

## REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4<sup>th</sup> Street, Madera, California 93637

### NOTICE AND AGENDA

Tuesday, March 12, 2024  
6:00 p.m.

Council Chambers  
City Hall

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The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 81088524500# followed by \*9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/81088524500>. Comments will also be accepted via email at [planningcommissionpubliccomment@madera.gov](mailto:planningcommissionpubliccomment@madera.gov) or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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#### **CALL TO ORDER:**

#### **ROLL CALL:**

Chairperson Robert Gran Jr.  
Vice Chair Ramon Lopez-Maciel  
Commissioner Rohi Zacharia  
Commissioner Khubaib Sheikh  
Commissioner Balwinder Singh  
Commissioner Saim Mohammad  
Commissioner Jose Eduardo Chavez

#### **INTRODUCTION OF STAFF:**

#### **PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:** None

#### **PUBLIC COMMENT:**

The first 15 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 that item is called. Comments on items listed as a Public Hearing on

the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

**PUBLIC HEARINGS:**

**1. TPM 2020-01 EXT, PPL 2020-03 EXT and VAR 2020-02 EXT – Grove Garden Apartments**

**(This item is being referred back to staff.)**

**Subject:** Consideration of a Discretionary Extension Request for Tentative Parcel Map No. 2020-01, Precise Plan No. PPL 2020-03, and Variance Application No. VAR 2020-02 for the Grove Gardens Apartment Project Located on the Southeast Corner of Maple and Noble Streets. (Extension No. 1)

**2. GPA 2022-08, SPA 2022-04 & REZ 2022-09**

**Subject:** Consideration of applications for a General Plan Amendment (GPA 2022-08), Specific Plan Amendment (SPA 2022-01) and Rezone (REZ 2022-09) pertaining to ±2.3 acres of property located on the westerly corner of the Intersection of North Schnoor Avenue and Foxglove Way.

**Recommendation:**

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera recommending the Council of the City of Madera adopt the Mitigated Negative Declaration (SCH No. 2024030027) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project; and, recommending the Council approve General Plan Amendment (GPA) No. 2022-08, Specific Plan Amendment (SPA) No. 2022-01 and Rezone (REZ) No. 2022-09.

**3. CUP 2022-25 MOD – El Epazote**

**Subject:** Consideration of an application for a modification to Conditional Use Permit No. 2022-25 requesting authorization to upgrade an existing California Department of Alcoholic Beverage Control (ABC) Type 41 License (On-Sale Beer & Wine – Eating Place) authorizing the sale of beer and wine in conjunction with a bona fide eating place and for consumption on or off the premises where sold to a Type 47 License (On-Sale General – Eating Place) to also authorize the sale of distilled spirits for consumption on the licensed premises. The existing El Epazote Cocina Regional restaurant is located on the northerly corner of the intersection of North Gateway Drive and West 4<sup>th</sup> Street at 301 North Gateway Drive.

**Recommendation:**

Conduct the public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit (CUP) Modification 2023-25 MOD, subject to the findings and conditions of approval.

#### 4. CUP 2024-01 and SPR 2024-01 – Mi Rancho Market ABC License

**Subject:** Consideration of an application for a Conditional Use Permit No. 2024-01 and Site plan Review No. 2024-01 to allow a grocery store use to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 License (Off-Sale Beer and Wine) to allow the authorization of the sale of beer and wine for consumption off the premises where sold. The project site is located at 130 East 4<sup>th</sup> Street.

**Recommendation:**

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera approving Conditional Use Permit No. 2024-01 and Site Plan Review No. 2024-01 allowing the sale of beer and wine for consumption off the premises (Type 20) in conjunction with the grocery store use at 130 East 4<sup>th</sup> Street.

**ADMINISTRATIVE REPORTS:**

**COMMISSIONER REPORTS:**

**ADJOURNMENT:**

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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department’s Office at (559) 661-5430 or emailing [planninginfo@madera.gov](mailto:planninginfo@madera.gov). Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours’ notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
  - The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing [planninginfo@madera.gov](mailto:planninginfo@madera.gov) to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours’ notice prior to the meeting is requested but not required.

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.

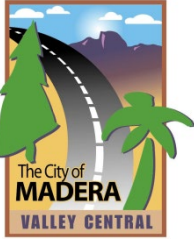
Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning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

**TPM 2020-01 EXT, PPL 2020-03  
EXT & VAR 2020-02 EXT  
Grove Garden Apartments**

This item is being referred back to staff



## REPORT TO THE PLANNING COMMISSION

**Prepared by:**

Will Tackett, Community Development Director

**Meeting of:** March 12, 2024

**Agenda Number:** 2

**SUBJECT:**

Consideration of applications for a General Plan Amendment (GPA 2022-08), Specific Plan Amendment (SPA 2022-01) and Rezone (REZ 2022-09) pertaining to ±2.3 acres of property located on the westerly corner of the Intersection of North Schnoor Avenue and Foxglove Way.

**RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera recommending the Council of the City of Madera adopt the Mitigated Negative Declaration (SCH No. 2024030027) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project; and, recommending the Council approve General Plan Amendment (GPA) No. 2022-08, Specific Plan Amendment (SPA) No. 2022-01 and Rezone (REZ) No. 2022-09.

**SUMMARY:**

The owner/applicant, Edward J. McIntyre, has filed General Plan Amendment (GPA) No. 2022-08, Specific Plan Amendment (SPA) No. 2022-01 and Rezone (REZ) No. 2022-09 pertaining to ±2.3 acres of property located on the westerly corner of the Intersection of North Schnoor Avenue and Foxglove Way (the project site) comprising APN(s): 013-070-014.

GPA 2022-08 was filed to amend the General Plan Land Use Map to change the planned land use designation for the project site from Office to Commercial.

Pursuant to the City of Madera Municipal Code (CMC), all uses of land within a Specific Plan shall be made consistent with the General Plan Land Use Map, which may include varying densities or residential, commercial, and/or industrial development. SPA 2022-01 was filed to amend City of Madera Specific Plan No. 1 in accordance with GPA 2022-08 pursuant to the provisions of the CMC.

REZ 2022-09 was filed to amend the City of Madera Zoning Map to rezone the Site from the PO (Professional Office) zone district to the C1 (Light Commercial) zone district in accordance with GPA 2022-08 and SPA 2022-01.

Pursuant the California Government Code, the Planning Commission shall make a written recommendation (Resolution for adoption) on the adoption or amendment of a general plan and send its recommendation to the legislative body (i.e., the City Council of the City of Madera).

Additionally, in accordance with the provisions of City Municipal Code (CMC) §§ 10-3.1507 & 10-3.1508, public hearings (for amendments to zone boundaries/changes of property from one zone to another) shall be held before the Commission; and the Commission shall render a report and recommendation (Resolution for adoption) to the Council, prior to the Council adopting the amendment or any part thereof.

No physical development on the project site is proposed at this time.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location and site characteristics.

<b>Table 1: Project Overview</b>	
<i>Project Number(s):</i>	GPA 2022-08, SPA 2022-01 & REZ 2022-09
<i>Applicant:</i>	Edward J. McIntyre
<i>Property Owner:</i>	Edward J. McIntyre
<i>Location:</i>	Westerly corner of the Intersection of North Schnoor Avenue and Foxglove Way. APN(s): 013-070-014
<i>Project Area:</i>	±2.3 acres
<i>Planned Land Use:</i>	Existing: Office Proposed: Commercial
<i>Zoning District:</i>	Existing: PO (Professional Office) zone district Proposed: C1 (Light Commercial) zone district
<i>Site Characteristics</i>	The project is located on land that is currently used for agriculture. Planned land use bordering the site is Low Density Residential.

**ANALYSIS:**

Site Characteristics:

The project site is currently vacant with no structures. There are minimal off-site improvements, including curb and gutter along Foxglove Way and Schnoor Avenue, as well as a drive approach on Schnoor Avenue. The project site street frontage includes Schnoor Avenue, a four (4)-lane north-south arterial and Foxglove Way, a two (2)-lane east-west local street. Topography is generally flat, and the existing biotic conditions and resources of the site can be primarily defined as ruderal. There are no shrubs, trees, or water features present on the site.

Surrounding Land Uses:

The project site is generally surrounded by a mix of residential and commercial uses. The existing General Plan land use designations surrounding the Project site are high density residential (north), commercial (east), office and medium density residential (south) and low density residential and resource conservation (west). Existing zoning designations surrounding the Project site include: PD-2000 (Planned Development, One unit for each 2,000 square feet of site area) to the north; C2 (Heavy Commercial) to the east; PO (Professional Office) and PD-4500 (Planned Development, One unit for each 4,500 square feet of site area) to the south; and, PD-6000 (Planned Development, One unit for each 6,000 square feet of site area) and PD-2000 to the west.

Table 2 below summarizes the existing development/uses, and the General Plan land use designations and zoning districts surrounding the proposed project site. The General Plan designations identified in Table 2 represent the City’s General & Specific Plan land use designations surrounding the project site.

<b>Table 2: Bordering Site Information</b>			
<i>Direction</i>	<i>Existing Use</i>	<i>General Plan Designation</i>	<i>Zone District</i>
<i>North</i>	Multi-family dwellings (Madera Villa Apartments)	High Density Residential	PD (2000) – Planned Development (2000)
<i>East</i>	Commercial (Sonic Drive-in, Home Depot)	Commercial	C2 – Heavy Commercial
<i>South</i>	Office (Central Valley Medical), Single-family dwellings	Office, Medium Density Residential	PO – Professional Office, PD (4500) – Planned Development (4500)
<i>West</i>	Vacant, Single-family dwellings	Low Density Residential, Resource Conservation	PD (6000) – Planned Development (6000) & PD (2000) – Planned Development (2000)

Land Use and Zoning:

Policy LU-23 of the City of Madera General Plan describes the Commercial Land Use Categories and Policies. The Madera General Plan identifies two commercial land use categories, Commercial and Office.

The existing Office land use designation for the project site is a land use category intended to provide for the development of office centers near residential areas and is designed to buffer between residential areas and more intense uses or arterial streets.



The areas are differentiated from office uses in commercial designations by reduced quantities of signage and architecture that is more consistent with any adjoining residential areas. Architecture and other features should be sympathetic with adjacent residential values. The maximum floor area ratio (FAR) for the Office designation is 1.0 except in the Downtown District where this FAR may be exceeded if determined appropriate by the City.

GPA 2022-08, SPA 2022-01 and REZ 2022-09 collectively propose to amend the General Plan and Specific Plan No. 1 Land Use Maps to change the planned land use designation from the Office planned land use designation to the Commercial land use designation; and amend the official Zoning Map to rezone the project site from O (Office) to C1 (Light Commercial).

The Commercial land use designation is the City's retail commercial land use category. A broad range of commercial uses is allowed, including professional offices. Various zoning designations shall be used to determine the specific character of commercial development, from regional shopping centers to neighborhood stores. The maximum floor area ratio (FAR) for the Commercial designation is 0.30.

In accordance with General Plan Policy LU-23 and pursuant to the provisions of CMC § 10-3.751, aside from a specific intent of providing adequate space for professional office related uses to be in close relationship to one another, outside of commercial districts, to protect such offices from objectionable influences incidental to commercial and industrial uses, the Professional Office land use designation and zoning is also intended for application to those areas of the city where it is necessary and desirable to encourage the full development of properties which lie between residential and nonresidential districts. As cited herein above, this type of "buffer" is generally achieved through a lower allowable (less intense) floor-area ratio than the Commercial land uses in the zoning development standards, reduced quantities of signage, and architecture that is more sympathetic and consistent with any adjoining residential areas and values.

Pursuant to General Plan Policy LU-23 various commercial zoning designations shall be used to determine the specific character of commercial development from regional shopping centers to neighborhood stores. As the project site is a vacant parcel located adjacent to and between residential and nonresidential districts, the C-1 (Light Commercial) zone district is proposed to continue to provide and retain a buffer between the residential uses and more intensive heavy commercial uses and arterial roadway (Schnoor Ave) to the east.

No physical development of the project site is proposed at this time. Future development will require Site Plan Review and or Use Permit in accordance with the Zoning Regulations of the CMC.

Future development will be reviewed for consistency with the goals and policies of the General Plan, the goals and policies include but are not limited to the following:

- The General Plan Land Use Core Principles, which include a commitment by the City of Madera to promote walkability by establishing land use and circulation patterns that

provide connectivity between neighborhoods, commercial services, and other public gathering places.

- General Plan Policy CD-15, which provides except where site conditions make it infeasible, new commercial development shall be designed to front or have a presence along all street frontages. The intent of this policy is to enhance the pedestrian scale of new development, and minimize the presence of parking, circulation, and loading areas as the primary visual features of development.
- General Plan Policy CD-52, which provides when more than one structure is on a site, they should be linked visually through architectural style, colors and materials, signage, landscaping, design details such as light fixtures, and the use of arcades, trellises, or other open structures.
- General Plan Policy CD-60, which provides commercial site boundaries adjacent to residential areas shall be visually screened with ornamental masonry walls and landscaping. Wall height is to be determined and approved as part of the site plan review process.

It should also be noted that the General Plan recognizes retail and commercial areas outside of Downtown have been primarily developing in the northwest portion of the city along Cleveland Avenue and Howard Road. Additionally, the General Plan acknowledges commercial development such as regional shopping centers and “big box” retail are typically automobile-oriented and are physically separated from nearby residential areas.

The C1 (Light Commercial) zone district standards and permissible uses will help promote the creation of a more complete neighborhood and a more walkable, bicycle-friendly activity center in this area (and outside of Downtown) by providing opportunities to afford more neighborhood-serving commercial uses (vs. heavy commercial, “big-box” and regional integrated centers which are either existing or planned to the east) in proximity to existing residential uses. Review of future development plans for compliance with these goals, objectives and policies will ensure adherence to the Madera’s Vision 2025 by supporting an increasingly vibrant city which not only attracts visitors but also continues to increase opportunities for local shopping diversity to serve local residents within neighborhoods, attract local activity for smaller-scale and neighborhood-serving commercial businesses and while providing availability for affordable commercial space. Review of future development for compliance and consistency with these principles will also ensure an adequate transitional buffer between more sensitive residential uses and heavier and more intense non-residential uses and roadways to the east. The project may therefore be considered consistent with the goals, objectives and policies of the General Plan and is supported by staff.

#### **ENVIRONMENTAL REVIEW:**

The proposed project has been reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

Precision Civil Engineering has prepared an initial study, performed environmental analyses and evaluated the project in accordance with the CEQA Guidelines and criteria on behalf of the City as lead agency. The conclusions and findings resultant from these environmental studies, analyses and an evaluation of the proposed project determined that although the project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the significant direct, indirect or cumulative effects on the environment, and that a Mitigated Negative Declaration is appropriate for this project.

The Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the County Clerk on March 1, 2024, published in the Madera Tribune on March 2, 2024, and posted with the Governor's Office of Planning and Research (OPR) on March 1, 2022, initiating a public review period effectively commencing on March 1, 2024, and ending March 22, 2024.

The Planning Commission with this action will be making a recommendation to the City Council regarding adoption of the Mitigated Negative Declaration (SCH No. 2024030027), including the Mitigation Monitoring and Reporting Program for purposes of the proposed project. The Planning Commission's recommendation, in the form of an adopted Resolution, will be presented with staff's report and considered by the City Council along with any/all other public comments received during the public review period prior to the Council taking action to adopt or reject Mitigated Negative Declaration (SCH No. 2024030027) for purposes of General Plan Amendment (GPA) No. 2022-08, Specific Plan Amendment (SPA) No. 2022-01 and Rezone (REZ) No. 2022-09, collectively the project.

