

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
July 14, 2020
6:00 pm**

This meeting will be conducted pursuant to the provisions of the Governor's Executive Order which suspends certain requirements of the Ralph M. Brown Act. Members of the public may participate in the meeting remotely through an electronic meeting in the following ways; via phone by dialing (669) 900-6833 enter ID: 93606958257# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/93606958257>. Public comment will also be accepted via email at planningcommissionpubliccomment@madera.gov

CALL TO ORDER

ROLL CALL

Commissioner Israel Cortes (Chairperson)
Commissioner Robert Gran Jr. (Vice Chairperson)
Commissioner Richard Broadhead
Commissioner Ryan Cerioni
Commissioner Ramon Lopez-Maciel
Commissioner Pamela Tyler
Commissioner Alex Salazar

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, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until the hearing is opened. 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: February 11th, 2020, March 10th, 2020, April 14th, 2020 & June 9th, 2020

NON-PUBLIC HEARING ITEMS: None

PUBLIC HEARING ITEMS:

1. Consideration of a Resolution finding that the 2020/2021 to 2024/2025 Capital Improvement Program is in Conformance with the General Plan

A noticed public hearing to consider a resolution finding the Fiscal Year 2020/2021 to 2024/2025 Capital Improvement Program is in conformance with the General Plan and Specific Plans of the City of Madera pursuant to the Government Code Section 65401.

2. CUP 2020-02 & 03 – Captain Mart & Wireless

A continued noticed public hearing to consider two conditional use permits to allow for the sale of alcohol (beer and wine) to be consumed off-site and for the sale of tobacco products (excluding vapor devices and flavored products used in vapor devices) in conjunction with a retail grocery store. The project site is located on the southeast corner of Olive Avenue and Martin Street (300 W. Olive Avenue) in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN:012-051-016).

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on August 11th, 2020.

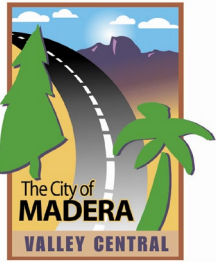
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

Consideration of a Resolution finding that the 2020/2021 to 2024/25 Capital Improvement Program is in Conformance with the General Plan Item #1 – July 14, 2020

PROPOSAL: Evaluation of the revised City of Madera Capital Improvement Program (CIP) for Fiscal Year (FY) 2020/21 through FY 2024/25 to determine conformity with the City of Madera General Plan.

APPLICANT:	City of Madera	OWNER:	N/A
ADDRESS:	Multiple	APN:	Multiple
APPLICATION:	N/A	CEQA:	Exempt

SITE CHARACTERISTICS: The projects included in the CIP are located within the urbanized area of the City of Madera. Surrounding land uses vary depending upon the individual project, but are typically commercial, residential or industrial in nature.

ENVIRONMENTAL REVIEW: The proposed project is a finding of conformance and supporting resolution regarding the CIP for FY 2020/21 through FY 2024/25. The CIP identifies proposed capital improvements and preliminary budgets for capital improvements throughout the City. Projects in the CIP include a range of public works and infrastructure projects to improve the quality of life for local residents and visitors alike. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if “the activity is covered by the general rule that the 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.” The resolution of finding of conformance under review by the Planning Commission (Commission) at this time does not have the possibility of having a significant effect on the environment. The individual projects, proposed within the CIP are subject to CEQA analysis individually, on a project by project basis.

SUMMARY: The City Council of the City of Madera (Council) has reviewed the active and proposed projects in the CIP and forwards the CIP to the Commission for determination of conformance with the City General Plan pursuant to Government Code Section 65401. It is recommended that the Commission adopt a resolution finding the CIP in conformance with the General Plan and Specific Plans of the City of Madera.

ANALYSIS

Under the terms of Section 65401 of the Government Code, the Commission of each city or county is required to review any CIP and the projects contained therein, within that jurisdiction as to conformance with that agency's General Plan.

The proposed projects are for new major infrastructure improvements and reconstruction of existing facilities. The projects are divided into the following categories:

Airport Operations	3	Projects
Community Development	1	Projects
Alley Improvements	2	Projects
Traffic Signal/Improvements	6	Projects
Streets & Bridges	36	Projects
Park Development	11	Projects
Water System Utility	28	Projects
Sewer System Utility	19	Projects
Drainage System Operations	6	Projects
Police and Fire Department	4	Projects
Successor Agency	4	Projects
Transit System	2	Projects

A brief description of the projects in each category is listed below:

Airport Operations – Apron and taxiway drainage, construction of tee hangers, and runway extension.

Community Development – The future relocation of City Hall.

Streets & Roads – Improvements include widening existing streets, adding landscaping, installing sidewalks, installing traffic signals and other safety improvements. Reconstruction and rehabilitation include major repairs and rehabilitation of existing streets to extend useful life and pavement resurfacing. All street projects take place on arterials and collectors as designated by the General Plan Circulation Element.

Park Development – Construction projects include new trails, bike paths and improvements to various Parks and Recreation facilities. Proposed projects are consistent with the City's approved Bicycle Transportation Plan and the Park and Recreation Element of the General Plan.

Water System – Construction of new water wells, major replacement of water distribution systems components, replacement or rehabilitation of water mains, and construction of water storage infrastructure.

Sewer System – Construction of trunk sewer pipelines, replacement and up-grading of sewer main pipelines and rehabilitation of sewer lift stations.

Drainage System – Construction of storm drain pipelines and drainage basins and enhancements to the existing drainage system.

Fire Department – Closeout of the Fire Station in the northwest quadrant of the City as well as parking lot repaving at two stations.

Successor Agency – Completion of Adelaide Subdivision, the Adell Street interconnect project and the Adell Street utility project.

Transit System – Closeout of the Madera Transit Center and AHSC Transit Development.

A CIP summary is attached to this report. The full CIP, including a detail sheet for each project, is available for review at the City Engineering Department (428 E. Yosemite Avenue, Madera) during normal business hours. The full Capital Improvement Program can also be reviewed on the City's website at the following: <https://www.madera.gov/wp-content/uploads/2020/06/2020.06.04-FY20-21-CIP-Planning-Commission-REV.pdf>

GENERAL PLAN CONFORMITY

If a project identified in the proposed CIP would implement or generally support attainment of a General Plan goal, policy or action item, staff recommends that a finding of conformance be made. Where the linkage between the General Plan and a CIP is less direct, a finding of conformance is recommended to the extent that no conflicts are identified, and the project will not obstruct attainment of General Plan goals, policies and action items. If adopted policies do not support a project, or the project prevents attainment of an adopted policy, a conformity determination should not be made.

A screening level analysis was completed for each CIP project against the goals, policies and action items in all ten elements of the General Plan. No conflicts were identified between any proposed project and any feature of the adopted General Plan. In general, capital projects identified in the CIP are consistent with the General Plan's intent to provide adequate circulation and utilities, and to support enhanced transit, walkability and recreational opportunities. Airport related projects are consistent with the General Plan policy supporting the Airport in its role as an important part of the local commercial economy.

The Commission's finding that a proposed CIP item conforms with the General Plan does not necessarily mean that the Commission or the City endorses the project in a particular form. Individual capital projects must undergo environmental review and receive approval prior to being carried out. As projects proceed from concept to final design and construction, individual projects are commonly modified. Where the General Plan points to specific features that affect design, these features will be incorporated. The Council will continue to have full discretion in deciding to move forward with CIP items.

If the Commission finds that the projects are in conformance with the General Plan, the FY 2020/21 to FY 2024/25 CIP will be forwarded on to the Council for final adoption during its consideration of the FY 2020/21 Budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Consistent with Action 126 and Action 132 of Vision 2025, the projects support the strategy for providing clean attractive streets that are safe and aesthetically pleasing, and connecting Madera's neighborhoods through streets, trails and walkways that promote community interaction. The requested action is for the improvement of infrastructure and is not in conflict with any of the actions or goals contained in the plan.

RECOMMENDATION

The information presented in this report supports adoption of a resolution finding the FY 2020/21 to FY 2024/25 CIP in conformance with the General Plan and Specific Plans of the City of Madera.

