

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
JULY 10, 2018
6:00 pm**

CALL TO ORDER

ROLL CALL

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

1. CUP 2017-01 – Quality Children’s Services Extension

Consideration of a request for a time extension for a conditional use permit to allow for the establishment of a commercial daycare facility. The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

2. GPC 2018-03 – 5 East Yosemite Avenue

Finding of General Plan Conformity and Environmental Determination for the Potential Sale of one (1) property located at the northeast corner of North E Street and East Yosemite Avenue. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061 (Review for Exemption).

PUBLIC HEARING ITEMS:

1. PPL 2005-01 MOD2 – Tierra Vista Estates Amendment

A continued noticed public hearing to consider an application for amendment to a precise plan to allow for the addition of four (4) home models to be built upon thirty-six (36) vacant lots within the Tierra Vista Estates subdivision, located at the northwest corner of the intersection of Emily Way and Gary Lane in the PD 3000 (Planned Development) Zone District with an MD (Medium Density Residential) General Plan land use designation (Multiple APNs). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development Projects).

2. CUP 2018-10 – La Quinta Inn Alcohol Sales

A noticed public hearing to consider a conditional use permit to allow for the sale of beer and wine for on-site consumption in conjunction with the La Quinta Inn remodel located at the northeast corner of the intersection of East 4th Street and North G Street (317 North G Street) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-095-010). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

3. CUP 2018-11 and SPR 2018-17 – Praxair

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a welding and gas supply store within an existing building located at the southwest corner of the intersection of Madera Avenue and West Olive Avenue (112 West Olive Avenue) in the C2 (Heavy Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 012-053-016). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on August 14, 2018.

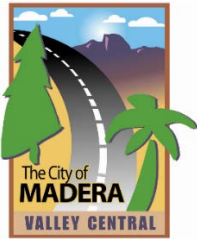
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

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

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

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

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



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Quality Children's Services Extension CUP 2017-01 & Environmental Determination Consent Item #1 – July 10, 2018

PROPOSAL: Consideration of a request for a time extension for a conditional use permit to allow for the establishment of a commercial daycare facility.

| | | | |
|---------------------|-----------------------------|---------------|-----------------------------|
| APPLICANT: | Quality Children's Services | OWNER: | Quality Children's Services |
| ADDRESS: | 333 Stinson Avenue | APN: | 011-234-017, 018 & 019 |
| APPLICATION: | CUP 2017-01 | CEQA: | Categorical Exemption |

LOCATION: The property is located east on Stinson Avenue, approximately five-hundred (500') feet north of the intersection of Stinson Avenue and South A Street.

STREET ACCESS: The site has access to Stinson Avenue.

PARCEL SIZE: Approximately 0.15 acres.

GENERAL PLAN DESIGNATION: LD (Low Density Residential)

ZONING DISTRICT: R1 (Low Density Residential)

SITE CHARACTERISTICS: The site is surrounded by single-family residential neighborhoods.

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

SUMMARY: The applicant has requested a one year extension of Conditional Use Permit (CUP) 2017-01, which allows for the operation of a commercial daycare facility. Because the original intent of the use permit application was to ensure approval of the daycare use, there was not a sufficient site plan submittal accompanying the use permit, resulting in a CUP condition of approval that required approval of a separate site plan review application. The applicant received approval of a site plan review application approximately twelve (12) months after the approval of CUP 2017-01. Staff did not require an extension of the use permit at that time because it was anticipated that permits for the required site improvements would be submitted and issued shortly after approval of the site plan review. Since then, the applicant has requested amendments to the site plan that would result in noncompliance with the General Plan's goals and policies. Because of the extended timeline for completion of the required site improvements and project proposal, approval of an extension of CUP 2017-01 by the Planning Commission is required.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1311 Termination and Revocation

Any use permit granted by the City must be utilized within twelve (12) months after the effective date. Failure to utilize such use permit within the 12-month period shall render the use permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit. The Planning Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate.

The Planning Commission, in considering the time extension request, may approve, deny, or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the conditional use permit for further consideration by the Planning Commission.

PRIOR ACTION

Conditional Use Permit 2017-01 was approved by the Planning Commission on February 13, 2017, allowing for the establishment of a commercial daycare facility. Subsequently, Site Plan Review 2017-51, allowing for the conversion of the former church into a commercial daycare and the addition of a new parking lot and playground area, was approved on May 7, 2018.

ANALYSIS

Background

The applicant has completed site plan review within the allotted timeframe required by Condition No. 28 of Conditional Use Permit 2017-01. The applicant has not submitted any building permit(s) or encroachment permit(s) to construct the required on- and off-site improvements from Site Plan Review 2017-51.

Extension

The property owner provided staff a written letter for a one-year extension request to the Planning Commission on June 19, 2018. Although the letter was submitted after one year from the original approval date, it was anticipated that all required permits would be issued shortly after approval of Site Plan Review 2017-51. Prior to the approval of Site Plan Review 2017-51, the applicant proposed requests to staff that did not comply with the General Plan's goals and policies and were not supported by staff. Multiple in-house meetings have been held with the applicant to provide alternative solutions that would comply with the General Plan's goals and policies, which are reflected in the approved site plan. Since the approval of SPR 2017-51, staff has received the same previous requests for alterations to the approved site plan that do not comply with the General Plan's goals and policies, further exacerbating completion of the improvements necessary to utilize the property as a commercial daycare facility.