#### **COMMISSION ACTION:**

The Commission will be making a recommendation to the City Council. Staff recommends that the Commission:

1. Adopt a Resolution of the Planning Commission of the City of Madera recommending the Council of the City of Madera adopt the Mitigated Negative Declaration (SCH No. 2024030027) and the Mitigation Monitoring and Reporting Program prepared for purposes of the proposed project; and, recommending the Council approve General Plan Amendment (GPA) No. 2022-08, Specific Plan Amendment (SPA) No. 2022-01 and Rezone (REZ) No. 2022-09.

#### **ALTERNATIVES:**

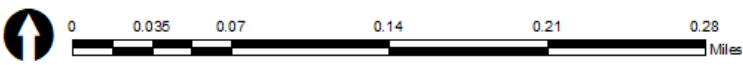
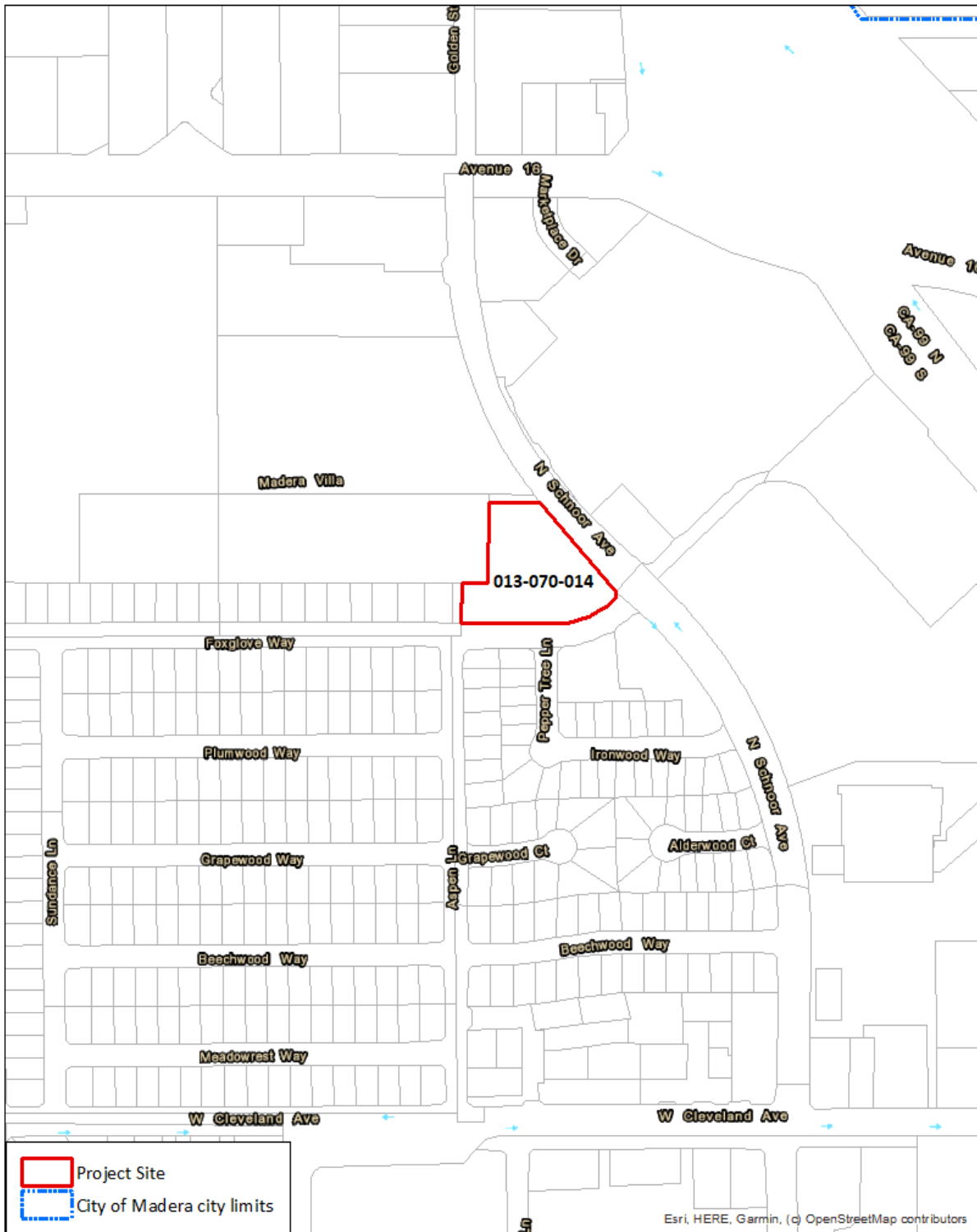
As an alternative, the Commission may elect to:

1. Move to continue the public hearing to a future Planning Commission meeting at a date and time certain (Planning Commission to specify date) or refer the matter back to staff to be rescheduled at a later meeting date to-be-determined; with direction to staff.
2. Move to recommend denial of the proposed application based on specific findings: (Planning Commission should articulate reasons for denial).

**ATTACHMENTS:**

1. Vicinity Map
2. Aerial Image
3. Existing & Proposed Land Use Maps
4. Existing & Proposed Zone District Maps
5. Planning Commission Resolution
  - Exhibit "A" – Mitigation Monitoring and Reporting Program
  - Exhibit "B" – GPA 2022-08 & SPA 2022-01 Proposed Land Use Map
  - Exhibit "C" – REZ 2022-09 Proposed Zone District Map
6. Environmental Review – IS/MND (SCH No. 2024030027)

**ATTACHMENT 1**  
Vicinity Map



CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE



Created: 6/22/2023

### Project Vicinity Map

ATTACHMENT 2  
Aerial Image



CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE



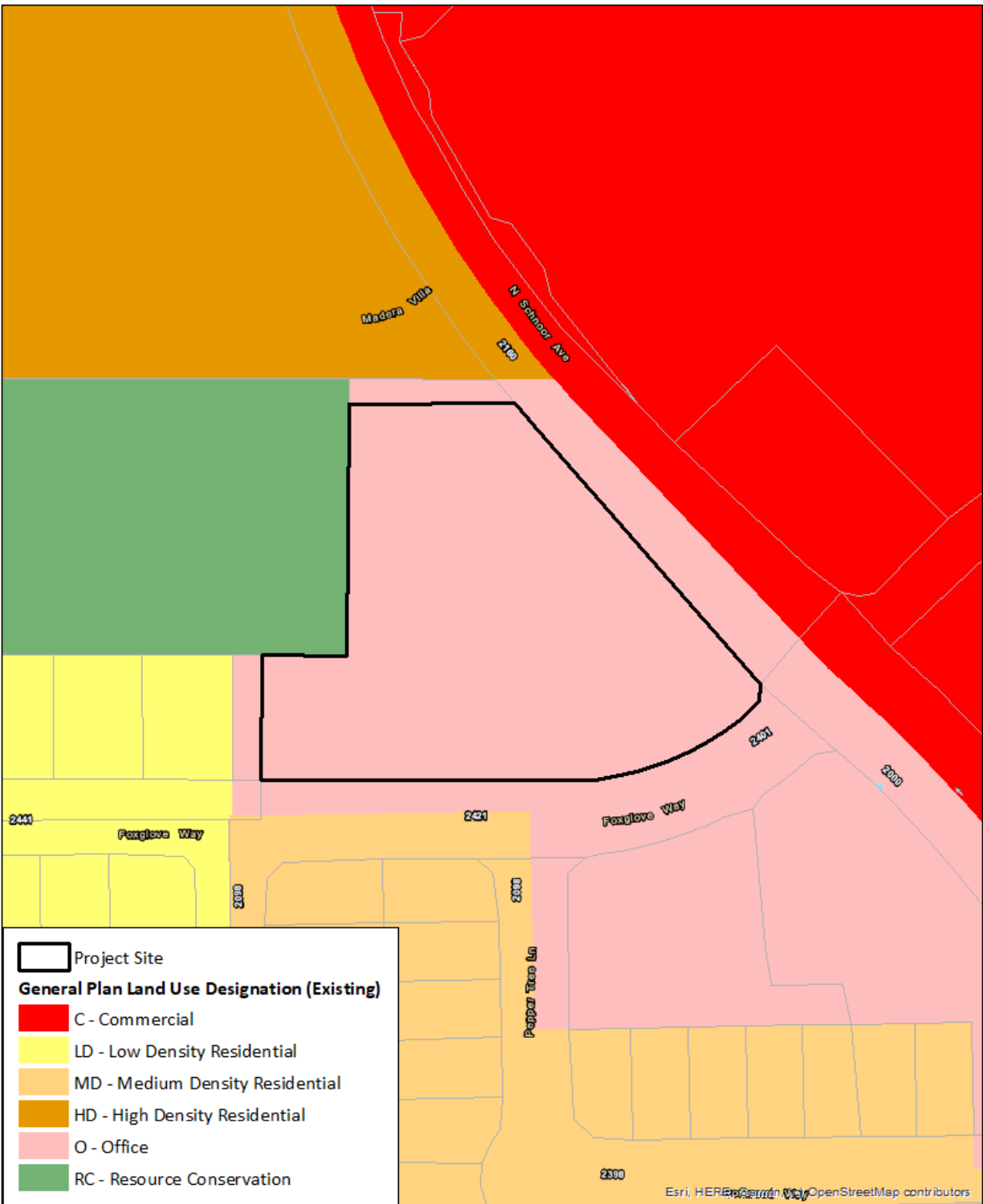
Created: 6/23/2023

Aerial Image of the Project site

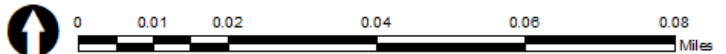


# ATTACHMENT 3

Existing & Proposed Land Use Maps



Project Site  
**General Plan Land Use Designation (Existing)**  
 C - Commercial  
 LD - Low Density Residential  
 MD - Medium Density Residential  
 HD - High Density Residential  
 O - Office  
 RC - Resource Conservation

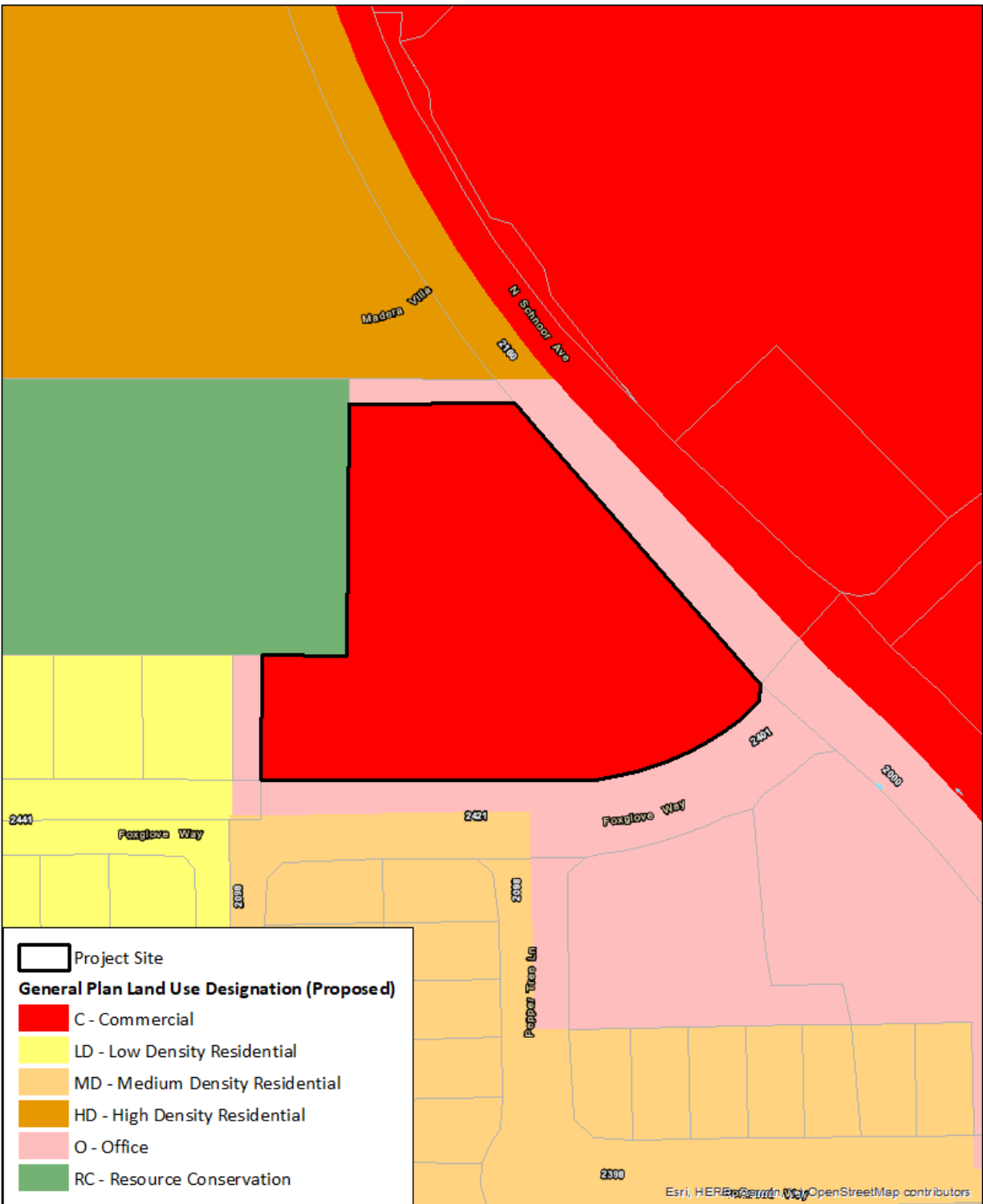


CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE



Created: 6/22/2023

General Plan Designated Land Use Map (Existing)



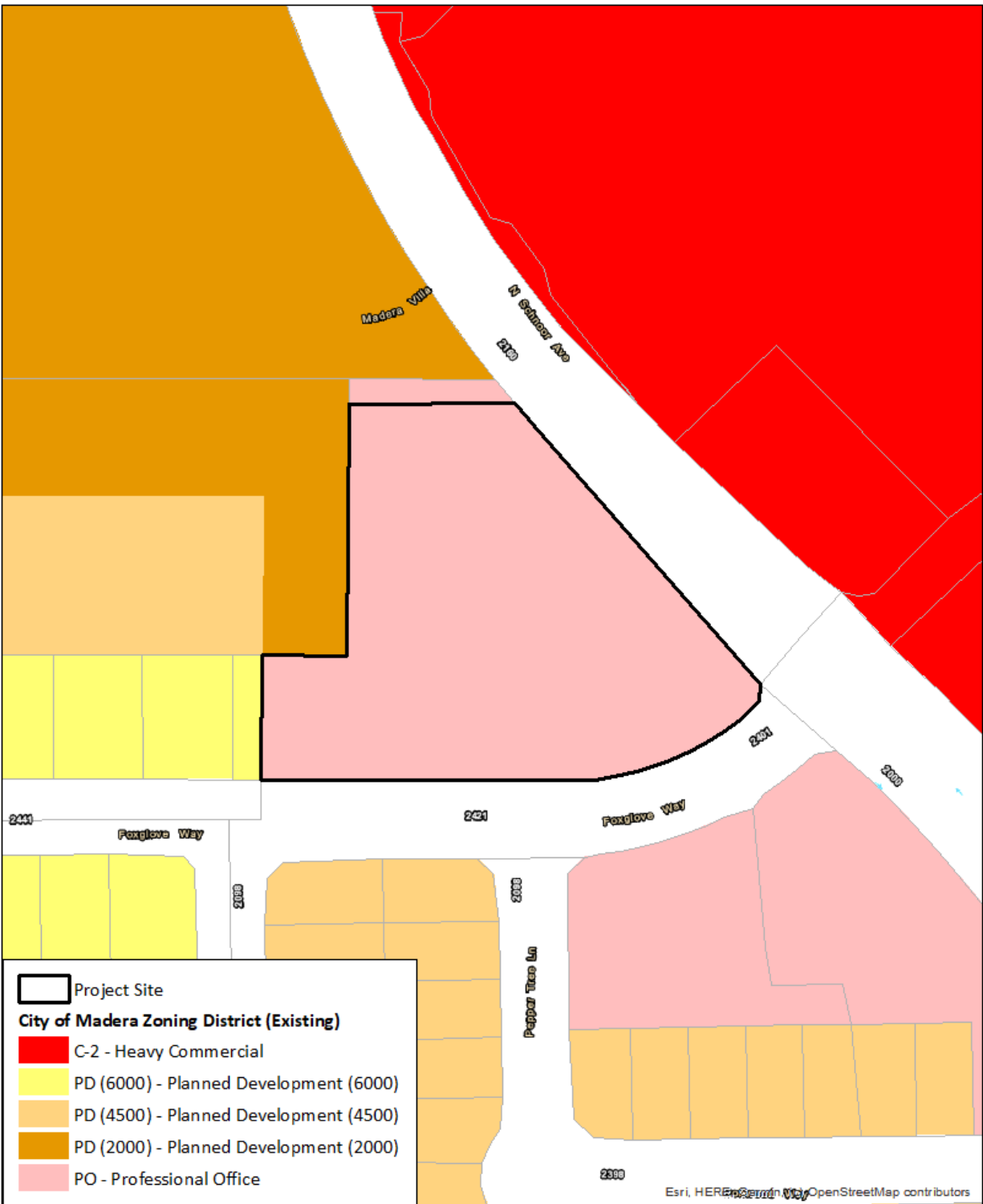
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 CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE

**PRECISION**  
 CIVIL ENGINEERS & ARCHITECTS  
 Created: 6/22/2023

General Plan Designated Land Use Map (Proposed)

# ATTACHMENT 4

Existing & Proposed Zone District Maps



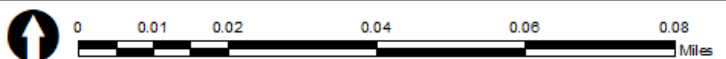
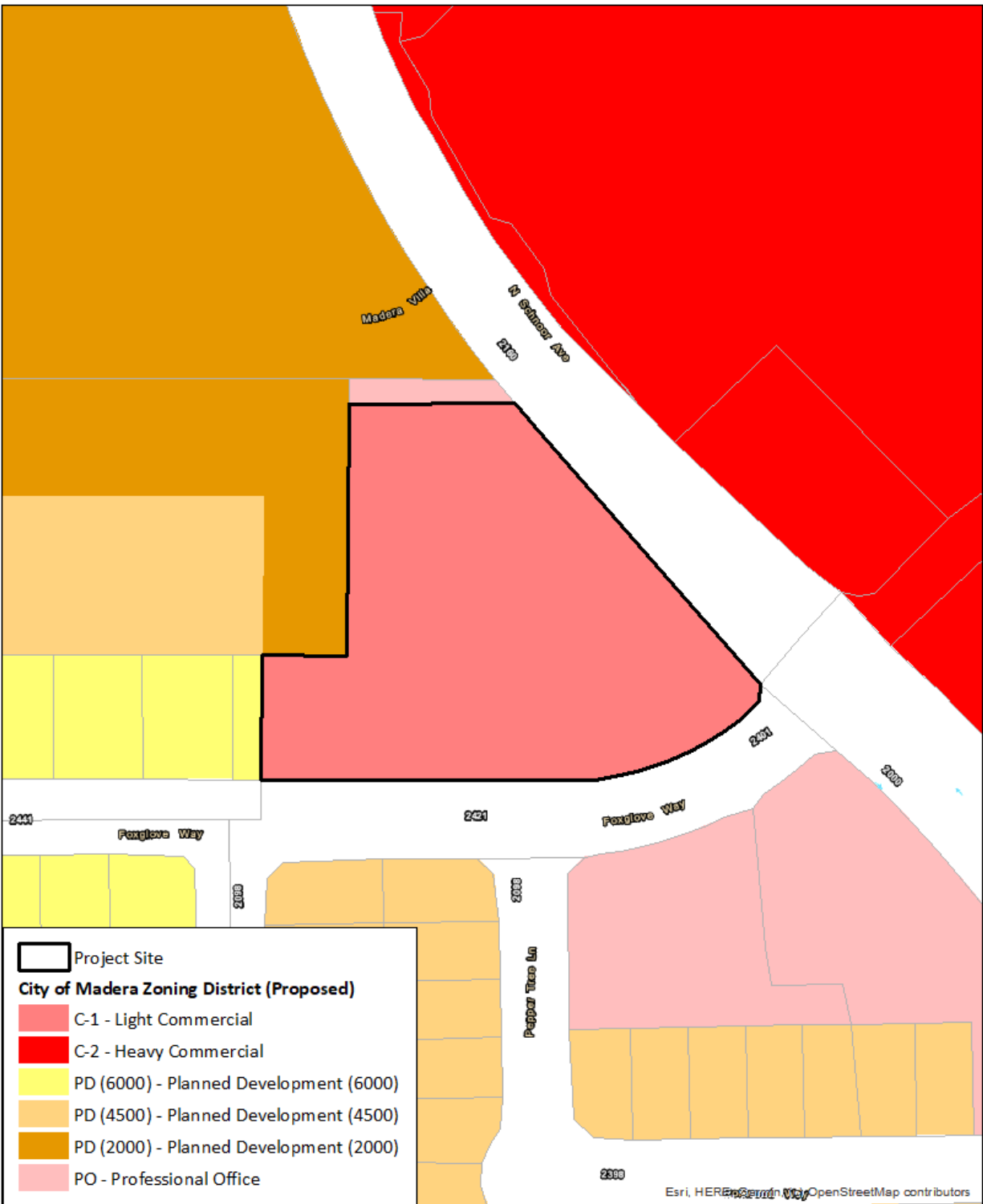
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CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE

**PRECISION**  
CIVIL ENGINEERS & ARCHITECTS

Created: 6/22/2023

City of Madera Zoning Map (Existing)



CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE



Created: 8/25/2023

City of Madera Zoning Map (Proposed)

# ATTACHMENT 5

## Planning Commission Resolution

Including:

Exhibit "A": Mitigation Monitoring and Reporting Program

Exhibit "B": GPA 2022-08 & SPA 2022-01 Land Use Map

Exhibit "C": REZ 2022-09 Zone District Map

**RESOLUTION NO.**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
RECOMMENDING THE CITY COUNCIL OF THE CITY OF MADERA ADOPT A  
MITIGATED NEGATIVE DECLARATION (SCH NO. 2024030027) AND  
MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVE  
GENERAL PLAN AMENDMENT (GPA) NO. 2022-08, SPECIFIC PLAN  
AMENDMENT (SPA) NO. 2022-01 AND REZONE (REZ) NO. 2022-09**

**WHEREAS**, Edward J. McIntyre (“Owner”) submitted an application for a General Plan Amendment (GPA 2022-08), Specific Plan Amendment (SPA 2022-01), and Rezone (REZ 2022-09), collectively “the Project,” pertaining to ±2.3 acres of property located on the westerly corner of the intersection of North Schnoor Avenue and Foxglove Way, comprising APN(s) 013-070-014, in the City of Madera, California (“Site”); and

**WHEREAS**, the Site is designated for Office on the adopted Land Use Map of the City of Madera General Plan and City of Madera Specific Plan No. 1 and is currently zoned PO (Professional Office) by the Zoning Ordinance; and

**WHEREAS**, GPA 2022-08 was filed to amend the General Plan Land Use Map to change the planned land use designation for the Site from Office to Commercial; and

**WHEREAS**, pursuant to the City of Madera Municipal Code (CMC), all uses of land within a Specific Plan shall be made consistent with the General Plan Land Use Map, which may include varying densities or residential, commercial, and/or industrial development; and

**WHEREAS**, SPA 2022-01 was filed to amend Specific Plan No. 1 in accordance with GPA 2022-08 pursuant to the provisions of the CMC; and

**WHEREAS**, REZ 2022-09 was filed to amend the City of Madera Zoning Map to rezone the Site from the PO (Professional Office) zone district to the C1 (Light Commercial) zone district in accordance with GPA 2022-08 and SPA 2022-01; and

**WHEREAS**, the Project was assessed under the California Environmental Quality Act (“CEQA”) resulting in preparation of a Mitigated Negative Declaration (SCH No. 2024030027) including a Mitigation Monitoring and Reporting Program, which has been circulated, and made available for public review pursuant to CEQA and the CMC; and

**WHEREAS**, pursuant the California Government Code, the Planning Commission shall make a written recommendation (Resolution) on the adoption or amendment of a general plan and send its recommendation to the legislative body; and

**WHEREAS**, pursuant to the CMC, a public hearing (for amendments to zone boundaries/changes of property from one zone to another) shall be held before the Planning Commission of the City of Madera (Commission) and the Commission shall render a report and recommendation (Resolution) to the City Council of the City of Madera (Council), prior to the Council adopting the amendment or any part thereof; and



**WHEREAS**, the City provided notice of the Planning Commission hearing as required by law for the hearing of March 12, 2024; and

**WHEREAS**, the Planning Commission received and independently reviewed GPA 2022-08, SPA 2022-01, REZ 2022-09 and Mitigated Negative Declaration (SCH No. 2024030027) at the duly noticed meeting on March 12, 2024; and

**WHEREAS**, at the March 12, 2024, public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

**WHEREAS**, after due consideration of all the items before it, the Planning Commission now desires to adopt this Resolution recommending the Council adopt Mitigated Negative Declaration (SCH No. 2024030027) for purposes of the proposed Project and recommending the Council approve GPA 2022-08, SPA 2022-01 and REZ 2022-09.

**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: The Planning Commission finds an environmental assessment initial study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared for this Project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental assessment necessitated a thorough review of the proposed Project and relevant environmental issues. Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration circulated on March 1, 2024, and all comments received, the Planning Commission finds based upon substantial evidence in the record that although the Project could have a significant effect on the environment, there will not be a significant effect because mitigation measures have been identified to reduce the potential significant direct, indirect or cumulative effects on the environment to a level less-than-significant, and that a Mitigated Negative Declaration is appropriate for this Project. The Planning Commission further finds the Initial Study and Mitigated Negative Declaration were timely and properly published and noticed as required by CEQA and reflect the independent judgement and analysis of the City. As such, the Planning Commission recommends the City Council adopt Mitigated Negative Declaration (SCH No. 2024030027) including the Mitigation Monitoring and Reporting Program (Exhibit A) for the Project following the close of the public review period and following consideration of any public comments received.
3. Recommendation to City Council to Approve GPA 2022-08 and SPA 2022-01: Based on the evidence in the record, the Planning Commission recommends the

Council approve the GPA 2022-08 and SPA 2022-01 to amend the General Plan Land Use Map to change the planned land use designation for the Site (comprising APN[s] 013-070-014) from Office to Commercial

- 4. Recommendation to City Council to Approve REZ 2022-09: Based on the evidence in the record, the Planning Commission finds and determines that the proposed C1 (Light Commercial) zone district, as requested for the Site (comprising APN[s] 013-070-014) pursuant to REZ 2022-04, is consistent with the proposed Commercial land use designation proposed for the site, pursuant to GPA 2022-08 and SPA 2022-01, in accordance with Policy LU-32 and Table LU-A: General Plan/Zoning Consistency Matrix of the Madera General Plan. Therefore, based on evidence in the record, the Planning Commission recommends that the City Council approve REZ 2022-09 as shown in Exhibit C.
  
- 5. Effective Date: This resolution is effective immediately.

\* \* \* \* \*

Passed and recommended to City Council for adopting by the Planning Commission of the City of Madera this 12th day of March 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Robert Gran Jr.  
Planning Commission Chairperson

Attest:

---

Will Tackett  
Community Development Director

Exhibit "A": Mitigation Monitoring and Reporting Program  
Exhibit "B": GPA 2022-08 & SPA 2022-01 Land Use Map  
Exhibit "C": REZ 2022-09 Zone District Map

# Exhibit "A"

## Mitigation Monitoring and Reporting Program

# Chapter 5 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) has been formulated based upon the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Schnoor Avenue/Foxglove Way GPA & Rezone in the City of Madera. The MMRP lists mitigation measures recommended in the IS/MND for the Project and identifies monitoring and reporting requirements.

**Table 5-1** presents the mitigation measures identified for the proposed Project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number.

The first column **Table 5-1** of identifies the mitigation measure. The second column, entitled "When Monitoring is to Occur," identifies the time the mitigation measure should be initiated. The third column, "Frequency of Monitoring," identifies the frequency of the monitoring of the mitigation measure. The fourth column, "Agency Responsible for Monitoring," names the party ultimately responsible for ensuring that the mitigation measure is implemented. The last columns will be used by the City of Madera to ensure that individual mitigation measures have been complied with and monitored.

Chapter 5 Mitigation Monitoring and Reporting Program  
Schnoor Avenue/Foxglove Way GPA & Rezone

**Table 5-1 Mitigation Monitoring and Reporting Program**

Mitigation Monitoring and Reporting Program										
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance					
<p><b>Air Quality</b></p> <p><b>Mitigation Measure AQ-1:</b> If future development on the Project site consists of a gasoline dispensing facility with a throughput of 3.6 million gals/year or greater, the Project shall consult with SIVAPCD to conduct a Health Risk Assessment (HRA) prior to the approval of project entitlement. If Toxic Air Contaminant (TAC) impacts are identified as significant in the HRA, the applicant shall implement measures to reduce project-specific emissions to below SIVAPCD health risk threshold of 100 pounds per day.</p>	14 days prior to Project Construction	Prior to and During Project Construction	City of Madera	Review of Documentation Submittal						
<p><b>Cultural Resources</b></p> <p><b>Mitigation Measure CUL-1:</b> If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether a historical resources evaluation shall be completed to confirm if the resources qualify as historical resources as defined by Section 15064.5(a) of CEQA Guidelines. The evaluation shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior’s Professional Qualifications Standards (PQS) in architectural history or history. The qualified architectural historian or historian shall conduct an intensive-level evaluation in accordance with the guidelines and best practices promulgated by the State Office of Historic Preservation to identify any potential historical resources within the proposed project area. All properties 45 years of age or older shall be evaluated within their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523</p>						During Project Construction	During Project Construction	City of Madera	Review of Documentation Submittal	

Chapter 5 Mitigation Monitoring and Reporting Program  
Schnoor Avenue/Foxglove Way GPA & Rezone

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>Forms. The report shall be submitted to the City for review and concurrence.</p> <p>Any relocation, rehabilitation, or alteration of the resource shall be implemented consistent with the Secretary of the Interior's Standards for the Treatments of Historic Properties (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR Section 15126.4[b][1]). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the City for review and concurrence, in addition to the historical resources evaluation.</p>					
<p>If significant historical resources are identified on the development site and compliance with the Standards and or avoidance is not feasible, the applicant or developer shall provide a report explaining why compliance with the Standards and or avoidance is not feasible for the City's review and approval. Site-specific mitigation measures shall be established and undertaken, including, but not limited to, documentation of the historical resource in the form of a Historic American Buildings Survey-Like report. The report shall be commissioned by the project applicant or their consultant to comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the Historic American Buildings Survey Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic</p>					

## Chapter 5 Mitigation Monitoring and Reporting Program

Schnoor Avenue/Foxglove Way GPA & Rezone

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the City prior to issuance of any permits for demolition or alteration of the historical resource.</p> <p><b>Mitigation Measure CUL-2:</b> In the event of the accidental discovery or recognition of any human remains on the Project site during construction, the following steps in accordance with Section 15064.5 of the CEQA Guidelines shall be taken prior to the continuation of, and during, construction activities, in order to mitigate potential impact:</p> <ol style="list-style-type: none"> <li>1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:               <ol style="list-style-type: none"> <li>a. The coroner of the County in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required; and,</li> <li>b. If the coroner determines the remains to be Native American:                   <ol style="list-style-type: none"> <li>i. The coroner shall contact the Native American Heritage Commission within 24 hours.</li> <li>ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.</li> </ol> </li> </ol> </li> </ol> <p>The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p>	During Project Construction	During Project Construction	City of Madera	Review of Documentation Submittal	