PLANNING COMMISSION ACTION

The Commission will be acting on the adoption of a resolution, included herein as an attachment.

ATTACHMENTS

CIP Summary

Planning Commission Resolution 1855

City of Madera, California

Capital Plan

'20/'21 thru '24/'25

PROJECTS BY DEPARTMENT

Department	Project #	'20/'21	'21/'22	'22/'23	'23/'24	'24/'25	Total
Airport							
AIP-0031 Apron & Taxiway Drainage	AIP-0031	952,000					952,000
AIP-0034 Commercial Hangar Develop Extend-III	AIP-0034					0	0
AIP-0040 RUNWAY 12-30 MILL AND FILL	AIP-0040				343,000	2,796,500	3,139,500
Airport Total		952,000			343,000	2,796,500	4,091,500
Community Development							
CD-00001 City Hall Relocation & Expansion	CD-00001			0		387,500	387,500
Community Development Total				0		387,500	387,500
Engineering							
ALY-0001 Torres Way Alley Paving	ALY-0001	15,000	185,000				200,000
ALY-0003 2021 CMAQ Alley Paving Project	ALY-0003	80,000	610,000				690,000
B-000002 Westberry Bridge Construction	B-000002					7,500,000	7,500,000
B-000004 BPMP Rehab/Repair of 3 Bridges	B-000004	212,000					212,000
B-000005 Granada Pedestrian Bridge	B-000005	85,000	190,000	1,425,400			1,700,400
ENG A Federal/State-Local Match	ENG A	0	50,000	60,000	80,000	80,000	270,000
ENG F CIP Engineering	ENG F	527,000	543,000	560,000	576,000	593,000	2,799,000
ENG-000C Traffic Warrants	ENG-000C	25,000	25,000	25,000	25,000	25,000	125,000
ENG-000G Micro-Paver Distress Survey	ENG-000G	20,000	50,000				70,000
MUP-UDII Master Utility Plan Update, II	MUP-UDII				750,000		750,000
R-000010 Olive Ave Widening-Gateway to Knox	R-000010	6,910,000					6,910,000
R-000031 Contingency / Project Administration	R-000031	163,000	166,000	170,000	173,000	177,000	849,000
R-000032 UPPR Crossing - Street Approach	R-000032	80,000	80,000	80,000	80,000	80,000	400,000
R-000037 Raymond Rd Shoulder-n/o Cleveland	R-000037	44,100	254,600	5,700			304,400
R-000038 Gateway/Central/3rd/E St Sidewalks	R-000038	546,000					546,000
R-000041 Concrete Projects - Share Program	R-000041	20,000	20,000	20,000	20,000	20,000	100,000
R-000046 Lake St Widening-Fourth to Cleveland	R-000046			100,000			100,000
R-000049 Olive Ave Concept Plan	R-000049		12,000				12,000
R-000050 Pine St Reconstr-Howard to Fourth St	R-000050				30,900	484,100	515,000
R-000054 Cleveland Ave Widen-Schnoor to SR99	R-000054					4,360,000	4,360,000
R-000057 Lake-Fourth-Central Intersection	R-000057	36,000	1,172,000	15,500			1,223,500
R-000058 Schnoor Ave Sidewalk-Sunset to River	R-000058	22,000	128,000				150,000
R-000060 Storey Rd Shoulder Paving	R-000060	4,000	291,000	4,500			299,500
R-000064 ADA Walkability Sidewalks Program	R-000064	60,000	60,000	80,000	80,000	80,000	360,000
R-000067 Pecan Ave Shoulder Paving	R-000067	80,000	530,900				610,900
R-000071 2020-21 City Streets 3R & ADA Project	R-000071	700,000					700,000
R-000072 Ave 17/Sharon Blvd Improvements	R-000072	5,310,910					5,310,910
R-000077 RMRA Seals/Overlays 2019-20	R-000077	1,263,400					1,263,400
R-000078 RMRA Seals/Overlays 2020-21	R-000078	1,100,000					1,100,000
R-000079 RMRA Seals/Overlays 2021-22	R-000079		1,100,000				1,100,000
R-000080 RMRA Seals/Overlays 2022-23	R-000080			1,100,000			1,100,000
R-000081 2022-23 City Streets 3R & ADA Project	R-000081			600,000			600,000
R-000082 Almond Ave Extension - Pine to Stadium	R-000082	225,000	320,000	4,649,737	1,450,263		6,645,000
R-000084 Pedestrian Facilities, Various Locations	R-000084	353,889					353,889

Department	Project #	'20/'21	'21/'22	'22/'23	'23/'24	'24/'25	Total
R-000085 Lilly St & Vineyard Pedestrian Facilities	R-000085	227,790					227,790
R-000086 Sidewalk Repairs at Various Locations	R-000086			100,000			100,000
R-000087 Almond/Pine/Stadium Traffic Study	R-000087	130,000					130,000
R-000088 Washington School Safety Enhancements	R-000088	80,000					80,000
R-000089 Bike Lane Improvements Various Locations	R-000089	30,000	120,000				150,000
R-000090 5th St/C St Pedestrian/Parking Amenities	R-000090	103,000					103,000
R-000091 5th St, C St to E St Sidewalk Shade	R-000091	15,000	75,000				90,000
R-000092 Sidewalk Improvements Various Locations	R-000092	199,000	1,137,000	1,086,000			2,422,000
R-000093 Washington School Sidewalks CMAQ	R-000093	40,000	328,000				368,000
R-0025X Fourth St Tree Replacemt-Pine to K	R-0025X		25,000				25,000
S-000012 Schnoor Ave Trunk Sewer Rehab	S-000012	46,000	489,000				535,000
S-000995 Road 28 Sewer Loan Repayment	S-000995	4,000	4,000	4,000	4,000	4,000	20,000
S-000996 Southeast Quad Sewer Improvement	S-000996					464,000	464,000
S-000997 Northeast Quad Sewer Improvement	S-000997					73,560	73,560
S-000998 Northwest Quad Sewer Improvement	S-000998					250,000	250,000
S-000999 Reimbursements - Sewer Construction	S-000999					100,000	100,000
SD-00014 NW Quad Storm Drain Improvement	SD-00014					7,400,000	7,400,000
SD-00015 SE Quad Storm Drain Improvements	SD-00015					17,500,000	17,500,000
SD-13-PX Retention Basin Land Acquisition	SD-13-PX		50,000	40,000	40,000	35,000	165,000
SD-14-P11 Granada Dr/Ave 12.5 Retention Basin	SD-14-P11	100,000					100,000
SD-15-P7 Ellis St/Krohn St Retention Basin	SD-15-P7		100,000				100,000
SD-P18 Sienna Basin	SD-P18	240,000					240,000
SS-00000 Engineering Support for Sewer Projects	SS-00000	25,000	25,000	25,000	25,000	25,000	125,000
SS-00006 Fairgrounds Liftstation-VFD	SS-00006	575,582					575,582
SS-00007 Airport Lift Station Force Main Study	SS-00007	20,000					20,000
SS-00008 2018 Sewer Manhole Project	SS-00008	44,450					44,450
SS-00009 2018 Sewer Repairs	SS-00009	495,000					495,000
SS-00010 Airport Lift Station Pumps Replacement	SS-00010	150,000					150,000
SS-00011 Mainberry Sewer - Howard to Sunset	SS-00011	450,000					450,000
SS-00012 Doubletree Sewer - Westberry to Liberty	SS-00012	325,000					325,000
SS-00013 Pecan Ave Parallel Sewer Main	SS-00013	1,702,064					1,702,064
S-STDY-1 Sewer System Assess/Rehab	S-STDY-1	179,932					179,932
S-STDY-2 Sewer Asset Mgmt Software	S-STDY-2	75,000					75,000
S-VI-002 Sewer Main Video Inspection	S-VI-002	582,000					582,000
TS-00017 Granada Dr/Howard Rd Traffic Signal	TS-00017	598,465					598,465
TS-00019 Howard Rd/Westberry Traffic Signal	TS-00019	189,500					189,500
TS-00022 4th St Traffic Signal Interconnect	TS-00022	16,800					16,800
TS-00023 HOPYQ Intersection Traffic Signals	TS-00023	135,000					135,000
TS-00024 Cleveland/Granada Dr Traffic Signal	TS-00024	67,000	489,000				556,000
TS-00029 Stadium Rd/Gary Ln Hawk Pedestrian Signal	TS-00029	135,600					135,600
TS-00030 Miscellaneous Traffic Safety Items	TS-00030	5,000	20,000	20,000	20,000	20,000	85,000
TS-00031 South St/D St Stop Sign Flashers	TS-00031	25,000					25,000
TS-00032 D St/South St Traffic Signal	TS-00032	67,000	439,000				506,000
W-000000 Engineering Support for Water Projects	W-000000	25,000	25,000	25,000	25,000	25,000	125,000
W-000003 Water Main Upgrades - Locations 1-12	W-000003	115,000	835,000				950,000
W-000004 Water Main Upgrades - Locations 13-23	W-000004	135,000	1,380,000				1,515,000
W-000006 H St-Water Main Upgrades	W-000006	15,000	400,000				415,000
W-000008 10th St-Water Main Upgrades	W-000008	20,000	1,040,000				1,060,000
W-000009 Gateway-Riverside River Crossing	W-000009	282,288					282,288
W-000026 Water Tower Demolition	W-000026	480,000					480,000
W-000031 Manual Read Water Meter Replacements/AMR	W-000031	830,000	300,000	300,000	300,000	300,000	2,030,000
W-000032 2018-19 New Water Meter Installations	W-000032	1,240,000					1,240,000
W-000033 Residential AMR Water Meter Replacements	W-000033	920,000	515,000	525,000	535,000	545,000	3,040,000
W-000037 Northeast Water Transmission Main	W-000037	430,000	3,025,200				3,455,200
W-000038 Well 27 Rehabilitation	W-000038	30,000	289,107				319,107
W-000999 Reimbursements - Water Mains	W-000999	231,190					231,190
W-GW-001 Water Well 37-Install Pump	W-GW-001	1,012,000					1,012,000