Because staff is uncertain of the timeline for completion of the required site improvements and project proposal, approval of an extension of Conditional Use Permit 2017-01 by the Planning Commission is required.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a commercial daycare facility is not specifically addressed in the vision or action plans, the overall project does indirectly support **Strategy 338** – *Ensure safe and affordable childcare is available to all Madera families.*

RECOMMENDATION

The information presented in this report supports approval of an extension of Conditional Use Permit 2017-01. It is recommended that the Planning Commission consider the information in

this report, as well as testimony in the public hearing, and approve the extension of Conditional Use Permit 2017-01, 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 extension request, determining to either:

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

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

Motion 1: Move to approve the time extension of Conditional Use Permit 2017-01, based on and subject to the findings and original conditions of approval (attached) for the project:

Findings

- The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- The establishment of a commercial daycare facility is consistent with the purposes of the LD (Low Density Residential) General Plan designation and the R1 (Low Density Residential) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with 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.

(OR)

Motion 2: Move to continue the application for extension of Conditional Use Permit 2017-01 to the August 14, 2018 Planning Commission hearing, based on and subject to the following (specify):

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-01, based on and subject to the following findings (specify)

ATTACHMENTS

Aerial Photo
Extension Letter
Original Conditions of Approval
SPR 2017-51 Conditions of Approval

Aerial Photo



Extension Letter



June 19, 2018

Chris Boyle
Planning Manager
Planning Department
City of Madera

RE: EXTENSION REQUEST LETTER FOR SITE PLAN REVIEW

Name of Business: Quality Children's Services
Name of Project: CUP 2017-01 & SPR 2017-01
Project Address: 333 Stinson Avenue Madera, CA 93638

Quality Children's Services would like to request a one-year extension for the Conditional Use Permit and Site Plan Review for the project located at 333 Stinson Avenue Madera, CA 93638.

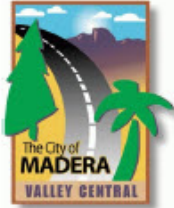
Thank you for your consideration.

Respectfully,

Irma Mandujano
Vice President
Quality Children's Services
(760) 942-3433
Irma@QCSTeam.com

6108 INNOVATION WAY • CARLSBAD, CA • 92009
PHONE: (760) 942-3433 • FAX: (760) 476-1579 • EMAIL: ADMINISTRATION@QCSTEAM.COM

Original Conditions of Approval



QUALITY CHILDREN'S SERVICES
CONDITIONAL USE PERMIT (CUP 2017-01)
SITE PLAN REVIEW (SPR 2017-01)
CITY OF MADERA, CALIFORNIA

The City of Madera Planning Commission, at its regular meeting of February 13, 2017 approved Conditional Use Permit 2017-01 and Site Plan Review 2017-01 to allow for the establishment of a commercial daycare facility. The property is located on the east side of Stinson Avenue, approximately 500 feet north of the intersection of Stinson Avenue and South A Street. The property is in the R1 (Low-Density Residential) Zone District with a LD (Low-Density Residential) General Plan land use designation. APN's: 011-234-017, 011-234-018, 011-234-019

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 establishment of a commercial daycare facility is consistent with the purposes of the LD (Low-Density Residential) General Plan designation and the R1 (Low-Density Residential) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the site.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for these use permits.
2. The applicant's failure to utilize any of the use permits within one year following the date of this approval shall render the conditional use permits null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-01 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 2017-01 and Site Plan Review 2017-01 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 2017-01 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2017-01.
7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

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

Engineering Department

General

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

Streets

13. Existing sewer service connection shall be upgraded to include a backflow prevention device per City standards.

Water

14. Existing water service connection shall be upgraded to include a backflow prevention device per City standards.

Fire Department

15. A building permit is required for all alterations to the building.
16. One 2A10BC-rated fire extinguisher is required which shall be mounted in a visible and accessible location.
17. The change of use/occupancy requires compliance with all currently adopted 2016 California codes.
18. The means of egress shall be improved to comply with the current code requirements.
19. During the building permit plan review stage, the applicant will need to make clear whether the rooms are daycare or classrooms. This is not the same under the code in terms of mandatory requirements.
20. A fire alarm system shall be required.
21. If the structure is less than ten (10') feet from the property line, exposure protection shall be required if it is Type 5B construction.
22. A key box shall be required.

Planning Department

General

23. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
24. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
25. The property owner, operator and 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.
26. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of these permits.

Operations

27. Conditional Use Permit 2017-01 allows for the establishment of a commercial daycare facility within a 2,818 square foot structure. The commercial daycare facility proposes two (2) classrooms and one (1) multi-purpose room within the structure.

Site Plan

28. The applicant and property owner shall complete the Site Plan Review process prior to expiration of Conditional Use Permit 2017-01. All potential on- and off-site improvements, as part of the Site Plan Review, shall be completed prior to occupancy of the structure and issuance of a business license.

Landscaping

29. 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

30. 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 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

31. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

SPR 2017-51 Conditions of Approval

SPR 2017-51 CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this site plan review approval (SPR 2017-51) will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code, or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
3. The 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.
4. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment SPR 2017-51. Operational changes to the commercial daycare facility may additionally require amendment of Conditional Use Permit 2017-01.
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.
6. The project shall be developed in accordance with the site plan, floor plan and elevation drawings, 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.
7. All conditions applicable to approval of CUP 2017-01 and SPR 2017-01 shall remain effective and are not revised in any way by this approval, except as modified herein.