Chapter 5 Mitigation Monitoring and Reporting Program  
Schnoor Avenue/Foxglove Way GPA & Rezone

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p><b>Mitigation Measure GEO-1:</b> If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.</p>					

## Chapter 5 Mitigation Monitoring and Reporting Program

Schnoor Avenue/Foxglove Way GPA & Rezone

Mitigation Monitoring and Reporting Program					
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance
<p>all correspondence and reports shall be submitted to the Lead Agency.</p>					
Hydrology and Water Quality					
<p><b>Mitigation Measure HYD-1:</b> Prior to issuing of grading or building permits, (a) the Project applicant shall submit to the Lead Agency (1) the approved Storm Water Pollution Prevention Plan (SWPPP) and (2) the Notice of Intent (NOI) to comply with the General National Pollutant Discharge Elimination System (NPDES) from the Central Valley Regional Water Quality Control Board. The requirements of the SWPPP and NPDES shall be incorporated into design specifications and construction contracts.</p>	<p>Prior to issuing of grading or building permits</p>	<p>Prior to Project Construction</p>	<p>City of Madera</p>	<p>Review of Documentation Submittal</p>	
Noise					
<p><b>Mitigation Measure NOI-1:</b></p> <ul style="list-style-type: none"> <li>• Per the City of Madera Municipal Code, construction activities should not occur outside the hours of 6:00 a.m. to 8:00 p.m.</li> <li>• All construction equipment shall be properly maintained and muffled as to minimize noise generation at the source.</li> <li>• Noise-producing equipment shall not be operating, running, or idling while not in immediate use by a construction contractor.</li> <li>• All noise-producing construction equipment shall be located and operated, to the extent possible, at the greatest possible distance from any noise-sensitive land uses.</li> <li>• Locate construction staging areas, to the extent possible, at the greatest possible distances from any noise-sensitive land uses.</li> </ul>					

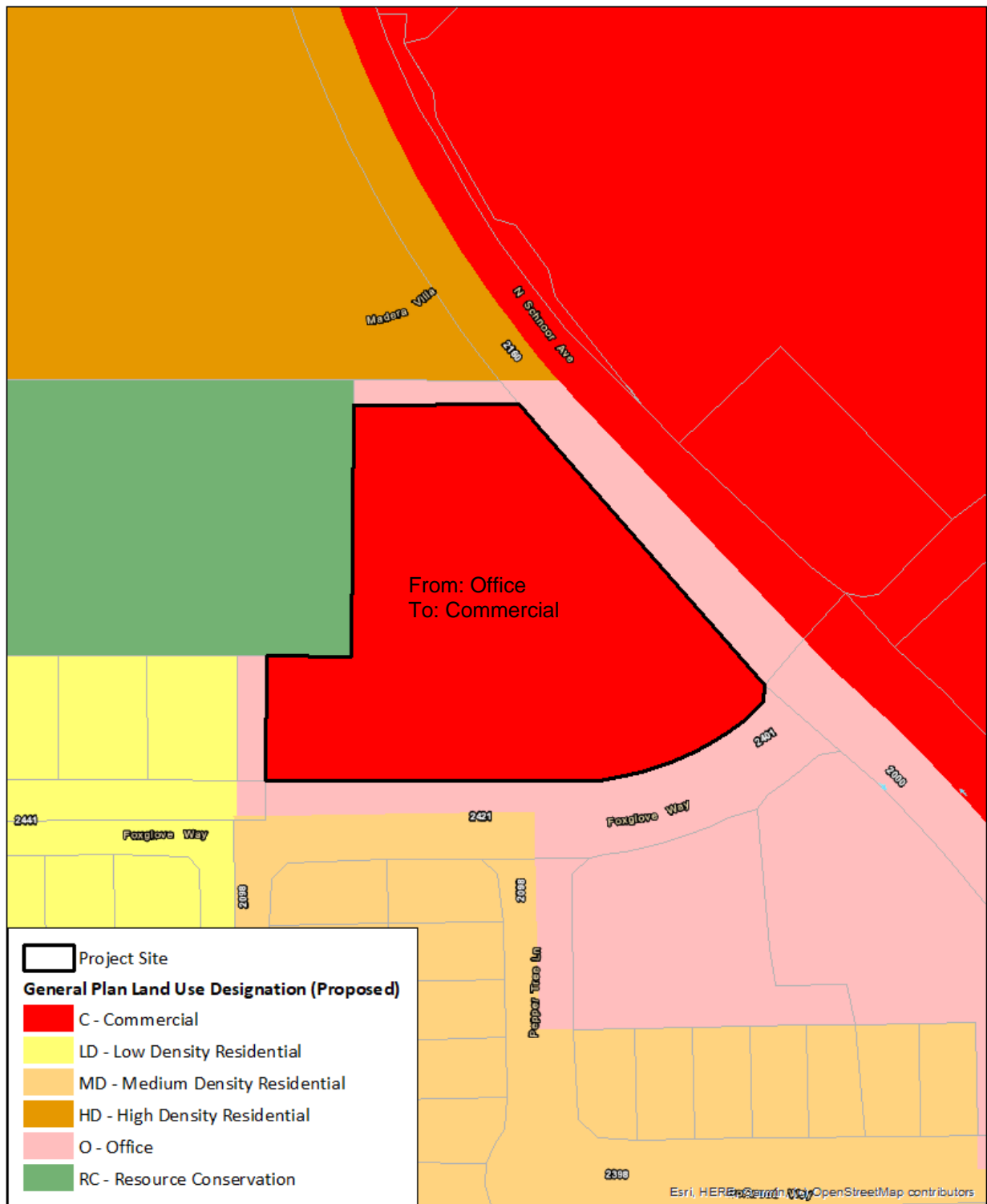
## Chapter 5 Mitigation Monitoring and Reporting Program

Schnoor Avenue/Foxglove Way GPA & Rezone

Mitigation Monitoring and Reporting Program						
Mitigation Measure/Condition of Approval	When Monitoring is to Occur	Frequency of Monitoring	Agency Responsible for Monitoring	Method to Verify Compliance	Verification of Compliance	
<ul style="list-style-type: none"> <li>Signs shall be posted at the construction site and near adjacent sensitive receptors displaying hours of construction activities and providing the contact phone number of a designated noise disturbance coordinator.</li> </ul>						
<p><b>Mitigation Measure NOI-2:</b> The use of heavy construction equipment including a pile driver, clam shovel drop, and vibratory roller shall be restricted from being within 25 feet of existing structures.</p>	During Project Operations	During Project Operations	City of Madera	Developer to provide (or comply), City of Madera to verify		

## Exhibit "B"

GPA 2022-08 & SPA 2022-01 Proposed Land Use Map



0 0.01 0.02 0.04 0.06 0.08 Miles

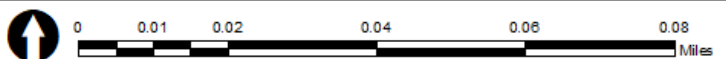
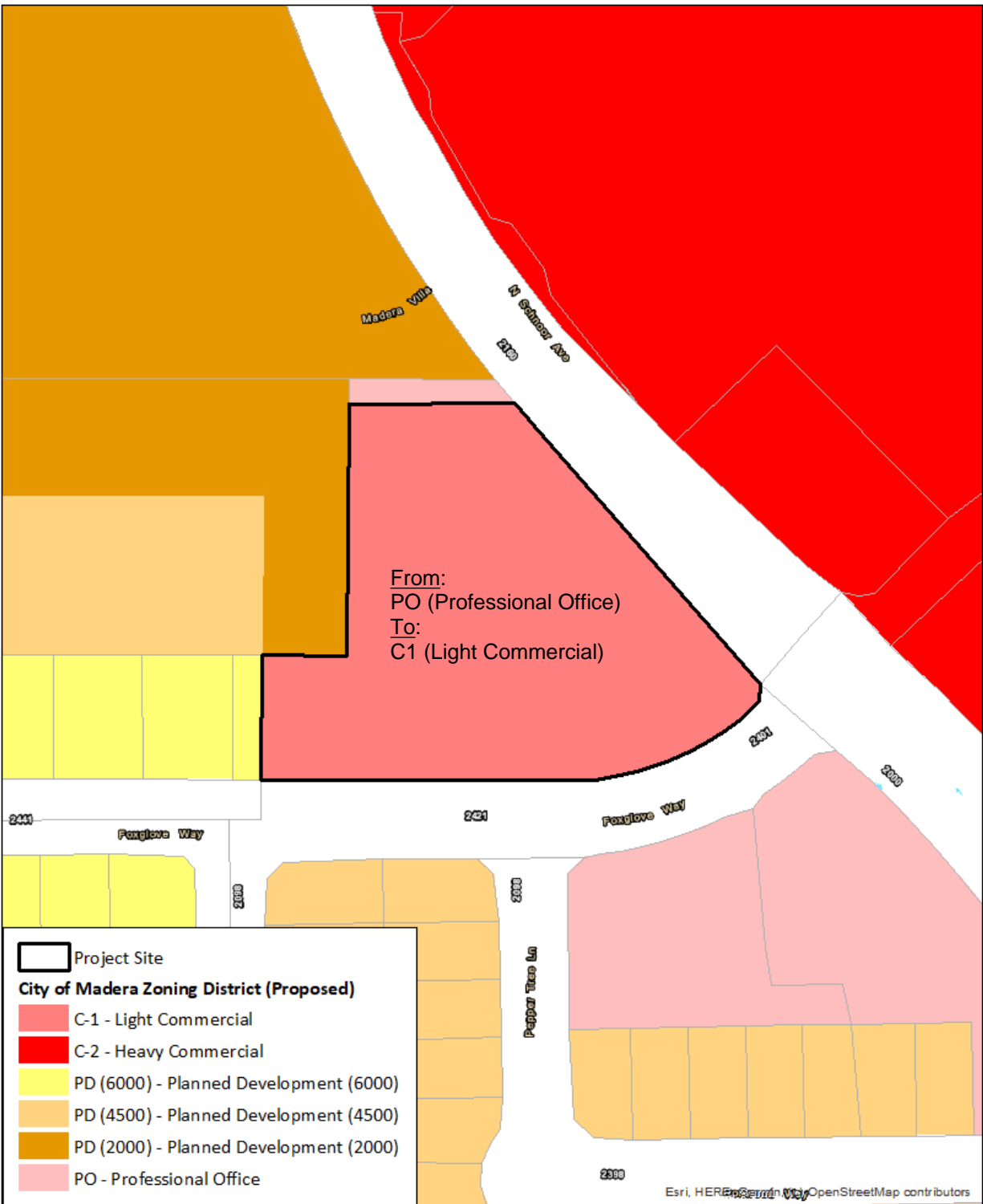


Created: 6/22/2023

**Exhibit "B"**  
 GPA 2022-08 & SPA 2022-01 General Plan Designated Land Use Map (Proposed)

# Exhibit “C”

REZ 2022-09 Proposed Zone District Map



Created: 8/25/2023

CITY OF MADERA - SCHNOOR AVENUE/FOXGLOVE WAY GENERAL PLAN AMENDMENT & REZONE

**Exhibit "C"**  
**REZ 2022-09 City of Madera Zoning Map (Proposed)**

## ATTACHMENT 6

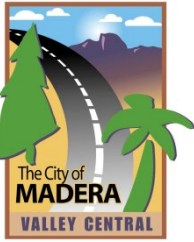
Environmental Review IS/MND (SCH No. 2024030027)

Digitally available to view or download on the City of Madera Planning Department Webpage through the following link:

<https://www.madera.gov/home/departments/planning/#tr-current-projects-environmental-review-2436011>

On file and available for public review at the City of Madera Planning Department, 205 W. 4<sup>th</sup> Street, Madera, CA 93637.





## REPORT TO THE PLANNING COMMISSION

**Prepared by:** Robert Smith, Senior Planner

**Meeting of:** March 12, 2024

**Agenda Number:** 3

### **SUBJECT:**

Consideration of Conditional Use Permit Modification 2022-25 for the El Epazote Cocina Regional restaurant located on the northerly corner of the intersection of North Gateway Dr. and E 4<sup>th</sup> St. (301 North Gateway Dr.)

### **RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit (CUP) Modification 2023-25 MOD, subject to the findings and conditions of approval.

### **SUMMARY:**

The applicant, Tomas Gonzalez, has filed Conditional Use Permit (CUP) Modification No. 2023-25 MOD for the El Epazote Cocina Regional restaurant located on the northerly corner of the intersection of North Gateway Drive and East 4<sup>th</sup> Street at 301 North Gateway Dr.

The applicant has filed an application for a use permit (CUP 2023-25 MOD) to upgrade an existing California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer & Wine – Eating Place) License, which authorizes the sale of beer and wine in conjunction with a bona fide eating place (restaurants) for consumption on or off the premises where sold, to a Type 47 License (On-Sale General – Eating Place) to also authorize the sale of distilled spirits for consumption on the licensed premises. The proposed application requests do not include any proposed physical changes to the subject property. Any future site modifications would be subject to additional site plan review.

The site is zoned C1 (Light commercial) and is designated for Commercial land uses by the Madera General Plan.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location and site characteristics.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	CUP 2023-25 MOD
<i>Applicant/Owner:</i>	Tomas Gonzalez
<i>Location:</i>	301 North Gateway
<i>Project Area:</i>	0.26 -acres
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics</i>	The site is within the Madera downtown, adjacent to a variety of existing, active commercial uses.

**BACKGROUND:**

The commercial building where the restaurant is located has been utilized as a restaurant for an extended period of time. The premises have been occupied by the El Epazote Cocina Regional restaurant for at least 18 months.

On April 11, 2023, the City of Madera Planning Commission adopted Resolution No. 1950 approving CUP 2022-25 to authorize the issuance of a California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer & Wine – Eating Place) License, which are issued to bona fide eating places (restaurants) and which authorize the sale of beer and wine for consumption on or off the premises where sold. The applicant desires to expand the existing service of beer and wine beverages to add distilled liquor as part of its operations. Food operations associated with the restaurant will not change. On-site dining includes both indoor and outdoor patio seating. Alcohol will be allowed to be served and consumed on the premises within both the interior and outdoor patio dining areas of the premises.

The site’s General Plan Land Use designation is C (Commercial). This land use designation is appropriate for the development of commercial uses. The site’s C1 (Light Commercial) zoning district allows for retail uses including restaurants. Sale and consumption of alcohol in a C1 zone district is allowed only with the approval of a conditional use permit and this is also true of the expansion of ABC license types.

**ANALYSIS:**

*Existing Alcohol Beverage Control License Type 41*

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant previously established a use permit to serve beer and wine for on-site consumption as part of the operation of a restaurant. The restaurant has been operating for an extended period of time with the license without complaint. The Madera Police Department has been consulted on both existing and proposed operations and raised no objection.

*Proposed Alcohol Beverage Control License Type 47*

ABC administers and issues amendments to existing licenses that allow establishments to expand alcohol service. The applicant is proposing to establish a use permit to serve distilled liquor for

on-site consumption as part of the operation of the restaurant. This use permit modification is to allow for the issuance of an ABC Type 47 (On-Sale General – Eating Place) License issued to bona fide eating places (restaurants) and which authorize the sale of distilled spirits for consumption on the licensed premises and the sale of beer, wine for consumption on or off the licensed premises. The applicant must operate and maintain the licensed premises as a bona fide eating place with suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises.