Department	Project #	'20/'21	'21/'22	'22/'23	'23/'24	'24/'25	Total
W-GW-002 Water Well 35-Ellis w/o Chapin	W-GW-002					2,011,000	2,011,000
W-GW-0024 Sharon Blvd. S/O Ave 17 - Well	W-GW-0024	2,000,000					2,000,000
W-GW-003 Water Well 36- SR145/Indigo	W-GW-003		121,000	1,890,000			2,011,000
W-PNE-04 Lake St Water Main-Ellis to Ave 17	W-PNE-04	85,000	615,000				700,000
W-PS-001 Ave 17 & Lake Pump Station/Tank	W-PS-001	462,000	6,270,000				6,732,000
W-PSW-45 Almond Ave Water Main, Pine-Stadium	W-PSW-45			88,000	188,000		276,000
W-STDY-1 Water Feasibility & New Water Supply	W-STDY-1	150,000	150,000	150,000	150,000	150,000	750,000
W-STDY-2 Water System Condition Assess/Rehab	W-STDY-2	340,000					340,000
W-STDY-3 Water Asset Mgmt Software	W-STDY-3	150,000					150,000
W-T-0001 Water Storage Tank Installation	W-T-0001	868,000	9,000,000				9,868,000
Engineering Total		34,780,960	33,053,807	13,148,837	4,552,163	42,301,660	127,837,427
Fire Department							
FD-00001 Fire Station 7 - Parking Lot Paving	FD-00001	126,000					126,000
FD-00002 Fire Station Constr, Northwest	FD-00002	200,000					200,000
FD-00003 Fire Station 6 Parking Lot	FD-00003	128,000					128,000
Fire Department Total		454,000					454,000
Parks & Community Services							
PK-00001 Ped/Bike Facilities	PK-00001	37,000	38,000	39,000	39,000	39,000	192,000
PK-00013 Sunrise Rotary Sports Complex	PK-00013	80,000	1,510,500				1,590,500
PK-00048 Tulare/Cleveland/Raymond Bike Path	PK-00048	315,000					315,000
PK-00056 Bike/Ped Path, FRT-Cleveland Ave	PK-00056			45,000	339,000		384,000
PK-00058 FRT-Granada to MID, North Bank	PK-00058				40,000	156,000	196,000
PK-00064 India Park	PK-00064	250,000					250,000
PK-00065 Centennial Park Amenities	PK-00065				250,000		250,000
PK-00067 OLIVE KNOX PARK	PK-00067	200,000					200,000
PK-00068 North/West Land Acquisition	PK-00068		300,000				300,000
PK-00069 South/East Land Acquisition	PK-00069		300,000				300,000
PK-00070 Sunset Park Development	PK-00070	250,000	300,000				550,000
Parks & Community Services Total		1,132,000	2,448,500	84,000	668,000	195,000	4,527,500
Police Department							
PD-00001 Police Station Parking Lot	PD-00001	300,000					300,000
Police Department Total		300,000					300,000
Public Works							
RM-00001 Rtnr Maint City Bridges Fresno RVR	RM-00001	50,000					50,000
W-000022 Water Tower Recoating	W-000022	20,000	1,370,000				1,390,000
W-000029 Downtown Valve Replacement	W-000029	130,000					130,000
W-000034 South St Water Tower Exterior Rehab	W-000034	35,000	265,000				300,000
W-000036 4th/Gateway Line and Valve	W-000036	60,000	440,000				500,000
WWTP20-01 WWTP WDR Permit Renewal Project	WWTP20-01	500,000					500,000
Public Works Total		795,000	2,075,000				2,870,000
RDA Successor Agency							
RDA-16-01 Adell St Utility Project	RDA-16-01	1,735,000					1,735,000
RDA-16-07 Adelaide Subdivision	RDA-16-07	1,507,998					1,507,998
RDA-17-02 Yosemite Lot Development	RDA-17-02	550,970					550,970
RDA-18-02 Adell St Interconnect, Kennedy & Adell	RDA-18-02	265,000					265,000
RDA Successor Agency Total		4,058,968					4,058,968

Department	Project #	'20/'21	'21/'22	'22/'23	'23/'24	'24/'25	Total
Transit Program							
TRANS-01 Madera Transit Center	<i>Trans-01</i>	500,000		446,800			946,800
Trans-10 AHSC Transit Developments	<i>Trans-10</i>	177,000	416,000				593,000
Transit Program Total		677,000	416,000	446,800			1,539,800
GRAND TOTAL		43,149,928	37,993,307	13,679,637	5,563,163	45,680,660	146,066,695

RESOLUTION NO. 1855

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MADERA FINDING THAT THE PROPOSED 2020/21 TO 2024/25 CAPITAL
IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE GENERAL
PLAN AND SPECIFIC PLANS OF THE CITY OF MADERA AS REQUIRED BY
SECTION 65401 OF THE GOVERNMENT CODE.**

WHEREAS, Section 65401 of the Government Code requires the Planning Commission of cities and counties to review any Capital Improvement Program in its jurisdiction for conformance with the agency's adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera reviewed the active and proposed projects in the Fiscal Year (FY) 2020/21 to 2024/25 Capital Improvement Program at their meeting on May 21, 2020; and

WHEREAS, the proposed projects reflect the major need for airport, streets, public utilities, parks and other community facilities during the next five years in concert with the provisions in the adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera has forwarded the FY 2020/21 to 2024/25 Capital Improvement Program to the Planning Commission for determination of conformance with the City General Plan and Specific Plans pursuant to Government Code Section 65401; and

WHEREAS, the Planning Commission reviewed the active and proposed projects in the FY 2020/21 to 2024/25 Capital Improvement Program, evaluated all attached supporting documents and considered testimony received as part of the public hearing process at their meeting on July 14, 2020.

