



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, August 12, 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: 89019224930# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89019224930>. 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-Maciell
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: September 12, 2023 / February 11, 2025 / May 13, 2025 / July 8, 2025

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 2025-07 & SPR 2025-11 – Madera Ave Market ABC License (Report by Adi Rueda)

Subject: Consideration of a request to amend the conditions of approval for Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11) authorizing the establishment of a Type 21 (Off-Sale General) Alcoholic Beverage Control (ABC) License for the Madera Avenue Market located northwest corner of the intersection of Madera Avenue and Maple Street at 416 Madera Ave (APN: 012-083-017). The project site is designated for Commercial land uses in the City of Madera General Plan and is zoned C1 (Light Commercial).

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission denying the request to amend the conditions of approval for Conditional Use Permit (CUP) 2025-07 and Site Plan Review (SPR) 2025-11, subject to the findings.

2. CUP 2025-01 & SPR 2025-04 – East Yosemite Food Truck Court (Report by Robert Smith)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review proposing the development of a food truck court for the operation of mobile food preparation units on a ±0.21-acre parcel located on the easterly corner of East Yosemite Avenue and South Lake Street at 600 East Yosemite Avenue (APN: 007-173-019). The project site is planned for Commercial use by the City of Madera General Plan and is zoned C1 (Light Commercial).

THE APPLICANT IS REQUESTING THIS ITEM BE CONTINUED TO THE SEPTEMBER 9TH PLANNING COMMISSION MEETING.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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

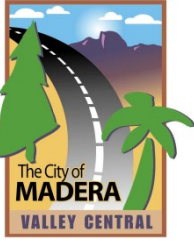
- The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing planninginfo@madera.gov to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be 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: August 12, 2025

Agenda Number: 1

SUBJECT:

Consideration of a request to amend the conditions of approval for Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11) authorizing the establishment of a Type 21 (Off-Sale General) Alcoholic Beverage Control (ABC) License for the Madera Avenue Market located northwest corner of the intersection of Madera Avenue and Maple Street at 416 Madera Ave (APN: 012-083-017).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission denying the request to amend the conditions of approval for Conditional Use Permit (CUP) 2025-07 and Site Plan Review (SPR) 2025-11, subject to the findings.

SUMMARY:

The applicant, Pabla Petroleum Inc., has filed an application requesting to amend the conditions of approval for Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11) for the Madera Ave Market located on the northwest corner of Madera Avenue and Maple Street at 416 Madera Avenue (APN 012-083-017).

The project site is located within the C1 (Light Commercial) zone district, and the property is designated for Commercial uses on the General Plan Land Use Map.

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

Table 1: Project Overview	
Project Number:	CUP 2025-07 and SPR 2025-11
Applicant:	Pabla Petroleum INC
Property Owner:	Satnam Singh Pabla

<i>Location:</i>	416 Madera Ave / APN: 012-083-017
<i>Project Area:</i>	±0.42 acres
<i>Land Use:</i>	Commercial (C)
<i>Zoning District:</i>	Light Commercial (C1)
<i>Site Characteristics:</i>	Project site includes an existing 4,300 square foot building operating as a convenience store.

BACKGROUND

Alcoholic Beverage Control (ABC) License

The California Department of Alcoholic Beverage Control (ABC) administers and issues licenses that allow establishments to serve alcohol.

The Madera Ave Market currently operates with an established Type 20 (Off-Sale Beer and Wine) ABC License issued to retail stores to authorize the sale of beer and wine for consumption off the premises where sold and with minors allowed on the premises.

Conditional Use Permit (CUP) 2025-07

City Municipal Code (CMC) Section 10.3.405(B) provides no establishment where liquor is served or sold for consumption on or off the premises, shall be established in any zone where such uses may be otherwise allowed unless a use permit (CUP) shall first have been secured for the establishment, maintenance, and operation of such use.

While the project site currently operates with an established ABC Type 20 License, details related to the history of licenses available on the ABC website “License Lookup” identify the oldest ABC license associated with the subject address having originally been issued on February 16, 1994.

In accordance with the provisions of CMC § 10-3.406(B), a use lawfully occupying a building or structure on the effective date of an applicable amendment to the Zoning Regulations, which use does not conform to the regulations for the district in which the use is located, shall be deemed to be a nonconforming use, and may be continued as provided below:

- (1) The lawful use of buildings or structures may be continued although such building or use does not conform to the regulations specified for the zone in which such building or structure is located.
- (2) The nonconforming use of a portion of a building or structure may be extended throughout the building provided in each case a use permit shall be first approved by the Planning Commission.
- (3) The nonconforming use of a building or structure may be changed to a use of the same or more restricted nature provided in each case a use permit shall first be approved by the Planning Commission.
- (4) If the nonconforming use of a building or structure ceases for a continuous period of six months, it shall be considered abandoned and shall thereafter be used only in accordance

with the regulations for the zone in which such building or structure is located and the nonconforming right shall be lost. Provided, however, that if a use permit is approved by the Planning Commission within an additional six months from the date of termination, the use may be reestablished.

