

SPECIAL MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, April 30, 2024
6:00 p.m.**

**Council Chambers
City Hall**

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: 88316659645# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/88316659645>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

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. CUP 2024-02 & SPR 2024-04 – El Tibu Taqueria ABC

Subject: Consideration of an application for a Conditional Use Permit (CUP 2024-02), Site Plan Review (SPR 2024-04) to allow the established business El Tibu Taqueria at 110 N. D St. Ste. 100, to sell beer and wine for consumption on or off the premises where sold.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera determining the project is Categorical Exempt pursuant to Sections 15301 (Existing Facilities), of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2024-02 and Site Plan Review 2024-04 subject to the findings and conditions of approval.

2. CUP 2024-03 & SPR 2024-05 – Social Vocational Services

Subject: Consideration of an application for a Conditional Use Permit (CUP 2024-03) and Site Plan Review (SPR 2024-05) to authorize an Adult Daycare to be located at 2185 W. Cleveland Avenue, Ste. J.

Recommendation:

Conduct the public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission adopting Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and Section 15332 (In-Fill Development Projects) for the project and approving Conditional Use Permit 2024-03 and Site Plan Review 2024-05 based on and subject to the findings and conditions of approval.

3. CUP 2022-24 & SPR 2022-39 – Cypress Street Multifamily

Subject: Consideration of an application for a Conditional Use Permit (CUP 2022-24) and Site Plan Review (SPR 2022-39) to allow the construction of three units on a 0.23 acre lot located at 221 Cypress Street.

Recommendation:

Conduct the public hearing and adopt:

- b. A Resolution of the City of Madera Planning Commission adopting Finding of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for the project and approving Conditional Use Permit 2022-24 and Site Plan Review 2022-39 based on and subject to the findings and conditions of approval.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

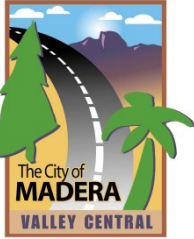
- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing planninginfo@madera.gov. 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 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.



REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Assistant Planner

Meeting of: April 30, 2024

Agenda Number: 1

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2024-02) and Site Plan Review (SPR 2024-04) for El Tibu Taqueria located on the northwesterly corner of the intersection of North D Street and East Cleveland (1100 N D 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 Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit (CUP) 2024-02 and Site Plan Review (SPR) 2024-04, subject to the findings and conditions of approval.

SUMMARY:

The applicant has filed applications for a Conditional Use Permit (CUP 2024-02) and Site Plan Review (SPR 2024-08) for the existing El Tibu Taqueria restaurant business located at 1100 North D Street, suite 100 (APN: 003-113-014) (project site).

The applicant has filed CUP 2024-02 requesting authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer and Wine) License, issued to restaurants and authorizing the sale of beer and wine for consumption on the premises only. .

The subject site is located within an existing commercial shopping center that is currently made up of a few restaurants, grocery stores, and retail services. The site is a total of approximately 67,084 square feet in area and has three commercial buildings and parking spaces within four C1 (Light Commercial) zoned parcels. El Tibu Taqueria is currently utilizing approximately 2,900 square feet of tenant leasing space.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-02 & SPR 2024-04
<i>Applicant:</i>	Tiburcio Cruz
<i>Property Owner:</i>	Saed Investments
<i>Location:</i>	1100 North D Street, suite 100 (APN: 003-113-014)
<i>Project Area:</i>	Approximately 2,900 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 northwesterly corner of the intersection of North D Street and East Cleveland (1100 N D Street).

ANALYSIS:

Background

The project site has undergone several entitlements such as conditional use permits, and site plans review applications to permit expansion of building space and allowance of commercial uses (outdoor cooking). The project site has no history of a former Alcohol Beverage Control License being permitted.

Alcohol Beverage Control (ABC) License Type 41

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant has applied for an ABC Type 41 License. Under the ABC Type 41 License, restaurants are authorized to sell beer and wine for consumption only on the premises where sold. Distilled spirits may not be on the premises (except solely for cooking purposes), and the business must operate and maintain the licensed premises as a bona fide eating place with substantial sales of meals for consumption on the premises. Minors are allowed on the premises by an ABC Type 41 License.

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.

The project site is within Census Tract 6.04. The Census Tract is allowed four (4) on-sale licenses and currently has one existing on-sale license at the supermarket La Esperanza located at 1104 North Lake Street. Currently, the Census Tract does not have an overconcentration of on-sale ABC licenses.

The site is surrounded by existing single family residential development along with a few commercial uses such as a service station and liquor store (Type 21) located at the southeast corner of the intersection of North D Street and East Cleveland. The closest school to the project site is George Washington Elementary School and is approximately 0.5 miles from El Tibu Taqueria.

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 2024-02 would authorize the applicant to obtain an ABC Type 41 License to sell beer and wine for consumption only to be consumed on the premises. No sales for consumption off the premises are allowed.

ENVIRONMENTAL REVIEW:

A preliminary environmental assessment was prepared 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 (Existing Facilities) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the existing restaurant use; the premises include an existing building on an improved lot served by all required services and utilities. 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.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2024-02 and SPR 2024-04. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning 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) 2024-02 and Site Plan Review (SPR) 2024-04, subject to the findings and conditions of approval.

ALTERNATIVES:

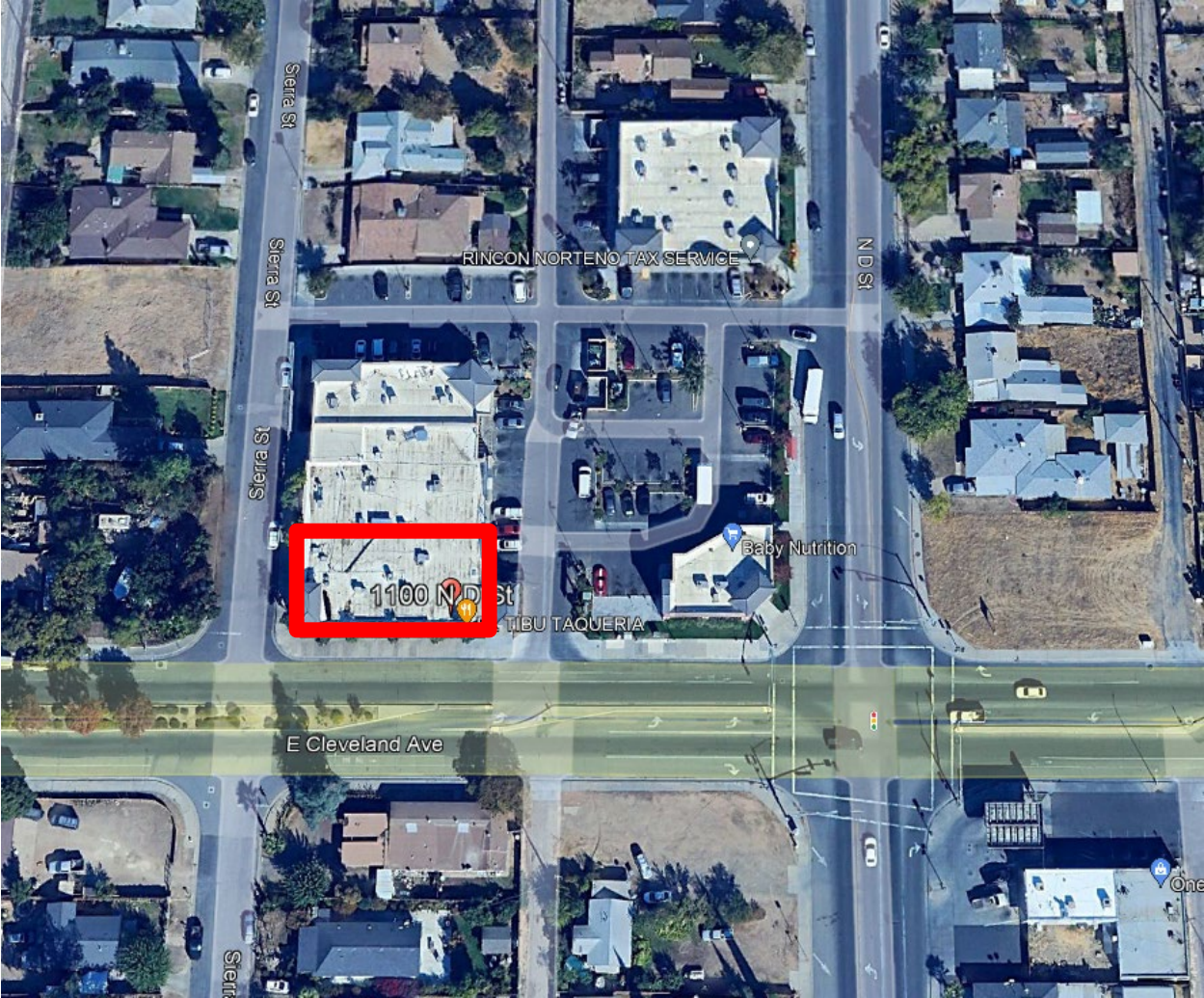
As an alternative, the Commission may elect to:

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 (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. Floor Plan
3. Planning Commission Resolution
Exhibit A: Conditions of Approval

ATTACHMENT 1
Aerial View



ATTACHMENT 2
Floor Plan

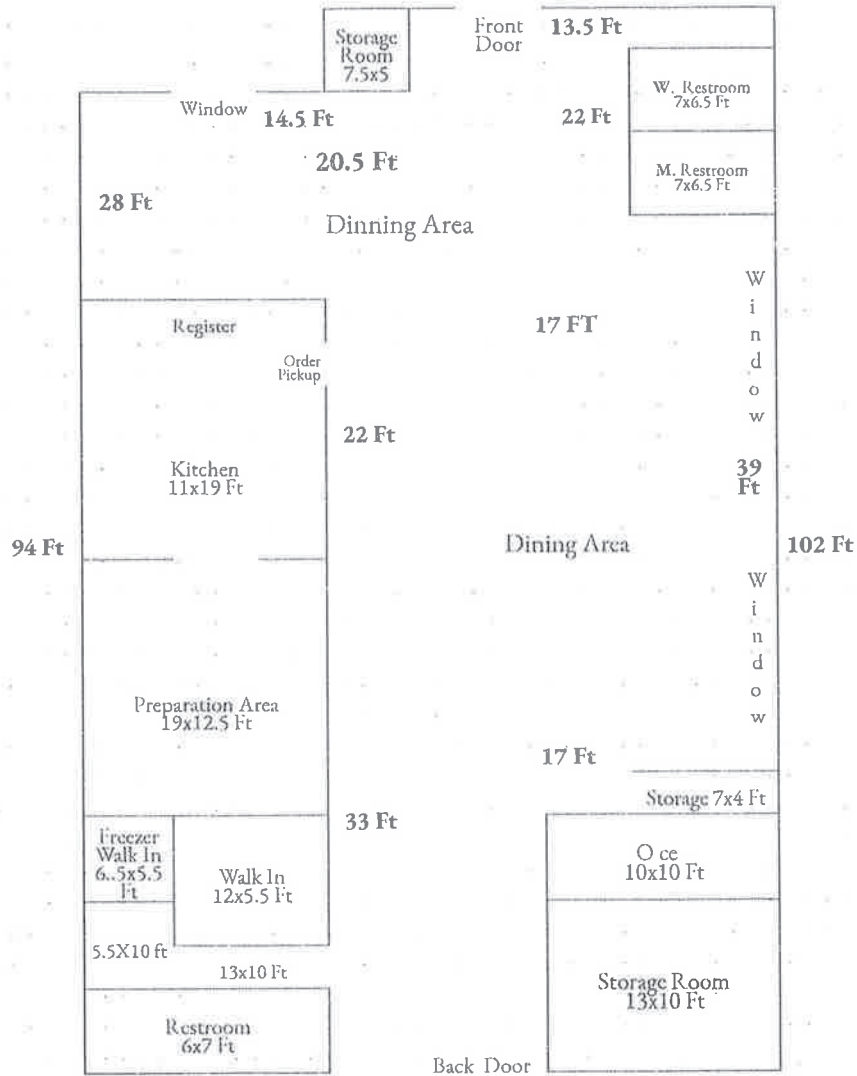
EL TIBU TAQUERIA

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1100 NORTH D STREET, MADERA, CA 93638

CLEVELAND

DIAGRAM



ATTACHMENT 3
Resolution

RESOLUTION NO. 1987

**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. 2024-02 AND
SITE PLAN REVIEW (SPR) NO. 2024-04**

WHEREAS, Tiburcio Cruz (“Applicant”), on behalf of Saed Investments (“Owner”), submitted an application for a Conditional Use Permit (CUP 2024-02) and Site Plan Review (SPR 2024-04) for the property located on the northwest corner of the intersection of North D Street and East Cleveland Avenue (APN: 003-113-015) at 1100 North D Street, Suite 100, Madera CA. 93637 (“site”); and

WHEREAS, CUP 2024-02 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 41 (On-Sale Beer & Wine) License issued to restaurants and authorizing the sale of beer and wine for consumption only in the premises where sold; and

WHEREAS, Applicant proposes to continue operation of the existing El Tibu Taqueria restaurant with the addition of on-sale beer and wine.

WHEREAS, the site is within the existing Food Fair Market shopping center, designated for Commercial planned land uses on the General Plan Land Use Map and zoned C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, CUP 2024-02 is solely for the existing restaurant El Tibu Taqueria at the project site of 1100 North D Street, Suite 100, an existing tenant space of approximately 2,900 square feet; and

WHEREAS, operations proposed in accordance with CUP 2024-02 and SPR 2024-04 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 April 30, 2024, the City of Madera Planning Commission considered Conditional Use Permit 2024-02 and Site Plan Review No. 2024-04; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be categorically exempt pursuant to provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); 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 2024-02 and SPR 2024-04 at a duly noticed meeting on April 30, 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, after due consideration of all the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-02 and SPR 2024-04.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301 (Existing Facilities) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the existing restaurant use; the premises include an existing building on an improved lot served by all required services and utilities. 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 2024-02: 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.

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 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 and currently operating as a restaurant within an commercial retail center. The Type 41 ABC license authorizes the sale of alcohol for consumption on the premises in conjunction with restaurant operations and limited to service within the indoor dining area. The project has been conditionally approved to 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 will not be negatively impacted.

4. Findings to Approve SPR 2024-04: 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.

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.

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 Light Commercial zone district. The project site is within an existing shopping center and has been reviewed and conditioned for the project to not cause effects to the surrounding neighborhood. The project will involve negligible or no expansion of the existing restaurant use.

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 an existing shopping center and will involve negligible or no expansion of the existing restaurant use.

5. Approval of CUP 2024-02 and SPR 2024-04: 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 30th day of April 2024,
by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2024-02 and SPR 2024-04

Exhibit "A"
CUP 2024-02 and SPR 2024-04
EL Tibu Taqueria ABC
Conditions of Approval
April 30, 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 2024-02 and SPR 2024-04 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 2024-02 and Site Plan Review 2024-04 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 2024-02 and SPR 2024-04.**
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 2024-02 and SPR 2024-04 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 2024-02 is for the sale of beer and wine to be consumed on site based on the ABC Type 41 License.
8. 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 and requirements of the Department of Alcohol Beverage Control.
9. This conditional use permit 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 the use permit are 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.
10. 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 41 shall render this conditional use permit revocable. The use must comply with any license requirements for the subject property by Alcohol Beverage Control at all times.
11. The property owner, operator, and/or manager, and/or benefactor of the use permit 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.
12. In the event the property owner and/ or applicant chooses to modify the ABC License type, the applicant shall amend CUP 2024-02 and shall require reapproval of the Planning Commission.