#### Public Convenience or Necessity for Issuance of Alcohol Licenses

The project site is in Census Tract 8.02 which is an area of overconcentration for ABC licenses for both the on- and off-site sale and consumption of alcoholic beverages. Currently there are 15 on-sale licenses in Census Tract 8.02. Ideally, there should be only three (3) on-sale licenses issued. Thus, Tract 8.02 is an over-concentrated area of ABC licenses. Over-concentration in a downtown area is typical due to a high concentration of businesses and a low number of residences.

Historically, the Police Department (PD) has opposed any request for the issuance of an alcohol license in Census Tract 8. Census Tract 8 previously represented the combined area of what is now Census Tracts 8.01 and 8.02. The contention behind the opposition is that the Downtown District has an overconcentration of alcohol licenses that has caused a public nuisance to the City's welfare and safety in that area. This matter was brought to the City Council in an administrative report during the April 20, 2011, Council hearing with request from staff for direction regarding businesses who wish to obtain an ABC license in an overconcentrated census tract. The Council came to a unanimous decision that provided staff with direction to review each conditional use permit for the sale and/or consumption of alcoholic beverages within areas of overconcentration on an individual case-by-case basis and weigh each application on its own merits.

In this instance and with respect to the proposed modification to CUP 2022-25, PD has not raised an objection and does not raise any serious concerns that would merit a denial. The Madera Police Department has stated that they have not received calls or complaints about this or past businesses at this location that would exacerbate any existing or future public nuisances should the use permit be approved. PD did not provide conditions that would limit the hours of operations. Staff, however, have identified conditions prohibiting off-site alcohol sales. Allowance to operate as a bar, club, liquor store, or similar use is strictly prohibited. The previously housed restaurant has proven to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large.

#### Use Permit

City Municipal Code (CMC) Section 10.3.405 requires a use permit for all establishments that wish to serve alcohol. The use permit would authorize the ability to expand the alcohol service within the confinement of the restaurant. The Conditions of Approval for CUP 2022-25 were modified by the Commission at the time of approval to allow alcohol service within the enclosed outdoor patio area. All operational conditions of approval as previously adopted by the Planning Commission through Resolution 1950 remain in effect and do not require modification.

### General Plan Conformance

This conditional use permit and site plan review supports goals and policies established in the General Plan. In allowing this establishment to expand its business to include on-site general alcohol consumption continues to support Vision Madera 2025 and encourages “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (General Plan, p. 1-2). The use permit also supports goals and polices outlined in the General Plan’s Sustainability Element:

- Goal SUS-1 – Establish and maintain a diverse and sustainable local economy.
- Policy SUS-11 – The City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for businesses growth within the City.

### **ENVIRONMENTAL REVIEW:**

A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301/Class I (Existing Facilities) of the State CEQA Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and operational changes are considered to constitute negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

### **PLANNING COMMISSION ACTION:**

The Planning Commission will be acting on CUP 2023-25 MOD. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit Modification 2023-25, based on and subject to the findings and conditions of approval.

### **ALTERNATIVES:**

As an alternative, the Commission may elect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution(s): (Commission to specify date and reasons for continuance).

2. Move to deny one or more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

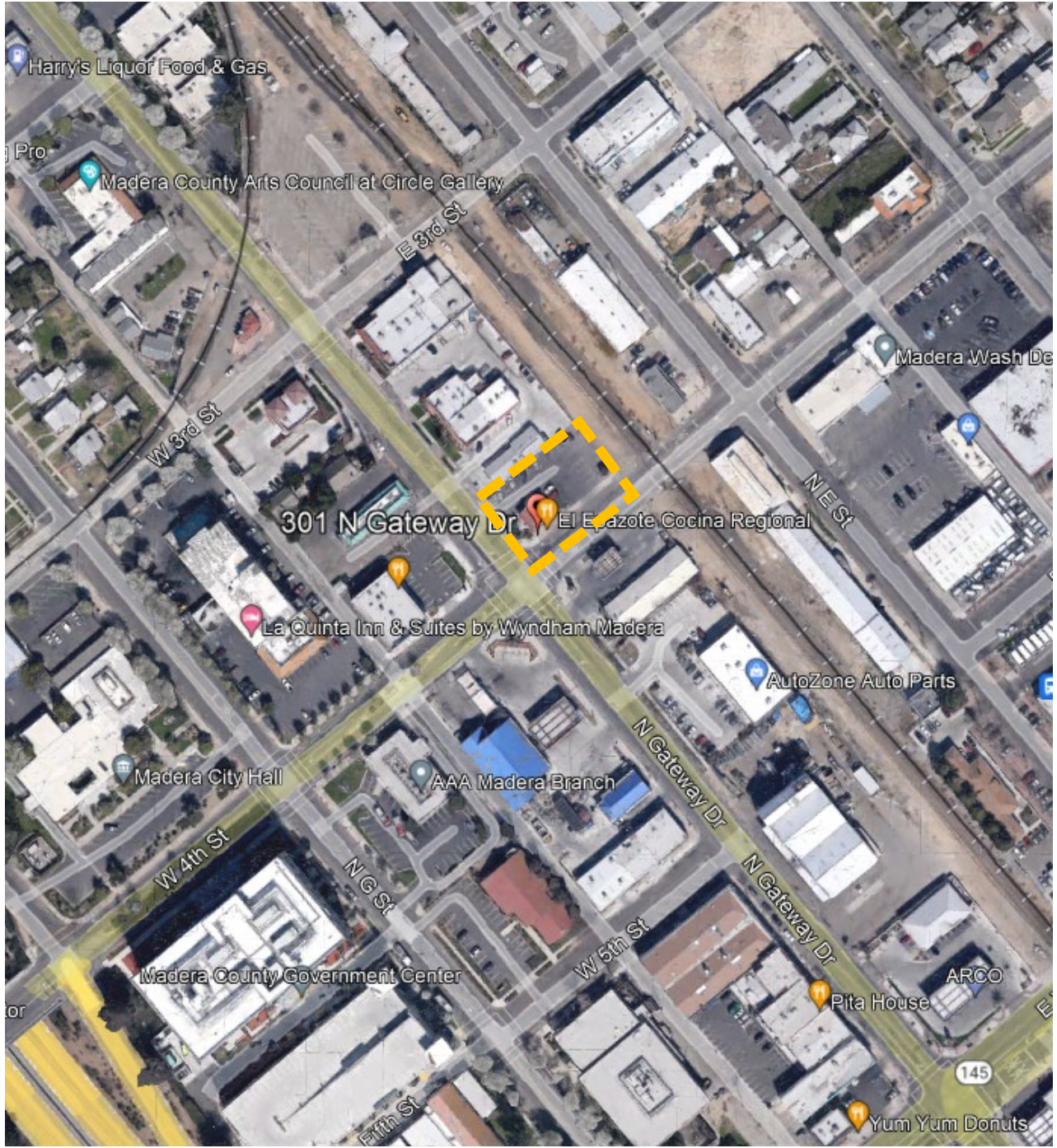
**ATTACHMENTS:**

1. Vicinity Map
2. Site & Floor Plans
3. General Plan Land Use Map
4. Existing Zoning Map
5. Planning Commission Resolution  
    Exhibit "A": Conditions of Approval