Fire Department

8. If cooking equipment is provided, it shall be compliant and protected.

Planning Department

General

9. Conditions of approval for Conditional Use Permit (CUP) 2017-01 shall remain in effect, except as modified herein.

Site Plan

10. SPR 2017-51 allows for the conversion of a former church campus to a commercial daycare facility. Improvements /alterations to the project site include expansion of a parking lot and addition of a playground area on a property.

Lighting Considerations

11. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
12. 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.
13. All freestanding onsite lighting shall be located within landscaped areas.

Fences and Walls

14. The developer shall construct a single-bin trash enclosure of split-face block material consistent with Engineering Department specification/detail sheet No. E-7. The location of the trash enclosure shall be consistent with the approved site plan. The trash enclosure gates shall be painted to complement the existing structure.
15. A six (6') foot tall wooden fence shall be installed along the entirety of the eastern and southern property lines. If a different fence material is proposed, it shall receive approval from the Planning Manager.

Landscaping and Open Space

16. Detailed landscaping and irrigation plans shall be submitted as part of the submittals for a building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits and/or occupancy of the structure. The plan shall include:
 - Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO).
 - Landscaped areas shall be developed along all street frontages and within the parking field.
 - Shade trees shall be planted in landscaped peninsulas within the parking field.
 - 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.
17. The final selection and placement of playground equipment shall be reviewed and approved by the Planning Department as a component of building permit plan check submittals. The surface under the playground area shall be a material approved for use by the Parks Department. Minor alterations and/or amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall, at a minimum, require amendment to Site Plan Review 2017-51.
18. The playground equipment shall be maintained in good working condition and appearance.

Parking

19. The City's parking requirement for a commercial daycare center is one parking stall for each employee. This equates to a minimum parking requirement of ten (10) parking stalls on the site (one parking stall per each employee).
20. On-site parking shall be provided at all times in conformance with the Madera Municipal Code. All parking and loading areas shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep, or seventeen (17') feet deep when abutting a landscape planter with minimum of two (2') foot overhang. No compact stalls shall be incorporated into the parking field. No wheel stops shall be incorporated into the parking field/parking stall layout except where required for compliance with ADA requirements. Minimum drive aisle width shall be twenty-six (26') feet for primary drive aisles.

Signage

21. The commercial daycare center is allowed for one (1) non-illuminated freestanding sign with a maximum height of four (4') feet and maximum sign face area of eight (8) square feet. The location of the freestanding sign, if proposed, shall be approved by the Planning Manager and included on the site plan. The applicant may, at their discretion, incorporate the eight (8) square feet of sign face area, in whole, for on-building signage to be approved by the Planning Manager.

CUP 2017-01 CONDITIONS OF APPROVAL

General Conditions

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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 Permit 2017-01 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 2017-01 and Site Plan Review 2017-01 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.
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6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2017-01.
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Building Department

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

Engineering Department

General

10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. The developer shall pay all required fees for completion of project. Fees due may include, but shall not be limited to the following; encroachment permit processing and improvement inspection fees.
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21. If the structure is less than ten (10') feet from the property line, exposure protection shall be required if it is Type 5B construction.
22. A key box shall be required.

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General

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26. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of these permits.

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Site Plan

28. The applicant and property owner shall complete the Site Plan Review process prior to expiration of Conditional Use Permit 2017-01. All potential on- and off-site improvements, as part of the Site Plan Review, shall be completed prior to occupancy of the structure and issuance of a business license.

Landscaping

29. 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

30. 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 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.

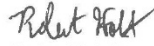
Signage

31. All signage is required to have an approved Sign Permit issued by the Planning Department per Madera Municipal Code Chapter 10-6.

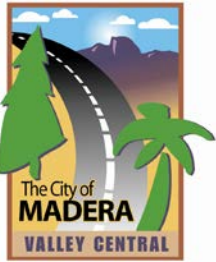
Please indicate acknowledgment of this letter and acceptance of the conditions by signing and returning the attachment to me. The approval does not take effect until acknowledgment and acceptance of conditions of approval, signed and dated within thirty (30) days of this action is received in this office. In addition, plans cannot be accepted for checking and Building Permits will not be issued until such acceptance is received. Please do not call for final inspection of the project until all actions required by conditions of approval are complete.

If you have questions regarding the action on your application or the further processing of your request, please do not hesitate to call me at (559) 661-5434.

Cordially,



Robert Holt
Assistant Planner



CITY OF MADERA PLANNING COMMISSION

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

General Plan Conformity 2018-03 Sale of 5 East Yosemite Avenue Consent Item #2 – July 10, 2018

PROJECT: Finding of General Plan Conformity and Environmental Determination for the Potential Sale of one (1) property.

APPLICANT: City of Madera

PROPERTY OWNER: City of Madera

ADDRESS: 5 East Yosemite Avenue

PARCEL NUMBER: 007-101-017

LOCATION: The subject property is located at the northeast corner of North E Street and East Yosemite Avenue, immediately east of the Union Pacific Railroad right-of-way.

SITE CHARACTERISTICS: The 5 East Yosemite Avenue property is 9,147 square foot property that is developed with a 2,379 square foot former railroad baggage/freight building, which was last utilized as a craft beer tasting room. The property includes a five-stall parking field.