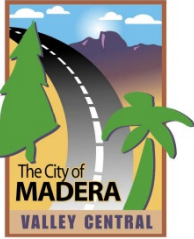
Alcoholic Beverage Sales. As an ongoing measure:

13. Alcohol service, sales and consumption shall be limited to the operational hours of the restaurant kitchen facilities and shall be limited to the hours 8:00 a.m. to 10:00 p.m., seven days a week.
14. No sale or distribution of alcoholic beverages shall be made at any time from a drive-up or walk-up window.
15. Consumption of alcohol is not allowed anywhere on the project site outside the restaurant building structure, consumption may only occur within the indoor dining area of the restaurant.
16. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.

Merchandise & Advertising. As an ongoing measure:

17. Outdoor display or advertisement of alcoholic merchandise for sale is strictly prohibited.
 - a. 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 or promotion of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
18. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
19. No display or advertisement of alcohol shall be made from an ice tub, barrel or similar container or be visible from the exterior of the premises.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Assistant Planner

Meeting of: April 30, 2024

Agenda Number: 2

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2024-03) and Site Plan Review (SPR 2024-05) for Social Vocational Services to locate at 2185 West Cleveland, suite J (APN: 013-160-022).

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 Section 15301 (Existing Facilities) for the project and approving Conditional Use Permit (CUP) 2024-03 and Site Plan Review (SPR) 2024-05, subject to the findings and conditions of approval.

SUMMARY:

The applicant has filed a Conditional Use Permit No. CUP 2024-03 and Site Plan Review No. 2024-05 requesting authorization to establish an adult daycare center at 2185 West Cleveland, Suite J (APN: 013-160-022) (project site). Social Vocational Services (SVS) proposes to operate an adult daycare that serves adults with physical and developmental disabilities.

The use of an adult daycare is permitted in any R (Residential) zone district. City Municipal Code (CMC) Section 10-3.802 allows residential uses (adult daycares) in the Light Commercial (C1) zone district with the approval of a conditional use permit to operate.

The subject site is located within the existing Madera Marketplace shopping center located on the northeast corner of the intersection of West Cleveland and North Schnoor Avenue. The leasing space totals approximately 7,935 square feet at the location of 2185 West Cleveland, Suite J. 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.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2024-03 & SPR 2024-05
<i>Applicant:</i>	Social Vocational Services
<i>Property Owner:</i>	Rhino Investments
<i>Location:</i>	2185 West Cleveland, suite J (APN: 013-160-022)
<i>Project Area:</i>	Approximately 7,972 square feet
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics:</i>	The northeast corner of the intersection of West Cleveland and North Schnoor Avenue.

BACKGROUND:

The project site was previously leased by the private career college San Joaquin Valley College (SJVC) with the approval of CUP 2014-08 and SPR 2014-08.

ANALYSIS:

Conditional Use Permit (CUP)

The City Municipal Code Section 10-3.504 permits the following uses of foster homes, rehabilitation facilities, and daycare centers in residential zoning by administrative approval. SVS proposes to locate at a commercial zone therefore requiring a conditional use permit per CMC Section 10-3.802. CUP 2024-03 will be to permit an adult daycare to lease a 7,972 square foot suite.

The operational statement states that the daycare will be operating between the hours of 7:00 am to 4:00 pm, Monday through Friday. They anticipate a maximum of 60 visitors a day and 24 future employees.

Site Plan Review (SPR)

Pursuant to Section 10.3.4.0102 of the CMC, site plan review applies to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code, including uses subject to a use permit. SPR 2024-05 has been reviewed and conditionally approved to ensure City requirements have been met. Currently, the floor plan does not propose any interior improvements. The site plan does not show additions to the building, but staff has conditioned the applicant to ensure that the trash enclosure meets Senate Bill 1383 to provide proper organic waste handling. The shopping center

currently has trash enclosures located in the rear side of the shopping center. Staff is requiring that the enclosures meet the standards of a three-bin trash enclosure.

While the City would prefer retail and commercial uses to locate in the Madera Marketplace shopping center, the previous use of the private college is similar in use to SVS. Staff can ensure that the change of parking spaces required, noise levels, and visitors will not result in a substantial change to when SJCV was present. Currently, the application does state that six passenger vans will be part of the project as they will bring their visitors to and from the program. The project has been conditioned to have the six passenger vans, when not being used, parked in the rear parking spaces. While the project is being conditionally approved to locate in a shopping center, staff wants to ensure that the shopping center still presents as a retail and commercial zone and that the other retail shops maintain their parking requirements.

ENVIRONMENTAL REVIEW:

A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). Staff has determined the project is categorically exempt under Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines because the project site is within an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes and minor exterior alterations. The proposed project involves less than 10,000 square feet of commercial building floor area within an existing tenant space in a commercially zoned integrated shopping center; and therefore involves a negligible expansion of the former 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 (Commission) will be acting on CUP 2024-03 and SPR 2024-05. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning 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) 2024-03 and Site Plan Review (SPR) 2024-05, 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.

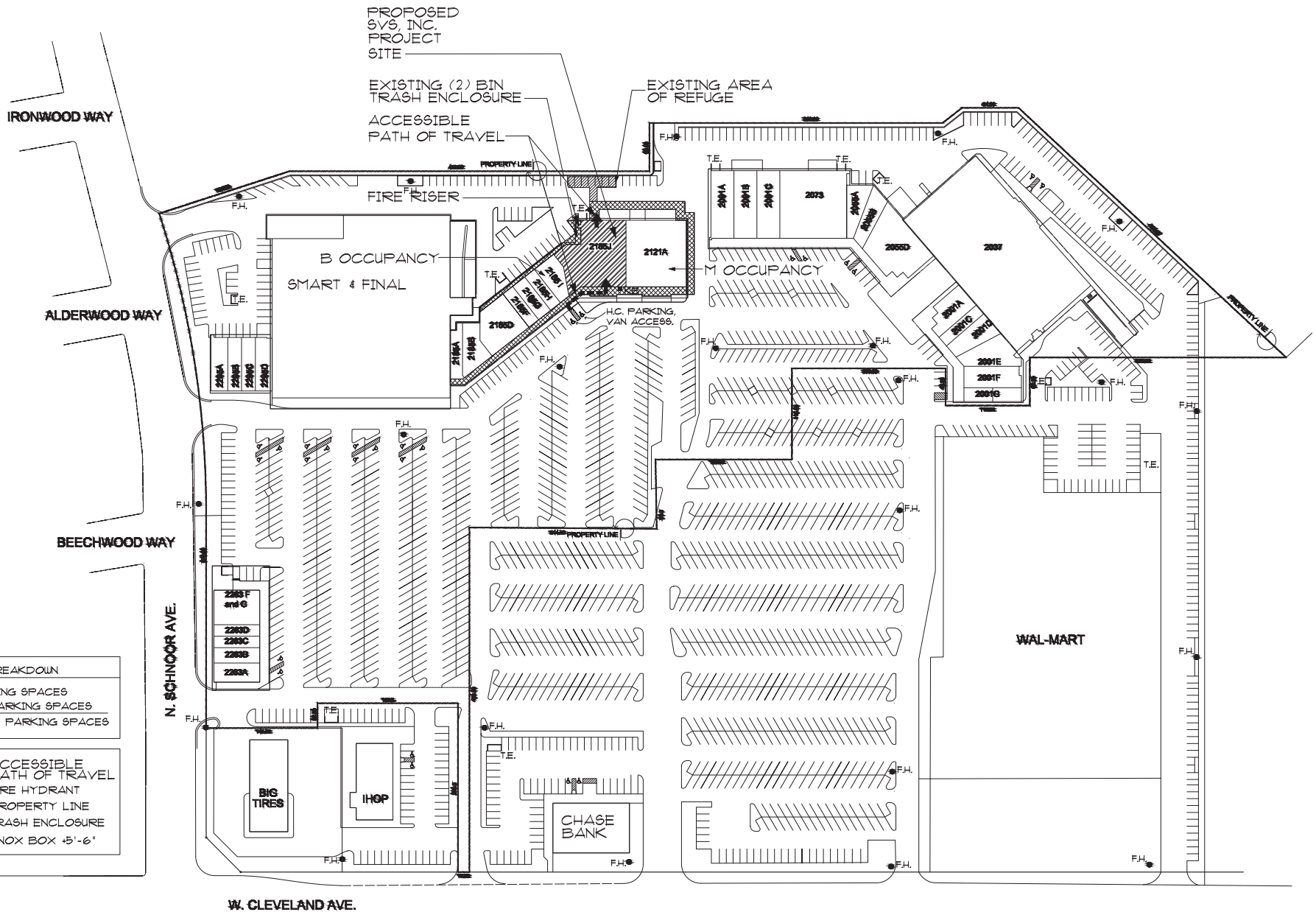
ATTACHMENTS:

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

ATTACHMENT 1
Aerial View



ATTACHMENT 2
Site Plan



PROPOSED
SVS, INC.
PROJECT
SITE

EXISTING (2) BIN
TRASH ENCLOSURE

EXISTING AREA
OF REFUGE

ACCESSIBLE
PATH OF TRAVEL

B OCCUPANCY
SMART & FINAL

M OCCUPANCY

WAL-MART

BIG TIRES

IHOP

CHASE BANK

PARKING BREAKDOWN	
194	EXISTING PARKING SPACES
422	EXISTING H.C. PARKING SPACES
818	TOTAL EXISTING PARKING SPACES

LEGEND	
	ACCESSIBLE PATH OF TRAVEL
	FIRE HYDRANT
	PROPERTY LINE
	TRASH ENCLOSURE
	KNOX BOX 5'-6"

PREPARED BY:
KIMBERLY BOONE ASSOCIATES
kimberly@kba-designs.com
PHONE (619) 889-5101

SOCIAL VOCATIONAL SERVICES, INC. SITE PLAN
2185-J WEST CLEVELAND AVE. N.T.S.
MADERA, CA 93631



SHEET NO.
1 OF 3
DATE:
2-20-24

ATTACHMENT 3
Resolution

RESOLUTION NO. 1988

**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 SECTION 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL
STRUCTURES) AND APPROVING CONDITIONAL USE PERMIT (CUP) NO.
2024-03 AND SITE PLAN REVIEW (SPR) NO. 2024-05**

WHEREAS, Social Vocational Services (“Applicant”), on behalf of Rhino Investments (“Owner”), submitted for a Conditional Use Permit No. 2024-03 and Site Plan Review No. 2024-05 for 2185 West Cleveland, Suite J, Madera, CA 93637 (“Site”); and

WHEREAS, the Applicant is seeking a conditional use permit to authorize the use of an adult daycare facility within a ±7,935 square foot tenant leasing space at the project site; and

WHEREAS, the project site is located within the Madera Marketplace shopping center which is designated for Commercial land uses by the Madera General Plan and zoned C1 (Light Commercial); and

WHEREAS, day care centers are classified as uses permitted in any R (Residential) zone, requiring a conditional use permit in the C1 (Light Commercial) zone district; and

WHEREAS, on April 30, 2024, the City of Madera Planning Commission considered Conditional Use Permit 2024-03 and Site Plan Review No. 2024-05; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was determined to be categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures); 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 2024-03 and SPR 2024-05 at a duly noticed meeting on April 30, 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, after due consideration of all the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2024-03 and SPR 2024-05.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is categorically exempt under Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines because the project site is within an existing building on an existing lot with existing services and utilities, and any modifications to the structure will only be minor interior changes and minor exterior alterations. The proposed project involves less than 10,000 square feet of commercial building floor area within an existing tenants space in a commercially zoned integrated shopping center; and therefore involves a negligible expansion of the former 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 2024-03: 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.

Day care centers are classified as uses permitted in any R (Residential) zone, requiring a conditional use permit in the C1 (Light Commercial) zone district. Conditions of approval pertaining to operations will ensure consistency with General Plan goals and policies as well as the development, operational, and performance standards of the Zoning Regulations.

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

The project site is within an existing integrated retail shopping center suited for Light Commercial uses. The proposal is permitted with the approval of a conditional use permit by the City Municipal Code. There are no sensitive uses in the immediate vicinity of the project site and operations are proposed to be limited to the interior of the tenant space. 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 and operations are proposed indoors. The general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. Findings to Approve SPR 2024-05: 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 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.

Day care centers are classified as uses permitted in any R (Residential) zone, requiring a conditional use permit in the C1 (Light Commercial) zone district. Conditions of approval pertaining to operations will ensure consistency with General Plan goals and policies as well as the development, operational, and performance standards of the Zoning Regulations.

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 Light Commercial zone district with the approval of a conditional use permit. There are no public right-of-way improvements required and on-site utilities present and have been constructed in accordance with City standards with adequate capacity to serve the

proposed project. Review of the site determined that the project would not result in a significant generation of noise, light, or 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 as the project site is within an established commercial center. Project has been reviewed to not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

- 5. Approval of CUP 2024-03 and SPR 2024-05: 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 30th day of April 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2024-03 and SPR 2024-05

EXHIBIT "A"
CUP 2024-03 & SPR 2024-05
Social Vocational Services
CONDITIONS OF APPROVAL
April 30, 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 2024-03 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 2024-05 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 2185 West Cleveland, suite J that for the leasing space for CUP 2024-03 and SPR 2024-05. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

CONDITIONS OF APPROVAL

General

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. CUP 2024-03 and Site Plan Review 2024-05 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.
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
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 2024-03 and SPR 2024-05.

5. Approval of CUP 2024-03 and SPR 2024-05 is 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.

PLANNING DEPARTMENT

6. CUP 2024-03 is for the approval of an adult daycare facility to be located at 2185 West Cleveland, suite J at approximately 7,935 square feet of leasing space. Operational hours are permissible between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.
7. 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.
8. Any proposed future modifications to the site beyond the scope of CUP 2024-03 and/ or SPR 2024-05, including but not limited to, building exteriors shall require an amendment to this site plan review. The site or building plans submitted for any building permit applications shall reflect changes required by the listed conditions of approval. If any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager and/or Community Development Director.

Trash Enclosure

9. Solid waste enclosures are required to be constructed in accordance with City standards and applicable requirements of the waste provider are required to comply with the provisions of CMC § 5-3.05 and CA AB 1826 and SB 1383 pertaining to organic/food waste handling. The trash will need to be constructed to fit three-bin containers.

Vehicle Parking

10. The passenger vans that are not in use shall remain parked in the rear parking lot.

Signage

11. No signs are approved as part of this site plan review. Signs shall be reviewed and approved under a separate permit in accordance with the Madera Municipal Code Section 10-6.09.

FIRE/BUILDING DEPARTMENT

12. Obtain permit for a change of occupancy to I4, and all interior changes that are desired.
13. Show all required separations and allowable areas for the building/adjacent structures. The applicant must clarify where one building ends and the next starts.
14. The applicant must show loading and unloading accessible areas. Show available accessible parking.
15. It appears that there is an accessible path around the building leading to a safe dispersal area. This is for secondary egress not primary egress.
16. Required restrooms must be verified and comply with accessible standards.
17. Fire sprinklers and a fire alarm system are required.
18. Fire extinguishers are required in accordance with Chapter 9 of the CFC and Title 19.
19. A Knox Box is required or new keys if there is an existing Knox Box.

ENGINEERING DEPARTMENT

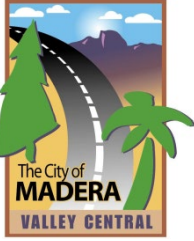
General

20. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
21. Improvements within the City right-of-way require an Encroachment Permit from Engineering Division.

Water

22. New or existing water service connection(s), including landscape areas, shall be constructed, or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Assistant Planner

Meeting of: April 30, 2024

Agenda Number: 3

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2022-24) and Site Plan Review (SPR 2022-39) to develop three dwelling units on a ±0.23-acre lot located at 221 Cypress Street (APN: 012-022-006).

