

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, May 13, 2025
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: 83593967554# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/83593967554>. 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 Tim Riche
Commissioner Abel Perez
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

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. PPL 2022-01 & SPR 2022-02 – Pecan Stadium Multifamily (Report by Robert Smith)

THE APPLICANT AND STAFF ARE REQUESTING THIS ITEM BE CONTINUED TO THE JUNE 3, 2025 SPECIAL MEETING OF THE PLANNING COMMISSION.

Subject: Consideration of an application for a Precise Plan (PPL 2022-01) and Site Plan Review (2022-02) to allow a 102-unit multifamily residential development on a ±5.20-acre parcel located at the northeast corner of the intersection of Stadium Road and Pecan Avenue (APN: 012-460-005). The project site is zoned PD-2000 (Planned Development – one unit for each 2,000 sq. ft. of site area) with a General Plan designation of HD (High Density Residential).

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera determining the project is Categorically Exempt pursuant to Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Precise Plan 2022-01 and Site Plan Review 2022-02, subject to the findings and conditions of approval.

2. CUP 2025-05 and SPR 2025-08 – Hampton Inn ABC Use Permit (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-05) and Site Plan Review (SPR 2022-02) requesting authorization to obtain a Type 20 (Off-Sale Beer & Wine) ABC License for the Hampton Inn & Suites located at the southwest corner of the intersection of Avenue 17 and Airport Drive, 3254 Airport Drive (APN: 013-012-021). The site is zoned C2 (Heavy Commercial) with a C (Commercial) General Plan land use designation.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-05 and Site Plan Review (SPR) 2025-08, 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.

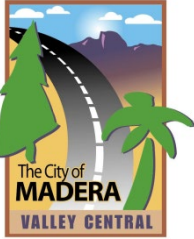
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

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.

PPL 2022-01 & SPR 2022-02 Pecan Stadium Multifamily
THE APPLICANT AND STAFF ARE REQUESTING THIS ITEM BE CONTINUED TO
THE JUNE 3, 2025 SPECIAL MEETING OF THE PLANNING COMMISSION.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Assistant Planner

Meeting of: May 13, 2025

Agenda Number: 2

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-05) and Site Plan Review (SPR 2025-08) requesting authorization to obtain a Type 20 (Off-Sale Beer and Wine) Alcohol Beverage Control (ABC) License for the Hampton Inn & Suites located at the southwest corner of the intersection of Avenue 17 and Airport Drive at 3254 Airport Drive (APN: 013-012-021).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-05 and Site Plan Review (SPR) 2025-08, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Chandrakant N. Khatri, has filed applications for a Conditional Use Permit (CUP 2025-05) and Site Plan Review (SPR 2025-08) requesting authorization to obtain a California Department of Alcohol Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) License for the existing Hampton Inn & Suites hotel located at 3254 Airport Drive (APN: 013-012-021) (the “project site”).

ABC Type 20 License are issued to retail stores authorizing the sale of beer and wine for consumption off the premises where sold; and, where minors are allowed on the premises.

The project site is located within the C2 (Heavy Commercial) zone district, and the property is designated for Commercial uses on the General Plan Land Use Map. The project site comprises ±1.58 acres of property located on the southwest corner of the intersection of Avenue 17 and Airport Drive; west of the Highway/State Route 99 interchange.

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 2025-05 and SPR 2025-08
<i>Applicant:</i>	Chandrakant N. Khatri
<i>Property Owner:</i>	Chandrakant N. Khatri and Manjulaben C.
<i>Location:</i>	3254 Airport Drive/ APN: 013-012-021
<i>Project Area:</i>	±1.58
<i>Planned Land Use:</i>	Commercial
<i>Zoning District:</i>	C2 (Heavy Commercial)
<i>Site Characteristics:</i>	Project site includes an existing 51,000 square foot hotel comprised of four stories.

BACKGROUND

The project site was previously approved for development under a Master Use Permit for the development of ±8.66 acres of land subdivided into six individual lots (TSM 2006-04). The hotel was reviewed and approved under the entitlements CUP 2006-14 and SPR 2006-02.

The “master” conditional use permit was proposed to outline the development plan for the subject parcel and to establish overall requirements for infrastructure, public services, and environmental mitigation. With the master use permit, commercial uses are planned for all six lots ranging from hotels, retail, and fast food restaurants.

ANALYSIS

Alcohol Beverage Control (ABC) License Type 20

ABC administers and issues licenses that allow establishments to serve alcohol. The applicant has requested approval for the existing retail store to sell wine and beer under the ABC Type 20 License.

