REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, October 13, 2026
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: 88160819420# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at https://www.zoom.us/j/88160819420. 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

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. **CUP 2025-01 & SPR 2025-04 – Food Trucks (Report by Robert Smith)**

   Subject: Consideration of an application for a Conditional Use Permit (CUP) 2025-01 and Site Plan Review (SPR) 2025-04 to authorize 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).

   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 15332/Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-01 and Site Plan Review (SPR) 2025-04, subject to the findings and conditions of approval.

2. **CUP 2025-14 – Convenience Store ABC License (Report by Adileni Rueda)**

   Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-14) requesting authorization to obtain a Type 21 (Off-Sale General) Alcohol Beverage Control (ABC) License and authorization of tobacco sales pertaining to a 6,060 square foot convenience store located at 2120 N. Schnoor Ave (APN: 013-070-014), located on the corner of Foxglove Way and N. Schnoor Avenue.

   Recommendation:

   Conduct a public hearing and adopt:

   a. A resolution adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines 15332 In-Fill Development and approving Conditional Use Permit (CUP 2025-14), subject to the findings and conditions of approval.

3. **OTA 2026-03 – Ordinance Text Amendment to Title X: Planning and Zoning of the City Municipal Code (Report by Will Tackett)**

   Subject: Consideration of a proposed amendment to Chapter 3 of Title X: Planning and Zoning of the City Municipal Code (CMC) adding a Housing Element Implementation (HEI) Overlay Zone to the Zoning Regulations in accordance with Program A-1 of the City's adopted 6th Cycle Housing Element. The HEI Overlay Zone would permit residential use by-right for developments in which at least 20 percent of the units are affordable to lower income households during the planning period and which meet the criteria of California Government Code Section 65583.2.

4. **OTA 2026-02 – Ordinance Text Amendment to Title X: Planning and Zoning of the City Municipal Code**

   Subject: Consideration of a proposed amendment to Chapter 3 of Title X: Planning and Zoning of the City Municipal Code (CMC) amendment to standards for operation of Massage Therapy business in Commercial Zone Districts to regulate required licensing, hours of operation, and maintenance and operation of facilities.

   STAFF IS REQUESTING THIS ITEM BE CONTINUED TO NOVEMBER 10TH, 2026

WORKSHOP: Massage Therapy Regulations

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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

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

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

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.

REPORT TO THE PLANNING COMMISSION

Prepared by:
Robert Smith, Senior Planner

Meeting of: October 13, 2026
Agenda Number: 1

SUBJECT:

Conditional Use Permit (CUP 2025-01) and Site Plan Review (SPR 2025-04) for East Yosemite food trucks.

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 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-01 and Site Plan Review (SPR) 2025-04, subject to the findings and conditions of approval.

SUMMARY:

Rideau Ventures LLC. (applicant), has filed applications for a Conditional Use Permit (CUP 2025-01) and Site Plan Review (SPR 2025-04) for ±0.21 acres of property located at the northeast corner of the intersection of East Yosemite Avenue and South Lake Street –formerly Sno White Drive-In (APN: 007-173-019) (the "project site").

The project site is previously developed, now vacant and utilized as incidental parking. The land use designation is Commercial (C) for the Madera General Plan and zoned C1 (Light Commercial) by the City of Madera Zoning Ordinance. The site has been operating a limited temporary use with food trucks which ceased operations in May 2026 (TUP 2023-17).

CUP 2025-01 and SPR 2025-04 is requesting authorization to permit mobile food preparation units (food trucks and tents) to be located on the private property on a semi-permanent basis; defined by the City Municipal Code (CMC) as, the selling, giving away, displaying or offering for sale any product or service from any location for a period of time in excess of 30 minutes without first securing a use permit for such activity (City Municipal Code § 10-3.416(D)). The implementation of this use will be in one phase with all site improvements fully complete prior

to the commencement of operation at the site. The site improvements will be separate from Caltrans street improvements on Yosemite Avenue.

An overview of the proposed project is provided in Table 1 below.

Table 1: *Project Overview*	
Project Number:	CUP 2025-01 and SPR 2025-04
Applicant:	Rideau Ventures, LLC.
Property Owner:	Paul A Collins.
Location:	600 East Yosemite Avenue Northeast corner of South Lake Street and East Yosemite Avenue (APN: 007-173-019)
Project Area:	The project site is ±0.21 acres in area.
Planned Land Use:	Commercial
Zoning District:	C1 (Light Commercial)
Site Characteristics:	The project site is vacant and clear.

BACKGROUND:

The site of the former Sno-White drive-in, present for a number of years. More recently, the building on the site has been demolished and the site cleared to create a vacant flat lot. The proposed site is suitable to accommodate the operation of mobile food preparation units given it's central location and surrounding commercial uses, subject to the conditions of approval.

ANALYSIS:

CMC § 10-3.416(E) includes requirements and standards that shall apply only to mobile food preparation units, catering trucks and lunch wagons seeking to apply for a conditional use permit to operate on private property on a semi-permanent basis. The food trucks will be the primary land use and are proposed to function without infringement on the site access, circulation and parking requirements.

All mobile food preparation units will be required to obtain a business license with the City. Hours of operation are proposed as seven days a week with condition of approval to limit operational hours from 6:30 a.m. until 10:30 p.m. CMC § 10-3.416(E)(9) provides that operations on private property shall be limited to daylight hours only, except as otherwise allowed by approved use permit. Site set up and breakdown shall be completed within these operational hours, including the set up and vacation of the site by all food operators. At the end of each operating period (end of the day), the site must be left in a clean and tidy manner.

The project, will utilize four (4) food trucks, four (4) food tents, a covered seating area and up to thirteen (13) picnic benches. A minimum of twelve (12) on-site parking spaces shall be provided in conjunction with the location pursuant to CMC §10-3.416(E)(7). Parking shall include all requirements associated with accessible parking and required electric vehicle charging requirements as administered through the California Building Code.

Where outdoor retail sales are proposed, there is a need for restrooms to be available to patrons. The applicant will be required to install permanent restroom facilities connected to the main City sewer line at the commencement of operations. This requirement is secured by Condition of Approval with improvements required to be constructed at the same time with other site improvements.

With all new uses and development site landscaping improvements are required to be installed. Landscaping will be required on the site periphery, parking area per City standard and interior landscaping. Landscaping is conditional to further details during the Building permit submission.

Refuse will be handled by the property owner with distribution of removable trash receptacles that would be removed and replaced on a regular basis. The operation and maintenance of the proposed trash receptacles on site would be the responsibility of the overall site operator and ultimately the site owner.

Conditions of approval require the applicant to propose a lighting plan that meets the requirements of CMC 10.3.1206 to support a safe and functional environment. Freestanding overhead parking lot lighting, lighting on structures and/or pedestrian scaled lighting may be utilized with the intention to ensure sufficient lighting for safety and functionality will be provided. Lighting shall be dark sky compliant fixtures with the use of exposed bulbs not allowed and light exposure shall not be more than 2 lumens at the property line.

Site and Surrounding Land Uses:

Commercial uses surround the site to the north, south, east and west the site is located on one of the main commercial corridors within the City. State Route 99 is within 1 mile of the project site.

The Madera General Plan Land Use Map designates the project site for commercial land uses. All surrounding properties to the north, south, east and west are planned and zoned for commercial uses. The surrounding area has existing urban development consisting of commercial, public uses, and residential uses beyond.

Table 2 below summarizes the existing development/uses, and the General Plan land use designations and zoning districts surrounding the proposed project site.

Table 2: *Bordering Site Information*

Direction	*Existing Use*	*General Plan Designation*	*Zone District*
North	Commercial	Commercial	C1
East	Commercial	Commercial	C1
South	Commercial	Commercial	C1
West	Commercial	Commercial	C1

Compatibility with Surrounding Uses:

The applicant proposes to operate the mobile food units on private commercial property, through a Conditional Use Permit within the C1 (Light Commercial) zone district. The proposed use is not intensive and would be considered compatible with adjacent commercial uses in the C1 (Light Commercial) zone district. The proposed use will contribute to the commercial viability of the area and surroundings.

The proposed use is not considered to be of a sensitive nature, the introduction of which would generally not obstruct or adversely impact the ability and/or the viability in the area to conduct commercial operations for which planned and zoned commercial areas are intended. The surrounding area is primarily planned and zoned for light commercial use. Typical light commercial operations should be expected to occur and should not be deemed to constitute a nuisance due to the introduction of the subject use on the project site. Acceptance of the conditions of approval includes the acknowledgement that all of the property owner as well as the owners and employees of business conducting operations on the project site should be prepared to manage the site in an appropriate way including trash, vehicle and infrastructure maintenance in addition to keeping the site in a clean and sanitary manner as part of these commercial activities.

The project is consistent and compatible with all of the other existing uses in the surrounding area. Conditions placed on the project will ensure that development and operation will not have a substantial adverse impact on the surrounding uses and will function without infringement upon access, circulation and/or parking requirements for the project site or surrounding properties.

ENVIRONMENTAL REVIEW:

The proposed project has been reviewed for compliance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. Pursuant to the CEQA a preliminary environmental assessment determined that the project is Categorically Exempt pursuant to the provisions of Section 15332/Class 32 (In-fill Development Projects) of the State of California Environmental Quality Act (CEQA) Guidelines. 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.

COMMISSION ACTION:

The Commission will be acting on CUP 2025-01 and SPR 2025-04. Staff recommends that the Commission:

Adopt a Resolution of the City of Madera Planning Commission 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 Conditional

Use Permit (CUP) 2025-01 and Site Plan Review (SPR) 2025-04, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

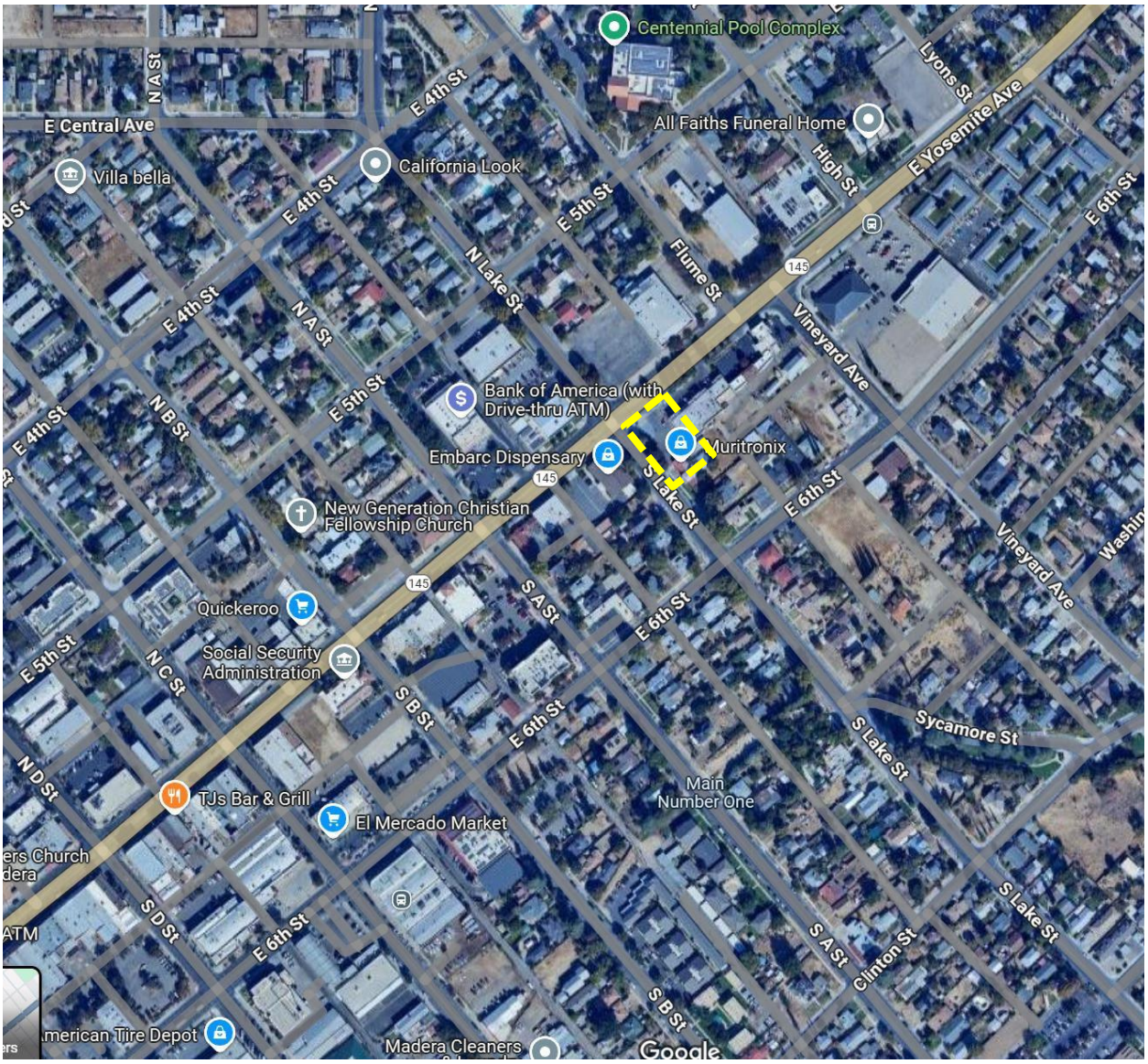
1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution (Commission to specify date and reasons for continuance).
2. Move to deny one more request based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

ATTACHMENTS:

1. Aerial View
2. General Plan Land Use Map
3. City of Madera Zoning Map
4. Letter
5. Site Plan
6. Planning Commission Resolution
   Exhibit “A”: Conditions of Approval
   Exhibit “B”: Site Plan

