

**REGULAR MEETING AGENDA  
CITY OF MADERA  
PLANNING COMMISSION**

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
June 14, 2016  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

Commissioner Kenneth Hutchings (Chairperson)  
Commissioner Ruben Mendoza (Vice Chairperson)  
Commissioner Robert Gran, Jr.  
Commissioner Bruce Norton  
Commissioner Pamela Tyler  
Commissioner Jim DaSilva  
Commissioner Jeff Dal Cerro

**INTRODUCTION OF STAFF**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT**

The first fifteen 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 to identify themselves and state the subject of their comment. 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.

**MINUTES:** May 10, 2016

**CONSENT ITEMS:**

**NONE**

**PUBLIC HEARING ITEMS**

**1. CUP 2016-07 & SPR 2016-8 – Camarena Health School-Based Clinic**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the construction of a 3,873 square foot school-based Camarena Health Center clinic to be constructed on the Madera South High School campus located on the northwest corner of West Pecan Avenue and stadium Road in the U (Unclassified) Zone District with a P&SP (Public and Semi Public) General Plan

land use designation (APN: 012-410-004). The clinic will be open to the general public as well as students, and non-school clients will come and go from the medical office located on the school campus. A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**2. CUP 2016-12, 13, 14 & SPR 2016-33 – West Coast Tires**

A noticed public hearing to consider multiple conditional use permits and a site plan review to allow for the establishment of a used car sales lot and a tire and wheel sales and installation business with outdoor display to be located at the northwest corner of South Gateway Drive and Madera Avenue (500 and 508 S. Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-213-002). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**3. VAR 2016-01 – Delano/Lake Street Setback Variance**

A noticed public hearing to consider a variance from the rear yard setback standards of the Madera Municipal Code to allow for a three (3') foot rear yard setback where a minimum of ten (10') feet is required, on property located at the southeast corner of the intersection of Clark Street and North Lake Street (1525 North Lake Street) in the R1 (Residential) Zone District with an LD (Low Density) General Plan land use designation (APN: 005-132-021). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**4. CUP 2015-18 Springhill Suites ABC**

A noticed public hearing to consider an amendment of an existing conditional use permit to allow for the sale or furnishing of beer, wine and/or distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. Springhill Suites is located on the north side of East Almond Avenue, immediately west of Highway 99 (1219 East Almond Avenue), in the CH (Highway Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-390-005). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**5. CUP 2016-16 & SPR 2016-26 – Galaxy Dance Academy**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a dance studio within a 2,900 square foot lease space located in the 47<sup>th</sup> Place West shopping center (1930 Howard Road, Suites 115 & 117), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 009-361-069). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**6. CUP 2015-26 MOD & SPR 2016-27 – Madera's Finest Car Wash & Window Tinting**

A noticed public hearing to consider an amendment to an existing conditional use permit and site plan review to allow for the establishment of an auto detailing and window tinting business in an existing structure located on the southwest corner of East 6<sup>th</sup> Street and South E Street (96 East 6<sup>th</sup> Street), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-213-002). A categorical exemption pursuant to the

California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**7. CUP 2016-17 & SPR 2016-30 – New Beginnings Church**

A noticed public hearing to consider a n amendment to an existing conditional use permit and site plan review to allow for the establishment of a church at 218 South D Street in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-154-012). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**8. OTA 2016-03 – City of Madera Landscaping Ordinance**

A noticed public hearing to consider an amendment to Chapter 10 of Title 9 of the Madera Municipal Code to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards. A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**9. CUP 2016-09, 10, 11 & SPR 2016-20 – Madera Commerce Center**

A noticed public hearing to consider conditional use permits to allow for automotive repair and a site plan review to allow for the remodeling and repurposing of the former Madera Tribune building into an eleven (11) suite retail/commercial center with an outdoor vehicular storage yard. The project site located at the southwest corner of South E Street and 7<sup>th</sup> Street in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-184-023). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

**NON-PUBLIC HEARING ITEMS**

NONE

**ADMINISTRATIVE REPORTS**

**COMMISSIONER REPORTS**

**ADJOURNMENT:** The next regular meeting will be held on July 12, 2016.

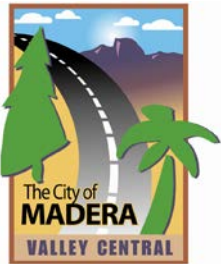
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

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.



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: CUP 2016-07 & SPR 2016-18  
& Environmental Determination  
Camarena Health Center School-Based Clinic  
Item #1 – June 14, 2016**

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**PROPOSAL:** An application for approval of a conditional use permit and site plan review to allow for the construction of a school-based Camarena Health Center clinic on the Madera South High School campus.