As the original date of issuance of the ABC Type 20 License preceded City adoption of CMC § 10.3.405(B) in 1996, a use permit was not first required to have been secured by the City prior to issuance of the original Type 20 ABC License. The alcohol sales use has been permitted to continue and has not been determined to have ceased pursuant to the provisions of CMC § 10-3.406(B) et seq. Therefore, no conditions for the operation of such use (i.e., the sale of liquor/alcohol) on the premises in association with a use permit have previously been subject to consideration by the City prior to this year.

As a use permit is required, in accordance with the provisions of CMC § 10-3.406(B) et seq., when a nonconforming use is extended or changed to a use of the same or more restricted nature and as the applicant's request for a new Type 21 ABC license proposes to extend and change the nonconforming alcohol sales use to also include distilled spirits in addition to beer & wine (a use of the same and more restricted nature), the application for Conditional Use Permit (CUP) 2025-07 is mandated by the Zoning Regulations.

On July 8, 2025, the Commission adopted Resolution No. 2028 approving Conditional Use Permit (CUP) 2025-07 and Site Plan Review (SPR) 2025-11 authorizing the existing Type 20 ABC License to be replaced with a Type 21 (Off-Sale General) ABC License, issued to retail stores to authorize the sale of beer, wine and distilled spirits for consumption off the premises where sold and with minors allowed on the premises. Resolution No. 2028 was adopted subject to the findings of the City Municipal Code (CMC § 10-3.1307[B]) as contained within the Resolution and subject to the conditions of approval attached thereto.

Pursuant to the provisions of CMC § 10-3.1307(B), in order to grant any use permit, the Commission shall first find that all of the following apply:

- (1) The proposal is consistent with the General Plan and Zoning Ordinance.
- (2) The proposed use will be compatible with the surrounding properties.
- (3) 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.

In addition, and in accordance with CMC § 10-3.1307(C), the Commission may designate such conditions in connection with the use permit as it deems necessary to secure the purpose of the Zoning Regulations and may require such guarantees and evidence that such conditions are being or will be complied with. As stated within the project conditions of approval dated July 8, 2025, the project was made 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.

ANALYSIS

Request for Amendment to Conditions

The Applicant has filed an application requesting an amendment to the Conditions of Approval (COA) for CUP 2025-07 & SPR 2025-11 dated July 8, 2025. The applicant has requested to remove/strike COA #4 & COA #19 through #24. These are “standard” conditions used by the City for almost a decade for all ABC CUP uses and are conditions to which the Applicant previously agreed to on the record on July 8, 2025. Specifically:

Conditions of Approval

4. *CUP 2025-07 and SPR 2025-011 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.*

This condition is a mandatory requirement of the Zoning Regulations and may not be modified except through City Council adoption of an amending ordinance to the municipal code. As such, Staff recommends that the request to remove/strike this condition of approval be denied.

Pursuant to the provisions of CMC § 10-3.1311(A), any use permit granted by the city as herein provided shall be conditioned upon the privileges granted therein being utilized within 24 months after the effective date thereof. Failure to utilize such permit within such 24-month period shall render the permit null and void unless a written request for extension is submitted to the Planning Commission prior to the expiration of the permit. The Planning Commission shall review the request at its next regular meeting and may grant or conditionally grant an extension as it deems appropriate. Use permits utilized but later abandoned for a period of 12 consecutive months shall automatically terminate unless a written request for extension is submitted and approved as described in this section.

To clarify, this provision affords 24 months for an applicant to exercise the rights associated with the approval of a use permit prior to expiration of the approval. Once the respective right(s) is exercised (i.e., once the Type 21 License is issued by ABC for the premises and operations involving the sale of distilled spirits in addition to beer & wine are commenced), the use permit does not terminate unless the authorized use is abandoned for a period of 12 months (or the use permit is revoked).

- 19. 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.*
- 20. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.*
- 21. The sale of wine coolers shall occur in no less than packs of four (4).*
- 22. The sale of wine shall not be sold in containers less than 750 ml.*
- 23. No malt liquor or fortified wine products shall be sold.*
- 24. No display of alcohol shall be made from an ice tub, barrel or similar container.*

The Applicant has also requested the foregoing “standard” conditions be removed/stricken from the Conditions of Approval due to the fact that the previously established and existing Type 20 License for the premises allows for the sale of beer and wine without conditions for the operation of such use.

Based upon ABC license details, there are no active disciplinary actions, or a disciplinary history found nor are there any holds shown in association with the license or premises. Additionally, review of Police Department records do not reveal frequent or excessive calls-for-service.