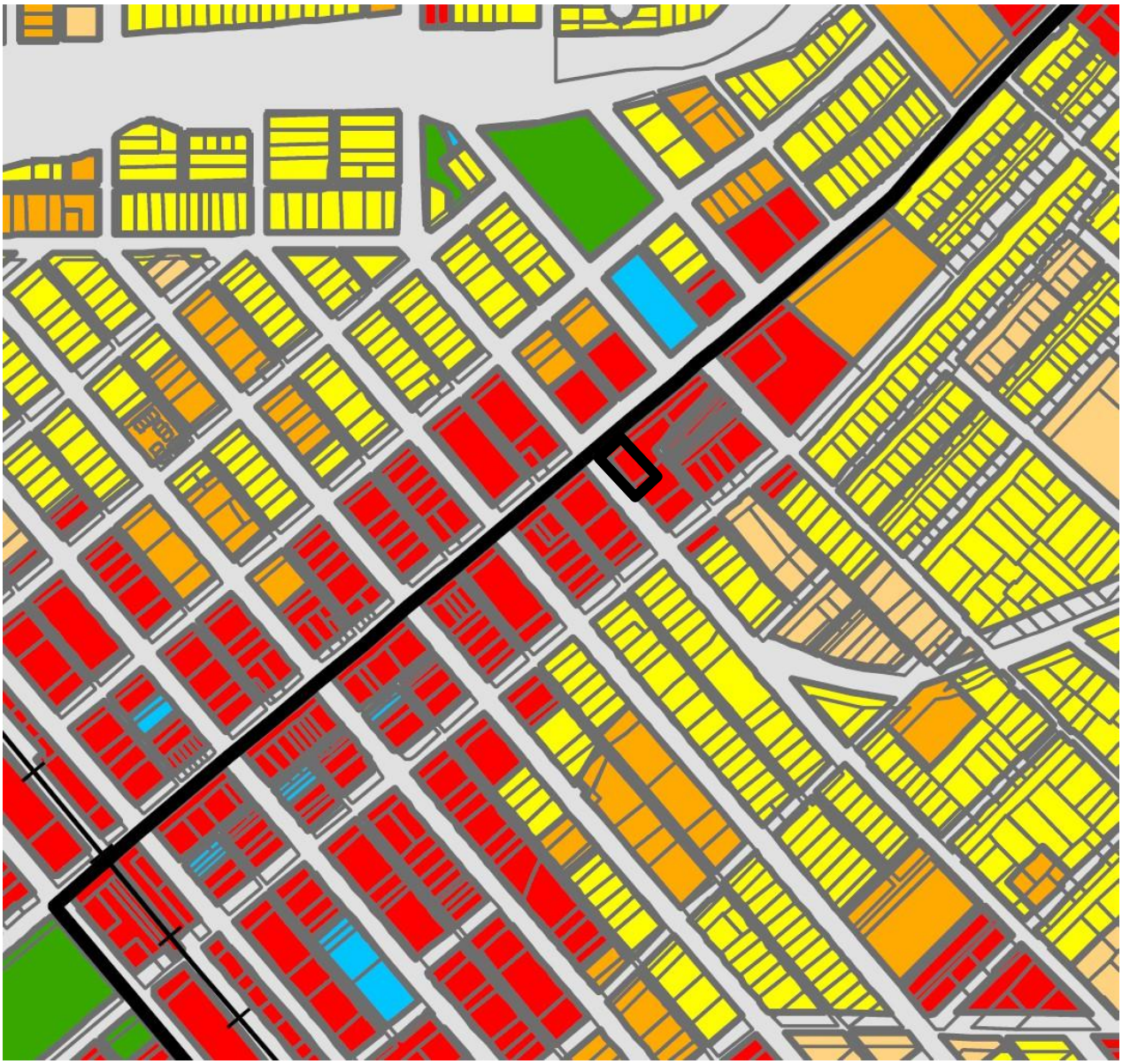
ATTACHMENT 1

Aerial View


Centennial Pool Complex
All Faiths Funeral Home
E Central Ave
Villa bella
California Look
E 4th St
N A St
E 5th St
N Lake St
Flume St
High St
E Yosemite Ave
Lyons St
E 6th St
145
Vineyard Ave
Bank of America (with Drive-thru ATM)
Embarc Dispensary
Muritronix
S Lake St
N B St
New Generation Christian Fellowship Church
Quickeroo
S A St
Social Security Administration
N C St
S B St
Sycamore St
N D St
TJs Bar & Grill
El Mercado Market
Main Number One
S D St
Clinton St
American Tire Depot
Madera Cleaners
Google

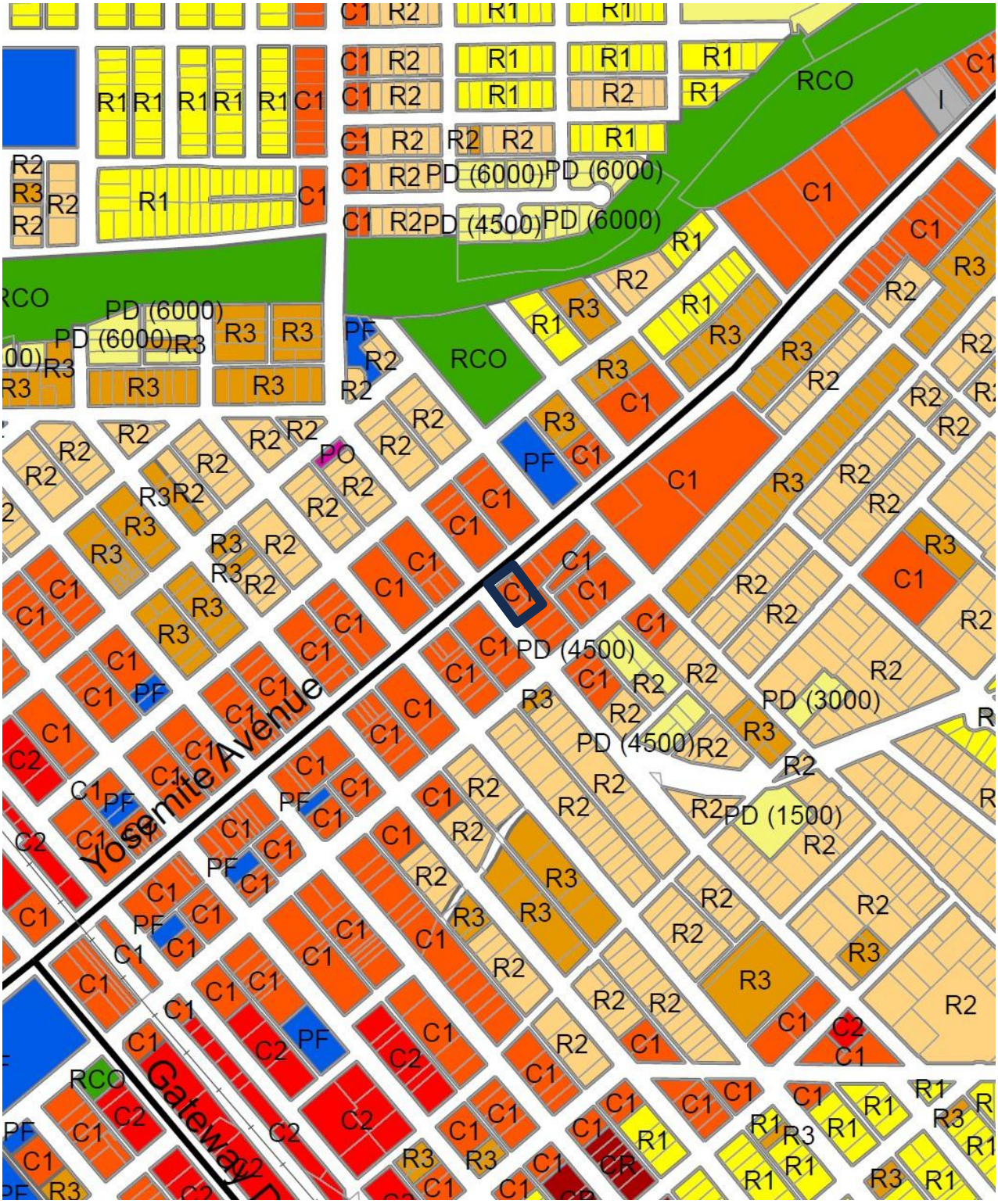
ATTACHMENT 2

City of Madera General Plan Land Use Map



ATTACHMENT 3

City of Madera Zoning Map


Yosemite Avenue
Gateway
RCO
PD (6000)
PD (4500)
PD (3000)
PD (1500)

ATTACHMENT 4

Letter

PLANNING DEPARTMENT

David Brletic, Planning Manager

May 12, 2026

Rideau Ventures LLC,
23890 Copper Hill Drive, Suite# 247
Valencia CA 91354

Sent Via Email to: paul.collinsjr@gmail.com

SUBJECT: **NOTICE OF PROJECT INACTIVITY AND INTENT TO CANCEL APPLICATIONS FOR PROPERTY LOCATED AT 600 E YOSEMITE AVE IN THE CITY OF MADERA, CALIFORNIA (APN[S]: 007-173-019)**

Dear Paul Collins:

The following Planning Department application(s) have been inactive for a period of more than 120 calendar days:

- Site Plan Review Application No. [SPR 2025-04]; and
- Conditional Use Permit Application No. [CUP 2025-01]

If you intend to proceed with the project application(s) listed above, please contact our office within 14 calendar days of the date of this letter with indication of your intent to proceed and with final determination documentation for the project to be presented to Planning Commission at the next available meeting, including updated site plan and supporting information.

If no such response and additional updated information is provided in response to this notice and Planning Commission hearing agreed upon, these applications will be cancelled after 120 days or September 10, 2026. Following cancellation, any proposals for development of or on the subject property requiring the approval of Planning Department will require submittal of a new application(s) to the Planning Department and payment of all associated processing fees.

If you have questions or wish to provide a response to this notice, please contact me at (559) 662-4916; or, via email at rsmith@madera.gov.

Sincerely,

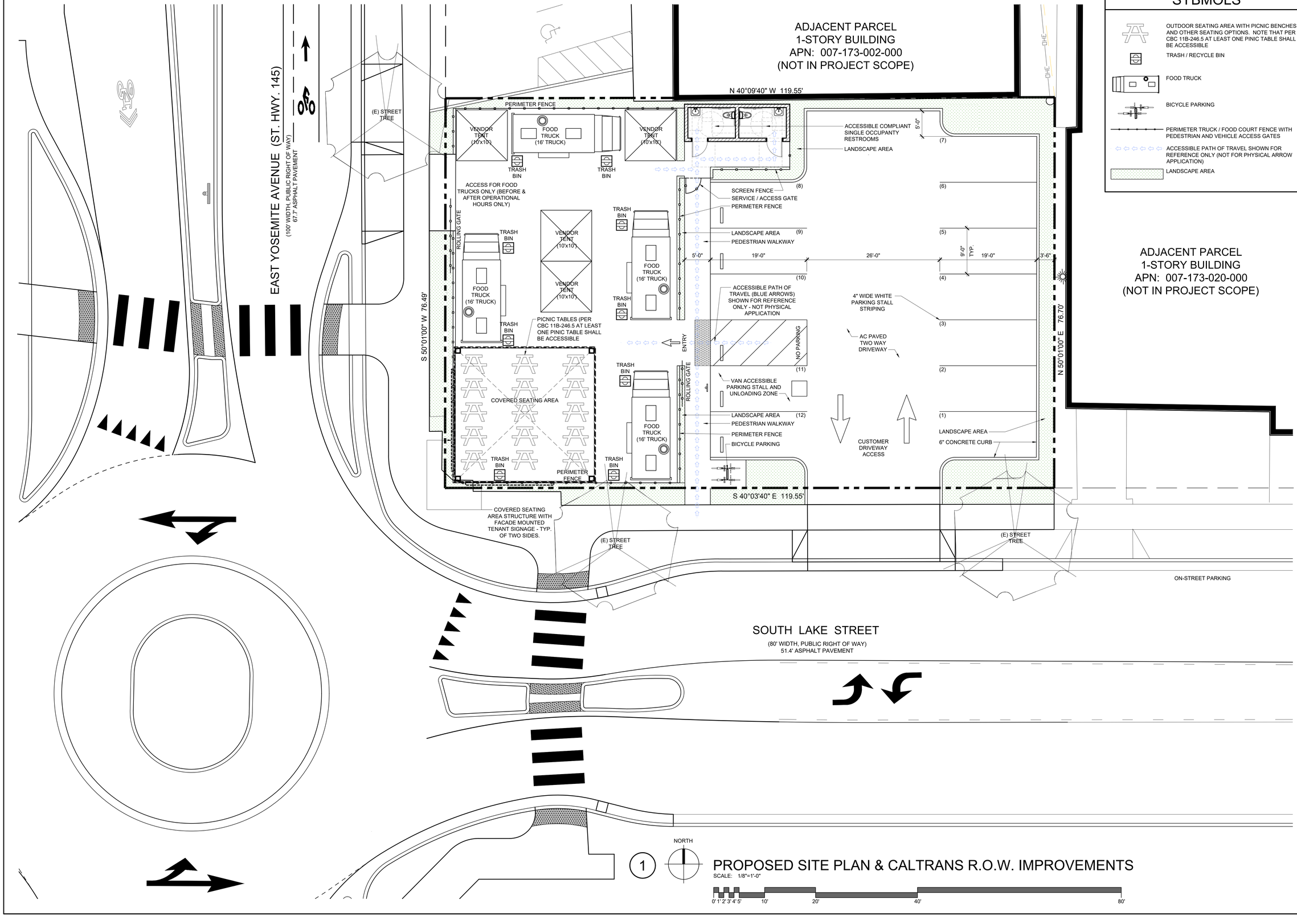
David Brletic

David Brletic
Planning Manager

CC:
Will Tackett, Community Development Director
Robert Smith, Senior Planner
Paul Collins, paul@highlandpartnerscorp.com
Matt Nohr, mattnohr@comcast.net
Violeta Aguilar-Wyrick, violeta@xara.consulting

ATTACHMENT 5

Site Plan



1 PROPOSED SITE PLAN & CALTRANS R.O.W. IMPROVEMENTS

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

0' 1' 2' 3' 4' 5' 10' 20' 40' 80'

SYBMOLS

- OUTDOOR SEATING AREA WITH PICNIC BENCHES AND OTHER SEATING OPTIONS. NOTE THAT PER CBC 11B-246.5 AT LEAST ONE PINIC TABLE SHALL BE ACCESSIBLE
- TRASH / RECYCLE BIN
- FOOD TRUCK
- BICYCLE PARKING
- PERIMETER TRUCK / FOOD COURT FENCE WITH PEDESTRIAN AND VEHICLE ACCESS GATES
- ACCESSIBLE PATH OF TRAVEL SHOWN FOR REFERENCE ONLY (NOT FOR PHYSICAL ARROW APPLICATION)
- LANDSCAPE AREA

MN CONSULTING

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THESE DRAWINGS ARE OWNED BY, AND THE PROPERTY OF DESIGN TEAM. THE USE OF THESE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. RE-USE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH DESIGN TEAM, AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTIONS.

DRAWINGS ARE NOT TO BE SCALED. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS.

SET ISSUED:

07-06-2026 USE PERMIT SUBMITTAL

MADERA FOOD TRUCK PARK
USE PERMIT

600 E YOSEMITE AVENUE
MADERA, CALIFORNIA 93638

A.P.N. NO.: 007-173-019

JOB NO.: 2022-21

SHEET NAME: PROPOSED SITE PLAN

SHEET NO.: A100

FILE NAME:

ATTACHMENT 6

Planning Commission Resolution
Including:
Exhibit "A": Conditions of Approval
Exhibit "B": Site Plan

RESOLUTION NO. 2058

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15332/CLASS 32 (INFILL DEVELOPMENT) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2025-01 AND SITE PLAN REVIEW (SPR) 2025-04

WHEREAS, Rideau Ventures LLC. ("Applicant"), submitted an application for Conditional Use Permit (CUP 2025-01) and Site Plan Review (SPR 2025-04), "the Project," pertaining to ±0.21 acres of developed property generally located on the northeast corner of the intersection of South Lake Street and East Yosemite Avenue (APN: 007-173-019), Madera, CA (the "Project Site"); and

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

WHEREAS, in accordance with City Municipal Code (CMC) § 10-3.416(D), the application for CUP 2025-01 and SPR 2025-04 was filed to request authorization to allow the operation of mobile food preparation on private commercial property; and

WHEREAS, operations proposed in accordance with CUP 2025-01 have been determined to be able to occur on the site in a manner compliant with CMC § 10-3.416(E) and which 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 the provisions of Section 15332/Class 32 (Infill Development) 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 and environmental assessments as well as make determinations of use 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 2025-01 and SPR 2025-04 at a duly noticed meeting on October 13, 2026; 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 approving CUP 2025-01 and SPR 2025-04 approving the operation of a mobile food preparation use on private commercial property.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15332/Class 32 (Infill Development) of the State CEQA Guidelines because the project is limited to the placement and operation of mobile food preparation unit on private commercial property in the C1 (Light Commercial) zone district as a primary 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 there are no unusual circumstances.