ABC Type 20 License are issued to retail stores authorizing the sale of beer and wine for consumption off the premises where sold; and, where minors are allowed on the premises.

Alcohol Sales

In January of 1998, Section 23817.5 of the State of California Business and Professional Code was amended to permanently establish a moratorium on the issuance of Type 20 Licenses in cities and counties where the ratio of Type 20 Licenses exceeds one license for each 2,500 inhabitants. The moratorium as of January 30, 2017, includes all of Madera County. The moratorium specifically prohibits the purchase of a new Type 20 License or transfer of a Type 20 License from any city or county outside Madera County. The moratorium does not apply to transferred licenses from within Madera County.

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 over-concentration of alcohol licenses that has caused a public nuisance to the City's welfare and safety in that area. This matter was brought to the City Council in an administrative report during the April 20, 2011, Council hearing with a request from staff for direction regarding businesses who wish to obtain an ABC license in an over-concentrated 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 over-concentration on an individual case-by-case basis and weigh each application on its own merits.

Although the project site is not located in Census Tract 8.02, it is located within an over-concentrated area, Census Tract 5.13. The City's Police Department was notified of the application and presented no opposition to the applicant's request to obtain a Type 20 ABC License for the hotel premises located on the project site.

There are currently eleven (11) active Type 20 licenses in Census Tract 5.13; with five of the licenses located in the jurisdiction of the City of Madera and six of the licenses located in the jurisdiction of Madera County. A listing of the existing Type 20 licenses within Census Tract 5.13 is included within Table 2 below.

Table 2: ABC Type 20 Licenses in Census Tract 5.13				
Business	Census Tract	Year Issued	ABC Type	Jurisdiction
<i>Stop N Go</i>	5.13	2012	Type 20	Madera County
<i>Dollar General</i>	5.13	2018	Type 20	Madera County
<i>Chevron</i>	5.13	2010	Type 20	City of Madera
<i>Arco (Kennedy)</i>	5.13	2008	Type 20	City of Madera
<i>Arco (Golden State Blvd)</i>	5.13	2013	Type 20	City of Madera
<i>Loves Travel Center</i>	5.13	2020	Type 20	City of Madera
<i>Pilot Travel Center</i>	5.13	2002	Type 20	Madera County
<i>Bonita Market</i>	5.13	2023	Type 20	Madera County
<i>Latino Market</i>	5.13	2018	Type 20	Madera County
<i>Kevin Herman (The Specialty Crop)</i>	5.13	2019	Type 20	City of Madera
<i>Apro LLC</i>	5.13	2019	Type 20	Madera County

It should also be noted that on August 8, 2023, the Planning Commission adopted Resolution No. 1966, approving SPR 2022-25 as well as CUP No. 2021-17. Approval of SPR 2021-15 authorized construction of a new 7-Eleven travel center on the northwest corner of Avenue 17 and Golden Gate Boulevard / Airport Drive, across Avenue 17 to the north of the project site. The proposed

Travel Center would include a convenience store and gas fueling stations for commercial tractor-trailers as well as passenger vehicles. Approval of CUP 2022-17 authorized the sale of tobacco products and the ability to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 License (Off-Sale Beer & Wine) in conjunction with the proposed convenience store. The 7-Eleven travel center is currently under construction.

Additionally, on February 13, 2024, the Planning Commission adopted Resolution No. 1981, approving SPR 2021-25 as well as CUP Nos. 2021-12 & 13. Approval of SPR 2021-15 authorized construction of a new service (gas) station with a convenience store and fast-food drive-through on the abutting parcel to the east of the Hampton Inn & Suites. Approval of CUPs 2021-12 & 13 authorized the sale of tobacco products and the ability to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 License (Off-Sale Beer & Wine) in conjunction with the proposed convenience store, respectively. On January 14, 2025, the Commission adopted Resolution No. 2019 approving a one-year time extension to exercise rights granted in accordance with the approvals of SPR 2021-25 as well as CUPs 2021-12 & 13. These entitlements are set to expire on February 13, 2026.