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 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects) for the project and approving Conditional Use Permit (CUP 2022-24) and Site Plan Review (SPR 2022-39), subject to the findings and conditions of approval.

SUMMARY:

The applicant, William Viana, has filed Conditional Use Permit No. CUP 2022-24 and Site Plan Review No. SPR 2022-39 for the construction of three dwelling units on an interior vacant infill lot located at 221 Cypress Street on the east side of Cypress Street between Oak and Maple Streets (project site).

The site is zoned Industrial (I) and is designated Industrial land use within the Madera General Plan. The applicant has filed CUP 2022-24 to allow for a residential project to be constructed in the Industrial Zone District. In accordance with Section 10-3.1002, a use permit shall first be secured to permit residential uses in the Industrial zone.

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

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2022-24 & SPR 2022-39
<i>Applicant:</i>	William Viana
<i>Property Owner:</i>	Mercy Investments, LLC

<i>Location:</i>	221 Cypress Street (APN: 012-022-006)
<i>Project Area:</i>	Approximately 0.23 acres
<i>Land Use:</i>	I (Industrial)
<i>Zoning District:</i>	I (Industrial)
<i>Site Characteristics:</i>	The site is an interior vacant infill lot located on the northeast corner of Cypress Street and Maple Street.

ANALYSIS:

Conditional Use Permit (CUP)

City Municipal Code (CMC), Section 10-3.1002 allows residential uses on property zoned Industrial (I) subject to a use permit. Approval of CUP 2022-24 would authorize the development of three residential dwelling units to be constructed within the Industrial zone district where such uses are subject to a use permit.

Site Plan Review (SPR)

Pursuant to Section 10.3.4.0102 of the City Municipal Code (CMC), site plan review shall apply to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, and new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code, including uses subject to a use permit. Staff has prepared conditions of approval for the proposed residential project to comply with City requirements.

The project proposes to develop three standalone detached dwelling units each totaling approximately 1,078 square feet in area. Although the project site is industrially zoned, the project has been reviewed in accordance with the zoning regulations of the R2 (Residential, One unit per each 3,000 square feet of site area) given that the three dwelling units on the ±0.23-acre lot at a density yield of ±13.04 dwelling units per acre is consistent with the Medium Density Residential density range (7.1-15 d.u./acre). Table LU-A: General Plan/Zoning Consistency of the Madera General Plan identifies the R2 zone district as being consistent with the Medium Density Residential land use designation. Each unit will have its own porch and patio along with two parking spaces for each unit.

Currently, there is no official landscaping plan along with the site plan review; however, the project has been conditioned to provide a formal landscaping plan upon plan check submittal and prior to issuance of development permits.

The site’s surroundings consist of single-family residential homes and multifamily units to the north, east and south. An auto repair shop is located directly west of the site across Cypress St. The proposed project of three units is consistent with the neighborhood on Cypress Street as many of the parcels have existing multifamily development. Additionally, staff believe the proposed residential use is a better fit for the existing neighborhood; industrial development on

and use of the infill lot would not be an appropriate use due to the existing and abutting residential uses and surrounding residential neighborhood.

ENVIRONMENTAL REVIEW:

Staff have performed a preliminary environmental assessment and have determined that the project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. The project will not exceed more than four dwelling units in an urbanized area. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 0.23 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. The site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Commission adopts a finding of a Categorical Exemption under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for this project.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2022-24 and SPR 2022-39. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15303 (New Construction or Conversion of Small Structures) and 15332 (In-Fill Development Projects) for the project and approving Conditional Use Permit (CUP 2022-24) and Site Plan Review (SPR 2022-39), subject to the findings and conditions of approval.

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 deny the proposed application based on specific findings: (Planning Commission to articulate reasons for denial).

ATTACHMENTS:

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

ATTACHMENT 1
Aerial Map



ATTACHMENT 2
Site Plan/ Floor Plan

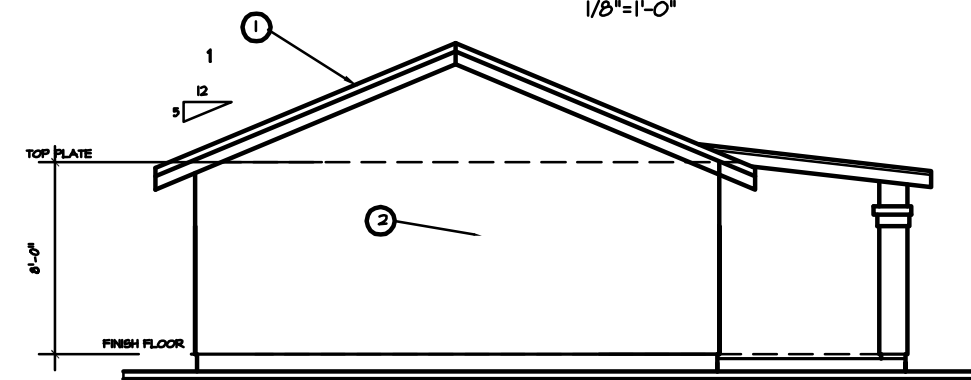
KEY NOTES (ELEVATIONS)

KEY NOTES ARE REFERENCED ON THE DRAWING WITH THIS SYMBOL ○

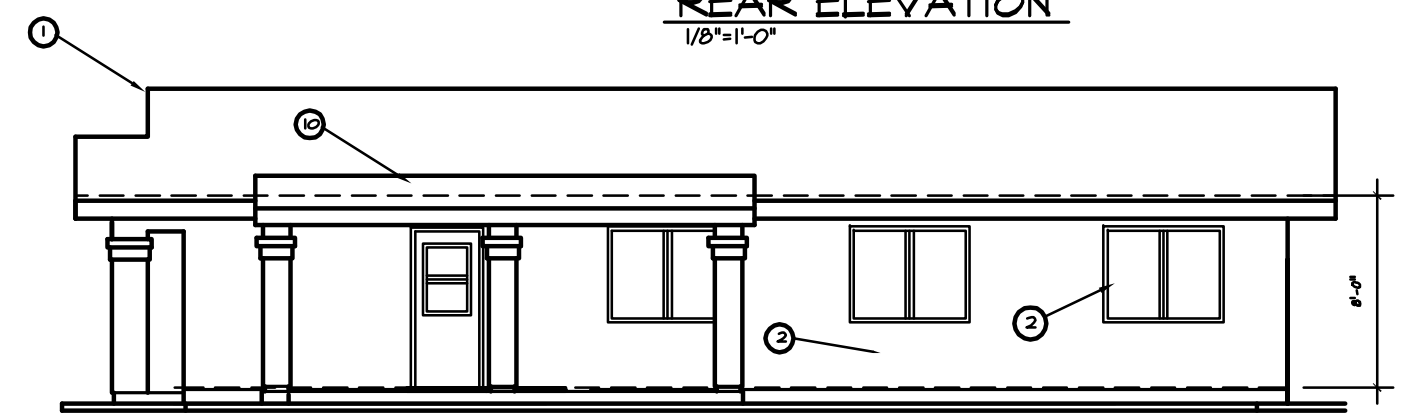
- 1 COMP. SHINGLES ROOF 30 LB. FELT OVER 1/2" EXT. GRADE PLYWOOD SHEATHING
- 2 IGD-APPROVED 1-COAT FINISHED STUCCO APPLIED OVER 1" FOAM INSULATION BOARD OVER MINIMUM 15 LBS/SQ FELT BACKED WIRE MESH W/ KEEL SCREEDS
- 3 2 X 8 ROUGH SWAN FASCIA WITH 2 X 4 SHADOW BOARD.
- 4
- 5 26 GA GALVANIZED SHEET METAL FLASHING AS REQUIRED.
- 6 4 X 4 DF #2 POST W/ SIMPSON GB POST BASE AND PG TYPE POST CAP.
- 7 TYPICAL ATTIC VENT LOCATION SEE ROOF PLAN
- 8 1" D" VENT
- 9 SIMP. C5 I6 STRAP TYP.
- 10 TORCH DOWN
- 11 VINYL DUAL GLASS WINDOWS.
- 12 FRENCH DOOR W/TEMPERED GLASS.