While staff acknowledges, based on this information, that the owners of the property and business have demonstrated good operational practices associated with the sale of beer and wine and while staff was originally, and remains, supportive of approval of CUP 2025-07 and the issuance of a Type 21 ABC License for the premises, staff does not support an amendment to remove these conditions for the operation of the alcohol sales use.

City Municipal Code (CMC) Section 10.3.405(B) provides no establishment where liquor is served or sold for consumption on or off the premises shall be established in any zone where such uses may be otherwise allowed unless a use permit (CUP) shall first have been secured for the establishment, maintenance, and operation of such use. This makes conditions relative to the operation of use germane to the purpose of the Zoning Regulations to require a use permit where liquor is sold for consumption on or off the premises

Accordingly, the Commission may designate such conditions in connection with the use permit as it deems necessary to secure the purpose of the Zoning Regulations. The conditions for the operation of use which were adopted 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.

While a complete history is not known to present City staff, these respective conditions of approval have been applied and adopted consistently for new use permits requesting

authorization to establish off-sale ABC licenses (for consumption of the premises where sold) since 2016. Based upon the available records, these conditions appear to have been first adopted by the City Council following consideration of an appeal of a Commission denial of a use permit requesting authorization for an off-sale ABC License. Findings adopted by the Council in association with its approval of the use permit stated as follows:

- As conditioned, the sale of beer and wine for off-site consumption will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

As the conditions relative to the operation of the use are considered germane to the purpose of the Zoning Regulations to require a use permit where liquor is sold for consumption on or off the premises (Zoning Ordinance consistency); and, given that the historical policy and practice of the City (over the past 9-10 years) has been to consistently apply these same conditions of approval to use permits requesting authorization to obtain ABC Licenses for purposes of off-sale alcohol sales and given said policy and practice appears to have originated with the legislative body of the City (the Council) for purposes of making findings pertaining to maintaining the health, safety, peace, morals, comfort and general welfare of the public, it is staff's opinion that these conditions are pertinent to the findings required pursuant to CMC § 10-3.1307(B) and those which were adopted for purposes of the approval of CUP 2025-07. This is consistent with a wide variety of independent studies and evidence, including those referenced below.

Additionally, staff encourages the consistent and equitable conditioning of operations for similar uses in the City regardless of business location or operator. This helps to support a fair market, ensures fair and consistent standards for all, and assists with City enforcement of applicable regulations. Removal of these conditions would give the Applicant special rights not afforded to other ABC CUP applicants subject to the standard conditions.

Alcohol Sales

Historically, the Police Department (PD) has opposed any request for the issuance of an alcohol license in Census Tract 8. Census Tract 8 previously represented the combined area of what is now Census Tracts 8.01 and 8.02. The contention behind the opposition is that the Downtown District has an overconcentration of alcohol licenses that has caused a public nuisance to the City's welfare and safety in that area. This matter was brought to the City Council in an administrative report during the April 20, 2011, Council hearing with a 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 5.11. The City's Police Department was notified and presented no opposition to the request.

Census Tract 5.11 does not have an over concentration of ABC Type 21 Licenses. According to the Alcoholic Beverage Control License Report, Census Tract 5.11 has three (3) active Type 21 Licenses. Please see below for more information.

Table 2: ABC License Type 21				
Business	Census Tract	Year Issued	ABC Type	Jurisdiction
<i>The Local Shoppe 1488 Madera Ave</i>	5.11	2007	Type 21	City of Madera
<i>Dollar General 1200 Madera Ave</i>	5.11	2016	Type 21	City of Madera
<i>GMG Food Store 755 Madera Ave</i>	5.11	2015	Type 21	City of Madera

Staff has reviewed the project site and supports approval in accordance with the following General Plan Policy:

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

Staff is in support of CUP 2025-07 and SPR 2025-11 to authorize the applicant to move forward with a Type 21 license subject to the originally adopted Conditions of Approval. The site is in good standing with the city and has no previous violations of mistreatment of the ABC regulations.

Site Plan Review (SPR) 2025-11

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 2025-11 does not propose any interior or exterior changes to the project site and Site Plan Review did not reveal any necessary on-site or public improvements required to comply with the provisions of the City Municipal Code.

ENVIRONMENTAL REVIEW:

This project has been previously assessed. On July 8, 2025, the Commission adopted Resolution No. 2028 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) 2025-07 and Site Plan Review (SPR) 2025-11, subject to the findings and conditions of approval.

The recommendation of staff is to deny the request to amend the adopted Conditions of Approval dated July 8, 2025. If so denied by the Planning Commission, the California Environmental Quality Act (CEQA) does not apply to activities or projects which a public agency rejects or disapproves.

