

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

**CITY HALL – COUNCIL CHAMBERS
TUESDAY
AUGUST 11, 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: [99854454630#](https://www.zoom.us/j/99854454630) followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/99854454630>. 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: None

CONSENT ITEMS: None

PUBLIC HEARING ITEMS:

1. VAR 2020-04 – Vallarta Supermarket Sign

A noticed public hearing to consider a variance to allow for 309.84 sq. ft. of signage where only 200 sq. ft. is allowed. Vallarta is a full-service supermarket located approximately 350 feet east of the southeast corner of Country Club Drive and West Clark Street (1467 Country Club Drive), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-210-018). This project is determined to be categorically exempt per CEQA guidelines, Section 15311(a) Accessory Structures (on premise signs).

NON-PUBLIC HEARING ITEMS: None

WORKSHOPS: None

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

The next regular meeting will be held on September 8, 2020.

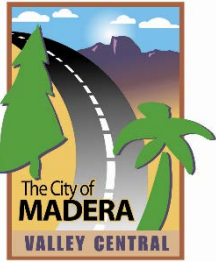
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Vallarta Supermarket Sign Variance VAR 2020-04 & Categorical Exemption Item # 1 – August 11, 2020

PROPOSAL: Application for a sign variance from the Sign Ordinance (Section 10.6) of the Madera Municipal Code (MMC) pertaining to on-building signage for the Vallarta Supermarket to allow for a total of 339.44 square feet (sq. ft.) of on-building signage where 200 sq. ft. of on-building signage is allowed per the Sign Regulations

APPLICANT:	Vallarta Food Enterprises, Inc. 12881 Bradley Avenue Sylmar, CA 91342	OWNER:	Baykur Madera Partners, LLC 1800 Preston Park Blvd., Ste 104 Plano, TX 75093
ADDRESS:	1467 Country Club Drive	APN:	003-210-012
APPLICATION:	VAR 2020-04	CEQA:	Categorical Exemption

LOCATION: The project building site is located approximately 350 feet east of the southeast corner of Country Club Drive and West Clark Street. The building, which previously housed Mervyn’s Department Store and most recently Fallas Paredes Clothing Store, is 1 of 5 buildings that form a 15± acre shopping center extending from West Sherwood Way to West Clark Street along Country Club Drive.

STREET ACCESS: The project site has multiple access drives to Country Club Drive, West Clark Street and to West Sherwood Way.

PARCEL SIZE: Approximately 5.0 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The 5.09-acre site is developed with an existing 60,654 sq. ft. commercial building with a loading dock and paved parking. The applicant is in the final phase of remodeling the former 60,654 sq. ft. Mervyn’s Department Store / Fallas Paredes Clothing Store building’s interior and exterior into a supermarket.

The project site lies within an established shopping center. The shopping center consists of 2 anchor tenant buildings (one of which is the project site), 3 existing pad buildings and 1 vacant pad (future pad building). The project building is the smaller of the two anchor tenant buildings.

The second anchor tenant building, located to the south of the project site, is approximately 83,000 sq. ft. and is divided into three smaller retail spaces currently occupied by 99 Cents Only, Harbor Freight and DD's Clothing. The vacant pad and one of the developed building pads are located to the west of the project site and adjacent to Country Club Drive. The developed building pad west of the project partially blocks the viewshed of northern one-half of the project building's elevation from Country Club Drive. The other two remaining developed building pads (O'Reilly Auto Parts and Carl's Jr.) are to the southwest of the project and do not block the project building's elevation from Country Club Drive. Land development surrounding the project site include rural residential and undeveloped properties to the north, multiple-family residential to the east, and commercial retail and auto sales to the south and west. (Refer to Attachment A)

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under Section (§) 15311(a) (On-premise signs) of the California Environmental Quality Act (CEQA) Guidelines.

SUMMARY: The applicant requested a variance from the sign ordinance of the MMC to allow for an additional 139.44 sq. ft. of on-building signage where a maximum of 200 sq. ft. is allowed for a total of 339.44 sq. ft. The request represents a 70 percent increase over the maximum permitted sign coverage allowed.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.4.0102 Site Plan Review Applicability

MMC §10-3.1401 Variances

MMC §10-6.01 Sign Regulations – Purpose and Intent

Design and Development Guidelines for Commercial Development, Chapter 4 Signage

Site plan review shall be required of all new, expanded, or changed uses of property which involve the construction or placement of new structures or building additions on the site or new uses which necessitate on-site improvements, including uses subject to a variance.

A variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Planning Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses.

Signs have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. Application of the sign ordinance prevents the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion.

The design and development guidelines are intended to provide a clear indication of the features the City believes can be incorporated into most projects, leading to project approval. The City's intent is that all projects constructed be developed to the highest quality possible, given the specific circumstances associated with each project.

PRIOR ACTION

The applicant secured Site Plan Review (SPR 2019-30 – Vallarta Supermarket) approval to permit the establishment of a supermarket within the former Mervyn’s Department Store / Fallas Parades Clothing Store on December 23, 2019 subject to conditions. Building elevations submitted at that time identified the placement of signs on the building. However, sign dimensions were not provided at that time. SPR 2019-30 Conditions of Approval included the following pertaining to signage:

- “45. All signage shall be in compliance with the sign ordinance of the MMC § 10.6.
- “46. Unpermitted, dilapidated and/or abandoned signage on the subject project site shall be removed prior to the issuance of a sign permit.”

Building Permit 2020-0552 was issued March 23, 2020 for exterior building improvements. Building Permit 2020-0611 was issued April 14, 2020 for interior building improvements. Applicant has yet to secure a building permit for the project site landscape improvements. Both exterior and interior site improvements are presently underway. All former building signage has been removed.

Applicant secured a Conditional Use Permit (CUP 2020-01) to allow for the off-site sale of beer, wine and liquor in February 2020.

ANALYSIS

Sign Ordinance

The sign ordinance provides criteria for signs allowed in a C-1 (Light Commercial) Zone District (MMC §10-6.09). The ordinance allows 1.5 sq. ft. of on-building sign area for each linear foot of occupancy frontage building frontage up to a maximum of 200 sq. ft. for major tenant in a shopping center. No additional provision for either sign height or face area of signage is provided without the approval of a variance. The ordinance does allow the transfer of sign area in part or whole from a frontage with a public entrance to one without a public entrance, subject to approval of the Planning Director, provided the signs on a given frontage do not exceed the allowable area set forth in MMC §10-6.09.