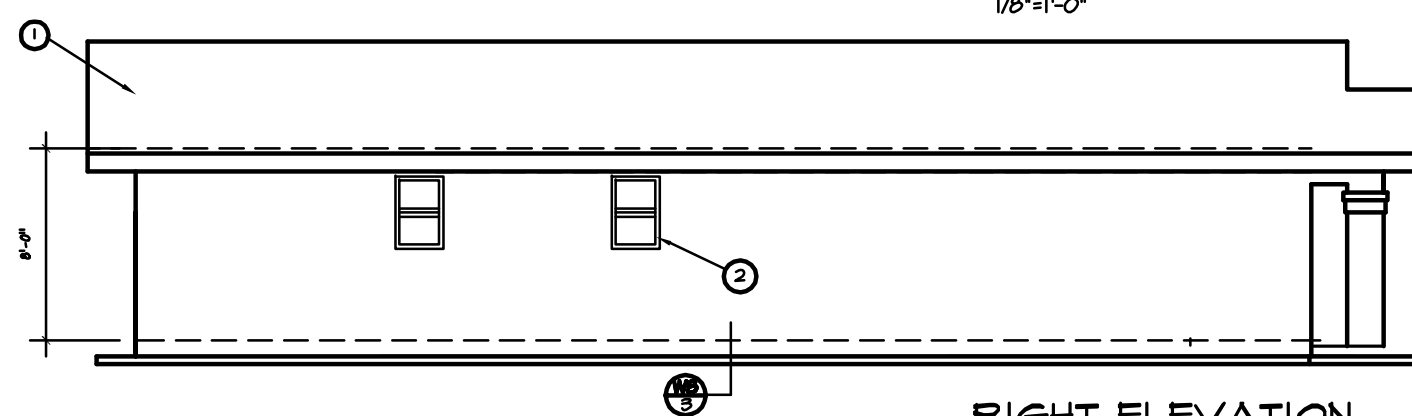
FRONT ELEVATION
1/8" = 1'-0"



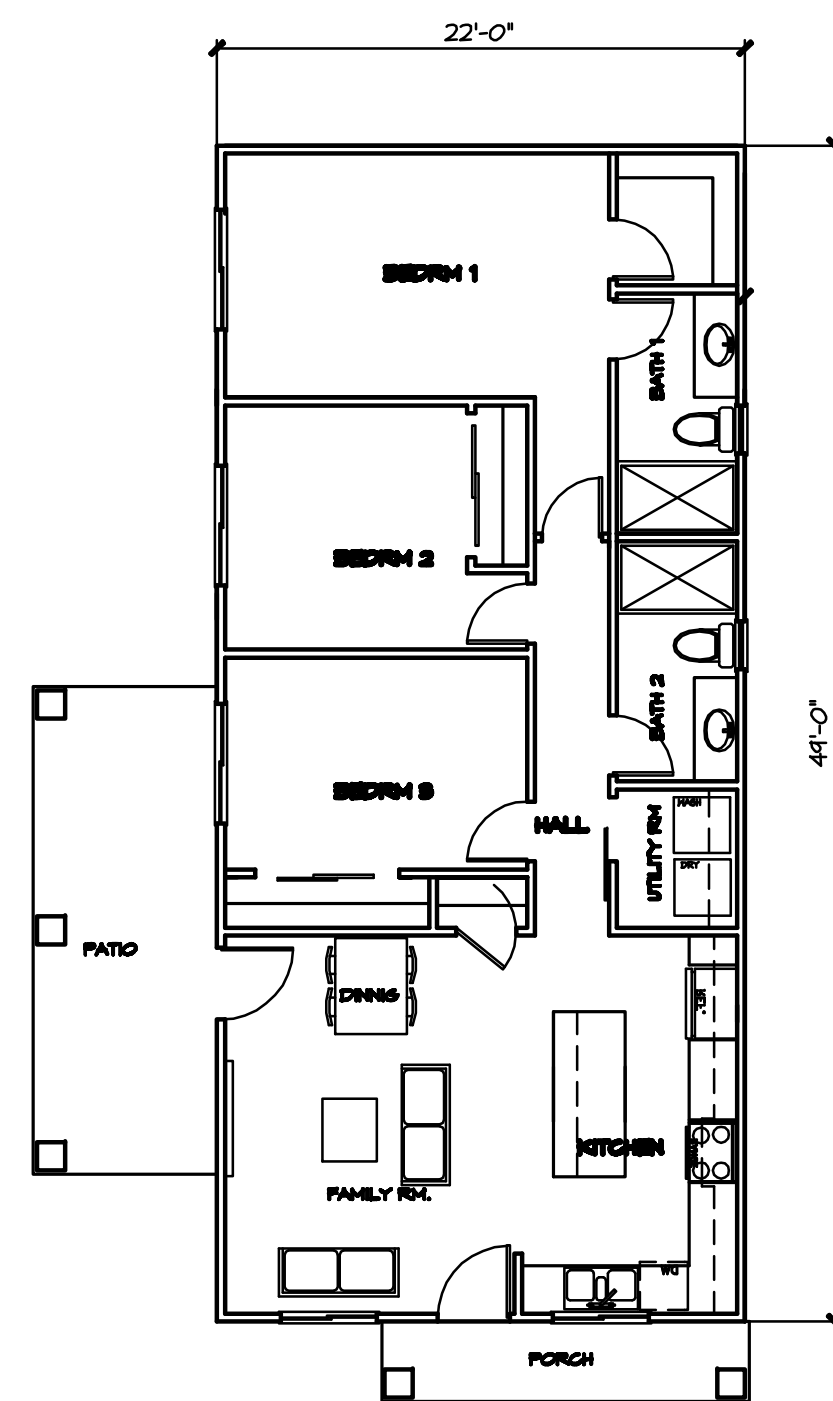
REAR ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"