On the other hand, if the Planning Commission is inclined to approve proposed modifications to any condition as requested, a preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission could determine 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; only authorizing a variation of the same type of product which is permitted to be sold on the premises. The premises include an existing convenience store/market on an improved lot served by all required services and utilities. No physical changes to the project site are proposed. The proposed project was determined to be consistent with the 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.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on the request to amend the Conditions of Approval for CUP 2025-07 and SPR 2025-11. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning Commission denying the request to amend the conditions of approval for Conditional Use Permit (CUP) 2025-07 and Site Plan Review (SPR) 2025-11, subject to the findings.

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 to approve for final consideration by the Commission and consistent with the Commission's direction (Commission to specify date and reasons for continuance).
2. Provide staff with other alternative directives.

ADDITIONAL DOCUMENTATION:

Liquor store density linked to youth homicides: <https://www.sciencedaily.com/releases/2011/09/110907163912.htm> (Concluding violent crime could be reduced significantly if policymakers at the local level limit the number of neighborhood liquor stores and ban the sale of single-serve containers of alcoholic beverages, according to separate U.S. studies.) See also <https://www.cbsnews.com/losangeles/news/studies-liquor-store-density-linked-to-youth-violent-crime/>.

The Impact of Single-Container Malt Liquor Sales Restrictions on Urban Crime: <https://pubmed.ncbi.nlm.nih.gov/28271236/> (Retail malt liquor sales restrictions can have effects on a range of crimes.)

Effects of Restricting High Alcohol Content Beverages on Crime in California: <https://pubmed.ncbi.nlm.nih.gov/31694462/> (Study of California cities concluding that malt liquor policies reduce crime when they include strong restrictions on the sale of malt liquor products.)

Violent crime and alcohol availability: relationships in an urban community: <https://pubmed.ncbi.nlm.nih.gov/9798373/> (Alcohol outlets represent a form of "undesirable land use" in urban neighborhoods that are a manifestation of increasingly concentrated economic disadvantage in the United States.)

Alcohol outlets and violent crime in Washington D.C: <https://pubmed.ncbi.nlm.nih.gov/20882151/> (Alcohol outlet density is significantly associated with the violent crimes. The science regarding alcohol outlet density and alcohol-related harms has clearly identified the use of limiting outlet density to reduce the associated adverse health consequences.)

Impact of Retail Practices on Violence: The Case of Single Serve Alcohol Beverage Containers: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/impact-retail-practices-violence-case-single-serve-alcohol-beverage> (Study found that the average proportion of shelf space in establishments devoted to single-serve alcoholic beverages was positively related to violent crime in surrounding areas. A reduction in the density of outlets that sell ready-to-drink, single-serve containers of alcoholic beverages can be expected to reduce violence in and around these outlets, and banning or reducing the sales of single-serve, ready-to-consume containers of alcohol can have an additional impact on violence and harm reduction.)

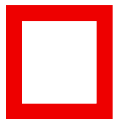
U.S. Department of Justice - How To Use Local Regulatory and Land Use Powers To Prevent Underage Drinking: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/how-use-local-regulatory-and-land-use-powers-prevent-underage-0> (Recommendations include no single-can sales, minimum sizes for wine, prohibition of sales of malt liquors, etc.)

ATTACHMENTS:

1. Aerial Image
2. General Plan Land Use & Zoning Maps
3. Concentration & Proximity Map
4. Supplemental Questions by Applicant
5. Supplemental Letters Provided by Applicant
6. Planning Commission Resolution No. 2028
Exhibit A: Conditions of Approval dated July 8, 2025
7. Resolution Proposed for Adoption