3. Findings to Approve CUP 2025-01: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

   The proposed opertation of a mobile food preparation use is consistent with the goals, objectives and policies of the General Plan Commercial land use designation and the C1 (Light Commercial) zone district.

   The proposed use is not considered to be of a sensitive nature, the introduction of which would generally obstruct or adversely impact the ability to develop planned commercial lands and/or viability to conduct operations for which planned and zoned commercial areas are intended.

   CUP 2025-01 was filed to request authorization to allow the operation of a food preparation unit on private commercial property (as other which in the opinion of the Commission are of a similar nature) to be established on the site in accordance with the provisons of City Municipal Code (CMC) CMC) § 10-3.416(E).

   As conditioned, development of the site is consistent with the Madera General Plan goals and policies and the Zoning Regulations for Outdoor Retail Sales.

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

   The proposed operation of mobile food preparation on private commercial property is not intensive and would be considered compatible with surrounding commercial uses in the C1 (Light Commercial) zone district. For this reason, the proposed use of the project site will contribute to a vaibility of the site surrounding and adjacent commecial planned and zoned lands.

The proposed use is not considered to be of a sensitive nature, the introduction of which would generally obstruct or adversely impact the ability to develop planned commercial lands and/or viability to conduct operations for which planned and zoned conmercial areas are intended. The choice to conduct business on the site is a a voluntary act and approval of the use permit is for the benefit of the applicant. The surrounding area is primarily planned and zoned for commercial use. Typical commercial operations should be expected to occur and should not be deemed to constitute a nuisance due to the introduction of the subject uses on the project site. Acceptance of the conditions of approval includes the acknowledgement that the property owner as well as the owners and employees of business conducting operations thereon should be prepared to accept the inconveniences and discomfort with normal commercial activities.

As conditioned, the use will be compatible with the surrounding land uses and the established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

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

The proposed operation of mobile food preparation on the project site will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned to comply with the requirements and standards of CMC § 10-3.416(E), applicable only to mobile food preparation units, catering trucks and lunch wagons. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted and will be protected.

4. Findings for SPR 2025-04: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2025-04, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a. The proposal is consistent with the General Plan and Municipal Code.

Basis for Finding: The property is zoned C1 (Light Commercial), which is consistent with the existing General Plan land use designation of Commercial. As conditioned, the project is consistent with the requirements and standards of

CMC § 10-3.416(E), applicable to mobile food preparation units, catering trucks and lunch wagons and does not conflict with City standards or other provisions of the Code. The conditions of approval will also ensure the primary land use will continue to function without infringement on its access, circulation and parking requirements.

Finding b. *The proposal is consistent with any applicable specific plans.*

Basis for Finding: The project site is not subject to any applicable specific plans.

Finding c. *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.*

Basis for Finding: Site Plan Review 2024-04 has been reviewed and is consistent with surrounding uses and with all applicable requirements for development in the C-1 zone districts including provisions for access to and from the site, parking, drainage, and lighting. The project consists of a mobile food preparation use to be located on a vacant private commercial property. The project will not generate significant amounts of noise, light, or traffic.

Finding d. *The proposal is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.*

Basis for Finding: Site Plan Review 2025-04 such that the codified requirements and standards of the CMC will be met through improvements and/or operations on the project site. Conditions are incorporated to maintain functionality of the primary use of the developed project site.

All established legal policies relating to traffic, street improvements, and environmental quality will be satisfied.

5. Approval of CUP 2025-01 and SPR 2025-04: Given that all findings can be made, the Planning Commission hereby approves CUP 2025-01 and SPR 2025-04 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 October 2026, 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 2025-01 and SPR 2025-04

EXHIBIT "A"
CUP 2025-01 & SPR 2025-04
Mobile Food Preparation
CONDITIONS OF APPROVAL
October 13, 2026

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.

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

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

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

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made. All discretionary conditions of approval for CUP 2025-01 and SPR 2025-04 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.

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 Conditions

1. 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) working days following action on CUP 2025-01 and SPR 2025-04**.
2. The applicant's failure to utilize CUP 2025-01 within two years following the date of this approval shall render use permit(s) null and void unless a written request for an extension has been submitted to and approved by the Commission (each 12 months) in accordance with the provisions of City Municipal Code (CMC) § 10-3.1311(A).
3. All site improvements shall be complete prior to the start of operation of application CUP 2025-01. Prior to building permit issuance for the start of operation of CUP 2025-01, start of operation being the first day of sales from food trucks at the site, site improvements shall be fully implemented in accordance with the site plan and conditions of approval. Failure to implement site improvements shall render use permit(s) null and void and all uses shall be removed from the site.
4. CUP 2025-01 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish CUP 2025-01.
5. The project site and facilities shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable Municipal codes (including but not limited to Section 10-3). If at any time, the use is determined by Staff to be in violation of the conditions, staff may schedule a public hearing before the Commission within 45 days of the violation to revoke the permits or modify the conditions of approval.
6. All plans submitted for on-site construction or building permits must incorporate, reflect all requirements outlined in the listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing for consideration of approval by the Planning Manager and/or City Engineer. The Planning Manager may determine that substantive changes require formal modification to the conditional use permit and/or site plan review by the Commission.
7. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specified in the conditions of approval listed herein or mandated by statutes.
8. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to any building permit final issuance.

9. Approval of this conditional use permit and site plan review is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, 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, 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.

10. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

11. The project shall provide permanent restrooms at the site for use within operating hours.

Fire Department

12. Each mobile food preparation unit shall be equipped with a 2A10BC rated fire extinguisher in good operating condition and with a current inspection tag. Additionally, one, K-Class fire extinguisher is required that is compatible with the kitchen hood and duct extinguishing system.

13. Cooking equipment shall be properly protected and service for units shall be maintained as required. For permanent location, a kitchen and hood and duct extinguishing system shall be installed within the cooking equipment of the mobile coach.

14. Fire lanes shall be properly posted in accordance with the California Fire Code (CFC) and California Vehicle Code (CVC).

Building

15. A building permit is required for proposed site structures, including covered seating area .

16. The site must be upgraded to comply with accessibility requirements during the building permit stage.

Planning Department

17. Vandalism and graffiti shall be corrected per the MMC.

18. Donation bins are not permitted as part of this project and any reference on the plan shall be removed prior to building permit submission and no bins shall be placed on site.

19. The property owner, operator and/or manager shall keep the property in a well maintained manner, clear of all trash, rubbish and debris at all times, and disposal of refuse shall be implemented at the end of each operational period or at the end of each day from the project site.

20. The property owner, operator and/or manager shall keep restrooms at the property regularly cleaned, maintained and emptied, and shall implement cleaning at regular intervals.

21. 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.

22. The property owner and/or benefactor of the use permit(s) shall comply with all federal, state and local laws. Material violations of any of those laws concerning the use(s) may be cause for revocation of said use permit(s).

23. All other proposed uses that are not permitted by right in the Light Commercial zone district shall be individually processed as separate Conditional Use Permit(s). Special events shall be subject to separate temporary use permits.

24. The proposal of any mural at the project site or adjoining properties shall be subject to review and approval of the Planning Manager and shall be installed consistent with any approval provided for the mural.

<u>Mobile Food Preparation Unit</u>

25. Use of the site shall be limited to mobile food preparation which shall comply with all requirements and standards contained in City Municipal Code (CMC) § 10-3.416 et seq.; except as may be specifically modified herein subject to CUP 2025-01.

26. All vendors including the site operator shall obtain individual business licenses in accordance with the provisions of Title 6 of this Code prior to commencement of operations.

27. The hours of operation for the mobile food preparation unit shall be allowed from 6:30 a.m. until 10:30 p.m. seven days a week. No vehicles or mobile food preparation units (including tents, trash receptacles, other temporary items) shall remain on the site, including within the parking area, outside the operational hours.

28. The location of the mobile food units shall be consistent with the location indicated on the submitted and approved plans. Any deviation from the approved location shall be reviewed and approved by all applicable departments, including Planning and Police.

29. The mobile food preparation unit shall not be allowed in the following areas:

    a. In a marked parking space;
    b. On any sidewalk or street adjacent to a curb;
    c. At a location where a pedestrian passage will be reduced to less than six feet;
    d. At any location where such operation may create a traffic hazard. The judgement of a Madera police officer shall be deemed conclusive as to whether the operation is creating a hazard;
    e. On any public right-of-way designated by the City Engineer or that represents a public peace, safety, health or welfare concern.

30. All mobile food operators (operator) to park at / use / operate from this location will still be required to meet the requirements of CalCode, including but not limited to:

a. Valid Health Permit to Operate issued by MCDEH for the current year visibly posted during all hours of operation

b. Maintain a valid Commissary Agreement with an approved commissary facility and visit their approved commissary not less than / at least once per operating day (more often when required) i. ii. iii. ONLY obtain potable water from the approved commissary (no hose hookups to onsite water sources) ONLY dispose of waste water via a sanitary sewer connection at the approved commissary (no liquid waste discharge to the ground / on-site) ONLY dispose of grease / other solid waste items at the approved commissary (no trash disposal on site) iv. ONLY store extra food / ingredients / utensils at the approved commissary

c. Functional independent power source that is sufficient to fully power all onboard equipment to be present daily with each operator unit, even if 'shore power' is available for use.

31. The mobile food units shall have affixed to them in plain view or available for immediate inspection a Madera City Business License, Health Certificate and any other permit required by this or any other applicable code.
32. The operator of the mobile food unit shall carry their operator's permit at all times while in the unit.
33. Refuse bins of at least one cubic yard shall be provided in or on the property for each food operator and shall be accessible by customers.
34. No shouts, calls, horns or other noise nor amplified sound shall be permitted.
35. No artificial lighting of any pushcart is permitted except as required by the California Vehicle Code.
36. The mobile food truck shall comply with all applicable regulations set forth in Articles 10 and 10.1 of Title 17 of the California Administrative Code.
37. No cooking or food preparation shall be done while the mobile food truck is in motion.
38. Waste water shall not be discharged from the mobile food truck except at an approved disposal site. Waste water shall not be discharged into landscape areas or into the storm drain.
39. Grease shall not be discharged from the mobile food truck except at an approved disposal site. Grease shall not be discharged into landscape areas or into the storm drain.
40. The mobile food truck shall clearly exhibit the name of the owner of the unit, business name, business address and business phone number of the person, firm, association, organization, company or corporation.
41. The operator of the mobile food unit and site operator shall be responsible for collection and proper disposal of all trash and debris accumulated by reason of their vending operation at the end of each operational period, or end of each operational day.
42. The following activities are prohibited as part of this use permit and operation of the site:
    a. No live entertainment including music;
    b. No consumption of alcohol;
    c. No sales of alcohol.

<u>Landscaping</u>

43. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

44. Landscape plans shall be implemented prior to the start of operation of the Use Permit.

    a. Installation shall be in compliance with the State's most current Model Water Efficiency Landscape Ordinance (MWELO).

    b. The types and number of trees shall be planted on the property and type of plants and materials within the perimeter of the site including required parking lot tree planting.

    c. Landscaping shall be fully installed and in good order prior to the start of operation and shall be maintained in perpetuity.

    d. Landscape plans are to be signed by licenses landscape architect.

45. All perimeter fencing shall be submitted for review and approval of the Planning Manager prior to issuance of building permit. Fencing along streets and adjacent to neighboring open area shall be designed to a high quality with appropriate materials and visual appeal – materials shall be powder coated metal, wrought iron, or materials of similar quality.

<u>Parking</u>

46. The project site shall be striped with parking stalls in accordance with the approved site plan. All parking stalls shall be striped and available prior to commencement of operations of the mobile food units. Any deviation from the approved location of the parking stalls shall be reviewed and approved by the Planning Department.

47. All parking stalls shall comply with City Standard Off-Street Parking Requirements and all surfaces shall not be loose material.

48. A lighting plan shall be submitted that includes all lights as dark sky compliant with a photometric plan showing light levels at the site that don't exceed 2 lumens beyond the property line.

<u>Signage</u>

49. Signage allowed for the mobile food truck shall only be affixed to or painted on the unit or its canopy, with a maximum area of eight square feet.

50. Signage for the entire project site shall be limited to and affixed to, the seating canopy with calculations for sign area (structure frontage to sign area) provided by the Yosemite "frontage" and structure, in accordance with CMC requirements. Other forms of signage are only permitted in accordance with the City Municipal Code.

Madera County Environmental Health Division

51. The mobile food truck owner shall meet the requirements from the California Retail Food Code Section 114315, which states, "A food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period."

52. The mobile food truck owner shall submit a “restroom authorization” form for review and approval to the Madera County Environmental Health Division. Restrooms shall be available at all times the project site is in operation and shall meet all (ADA) accessibility requirements.

END OF CONDITIONS

REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Associate Planner **Meeting of:** October 13, 2026

Agenda Number: 2

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-14) requesting authorization to obtain a Type 21 (Off-Sale General) Alcohol Beverage Control (ABC) License and authorization of tobacco sales pertaining to a 6,060 square foot convenience store located at 2120 N. Schnoor Ave (APN: 013-070-014), located on the corner of Foxglove Way and N. Schnoor Avenue.

RECOMMENDATION:

Conduct a public hearing and adopt:

1. Adopt a Resolution adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines 15332 In-Fill Development and approving Conditional Use Permit (CUP 2025-14), subject to the findings and conditions of approval.

SUMMARY:

The applicant, Logan Couch, has filed an application for Conditional Use Permit No. 2025-14 to obtain a California Department of Alcohol Beverage Control (ABC) Type 21 (Off-Sale General) License, to authorize the sale of beer, wine and distilled spirits for consumption off the premises were sold and to obtain authorization of tobacco sales.

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. The proposed authorization shall include the additional use to the convenience store that is approximately 4,750 square feet from the 6,060 square foot commercial building alongside a fuel canopy with 12 gas pumps on a 1.1-acre northwest corner lot located on North Schnoor and Foxglove Way (APN: 013-070-014).

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

Table 1: *Project Overview*	
Project Number:	CUP 2025-14 (ABC Type 21 License and Tobacco Sales)
Applicant:	Logan Couch
Property Owner:	JSC Investments, LLC

Location:	2120 N. Schnoor Ave / APN: 013-070-014
Project Area:	±1.1-acre lot
Land Use:	Commercial (C)
Zoning District:	Light Commercial (C1)
Site Characteristics:	Northwest vacant corner lot at located at North Schnoor Street and Foxglove Way.

BACKGROUND

The project site's most recent entitlements include GPA 2022-08, REZ 2022-09, SPA 2022-01 and TPM 2025-05. Entitlements GPA 2022-08, REZ 2022-09, and SPA 2022-01 requested the rezone of the project site in which it took the site from residential to commercial zoning. TPM 2025-05 was approved to subdivide the lot. TPM 2025-05 has been approved through Development Review Committee (DRC) and has been finalized. The project site has previously approved CUP 2025-13 and SPR 2025-21 for the construction of a car wash operation and CUP 2025-14 and SPR 2025-23 for the construction of a commercial building with a fuel station. CUP 2025-14 previously approved the drive-thru operation, this application adds the current request for the alcohol sales and tobacco sales.