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

1. The above recitals are true and correct.
2. In the independent judgement of the Planning Commission, and based upon the whole of the record before the Commission, the Commission finds that the resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment and has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA when 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.
3. The Planning Commission hereby finds the updated FY 2020/21 to 2024/25 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.
4. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of July 2020,
by the following vote:

AYES:

NOES:

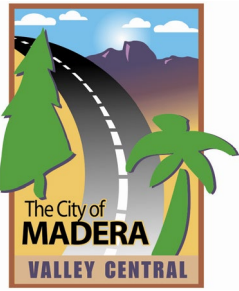
ABSTENTIONS:

ABSENT:

Israel Cortes
Planning Commission Chair

Attest:

Gary Conte
Planning Manager



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Captain Mart & Wireless CUP 2020-02, CUP 2020-03 & Categorical Exemption Item #2 – July 14, 2020

PROPOSAL: Consideration of a request for two conditional use permits to allow for the off-site sale of alcohol (Type 20 beer and wine beverages) and the sale of tobacco products in association with the operation of a food store (groceries, fruits, and vegetables).

APPLICANT:	Junaid Lateef	OWNER:	Naheed Akhtar
ADDRESS:	300 West Olive Avenue	APN:	012-051-016
APPLICATION:	CUP 2020-02 and CUP 2020-03	CEQA:	Categorical Exemption

LOCATION: Property is located on the southwest corner of West Olive Avenue and Martin Street.

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

PARCEL SIZE: Approximately 11,400 square feet

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: Commercial building which has been used for retail sales such as wireless cell phone and related Light Commercial uses and for the past several years included limited grocery items. Commercial development exists to the north, south and east, with residential uses to the west.

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

SUMMARY & RECOMMENDATION: The subject property is developed with a small commercial building with vehicle parking that has primary access to Olive Avenue, a four-lane major street. The property also has a street side access onto Martin Street, which is an intersecting minor street providing access to the neighborhood located to the south. Conditional Use Permits 2020-02 and 2020-03 respectively request approval of the sale of beer and wine alcohol beverages, and tobacco products to supplement the business's present sales of ethnic specialty foods and other grocery and household products. Neither the Police Department or ABC opposes the granting of the use permit, although the school district has expressed opposition. Based on the evidence in the record at this time, all the requirements for the

granting of a use permit can be shown. It is recommended that the Planning Commission consider evidence and information provided by the staff report, the applicant, and other interested persons and take an appropriate action in accordance with the alternatives provided by the staff report.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.4.0102 Site Plan Applicability

MMC § 10-3.405 Uses

MMC § 10-3.1301 Use Permits

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1401 Variances

Business and Professions Section 23817.5

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 even after imposing appropriate conditions, the use permit should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-sale 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

Previously conditional use applications (CUP 2015-28 & 29) by the applicant proposing the sale of alcoholic beverages (beer and wine) and tobacco products (excluding vapor devices and flavored products used in vapor devices), respectively, in conjunctive with applications for a parking variance (VAR 2015-03) and a site plan review (SPR 2015-32) for the property to allow the establishment of a convenience store were denied. Through the public hearing process, the Planning Commission and the City Council received and considered considerable information and testimony both in favor and in opposition to these proposals at the time they were considered, and then subsequently denied the prior applications based on the evidence and conditions at that time. The City's determination was later upheld by the court.

ANALYSIS

Background

The commercial building has accommodated several different commercial enterprises including a wireless cellular phone store, Captain Kirk's Wireless, for approximately 15 years prior to the applicant's purchase of the property. The applicant purchased the property in 2015 with the intention of operating a convenience store offering food, beverages including alcohol (beer and wine), tobacco products together with ethnic specialty foods and general household items in conjunction with continuing to offer cellular phone supplies. Despite the City's denial of the previous applications, including the parking variance and site plan review, the applicant went ahead and opened a small retail sales business and convenience store on the premises, providing both common and specialty grocery items as well as propane exchange during the past approximately five-year period. While the applicant secured a business license for the premises

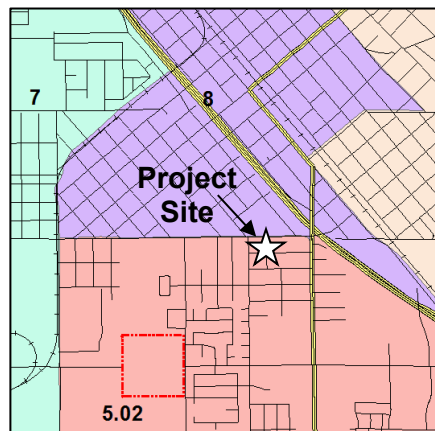
in September 2015, the license limits Captain Mart & Wireless to the sale of mobile phones and accessories. The license, which is current, does not permit the sale of grocery items or propane exchange. A copy of the business license is attached. As such, at a minimum, operation of the present convenience store by the applicant is a non-conforming use pursuant to City Municipal Code as new or change use of property which necessitate on-site improvements are required to comply with the provisions of the City Municipal Code is subject to site plan review (MMC § 10-3.4.0102). As such, the current business is not operating lawfully. The business proprietor, Mr. Mohammad Latif who operates the store, has represented the interested parties with respect to this application.

Tobacco Sales

In September 2015, the Planning Commission concluded through the determination of use process that the sale of tobacco and tobacco related products and sundries would require the approval of a use permit. With this action, the Commission noted its concerns that tobacco sales be located sensibly within the commercial areas of the City, mindful of surrounding land uses. The subject site is oriented to an arterial street with commercial properties to the north, east and south. Residential properties exist immediately to the west. Tobacco products are presently available for purchase from other nearby commercial businesses within commercial areas located to the north and west of the subject site. The applicant and business proprietor states that the store is conveniently located for potential customers living within the nearby neighborhood particularly to the south of the commercial property. The application simply states the desire to sell cigarettes. Verbally, the applicant advised staff of the intention to sell tobacco products but to exclude vaping devices. Previously, the staff supported approval of a use permit for the sale of cigarettes and other tobacco products only. Given that it appears that all findings required by the Municipal Code section 10-3.752 for the tobacco CUP can be made, staff recommends approval of the proposed Use Permit with the condition it be limited to the sale of tobacco products (no vaping products).

Alcohol Sales

The applicant has applied with the California Department of Alcoholic Beverage Control (ABC) for a new Type 20 Off-Site Beer and Wine license. The ABC application was filed on October 1, 2015 (Application #562769). A copy of the ABC license application is attached. The project site is in Census Tract 5.02. The staff of the Fresno ABC Office has provided information that nine Type 20 Off-Site Beer and Wine licenses are allocated and that nine permits have been issued. However, the ABC representative advised that the application for the Captain Mart property was filed when eight permits were in place and that as such the application remains valid and eligible for issuance.



As with numerous other use permit applications for various locations, it is noted that the County of Madera has been under a State of California moratorium for the issuance of new Type 20 licenses. In 1998, a State law was amended to permanently establish a moratorium on the issuance of off-site beer and wine licenses (Type 20) in cities and counties where the ratio of Type 20 licenses exceeds one for each 2,500 inhabitants. Madera County has continued to be included in the list of moratorium counties. The moratorium specifically addresses the number Type 20 ABC licenses or transfer of a Type 20 license from another location outside of Madera County. However, the applicant's original ABC application has remained open, although processing has been suspended, pending additional action by the City. As such, the Fresno ABC office advised that the issuance of a Type 20 license for the subject site was eligible for approval should the City of Madera approve the conditional use.

The current applications were circulated to applicable City departments as well as Madera Unified School District. The City of Madera Police Department provided comments questioning the number of off-site alcohol permits allowed within the census tract, as this application would be the 10th if approved. The comment further noted that the City might make an effort to limit sale of single alcoholic beverages by requiring sale in prepackaged quantities. In response to circulation, Madera Unified School District objected to the granting of the application due to the property's proximity (approximately 1,000 feet) to the Madera High School and Madison Elementary School campuses and location along a pedestrian route used by students. Absent special conditions, ABC will refuse to issue any retail license for premises located within at least 600 feet of schools. (See Business & Prof. Code, §23789.) The school is approximately 1,000 feet away, and as such, ABC has indicated that the applicant's license is qualified for approval by them assuming all other conditions can be met.