ATTACHMENT 1

Aerial Image



Project Site

ATTACHMENT 2

General Plan Map & Zoning Map

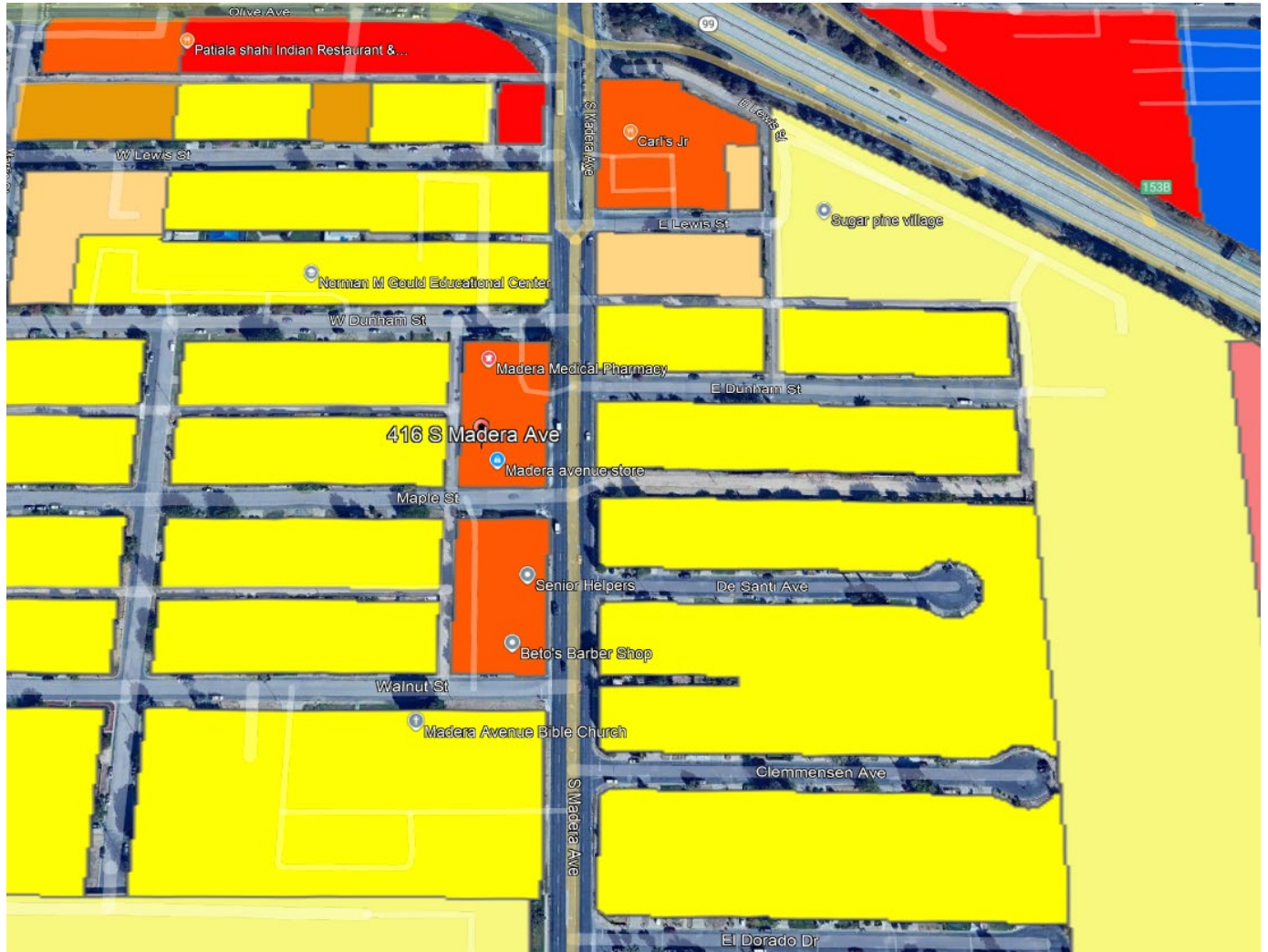
GENERAL PLAN LAND USE



General Plan Land Use Designations

- C - Commercial
- O - Office
- I - Industrial
- VLD - Very Low Density Residential
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential
- NMU - Neighborhood Mixed Use
- VMU - Village Mixed Use
- VR - Village Reserve
- OS - Open Space
- RC - Resource Conservation/Agriculture
- P&SP - Other Public and Semi-Public Uses

ZONING DISTRICT



Commercial Districts

- C1 - Light Commercial
- C2 - Heavy Commercial
- CH - Highway Commercial
- CN - Neighborhood Commercial
- CR - Restricted Commercial
- PO - Professional Office
- POWYO - Professional Office
West Yosemite Avenue Overlay

Industrial Districts

- I - Industrial
- IP - Industrial Park

Other Districts

- PF - Public Facilities
- RCO - Resource Conservation and Open Space
- U - Unclassified
- S - Special Provisions Applicable

ATTACHMENT 3

Concentration & Proximity Map



ATTACHMENT 4

Supplemental Questions by Applicant

Adileni Rueda

From: [REDACTED]
Sent: Friday, July 11, 2025 8:24 AM
To: Adileni Rueda
Subject: Concerns about the Conditions

Good morning Adileni,

I was wondering if you could provide me with information about some concerns regarding type 21 license restrictions that have come up during our conditions of approval meeting for CUP 2025-07 & SPR 2025-11.

I was wondering more so when the City of Madera adopted these conditions of approval for established type 21 licenses within city limits?

Also, when an established license holder with a type 20 license purchases a type 21 license within city limits from a business that is closing, is that considered a new license?

From our understanding, purchasing a valid type 21 license to upgrade our existing type 20 license (which is in great standing) should not change our ability to sell certain, existing products on our shelves. These conditions of approval clearly take away 60% of our cooler doors, because it limits the single-serve items we can sell.

Finally, the conditions for the CUP expiration are not fully clear. On one hand, it says the CUP expires in 24 months, but it also says this does not apply if the rights granted are exercised. As explained, the CUP is part of a grandfathering process for an existing ABC license upgrade. As such, the expiration does not seem to apply. This is rule 4 of the conditions of approval. Because of our unique circumstance, can you clarify whether we are expected to renew the CUP in 2 years?

We will be appealing the decision to grant the approval of our license based on our finding that our license should be grandfathered in and would like to find ways we can resolve this matter.