# **ATTACHMENT 1**

**Vicinity Map**

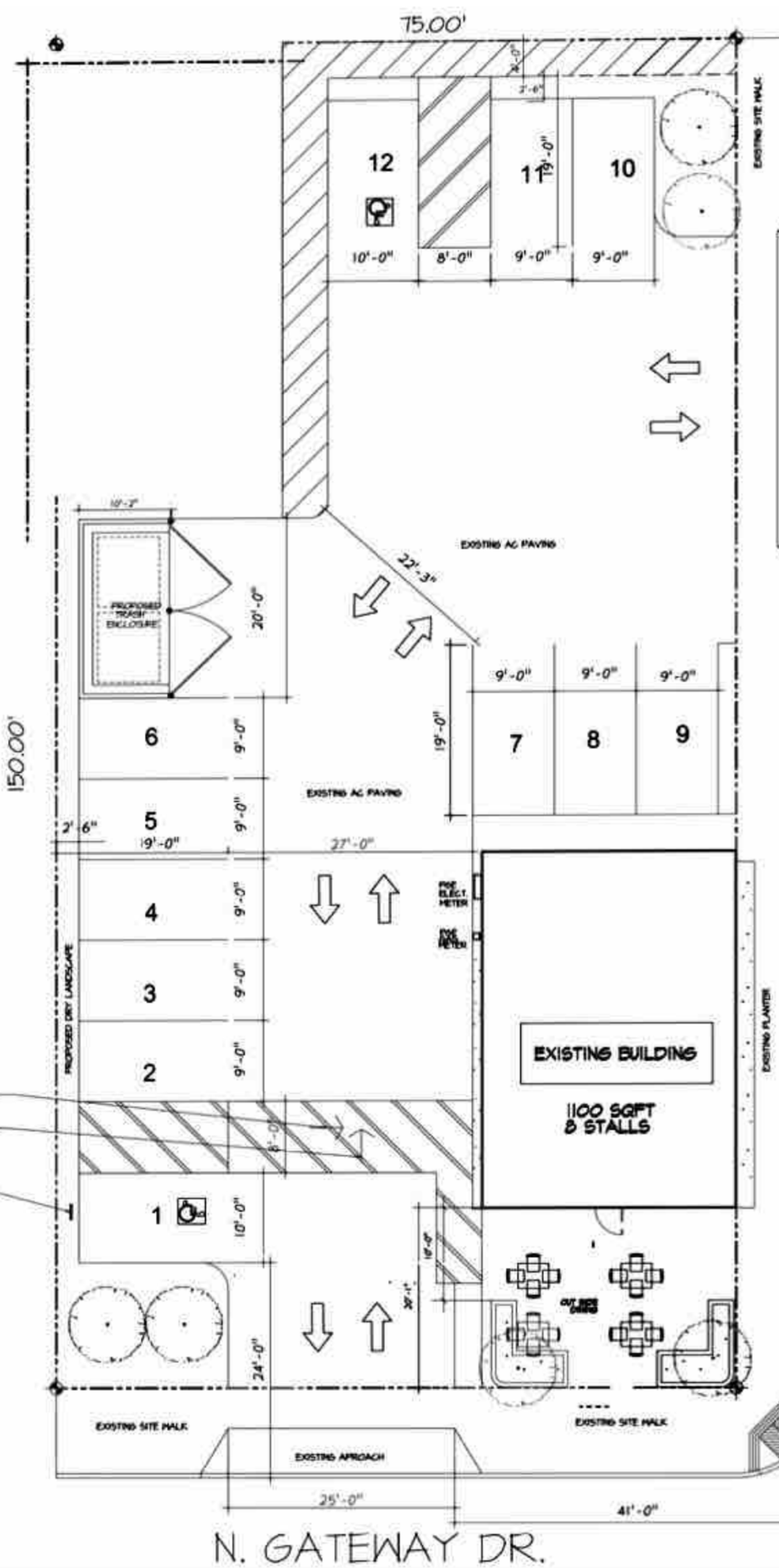




# **ATTACHMENT 2**

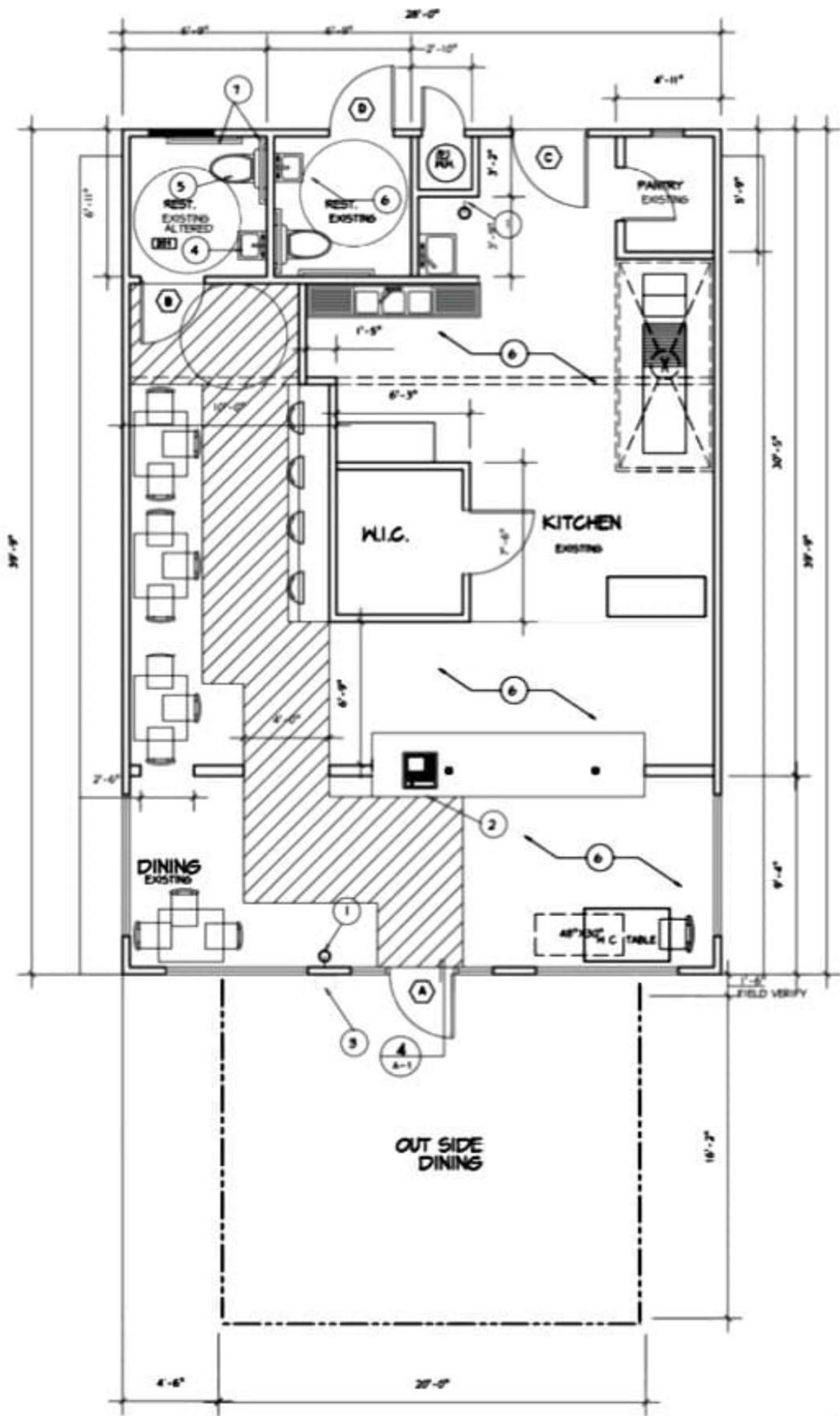
**Site & Floor Plans**





ACCESSIBLE  
PATH  
5 % MAX SLOP  
2 % MAX SLOP CROSS  
H.C. SIGN

N. GATEWAY DR.

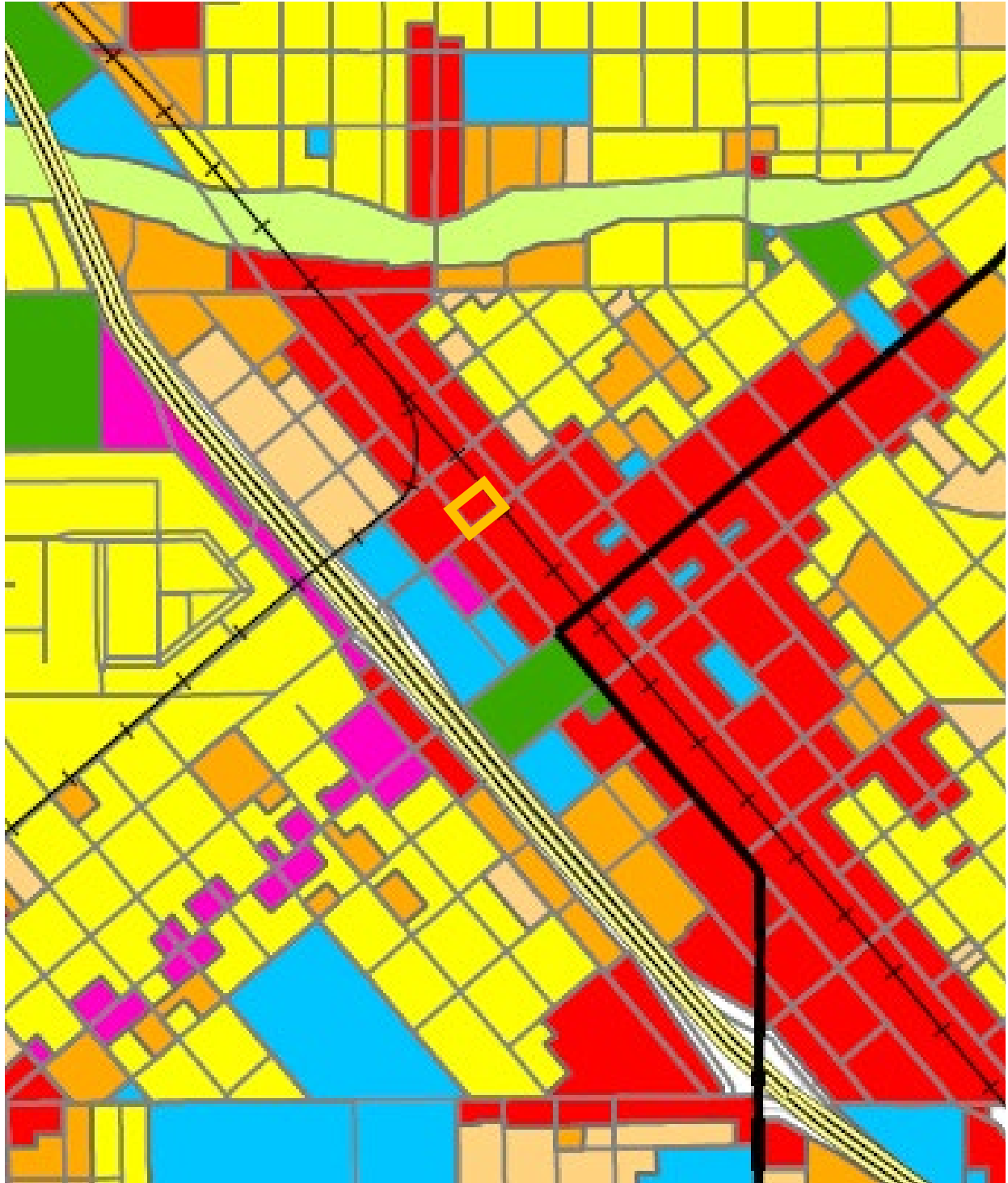


**FLOOR PLAN**  
 1/4" = 1'-0"



# **ATTACHMENT 3**

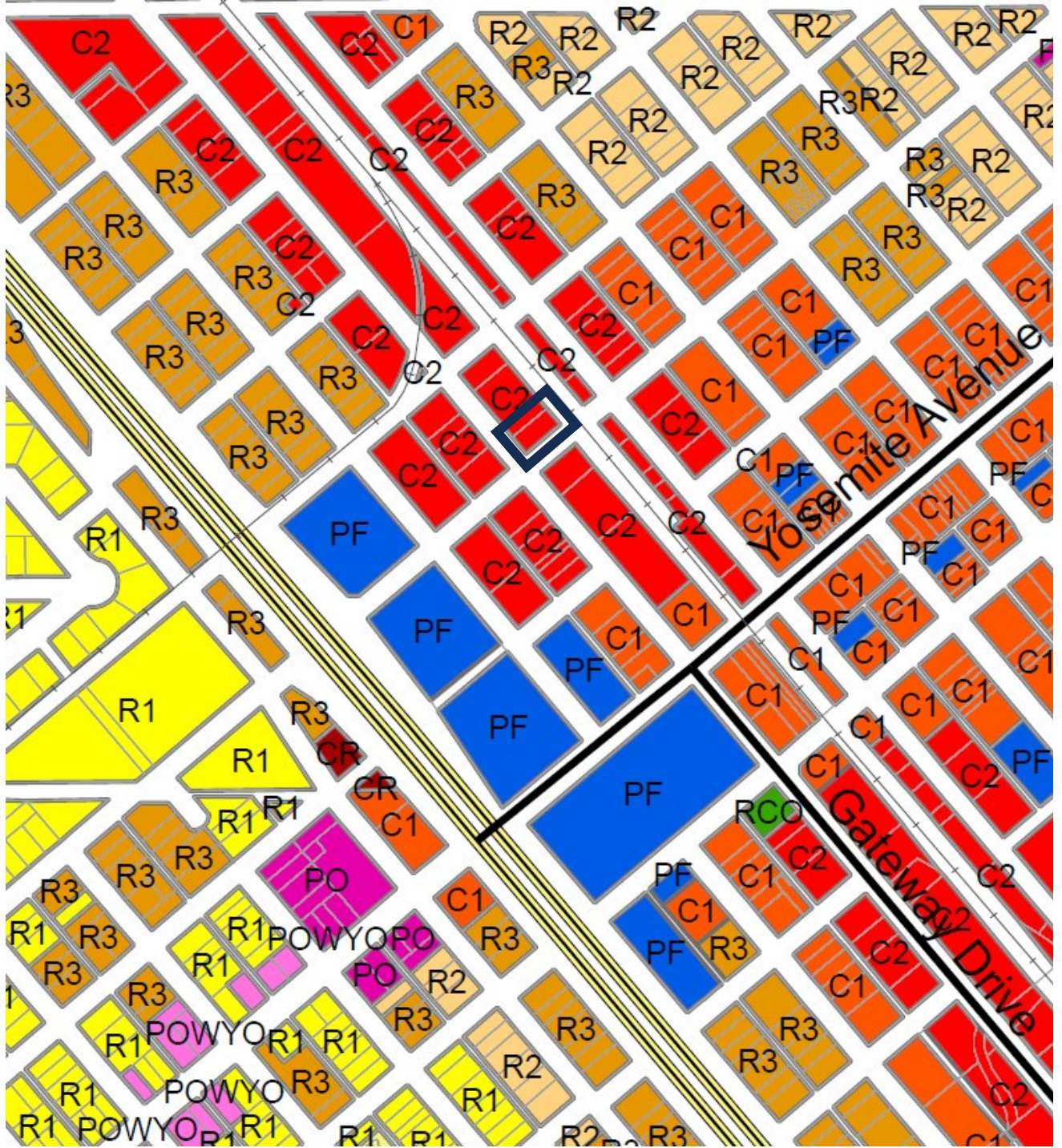
**City of Madera General Plan Land Use Map**



# **ATTACHMENT 4**

**City of Madera Zoning Map**





# **ATTACHMENT 5**

**Planning Commission  
Resolution**

**RESOLUTION NO. 1983**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION  
PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES),  
AND APPROVING CONDITIONAL USE PERMIT (CUP) MODIFICATION  
NO. 2022-25 MOD**

**WHEREAS**, Tomas Gonzalez (“Applicant”), on behalf of Hagop Chorbadian (“Owner”), submitted an application for a modification to Conditional Use Permit (CUP 2022-25 MOD), “the project,” pertaining to ±0.25 acres of property located on the northerly corner of the intersection of East 4<sup>th</sup> Street and North Gateway Drive (APN[s] 007-071-001) at 301 North Gateway Drive, Madera CA. 93637 (“site”); and

**WHEREAS**, the site is designated for Commercial (C) planned land uses on the General Plan Land Use Map and is zoned C2 (Heavy Commercial) by the Zoning Ordinance; and

**WHEREAS**, the site has been developed with an existing commercial building, operating and doing business as El Epazote Cocina Regional, and

**WHEREAS**, on April 11, 2023, the City of Madera Planning Commission (“Commission”) adopted Resolution No. 1950 approving CUP 2022-25 to authorize a California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer & Wine – Eating Place) License issued to bona fide restaurants and authorizing the sale of beer and wine for consumption on or off the premises where sold; and,

**WHEREAS**, CUP 2022-25 MOD was filed to request authorization to upgrade the existing ABC license and obtain a California Department of Alcoholic Beverage Control (ABC) Type 47 (On-Sale General – Eating Place) License issued to bona fide restaurants and authorizing the sale of distilled spirits for consumption on the licensed premises and the sale of beer, wine for consumption on or off the licensed premises; and,

**WHEREAS**, operations proposed in accordance with CUP 2022-25 MOD have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

**WHEREAS**, on March 12, 2024, the City of Madera Planning Commission considered Conditional Use Permit 2022-25 MOD; and

**WHEREAS**, a preliminary environmental assessment was performed and the proposed project was found to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), Public Resources Code Section 21000 et. Seq.; and



**WHEREAS**, under the City’s Municipal Code, the Planning Commission is authorized to review and approve conditional 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 2023-25 MOD at a duly noticed meeting on March 12, 2024; 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 adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2022-25 MOD.

**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 performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301/Class I (Existing Facilities) of the State CEQA Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and operational changes are considered to constitute negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.
3. Findings to Approve CUP 2023-25 MOD: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

*Finding a: The proposal is consistent with the General Plan, operative plans and Zoning Ordinance.*

The General Plan designates the subject site for commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. The existing use of the property and proposed operations requiring a use permit are consistent with the goals, objectives and policies of the General Plan as

well as with all development, performance or operational standards of the City Municipal Code and Zoning Regulations subject to the conditions of approval.

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

The project site is planned and zoned C2 (Heavy Commercial), is within the downtown center and is suited for commercial uses. The proposal is for an existing bona fide eating place/restaurant with an existing Type 41 ABC License and has operated in a manner consistent with applicable conditions of approval and City standards and regulations. The proposed modified use is considered to be negligible or to not be an expansion of use. The site is surrounded by like uses to the north, east, west and south of the property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Approval of CUP 2022-25 MOD: Given that all findings can be made, the Planning Commission hereby approves the use permit modification as conditioned and 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 12<sup>th</sup> day of March 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Will Tackett  
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2022-25 MOD

**EXHIBIT "A"**  
**CUP 2022-25 AND SPR 2022-43 (EL EPAZOTE RESTAURANT)**  
**CONDITIONS OF APPROVAL**  
**April 11, 2023**  
**CUP 2022-25 MOD**  
**March 12, 2024**

**Notice to Applicant**

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

**IMPORTANT: PLEASE READ CAREFULLY**

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

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

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

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

All discretionary conditions of approval for CUP 2022-25 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission, and all discretionary conditions of approval for SPR 2022-43 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the portions of 301 North Gateway Drive that are subject to CUP 2022-25 and SPR 2023-43.

CUP 2022-25 is subject to Conditions of Approval Nos. 1 through 7, and 13 through 20.

SPR 2022-43 is subject to Conditions of Approval Nos. 1 through 6, 8 through 12, and 21 through 37.

## **Conditions of Approval**

### **General**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date approved for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request has been submitted to and approved by the Planning Commission
3. The use permit may be null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request has been submitted to and approved by the Planning Commission.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2022-25 and SPR 2022-43.**
5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, as determined appropriate by the City of Madera Planning Department.

6. Approval of CUP 2022-25 and SPR 2022-43 are for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

7. CUP 2022-25 shall expire 12 months from date of issuance, unless positive action to utilize the CUP or a written request for extension has been submitted to the Planning Commission before the expiration of the CUP (MMC Section 10-3.1311, Termination and Revocation).
8. SPR 2022-28 shall expire one year from date of issuance unless positive action is taken on the project as provided in the Madera Municipal Code (MMC) or required action is taken to extend the approval prior to the expiration date (MMC Section 10-3.4.0114, Lapse of Site Plan Approval).

### **Planning Department**

9. Vandalism and graffiti shall be corrected per the Municipal Code.
10. Business hours shall be limited to between 8:00am and 10:00pm daily.
11. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
12. The project site shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by staff to be in violation of the conditions, the property owner, operator, and/or manager may be subject to corrective action.
13. CUP 2022-25 shall be subject to periodic reviews and inspections by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the uses permitted by CUP 2022-25 is determined by staff to be in violation of the conditions of approval, staff may schedule an item before the Planning Commission so that it may be determine whether to consider setting a hearing regarding revocation of the permit.

14. Alcohol shall only be sold and consumed during official business hours of operation of the restaurant.
15. No sale or consumption of alcohol is allowed on the site/premises outside the restaurant building structure or the outside the boundaries of the outdoor patio dining area.
16. CUP 2022-25 MOD is specifically limited to on-site sale and consumption of beer and wine beverages. No sale of alcoholic beverages for off-site consumption shall be allowed.
17. The sale of beer and wine and/or distilled spirits beverages is conditioned upon obtaining an appropriate permit from the Department of Alcohol Beverage Control.
18. The applicant, operator and any successors shall comply with all applicable codes. If at any time the use is determined by staff to be in violation to seek revocation of the permit or modification of the conditions of approval.
19. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control Type 41 or 47 License shall render CUP 2022-25 and/or CUP 2022-25 MOD revocable. The use must comply with any license requirements for the subject property by Alcohol Beverage Control at all times.
20. The property owner, operator, and/or manager, and/or benefactor of CUP 2022-025 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 permit. Such conditions that constitute such violation include, but are not limited to:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.

### Signage

21. No signs are approved as part of SPR 2022-43. Signs shall be reviewed and approved under a separate permit in accordance with the Madera Municipal Code.
22. No window signs shall be permitted.
23. The property/applicant and/or benefactors of SPR 2022-43 shall post a "No Smoking" signage to the extent required by law.

### **Building/Fire Department**

24. A building permit is required for all construction on site.
25. A Knox key box is required for access by emergency responders if not already existing.
26. Portable fire extinguishers are required per the California Fire Code.
27. Egress paths shall meet California Building Code and California Fire Code.
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 the permit stage and shall be confirmed at final inspection.
29. An accessible path must be provided to both accessible parking and the public right of way in accordance with Chapter 11 of the California Building Code

### **Engineering Department**

#### General

30. Deferrals are not permitted for any condition included herein, unless otherwise stated.
31. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
32. 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.
33. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

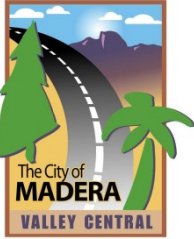
#### Sewer

34. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards. Each parcel shall have a separate sewer service.
35. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.

#### Water

36. New or existing water service connection(s) shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-





## REPORT TO THE PLANNING COMMISSION

**Prepared by:** Adileni Rueda, Assistant Planner

**Meeting of:** March 12, 2024

**Agenda Number:** 4

### **SUBJECT:**

Consideration of an application for a Conditional Use Permit (CUP 2024-01) and Site Plan Review (SPR 2024-01) for Mi Rancho Market located on the southerly corner of the intersection of East 4<sup>th</sup> and North D Streets (130 East 4<sup>th</sup> Street).

### **RECOMMENDATION:**

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) for the project and approving Conditional Use Permit (CUP) 2024-01 and Site Plan Review (SPR) 2024-01, subject to the findings and conditions of approval.

### **SUMMARY:**

The applicant, Yousif Hussein, has filed Conditional Use Permit No. CUP 2024-01 and Site Plan Review No. SPR 2024-01 for Mi Rancho Market located on the southerly corner of the intersection of East 4<sup>th</sup> Street and North D Street at 130 East 4<sup>th</sup> Street (the project site).

The applicant has filed CUP 2024-01 requesting authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License, issued to retail stores and authorizing the sale of beer and wine for consumption off the premises where sold. Any consumption of alcohol on the site is prohibited.