The owner of the property of the southeast corner of West Olive Avenue and Martin Street directly across from the applicant's property, Mr. Khalid Chaudhry, submitted an email oppose the proposed CUPs due to the site's proximity of a church (Iglesia Pentecostes) which is within 100 feet of the applicant's property. The church is located on property owned by Mr. Chaudhry. A copy of Mr. Chaudhry's email is attached as an "Email of Opposition Received June 9, 2020."

Mr. Lateef has asserted that the City of Madera has approved several conditional use applications for Type 20 ABC alcohol sales permits over the past several years. Previously, the City's staff has noted that these approvals rely upon transfers of existing licenses such that there would not be an overall increase in the number alcohol sales establishments. A transferred license would not exacerbate the state's moratorium since it would not increase the number of Type 20 licenses within the County of Madera.

It does appear there are two other existing commercial establishments located along West Olive Avenue with Type 20 or Type 21 (Off-Site General) licenses with similar proximity to the schools. A Type 20 license is held by the Madera Family Mart, a convenience store / auto service station, located at West Olive Avenue and South Q Streets. A Type 21 license is held by the Rite Aid store located at 335 West Olive Avenue within the commercial center to the north of the application site.

Under the Municipal Code, special rules and regulations apply to use permits issued authorizing the sale of alcoholic beverages. If approved, use permits for the sale of alcoholic beverage are subject to an annual review for a determination of compliance with all of the terms and conditions of the issuance of the permit. A condition requiring annual review has been added to the conditions of approval. Additionally, the annual review determines the existence of conditions or occurrences that are or may contribute to the detriment of the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood, or which are detrimental or injurious to property and improvements in the neighborhood or general welfare of the City. These include:

- (1) The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
- (2) The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- (3) The sustaining by the subject premises of an administrative suspension or revocation or other such sanctions as may be imposed by ABC, including payment in lieu of such suspension or revocation or other sanction.
- (4) The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the:

Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

(See Mun. Code, § 10-3.1311). In such cases, the use permit may be revoked. The use permit may also be revoked for a violation of a condition of approval. The Municipal Code also has existing restrictions on use of intoxicants in public places, violation of which is a misdemeanor. (*Id.*, § 4-2.02.)

Site Characteristics

The subject site is a developed commercial property which has accommodated a variety of commercial uses during its existence. Presently, the application representative, Mr. Mohammed Lattif, operates a small neighborhood grocery store offering a limited range of specialty food and other packaged food products. The site is located along a portion of West Olive Avenue which is characterized by strip commercial development in which properties have limited depth and extent laterally along the street frontage. This development pattern typically accommodates off-street parking in the front of the commercial building.

With the previous CUP applications, staff also recommended approval of a SPR 2015-32. With the denial of the alcohol and tobacco conditional use permits, the site plan review application was also not approved by the Commission. The site's design disadvantages could be ameliorated by a rejuvenated landscape and building façade, and it is possible for the site and use to be brought into compliance with the Municipal Code. While these improvements have been discussed in the past, Mr. Lateef has indicated that these improvements are dependent upon an improved business operation which would be facilitated with the issuance of a conditional use for alcohol sales. The applicant has stated his desire to make improvements to the property's appearance subsequent to approval of his conditional use applications. Regardless whether or not one or both conditional use permits are approved by the Planning Commission, operation of the present convenience store by the applicant is subject to site plan approval.

Parking

The City of Madera parking ordinance requires food stores to provide one (1) on-site parking stall for each 250 square feet (sq. ft.) of store area. The subject site is developed with a 2,790-square foot building, which has been used for a range of general retail uses, and nine (9) parking stalls at a ratio of one (1) stall per 300 sq. ft. The conversion of the structure to a convenience store requires 11 parking stalls at a ratio of one (1) stall per 250 sq. ft. As a result, the store either needs to provide an additional two parking spaces or obtain a parking variance.

With the previous application, staff recommended approval of a parking variance. However, with the denial of the alcohol sales use permit, a variance application was also not approved by the Commission. However, the property has continued to be used as a small retail establishment offering specialty and prepackaged food items and with only nine (9) on-site parking stalls presently provided, a parking variance is required whether one or both conditional use permits are approved the Planning Commission.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a convenience store 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

Based on the facts as currently known, the applicant has met the requirements for approval of the use permits. It is recommended that the Planning Commission consider the information presented in this report, and other information presented or made available, in its determination as to whether approval of the conditional use is appropriate given the required findings for approval.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the two Conditional Use Permits. Approval of the attached resolution will approve both Conditional Use Permits.

Motion 1: Move to approve a resolution of the Planning Commission approving Conditional Use Permits 2020-02 (Off-Sale – Beer and Wine) and 2020-03 (Tobacco Products) and adopting a finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities) (Captain Mart and Wireless, 300 West Olive Avenue).

(OR)

Motion 2: Move to continue the application for Conditional Use Permits 2020-02 and 2020-03 to the August 11, 2020, Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for one or both of the Conditional Use Permits for the following reasons: (Specify - The Planning Commission should articulate reasons for the denial as to one or both permits).

ATTACHMENTS

Aerial Photo
Business License
ABC License Application
Email of Opposition Received June 9, 2020
Planning Commission Resolution 1856

Aerial Photo



Business License



CITY OF MADERA BUSINESS LICENSE APPLICATION Local Commercial / Home based only

SEP 14 2015

APPLICATION FEE: \$50.00

EFFECTIVE DATE: _____

Business License Acct # 53224

☐ **NEW APPLICATION**

If a change in ownership, what was the previous business name? Captain Kirk's Wireless

☐ **UPDATE**

If a change of business location, what was the previous address? NO

ADD OR REMOVE A PARTNER OR NAME CHANGE
(Please Circle)

(Business Owner's Name)

(Previous Business Name)

BUSINESS NAME: Captain Mart and Wireless

Address: 300 West Olive Ave Suite / Apt # _____

City: Madera State: Ca Zip: 93637 Bus Ph # 559 871-4441 ~~DEC 08 2015~~

MAILING ADDRESS (if different from the business location)

Address: 300 W. Olive Avenue Suite / Apt # _____

City: Madera State: CA Zip: 93637

DESCRIPTION OF BUSINESS / USE: Mobile Phones and Accessories, Repairs

TAX INFORMATION:

☒ Sole Proprietor ☐ Partnership ☐ Corporation ☐ LLC ☐ Non Profit ☒ **APPROVED**

Fed Tax Id # 47-5019638 State Tax Id # SRDF102803152 Corporate Ph # (____)

State Board of Equalization # (Resale Permit) SRDF102803152

YOUR ESTIMATED GROSS RECEIPTS FOR 1 MONTH (State Lic Contractors, see below) \$ 3,000/-

STATE LICENSED CONTRACTOR Contractor's License # X

• If this is a 1 time job what is the value? \$ _____ Address/Location X

OR

• No specific job, your estimated gross receipts for 1 month (City of Madera Only) \$ X

OFFICE USE ONLY



☐ Fire Check List ☐ Signing Packet

Total Yearly Gross Receipts \$ _____ SB-1186 Fee \$1.00 ID card fee \$ 10

Mill / Flat Fee per year \$ _____ SEP 15 2015 Background Check fee \$67 or \$87

Prorated at _____ % = Total Tax Fee Due: \$ _____

Remarks _____ Total Due: \$ _____

Continued next page...

3 of 7

Clust. is using 1/2 of the space. Other 1/2 vacant.

BUSINESS OWNER'S INFORMATION - Sole Proprietor/ Partnership

First Name Sunaid Last Name Lateef
Home Address 2671 Marie Av Apt # City Madera St CA Zip 93637
Phone# (559) 871-4441 Social Security # 602-15-6049 Driver's License# D 29 07396

First Name Last Name
Home Address Apt # City St Zip
Phone# () Social Security # Driver's License#

Please answer all questions:

Are you properly zoned for your type of business? Yes No

Is the building space new construction? Yes No

Will you be making any tenant improvements or changes to the building? Yes No

Will your business involve the sale of sexual orientated material? Yes No

Does your business involve the use or storage of any hazardous materials such as chemicals, paint or combustible material? Yes No

Will you be placing any type of signs on or next to your business? Using existing sign + changing Name plate
Not yet
signage pamphlet for more information. Yes No. If yes, please see the

Alcohol Sales? Yes No. If yes, please see the Planning Dept for more information at 559-661-5430.