**APPLICANT:** Paulo Soares  
Camarena Health Center

**OWNER:** Madera Unified School District

**ADDRESS:** 705 West Pecan Avenue

**APN:** 012-410-004

**APPLICATIONS:** CUP 2016-07 & SPR 2016-18

**CEQA:** Categorical Exemption

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**LOCATION:** This project site is located on the northwest corner of West Pecan Avenue and Stadium Road.

**STREET ACCESS:** The site is accessed from West Pecan Avenue and Stadium Road.

**PARCEL SIZE:** The educational campus encompasses 96.62 acres.

**GENERAL PLAN DESIGNATION:** P&SP (Public and Semi Public)

**ZONING DISTRICT:** U (Unclassified)

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**SITE CHARACTERISTICS:** The property is a portion of an existing high school campus. The campus is located on the southern boundary of the City. Industrial development and agricultural activities are located north of the project site. Residential development and agricultural activities are located south of the project site. Residential development and vacant residential lands are located east of the project site. Industrial development and vacant industrial land is located west of the project site.

**ENVIRONMENTAL REVIEW:** This project is categorically exempt under §15314 (Minor Additions to Schools) of CEQA Guidelines.

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**SUMMARY:** Camarena Health Center proposes the construction of a 4,260 square foot health center which would provide medical and dental services to both students and the general public at large. The school nurse will occupy a portion of the structure. Although on school property, the project would be developed within a lease area, and is not considered a school facility. Although the use is not contemplated within the General Plan, the structure is in general conformance with the goals and policies of the General Plan. Parking, although not ideal, is sufficient to serve the proposed use.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses  
MMC § 10-3.1101 Unclassified Zones  
MMC § 10-3.4.0101 Site Plan Review  
MMC § 10-3.1201 Parking Regulations  
MMC § 10-3.1301 Use Permits

The General Plan designates the project site as P&SP (Public and Semi Public) property. The project site is located in the U (Unclassified) Zone District. The U (Unclassified) Zone District specifies that “all uses not otherwise prohibited by law shall be permitted provided that a use permit shall be first secured” per the approval of the Planning Commission. Construction of the physical improvements on the site is subject to the site plan review process to ensure consistency with the General Plan and compliance with other applicable ordinance.

The City’s Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

This application was continued to this date at the May 10, 2016 Planning Commission.

## **ANALYSIS**

### Background

Camarena Health Center proposes the construction of a health center which would provide medical and dental services to both students and the general public at large. The structure is proposed to be located near the southeast corner of the Madera South High School campus. The structure would be constructed by Camarena Health Center on a leased portion of land. Although constructed on the school property, the facility would essentially function as a private facility developed on a school campus. Typically, school facilities are not processed by a local agency, such as a city. In this case though, because the proposed improvements are not being developed by the school district, but instead on leased school district property, the project is subject to local permitting requirements.

### Business Model

The 4,260 square foot health center would have two entrances; one secured entrance serving students attending Madera South High School and one common entrance available to the general public. Both students and the general public would be able to schedule appointments for both medical and dental concerns. The student entrance would access the school nurse’s office which would be located within a portion of the facility. A connecting interior door would

provide access to the Camarena Health Center portion of the structure. The common entrance would provide unrestricted access to the general public, who could schedule appointments at the health center just as they currently do at other Camarena Health Center locations.

### Architecture

The structure is designed to meld within the overall architecture of the school campus, employing a cubic minimalist approach similar to other campus structures. The design does provide structural “pop outs” that provide articulation and variation sufficient to break up the mass of each wall segment. Multiple windows of assorted sizes finish the architectural elevations. Although it is expected that the stucco structure would be painted to meld with the adjoining school campus, a color and materials board and representative color rendering is recommended as a condition of approval.

### Landscaping

As a component of the overall construction project, demolition and removal of existing landscaping should be anticipated. Replacement of the disturbed areas with drought tolerant landscape consistent with state law is recommended as a requirement of the project. A landscape and irrigation plan consistent with the state’s Model Water Efficient Landscape Ordinance should accompany submittals for building permit plan check. Although the proposed site design has the structure surrounded by concrete flatwork, it is recommended that the applicant incorporate landscaped planting beds between the structure and the flatwork, consistent with General Plan policies. Integration with the existing landscape should also be demonstrated within the submittal.

### Parking

City parking standards for the proposed use call out a ratio of one parking space for each 250 square feet of floor area, plus one parking stall for every two employees, and four spaces for each doctor. This would translate into a requirement of a minimum of approximately thirty-five (35) parking stalls for the proposed use. No additional parking is proposed as a part of the project. Only a reconfiguration of ADA parking stalls in proximity to the proposed health center site is proposed.