In conjunction with CUP 2024-01, the applicant has filed SPR 2024-01 depicting exterior improvements to the site in accordance with the recommended conditions of approval. The site has been conditioned to provide a new trash enclosure and landscaping improvements.

The site is zoned C1 (Light commercial) and is designated for Commercial land uses by the Madera General Plan.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location and site characteristics.

<b>Table 1: Project Overview</b>	
<i>Project Number:</i>	CUP 2024-01 & SPR 2024-01
<i>Applicant:</i>	Yousif Hussein
<i>Property Owner:</i>	Patqualie Desantis
<i>Location:</i>	130 East 4 <sup>th</sup> Street (APN: 007-076-012)
<i>Project Area:</i>	Approximately 45,023 square feet
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics:</i>	The site is located on the southerly corner of the intersection of East 4 <sup>th</sup> Street and North D Street. The site is has been previously developed with an existing commercial building and associated site improvements.

**BACKGROUND:**

The project site has been developed with an existing commercial building and was previously utilized as a convenience store, the Super 99. The previous business did not have an ABC license to sell alcohol. The new business, Mi Rancho Market, proposes to sell beer and wine for off-site consumption, therefore, needing a use permit to be granted an ABC license.

**ANALYSIS:**

Alcohol Beverage Control (ABC) License Type 20

ABC administers and issues licenses that allow establishments to serve alcohol. An ABC Type 20 (Off-Sale Beer and Wine) License is issued to retail stores and authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises. Alcohol is prohibited from being consumed on the premises.

Public Convenience or Necessity for Issuance of Alcohol Licenses

Historically, the Police Department (PD) has opposed any request for the issuance of an alcohol license in Census Tract 8. Census Tract 8 previously represented the combined area of what is now Census Tracts 8.01 and 8.02. The contention behind the opposition is that the Downtown District has an overconcentration of alcohol licenses that has caused a public nuisance to the City’s welfare and safety in that area. This matter was brought to City Council in an administrative report during the April 20, 2011, Council hearing with request from staff for direction regarding businesses who wish to obtain an ABC license in an overconcentrated census tract. The Council came to a unanimous decision that provided staff with direction to review each conditional use permit for the sale and/or consumption of alcoholic beverages within areas of overconcentration on an individual case by case basis and weigh each application on its own merits.

In the case for CUP 2024-01, the Police Department (PD) has not raised an objection, as proposed, does not raise any serious concerns that would merit a denial. PD did not provide conditions that would limit the hours of operations. However, Staff has provided conditions prohibiting off-site alcohol sales and off-site consumption. Allowance to operate as a bar, club, liquor store, or similar use is strictly prohibited. The grocery store has been conditioned to be able to operate in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large.

#### Conditional Use Permit (CUP) 2024-01

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the sale and consumption of alcohol. CUP 2024-01 would authorize the applicant to obtain an ABC Type 20 License to sell beer and wine for consumption off the premises.

#### Site Plan Review (SPR) 2024-01

Pursuant to Section 10.3.4.0102 of the City Municipal Code (CMC), a site plan review is required for all projects which require a use permit. The project site was previously occupied by the former convenience store, the Super 99 for twenty-five years. SPR 2024-01 depicts the new site improvements that Mi Rancho has been conditioned to provide with the request for a use permit.

A few notable site improvements are the addition of a new solid waste enclosure and street trees along East 4<sup>th</sup> Street and North D Street. The site plan proposes to locate the new solid waste enclosure at the back of the building. However, the proposed location is subject to change as staff have requested the enclosure to be moved to a more functional and serviceable location that will satisfy Mid Valley Disposal and City staff.

#### **ENVIRONMENTAL REVIEW:**

A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) and the project was found to be categorically exempt under Sections 15301/Class 1 (Existing Facilities), 15303/Class 3 (New Construction or Conversion of Small Structures) and 15304/Class 4 (Minor Alterations to Land) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the use; the premises include an existing building on an improved lot served by all required services and utilities; and, new construction and improvements will be limited to the construction of an accessory (appurtenant) structure/enclosure for solid waste storage and collection as well as the installation of new street trees and irrigation along the project street frontages. The proposed project is consistent with applicable general plan designations and policies. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances. The project consists of an existing commercial building within the City limits. The project does not consist of any expansion to the original building and proposes exterior alternations within an area that is not environmentally sensitive.

**PLANNING COMMISSION ACTION:**

The Planning Commission (Commission) will be acting on CUP 2024-01 and SPR 2024-01. Staff recommends that the Commission:

1. Move to adopt a Resolution of the Planning Commission adopting a Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) for the project and approving Conditional Use Permit 2024-01 and Site Plan Review 2024-01, based on and subject to the findings and conditions of approval.

**ALTERNATIVES:**

As an alternative, the Commission may erect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).
2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

**ATTACHMENTS:**

1. Aerial View
2. Site Plan
3. Floor Plan
4. Landscaping Plan
5. Planning Commission Resolution  
Exhibit A: Conditions of Approval

**ATTACHMENT 1**  
**Aerial Map**





**ATTACHMENT 2**  
Site Plan

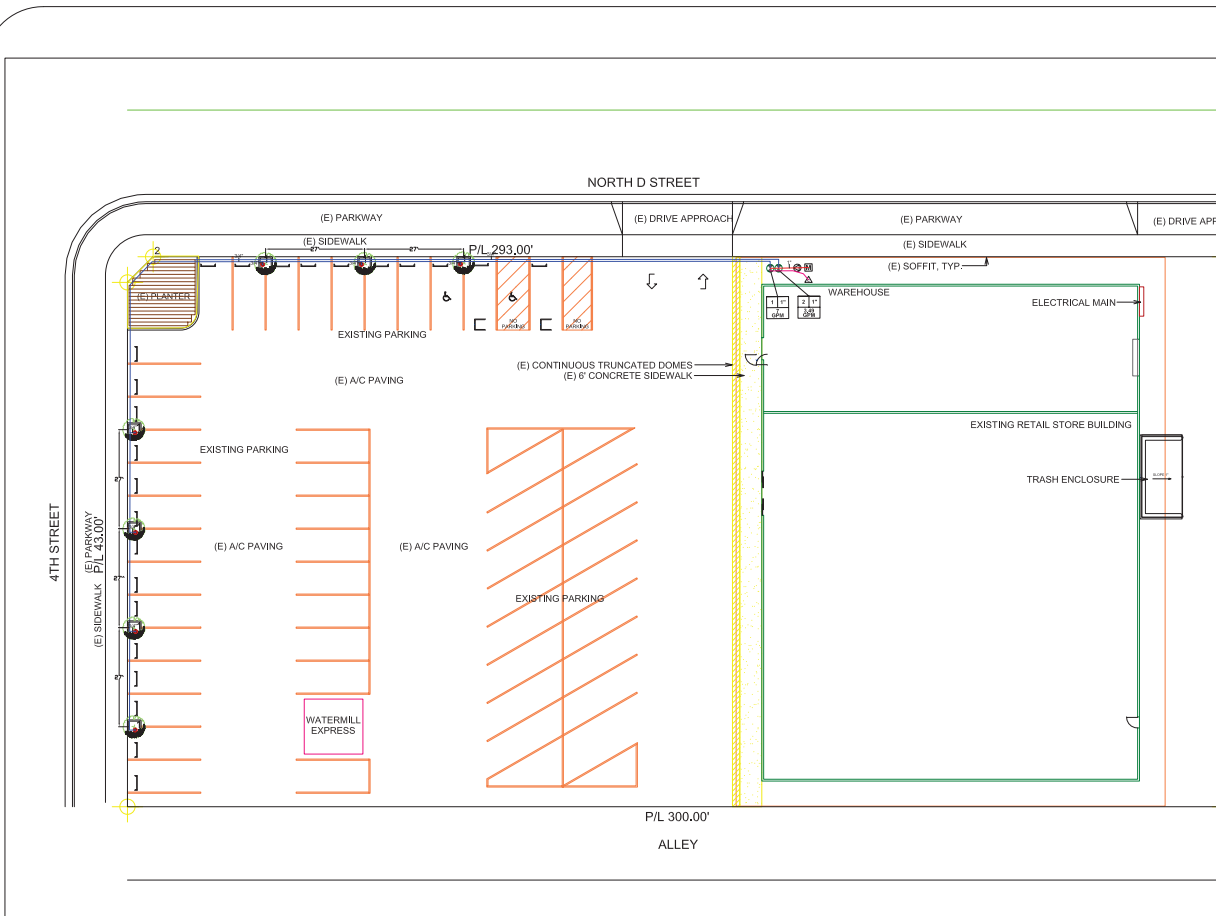




**ATTACHMENT 3**  
Floor Plan

NO.	DESCRIPTION	NO.	FLOOR	NO.	COMMENTS
101	WALKWAY	1122	1A	1A	
102	WALKWAY	1122	1B	1A	
103	WALKWAY	1122	1B	1B	
104	WALKWAY	1122	1B	1C	
105	WALKWAY	1122	1B	1D	
106	WALKWAY	1122	1B	1E	
107	WALKWAY	1122	1B	1F	
108	WALKWAY	1122	1B	1G	
109	WALKWAY	1122	1B	1H	
110	WALKWAY	1122	1B	1I	
111	WALKWAY	1122	1B	1J	
112	WALKWAY	1122	1B	1K	
113	WALKWAY	1122	1B	1L	
114	WALKWAY	1122	1B	1M	
115	WALKWAY	1122	1B	1N	
116	WALKWAY	1122	1B	1O	
117	WALKWAY	1122	1B	1P	
118	WALKWAY	1122	1B	1Q	
119	WALKWAY	1122	1B	1R	
120	WALKWAY	1122	1B	1S	
121	WALKWAY	1122	1B	1T	
122	WALKWAY	1122	1B	1U	
123	WALKWAY	1122	1B	1V	
124	WALKWAY	1122	1B	1W	
125	WALKWAY	1122	1B	1X	
126	WALKWAY	1122	1B	1Y	
127	WALKWAY	1122	1B	1Z	
128	WALKWAY	1122	1B	1AA	
129	WALKWAY	1122	1B	1AB	
130	WALKWAY	1122	1B	1AC	
131	WALKWAY	1122	1B	1AD	
132	WALKWAY	1122	1B	1AE	
133	WALKWAY	1122	1B	1AF	
134	WALKWAY	1122	1B	1AG	
135	WALKWAY	1122	1B	1AH	
136	WALKWAY	1122	1B	1AI	
137	WALKWAY	1122	1B	1AJ	
138	WALKWAY	1122	1B	1AK	
139	WALKWAY	1122	1B	1AL	
140	WALKWAY	1122	1B	1AM	
141	WALKWAY	1122	1B	1AN	
142	WALKWAY	1122	1B	1AO	
143	WALKWAY	1122	1B	1AP	
144	WALKWAY	1122	1B	1AQ	
145	WALKWAY	1122	1B	1AR	
146	WALKWAY	1122	1B	1AS	
147	WALKWAY	1122	1B	1AT	
148	WALKWAY	1122	1B	1AU	
149	WALKWAY	1122	1B	1AV	
150	WALKWAY	1122	1B	1AW	
151	WALKWAY	1122	1B	1AX	
152	WALKWAY	1122	1B	1AY	
153	WALKWAY	1122	1B	1AZ	
154	WALKWAY	1122	1B	1BA	
155	WALKWAY	1122	1B	1BB	
156	WALKWAY	1122	1B	1BC	
157	WALKWAY	1122	1B	1BD	
158	WALKWAY	1122	1B	1BE	
159	WALKWAY	1122	1B	1BF	
160	WALKWAY	1122	1B	1BG	
161	WALKWAY	1122	1B	1BH	
162	WALKWAY	1122	1B	1BI	
163	WALKWAY	1122	1B	1BJ	
164	WALKWAY	1122	1B	1BK	
165	WALKWAY	1122	1B	1BL	
166	WALKWAY	1122	1B	1BM	
167	WALKWAY	1122	1B	1BN	
168	WALKWAY	1122	1B	1BO	
169	WALKWAY	1122	1B	1BP	
170	WALKWAY	1122	1B	1BQ	
171	WALKWAY	1122	1B	1BR	
172	WALKWAY	1122	1B	1BS	
173	WALKWAY	1122	1B	1BT	
174	WALKWAY	1122	1B	1BU	
175	WALKWAY	1122	1B	1BV	
176	WALKWAY	1122	1B	1BW	
177	WALKWAY	1122	1B	1BX	
178	WALKWAY	1122	1B	1BY	
179	WALKWAY	1122	1B	1BZ	
180	WALKWAY	1122	1B	1CA	
181	WALKWAY	1122	1B	1CB	
182	WALKWAY	1122	1B	1CC	
183	WALKWAY	1122	1B	1CD	
184	WALKWAY	1122	1B	1CE	
185	WALKWAY	1122	1B	1CF	
186	WALKWAY	1122	1B	1CG	
187	WALKWAY	1122	1B	1CH	
188	WALKWAY	1122	1B	1CI	
189	WALKWAY	1122	1B	1CJ	
190	WALKWAY	1122	1B	1CK	
191	WALKWAY	1122	1B	1CL	
192	WALKWAY	1122	1B	1CM	
193	WALKWAY	1122	1B	1CN	
194	WALKWAY	1122	1B	1CO	
195	WALKWAY	1122	1B	1CP	
196	WALKWAY	1122	1B	1CQ	
197	WALKWAY	1122	1B	1CR	
198	WALKWAY	1122	1B	1CS	
199	WALKWAY	1122	1B	1CT	
200	WALKWAY	1122	1B	1CU	
201	WALKWAY	1122	1B	1CV	
202	WALKWAY	1122	1B	1CW	
203	WALKWAY	1122	1B	1CX	
204	WALKWAY	1122	1B	1CY	
205	WALKWAY	1122	1B	1CZ	
206	WALKWAY	1122	1B	1DA	
207	WALKWAY	1122	1B	1DB	
208	WALKWAY	1122	1B	1DC	
209	WALKWAY	1122	1B	1DD	
210	WALKWAY	1122	1B	1DE	
211	WALKWAY	1122	1B	1DF	
212	WALKWAY	1122	1B	1DG	
213	WALKWAY	1122	1B	1DH	
214	WALKWAY	1122	1B	1DI	
215	WALKWAY	1122	1B	1DJ	
216	WALKWAY	1122	1B	1DK	
217	WALKWAY	1122	1B	1DL	
218	WALKWAY	1122	1B	1DM	
219	WALKWAY	1122	1B	1DN	
220	WALKWAY	1122	1B	1DO	
221	WALKWAY	1122	1B	1DP	
222	WALKWAY	1122	1B	1DQ	
223	WALKWAY	1122	1B	1DR	
224	WALKWAY	1122	1B	1DS	
225	WALKWAY	1122	1B	1DT	
226	WALKWAY	1122	1B	1DU	
227	WALKWAY	1122	1B	1DV	
228	WALKWAY	1122	1B	1DW	
229	WALKWAY	1122	1B	1DX	
230	WALKWAY	1122	1B	1DY	
231	WALKWAY	1122	1B	1DZ	
232	WALKWAY	1122	1B	1EA	
233	WALKWAY	1122	1B	1EB	
234	WALKWAY	1122	1B	1EC	
235	WALKWAY	1122	1B	1ED	
236	WALKWAY	1122	1B	1EE	
237	WALKWAY	1122	1B	1EF	
238	WALKWAY	1122	1B	1EG	
239	WALKWAY	1122	1B	1EH	
240	WALKWAY	1122	1B	1EI	
241	WALKWAY	1122	1B	1EJ	
242	WALKWAY	1122	1B	1EK	
243	WALKWAY	1122	1B	1EL	
244	WALKWAY	1122	1B	1EM	
245	WALKWAY	1122	1B	1EN	
246	WALKWAY	1122	1B	1EO	
247	WALKWAY	1122	1B	1EP	
248	WALKWAY	1122	1B	1EQ	
249	WALKWAY	1122	1B	1ER	
250	WALKWAY	1122	1B	1ES	
251	WALKWAY	1122	1B	1ET	
252	WALKWAY	1122	1B	1EU	
253	WALKWAY	1122	1B	1EV	
254	WALKWAY	1122	1B	1EW	
255	WALKWAY	1122	1B	1EX	
256	WALKWAY	1122	1B	1EY	
257	WALKWAY	1122	1B	1EZ	
258	WALKWAY	1122	1B	1FA	
259	WALKWAY	1122	1B	1FB	
260	WALKWAY	1122	1B	1FC	
261	WALKWAY	1122	1B	1FD	
262	WALKWAY	1122	1B	1FE	
263	WALKWAY	1122	1B	1FF	
264	WALKWAY	1122	1B	1FG	
265	WALKWAY	1122	1B	1FH	
266	WALKWAY	1122	1B	1FI	
267	WALKWAY	1122	1B	1FJ	
268	WALKWAY	1122	1B	1FK	
269	WALKWAY	1122	1B	1FL	
270	WALKWAY	1122	1B	1FM	
271	WALKWAY	1122	1B	1FN	
272	WALKWAY	1122	1B	1FO	
273	WALKWAY	1122	1B	1FP	
274	WALKWAY	1122	1B	1FQ	
275	WALKWAY	1122	1B	1FR	
276	WALKWAY	1122	1B	1FS	
277	WALKWAY	1122	1B	1FT	
278	WALKWAY	1122	1B	1FU	
279	WALKWAY	1122	1B	1FV	
280	WALKWAY	1122	1B	1FW	
281	WALKWAY	1122	1B	1FX	
282	WALKWAY	1122	1B	1FY	
283	WALKWAY	1122	1B	1FZ	
284	WALKWAY	1122	1B	1GA	
285	WALKWAY	1122	1B	1GB	
286	WALKWAY	1122	1B	1GC	
287	WALKWAY	1122	1B	1GD	
288	WALKWAY	1122	1B	1GE	
289	WALKWAY	1122	1B	1GF	
290	WALKWAY	1122	1B	1GG	
291	WALKWAY	1122	1B	1GH	
292	WALKWAY	1122	1B	1GI	
293	WALKWAY	1122	1B	1GJ	
294	WALKWAY	1122	1B	1GK	
295	WALKWAY	1122	1B	1GL	
296	WALKWAY	1122	1B	1GM	
297	WALKWAY	1122	1B	1GN	
298	WALKWAY	1122	1B	1GO	
299	WALKWAY	1122	1B	1GP	
300	WALKWAY	1122	1B	1GQ	
301	WALKWAY	1122	1B	1GR	
302	WALKWAY	1122	1B	1GS	
303	WALKWAY	1122	1B	1GT	
304	WALKWAY	1122	1B	1GU	
305	WALKWAY	1122	1B	1GV	
306	WALKWAY	1122	1B	1GW	
307	WALKWAY	1122	1B	1GX	
308	WALKWAY	1122	1B	1GY	
309	WALKWAY	1122	1B	1GZ	
310	WALKWAY	1122	1B	1HA	
311	WALKWAY	1122	1B	1HB	
312	WALKWAY	1122	1B	1HC	
313	WALKWAY	1122	1B	1HD	
314	WALKWAY	1122	1B	1HE	