ANALYSIS

Alcohol Beverage Control (ABC) License Type 21

ABC administers and issues licenses that allow establishments to sell or serve alcohol. The applicant has requested approval for a new commercial building to sell wine, beer, and distilled spirits under the ABC Type 21 License authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold.

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 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 5.13. The City's Police Department was notified and presented no opposition to the request. While the project site is not located in 8.02 Census Tract, it is located within an over concentrated area, Census Tract 5.13.

There are currently six (6) active Type 21 licenses in the 5.13 Census Tract. However, over half do reside in Madera County jurisdiction. Refer to Table 2 below.

Table 2: *ABC License Type 21*

Business	Census Tract	Year Issued	ABC Type	Jurisdiction
Walmart	5.13	2013	Type 21	City of Madera
Smart & Final Stores LLC	5.13	2023	Type 21	City of Madera
Valero	5.13	2024	Type 21	City of Madera
PJ Express Mart	5.13	2025	Type 21	Madera County
The Tackle Box	5.13	2025	Type 21	Madera County
Madera Mini Mart	5.13	2025	Type 21	Madera County

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.

Tobacco Sales

During the September 2015 Planning Commission meeting, the Planning Commission approved Determination of Use (DOU) 2015-01 to permit tobacco shops in commercial and industrial designated zone districts subject to approval of a conditional use permit. On October 11, 2022, the Commission adopted Resolution No. 1932, a subsequent Determination of Use (DOU 2022-01), to further define and classify retail establishments selling or offering tobacco-, nicotine-, and/or cannabis-related products or services subject to obtaining a use permit. These determinations are applicable to the C1 (Light Commercial) zone district. CUP 2025-14 shall only include the sale of tobacco related items. Please refer to conditions of approval for prohibited items. CUP 2025-14 does not include cannabis related sales.

Conditional Use Permit (CUP) 2025-14

City Municipal Code (CMC) Section 10.3.405 requires a use permit for the sale and consumption of alcohol. CUP 2025-14 would authorize the applicant to obtain an ABC Type 21 License for the sale of beer and wine for consumption off the premises in accordance with ABC regulations. CUP 2025-14 also authorizes the approval of tobacco and tobacco related item sales.

CUP 2025-14 shall only be for the 4,750 square foot convenience store and does not include the 1,310 square foot lease space. The 1,310 square foot lease will be reviewed under a separate application as it was proposed to lease a separate business.

ENVIORNMENTAL REVIEW:

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development). The site is consistent with the General Plan and Zoning Ordinance and is served by public utilities.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-14. Staff recommends that the Commission:

1. Adopt a Resolution of the City of Madera Planning adopting a determination of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development) for the project and approving Conditional Use Permit (CUP) 2025-14, subject to the findings and conditions of approval.

ALTERNATIVES:

As an alternative, the Commission may elect to:

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

ATTACHMENTS:

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

ATTACHMENT 1

Aerial Image


N Schnoor Ave
Amerigas Propane Exchange
The Home Depot
Madera Villa Apartments
N Schnoor Ave
Sonic Drive-In
Foxglove Way & N Schnoor Ave
Foxglove Way
Central Valley Medical
N Schnoor Ave
Pepper Tree Ln
Aspen Ln
Plumwood Way
Ironwood Way
Alderwood Ct
Smart & Final Extra!
Grapewood Way
Oishii Express

ATTACHMENT 2

General Plan Land Use and Zone District Map

Zone District Map



Zone Districts

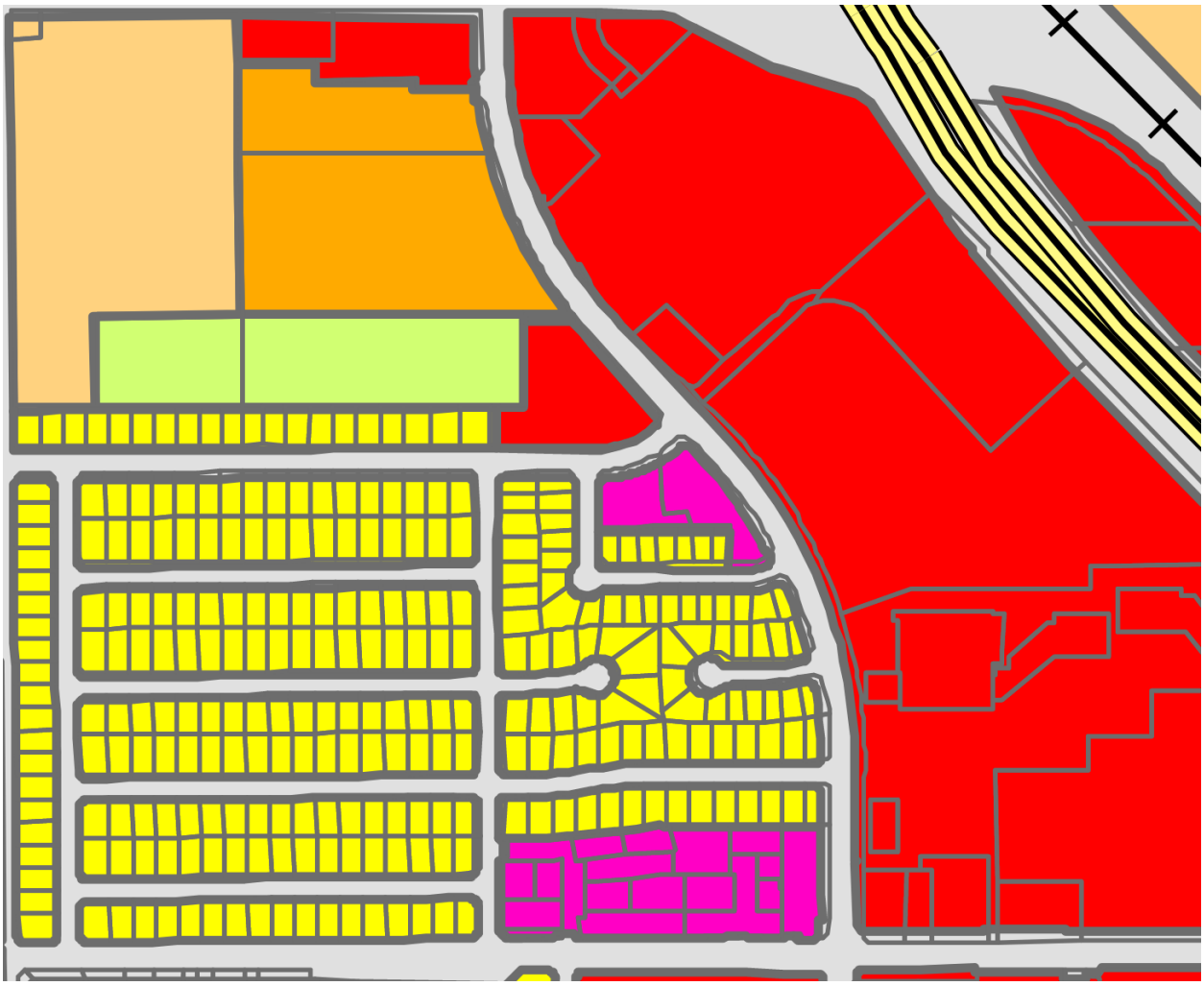
Residential Districts

- RA - (One unit per each 12,000 square feet)
- R1 - (One unit per each 6,000 square feet)
- R2 - (One unit per each 3,000 square feet)
- R3 - (One unit per each 1,800 square feet)
- PD (12000) - Planned Development
  (One unit for each 12,000 sq. ft. of site area)
- PD (8000) - Planned Development
  (One unit for each 8,000 sq. ft. of site area)
- PD (6000) - Planned Development
  (One unit for each 6,000 sq. ft. of site area)
- PD (4500) - Planned Development
  (One unit for each 4,500 sq. ft. of site area)
- PD (3000) - Planned Development
  (One unit for each 3,000 sq. ft. of site area)
- PD (2000) - Planned Development
  (One unit for each 2,000 sq. ft. of site area)
- PD (1500) - Planned Development
  (One unit for each 1,500 sq. ft. of site area)

Commercial Districts

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

General Plan Land Use



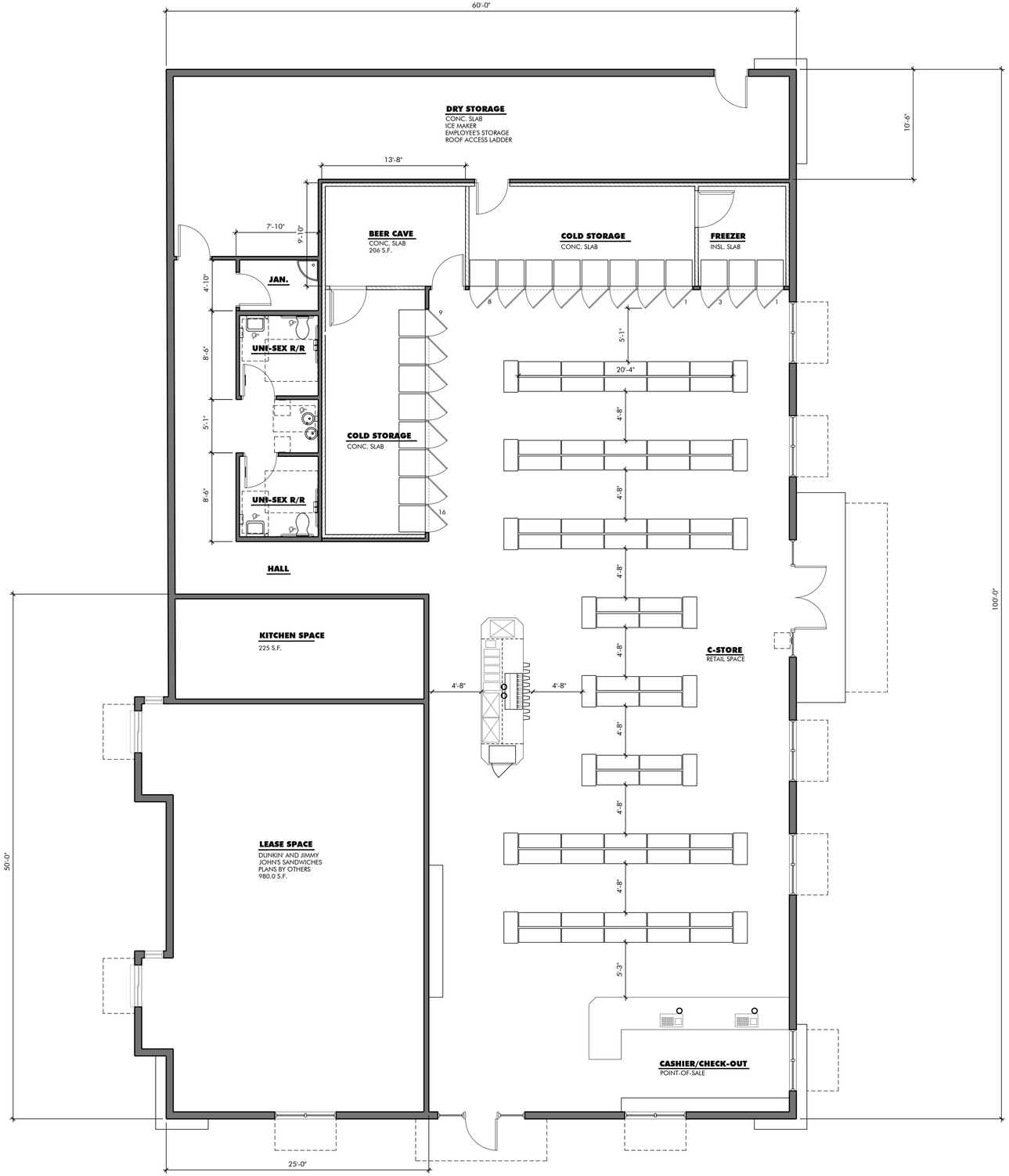
General Plan
Land Use Designations

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

- VLD - Very Low Density Residential
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential

ATTACHMENT 3

Floor Plan



FLOOR PLAN

GROSS BLDG. S.F. = 6,000.0 S.F. TOTAL
C-STORE S.F. = 4,750.0 S.F.
LEASE SPACE S.F. = 1,250.0 S.F.

SC. 3/16" = 1'-0"

N (REF.)
TYP. THIS SHEET

CENTERLINE DESIGN & ENGINEERING
484 NORTH PROSPECT SUITE B
PORTERVILLE, CA 93257
(559) 789-9999
WWW.CENTERLINEGROUP.NET

A New Development for:

JSC INVESTMENTS, LLC

NWC Schnoor & Foxglove Way
Madera, CA

DRAWN BY:	M. Taylor
DES. BY:	L. Couch/M. Taylor
PLOT DATE:	11/25/2025
CHK'D BY:	L. Couch/M. Taylor
VERSION:	1.0 - CONCEPTUAL

REVISION

DESCRIPTION	DATE

CENTERLINE DESIGN & ENGINEERING (C.D.E.) EXPRESSLY RESERVES THE COMMON LAW COPYRIGHT AND ALL OTHER APPLICABLE RIGHTS IN THESE PLANS. THEY ARE NOT TO BE COPIED, USED ON OTHER SITES THAN THAT SPECIFIED, REPRODUCED, OR CHANGED IN ANY MANNER, NOR BE ASSIGNED TO A THIRD PARTY WITHOUT OBTAINING PRIOR EXPRESS WRITTEN CONSENT. THESE PLANS AND THE IDEAS REPRESENTED HEREIN ARE, AND SHALL REMAIN, THE PROPERTY OF C.D.E

PRELIMINARY
NOT FOR
CONSTRUCTION

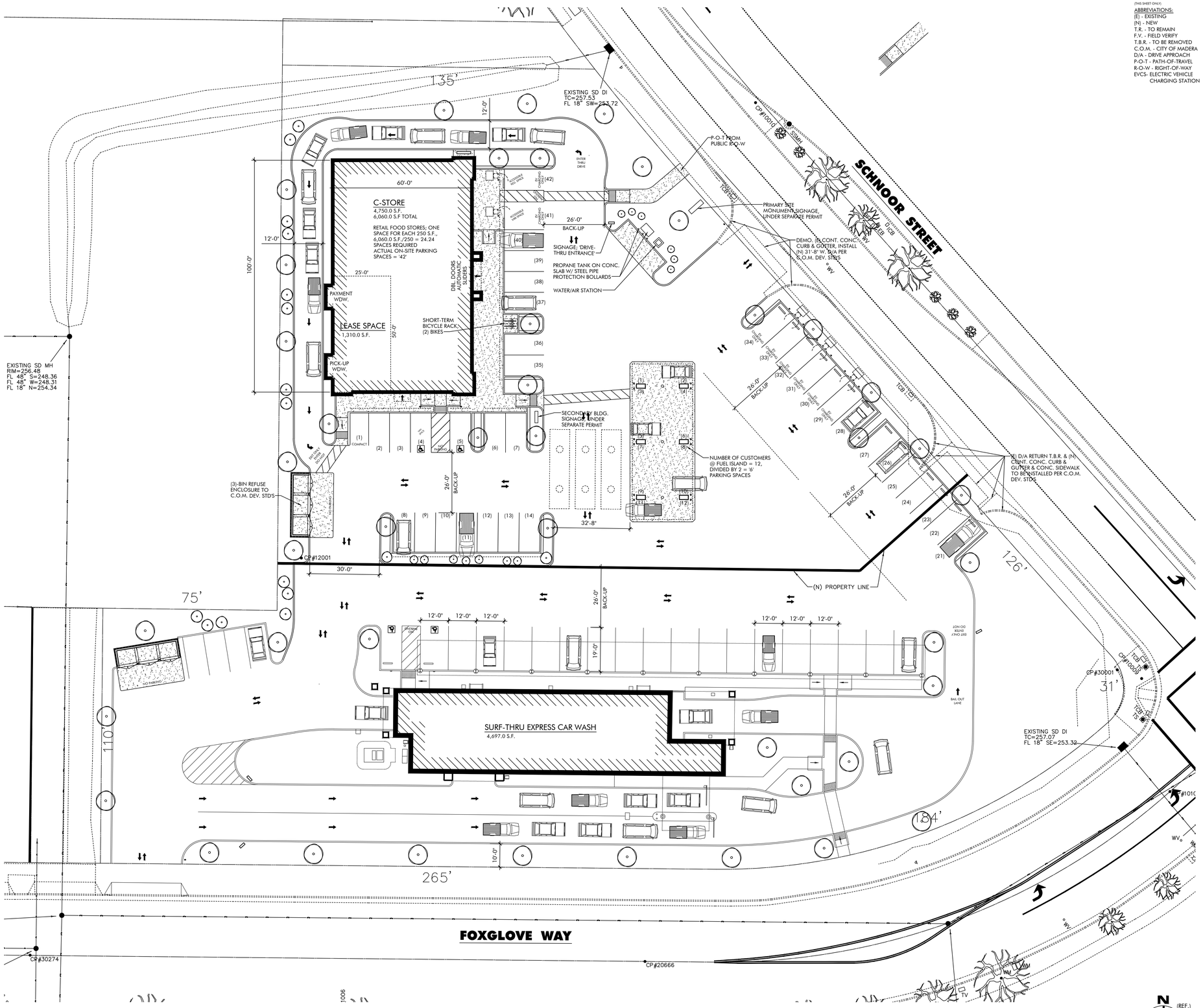
FLOOR PLAN

PROJECT NUMBER:
25CL028

SHEET NUMBER
A-2

ATTACHMENT 4

Site Plan



SITE PLAN

SC.: 1" = 20'-0"

N (REF.)