Thanks for your attention,

Satnam Pabla
[REDACTED]
[REDACTED]
[REDACTED]

ATTACHMENT 5

Supplemental Letters Provided by Applicant



MADERA POLICE DEPARTMENT

Giachino Chiaramonte
Chief of Police

August 5, 2025

Satnam Singh Pabla
Madera Ave Market
416 South Madera Ave.
Madera, CA 93637

Dear Mr. Pabla

On behalf of the Madera Police Department, I would like to express our sincere appreciation for your ongoing commitment and support of our community outreach initiatives. Your involvement plays a vital role in strengthening the relationship between our department and the residents we serve, fostering trust, collaboration, and a shared dedication to creating a safer, more connected community.

Sincerely,

A handwritten signature in blue ink, appearing to read "G. Chiaramonte", written in a cursive style.

Chief of Police
Giachino Chiaramonte



July 2025

Satnam Singh Pabla
Madera Ave Market
416 S. Madera Ave.
Madera, CA 93637

Dear Mr. Pabla,

Thank you for your donation to the Madera County Sheriff's Foundation in December 2024 from Pabla Petroleum/GMG Food Store 101, 755 Madera Ave. Madera CA 93637.

You support is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Amy Varney". The signature is fluid and cursive.

Amy Varney
MCSF Chair

ATTACHMENT 6

Planning Commission Resolution 2028

CUP 2025-07 & SPR 2025-11

Includes Exhibit A: Conditions of Approval dated July 8, 2025

RESOLUTION NO. 2028

**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) 2025-07 AND
SITE PLAN REVIEW (SPR) 2025-11.**

WHEREAS, Pabla Petroleum Inc. ("Owner") submitted an application for a Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11), the "Project," pertaining to the Madera Avenue Market developed on ±0.42 acres of property located on the northwest corner of the intersection of Maple Street and Madera Avenue at 416 Madera Avenue (APN: 012-083-017), 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 C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, the site has been developed with an existing ±4,300 square foot convenience store; and

WHEREAS, CUP 2025-07 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold and where minors are allowed on the premises; and,

WHEREAS, operations proposed in accordance with CUP 2025-07 and SPR 2025-11 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 2025-07 and SPR 2025-11 at a duly noticed meeting on July 8, 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 2025-07 and SPR 2025-11.

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; only authorizing a variation of the same type of product which is permitted to be sold on the premises. The premises include an existing convenience store/market 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 2025-07: 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 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 convenience store. Project site has previously sold beer and wine under a Type 20 ABC License without serious

issue. Properties abutting and adjacent to the project site are planned and zoned for commercial and residential uses.

The Type 21 ABC license authorizes the sale of alcohol for consumption off the premises for beer, wine, and distilled spirits. 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 existing convenience store does not propose additions to the project site or building or operations that will be detrimental to the neighborhood or general welfare. The applicant is requesting to include the sale of distilled spirits to existing beer and wine sales authorized to occur at the establishment.

The operations of this proposal have been conditioned as attached to this Resolution to ensure the general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. Findings to Approve SPR 2025-11: 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 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 C1 (Light 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 addition of distilled spirits. The project will result in a negligible or no expansion of use.

5. Approval of CUP 2025-07 and SPR 2025-11: 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 8th day of July 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 2025-07 and SPR 2025-11

EXHIBIT A
CUP 2025-07 & SPR 2025-11
MADERA AVE MARKET ABC LICENSE
CONDITIONS OF APPROVAL
August 12, 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 2025-07 and SPR 2025-11 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. Project approval shall continue to operate under previous conditions stated in Site Plan Review 1989-20, Site Plan Review 1989-20 MOD, and Site Plan Review 1989-20 MOD 2.
3. 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 2025-07 and SPR 2025-11.**
4. CUP 2025-07 and SPR 2025-011 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.
5. 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.

6. 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.
7. 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.
8. Approval of CUP 2025-07 and SPR 2025-11 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

9. 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.
10. Vandalism and graffiti on the property shall be corrected in accordance with the provisions of the City Municipal Code (CMC).

11. 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

12. Conditional Use Permit CUP 2025-07 authorizes the establishment of a State of California Department of Alcoholic Beverage Control (ABC) Type 21 Off-General license for use in conjunction with convenience store/market operations on the project site; and subject to compliance with these conditions of approval.
 - a. A Type 21 ABC license from the Department of Alcoholic Beverage Control must be obtained prior to the sale of beer, wine, and/or distilled spirits 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 2025-07, 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 21 shall render this conditional use permit revocable.
13. 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 2025-07 and consideration by the Planning Commission for action.
14. 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.
15. No open alcoholic beverage containers or loitering shall be allowed on the premises.
16. 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.
17. All employees shall be trained to report emergencies to law enforcement and to the manager on duty.
18. 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

19. 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.
20. The sale of 32-ounce to 40-ounce beer and malt beverage products shall be prohibited.
21. The sale of wine coolers shall occur in no less than packs of four (4).
22. The sale of wine shall not be sold in containers less than 750 ml.
23. No malt liquor or fortified wine products shall be sold.
24. No display of alcohol shall be made from an ice tub, barrel or similar container.