The former Mervyn’s Department Store / Fallas Paredes Clothing Store, now Vallarta Supermarket, occupancy frontage elevation is approximately 3,550 sq. ft. Per the Sign Ordinance, based on building’s frontage elevation, the maximum on-building signage coverage permitted for the entire structure is 200 sq. ft.

Proposed Signage

Applicant has proposed to erect five (5) on-building signs. The main and largest sign (Vallarta Supermarket) proposed is planned to be mounted within the center of the building above and between the supermarket’s entrances. The total square footage of this sign is 272.76 sq. ft. This proposed sign alone amounts to 72.76 sq. ft. (35 percent) more than what is permitted pursuant MMC §10-6.09.

In addition, two (2) signs (Tortilleria and Panaderia) are proposed to be mounted on the left-hand side of the northern most entrance. Each sign is 17.33 sq. ft. Two (2) signs are proposed to be mounted on the right-hand side of southern most entrance. Of these 2 signs, 1 sign (Taqueria) is 15.07 sq. ft. and the other sign (Carniceria) is 16.95 sq. ft. Combined, the four smaller signs to either side of the building entrance represents an additional 66.68 sq. ft. (Refer to Attachment B for the proposed sign locations and dimensions)

All five proposed signs combined total 339.44 sq. ft. of on-building signage. The proposed 339.44 sq. ft. of signage amounts to 139.44 sq. ft. (70 percent) more than what is permitted pursuant to MMC §10-6.09.

In order to allow for the requested signage, the approval of a variance by the Planning Commission is required. In considering the variance, the Planning Commission is considering granting more signage than allowed for on the project structure.

Justification for Variance

The approval of a variance from the Sign Regulations of the City of Madera follows the same path as required for all variances from the Zoning Ordinance. Ordinance states that “Where practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.”

Findings in support of a variance can be made based on the consistency of the request with the purpose and intent of the sign ordinance itself. The ordinance states:

- (A) The purpose of this chapter is to regulate signs in the City. Signs have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. This chapter shall prevent the degradation of the visual quality of the City which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage material in a hazardous or unsightly fashion. The intent of this chapter is to:
 - (1) Advance the economic vitality of the City.
 - (2) Improve the character and natural beauty of the community and its various neighborhoods and districts.
 - (3) Promote the visibility of businesses through signage.
 - (4) Enhance the public’s ability to identify uses and premises without confusion.
 - (5) Prevent the proliferation of sign clutter.
 - (6) Ensure the safety of pedestrian and vehicular traffic.
 - (7) Provide specific instruction for the permitting of signage within the City.
 - (8) Implement the community design objectives expressed in the General Plan’s Vision 2025.
- (B) Signs in the city shall:
 - (1) Be of sufficient quality as to enhance rather than detract from the aesthetic value of structures and places.
 - (2) Be proportionate to the scale of architecture.
 - (3) Be compatible to the environment in which the signage is proposed to be located.
 - (4) Be sensibly sized for public view.
 - (5) Be commensurate with the purpose of the zone district in which the signage is proposed to be located.
 - (6) Provide information as opposed to advertisement.
 - (7) Should never compromise the safety of the public.

The proposed project building is 1 of 2 major tenant buildings at the shopping center. It may be reasonably argued that the maximum 200 sq. ft. limitation of signage coverage does not adequately serve the structure's scale and mass. The 350-foot setback of the structure from the adjacent street frontage (Country Club Drive) similarly contributes to the argument for increased signage size.

Without approval of the variance, attainment of signage that best satisfies all elements of the purpose and intent is difficult to attain. Approval of the variance resolves practical difficulties, reconciles unnecessary hardships, and provides results most consistent with the general purposes of the Sign Ordinance by allowing signage better suited to a building of this size.

Counterpoint

An alternative viewpoint that should be considered is whether or not a reduced amount of square footage could also satisfy the purpose and intent of Ordinance. As requested, the 200 sq. ft. limits of total signage coverage require a variance from the Sign Regulations. It could be reasoned that the purpose and intent could be nonetheless satisfied with a total square footage within the 200 sq. ft. Sign Ordinance requirements.

Precedent

It is possible that approval of the sign variance could set a precedence for other future sign variances. The Planning Commission should consider the implications of their decision. Any decision by the Planning Commission could set a pattern for future requests for excessive on-building signage coverage in Commercial Districts of the City.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of a variance from the sign regulations of the City is not specifically addressed in the vision or action plans, the overall project does indirectly support the goal of Good Jobs and Economic Opportunity which acknowledges "Maderans support their community by shopping locally" to be recognized as one of the key drivers in the local economy." Conversely, Strategy 201.3 directs staff to "Enforce zoning and redevelopment codes and regulations."

SUMMARY OF RECOMMENDATIONS

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 of approval. The information presented in this report supports conditional approval of the variance.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Variance 2020-04. Approval of the attached resolution will approve Variance 2020-04.

Motion 1: Move to approve a resolution of the Planning Commission approving Variance 2020-04 and adopting a finding of categorical exemption pursuant to CEQA Guidelines Section 15311(a) (On-Premise Signs) (Vallarta Supermarket, 1467 County Club Drive).

(OR)

Motion 2: Move to continue the application for Variance 2020-04 to the September 8, 2020 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings modifying the conditions of approval for the following reasons: (Specify – The Planning Commission should articulate reasons for denial)

(OR)

Motion 3: Move to continue the application for Variance 2020-04 to the September 8, 2020 Planning Commission meeting with direction to staff to return with an updated resolution with appropriate findings for denial for the following reasons: (Specify – The Planning Commission should articulate reasons for denial)