ADJACENT LAND USES AND ZONING:

South – Commercial / C1 (Light Commercial)

East – Commercial / C1 (Light Commercial)

North – Commercial / C2 (Heavy Commercial) and C1 (Light Commercial)

West – Commercial / C2 (Heavy Commercial) and C1 (Light Commercial)

GENERAL PLAN DESIGNATION: C (Commercial)

GENERAL PLAN CONFORMITY: The proposed sale of property located at the northeast corner of North E Street and East Yosemite Avenue for the purpose of the development of the property into a café and sandwich shop is consistent with the C (Commercial) General Plan land use designation on the parcel, and the goals and policies of the General Plan, specifically Policy CD-40, which states that “The City shall encourage a combination of retail, office, civic, entertainment uses, (e.g. movie and performing arts theaters) in the downtown that serve the daily and occasional needs of all of Madera’s residents.”

SPECIFIC PLAN DESIGNATION: None.

ZONING: C2 (Heavy Commercial)

ZONING CONFORMITY: The proposed sale of the property is not in conflict with the Zoning Ordinance. Redevelopment/renovation of property as a café and sandwich shop is consistent with the C2 (Heavy Commercial) Zone District applicable to the subject parcel.

ENVIRONMENTAL DETERMINATION: This project qualifies as exempt under §15061 (Review for Exemption) of the CEQA Guidelines, which states that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Such is the case in the sale of the subject property.

RECOMMENDATION:

Based on the factors noted above, staff recommends that the proposed sale of property be found to be in conformance with the 2009 General Plan. The acquisition of the property should also be found exempt from further review under the California Environmental Quality Act.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on this matter in the form of findings.

Motion 1a: Move to find that this project qualifies as being exempt under §15061 (Review for Exemption) of the CEQA Guidelines, which states that the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

(AND)

Motion 1b: Move to find the proposed sale of the property at 5 East Yosemite Avenue is consistent with the 2009 General Plan, which states that “The City shall encourage a combination of retail, office, civic, entertainment uses, (e.g. movie and performing arts theaters) in the downtown that serve the daily and occasional needs of all of Madera’s residents.”

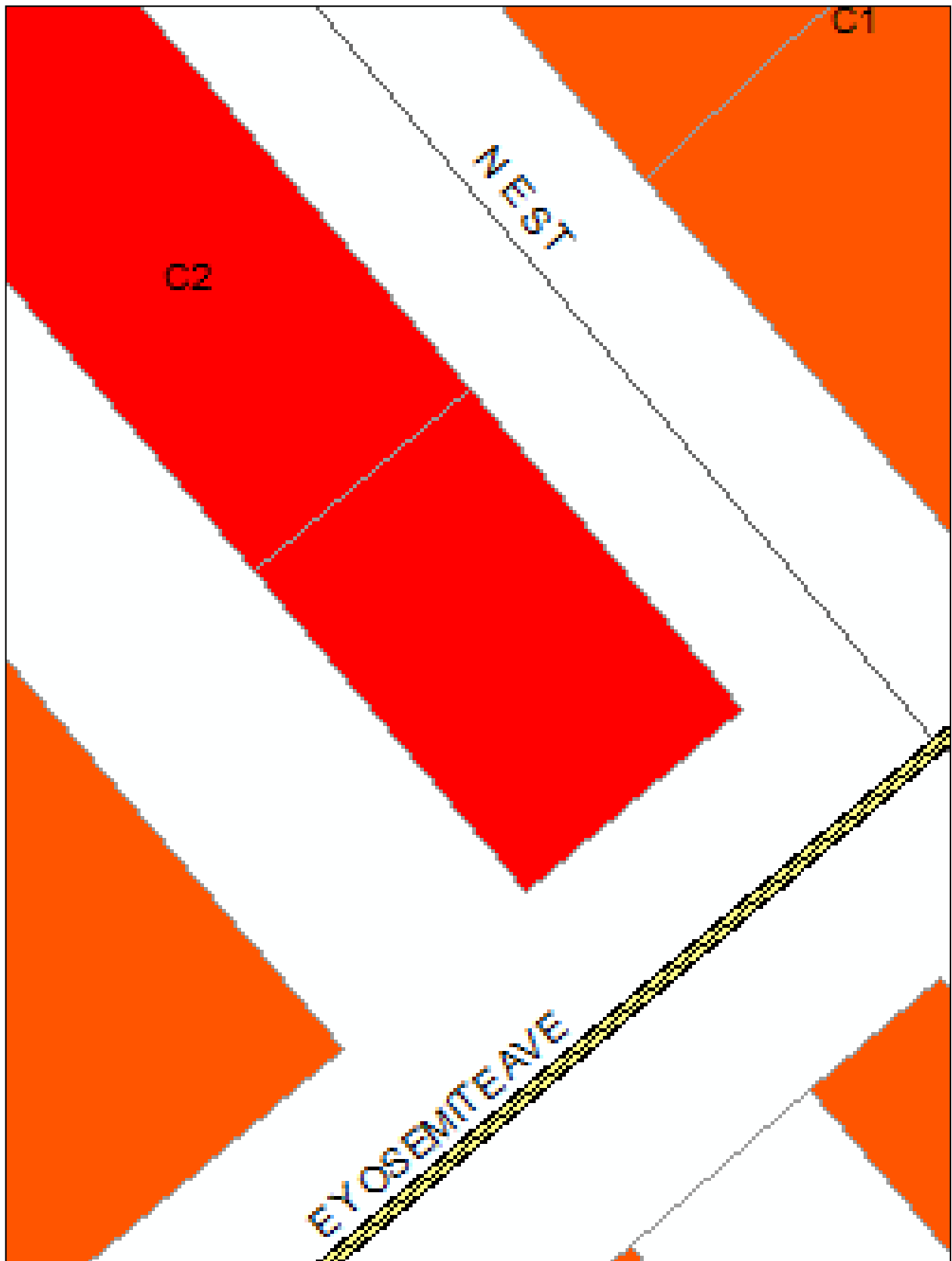
ATTACHMENTS

Aerial Imagery
Zoning Map

Aerial Imagery



Zoning Map



[Return to Agenda](#)