Merchandise & Advertising

25. 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.
26. No adult magazines or videos shall be sold.
27. 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.
28. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
29. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco related products shall be utilized in any way.

END OF CONDITIONS

ATTACHMENT 7
Resolution Proposed for Adoption

RESOLUTION NO. 2031

A RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION DENYING THE REQUEST TO AMEND THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) 2025-07 AND SITE PLAN REVIEW (SPR) 2025-11.

WHEREAS, Pabla Petroleum Inc. ("Owner") submitted an application for a Conditional Use Permit (CUP 2025-07) and Site Plan Review (SPR 2025-11), the "Project," pertaining to the Madera Avenue Market developed on ±0.42 acres of property located on the northwest corner of the intersection of Maple Street and Madera Avenue at 416 Madera Avenue (APN: 012-083-017), 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 C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, the site has been developed with an existing ±4,300 square foot convenience store; and

WHEREAS, the application for CUP 2025-07 was filed to request authorization to obtain a California Department of Alcoholic Beverage Control (ABC) Type 21 (Off-Sale General) License issued to retail stores and authorizing the sale of beer, wine, and distilled spirits for consumption off the premises where sold and where minors are allowed on the premises; and,

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

WHEREAS, on July 8, 2025, the Planning Commission adopted Resolution No. 2028 determining the project was Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-07 and Site Plan Review (SPR) 2025-11, subject to the findings of the City Municipal Code (CMC § 10-3.1307[B]) as contained within the adopted Resolution and subject to the Conditions of Approval attached thereto; and

WHEREAS, prior to approval on July 8, 2025, the Owner specifically agreed to all of the Conditions of Approval on the records; and

WHEREAS, subsequently the Owner has submitted a request to amend and remove Conditions of Approval for CUP 2025-07 and SPR 2025-11 in accordance with the provisions of CMC § 10-3.417; and

WHEREAS, pursuant to the provisions of CMC § 10-3.417 *et seq.*, the requested amendment to the Conditions of Approval shall be processed in the same manner and subject to the same standards as the original application, the original approving authority (Commission) shall be the designated approving authority and the amendment may be granted only when the designated approving authority makes all findings required for the original approval; and

WHEREAS, the project has been previously assessed in accordance with the California Environmental Quality Act (CEQA) Guidelines and CEQA does not apply to activities or project which a public agency rejects or disapproves; and

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

WHEREAS, operations proposed in accordance with CUP 2025-07 and SPR 2025-11 were previously determined by the Commission to be consistent with the General Plan and Zoning Ordinance and 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 subject to the adopted Conditions of Approval; and

WHEREAS, the Planning Commission received and independently reviewed the requested amendments to the Conditions of Approval for CUP 2025-07 and SPR 2025-11 at a duly noticed meeting on August 12, 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 denying the request to amend the Conditions of Approval for Conditional Use Permit (CUP) 2025-07 and Site Plan Review (SPR) 2025-11

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: CEQA does not apply to activities or projects which a public agency rejects or disapproves. Further, the existing entitlements were previously assessed. On July 8, 2025, the Commission adopted Resolution No. 2028 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) 2025-07 and Site Plan Review (SPR) 2025-11, subject to the findings and conditions of approval.
3. Findings to Deny Amendment to the Conditions of Approval for CUP 2025-07 and SPR 2025-11: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the denial of the request to amend the conditions of approval for the use permit and site plan. 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 not consistent with the General Plan and Zoning Ordinance.

For purposes of approval of CUP 2025-07 and SPR 2025-11, the existing use of the property and proposed operations requiring a conditional use permit were found previously 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.

City Municipal Code (CMC) Section 10.3.405(B) provides no establishment where liquor is served or sold for consumption on or off the premises shall be established in any zone where such uses may be otherwise allowed unless a use permit (CUP) shall first have been secured for the establishment, maintenance, and operation of such use. This makes conditions relative to the operation of use germane to the purpose of the Zoning Regulations to require a use permit where liquor is sold for consumption on or off the premises and, pursuant to CMC § 10-3.1307(C), the Commission may designate such conditions in connection with the use permit as it deems necessary to secure the purpose of the Zoning Regulations.

The adopted discretionary Conditions of Approval (COA) are “standard” conditions used by the City for almost a decade for all off-sale ABC CUP uses and are conditions to which the Applicant previously agreed to on the record on July 8, 2025. Removal of these conditions would give the Applicant special rights not afforded to other ABC CUP applicants subject to the standard conditions.