Private Security/Guard Co? Yes No. Color pictures are required of uniforms and/or vehicles.

Will you be offering/selling any type of food/drink? Yes No Not yet Preparing to sell

Will you be selling 2nd hand or used items? Yes No Not yet Preparing to sell

Are you selling anything at retail? Yes No. If yes, a reseller's permit is required before your business license can be approved.

Are you a mobile car washing business? Yes No. If yes, your vehicle must be inspected prior to approval.

Are you renting space at a beauty salon? Yes No. If yes, a fire inspection is required prior to approval.

Are you sharing office space with another business? Do not include beauty salons establishments?

Yes No If yes, what is the business name?

Continued next page...

4 of 7

All businesses are charged a business license tax fee. Once your application is received you will be billed for the business tax due.

The following types of businesses require a background check/fingerprinting to be completed at the City of Madera Police Department and may require the submission of additional information or documentation. These regulatory fees are due at time of application. Please see the Finance department for more information.

- Massage/Physical Therapist
- Itinerant Peddler / Mobile Vendor
- Security Guard
- Pawn/Second Hand Dealer Licenses

The processing of your application is approximately three weeks, all applicable departments must review and approve your application before your business license is issued. Certain regulatory requirements may prolong your approval time.

A City of Madera business license is renewed automatically at the commencement of our fiscal year in July. If you are no longer doing business in the City of Madera and do not wish to renew please provide a written request to cancel or call to request a cancellation form.

THIS IS AN APPLICATION ONLY, DOING BUSINESS WITHOUT YOUR FINAL BUSINESS LICENSE APPROVAL IS A MISDEMEANOR AND PUNISHABLE BY LAW. 'SEC. 6-1.03 MMC'

"I DECLARE UNDER PENALTY OF PERJURY THAT THIS IS A TRUE, CORRECT AND COMPLETE APPLICATION."

Owner Print Name: Sunaid M. Latief
(If Corporation, Contact Person)
Signature: _____ Date: 9.10.15
Owner Print Name: _____
(2nd Owner if Partnership)
Signature: _____ Date: _____

City of Madera
105 W. 4TH St

Finance Department
Madera Ca 93637

Telephone 559-661-5408

Continued next page...

5 of 7

**California Department of Alcoholic Beverage Control
Application for Alcoholic Beverage License File #56279**

Department of Alcoholic Beverage Control

State of California

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
3640 EAST ASHLAN AVE
FRESNO, CA 93726
(559) 225-6334

File Number: **562769**
Receipt Number: **2321905**
Geographical Code: **2002**
Copies Mailed Date: **October 1, 2015**
Issued Date: *issuance*

DISTRICT SERVING LOCATION: **FRESNO**

First Owner: **LATEEF, JUNAID MUHAMMAD**
Name of Business: **CAPTAIN MART AND WIRELESS**
Location of Business: **300 W OLIVE AVE
MADERA, CA 93637-5458**

County: **MADERA**

Is Premise inside city limits? **Yes** Census Tract

Mailing Address: **2671 MARIE DR
MADERA, CA 93637**
(If different from premises address)

Type of license(s): **20**

Transferor's license/name:

Dropping Partner: Yes ☐ No ☒

License Type	Transaction Type	Fee Type	Master	Dup	Date	Fee
20 - Off-Sale Beer And Win	ANNUAL FEE	NA	Y	0	10/01/15	\$254.00
20 - Off-Sale Beer And Win	ORIGINAL FEES	NA	Y	0	10/01/15	\$100.00
NA	FEDERAL FINGERPRINTS	NA	N	1	10/01/15	\$24.00
NA	STATE FINGERPRINTS	NA	N	1	10/01/15	\$39.00
Total						\$417.00

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application

Applicant agrees (a) that any manager employed in an on-sale licensed premises will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of **MADERA**

Date: **October 1, 2015**

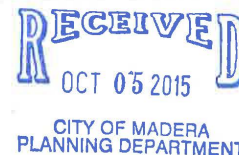
Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Effective July 1, 2012, Revenue and Taxation Code Section 7057, authorizes the State Board of Equalization and the Franchise Tax Board to share taxpayer information with Department of Alcoholic Beverage Control. The Department may suspend, revoke, and refuse to issue a license if the licensee's name appears in the 500 largest tax delinquencies list. (Business and Professions Code Section 494.5.)

Applicant Name(s)

Applicant Signature(s)

LATEEF, JUNAID MUHAMMAD

INFORMATION AND INSTRUCTIONS -

SECTION 23958.4 B&P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
 - Part 2 is to be completed by the applicant, and returned to ABC.
 - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

PART 1 - TO BE COMPLETED BY ABC

1. APPLICANT'S NAME

LATEEF JUNAID MUHAMMAD

2. PREMISES ADDRESS (Street number and name, city, zip code)

300 W OLIVE AVE MADERA, CA 93637-5458

3. LICENSE TYPE

20

4. TYPE OF BUSINESS

- | | | | |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant | <input type="checkbox"/> Hofbrau/Cafeteria | <input type="checkbox"/> Cocktail Lounge | <input type="checkbox"/> Private Club |
| <input type="checkbox"/> Deli or Specialty Restaurant | <input type="checkbox"/> Comedy Club | <input type="checkbox"/> Night Club | <input type="checkbox"/> Veterans Club |
| <input type="checkbox"/> Cafe/Coffee Shop | <input type="checkbox"/> Brew Pub | <input type="checkbox"/> Tavern: Beer | <input type="checkbox"/> Fraternal Club |
| <input type="checkbox"/> Bed & Breakfast: | <input type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All | | | |
| <input type="checkbox"/> Supermarket | <input type="checkbox"/> Membership Store | <input type="checkbox"/> Service Station | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store | <input type="checkbox"/> Department Store | <input checked="" type="checkbox"/> Convenience Market | <input type="checkbox"/> Drive-in Dairy |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline | |
| <input type="checkbox"/> Other - describe: | | | |

5. COUNTY POPULATION

152,711

6. TOTAL NUMBER OF LICENSES IN COUNTY

1,045

☐ On-Sale ☒ Off-Sale

7. RATIO OF LICENSES TO POPULATION IN COUNTY

☐ On-Sale ☐ Off-Sale

8. CENSUS TRACT NUMBER

5.02

9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

10

☐ On-Sale ☒ Off-Sale

10. NO. OF LICENSES EXISTING IN CENSUS TRACT

8

☐ On-Sale ☒ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☐ Yes, the number of existing licenses exceeds the number allowed
- ☒ No, the number of existing licenses is lower than the number allowed

12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☐ Yes (Go to Item #13)
- ☒ No (Go to Item #20)

13. CRIME REPORTING DISTRICT NUMBER

14. TOTAL NUMBER OF REPORTING DISTRICTS

15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

16. AVERAGE NO. OF OFFENSES PER DISTRICT

17. 120% OF AVERAGE NUMBER OF OFFENSES

18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- ☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

20. CHECK THE BOX THAT APPLIES (check only one box)

- ☒ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- ☐ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☐ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

GOVERNING BODY TO COMPLETE DUE TO MORATORIUM

FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

J EDWARDS

ABC-245 (rev. 01-11)

PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in

22. APPLICANT SIGNATURE

23. DATE SIGNED

PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐

See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

ABC-245 REVERSE (rev. 01-11)

**Email of Opposition Received
June 9, 2020**

From: Khalid Chaudhry <mba1991@hotmail.com>
Sent: Tuesday, June 9, 2020 1:53 PM
To: Darrell Unruh <dunruh@madera.gov>; >Planning Info <planninginfo@madera.gov>; Arnoldo Rodriguez <arodriguez@madera.gov>
Subject: RE: CUP 2020-02 & CUP 2020-03 - Captain Mart & Wireless

Dear Mr. Unruh:

Please be informed that Mr. Muhammad Latif aka Haji Muhammad Latif Sheikh was refused the same kind of CUP sometimes in 2015. Please go through the CUP's file then and check the reasons or conditions, which have changed since then before approving him this one.