Parking requirements for high schools call out the provision of one stall for each employee, plus one space for each for each five students. This translates into a requirement of a minimum of approximately 800 parking stalls (3000 student and 200 employees). There are currently almost 1000 parking stalls on the campus, but many of those stalls are chained off and dedicated as event parking. The employee parking lot, which is the parking lot that would also serve the health center, contains over 360 stalls. Thus, although parking analysis would suggest that student parking is constricted, it would also indicate that the parking field dedicated to employees would provide sufficient parking for patients of the clinic.

### Consistency with General Plan

The P&SP (Public and Semi-Public) land use designation does not contemplate or anticipate the construction of commercial, profit-based enterprises being situated within the land use designation. Nonetheless, some goals and policies of the Community Design element might be satisfied by providing health and dental care services in close proximity to potential patients, such as at a high school site. Some of the goals in the Community Design element of the General Plan that might be satisfied by the project include:

**CD-5** Walkable community.

**CD-7** Preserve and enhance the character of existing residential neighborhoods.

**CD-11** Design commercial development to enhance the pedestrian environment.

The structure itself also appears to demonstrate conformity to the General Plan, which asks for “aesthetically pleasing commercial development.”

### Circulation Concerns

Problems exist along the Stadium Road frontage to the school campus. Vehicles regularly back up causing traffic delay and congestion. The proposed health center creates additional traffic impacts upon the site and Stadium Road. Conditions of approval have been incorporated into this entitlement which provide necessary dedications for future road projects and require reconfiguration of an existing point of entry onto the campus from Stadium Road as an immediate component of project construction. Because the peak drop-off periods associated with the operation of the schools causes the greatest impact to traffic and circulation on the site, it is recommended that the health center be open to the general public only from as early as 9:00 a.m. until as late as 6:00 p.m. on weekdays. Hours of operation on the weekends may begin as early as 7:00 a.m. until as late as 6:00 p.m.

This proposed conditional use permit and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

### **RECOMMENDATION**

Cumulatively, the information presented in this report supports conditional approval of the use permit and site plan review request. No additional allowance for private enterprises on school campuses should be considered until the merit of this project can be weighed.

### **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the conditional use permit and site plan review.

Motion 1: Move to approve Conditional Use Permit 2016-07 and Site Plan Review 2016-18 based on and subject to the findings and conditions of approval as listed below.

### Findings

- This project is categorically exempt under §15314 (Minor Additions to Schools) of CEQA Guidelines.
- The establishment of a Camarena Health Center is consistent with the purposes of the U (Unclassified) Zone District, subject to the issuance of a conditional use permit.
- As conditioned, development of the site is consistent with the Madera General Plan principles, goals and policies.
- As conditioned, the project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- As conditioned, the establishment, maintenance or operation of the Camarena Health Center will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.



## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Site Plan Review 2016-18 will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. Conditional Use Permit 2016-07 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. The applicant's failure to utilize Conditional Use Permit 2016-07 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2016-07 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
6. Conditional Use Permit 2016-07 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Director.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

### **Building Department**

10. The applicant shall provide a confirmation letter from the Division of the State Architect recognizing that this project is the responsibility of the local authority having jurisdiction, prior to or as a component of plan check submittals.

11. Site development shall be consistent with the approved site plan and floor plan. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits. If no plans are to be submitted, uses shall be as stated on plans submitted for site plan approval.
12. The developer shall provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and includes the following required drawings drawn to an appropriate scale:
  - a) Site plan bearing City approval or a plan incorporating all site related conditions
  - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
  - c) Floor plan
  - d) All exterior elevations
  - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
13. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.
14. Additional items identified as not complying with current codes and ordinances which require correction or attention may be identified after reviews are completed. Any item not in conformance with current codes and ordinances must be corrected.

## **Engineering Department**

### General

15. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
16. Impact fees shall be paid at time of building permit issuance.
17. The developer shall pay all required fees for completion of project. Fees due may include but shall not be limited to the following: plan review, encroachment permit processing and improvement inspection fees.
18. Improvement plans sealed by a Professional Engineer licensed in the State of California shall be submitted to the Engineering Division in accordance with the submittal process.
19. The improvement plans for the project shall include the most recent version of the City's General Notes.
20. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by state law can be implemented.

21. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

#### Sewer

22. The sewer service connection shall be constructed to current City standards including cleanouts.
23. Sewer main connections six (6") inches and larger diameter shall require manhole installation.

#### Storm Drain

24. The developer shall confirm the destination of storm water runoff from the construction site. In the event, additional storm runoff from this project enters a City storm basin, the developer shall excavate the City basin to the degree necessary to accommodate the additional runoff.
25. The developer shall coordinate with MID to confirm flow, if it does leave the high school, does not impact their system.