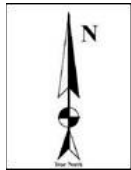
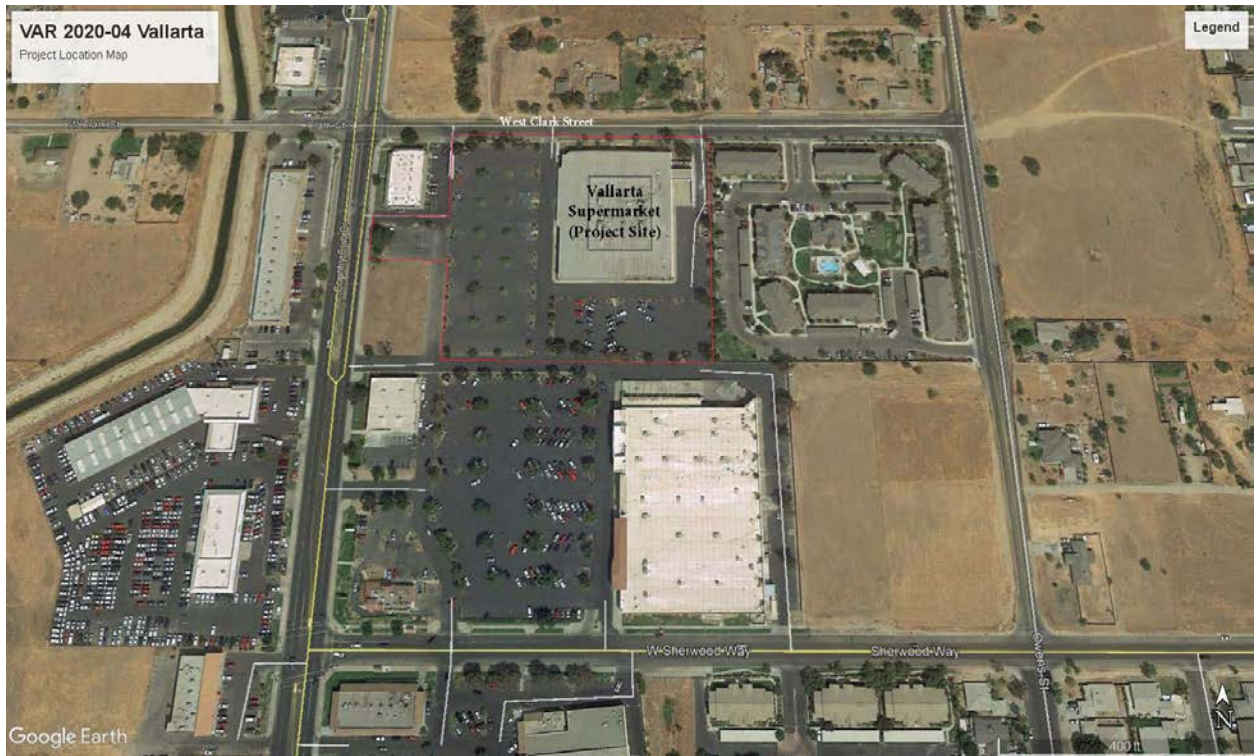
ATTACHMENTS

Attachment A: Aerial Photo Site Location Map

Attachment B: Sign Permit Proposal

Attachment C: Planning Commission Resolution 1857

Attachment A: Aerial Photo Site Location Map



Attachment B: Sign Permit Proposal



1467 Country Club Dr., Madera, CA. 93638

PERMIT SIGNAGE PROPOSAL

Orig: January 15, 2020

This Sign Drawing and Plan made exclusively for Vallarta Supermarkets, Inc.

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Baykür Madera Partners, LLC
C/O Nelson Investments

Name of Person: Kurt T. Kurtl

Title: Development Director

Date: 02/26/20

Vallarta Food Enterprises, Inc.

Name of Person: [Signature]

Title: VP of Retail Estate & Construction

Date: 2/28/2020



Vallarta Supermarket #52
1467 Country Club Dr.
Madera, CA. 93638

Date: January 15, 2020
Salesperson: RA/MM
Coordinator: RA/MM
Designer: RA/MM/MB
Scale: Noted

Revisions	
1. Revision	01/22/20
2. Revision	02/14/20
3. Revision	02/20/20
4. Revision	02/21/20

CUSTOMER APPROVAL

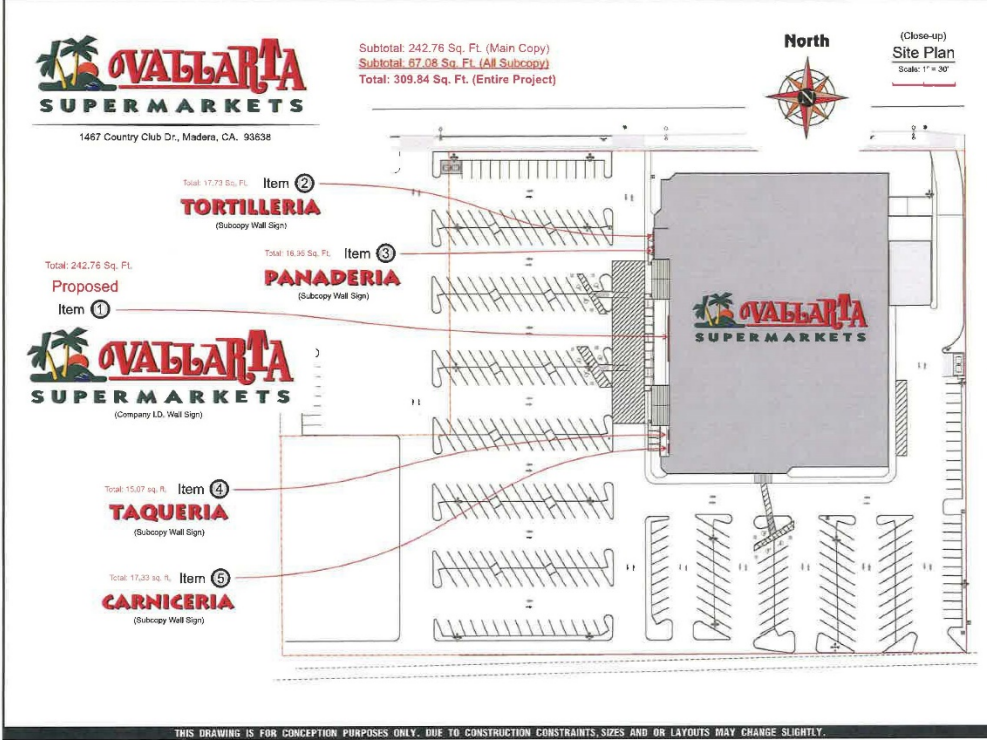
Customer Signature: [Signature] Date: _____
COPY, COLORS & SIZES
Megahertz Electric & Signs does NOT provide primary electrical to sign location. RESPONSIBILITY OF OTHERS!