TYP. THIS SHEET

(THIS SHEET ONLY)

ABBREVIATIONS:
(E) - EXISTING
(N) - NEW
T.R. - TO REMAIN
F.V. - FIELD VERIFY
T.B.R. - TO BE REMOVED
C.O.M. - CITY OF MADERA
D/A - DRIVE APPROACH
P-O-T - PATH-OF-TRAVEL
R-O-W - RIGHT-OF-WAY
EVCS- ELECTRIC VEHICLE CHARGING STATION

CENTERLINE DESIGN & ENGINEERING
484 NORTH PROSPECT SUITE B
PORTERVILLE, CA 93257
(559) 789-9999
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A New Development for:

JSC INVESTMENTS, LLC

NWC Schnoor & Foxglove Way
Madera, CA

DRAWN BY:	M. Taylor
DES. BY:	L. Couch/M. Taylor
PLOT DATE:	11/26/2025
CHK'D BY:	L. Couch/M. Taylor
VERSION:	1.0 - CONCEPTUAL

REVISION

DESCRIPTION	DATE

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PRELIMINARY NOT FOR CONSTRUCTION

ARCHITECTURAL SITE PLAN

PROJECT NUMBER: 25CL028

SHEET NUMBER: A-1.1

ATTACHMENT 5

Planning Commission Resolution

Including:

Exhibit A: Conditions of Approval

RESOLUTION NO. 2062

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA ADOPTING A DETERMINATION OF CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT PROJECTS), AND APPROVING CONDITIONAL USE PERMIT (CUP) NO. 2025-14

WHEREAS, Logan Couch ("Applicant"), on behalf of Gurdial Singh and JSC INV LLC ("Owners"), submitted an application for a Conditional Use Permit (CUP 2025-14),

WHEREAS, the "project site," pertains to a ±1.1-acre lot located on the corner of the intersection of North Schnoor Street and Foxglove Way located at 2120 N. Schnoor Avenue, Madera CA. 93637 (APN: 013-070-014); 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 is to be developed with a ±6,060 square-foot commercial building and fuel station; and

WHEREAS, CUP 2025-14 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

WHEREAS, CUP 2025-14 was also filed to request authorization to obtain tobacco sales;

WHEREAS, operations proposed in accordance with CUP 2025-14 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, on October 13, 2026, the City of Madera Planning Commission considered Conditional Use Permit No. 2025-14; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Sections 15332 (In-Fill Development) Public Resources Code Section 21000 et. Seq.; and

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

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

WHEREAS, the Planning Commission received and reviewed CUP 2025-14 at a duly noticed meeting on October 13, 2026; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2025-14.

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: A preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15332 (In-Fill Development) of the State CEQA Guidelines because the proposed project is consistent with applicable general plan designations and policies. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.

3. Findings to Approve CUP 2025-14: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

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

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

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

   The project site is planned and zoned for commercial uses. The site is conditioned to be developed as commercial and general retail use. All surrounding properties are zoned for Light and Heavy Commercial uses. 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 proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. The general welfare and safety of the surrounding uses and the City at large are not negatively impacted.

4. Approval of CUP 2025-14: 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".

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 13th day of October 2026, 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 2025-14

EXHIBIT "A"

CUP 2025-14
Convenience Store ABC and Tobacco Store Sales
CONDITIONS OF APPROVAL
October 13, 2026

Notice to Applicant

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

IMPORTANT: PLEASE READ CAREFULLY

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

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

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

to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

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

All discretionary conditions of approval for CUP 2025-14 will ultimately be deemed mandatory unless appealed by the applicant to City Council within fifteen (15) days after the decision of the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, successors-in-interest, lessee, operator, or any other person or entity making use of this permit. Furthermore, "project site" refers to the corner lot located at North Schnoor Street and Foxglove Way. The following conditions apply only to these portions of the subject site, unless specifically noted otherwise.

CONDITIONS OF APPROVAL

General

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
3. Vandalism and graffiti shall be corrected per the City Municipal Code (CMC).
4. The project site shall be held to the City's commercial standards as listed in the CMC.
5. 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 2025-14.**
6. Approval of CUP 2025-14 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents,

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

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

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

PLANNING DEPARTMENT

7. Approval of CUP 2025-14 for the sale of tobacco related sales and items and alcohol sales shall have 24 months, starting from approval day, to exercise use. If the uses are not exhausted within 24 months, CUP 2025-14 shall be expired.
8. Any sale of alcohol between the hours of 2 am and 6 am shall be prohibited.
9. CUP 2025-14 shall be for the approval to authorize the sale of a Type 21 ABC License at 2120 N. Schnoor Avenue.
10. The business shall not display exterior signage or marketing of alcohol sales.

<u>Alcohol Beverage Control License (ABC)</u>

11. CUP 2025-14 shall authorize the sale of beer, wine, and distilled spirits for the consumption off the premises of the project site.
12. No consumption of alcohol is allowed on the premises.
13. The use is conditioned upon obtaining an appropriate permit from the Department of Alcohol Beverage Control. The applicant, operator and any successors shall comply with all applicable codes. If at any time the use is determined by staff to be in violation to seek revocation of the permit or modification of the conditions of approval.
14. In the event the property owner and/ or applicant chooses to modify the ABC License type, the applicant shall amend CUP 2025-14 and shall require reapproval of the Planning Commission.
15. 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. The use must always comply with any license requirements for the subject property by Alcohol Beverage Control.

Alcoholic Beverage Sales. *As an ongoing measure*:

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

Merchandise & Advertising. *As an ongoing measure*:

23. Outdoor display of merchandise for sale is prohibited, any temporary outdoor display of merchandise for sale, including vending machines, shall not occur without the approval of a Zoning Administrator Permit.
24. No adult magazines or videos shall be sold.
25. 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.
26. All indoor display(s) of alcohol beverages shall be located at least five (5') feet away from the store entrance.
27. No promotional signage and/or displays promoting alcohol, tobacco and/or tobacco related products shall be utilized in any way.

Tobacco Sales

28. Conditional Use Permit 2025-14 allows for the sale of cigarettes in either single packs or cartons of ten or fewer. Other tobacco and tobacco-related products allowed for sale at the convenience store shall be as follows:
    a. Smokeless tobacco
    b. Roll-your-own pouched/canned tobacco
    c. Cigars and cigarillos (except for any flavored products such as, but not limited to, grape, watermelon, bubble gum and fruit punch flavored products)
    d. Rolling papers

29. Conditional Use Permit 2025-14 prohibits the following tobacco and tobacco related products:
    e. Vape products, including juices
    f. Hookah products, including hookah tobacco/charcoal
    g. E-cigarettes
    h. Pipes and pipe tobacco
30. Drug related paraphernalia such as bongs, pipes and other products meant for the use with non-tobacco substances as determined by the Planning Manager or Community Development Director, is strictly prohibited.
31. All tobacco and tobacco-related products shall be secured behind a counter or other fixture, unavailable to the public except with the assistance of a store employee.
32. There shall be no exterior display of signage promoting or advertising the sale of cigarettes, cigars, tobacco and/or tobacco-related products on the project site.
33. The property/business owner shall post “No Smoking” signage to the extent required by City Municipal Code.

REPORT TO THE PLANNING COMMISSION

Prepared by:
Will Tackett, Community Development Director

Meeting of: October 13, 2026
Agenda Item: 3

SUBJECT:

Ordinance Text Amendment (OTA) 2026-03, Amending Title X, Chapter 3 (Planning and Zoning) of the City of Madera Municipal Code (CMC) and Adding the Housing Element Implementation (HEI) Overlay Zone.

RECOMMENDATION:

Adopt a Resolution of the Planning Commission of the City of Madera recommending that the City Council adopt an ordinance amending Title X, Chapter 3 (Zoning Regulations) of the City Municipal Code (CMC) and adding the Housing Element Implementation (HEI) Overlay Zone (CMC §§ 10-3-9.501 et seq.).

SUMMARY:

The Housing Element is one of eight mandatory elements of a General Plan and is required by California law to be updated every eight years. On February 4, 2026, the City Council adopted Resolution No. 26-02 approving General Plan Amendment (GPA) No. 2026-01 for the City's 2024–2032 6th Cycle Housing Element.

The Housing Element identifies sites, policies, and programs intended to facilitate housing production across income levels and provide adequate sites to meet the City's Regional Housing Needs Allocation (RHNA) during the 2024–2032 planning period. On June 17, 2026, the City Council adopted Ordinance No. 1022 C.S. rezoning parcels identified in Appendix A (Sites Inventory Map) and Appendix B (RHNA Sites Inventory) of the Housing Element.

Program A-1 of the adopted Housing Element calls for the City to expand affordable and multifamily housing opportunities, including allowing qualifying residential uses "by-right" on designated sites where at least 20 percent of the units are affordable to lower-income households, consistent with Government Code Section 65583.2(h).

OTA 2026-03 proposes to add an HEI Overlay Zone to Title X, Chapter 3 (Zoning Regulations) of the CMC. The proposed text adds Sections 10-3-9.501 (Purpose), 10-3-9.502 (Area of Applicability), and 10-3-9.503 (Development Requirements). The overlay would apply to four

specifically identified reused sites and to all parcels listed in Table 104 of the adopted Housing Element that have very low-income and/or low-income unit allocations and which were rezoned to the R-3 (Residential, one unit for each 871 square feet of site area) zone district with the adoption of City Council Ordinance No. 1022 C.S.

Within the overlay, sites may only be developed with a residential use, all development must comply with applicable objective development standards, and development must be approved by right if at least 20 percent of proposed units are affordable to lower-income households. Development must also meet Government Code Sections 65583.2(c) and 65583.2(h), as applicable, and as required by the adopted Housing Element.

CMC Sections 10-3.1501 et seq. establish procedures for amendments to the City's Zoning Regulations. OTA 2026-03 was initiated by the Director and is being referred to the Planning Commission for public hearing and recommendations to the Council in the form of the proposed Commission Resolution. Following Commission action, the proposed ordinance and recommendation of the Commission will be presented to the City Council at a noticed public hearing for consideration.

BACKGROUND & ANALYSIS:

OTA 2026-03 would establish an HEI Overlay Zone in the City's Zoning Regulations to implement Program A-1 of the adopted 6th Cycle Housing Element and consistent with Government Code Sections 65583.2(c) and 65583.2(h), as applicable. The proposed text is organized into three sections and defines the overlay's Purpose (CMC § 10-3-9.501), Area of Applicability (CMC § 10-3-9.502), and Development Requirements (CMC § 10-3-9.503).

Purpose and Applicability

Proposed CMC Section 10-3-9.501 states that the HEI Overlay Zone implements Program A-1 of the City's adopted 6th Cycle Housing Element which calls for the City to expand affordable and multifamily housing opportunities, including allowing qualifying residential uses "by-right" on designated sites where at least 20 percent of the units are affordable to lower-income households, consistent with Government Code Section 65583.2(h).

Proposed CMC Section 10-3-9.502 identifies two categories of properties subject to the overlay:

- Reused Sites. (APNs 012-253-001, 012-270-002, 006-360-012, and 009-600-005).

  The City's adopted Housing Element and associated RHNA site inventory identify two nonvacant sites and two vacant sites included in the planning periods for the prior two Housing Elements. The proposed ordinance is applicable to these reused sites in accordance with Government Code Section 65583.2(c), which provides reused sites may not be deemed adequate to accommodate the current planning period's lower-income housing need unless the statutory zoning and by-right conditions are satisfied.

- Rezoned Sites for Lower Income Categories.

These rezoned sites are those sites listed in Table 104, RHNA Sites Inventory, of the adopted 6th Cycle Housing Element that meet both criteria: (1) a new zoning classification of R-3 (Residential, one unit for each 871 square feet of site area) zone district with the adoption of City Council Ordinance No. 1022 C.S.; and (2) very low-income and/or low-income unit allocations. Government Code Section 65583.2(h) establishes by-right multifamily housing, affordability, density, and residential-use requirements for these rezoned sites.

Development Requirements

Proposed CMC Section 10-3-9.503(A) establishes four requirements for all properties located within the HEI Overlay Zone:

(1) Sites in the HEI Overlay Zone may only be developed with a residential use.

(2) Development of any site within the HEI Overlay Zone must comply with all applicable objective development standards.

(3) Development of any site within the HEI Overlay Zone must be approved by right if at least 20 percent of the units proposed are affordable to lower-income households.

(4) Development must meet Government Code Sections 65583.2(c) and 65583.2(h), as applicable, and as required by the adopted 6th Cycle Housing Element.

The proposed overlay does not replace the underlying zone district, nor does it provide a separate set of density, setback, height, parking, design, or development standards. The affordability housing standards and provisions of CMC § 10-3-5.100 et seq. are unaffected and remain as applicable.

Consistency with the General Plan and Housing Element

The proposed amendment is intended to implement Program A-1 of the City's adopted 2024–2032 6th Cycle Housing Element. Program A-1 calls for expanding affordable and multifamily housing opportunities and for by-right approval of qualifying residential projects with at least 20 percent lower-income units on applicable sites, consistent with Government Code Section 65583.2(h). The proposed HEI Overlay Zone supplies a local zoning mechanism for implementing Program A-1.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Chapter 3, Section 15000, et seq.) specify that a "project" consists of the whole of an action (i.e., not the individual pieces or components) that may have a direct or reasonably foreseeable indirect effect on the environment. This proposal qualifies as a project under CEQA because it involves an amendment to the zoning ordinance as described in CEQA Guidelines Section 15378(a)(1).