While these two previously approved projects have the potential to result in two additional Type 20 ABC licenses in the immediate vicinity of the project site, staff have reviewed the project site and supports approval for the following reasons:

- General Plan Policy SUS-11 provides, the City seeks to allow abundant commercial opportunities and the development of a strong local workforce. The City recognizes the interrelated nature of economic development among the various cultural, social, and economic segments of the community, and will work with local entrepreneurs to develop cooperative programs that increase and enhance opportunities for business growth within the City.
- While staff acknowledge that the Census Tract is over-concentrated, the proposed hotel operations are dissimilar to the other existing or approved Type 20 licenses in the Census Tract. The hotel proposes to utilize the existing “treat shop” located adjunct to the main lobby/service area behind the front desk as the point-of-sale area. The shop area is of minimal size in which the area devoted to alcohol sales or display as well as consumer choice will be limited. Alcohol sales will be offered as a service and convenience limited to guests of the hotel only and the location of the point-of-sale area provides for monitored and controlled access.
- Properties abutting and adjacent to the project site are planned and zoned for industrial and commercial use. Properties planned and zoned for office use are located along the Airport Drive corridor to the south toward the airport. There are no sensitive uses within the vicinity of the project site.
- Staff has prepared draft conditions consistent with other off-sale alcohol sales operations authorized within the City as well as conditions specific to this proposal to promote and ensure compliance with the goals and objectives of the General Plan goals, the Zoning

Regulations of the City Municipal Code and applicable policies to protect public health, safety, and general welfare.

Conditional Use Permit (CUP) 2025-05

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the sale and consumption of alcohol. CUP 2025-05 would authorize the applicant to obtain an ABC Type 20 License for the sale of beer and wine for consumption off the premises in accordance with ABC regulations.

Site Plan Review (SPR) 2025-08

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.

Currently, SPR 2025-05 does not propose any interior or exterior changes to the project site and Site Plan Review did not identify any necessary on-site or public improvements to comply with the provisions of the City Municipal Code.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State of California Environmental Quality Act (CEQA) Guidelines because the project is operational only with respect to an existing use, within an existing building on an existing lot with existing services and utilities, no physical changes to the property, structure or facilities are proposed and the proposed operational changes are considered to constitute negligible or no expansion of use. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-05 and SPR 2025-08. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-05 and Site Plan Review (SPR) 2025-08, 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 or more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. Aerial Image
2. General Plan Land Use & Zoning Maps
3. Concentration & Proximity Map
4. Planning Commission Resolution
Exhibit A: Conditions of Approval