Item #1

PPL 2005-01 MOD2 – Tierra Vista Estates Amendment

Staff is requesting this item be continued to the August 14, 2018 Planning Commission meeting.

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

SUMMARY & RECOMMENDATION: The applicant is proposing to re-establish the sale of beer, wine, and distilled spirits for on-site consumption after the previously approved use permit for alcohol sales expired. The applicant is proposing to utilize an owner transferred Type 47 ABC license. The remodeled hotel does not include a kitchen which previously qualified the site as a bona fide eating establishment for a Type 47 ABC licenses. The Department of Alcohol Beverage Control has determined the remodeled hotel no longer qualifies for a Type 47 ABC license and will be required to secure a Type 70 ABC licenses which is typically required for hotel and motel uses. Although the hotel is within a census tract with an over-concentration of Alcohol Beverage Control (ABC) license, the use is consistent with the purpose and intent of the Zoning Ordinance.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 et. al.; C2, Heavy Commercial Zones

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

The hotel was originally established without a use permit or site plan review. It was not until March of 2017, when the site went through a conditional use permit and site plan review process which remedied the nonconforming use. Prior to the 2017 entitlements, Conditional Use Permit 1973-06 was approved for the sale of alcohol for on-site consumption for the former Madera Valley Inn. Site Plan Review 1976-04 was completed as part of a sign permit for Madera Valley Inn.

ANALYSIS

Background

Originally built in the early 1970's as a 98-room hotel, seven rooms have been converted over time into meeting rooms, retail space, offices and an exercise room. The property also once included a restaurant as a component of operations. The five-story structure encompasses over 56,000 square feet of floor area.

Use Permit Request

The applicant is requesting an allowance to reestablish alcohol sales as a component of the La Quinta Inn's business model. The applicant has acquired an owner-transferred Type 47 ABC license which allows for the sale of beer, wine, and distilled spirits for on- and off-site consumption when ancillary to a bona fide eating establishment. The applicant is proposing the sale of alcohol in a bar/lounge area formerly used as a restaurant. Alcohol sales are proposed to occur from between 4:00 pm and 11:00 pm, for hotel guests and general public alike.

Analysis

As a component of the hotel's remodeling, the kitchen facilities of the former Madera Valley Inn were removed. Having kitchen facilities is a requirement necessary to qualify as a bona fide eating establishment per the Department of Alcohol Beverage Control. The Department of Alcohol Beverage Control has determined that a Type 47 ABC license is no longer a valid licensure type for the hotel in its remodeled form.

As a condition to the approval of the conditional use permit, the applicant will be required to secure a Type 70 (On Sale General - Restricted Services) ABC license from the Department of Alcohol Beverage Control prior to the commencement of any alcohol sales. A Type 70 ABC

license is the standard ABC license for hotels and motels, authorizing the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. This license is normally issued to "suite-type" hotels and motels, which exercise the license privileges for guests' "complimentary" happy hour. Minors are allowed on the premises. There will be no allowance for the sale of alcohol for off-site consumption.

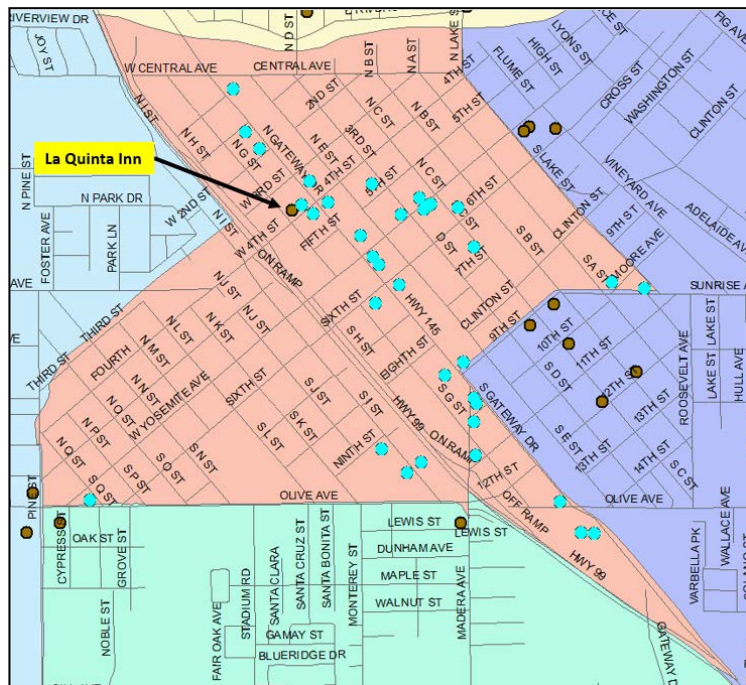
Site Plan Review

A site plan review is normally required in conjunction with the conditional use permit. However, Site Plan Review 2017-02 was completed in 2017 in association with the recent remodeling of the hotel. Any required on- and off-site improvements will be completed as conditioned by the previously approved site plan review.