For your information, there's a church named Iglesia Pentecostes in very close proximity (100 feet) located at 200 W. Olive Ave, Madera, CA 93637.

He may be sneaky in these times to take the advantage of COVID 19 situation and get his liquor store approved. Please also see Mr. Garibay's (306 West Olive Ave) comments from his previous application back in 2015.

Thank you,

**Cordially,
Khalid Chaudhry
Property owner,
200 W. Olive Ave
Madera, CA 93637
~~559-408-9198~~**

F

RESOLUTION NO. 1856

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
APPROVING CONDITIONAL USE PERMIT 2020-02 (OFF-SITE – BEER & WINE) AND
CONDITIONAL PERMIT 2020-03 (TOBACCO PRODUCTS) AND ADOPTING A
FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES
SECTION 15301 (EXISTING FACILITIES) (CAPTAIN MART AND WIRELESS, 300
WEST OLIVE AVENUE)**

WHEREAS, Junaid Lateef and Mohammad Latif (“Applicant”) currently operate a business known as Captain Mart and Wireless, located at 300 West Olive Avenue in Madera, California (“site”); and

WHEREAS, the site contains a commercial building that has been used for retail sales such as wireless cell phone and related light commercial uses and for the past several years included limited grocery items; and

WHEREAS, Applicant is seeking a conditional use permit (CUP) to allow for off-site beer and wine sales on the premises as contemplated by CUP 2020-02; and

WHEREAS, Applicant is also seeking a CUP to allow for the sale of certain tobacco products on the site as contemplated by CUP 2020-03; and

WHEREAS, the City performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in section 15301 of the California Environmental Quality Act (CEQA) Guidelines as the project involves negligible or no expansion of existing facilities; and

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

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

WHEREAS, the Planning Commission received and reviewed CUP 2020-02 and CUP 2020-03 at a duly noticed meeting on July 14, 2020; and

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

WHEREAS, Applicant is currently using the site without an approved site plan, and is not in conformity with the Madera Municipal Code; and

WHEREAS, Applicant is currently using the site without the required number of parking spaces for the use, and is not in conformity with the Madera Municipal Code; and

WHEREAS, the Planning Commission now desires to approve CUP 2020-02 and CUP 2020-03, with conditions, and adopt a finding of a categorical exemption for the project.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission finds and determines that the project falls within the Class 1 Categorical Exemption set forth in CEQA Guidelines Section 15301 as the project involves an existing business in an existing building that currently sells commercial goods, and the inclusion of additional types of goods (such as beer, wine, and certain tobacco products) within the existing facility will result in negligible or no expansion. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Planning Commission adopts a finding of a Categorical Exemption under CEQA Guidelines section 15301 (Existing Facilities) for this project.

3. Findings for CUP 2020-02 (Off-sale: Beer & Wine): The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the adoption of CUP 2020-02, as conditioned, as it is consistent with the requirements of the Municipal Code including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

a. The proposal is consistent with the General Plan and zoning ordinance.

Basis for Finding: The property is zoned C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The C-1 district permits the use of commercial facilities selling alcohol subject to the issuance of a use permit. While the property is currently nonconforming with the zoning ordinance due to the lack of an approved site plan and failure to fully comply with parking space requirements, in addition to other code enforcement options available to the City, the CUP contains conditions that will require the project to be brought into conformance prior to the operations commencing under the CUP or being otherwise utilized.

b. As conditioned, the sale of beer and wine for off-site consumption will be compatible with the surrounding properties.

Basis for Finding: The project site is suited for commercial sales, including those associated with beer and wine (off-sale). Commercial development exists to the north, south and east, with residential uses to the west. The use is compatible with other existing business that already sell alcoholic beverages in the area, including Rite Aid (off-sale), as well as a nearby on-sale restaurants. The project is in compliance with CEQA, and will not have any substantial, adverse impacts on the surrounding environment as it is subject to a Categorical Exemption as discussed above.

c. The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

Basis for Finding: As discussed above, the development is compatible with surrounding properties and will not have a significant, adverse environmental impact. The Madera Police

Department has not provided any data in opposition to this CUP, and there is no evidence in the administrative record of the following:

- The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
- The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
- The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passers by, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

With the conditions imposed, including the requirement to come into conformity with the Municipal Code before commencing operations under this CUP, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City, etc.

4. Findings for CUP 2020-03 (Tobacco Products): The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the adoption of CUP 2020-03, as conditioned, is it is consistent with the requirements of the Municipal Code including Section 10-3.1307. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

- a. The proposal is consistent with the General Plan and zoning ordinance.

Basis for Finding: The property is zoned C-1 (Light Commercial), which is consistent with the existing General Plan land use designation of C (Commercial). The C-1 district permits the use of commercial facilities selling alcohol subject to the issuance of a use permit. While the property is currently nonconforming with the zoning ordinance due to the lack of an approved site plan and failure to fully comply with parking space requirements, in addition to other code enforcement options available to the City, the CUP contains conditions that will require the project to be brought into conformance prior to the operations commencing under the CUP or being otherwise utilized.

- b. As conditioned, the sale of certain tobacco products for off-site consumption will be compatible with the surrounding properties.

Basis for Finding: The project site is suited for commercial sales, including those associated with beer and wine (off-sale). Commercial development exists to the north, south and east, with residential uses to the west. The use is compatible with other existing business that already sell tobacco in the area, including a nearby Rite Aid. The project is in compliance with CEQA, and will not have any substantial, adverse impacts on the surrounding environment as it is subject to a Categorical Exemption as discussed above.

- c. The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

Basis for Finding: As discussed above, the development is compatible with surrounding properties and will not have a significant, adverse environmental impact. The Madera Police Department has not provided any data in opposition to this CUP, and there is no evidence in the administrative record of the following:

- The commission of three or more violent felonies (crimes against the person) and/or narcotic or dangerous drug sales within the subject premises or in the area immediately adjacent thereto.
- The arrest of the owner and/or an employee for violations occurring within the subject premises, or in the area immediately adjacent thereto, which violations can be found to be reasonably related to the operation of the business.
- The sustaining by the subject premises of an administrative suspension or revocation or other such sanction as may be imposed by the California State Department of Alcoholic Beverage Control, including payment in lieu of such suspension or revocation.
- The failure by the owner or other person responsible for the operation of the premises to take reasonable steps to correct objectionable conditions after having been placed on notice by the official of the City that such conditions exist. Such official may include, but not be limited to the: Code Enforcement Officer, Police Chief, Fire Marshall or City Attorney. Objectionable conditions may include, but not be limited to, disturbance of the peace, public drunkenness, drinking in public, harassment of passers by, gambling, prostitution, loitering, public urination, lewd conduct, drug trafficking or excessive loud noise. Such conduct shall be attributable to the subject premises whether occurring within the subject premises or in the area immediately adjacent thereto.

With the conditions imposed, including the requirement to come into conformity with the Municipal Code before commencing operations under this CUP, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City, etc.

5. Approval of CUP 2020-02 and CUP 2020-03: Given that all findings can be made, the Planning Commission hereby approves CUP 2020-02 and CUP 2020-03 both as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of July 2020, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Israel Cortes
Planning Commission Chairperson

Attest:

Gary Conte
Planning Manager

Exhibit "A" – Conditions of Approval for CUP 2020-02 (Off-Site: Beer and Wine) and CUP 2020-03 (Tobacco Products)

EXHIBIT "A"

Conditions of Approval For CUP 2020-02 (Off-Site: Beer and Wine) and CUP 2020-03 (Tobacco Products)

NOTICE TO PROJECT APPLICANT

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 15 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

Approval of this use permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this use permit, the zoning ordinance, and all City standards and specifications. This use permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this use permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised use permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the use permit or any other enforcement remedy available under the law. The City shall not assume responsibility

for any deletions or omissions resulting from the use permit review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this use permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the use permit and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

These conditions are applicable to any person or entity making use of this use permit, and references to “developer” or “applicant” herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this use permit.