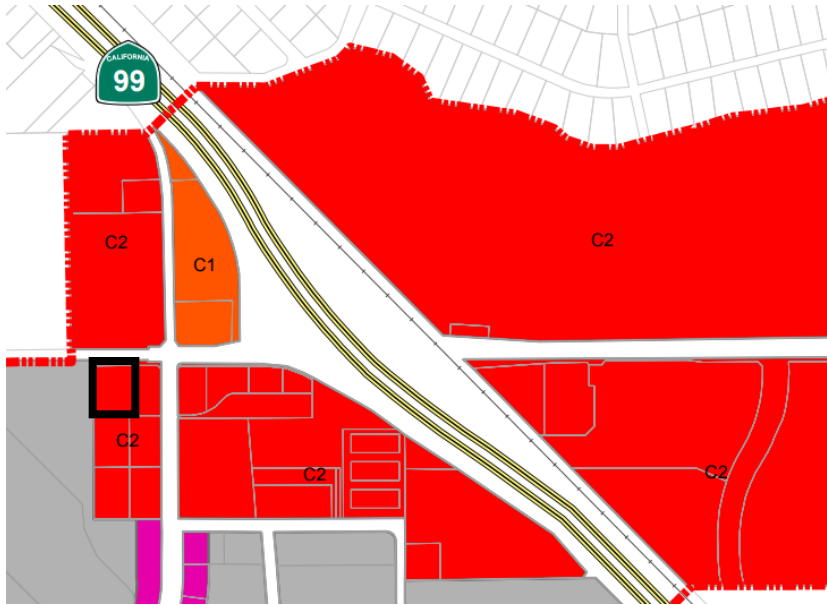
ATTACHMENT 1

Aerial Image



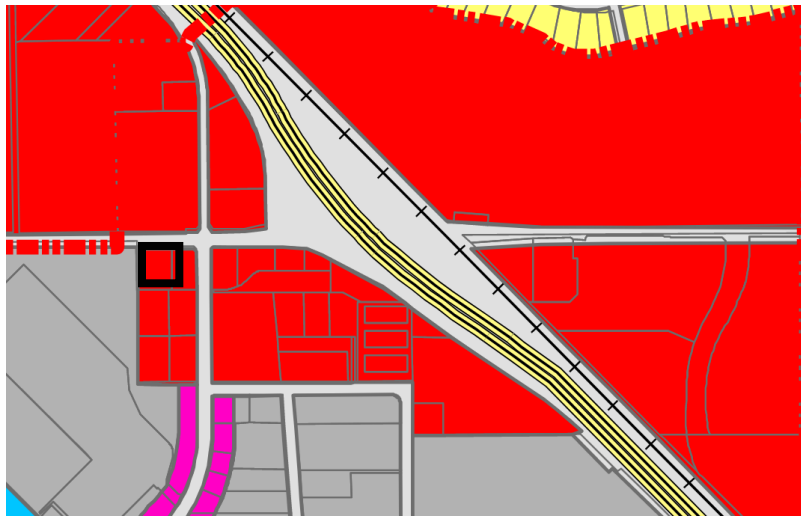
ATTACHMENT 2

General Plan Map & Zoning Map



Commercial Districts

- C1 - Light Commercial
- C2 - Heavy Commercial
- CH - Highway Commercial
- CN - Neighborhood Commercial
- CR - Restricted Commercial
- PO - Professional Office



General Plan Land Use Designations

- C - Commercial
- O - Office
- I - Industrial

ATTACHMENT 3

Concentration & Proximity Map



ATTACHMENT 4

Planning Commission Resolution for
CUP 2025-05 & SPR 2025-08
Includes Exhibit A: Conditions of Approval

RESOLUTION NO. 2027

A RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301/CLASS 1 (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2025-05 AND SITE PLAN REVIEW (SPR) 2025-08.

WHEREAS, Chandrakant N. Khatri (“Owner”) submitted an application for a Conditional Use Permit (CUP 2025-05) and Site Plan Review (SPR 2025-08), the “Project,” pertaining to ±1.58 acres of property generally located on the southwest corner of the intersection of Avenue 17 and Airport Drive at 3254 Airport Drive (APN: 013-012-021), in the City of Madera CA. 93637; and

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

WHEREAS, the site has been developed with an existing ±51,000 square-foot, 78-room, hotel building contained within four stories; and

WHEREAS, CUP 2025-05 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer & Wine) License issued to retail stores and authorizing the sale of beer and wine for consumption off the premises where sold and where minors are allowed on the premises; and,

WHEREAS, operations proposed in accordance with CUP 2025-05 and SPR 2025-08 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, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; 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 independently reviewed CUP 2025-05 and SPR 2025-08 at a duly noticed meeting on May 13, 2025; 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 the items before it, the Planning Commission now desires to adopt this Resolution determining the project is Categorically Exempt pursuant to

Section 15301/Class 1 (Existing Facilities) of the CEQA Guidelines and approving CUP 2025-05 and SPR 2025-08.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the State CEQA Guidelines because operational changes proposed will result in negligible or no expansion of the use; the premises include an existing hotel building on an improved lot served by all required services and utilities. No physical changes to the project site are proposed. 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 there are no unusual circumstances.
3. Findings to Approve CUP 2025-05: 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 C2 (Heavy 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 conditional use permit are consistent with the goals, objectives and policies of the General Plan as well as with all development, performance or operational standards of the City Municipal Code and Zoning Regulations subject to the conditions of approval.

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

The project site is planned and zoned for commercial uses. The site is a developed lot with an existing 78-room hotel building. Properties abutting and adjacent to the project site are planned and zoned for industrial and commercial use. Properties planned and zoned for office use are located along the Airport Drive corridor to the south toward the airport. There are no sensitive uses within the vicinity of the project site.

The project site is surrounded by other existing commercial and industrial development as well as vacant lands and those under construction. The Type 20 ABC license authorizes the sale of alcohol for consumption off the

premises for beer and wine. The project has been conditioned to ensure 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 hotel proposes to utilize the existing shop located adjunct to the main lobby/service area behind the front desk as the point-of-sale area. The shop area is of minimal size in which the area devoted to alcohol sales or display as well as consumer choice will be limited. Alcohol sales will be offered as a service and convenience limited to guests of the hotel only and the location of the point-of-sale area provides for monitored and controlled access.

The proposed use will therefore 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 2025-08: 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 C2 (Heavy 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 conditional 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 C2 (Heavy Commercial) zone district. The project has been conditioned for consistency with City standards, regulations and policies. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic. The proposal is operational in nature only; no physical changes to the existing developed project site or structure are proposed at this time.

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

The Site Plan Review will not have a significant impact on traffic or the environment. The project site is an existing building located within proximity to other commercial uses. The project is operational only and involves the provision of additional service and convenience limited to guests of the existing hotel and occurring within existing facilities of the hotel. The project will result in a negligible or no expansion of use.

5. Approval of CUP 2025-05 and SPR 2025-08: 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 13th day of May 2025,
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 2025-05 and SPR 2025-08

EXHIBIT A
CUP 2025-05 & SPR 2025-08
HAMPTON INN & SUITES HOTEL ABC LICENSE
CONDITIONS OF APPROVAL
May 13, 2025

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.