Overconcentration

The project site is in Census Tract 8.0 which is an area of overconcentration for both on- and off-sale ABC licenses. Currently, there are twenty (20) on-sale with an anticipated twenty-first license and seventeen (17) off-sale ABC licenses issued in Census Tract 8. The overconcentration of ABC licenses is primarily due to the high concentration of commercial activity in relation to the low numbers of residences within the census tract.

It has been the City's policy to allow the issuance of ABC licenses in over-concentrated Census Tracts on a case by case basis. Licensure of Type 70 ABC licenses must be for on-site consumption of beer, wine and distilled spirits for hotel guests, whether for sale or provided complimentary. One other hotel within the city, the Spring Hill Suites, also has an allowance to provide similar services through a Type 70 ABC license and Conditional Use Permit 2015-18. In that a Type 70 ABC license is the appropriate license type for a hotel, and that suite hotels often provide "happy hour" events, staff is supportive of approval of a conditional use permit for on-site consumption of alcoholic beverages.



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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

SUMMARY OF RECOMMENDATIONS

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

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2018-10, determining to either:

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

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

Motion 1: Move to approve the requested Conditional Use Permit 2018-10 and based on and subject to the findings and conditions of approval as listed.

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2018-10 allows for the sale of beer, wine and distilled spirits for on-site consumption only, consistent with the stated conditions of approval.
3. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.

4. The use permit may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
5. This conditional use permit will expire if the use is discontinued for a twelve-month period.
6. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

Engineering Department

7. The following condition of project approval associated with Conditional Use Permit 2017-05 and Site Plan Review 2017-02 shall be completed prior to the commencement of alcohol sales:
 - (a) Offsite landscape and irrigation improvements shall be completed.
8. Improvements within the City right-of-way require an Encroachment permit from the Engineering Department.
9. The developer shall pay for 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.

Planning Department

10. This use permit allows for the sale of beer, wine and distilled spirits for on-site consumption (Type 70) within the dining/lounge area of the hotel. The applicant shall secure a Type 70 ABC license prior to the commencement of any alcohol sales.
11. All conditions applicable to the approval of Conditional Use Permit 2017-05 and Site Plan Review 2017-02 shall remain effective and are not revised in any way by this approval except as modified herein.
12. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
13. No outdoor displays or storage of materials shall be allowed.
14. No outdoor consumption of alcoholic beverages shall be allowed on the premise.
15. 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.
16. The property owner, operator and manager shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.
17. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.

18. The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control.
19. The sale of alcoholic beverages shall be in accordance with the permit issued by the Department of Alcoholic Beverage Control.
20. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.
21. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan.
22. All current and future signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC § 10-6.
23. No signage of any type whatsoever, advertising or indicating the availability of alcoholic beverages within the hotel structure, shall be visible from outside of the hotel structure.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-10 to the August 14, 2018 Planning Commission meeting.

(OR)

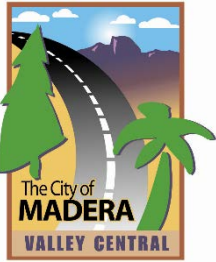
Motion 3: Move to deny the request for Conditional Use Permit 2018-10 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo

Aerial Photo





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Praxair CUP 2018-11, SPR 2018-17 & Categorical Exemption Item #3 – July 10, 2018

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a welding and gas supply store.

| | | | |
|---------------------|-----------------------------------|---------------|-----------------------|
| APPLICANT: | Shane White/Praxair Distributions | OWNER: | Eleanor Newcomb |
| ADDRESS: | 112 West Olive Avenue | APN: | 012-053-016 |
| APPLICATION: | CUP 2018-11 & SPR 2018-17 | CEQA: | Categorical Exemption |

LOCATION: The site is located at the southwest corner of the intersection of West Olive Avenue and Madera Avenue (SR 145).

STREET ACCESS: The site has access to West Olive Avenue.

PARCEL SIZE: The project parcel is approximately 0.78 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is surrounded by commercial development to the east, west and north. Immediately west of the site are currently two vacant lots that were previously used as outdoor display/storage for a former farm equipment and sales business. North of the project site is a towing and minor repair shop as well as the Bethard Square shopping center. East is the Carl's Jr. fast food restaurant and drive thru. South are single-family homes, a special needs education center and the Agricultural Commissioner Department of Weights and Measures.

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

SUMMARY: Praxair is proposing to relocate their welding and gas supply business. The project site has never gone through the site plan review process and there are some on- and off-site improvements that are required. The parking area is limited in width and can only provide for 45 degree parking stalls with a one-way drive aisle. Circulation will direct customers to enter at the front of the building and exit around the rear of the building towards the driveway approach on West Olive Avenue. The site plan review will guide the site to comply with the goals and policies of the General Plan, as conditioned.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.902 Heavy Commercial Zones – Uses Permitted

MMC § 10-3.4.0102 Site Plan Review Applicability

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

No prior action has been taken on the project property.