Customer Signature: [Signature] Date: _____
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Drawing Number:
Work Order Number:
Sheet 1 Of 12

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Vallarta Supermarket #52
1467 Country Club Dr.
Madera, CA. 93638

Date: January 15, 2020
Salesperson: RA/MM
Coordinator: RA/MM
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Scale: Noted

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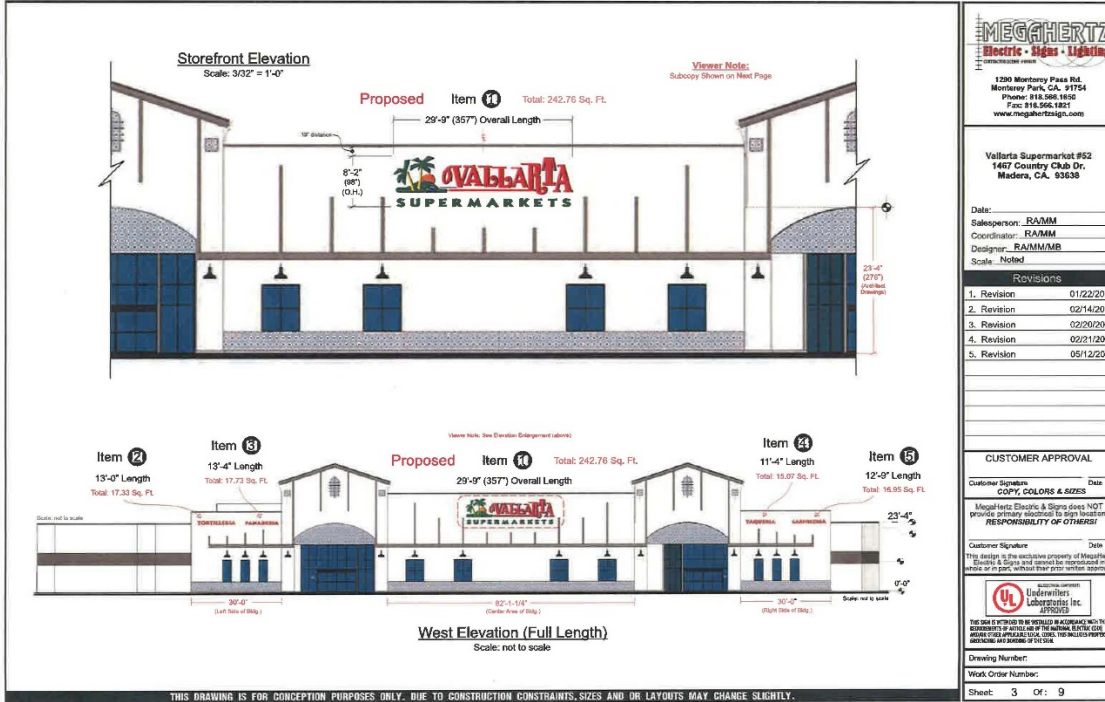
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1230 Monterey Pass Rd.
Monterey Park, CA. 91754
Phone: 818.566.1856
Fax: 818.566.1821
www.megahertzsg.com

Vallarta Supermarket #52
1487 Country Club Dr.
Madera, CA. 93638

Date: _____
Salesperson: RA/MM
Coordinator: RA/MM
Designer: RA/MM/B
Scale: Noted

Revisions

1. Revision	01/22/20
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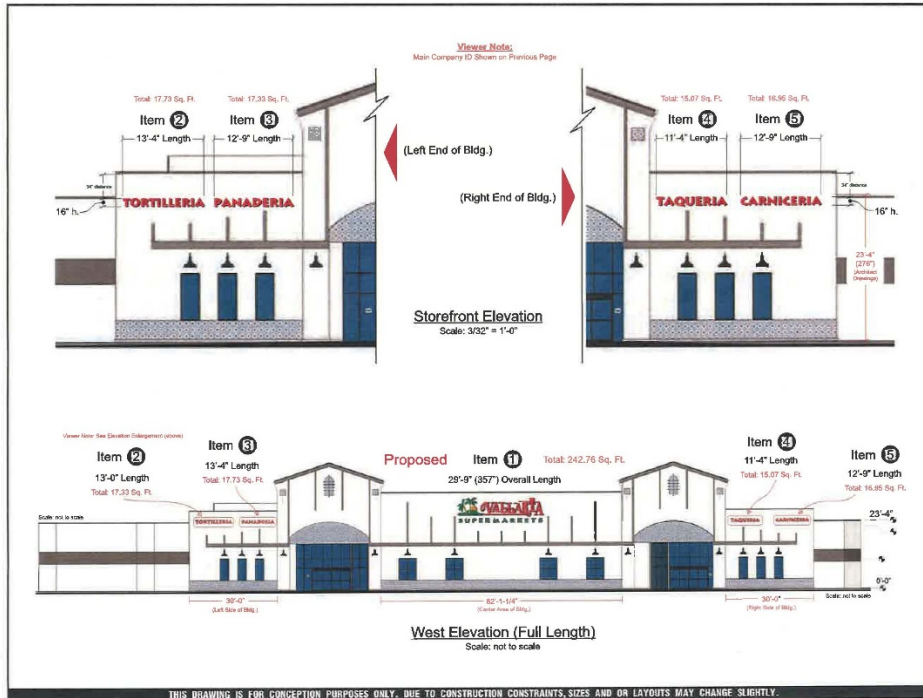
Customer Signature: _____ Date: _____
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Sheet: 3 Of: 9



MEGAHERTZ
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Drawing Number: _____
Work Order Number: _____
Sheet: 4 Of: 9

Sign Specifications: Single-Sided Company I.D. Wall Sign Qty: One (1) Logo, Channel Letters and Subcopy

A "Vallarta & Supermarkets" to be Internally Illuminated, Aluminum fabricated, 5" deep, painted Returns "White" with Satin Finish
 Trim Cap to be 3/4" wide, color: Red
 Letter Faces to be #7328 White Acrylic with 3M Vinyl overlay as follows
 "Vallarta" to be 3M "Red" #3630-33 Translucent Vinyl
 "Supermarkets" to be 3M "Green" #3630-126 Translucent Vinyl
 Mounting: 1/2" Stand-Off Mount Logo to Building Fascia / Wall with Adequate Fastening Anchors (See Attachment Detail with Following Pages). 1/2" Spacers to be Painted "To Match" Building Fascia / Wall (Background)
 Illumination (for Supermarkets): Red LED Lighting Modules with Associated Components (See Attachment Detail with Following Pages)
 Illumination (for Supermarkets): White LED Lighting Modules with Associated Components (See Attachment Detail with Following Pages)