In accordance with the provisions of the CEQA, a preliminary environmental assessment determined the project to be exempt pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines as the project does not authorize any particular activity and it can be shown with certainty that the project has no potential to result in a direct or reasonably foreseeable indirect effect on the environment.

To the extent future actions may be considered reasonably foreseeable, “by-right” has a specific statutory meaning. Under § 65583.2(i), the City generally may not require a conditional use permit, planned unit development permit, or other discretionary local-government approval that would constitute a “project” under CEQA for the qualifying owner-occupied or multifamily residential use. The statute allows ministerial design review that does not constitute a CEQA project. Subdivisions remain subject to applicable laws.

COMMISSION ACTION

The Commission’s action relating to OTA 2026-03 will be a recommendation to the City Council. Staff recommend that the Commission conduct a public hearing and adopt the attached resolution recommending that the City Council adopt an ordinance adding Sections 10-3-9.501 through 10-3-9.503 to the CMC to establish the HEI Overlay Zone.

ALTERNATIVES

As alternatives, the Commission may elect to:

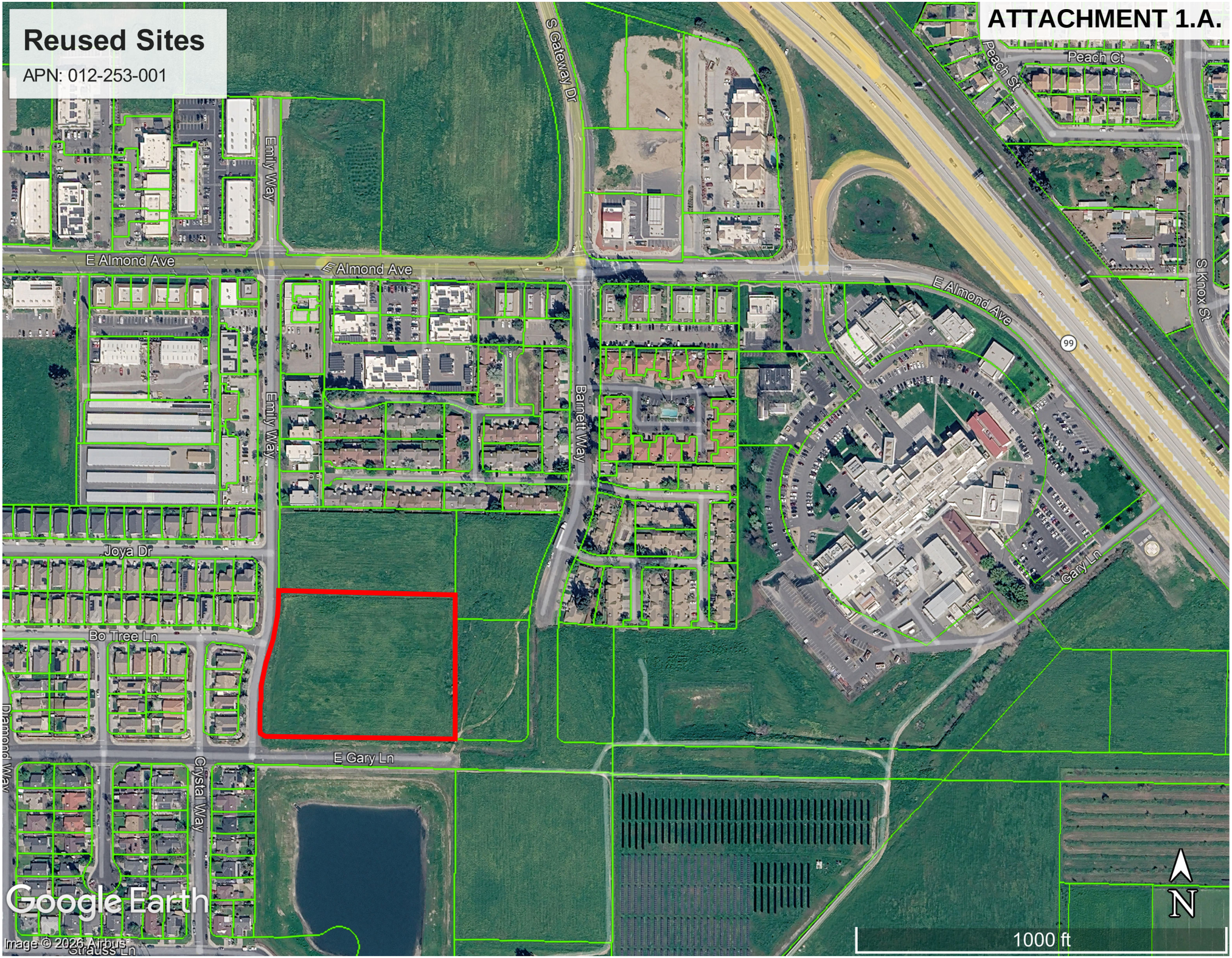
1. Move to continue the public hearing to a future Planning Commission meeting at a date and time certain, with directions to staff to return with an updated staff report and/or resolution. The Commission should specify the reason for the continuance.
2. Move to recommend that the City Council adopt, revise or deny OTA 2026-03 based on specified findings. The Commission should articulate the reasons for its recommendations.
3. Provide staff with other alternative directives.

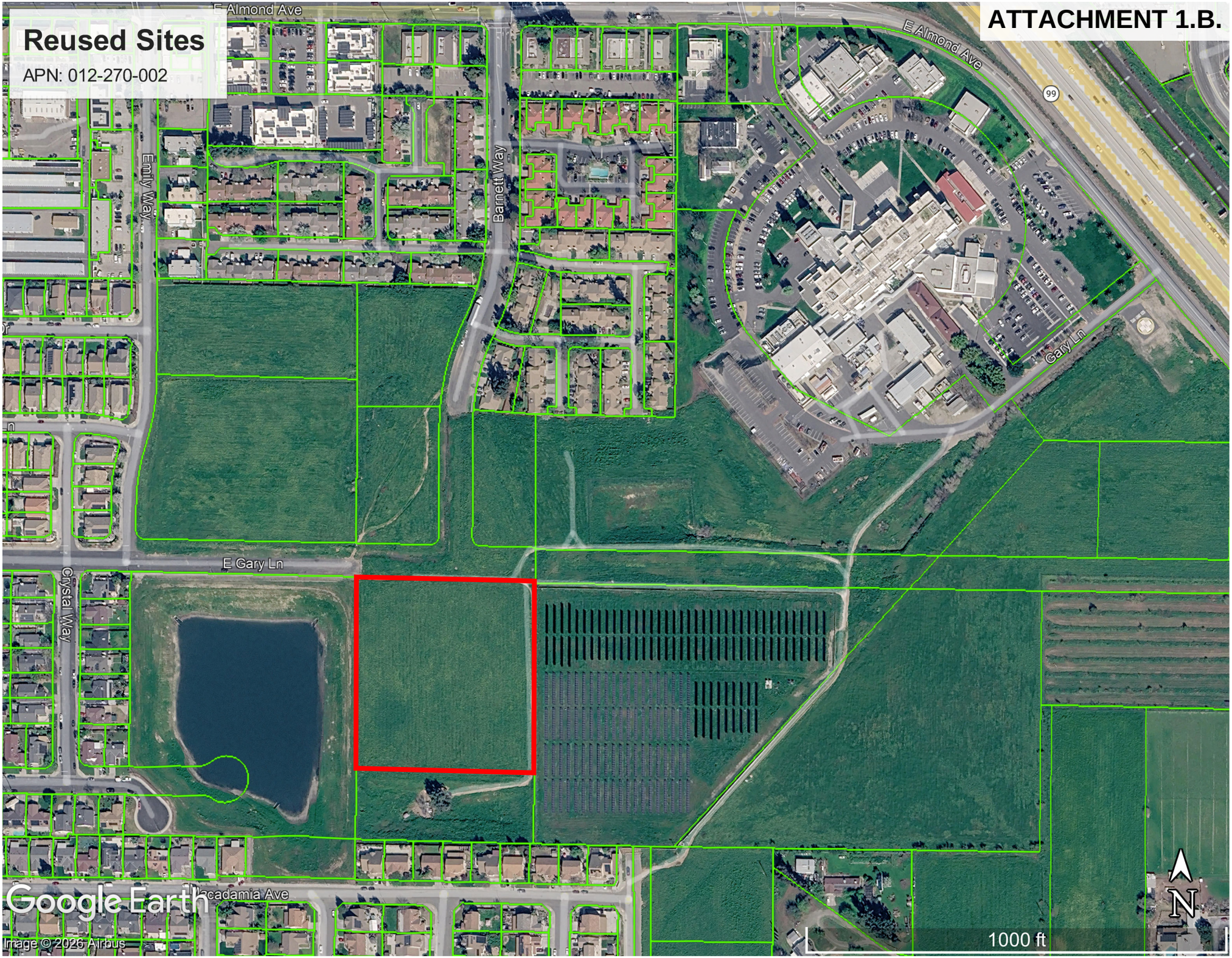
ATTACHMENTS:

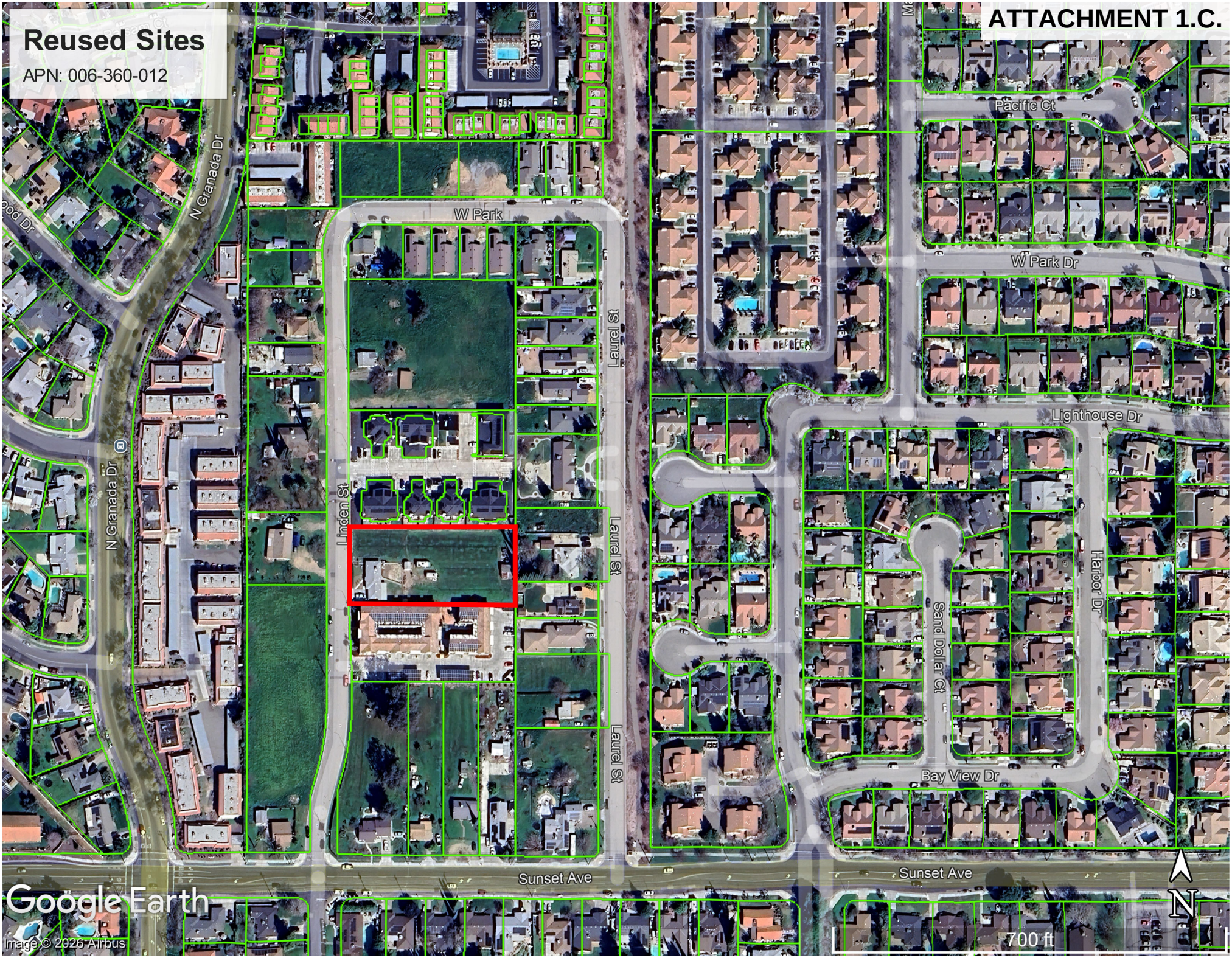
1. Reused Sites
2. City Council Ordinance No. 1022 C.S. (Rezoned Sites)
3. Resolution of the Planning Commission (Recommendation)

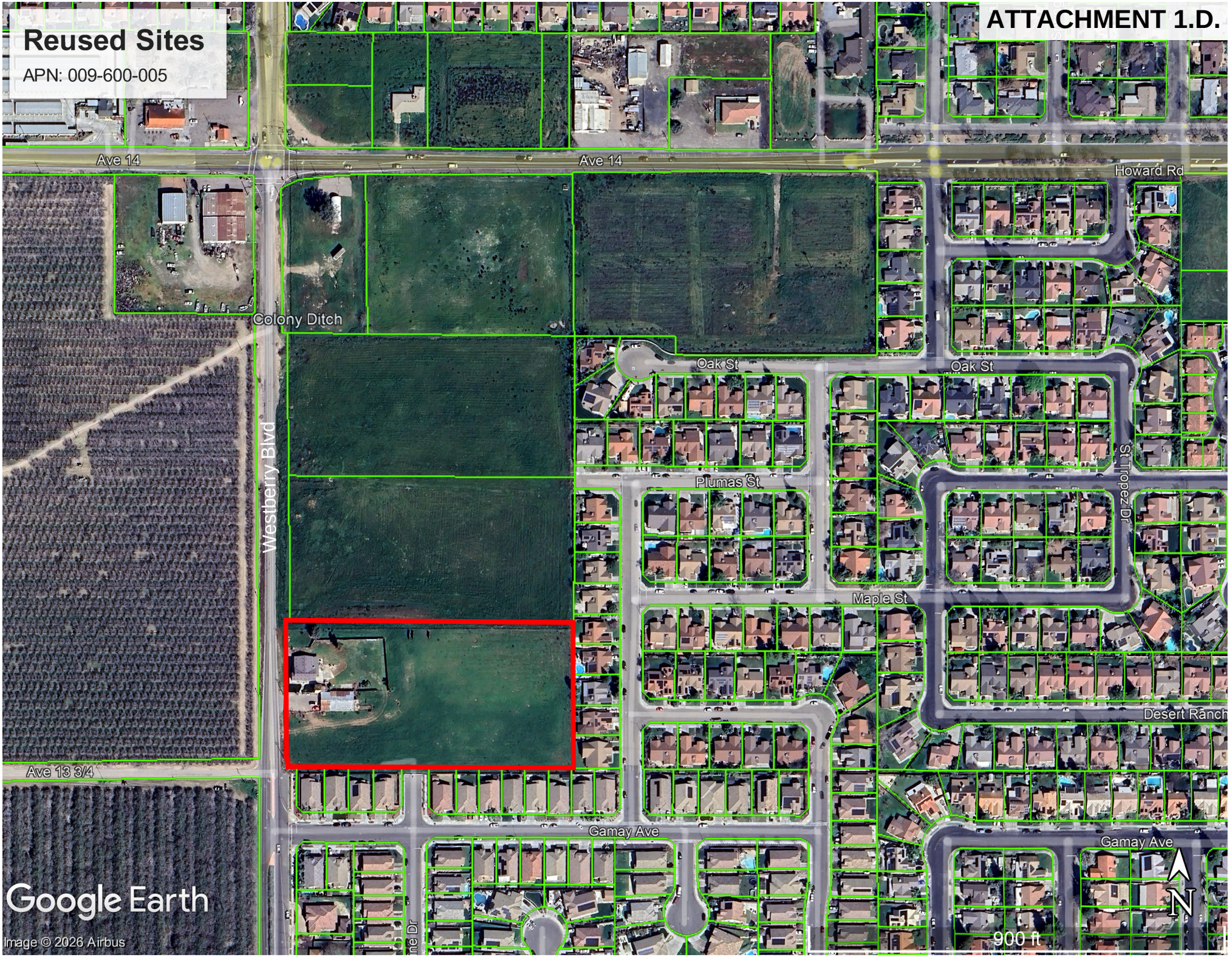
ATTACHMENT 1

Reused Sites


Reused Sites
APN: 012-253-001
ATTACHMENT 1.A.
S Gateway Dr
Peach St
Peach Ct
S Knox St
Emily Way
E Almond Ave
E Almond Ave
E Almond Ave
99
Barnett Way
Emily Way
Joya Dr
Gary Ln
Bo Tree Ln
Diamond Way
E Gary Ln
Crystal Way
Strauss Ln
Google Earth
Image © 2026 Airbus
N
1000 ft