ANALYSIS

Background

This property has historically housed agricultural supply and sales businesses with the most recent closing in February of 2018. Praxair proposes to utilize the existing approximately 6,120 square foot structure with an approximately 3,600 square foot attached shade structure. The business model includes the storage of flammable gases, similar to Barnes Welding Supply, which requires the approval of a conditional use permit and site plan review by the Planning Commission. The establishment of a welding and gas supply business can be approved within the C2 (Heavy Commercial) Zone District as an "other use, which in the opinion of the Planning Commission [is] of a similar nature."

Operations

Praxair plans to sell welding-related tools, equipment and supplies, as well as industrial welding gases. The applicant proposes to operate the business from as early as 7:00 a.m. until as late as 5:00 p.m., Monday through Friday. The applicant proposes to utilize a portion of the covered area for the storage of materials. The storage area will be screened by a fence with a mesh application.

Parking & Circulation

The parking requirements for a retail store in the City of Madera require one parking stall for each three-hundred (300) square feet of customer net floor area and office space. This would equate to a minimum parking requirement of six (6) parking stalls. There is enough area for six (6) parking stalls to be striped along the building frontage at a 45 degree angle, which would provide an adequate number of parking stalls to serve the use. City parking stall standards allow for a fourteen (14') foot one-way drive aisle adjacent to 45 degree parking stalls. Staff recommends the on-site circulation direct customers to enter at the front of the building and exit around the rear of the building towards the driveway approach on West Olive Avenue. No other parking standard will suffice for the existing parking area.

Installing landscaping between parking stalls and the building would overextend the parking stalls, providing an insufficient drive aisle. Because there is not enough area to develop landscaping planters along the frontage to provide separation from vehicles and customers, staff recommends the installation of curb stops to provide for separation and sufficient on-site circulation.

Site Improvements

On-site improvements include a slurry seal of the asphalt section of the property, pavement of asphalt where all gravel is currently located, restripe of parking stalls and circulation arrows, removal of existing curb stops, installation of new curb stops, repainting of the building fascia and construction of a single bin trash enclosure. Off-site improvements include the severance of a cross lot water connection, installation of a sewer cleanout and the pavement of the alleyway.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though a welding and gas supply use is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*;

RECOMMENDATION

The information presented in this report supports 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 2018-11 and Site Plan Review 2018-17, subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2018-11 and Site Plan Review 2018-17, determining to either:

- approve the application,
- continue the hearing; or
- deny the application

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

Motion 1: Move to approve Conditional Use Permit 2018-11 and Site Plan Review 2018-17, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- The establishment of a welding and gas supply store is consistent with the purposes of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District which provides for the use, subject to the issuance of a use permit.
- There is adequate parking to allow for the welding and gas supply use.

- As conditioned, the welding and gas supply use will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2018-11 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Site Plan Review 2018-17 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
5. Conditional Use Permit 2018-11 and Site Plan Review 2018-17 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding revocation of the permit.
6. The project shall be developed in accordance with the conditions of approval, as reviewed and approved with Conditional Use Permit 2018-11 and Site Plan Review 2018-17. Minor modifications to the conditions necessary to meet regulatory or engineering constraints may be made with an approval of the Planning Manager.
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 site improvements shall be completed in advance of any request for a building permit final inspection, occupancy of the tenant suite and/or issuance of a business license.

Building Department

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

Engineering Department

General

12. Nuisance on-site 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 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 requires an Encroachment Permit from the Engineering Division.

Streets

16. The existing alley used for circulation shall be paved along the project parcel frontage, per City standards. Grading and paving of the alley shall be constructed in such a way that future drainage patterns are not negatively constrained.
17. The circulation aisle immediately west of the existing structure shall be paved in its entirety or it shall be justified through the implementation of mitigation measures to limit fugitive dust emissions from unpaved vehicle traffic areas in accordance with the San Joaquin Valley Air Pollution Control District. Mitigation measures other than paving are considered temporary by the City and shall be applied regularly.

Sewer

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

Water

19. The existing water service is connected to a residential lot that fronts Lewis Street. The cross lot connection shall be severed.

Fire Department

20. A building permit is required for all tenant improvements.

21. A minimum of one (1) 2A10BC-rated fire extinguisher shall be required for each 3,000 square feet of floor area and outdoor storage area. The fire extinguishers shall be mounted in accessible locations 3-5 feet above the finished floor.
22. A key box shall be required unless a key box already exists. If the building is equipped with a key box, then a new labeled key shall be provided for the key box.
23. Any alteration of the space shall be subject to the building permit process. All building permits shall be obtained prior to any work being performed. If this is considered a change in occupancy a permit shall be required for other potential upgrades.
24. A complete Hazardous Materials Management Plan (HMMP) shall be provided prior to occupancy. The HMMP shall identify the materials, storage arrangement, placement, etc. both inside and outside.

Planning Department

General

25. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
26. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
27. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster/refuse container.
28. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of Conditional Use Permit 2018-11.

Operations

29. Conditional Use Permit 2018-11 allows for the establishment of a welding and gas supply store, subject to compliance with the associated conditions of approval.
30. The hours of operation for the business shall be from as early as 7:00 a.m. until as late as 5:00 p.m., seven days a week.

Building Colors

31. The building shall, at a minimum, be repainted to a like-new condition. If any alteration is proposed to the existing paint scheme, the applicant shall submit a color board to the Planning Department for approval by the Planning Manager.