B "Vallarta Palm Tree Logo" to be Internally Illuminated, Aluminum fabricated, 5" deep, painted Returns "White" with Satin Finish
 Trim Cap to be 3/4" wide, color: White
 Fabricator note: inside Return of Logo to be painted "White" painted "White" with Gloss finish
 Logo Faces to be 3/16" thick Clear Lexan with Vinyl applied "Inside Back" as follows
 "Tree Leaves" to be 3M "Green" #3630-126 Translucent Vinyl Inside Logo: "Green Neon" #15 with Clear Lexan cover
 "Tree Trunk" to be 3M "Yellow" #3630-015 Translucent Vinyl Inside Logo: "Yellow Neon" #17 with Clear Lexan cover
 "Sun" to be 3M "Green" #3630-44 Translucent Vinyl Inside Logo: "Orange Neon" #3 with Clear Lexan cover
 "Wave" to be 3M "Royal Blue" #3630-47 Translucent Vinyl Inside Logo: "Blue Neon" #10 with Clear Lexan cover
 Mounting: 1/2" Stand-Off Mount Logo to Building Fascia with adequate fastening anchors (See Attachment Detail)
 1/2" Spacer to be painted "To Match" Building Fascia background
 Illumination: 15mm Neon inside Channel Logo (and all Logo Elements) with Associated Components (See Attachment Detail with Following Pages)

Single-Sided Company I.D. Wall Sign

Proposed Sign 1 Total: 242.78 Sq. Ft.

29'-8" (357") (Main Copy and Logo)
 27'-6" (330") (Subcopy)

5'-11" (71") (D) (H)
 5'-2" (62") (H) (D) (H)
 12"
 15"

3'-3-1/2"

4'-5"

5'-1"

Existing Building Fascia / Wall
 1/2" spacer
 5" deep

Channel Letter (Main Copy)
 Channel Logo (Main Copy)
 Channel Letter (Subcopy)

Side View

Company ID Sign Elev.
 Scale: 1/4" = 1'-0"

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Vallarta Supermarket #52
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Date: January 15, 2020
 Salesperson: RAJMM
 Coordinator: RAJMM
 Designer: RAJMM/MB
 Scale: Noted

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CUSTOMER APPROVAL

Customer Signature: _____ Date: _____
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Customer Signature: _____ Date: _____

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THIS SIGN IS PROVIDED AS A SERVICE TO OUR CLIENTS. THE CLIENT IS RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE SIGN. THE CLIENT IS RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE SIGN.

Drawing Number:
 Work Order Number:
 Sheet: 5 Of 9

Sign Specifications: Single-Sided Company Wall Signs Qty: One (1) Set of Channel Letter Subcopy

A Subcopy: Carniceria, Tortilleria, Taqueria, Panaderia Signage to be Internally Illuminated, Aluminum fabricated, 5" deep, Painted Returns White with Satin Finish
 Trim Cap to be 3/4" wide, color: Red
 Letter Faces to be #7328 White Acrylic with 3M Vinyl overlay as follows
 All Subcopy Faces to be 3M Red #3630-33 Translucent Vinyl
 Mounting: 1/2" Stand-Off Mount all Subcopy to Building Fascia with Adequate Fastening Anchors (See Attachment Detail)
 1/2" Spacer to be Painted To Match Building Fascia Background (See Attachment Detail)
 Fasteners to be #14 x 3.5" long Metal Wood Screws and Stucco over Wood Blocking
 Illumination (for Subcopy): Red LED Lighting Modules with Associated Electrical Components

Qty: One (1) Set of Subcopy: **TORTILLERIA** Total: 17.73 Sq. Ft.
 Qty: One (1) Set of Subcopy: **PANADERIA** Total: 16.95 Sq. Ft.
 Qty: One (1) Set of Subcopy: **TAQUERIA** Total: 15.07 Sq. Ft.
 Qty: One (1) Set of Subcopy: **CARNICERIA** Total: 17.33 Sq. Ft.
Total: 67.08 Sq. Ft.

Proposed Item 14 Total: 17.73 Sq. Ft.
 13'-4" (Subcopy)

16"

Existing Building Fascia / Wall
 1/2" spacer
 5" deep

Channel Letter (Subcopy)

Subcopy Sign Elev.
 Scale: 1/2" = 1'-0"

Proposed Item 13 Total: 16.95 Sq. Ft.
 12'-9" (Subcopy)

16"

Channel Letter (Subcopy)

Proposed Item 14 Total: 15.07 Sq. Ft.
 11'-4" (Subcopy)

16"

Channel Letter (Subcopy)

Proposed Item 15 Total: 17.33 Sq. Ft.
 13'-0" (Subcopy)

16"

Channel Letter (Subcopy)

Side View

THIS DRAWING IS FOR CONCEPTION PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

MEGAHERTZ
 Electric - Signs - Lighting
 1200 Montway Pass Rd.
 Monterey Park, CA. 91754
 Phone: 918.566.1850
 Fax: 918.566.1821
 www.megahertzsign.com

Vallarta Supermarket #52
 1467 Country Club Dr.
 Madera, CA. 93638

Date: January 15, 2020
 Salesperson: RAJMM
 Coordinator: RAJMM
 Designer: RAJMM/MB
 Scale: Noted

Revisions

1. Revision	01/22/20
2. Revision	02/14/20
3. Revision	02/20/20
4. Revision	02/21/20
5. Revision	05/12/20

CUSTOMER APPROVAL

Customer Signature: _____ Date: _____
 COPY, COLORS & SIZES

Megahertz Electric & Signs does NOT provide primary electrical sign location RESPONSIBILITY OF OTHERS!