Fostering a healthy and safe Madera was a major outcome of Vision 2025 and is a major goal of the City General Plan. The General Plan goals, objectives and policies include the provision of safe, clean and attractive streets, parks, recreational centers and neighborhoods and encourage policies intended to discourage crime and which provide security and safety for people and property.

Studies have found that alcohol sales establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses.

The nature and type of alcohol sales have the potential to affect public health, safety, and quality of life in a neighborhood as well as increase the perceived lack of safety in a neighborhood; and, can contribute to a variety of health and safety problems including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries.

The Conditions of Approval which have been requested to be amended are either codified regulations of the CMC (COA #4) (which is a requirement of the Zoning Ordinance); or, intended to regulate single-serve alcohol sales as well as minimize such sales with a higher alcohol content (COA ##19-24).

Single-serve containers are conducive to immediate public consumption which can contribute to problems like driving under the influence, public intoxication, disorderly conduct, public urination, littering, loitering, and disruption of the peace and safety of an area. Certain products, targeted marketing, and level of affordability also raise concerns about appeal to youth and minorities.

Collectively, such concerns relate to the potential to facilitate excessive or inappropriate drinking behaviors which can lead to increased crime, health issues and negative social consequences and which are not consistent with the City GP Vision, goals and objectives and/or purpose and intent of the Zoning Ordinance. This finding is based, among others, on studies cited or information contained in the administrative record, official actions of the City Council (including supporting documents associated with the same) and the Planning Commission, and other relevant information and reasonable inferences from information.

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

The project site is located with frontage on a Major Street (Madera Ave/SR 145) and is located immediately adjacent to a residential neighborhood to the west and is located across Madera Avenue from residences to the east.

Studies suggest that alcohol sales establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses.

The nature and type of alcohol sales have the potential to affect public health, safety, and quality of life in a neighborhood as well as increase the perceived lack of safety in a neighborhood; and can contribute to a variety of health and safety problems including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries.

The Conditions of Approval which have been requested to be amended are either codified regulations of the CMC (COA #4); or, intended to regulate single-serve alcohol sales as well as minimize such sales with a higher alcohol content (COA ##19-24).

Single-serve containers are conducive to immediate public consumption which can contribute to problems like driving under the influence, public intoxication, disorderly conduct, public urination, littering, loitering, and disruption of the peace and safety of an area are not considered compatible. This finding is based, among others, on studies cited or information contained in the administrative record, official actions of the City Council (including supporting documents associated with the same) and the Planning Commission, and other relevant information and reasonable inferences from information.

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.

Fostering a healthy and safe Madera was a major outcome of Vision 2025 and is a major goal of the City General Plan. The General Plan goals, objectives and policies include the provision of safe, clean and attractive streets, parks, recreational centers and neighborhoods and encourage policies intended to discourage crime and which provide security and safety for people and property.

Studies have established that alcohol sales establishments possess certain characteristics that have the potential to cause deleterious effects and nuisances on surrounding neighborhoods and businesses.

The nature and type of alcohol sales have the potential to affect public health, safety, and quality of life in a neighborhood as well as increase the perceived lack of safety in a neighborhood; and can contribute to a variety of health and safety problems including higher rates of alcohol-related hospitalizations, drunken driving accidents, and pedestrian injuries.

The Conditions of Approval which have been requested to be amended are either codified regulations of the CMC (COA #4); or, intended to regulate single-serve alcohol sales as well as minimize such sales with a higher alcohol content (COA ##19-24).

Single-serve containers are conducive to immediate public consumption which can contribute to problems like driving under the influence, public intoxication, disorderly conduct, public urination, littering, loitering, and disruption of the peace and safety of an area. Certain products, targeted

marketing, and level of affordability also raise concerns about appeal to youth and minorities.

Collectively, such concerns relate to the potential to facilitate excessive or inappropriate drinking behaviors which can lead to increased crime, health issues and negative social consequences which have potential to 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. This finding is based, among others, on studies cited or information contained in the administrative record, official actions of the City Council (including supporting documents associated with the same) and the Planning Commission, and other relevant information and reasonable inferences from information.

4. Denial of Application to Amend the Conditions of Approval for CUP 2025-07 and SPR 2025-11: Given that all findings required to approve the applicants request cannot be made either collectively or individually, the Planning Commission hereby denies the applicant's request to amend the conditioned and set forth in the Conditions of Approval for CUP 2025-07 and SPR 2025-11 as adopted with Planning Commission Resolution No. 2028. As a result, the original July 8, 2025, approval of CUP 2025-07 and SPR 2025-11, as conditioned, remain in effect.
5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera, this 12th day of August 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

CUP 2025-01 & SPR 2025-04

East Yosemite Food Truck Court

**THE APPLICANT IS REQUESTING THIS ITEM BE CONTINUED TO THE
SEPTEMBER 9TH PLANNING COMMISSION MEETING.**