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 2025-05 and SPR 2025-08 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 15 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

Approval of this 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 and/or operations are not commenced 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.

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. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant’s signature on the Planning Department Acknowledgement and Acceptance of Conditions of Approval form.
2. 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 2025-05 and SPR 2025-08.**
3. CUP 2025-05 and SPR 2025-08 will expire 24 months from the date of issuance, unless the rights granted by approval are exercised or required action is taken to extend the approval prior to the expiration date and in accordance with the provisions of the Zoning Regulations of the City Municipal Code.
4. Approval of a Conditional Use Permit and/or Site Plan Review does not constitute approval or authorization to commence activities or construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading, encroachment, or building permits.

5. Compliance with conditions of approval shall be demonstrated to the satisfaction of the City of Madera prior to issuance of building permits, final inspection, occupancy of the premises, issuance of a business license and/or commencement of operations, except as may be otherwise or specifically noted within these conditions of approval.
6. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, and commencement of operations.
7. Approval of CUP 2025-05 and SPR 2025-08 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

8. All prior conditions pertaining to the development, use and/or operations on the subject property are included herein by reference and shall be complied with at all times; except, as may be modified herein these conditions of approval.
9. Vandalism and graffiti on the property shall be corrected in accordance with the provisions of the City Municipal Code (CMC).
10. 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.

Alcoholic Beverage Sales & Operations

11. Conditional Use Permit CUP 2025-05 authorizes the Hampton Inn & Suites to obtain a State of California Department of Alcoholic Beverage Control (ABC) Type 20 Off-Sale Beer & Wine license for use in conjunction with hotel operations on the project site; and subject to compliance with these conditions of approval.
 - a. A Type 20 ABC license from the Department of Alcoholic Beverage Control must be obtained prior to the sale of beer or wine on the subject site. The applicant, its operators and successors shall comply with all applicable City, State and Federal requirements and standards.
 - i. The use of the subject site as authorized by CUP 2025-05, must comply with any license requirements of the Alcoholic Beverage Control at all times. Any action taken by the owner, applicant, and/or business manager found to be in violation of any of the provisions set forth by the Alcohol Beverage Control License Type 20 shall render this conditional use permit revocable.
12. Any modification to the ABC License type or extent or intensity of operations or changes to operational conditions shall first require an application to the Planning Department for an amendment to CUP 2025-05 and consideration by the Planning Commission for action.
13. Alcohol sales may occur on any day of the week. Any sale of alcohol between the hours of 2 a.m. and 6 a.m. shall be prohibited.
 - a. Cooler doors for alcoholic beverage products will be locked during hours when alcoholic beverages may not be sold.
14. Alcohol sales on the premises shall be limited to guests of the hotel only.
15. No open alcoholic beverage containers or loitering shall be allowed on the premises; except as follows:
 - a. Guests may be permitted to consume alcoholic beverages within the privacy of their individual rooms at the discretion of and subject to hotel administration or policy and as may be permitted by ABC.

The business owner/manager shall regularly monitor the area under its control to otherwise prevent the on-site consumption of alcohol or the loitering of persons about the premise.

The applicant shall post signs in the area under its control prohibiting open containers and loitering at the location.
16. All employees shall be trained to report emergencies to law enforcement and to the manager on duty.
17. Digital security cameras shall be installed to record the interior of the alcohol point-of-sale area. Footage from digital security cameras installed to monitor the interior and/or

exterior of the premises shall be maintained in a digital format for no less than thirty (30) days. Footage shall be shared with law enforcement upon request.

Beer and Wine Sales

18. The sale of beer shall occur in packs of six (6) or greater. However, 24-ounce imported and/or specialty craft beers not normally sold in multi-package containers may be sold individually.
19. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
20. The sale of wine coolers shall occur in no less than packs of four (4).
21. The sale of wine shall not be sold in containers less than 750 ml.
22. No malt liquor or fortified wine products shall be sold.
23. No display of alcohol shall be made from an ice tub, barrel or similar container.

Merchandise & Advertising

24. Outdoor display of alcohol-related merchandise for sale is prohibited, any temporary outdoor display of merchandise for sale, including vending machines, shall not occur on the premises.
25. No adult magazines or videos shall be sold.
26. There shall be no exterior advertising or signs of any kind or type placed in the exterior windows or door of the premises promoting or indicating the availability of alcoholic beverages. Signs promoting alcoholic beverages shall not be visible from the exterior of the structure.
27. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
28. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco related products shall be utilized in any way.

END OF CONDITIONS