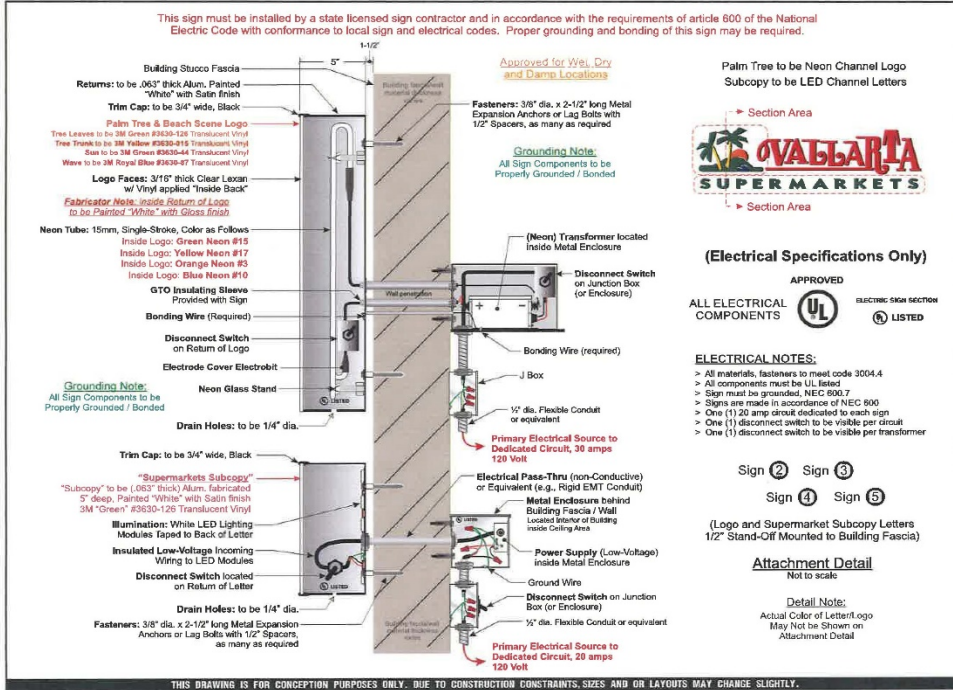
Customer Signature: _____ Date: _____

This design is the exclusive property of Megahertz Electric & Signs and cannot be reproduced in whole or in part, without their prior written approval.

UL Underwriters Laboratories Inc. APPROVED

THIS SIGN IS PROVIDED AS A SERVICE TO OUR CLIENTS. THE CLIENT IS RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE SIGN. THE CLIENT IS RESPONSIBLE FOR THE PROPER INSTALLATION AND MAINTENANCE OF THE SIGN.

Drawing Number:
 Work Order Number:
 Sheet: 6 Of 9



MEGAHERTZ
Electric • Signs • Lighting

1289 Monterey Pass Rd.
Monterey Park, CA. 91754
Phone: 618.586.1856
Fax: 618.666.1821
www.megahertzsign.com

Vallarta Supermarket #52
1467 Country Club Dr.
Madera, CA. 93638

Date: January 15, 2020
Salesperson: RA/MM
Coordinator: RA/MMMB
Designer: RA/MMMB
Scale: Noted

Revisions

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2. Revision	02/14/20
3. Revision	02/20/20
4. Revision	02/21/20
5. Revision	05/12/20

CUSTOMER APPROVAL

Customer Signature: _____ Date: _____
COPY, COLORS & SIZES

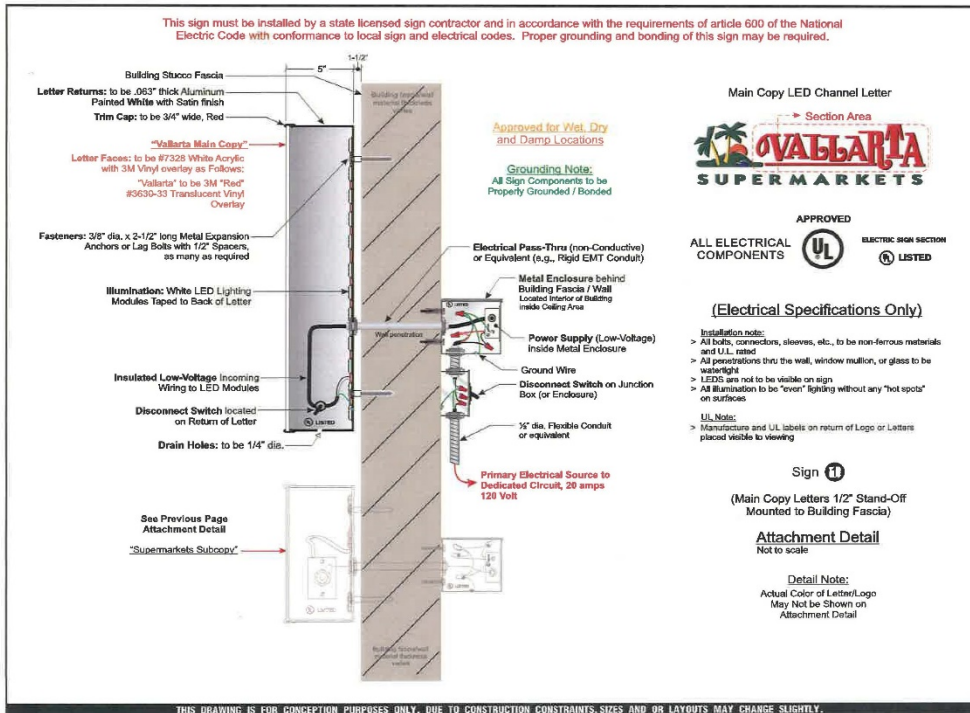
Megahertz Electric & Signs does NOT provide primary electrical to sign locations. **RESPONSIBILITY OF OTHERS!**

Customer Signature: _____ Date: _____
This design is the exclusive property of Megahertz Electric & Signs and cannot be reproduced in whole or in part without their prior written approval.

Underwriters Laboratories Inc. APPROVED

THIS SIGN IS SUBJECT TO BE MODIFIED IN ACCORDANCE WITH THE REQUIREMENTS OF LOCAL SIGN AND ELECTRICAL CODES. LOCAL CODES MAY VARY FROM STATE TO STATE. THESE REQUIREMENTS ARE SUBJECT TO CHANGE.

Drawing Number: _____
Work Order Number: _____
Sheet: 7 Of 9



MEGAHERTZ
Electric • Signs • Lighting

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Monterey Park, CA. 91754
Phone: 618.586.1856
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Vallarta Supermarket #52
1467 Country Club Dr.
Madera, CA. 93638

Date: January 15, 2020
Salesperson: RA/MM
Coordinator: RA/MMMB
Designer: RA/MMMB
Scale: Noted

Revisions

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2. Revision	02/14/20
3. Revision	02/20/20
4. Revision	02/21/20
5. Revision	05/12/20

CUSTOMER APPROVAL

Customer Signature: _____ Date: _____
COPY, COLORS & SIZES

Megahertz Electric & Signs does NOT provide primary electrical to sign locations. **RESPONSIBILITY OF OTHERS!**

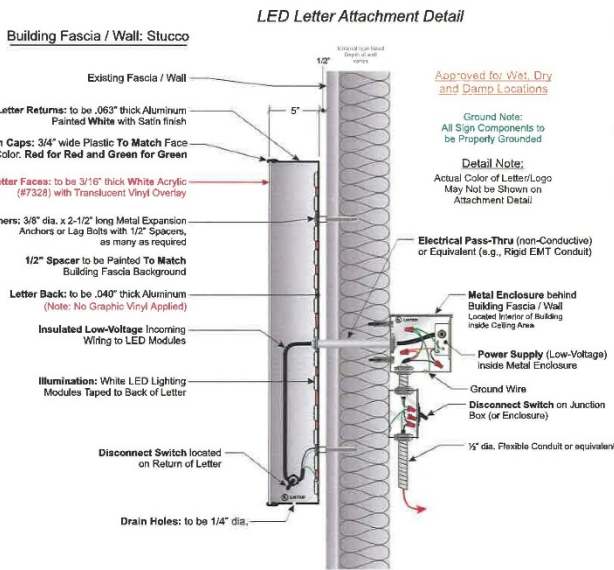
Customer Signature: _____ Date: _____
This design is the exclusive property of Megahertz Electric & Signs and cannot be reproduced in whole or in part without their prior written approval.

