigarettes in either single packs or cartons of ten or fewer packs. Other tobacco and tobacco-related products allowed for sale at the gas station convenience store shall be as follows:
 - Smokeless tobacco
 - Roll-your-own pouched/canned cigarette tobacco
 - Cigars and cigarillos
 - Rolling papers
9. Other tobacco and tobacco-related products not allowed for sale at the gas station convenience store shall be as follows:
 - Vape products, including juices
 - Hookah products, including hookah tobacco/charcoal
 - E-cigarettes
 - Pipes and pipe tobacco

10. Drug-related paraphernalia, such as bong, pipes and other products meant for use with non-tobacco substances as determined by the Planning Manager, are strictly prohibited.
11. All tobacco and tobacco-related products shall be secured behind a counter or other fixture, unavailable to the public except with the assistance of a store employee.
12. No promotional signage and/or displays promoting tobacco and/or tobacco-related products shall be utilized in any way by the gas station convenience store.
13. The applicant shall post "No Smoking" signage to the extent required by law.

(OR)

Motion 2: Move to continue the application for Conditional Use Permits 2017-35 to the February 13, 2018 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-35 based on and subject to the following findings (specify):

ATTACHMENTS

Aerial Photo

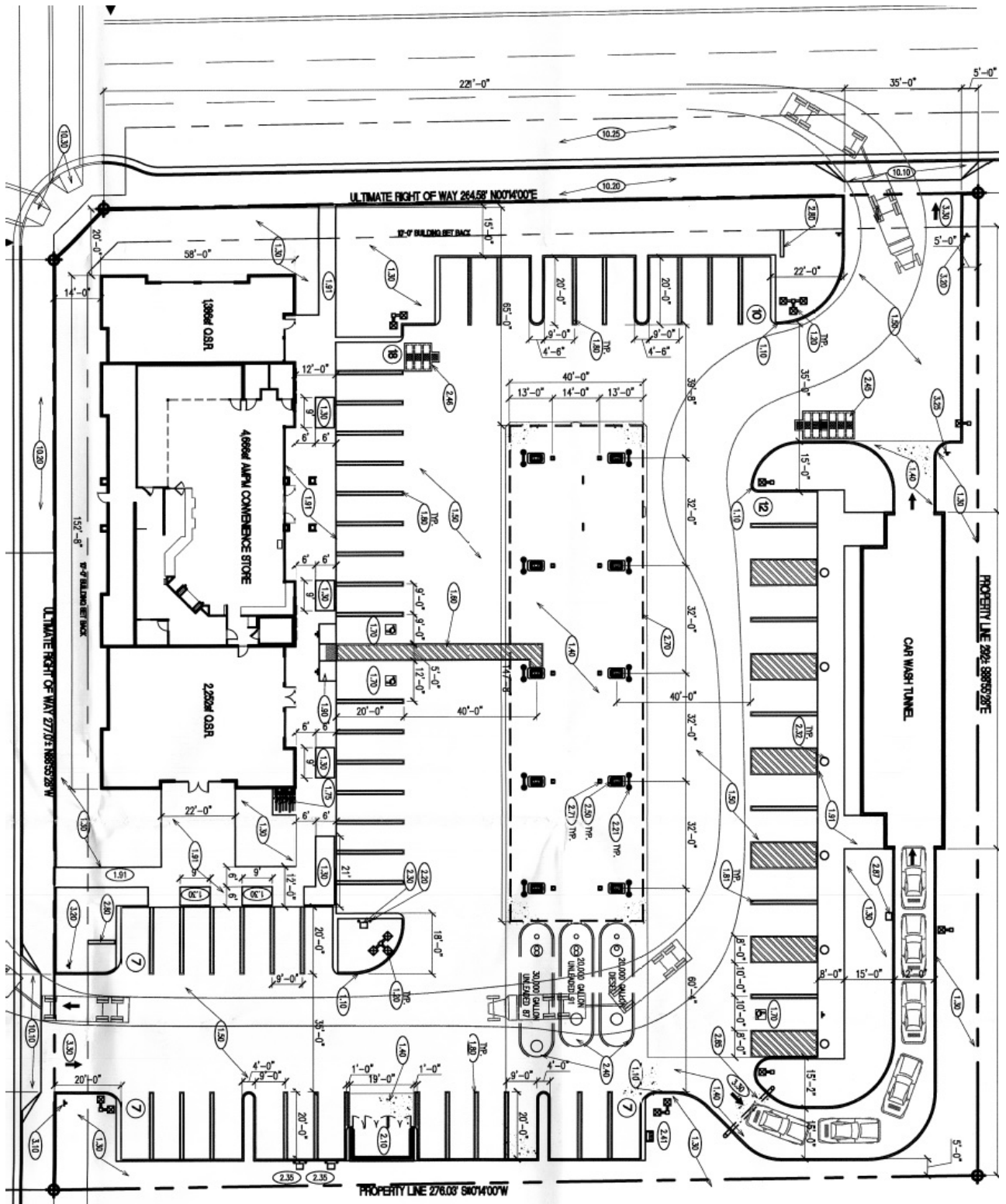
Site Plan

Conditional Use Permit 2016-35, 36, 37 and Site Plan Review 2016-57 Conditions of Approval

Aerial Photo



Site Plan



CUP 2016-35, 36, 37 & SPR 2016-57 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

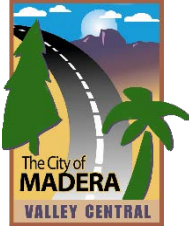
105. All on-building signage shall be of pan channel letter quality or better and in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

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.



Administrative Reports

- 1. Workshop – Introduction to the Zoning Ordinance Update.**