Reused Sites
APN: 012-270-002
ATTACHMENT 1.B.
E Almond Ave
E Almond Ave
99
Emily Way
Barnett Way
Gary Ln
E Gary Ln
Crystal Way
Macadamia Ave
Google Earth
Image © 2026 Airbus
1000 ft
N


Reused Sites
APN: 006-360-012
ATTACHMENT 1.C.
W Park
N Granada Dr
Laurel St
Linden St
Pacific Ct
W Park Dr
Lighthouse Dr
Harbor Dr
Sand Dollar Ct
Bay View Dr
Sunset Ave
Google Earth
Image © 2026 Airbus
700 ft
N


Reused Sites
APN: 009-600-005
ATTACHMENT 1.D.
Ave 14
Ave 14
Howard Rd
Colony Ditch
Westberry Blvd
Oak St
Oak St
Plumas St
St Tropez Dr
Maple St
Desert Ranch
Ave 13 3/4
Gamay Ave
Gamay Ave
Google Earth
Image © 2026 Airbus
900 ft
N

ATTACHMENT 2

City Council Ordinance No. 1022 C.S.

(Rezoned Sites)

ORDINANCE NO. 1022 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA APPROVING REZONE (REZ) 2026-01 AND AMENDING THE OFFICIAL CITY OF MADERA ZONING MAP TO REZONE THREE AREAS OF THE CITY TO THE R-3 (RESIDENTIAL, ONE UNIT FOR EACH 871 SQUARE FEET OF SITE AREA) ZONE DISTRICT AS DESCRIBED IN THE CITY OF MADERA'S 2024-2032 6TH CYCLE HOUSING ELEMENT

WHEREAS, the General Plan Housing Element serves as the State-mandated housing plan for a local jurisdiction and must identify adequate sites, policies, and programs to facilitate housing production across all income levels; and

WHEREAS, the California Government Code § 65588 establishes a revision cycle requiring a housing element to be updated every eight years; and

WHEREAS, the City of Madera 6th Cycle Housing Element (Housing Element), adopted on February 2, 2026 (City Council Resolution 26-02), includes goals, policies and programs which aim to encourage the development of a variety of housing opportunities and provide adequate sites to meet the Regional Housing Needs Allocation (RHNA) during the planning period (2024-2032); and

WHEREAS, the Housing Element includes Program A-1, which states the City will rezone three areas of the City (Rezone Areas) to provide adequate zoning capacity and development opportunities to address Affirmatively Furthering Fair Housing (AFFH) goals and improve access for a diverse array of housing opportunities for all residents of Madera, including protected class and across all income levels, to fully accommodate its RHNA and housing need; and.

WHEREAS, the Rezone Areas are identified within the comprehensive inventory of vacant and non-vacant opportunity sites intended to accommodate the City's RHNA as illustrated in the Appendix A: Sites Inventory Map and the Appendix B: RHNA Sites Inventory to the Housing Element; and

WHEREAS, Rezone (REZ) No. 2026-01 proposes to amend the Official Zoning Map to rezone the Rezone Areas to R-3 (Residential, one unit for each 871 square feet of site area) zone district pursuant to Program A-1 of the Housing Element; and

WHEREAS, a preliminary environmental assessment was performed, and the Project was found to be exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 21080.085 of the California Public Resources Code; and

WHEREAS, pursuant the California Government Code, the Planning Commission (Commission) has made a recommendation on the proposed adoption or amendment of a general plan and sent its recommendation (Resolution) to the legislative body; and

WHEREAS, pursuant to City Municipal Code, a public hearing (for General Plan and Zoning Map amendments) shall be held before the City Council of the City of Madera (Council) and after the conclusion of the public hearing, the Council is authorized to approve, alter, or deny the amendment or any part thereof; and

WHEREAS, the City provided notice of the Council hearing as required by law for the hearing of May 20, 2026; and

WHEREAS, the Council received and independently reviewed GPA 2026-03 at the duly noticed meeting on May 20, 2026; and

WHEREAS, at the May 20, 2026 public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Council; and

WHEREAS, after due consideration of all the items before it, the Council now desires to adopt this Resolution determining the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21080.085 of the California Public Resources Code and approving General Plan Amendment (GPA) 2026-03 to increase densities to facilitate and implement the programs, scheduled actions, and zone changes as described in the City of Madera's adopted 2024-2032 6th Cycle Housing Element Update.

NOW THEREFORE, the City Council of the City of Madera ordains as follows:

SECTION 1. Recitals. The City Council hereby finds that all of the facts set forth in the recitals above are true and correct and incorporated herein.

SECTION 2. CEQA Determination. This project has been previously assessed. On May 20, 2026, the Council adopted a Resolution of the City Council of the City of Madera adopted a Resolution of the City Council of the City of Madera determining General Plan Amendment (GPA) 2026-03 and Rezone (REZ) 2026-01 (collectively, the Project) is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 21080.085 of the California Public Resources Code and approving General Plan Amendment (GPA) 2026-03, amending the General Plan Land Use Map, to change the land use designations for three areas of the City to the High Density Residential designation for purposes of facilitating approval of Rezone (REZ) 2026-01 to provide adequate zoning capacity to meet the City RHNA and as described in the City of Madera's 2024-2032 6th Cycle Housing Element

a. No substantial changes are proposed in the project which will require major revisions of the previous assessment leading to the determination of exemption due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified potential significant effects. In this case, the City Council determined the project is exempt almost immediately prior to the adoption of this Ordinance. REZ 2026-01 is consistent with the same density, intensity, and use, and

is exactly as contemplated by the collective Project. REZ 2026-01 is exactly consistent with the determination of exemption pursuant to Section 21080.085 of the California Public Resources Code and is specifically contemplated by it. CEQA does not apply to a rezoning that implements the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code.

b. No substantial changes have occurred with respect to the circumstances under which the project is being undertaken, which will require major revisions of the previous environmental assessment due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In this case, REZ 2026-01 is exactly consistent with the determination of exemption pursuant to Section 21080.085 of the California Public Resources Code and is specifically contemplated by it. CEQA does not apply to a rezoning that implements the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code.

Additionally, approval of REZ 2026-01 is contingent upon the approval of the General Plan Amendment (GPA) 2026-03 approved by the City Council as part of the determination of exemption. The Rezone Areas will be zoned and will be used for high density residential uses as originally contemplated and there are no new substantial changes in the physical environment that were not anticipated in the previous assessment, including its analysis in light of the rezone contemplated.

c. There is no new information, which was not known and could not have been known at the time of the previous determination that the project is exempt from the provision of CEQA pursuant to Section 21080.085 of the California Public Resources Code was made and therefore, REZ 2022-09 was specifically contemplated by the determination of exemption. Furthermore, since there are no significant effects associated with the Project, the considerations set forth in CEQA Guidelines § 15162(a)(3)(C) and (D), related to the adequacy and feasibility of previously adopted mitigation measures, are not applicable.

Based upon these findings, the City Council determines that this project has already been environmentally assessed, and no further environmental documentation is required for REZ 2026-01.

SECTION 3. Approval of REZ 2026-01. The Council hereby approves REZ 2026-01 and hereby amends the City of Madera Zoning Map, as provided for in Chapter 3 of Title X of the City Municipal Code, as illustrated in the hereto attached Exhibit "A," which indicates the segments of the City of Madera Zoning Map to be amended.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this

ordinance and each section, subsection, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 5. Publication. The City Clerk shall certify to the passage and adoption of this Ordinance by the City Council of the City of Madera and shall cause this Ordinance to be published or posted in accordance with Government Code Section 36933 as required by law.

SECTION 6. Effective Date of Ordinance. This Ordinance shall be effective and of full force and effect at 12:01 a.m. on the thirty-first day after its passage.

* * * * *

The foregoing Ordinance No. 1022 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 20th day of May 2026 and adopted after a second reading at a regular meeting of the City Council held on the 17th day of June 2026 by the following vote:

AYES: Mayor Gallegos and Councilmembers Zacharia, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

APPROVED:

CECELIA K. GALLEGOS, Mayor

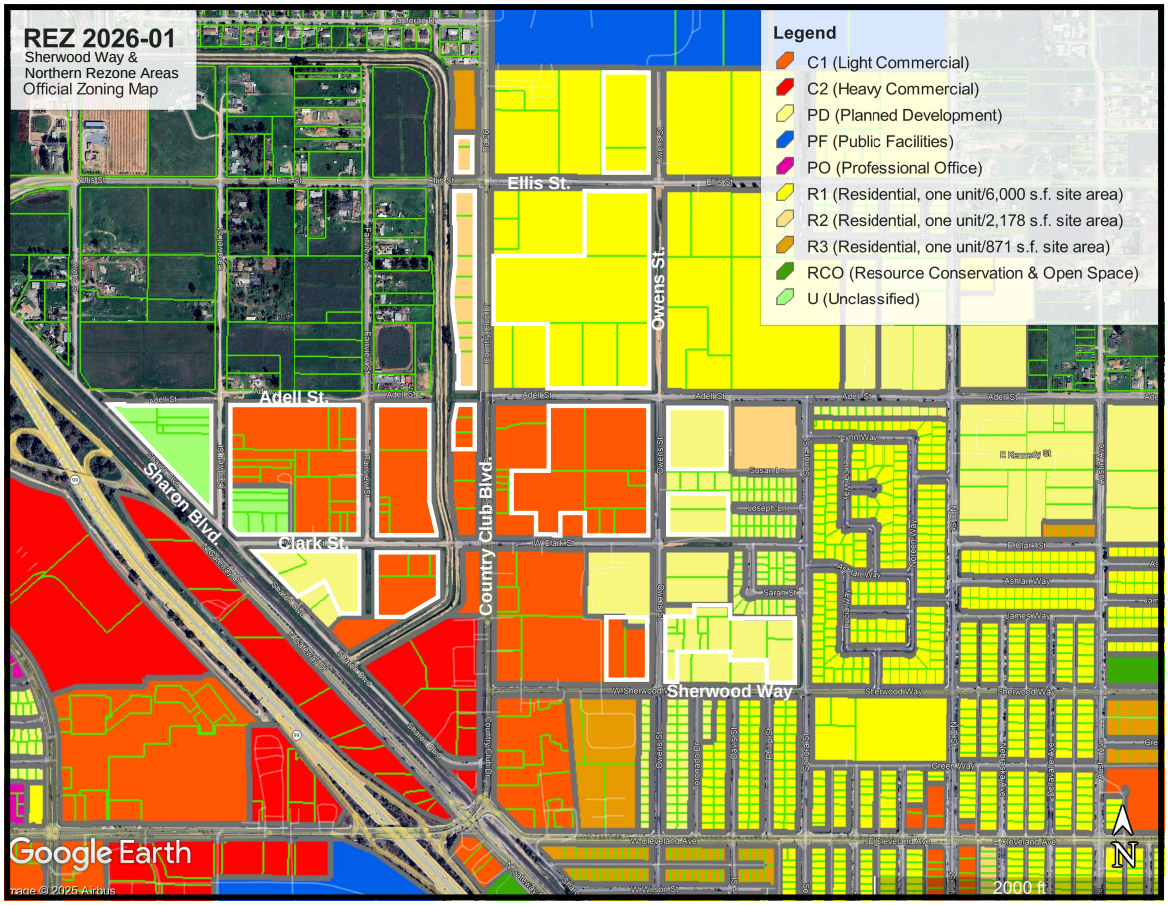
ATTEST:

ALICIA GONZALES, City Clerk

CITY OF MADERA INCORPORATED March 27, 1907 CALIFORNIA

Exhibit A.1

FROM (EXISTING):



TO (PROPOSED):