Underwriters Laboratories Inc. APPROVED

THIS SIGN IS SUBJECT TO BE MODIFIED IN ACCORDANCE WITH THE REQUIREMENTS OF LOCAL SIGN AND ELECTRICAL CODES. LOCAL CODES MAY VARY FROM STATE TO STATE. THESE REQUIREMENTS ARE SUBJECT TO CHANGE.

Drawing Number: _____
Work Order Number: _____
Sheet: 8 Of 9

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



**TORTILLERIA
PANADERIA
TAQUERIA
CARNICERIA**

APPROVED ALL ELECTRICAL COMPONENTS
ELECTRIC SIGN SECTION
UL LISTED

Item 2 Item 3
Item 4 Item 5

(Channel Letter and Subcopy
1/2" Stand-Off Mounted to
Building Fascia)

Attachment Detail
Not to scale

MEGAHERTZ
Electric • Signs • Lighting

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Phone: 919.566.1850
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Vallarta Supermarket #52
1467 Country Club Dr.
Madera, CA, 95638

Date: January 15, 2020
Salesperson: RA/MM
Coordinator: RA/MM
Designer: RA/MM/MB
Scale: Noted

Revisions	
1. Revision	01/22/20
2. Revision	02/14/20
3. Revision	02/20/20
4. Revision	02/21/20
5. Revision	05/12/20

CUSTOMER APPROVAL

Customer Signature: _____ Date: _____
COPY, COLORS & SIZES

MegaHertz Electric & Signs does NOT provide primary electrical to sign location. RESPONSIBILITY OF OTHERS

Customer Signature: _____ Date: _____

This detail is the exclusive property of MegaHertz Electric & Signs and cannot be reproduced, copied or in part, without their prior written approval.

UL LISTED
Underwriters Laboratories Inc. APPROVED

Drawing Number: _____
Work Order Number: _____

Sheet: 9 Of: 9

THIS DRAWING IS FOR CONCEPTION PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

RESOLUTION NO. 1857

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA APPROVING VARIANCE 2020-04 (ON-BUILDING SIGN COVERAGE) AND ADOPTING A FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15311(a) (ON-PREMISES SIGNS) (VALLARTA SUPERMART 1467 COUNTRY CLUB DRIVE)

WHEREAS, the project site includes a 60,654± square commercial building with loading dock and parking area previously used for retail sales in the past; and

WHEREAS, the project site building is one of two anchor tenant building within an established shopping center; and

WHEREAS, Site Plan Review (SPR 2019-30) was approved on December 23, 2020 to permit the establishment of Vallarta Supermarket on project site premise; and

WHEREAS, SPR 2019-30 Conditions of Approval included provisions that all signage shall be in compliance with the sign ordinance of the Madera Municipal Ordinance Section 10.6 and that unpermitted, dilapidated and/or abandoned signage on the subject project site shall be removed prior to issuance of a sign permit; and

WHEREAS, Building Permit 20200552 was issued March 23, 2020 for exterior building improvements to the project building and Building Permit 20200552 was issued April 14, 2020 for interior building improvements to the project building; and

WHEREAS, Vallarta Food Enterprises, Inc. is seeking a variance to increase the amount of on-building sign coverage as contemplated by VAR 2020-04; 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 15311(a) of the California Environmental Quality Act (CEQA) Guidelines as the project involves installation of on-premise signs; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve variances 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 VAR 2020-04 at a duly noticed meeting on August 11, 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, the Planning Commission now desires to approve VAR 2020-04, 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 15311(a) as the project involves installation of on-premise signs on an existing building that currently being remodeled as supermarket in an established shopping center, and the inclusion of new signs on the existing building will result in no expansion. Furthermore, none of the exceptions to Categorical Exemptions set forth in 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(a) (On-Premise signs) for this project.

3. Findings for VAR 2020-04 (On-Building Signs): The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the adoption of VAR 2020-04, 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 food stores (groceries, fruits and vegetables).

b. As conditioned, the on-building signs will be compatible with the surrounding properties.

Basis for Finding: The project site is part of a larger shopping center with retail sales, restaurants and other commerce type uses distributed throughout the center. All businesses within the center have individual on-building signs suited for their businesses. 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.

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

4. Approval of VAR 2020-04: Given that all findings can be made, the Planning Commission hereby approves VAR 2020-04 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of August 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 VAR 2020-04 (On-Building Signs)

EXHIBIT "A"

Conditions of Approval For VAR 2020-04 (On-Building Signs)

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

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 variance may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the variance and owners of the property voluntarily submitting to the City a written request to permanently extinguish the variance.
3. The permittee’s failure to utilize this variance within one (1) year following the date of this approval shall render the variance null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. Variance 2020-04 will expire and be rendered null and void if the use is discontinued for a twelve-month (12) period.
5. This variance 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 variance.
6. Any proposed future sign modifications to the site, including, but not limited to, on-building signage, sign monuments, temporary or permanent on- or off-site signs, banners, flags shall require an amendment to this variance.
7. It shall be the responsibility of the permittee / property owner and/or management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to installation of the on-building signs.
8. Building permits are required for the requested signage.
9. Permittee shall not hold the City of Madera or any of its employees responsible for any incidents regarding the Variance. Permittee is full responsible for signs and any happenings that may transpire while they are in use.