**ATTACHMENT 4**  
**Landscaping Plan**



**Irrigation**

Quantity	Symbol	Description	Part Number	Pressure	Flow	Radius
<b>Sprinklers</b>						
7	⦿	Hunter PCN-10	PCN-10	30 psi	1 gpm	0 ft
<b>Meters/Pumps</b>						
1	⊕	1 inch meter				
<b>Backflow Assemblies</b>						
1	⊕	Wilkins 35 - 1"	35 - 1"			
<b>Control Valves</b>						
2	⊕	Hunter PGV-101G	PGV-101G			
<b>Irrigation Accessories</b>						
1	⊕	Hunter XC-400	XC-400			
<b>Lateral Line Pipe</b>						
470 ft	—	Class 200 3/4"	0			
<b>Mainline Pipe</b>						
111 ft	—	Class 200 1"	0			
<b>Drip Tubing</b>						
349 ft	—	Hunter PDL-06-12	PDL-06-12			
<b>Wire</b>						
12 ft	—	18-3 Multi-Strand	0			

**Water Source #1**

Meter Size	1 inch meter
Static Pressure	60 psi
Elevation	0 ft
<b>Service Line Information</b>	
Pipe Category	Type K Copper
Pipe Size	Type K Copper 3/4"
Length	0 ft
Velocity	5 fps
<b>Recommendations</b>	
Maximum Recommended Flow	31 gpm
Available Working Pressure	48.7 psi

**IRRIGATION NOTES**

- Check and verify all site conditions, utilities, and services before trenching.
- Where trees, light standards, etc. obstruct irrigation lines, adjust and/or relocate piping and drip lines as necessary to obtain full coverage.
- Do not exceed the irrigation heads or drip line spacing specified on Irrigation Legend.
- If it becomes necessary to relocate or alter drip lines, valves, heads, piping, or other equipment due to changes in site conditions, the contractor shall obtain approval from the Owner before starting such changes.
- Plans are diagrammatic and approximate. Install all valves and piping in planting areas except where it is not feasible.
- Install all piping (PVC, electrical sleeves, etc.) under paving before paving work. No tees, elbows, or other turns in piping are to be located under paving except where shown on drawings. Cap all ends hand tight before backfill.
- Connect each remote control valve to the automatic controller with the No. 14 pilot wire and No. 14 common wire, type U.F., copper, U.L. approved, solid strand.
- Install drip line in shallow trenches with approximately 3"-4" soil cover, plus an additional 3" mulch depth as specified by the planting plan.
- Contractor to coordinate irrigation work with plant layout to avoid conflicts between piping and plant pipes.
- All materials shall be installed as detailed on the drawings. However, if plans and/or specifications do not thoroughly describe the methods to be used, the contractor is to follow the installation methods issued by the manufacturer, with the approval of the Designer and Owner.
- New main line and lateral line piping to be PVC 200, Schedule 40 solvent weld plastic pipe (3/4" through 1 in size).
- Install all electrical components if electrical piping are connected together. PVC plastic pipe to be continuously marked with the manufacturer's name, pipe size (I.P.S.), class or schedule number, manufacturer's lot number, and N.S.F. approval.
- Design is based on minimum operating pressure and maximum flow demand shown on the plan.
- The contractor shall verify water pressure and report any difference to the Owner prior to construction.
- The contractor shall install a drip zone remote control valve (RTV) for each valve, including a pressure regulator and filter (y-strainer) as called out on the Irrigation Legend, and shall test to make sure all components are operating properly.
- Contractor shall install a flush cap at the end of each drip line zone, to allow flushing of lines for debris removal. Flush valve caps shall be firmly closed to prevent leaks or blow-outs when the system is pressurized.
- The contractor shall properly install the ET-based controller as called out and detailed on the plans, and per manufacturer's specifications. Installation shall include accurate programming of all information as necessary to fully utilize ET-based features for water conservation.
- The completed irrigation system shall be tested in the presence of the Landscape Architect and/or Owner's representative. Testing shall consist of checking all piping and drip lines for leaks or malfunction, coverage of landscape areas, proper operation of remote control valves, and scheduling and weather-based functions of the controller.
- A final report for the testing and adjusting of irrigation system shall be completed prior to final approval.
- This report shall be signed by the individual responsible for performing these services.
- Contractor shall provide a minimum one-year guarantee on the entire irrigation system, including proper function, repair of leaks, and replacement of any broken or defective equipment, in addition to any manufacturer's warranties, unless vandalism or damage by other contractors can be shown.
- An "Operation and Systems Manual" shall be provided to the Owner or representative at final inspection. Including warranties and operating instructions for all equipment used on the project.
- In addition, a laminated controller chart clearly illustrating each valve area shall be placed by the Contractor in the controller cabinet.

**General Notes**

PREPARED FOR :  
**MI RANCHO MARKET**  
 130 E 4TH ST  
 MADERA, CA 93638

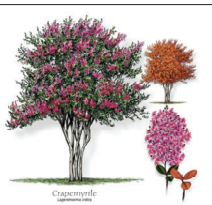
No.	Revision/Issue	Date

Firm Name and Address

**IRRIGATION DESIGN  
 TECHNICAL PLAN**



Project	IRRIGATION DESIGN	Sheet	01
Date	1.28.2024	Format	D
Scale	1/16" = 1'-0"		



**Landscape**

Quantity	Symbol	Description	Part Number
<b>Trees</b>			
7	⦿	lagerstroemia indica	5 gallon

**ATTACHMENT 5**  
**Resolution**

**RESOLUTION NO. 1984**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA  
ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION  
PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES),  
AND APPROVING CONDITIONAL USE PERMIT (CUP) NO. 2024-01 AND  
SITE PLAN REVIEW (SPR) NO. 2024-01**

**WHEREAS**, Yousif Hussein (“Applicant”), on behalf of Pasqualie De Santis (“Owner”), submitted an application for a Conditional Use Permit (CUP 2024-01) and Site Plan Review (SPR 2024-01), collectively “the project,” pertaining to ±1.03 acres of property located on the southerly corner of the intersection of East 4<sup>th</sup> and North D Streets (APN[s] 007-076-012) at 130 East 4<sup>th</sup> Street, Madera CA. 93637 (“site”); and

**WHEREAS**, the site is designated for Commercial (C) planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial) by the Zoning Ordinance; and

**WHEREAS**, the site has been developed with an existing ±14,472 square-foot commercial building, operating and doing business as Mi Rancho Market; and

**WHEREAS**, CUP 2024-01 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License issued to retail stores and authorizing the sale of beer and wine for consumption off the premises where sold; and,

**WHEREAS**, operations proposed in accordance with CUP 2024-01 and SPR 2024-01 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

**WHEREAS**, on March 12, 2024, the City of Madera Planning Commission considered Conditional Use Permit 2024-01 and Site Plan Review No. 2024-01; and

**WHEREAS**, a preliminary environmental assessment was performed and the proposed project was found to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) Public Resources Code Section 21000 et. Seq.; and

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

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

**WHEREAS**, the Planning Commission received and reviewed CUP 2024-01 and SPR 2024-01 at a duly noticed meeting on March 12, 2024; 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 adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-01 and SPR 2024-01.

**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 performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures) and 15304 (Minor Alterations to Land) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the use; the premises include an existing building on an improved lot served by all required services and utilities; new construction and improvements will be limited to the construction of an accessory (appurtenant) structure/enclosure for solid waste storage and collection as well as the installation of new street trees and irrigation along the project street frontages. The proposed project is consistent with applicable general plan designations and policies. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.
3. Findings to Approve CUP 2024-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

The General Plan designates the subject site for commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. The existing use of the property and proposed operations requiring a use permit are consistent with the goals, objectives and policies of the General Plan as well as with all development, performance or operational standards of the City Municipal Code and Zoning Regulations subject to the conditions of approval.

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

The project site is planned and zoned for commercial uses. The site is developed with an existing building previously used for commercial and general retail use. The Type 20 ABC license authorizes the sale of alcohol for consumption off the premises. All surrounding properties are zoned for

Light and Heavy Commercial uses. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

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

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Findings to Approve SPR 2024-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

*Finding a: The proposal is consistent with the General Plan, operative plans and Zoning Ordinance.*

In allowing this establishment to expand their business to include alcohol sales, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

*Finding b: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.*

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a C1 – Light Commercial zone district. The project has been conditioned to for consistency with City standards. Review of the site determined that the



project would not result in a significant generation of noise, light, and traffic.

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

The Site Plan Review will not have a significant impact on traffic or the environment. The project site is an existing building located within proximity to other commercial uses.

5. Approval of CUP 2024-01 and SPR 2024-01: Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review as conditioned and 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 12<sup>th</sup> day of March 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

---

Robert Gran Jr.  
Planning Commission Chairperson

Attest:

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Will Tackett  
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2024-01 and SPR 2024-01

**Exhibit "A"**  
**CUP 2024-01 and SPR 2024-01**  
**Mi Rancho Market**  
**Conditions of Approval**  
**March 12, 2024**

**NOTICE TO APPLICANT**

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

**IMPORTANT: PLEASE READ CAREFULLY**

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

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

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

and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made. All discretionary conditions of approval for CUP 2024-01 and SPR 2024-01 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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

## **CONDITIONS OF APPROVAL**

### General

1. CUP 2024-01 and Site Plan Review 2024-01 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Madera Municipal Code or required action is taken to extend the approval before expiration date.
2. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite or issuance of a business license, or as otherwise noted.
3. Vandalism and graffiti shall be corrected per the Madera Municipal Code (MMC).
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2024-01 and SPR 2024-01.**
5. 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.
6. Approval of CUP 2024-01 and SPR 2024-01 is for the benefit of the applicant. The submittal of site plan review application by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera

and its agents, officers, consultants, independent contractors, and employees (“City”) from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively “claim”).

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City’s attorneys’ fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record.

Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

## **Planning Department**

### Alcohol Beverage Control License (ABC)

7. CUP 2024-01 is for the sale of beer and wine to be consumed off-site based on the ABC Type 20 License.
8. No consumption of alcohol is allowed on the premises (neither within the structure nor anywhere outdoors on the site).
9. The use is conditioned upon obtaining an appropriate permit from the Department of Alcohol Beverage Control. The applicant, operator and any successors shall comply with all applicable codes. If at any time the use is determined by staff to be in violation to seek revocation of the permit or modification of the conditions of approval.
10. In the event the property owner and/ or applicant chooses to modify the ABC License type, the applicant shall amend CUP 2024-01 and shall require reapproval of the Planning Commission.
11. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control License Type 20 shall render this conditional use permit revocable. The use must always comply with any license requirements for the subject property by Alcohol Beverage Control.

### Alcoholic Beverage Sales. As an ongoing measure:

12. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
13. 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.
14. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
15. The sale of wine coolers shall occur in no less than packs of four (4).
16. The sale of wine shall not be sold in containers less than 750 ml.
17. No malt liquor or fortified wine products shall be sold.
18. No display of alcohol shall be made from an ice tub, barrel or similar container.
19. No sale or distribution of alcoholic beverages shall be made before 8:00 a.m. or after 10:00 p.m. on any day of the week or at any time from a drive-up or walk-up window.

Merchandise & Advertising. As an ongoing measure:

20. Outdoor display of merchandise for sale is prohibited, any temporary outdoor display of merchandise for sale, including vending machines, shall not occur without the approval of a Zoning Administrator Permit.
21. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
22. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
23. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco related products shall be utilized in any way.
24. No adult magazines or videos shall be sold.

Landscaping

25. Landscaping and irrigation plans shall be submitted along with building plans for plan check review. The landscaping plans will need to be drawn and stamped by a California Landscaping Architect.
26. The property owner shall maintain all landscaping on the parcel 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.
27. The project site shall provide street trees along the frontage facing East 4<sup>th</sup> Street and North D Street. This requirement shall be reviewed under the terms of the City's

Commercial Design and Development Requirements as well as City Standards. The chosen street tree shall abide by the tree size and spacing as stated under the Recommended Tree List.

28. Site Plan Review shows an existing planter at the corner of East 4<sup>th</sup> Street and North D Street. The site shall be required to provide new shrubbery landscaping within the existing planter.

#### Trash Enclosure

29. Mid Valley Disposal has deemed market use as a contributor to large amounts of solid waste. The site shall be required to provide a trash enclosure in accordance with City Standard E-07 but at a size that appropriately fits three bins for solid waste, organic waste, and recyclables.
30. The site plan currently shows the trash enclosure positioned at the back of the commercial building. The trash enclosure shall be moved to a location deemed appropriate, accessible and serviceable by the Community Development Director and Mid Valley Disposal.

END OF CONDITIONS