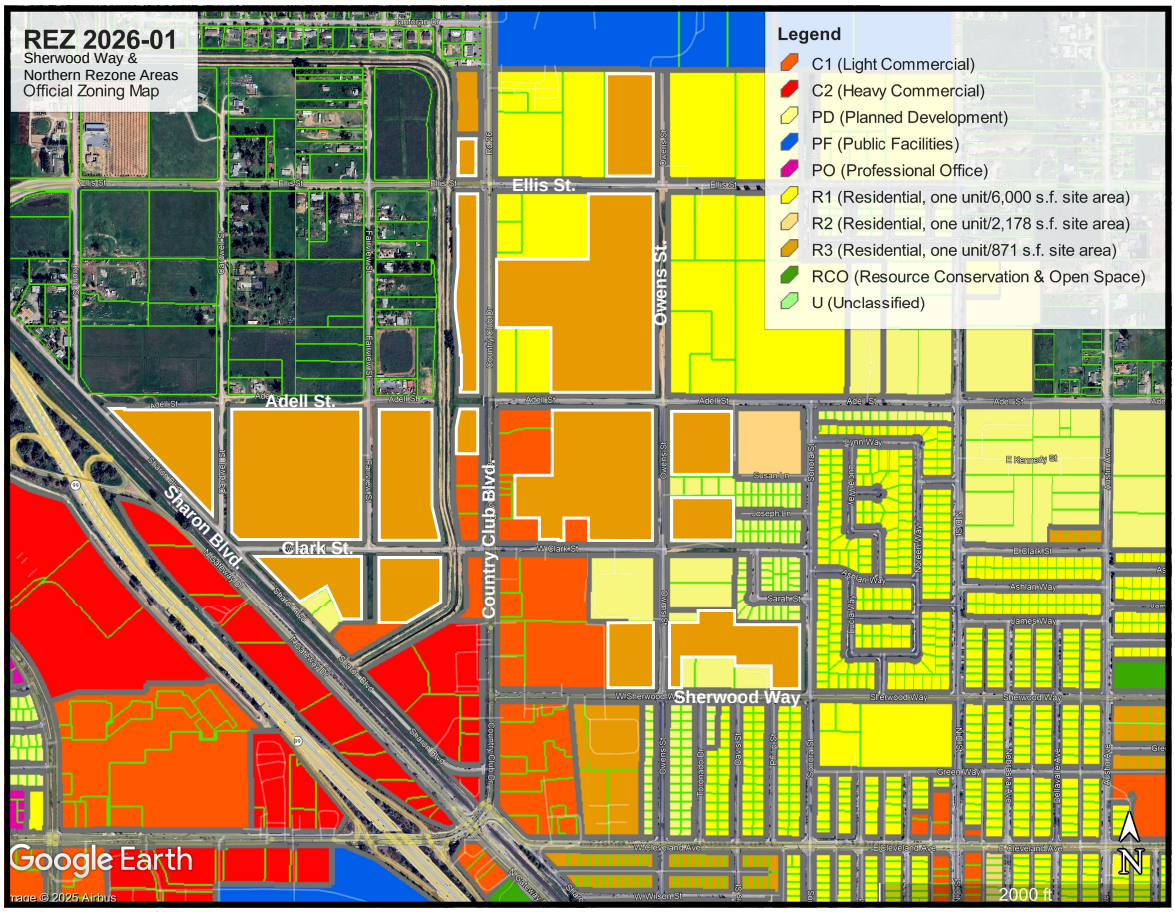
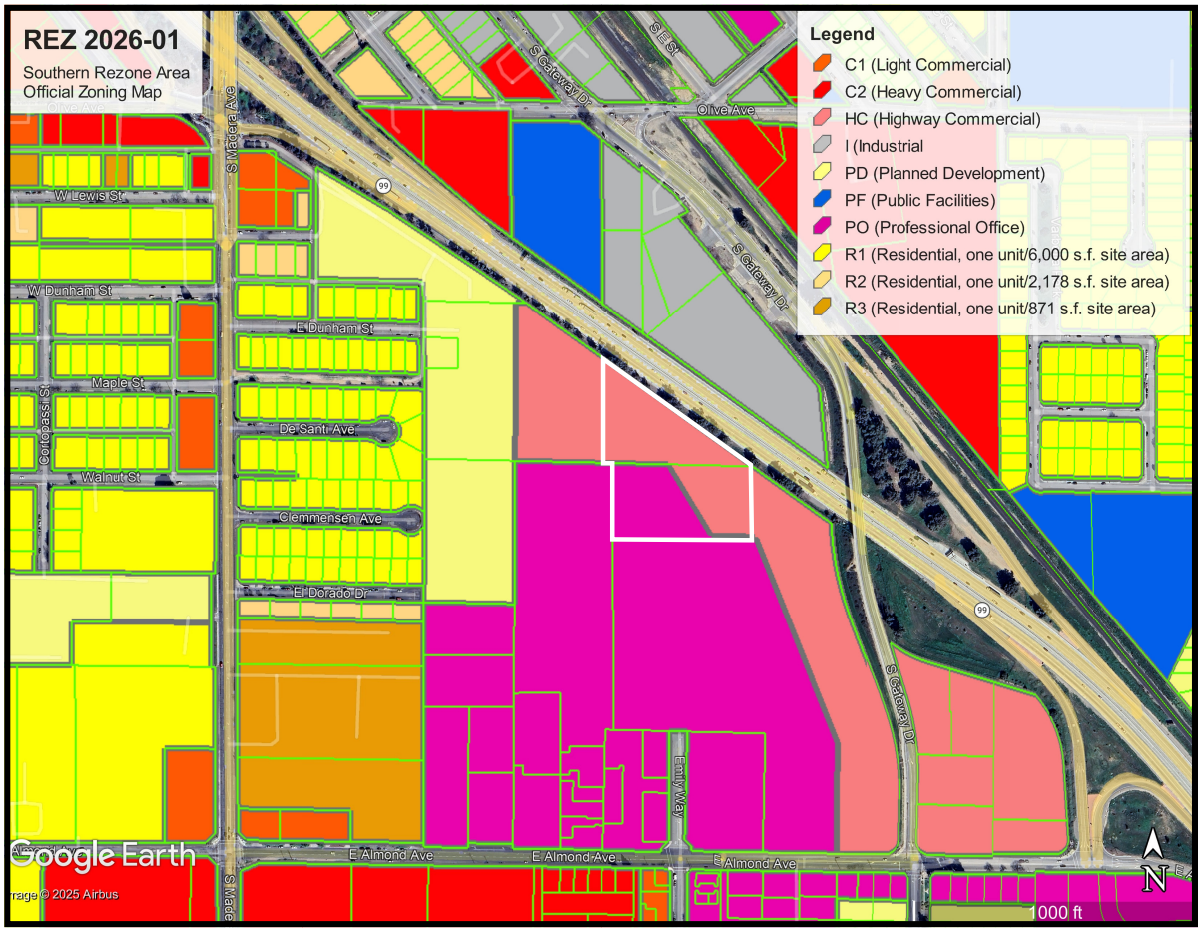
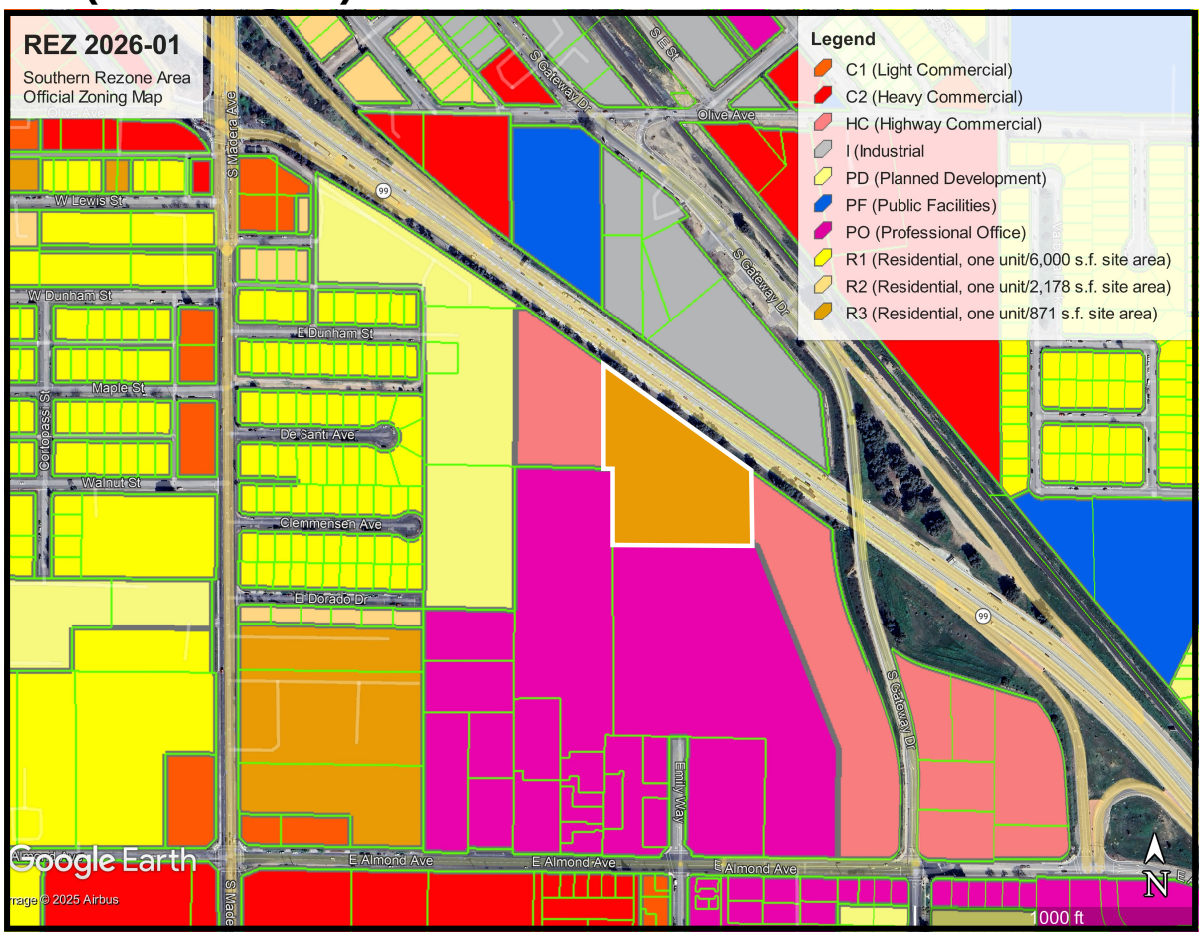


Exhibit A.2

FROM (EXISTING):



TO (PROPOSED):



ATTACHMENT 3

Resolution of the Planning Commission

(Recommendation)

RESOLUTION NO. 2063

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE X, CHAPTER 3 (ZONING REGULATIONS) OF THE CITY MUNICIPAL CODE (CMC) AND ADDING THE HOUSING ELEMENT IMPLEMENTATION (HEI) OVERLAY ZONE (CMC §§ 10-3-9.501 ET SEQ.)

WHEREAS, the City of Madera 6th Cycle Housing Element (Housing Element), adopted on February 2, 2026 (City Council Resolution 26-02), includes goals, policies and programs which aim to encourage the development of a variety of housing opportunities and provide adequate sites to meet the Regional Housing Needs Allocation (RHNA) during the planning period (2024-2032); and

WHEREAS, the Housing Element includes Program A-1, which states the City will expand affordable and multifamily housing opportunities, including allowing qualifying residential uses "by-right" on designated sites where at least 20 percent of the units are affordable to lower-income households, and in compliance with Government Code Sections 65583.2(c) and 65583.2(h), as applicable; and

WHEREAS, pursuant to the authority granted to the City of Madera ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote public health, public morals, or public safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City lie within the City's police power; and

WHEREAS, Sections 10-3.1501 et seq. of the City Municipal Code (CMC) contain provisions for amending or changing the Zoning Regulations contained in Title X, Chapter 3 of the CMC whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, Section 10-3.1502 of the CMC provides for amendments to the Zoning Regulations contained in Title X, Chapter 3 of the CMC and referral to the Planning Commission for public hearing and recommendations to the City Council; and

WHEREAS, OTA 2026-03 proposes to add Sections 10-3-9.501, 10-3-9.502, and 10-3-9.503 to Title X, Chapter 3 of the CMC to establish a Housing Element Implementation (HEI) Overlay Zone to implement Program A-1 of the City's adopted 6th Cycle Housing Element in compliance with Government Code Sections 65583.2(c) and 65583.2(h), as applicable; and

WHEREAS, the proposed HEI Overlay Zone would apply to four identified reused sites and to sites listed in Table 104, RHNA Sites Inventory, of the adopted 6th Cycle Housing Element that were rezoned to the R-3 zone pursuant to Ordinance No. 1022 C.S. and have very low-income and/or low-income unit allocations; and

WHEREAS, the proposed overlay establishes that sites within the overlay may only be developed with a residential use, must comply with applicable objective development standards, and must be approved by right when at least 20 percent of proposed units are affordable to lower-income households, consistent with applicable requirements of Government Code Sections 65583.2(c) and 65583.2(h); and

WHEREAS, a preliminary environmental assessment was performed, and the Project was found to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the "Common Sense Exemption" because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and

WHEREAS, pursuant to City Municipal Code, a public hearing (for Zoning Text Amendments) shall be held before the Planning Commission of the City of Madera (Commission) and after the conclusion of the public hearing, the Commission shall render a report and recommendation to the Council, prior to the Council adopting the amendment or any part thereof; and

WHEREAS, the City provided notice of the Planning Commission hearing as required by law for the hearing of October 13, 2026; and

WHEREAS, the Planning Commission received and independently reviewed OTA 2026-03, at the duly noticed meeting on October 13, 2026; and

WHEREAS, at the October 13, 2026 public hearing, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after due consideration of the items before it, the Commission has independently completed its review of the staff report and documents submitted for OTA 2026-03, evaluated the information contained therein, considered testimony received as part of the public hearing process, and now desires to adopt this Resolution recommending that the Council determine the project to be exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, approve OTA 2026-03 and adopt an ordinance amending Title X, Chapter 3 (Zoning Regulations) of the City Municipal Code (CMC) and adding the Housing Element Implementation (HEI) Overlay Zone (CMC §§ 10-3-9.501 et seq.).

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

1. Recitals: The above recitals are true and correct and are incorporated herein.

2. CEQA: The Planning Commission recommends that the City Council determine the project is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines. The activity is covered by the "Common Sense" exemption, which applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. OTA 2026-03 establishes zoning regulations to implement the

City's adopted Housing Element and does not authorize any particular development activity. Any future development project would remain subject to applicable review and environmental requirements. To the extent future actions may be considered reasonably foreseeable, "by-right" has a specific statutory meaning. Under § 65583.2(i), the City generally may not require a conditional use permit, planned unit development permit, or other discretionary local-government approval that would constitute a "project" under CEQA for the qualifying owner-occupied or multifamily residential use. The statute allows ministerial design review that does not constitute a CEQA project. No further environmental analysis is required for this ordinance text amendment.

3. Recommendation: The Commission hereby recommends that the Council approve OTA 2026-03, and adopt an ordinance amending Title X, Chapter 3 of the CMC and adding the Housing Element Implementation (HEI) Overlay Zone (CMC §§ 10-3-9.501 et seq.) in substantially the same form as follows:

Housing Element Implementation (HEI) Overlay Zone.

10-3-9.501 Purpose.

The Housing Element Implementation (HEI) overlay zone implements Program A-1 of the City's adopted 6th Cycle Housing Element.

10-3-9.502 Area of Applicability.

(A) Reused Sites. The HEI overlay zone shall apply to the following properties.

(1) Assessor Parcel Number 012-253-001

(2) Assessor Parcel Number 012-270-002

(3) Assessor Parcel Number 006-360-012

(4) Assessor Parcel Number 009-600-005

(B) Rezoned Sites for Lower Income Categories. The HEI overlay zone shall apply to the sites listed in Table 104, RHNA Sites Inventory, of the adopted 6th Cycle Housing Element meeting both the following criterion:

(1) A new zoning classification of the R-3 zone pursuant to City Council Ordinance No. 1022 C.S.

(2) Very low-income and/or low-income unit allocations.

10-3-9.503 Development Requirements.

(A) The following development requirements shall apply to all properties located within the HEI overlay zone:

(1) Sites in the HEI overlay zone may only be developed with a residential use.

(2) Development of any site within the HEI overlay zone shall comply with all applicable objective development standards.

(3) Development of any site within the HEI overlay zone must be approved by right if at least 20% of the units proposed are affordable to lower income households.

(4) Development of any site within the HEI overlay zone must meet the requirements of Government Code Section 65583.2(c) and 65583.2(h), as applicable, and as required by the adopted 6th Cycle Housing Element.

4. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera on this 13th day of October 2026, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

_____
Robert Gran Jr.
Planning Commission Chairperson

Attest:

_____
Will Tackett
Community Development Director