Fences and Walls

32. A new single-bin trash enclosure shall be constructed consistent with City standards. The color of the trash enclosure shall be painted to match the existing structure. The location of the trash enclosure shall be shown on the site plan submittal for building plan check and shall be approved by the Public Works Director.
33. Any utilization of the covered area for storage of materials shall be screened by a fence with no visibility from the public view. If outdoor storage is proposed, approval of a conditional use permit by the Planning Commission shall be required.

Landscaping

34. 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, the trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plantings.

Parking & Circulation

35. All parking and loading areas shall be marked and striped to City standards: 45 degree parking stalls shall measure a minimum of nine (9') feet wide by nineteen (19') feet deep. Wheel stops shall be incorporated into the parking stall layout. The minimum drive aisle width is fourteen (14') feet.
36. The lot shall be paved with asphalt where gravel is currently placed. The current paved asphalt area shall be refreshed with a slurry seal.
37. On-site circulation shall ingress towards the front of the building and egress around the rear of the building towards the driveway approach on West Olive Avenue.
38. 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 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, at a minimum, amendment of Site Plan Review 2018-17.

Signage

39. The maximum allowable on-building sign area shall be no more than 100 square feet.
40. The existing freestanding canister can be utilized without any requirement for a sign permit. If any new freestanding signs are proposed, the existing freestanding sign shall be removed prior to issuance of a sign permit.
41. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2018-11 and Site Plan Review 2018-17 to the August 14, 2018 Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2018-11 and Site Plan Review 2018-17, based on and subject to the following findings: (specify)

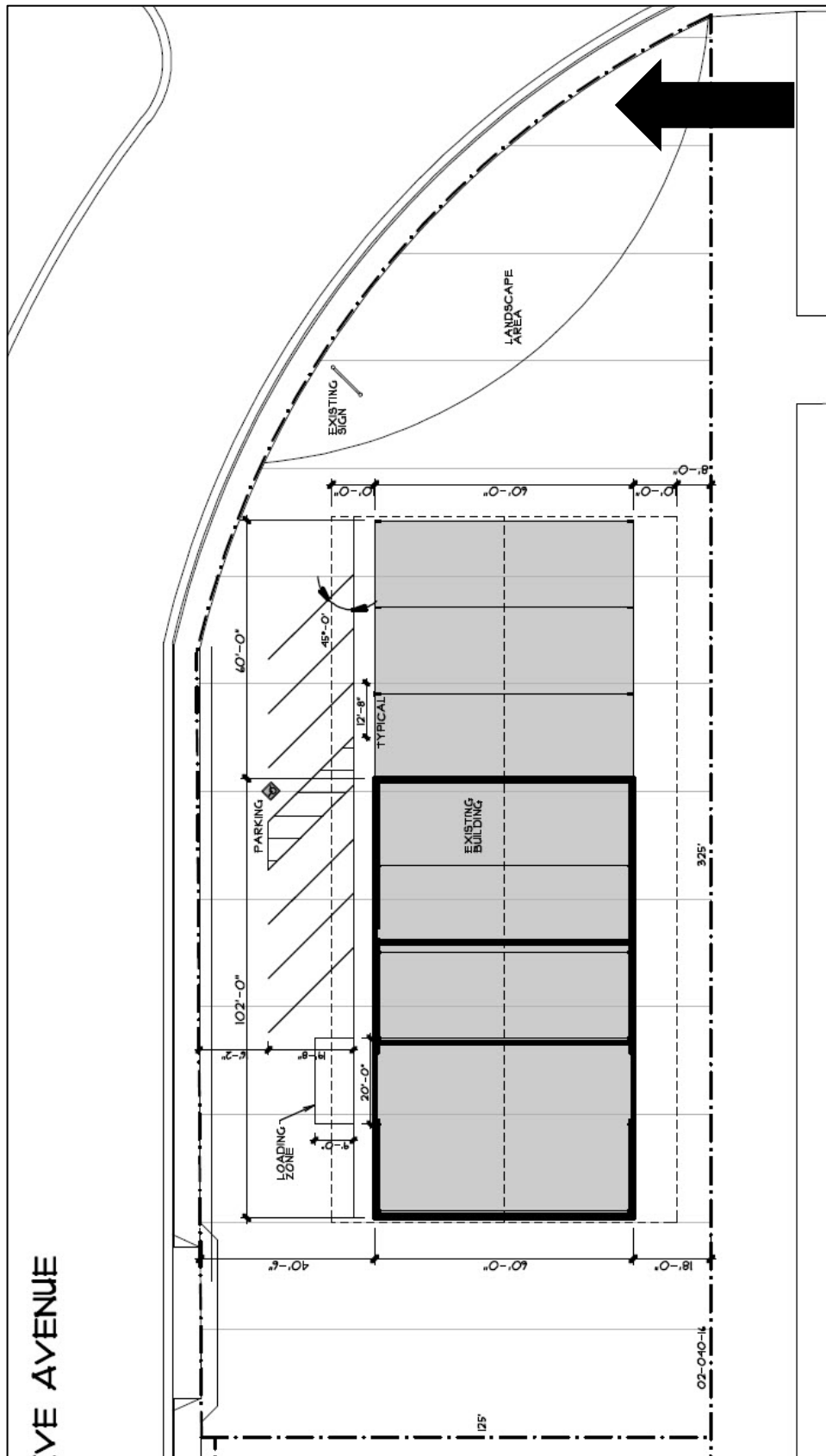
ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan

Aerial Photo



Site Plan



Floor Plan