10. Permittee shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, processing and improvement inspection fees.
11. The Permittee/owner shall be responsible for the removal of all graffiti from the signs with 72 hours of its appearance on the property.
12. Permittee shall comply with all local, state and federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
13. If the Community Development Director or Planning Manager finds and determines that the permittee or successors-in-interest has complied or cannot comply with the terms and conditions of this variance, or the Planning Department determines that the signs constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in this variance, the matter shall be referred to the Planning Commission for permit modification, suspension or termination, or to the appropriate enforcement authority.
14. As between the City and the permittee, any violation of this variance may be a “nuisance per se”. The City may enforce the terms and conditions of this variance in accordance with its Codified Ordinances and/or state law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
15. Permittee shall not be permitted to maintain a “nuisance”, which is anything which (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of any annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.
16. The requested variance from the Sign Regulations of the Madera Municipal Code shall be granted for signage, as follows:
 - On- building signs shall be dimensioned and mounted as specified in the attached sign detail sheets, including, but not limited to submitted colors and materials.
 - The total sign coverage shall not exceed 339.44 square feet.
 - No additional signage shall be allowed on or off the structure.
17. Signs shall be maintained and in good working order.
18. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
19. All signage shall be in compliance with the Madera Sign Ordinance as per this variance. 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 Variance Permit 2020-04.

Date

Karen Saitta, Applicant
Vallarta Food Enterprises, Inc

Date

Kurt T. Kurtti, Owner
Baykur Madera Partners, LLC

RESOLUTION NO. 1857

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA APPROVING VARIANCE 2020-04 (ON-BUILDING SIGN COVERAGE) AND ADOPTING A FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15311(a) (ON-PREMISES SIGNS) (VALLARTA SUPERMART 1467 COUNTRY CLUB DRIVE)

WHEREAS, the project site includes a 60,654± square commercial building with loading dock and parking area previously used for retail sales in the past; and

WHEREAS, the project site building is one of two anchor tenant building within an established shopping center; and

WHEREAS, Site Plan Review (SPR 2019-30) was approved on December 23, 2020 to permit the establishment of Vallarta Supermarket on project site premise; and

WHEREAS, SPR 2019-30 Conditions of Approval included provisions that all signage shall be in compliance with the sign ordinance of the Madera Municipal Ordinance Section 10.6 and that unpermitted, dilapidated and/or abandoned signage on the subject project site shall be removed prior to issuance of a sign permit; and

WHEREAS, Building Permit 20200552 was issued March 23, 2020 for exterior building improvements to the project building and Building Permit 20200552 was issued April 14, 2020 for interior building improvements to the project building; and

WHEREAS, Vallarta Food Enterprises, Inc. is seeking a variance to increase the amount of on-building sign coverage as contemplated by VAR 2020-04; 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 15311(a) of the California Environmental Quality Act (CEQA) Guidelines as the project involves installation of on-premise signs; and

WHEREAS, under the City's Municipal Code, the Planning Commission is authorized to review and approve variances 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 VAR 2020-04 at a duly noticed meeting on August 11, 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, the Planning Commission now desires to approve VAR 2020-04, 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 15311(a) as the project involves installation of on-premise signs on an existing building that currently being remodeled as supermarket in an established shopping center, and the inclusion of new signs on the existing building will result in 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(a) (On-Premise signs) for this project.

3. Findings for VAR 2020-04 (On-Building Signs): The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the adoption of VAR 2020-04, 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 food stores (groceries, fruits and vegetables).

b. As conditioned, the on-building signs will be compatible with the surrounding properties.

Basis for Finding: The project site is part of a larger shopping center with retail sales, restaurants and other commerce type uses distributed throughout the center. All businesses within the center have individual on-building signs suited for their businesses. 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.

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

4. Approval of VAR 2020-04: Given that all findings can be made, the Planning Commission hereby approves VAR 2020-04 as conditioned as set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 11th day of August 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 VAR 2020-04 (On-Building Signs)

EXHIBIT "A"

Conditions of Approval For VAR 2020-04 (On-Building Signs)

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

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 variance may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the variance and owners of the property voluntarily submitting to the City a written request to permanently extinguish the variance.
3. The permittee’s failure to utilize this variance within one (1) year following the date of this approval shall render the variance null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. Variance 2020-04 will expire and be rendered null and void if the use is discontinued for a twelve-month (12) period.
5. This variance 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 variance.
6. Any proposed future sign modifications to the site, including, but not limited to, on-building signage, sign monuments, temporary or permanent on- or off-site signs, banners, flags shall require an amendment to this variance.
7. It shall be the responsibility of the permittee / property owner and/or management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to installation of the on-building signs.
8. Building permits are required for the requested signage.
9. Permittee shall not hold the City of Madera or any of its employees responsible for any incidents regarding the Variance. Permittee is full responsible for signs and any happenings that may transpire while they are in use.

10. Permittee shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, processing and improvement inspection fees.
11. The Permittee/owner shall be responsible for the removal of all graffiti from the signs with 72 hours of its appearance on the property.
12. Permittee shall comply with all local, state and federal laws, regulations, rules, ordinances, and standards as they pertain to this project, whether specified herein or not. Where conflicts occur, the most stringent shall apply.
13. If the Community Development Director or Planning Manager finds and determines that the permittee or successors-in-interest has complied or cannot comply with the terms and conditions of this variance, or the Planning Department determines that the signs constitute a nuisance, the City shall provide Permittee with notice and opportunity to comply with the enforcement or abatement order. If after receipt of the order (1) Permittee fails to comply, and/or (2) Permittee cannot comply with the conditions set forth in this variance, the matter shall be referred to the Planning Commission for permit modification, suspension or termination, or to the appropriate enforcement authority.
14. As between the City and the permittee, any violation of this variance may be a “nuisance per se”. The City may enforce the terms and conditions of this variance in accordance with its Codified Ordinances and/or state law. The provisions of this paragraph shall not apply to any claim of nuisance per se brought by a third party.
15. Permittee shall not be permitted to maintain a “nuisance”, which is anything which (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and/or (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of any annoyance or damage inflicted upon individuals may be unequal, and/or (3) occurs during or as a result of the approved project.
16. The requested variance from the Sign Regulations of the Madera Municipal Code shall be granted for signage, as follows:
 - On- building signs shall be dimensioned and mounted as specified in the attached sign detail sheets, including, but not limited to submitted colors and materials.
 - The total sign coverage shall not exceed 339.44 square feet.
 - No additional signage shall be allowed on or off the structure.
17. Signs shall be maintained and in good working order.
18. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
19. All signage shall be in compliance with the Madera Sign Ordinance as per this variance. 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 Variance Permit 2020-04.

Date

Karen Saitta, Applicant
Vallarta Food Enterprises, Inc

Date

Kurt T. Kurtti, Owner
Baykur Madera Partners, LLC