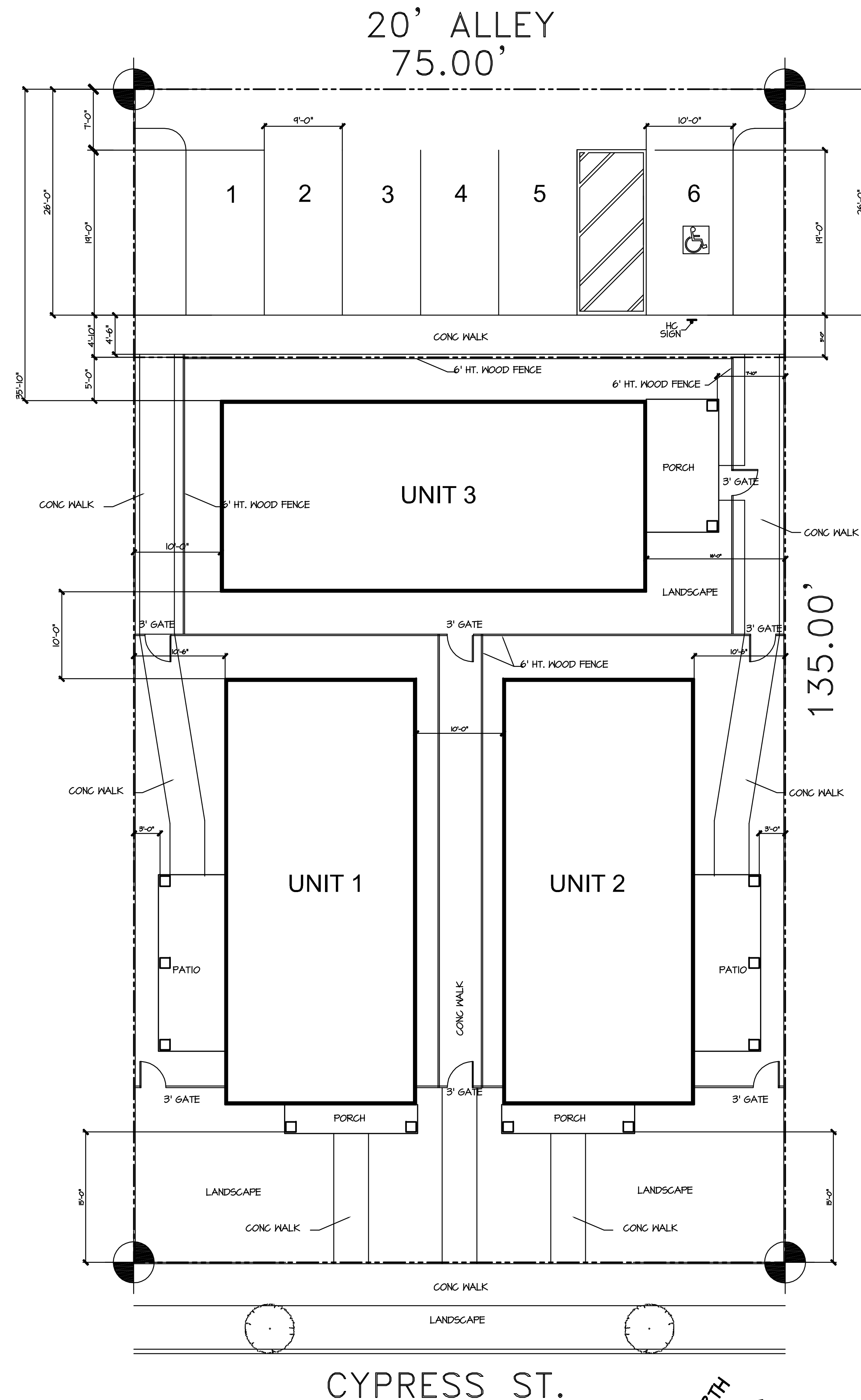


RIGHT ELEVATION
1/8" = 1'-0"

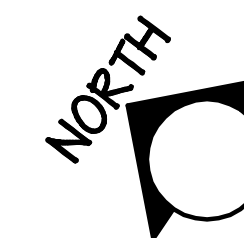


FLOOR PLAN

SCALE: 1/8" = 1'-0"



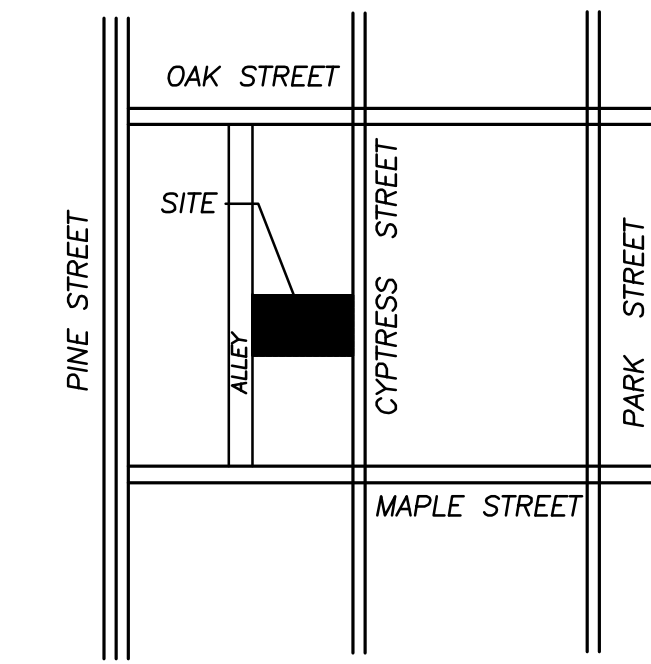
CYPRESS ST.



SITE PLAN

SCALE: 1/8" = 1'-0"

VICINITY MAP



PROJECT INFORMATION

Use:	RESIDENTIAL
OWNER:	MERCY INV. LLC WILLIAM VIANA
Address:	221 CYPRESS ST. MADERA CA 93637
A.P.N.:	012 - 022 - 006
Number of Stories:	1
Building Occupancy:	R3
Construction Type:	V-B
Zone:	
OCCUPANT LOAD:	
LOT AREA:	10,125 SQFT
BUILDING HEIGHT:	< 30'

BUILDING AREAS

FLOOR PLAN	1078 SQ.FT.
PORCH	160
PATIO	200

AUTO. SPRK. SYSTEM:	REQUIRE
FIRE ALARM:	NOT REQUIRE
FIRE RIT. ROOF:	REQUIRE

Applicable Codes:

ALL CONSTRUCTION SHALL COMPLY WITH THE ADOPTED ORDINANCES AND POLICIES OF THE GOVERNING AGENCY, CITY OF MADERA, AND THE LATEST ADOPTED EDITIONS OF THE FOLLOWING:

Building:	2022 California Building Code
Plumbing:	2022 California Plumbing Code
Mechanical:	2022 California Mechanical Code (UMC)
Electrical:	2022 California Electrical Code
Fire:	2022 California Fire Code
Accessibility:	2022 California Building Code (Title 24, Part 2)
Energy:	2022 California Energy Code (Title 24, Part 6)

SHEET INDEX

Sheet	Description
1	SITE PLAN FLOOR PLAN ELEVATIONS

ProCad LLC.

DESIGN - PLANNING
DEVELOPMENT SERVICES
950 WEST OLIVE AV. SUITE 106
MADERA CA 93637
PHONE: (569) 673-0877
CELL: (569) 706 88 93

JOSEPH PEREYRA

PROPOSED 3 UNITS

221 CYPRESS ST. MADERA CA 93637

PROJECT TITLE:

JOB NO.:

DRAWN BY:

SHEET NO.:

1

OF 4 SHEETS

DATE:

ATTACHMENT 3
Resolution

RESOLUTION NO.

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION
PURSUANT TO CEQA GUIDELINES SECTION 15303 (NEW CONSTRUCTION
OR CONVERSION OF SMALL STRUCTURES) AND SECTION 15332 (IN-FILL
DEVELOPMENT PROJECTS) AND APPROVING CONDITIONAL USE PERMIT
(CUP) NO. 2022-24 AND SITE PLAN REVIEW (SPR) NO. 2022-39**

WHEREAS, William Viana (“Applicant”) owns Assessor’s Parcel Number 012-022-006 located at 221 Cypress Street, Madera, CA 93637 (“Site”); and

WHEREAS, the Owner applied for CUP 2022-24 and SPR 2022-39 for the construction of three units on an approximately 0.23 acre vacant infill lot; and

WHEREAS, the site has a zone district of Industrial (I) and a General Plan Land Use Designation of Industrial (I); and

WHEREAS, a conditional use permit is required for the development of residential land uses in Industrial (I) zone districts; and

WHEREAS, on April 30, 2024, the City of Madera Planning Commission considered Conditional Use Permit 2022-24 and Site Plan Review No. 2022-39; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be categorically exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects); 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 2022-24 and SPR 2022-39 at a duly noticed meeting on April 30, 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, after due consideration of all the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2022-24 and SPR 2022-39.

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 determines that the project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines. The project will not exceed more than four dwelling units in an urbanized area. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within City limits on a project site of approximately 0.23 acres, which is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare, or threatened species, and would not result in any significant effect relating to traffic, noise, air quality, or water quality. The site can adequately be served by all required utilities and public services. Furthermore, none of the exceptions to Categorical Exemptions set forth in CEQA Guidelines section 15300.2 apply to this project. As such, the Commission adopts a finding of a Categorical Exemption under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development Projects) for this project.
3. Findings to Approve CUP 2022-24: 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 industrial uses and the site is zoned I (Industrial), which is consistent with the Industrial 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 industrial uses. Per the City Municipal Code Section 10-3.1002, residential uses proposed in the industrial zone district shall require a conditional use permit. The project site is currently undeveloped but is surrounded by both single family and multifamily development on three sides. A few light industrial uses are present directly west of the site across Cypress Street. The project has been conditionally approved to 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 2022-39: 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 and Zoning Ordinance.