CONDITIONS OF APPROVAL

- Conditional Use Permit 2020-02 (sale of beer and wine for off-site consumption) is subject to conditions of approval 1 through 52 and 58 through 67.
 - Conditional Use Permit 2020-03 (sale of tobacco products excluding vapor devices and flavored products used in vapor devices) is subject conditions of approval 1 through 35 and 53 through 67.
1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant’s signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.
 2. The use permits may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
 3. The applicant’s failure to utilize this use permit within one (1) 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 Permits 2020-02 and 2020-03 will expire and be rendered null and void if the use is discontinued for a twelve-month (12) period.
 5. This permit shall be subject to annual review by the Planning Commission for determination of compliance with the terms and conditions of the issuance as more particularly provided in Municipal Code § 10-3.1311. Additionally, this use permit shall also 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 City Staff to be in violation of the conditions of approval, City Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
 6. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require a site plan review.

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. Current uses of the site are non-conforming and require site plan review and approval by the City. As such, operations under either Conditional Use Permit 2020-02 and / or 2020-03 shall not commence, or the Conditional Use Permits otherwise utilized at the site, until a site plan review is approved by the City for the site. A development application, site plan review application, and applicable fees shall be submitted to the City within 180 days of approval of either Conditional Use Permit 2020-02 or 2020-03. Final City approval of a site plan must be obtained within one (1) year following the date of this approval.
9. Current uses of the site are non-conforming and require either a variance for parking or two additional parking spaces. As such, operations under either Conditional Use Permit 2020-02 and or / 2020-03 shall not commence, or the Conditional Use Permits otherwise be utilized, until either a parking variance is approved, or two additional parking spaces are provided at the site. A development application, variance application, and applicable fees shall be submitted to the City within 180 days of approval of Conditional Use Permit Use Permit 2020-02 or 2020-03. Final City approval of a variance for parking space must be obtained within one (1) year following the date of this approval. In the alternative to a variance for parking, two additional parking spaces must be provided as delineated in an approved site plan obtained within one (1) year following the date of this approval.

Engineering Department

General

10. Nuisance on-site lighting shall be redirected as requested by 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: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
12. Improvement plans, if required, shall be signed and sealed by an engineer and submitted to the Engineering Division in accordance with the submittal process.
13. Improvement plans, if required, shall include the most recent version of the City's General Notes.
14. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Planning Manager or City Engineer shall be notified so that procedures required by state laws can be implemented.
15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
16. All off-site improvements shall be completed prior to issuance of final occupancy.

Water

17. New or existing water service connection(s), including landscape areas, shall be upgraded or constructed to current City standards including Automatic Reading (AMR) water meter installed within City right-of-way and a backflow prevention device installed within private property.
18. A separate water meter and backflow prevention device will be required for existing or proposed landscape areas.
19. Existing water service connections that will not be used for the project shall be abandoned at the mains per City standards.
20. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards.

Sewer

21. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
22. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
23. Existing septic tanks, if found, shall be removed, permitted, and inspected by City of Madera Building Department.

Street

24. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk, as necessary, to current City and American Disabilities Act (ADA) standards.
25. Existing ADA access ramp on the southwest corner of Olive Avenue and Martin Street shall be removed and reconstructed, as necessary, to meet current City and ADA standards.
26. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.

Building Department

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

Fire Department

- 29. Portable fire extinguishers are required. One 2A10BC rated fire extinguisher for every 3,000 square feet or fraction thereof.
- 30. A key box is required for access by emergency responders if not already existing.
- 31. Submitted plans show an improperly calculated occupant load. Egress paths shall meet California Building Code and California Fire Code standards.

Planning Department

- 32. Vandalism and graffiti shall be corrected per the Madera Municipal Code (MMC).
- 33. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster on the project site.
- 34. The property owner, operator and/or manager shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
- 35. The property owner and/or benefactor of the use permit(s) shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said use permit(s).

Beer and Wine Sales

- 36. Conditional Use Permit 2019-02 allows for the sale of beer and wine for off-site consumption in conjunction with a food store. This entitlement requires a Type 20 ABC license be obtained and maintained at all times.
- 37. The sale of alcoholic beverages in conjunction with the store shall be restricted to off-site consumption only. No sale of alcoholic beverages for on-site consumption shall be allowed in or occur as a component of the store.
- 38. There shall be no exterior advertisement or signs of any kind or type placed on the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall be located at least five (5) feet away from the store entrance.
- 39. The business owner and/or manager shall regularly monitor the area under its control to prevent loitering of persons about the premises.
- 40. The business owner/manager 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.
- 41. No promotional signage and/or displays promoting alcohol products shall be utilized in any way on the exterior of the convenience store.

42. There shall be no coin-operated video or arcade games. No adult magazines or videos shall be allowed to be viewed or sold.
43. Digital security cameras shall be installed to monitor the interior and exterior of the premises. The footage shall be maintained in a digital format for no less than thirty days. Footage will be shared with law enforcement upon request.
44. Cooler doors for alcoholic beverage products shall be locked during hours when alcoholic beverages may not be sold.
45. 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.
46. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
47. The sale of wine coolers shall occur in no less than packs of four.
48. The sale of wine shall not be sold in containers less than 750ml.
49. No malt liquor or fortified wine products shall be sold.
50. No display of alcohol shall be made from an ice tub, barrel or similar container.
51. No sale or distribution of alcoholic beverages shall be made from a drive-up or walk-up window.
52. 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.

Tobacco Sales

53. Conditional Use Permit 2020-03 allows for the sale of cigarettes in either single packs or cartons of ten or fewer. Other tobacco and tobacco-related products allowed for sale at the store shall be as follows:
 - Smokeless tobacco
 - Roll-your-own pouched/canned tobacco
 - Cigars and cigarillos (except for any flavored products such as, but not limited to, grape, watermelon, bubble gum and fruit punch flavored products)
 - Rolling papers
54. Other tobacco and tobacco-related products not allowed for sale at the store shall be as follows:
 - Vape products, including juices
 - Hookah products, including hookah tobacco/charcoal
 - E-cigarettes
 - Pipes and pipe tobacco
55. Drug related paraphernalia such as bongs, pipes and other products meant for use with non-tobacco substances as determined by the Planning Manager, is strictly prohibited.

56. 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.

There shall be no exterior display of signage promoting or advertising the sale of cigarettes, tobacco and/or tobacco related products on the project site.

57. The property/business owner shall post "No Smoking" signage to the extent required by law.

Additional Conditions

58. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
59. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and/or refuse containers owned by the property owner.
60. Building elevations shall be consistent with approved elevation exhibits, including, but not limited to, a complete repainting of the structure, consistent with the submitted colors and materials board, a new composition roof, and stone wrapped columns. Any alteration shall require Planning Director approval.
61. 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, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation with drought tolerant plantings.
62. 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.
63. The use shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by City Staff to be in violation of the conditions, City Staff may schedule a public hearing before the Planning Commission to determine whether revocation of the permit or modification of the conditions of approval is appropriate.
64. 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 an approved site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.
65. A detailed landscaping plan shall be submitted to the Planning Department for review and approval. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. Any deviation from the plan shall require prior written request and approval. Removal or modification shall be at developer's expense. Shade trees are required at one per three parking stalls provided. The plan shall be submitted to the Planning Department within thirty (30) days of this approval. All landscaping shall be installed within ninety (90) days after Planning Department approval.

66. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plantings.
67. 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.

-END OF CONDITIONS-

APPLICANT'S ACKNOWLEDGMENT

I have read, understand, and accept the conditions of approval set forth herein above in this resolution of approval for Conditional Use Permit 2020-02 and Conditional Use Permit 2020-03.

Date

Junaid Lateef, Applicant

Date

Mohammad Latif, Applicant

Date

Naheed Akhtar, Owner