The General Plan designates the subject site for industrial uses and the site is zoned I (Industrial), which is consistent with the Industrial 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 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 the existing neighborhood. All applicable requirements for residential development and the Industrial zone district have been applied, as applicable to the development project. The project site is surrounded by

urban residential and light industrial developed land and is fully served by City services therefore qualifying as in-fill development.

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

Site Plan Review 2022-39 has been reviewed and the project conditionally approved to include necessary street improvements and street dedications. Staff has completed a preliminary environmental assessment to ensure that the project shall not affect the environmental quality.

5. Approval of CUP 2022-24 and SPR 2022-39: 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 30th day of April 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A": Conditions of Approval for CUP 2022-24 and SPR 2022-39

EXHIBIT "A"
CUP 2022-24 AND SPR 2022-39
Cypress Street Multifamily
CONDITIONS OF APPROVAL
April 30, 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 SPR 2022-39 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. All discretionary conditions of approval for CUP 2022-24 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within fifteen (15) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

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.

GENERAL CONDITIONS

1. CUP 2022-24 and SPR 2022-39 will expire one year from date of issuance, unless rights are exercised as provided in the City Municipal Code § 10-3.4.0114 or required action is taken to extend the approval before expiration date.
2. CUP 2022-24 and SPR 2022-39 is for the approval of a three-unit multifamily project to develop in an Industrial Zoning District. Any deviation to the density of units shall require reapproval from the Planning Department.
3. 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.
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. **The 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 2022-24 and SPR 2022-39.**

PLANNING DEPARTMENT

Architecture

5. The buildings facing Cypress Street shall provide architectural detail to the front elevations upon plan check submittal. This can include additional building veneer, exterior window shutters, and/or cement fiber siding.

Parking

6. Project shall have a total of six (6) parking spaces. A minimum of three (3) parking spaces shall be covered to meet City Municipal Code Section 10-3.1202.

Landscaping

7. Landscape and irrigation plan shall be prepared by a licensed Landscape Architect and submitted as part of the submittals for a building permit. Landscape and irrigation plans shall comply with all the specific landscape requirements and be approved by the Planning Department, unless specific deviation from the standards are approved by the Planning Manager, prior to issuance of building permits. The plans shall:
 - a. Demonstrate compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO);
 - b. Provide permanent automatic irrigation systems for all landscaped areas with design to have moisture and/or rain sensor shutoff (weather based automatic, self-adjusting), minimize irrigation runoff, promote surface infiltration where possible, minimize the use of fertilizers and pesticides that can contribute to storm water pollution;
 - c. Provide vegetative matter coverage of a minimum of seventy percent (70%) of all landscaped areas;
 - d. Street trees shall be planted at a maximum thirty (30) foot intervals. Street tree selection shall be from the City's "Approved City Street Tree List". Trees must be established to the satisfaction of the Planning Manager after five (5) years or shall be enhanced or replaced subject to the above condition for a further five (5) year period of establishment or to the Planning Managers satisfaction;
 - e. Locate landscape material in such a way that it does not interfere with utilities above or below ground. All existing and proposed site utility features shall be fully screened with landscaping at appropriate clearances. A detail of screening shall be included on the plans and approved prior to building permit issuance and subject to Planning Manager review; and
 - f. Provide detailed planting lists for all landscaping, with the number, size, spacing (where applicable) and species of all plant life and groundcover, as well as tree staking, soil preparation techniques for all landscaped areas.

- g. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff, particularly the use of flow through planters from areas of impermeable paving (such as parking and circulation areas). In areas of water detention, species shall be tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
8. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

Trash Toters

9. Tenants shall be required to place all trash toters inside property lines after trash pickup. Trash toters shall not be placed where they hinder the traffic flow of the alleyway.

ENGINEERING DEPARTMENT

General

10. Deferrals are not permitted for any condition included herein, unless otherwise stated.
11. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
12. Development Impact fees shall be paid at time of building permit issuance.
13. 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.
14. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the Civil Improvements Submittal Checklist.
15. The improvement plans for the project shall include the most recent version of the City's General Notes.
16. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease, and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.
17. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.
18. All off-site improvements shall be completed prior to issuance of final occupancy.
19. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project.

Water

20. New or existing water service connection(s), including landscape areas, shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter installed within City right-of-way and backflow prevention device installed within private property.
21. A separate water meter and backflow prevention device will be required for landscape area(s).
22. The existing water mains in the area are 6-inch mains. The developer shall, through their engineer, establish the existing water system can supply domestic and, more specifically, fire flow capacity to the project through a water system analysis based on the required flow.
23. Water meters shall be installed and account activated through the City's Utility Billing Department prior to commencement of foundations and/or pads. Immediate installation can be delayed subject to use of a metered hydrant utilizing meter supplied through the Public Works Department along with appropriate measures to ensure water from the future lateral not be used until a permanent meter and backflow prevention device is installed.
24. Existing water service connections that will not be used for the project shall be abandoned at the mains per City of Madera standards.
25. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with State standards, prior to issuance of building permits or any activities in which the well to be abandoned may be further damaged resulting in potential contamination to the aquifer below.

Sewer

26. New or existing sewer service connection(s) shall be constructed or upgraded to current City standards.
27. Existing sewer service connections that will not be used for the project shall be abandoned at the mains per current City of Madera standards.
28. Sewer main connections six (6) inches and larger in diameter shall require manhole installation.
29. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.

Strom Drain

30. Storm runoff from this project will surface drain into existing facilities and eventually into the MID Canal. Water runoff from the site must be cleaned before entering the existing City owned storm water system to the satisfaction of the MID through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.

31. Storm runoff shall not be directed to the alley unless alley is reconstructed to incorporate a valley gutter.
32. A Madera Irrigation District (MID) approval block shall be shown on the final improvement plans.
33. This project shall, as applicable, comply with the design criteria as listed on the National Pollutant Discharge Elimination Systems (NPDES) General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer System (MS4's) as mandated by Water Quality Order No. 2013-0001-DWQ, NPDES General Permit No. CAS000004. For the purpose of this proposed development, post development runoff shall match or be less than pre-development runoff. The development shall enter into a covenant with the City that allows for future inspections by City or other designated agencies relative to the improvements installed as a result of this condition to ensure they remain in compliance with the conditions imposed under this condition.
34. All Best Management Practices (BMP) implemented for the purpose of limiting or treating runoff shall be included in a Maintenance Agreement intended to guarantee those measures are protected and maintained by the developer/owner in perpetuity.

Streets

35. The developer shall repair or replace all broken or damaged concrete improvements including curb, gutter and sidewalk to current City and ADA standards. Limits of repairs shall be established by the City Engineering Inspector.
36. Existing driveway approach on Cypress Street shall be removed and replaced with concrete sidewalk, curb, gutter and park strip per current City and ADA standards.
37. The alley/driveway dimensions shall be, at a minimum, 45-feet (19-foot parking stall with 26-foot alley width).
38. Given the potential for increased traffic in the alley, the alley shall be widened to full width (fence to fence) between Maple Street and the northerly property line to accommodate two-way traffic movements on a paved surface.
39. The developer shall dedicate a Public Utility Easement 10-feet wide along the entire project parcel frontage on Cypress Street. A \$466 fee or the fee in effect at that time for grant easement or deed acceptance shall be paid with the Engineering Department.
40. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purpose of participating in the cost of maintaining landscape improvements within said zone.

Dry Utilities

41. All existing and proposed public utilities (electric, telephone, cable, etc.) shall be undergrounded, except transformers, which may be mounted on pads. Public utility easements shall be dedicated outside and adjacent to all streets rights-of-way. All public utilities within the project property and adjacent to the project property frontage on peripheral streets (on the development side of the street centerline) shall be placed

underground except those facilities exempted by the Public Utilities Commission Regulations or operating at 70,000 volts or greater. Undergrounding of utilities shall not result in the addition of new poles being installed on other properties or street frontages.

END OF CONDITIONS