#### Streets

26. The Madera Unified School District shall dedicate one half of the necessary right-of-way, anticipated to be 6-feet, to construct dual left turn lanes with 125 feet of storage on the southbound approach to the intersection of Stadium and Pecan in addition to the 40-foot half street right-of-way.
27. The Madera Unified School District shall dedicate one half of the necessary right-of-way, anticipated to be 6-feet, to construct dual left turn lanes with 125 feet of storage on the eastbound approach to the intersection of Stadium and Pecan in addition to the 50-foot half street right-of-way.
28. The existing driveway on Stadium Road north of Pecan Avenue shall be reconstructed to fully restrict the ability to make left turn movements into and from the driveway or, a median island shall be constructed on Stadium that restricts such movements.
29. The developer shall reconstruct/upgrade existing handicap access ramp located at the northwest corner of Pecan Avenue and Stadium Road to current ADA standards.
30. All existing handicap access curb ramps along project parcel frontage on Stadium Road from the intersection of Stadium Road and Pecan Avenue to the proposed structure shall be upgraded to comply with current ADA standards or confirm that existing facilities meet current ADA standards.
31. The developer shall repair 40" x 60" block of uneven patched sidewalk along the west side of Stadium Road, approximately 75-feet north of Pecan Avenue, per City standards.

#### **Fire Department**

32. Portable fire extinguishers are required in accordance with the CFC.
33. A load/unload zone is required for certain OSHPD 3 clinics. The exact nature of the services must be determined to verify this requirement.

34. Placement of the structure may not reduce the existing structure's required setbacks. This must be clearly documented on the plans.
35. Installation/utilization of special medical gas piping will require the appropriate permits.
36. Guard railing will be required at the roof access hatch unless it is located further from the roof edge or the parapet is constructed to comply with the guardrail requirements.
37. HVAC smoke detector activated shut-off devices must be interconnected with respect to shut-down of the units.

## **Planning Department**

### Site Data

- Building Area: 4,260 square feet
- Minimum Parking Requirements: 35 spaces
- Parking Provided: 968 spaces (includes 30 accessible spaces)
- Loading Spaces Required: 0

38. During days when the school is in regular session (generally from mid-August thru May), the health center shall be open to the general public only from as early as of 9:00 a.m. until as late as 5:00 p.m. on weekdays. During summer months, the health center shall be open to the general public only from as early as of 7:00 a.m. until as late as 5:00 p.m. on weekdays. At all times, hours of operation on the weekends may begin as early as 7:00 a.m. until as late as 5:00 p.m. The school nurse may see patients during all hours of school operation.
39. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
40. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster(s) owned by the property owner.
41. All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles.
42. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City Standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
43. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

### HVAC and PG&E Utility Placement Considerations/Screening Requirements

44. Prior to the issuance of building permits, applicant to identify on the site plan the following information for Planning Department review and approval:

- The location of all natural gas and electrical utility meter locations
  - The location of all HVAC (heating, ventilation or air conditioning) equipment
  - The location of all compressor equipment, and mechanical and electrical equipment
45. Electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service room(s). Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be required to be integrated into building architecture.
  46. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground mounted, all HVAC equipment shall be completely screened by a six foot enclosure constructed so as to match the primary color and material of the structure.
  47. Natural gas meter placement shall be screened from public view per Planning Department approval.
  48. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
  49. Roof access ladders shall be located within the interior of the building or out of public view.
  50. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
  51. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance.
  52. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

#### Building Colors, Materials and Lighting Considerations

53. The construction of buildings approved as part of site plan review shall be consistent with the approved color and materials board and representative color section rendering of the proposed building as reviewed and approved by the Planning Commission. Any alteration shall require Planning Commission approval.
54. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
55. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
56. The developer shall contact the Planning Department when all site lighting is operational. At this time, additional light screening may be required.

### Signage

57. Signage shall be in accordance with City Standards, and all signing shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department.
58. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

### Landscaping

59. On-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
60. 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.
61. A detailed landscaping and irrigation plan consistent with the state's Model Water Efficient Landscape Ordinance shall be submitted to the Planning Department for review and approval prior to issuance of building permits, and shall include:
  - Landscaped areas shall be developed between the frontages of building and the parking areas.
  - Landscape areas shall be developed between sidewalks and the structure.
  - Any tree removed shall be replaced with a new tree.
  - A detailed planting list for landscaping, with the number, size and specie of all plantings shall be included as part of the approved plan.

**(OR)**

Motion 2: Move to continue the public hearing on Conditional Use Permit 2016-07 and Site Plan Review 2016-18 to the July 12, 2016, for the following reasons or in order for the following information to be provided: (Please specify reasons.)

**(OR)**

Motion 3: Move to deny Conditional Use Permit 2016-07 and Site Plan Review 2016-18 based on the following findings: (Please specify reasons.)

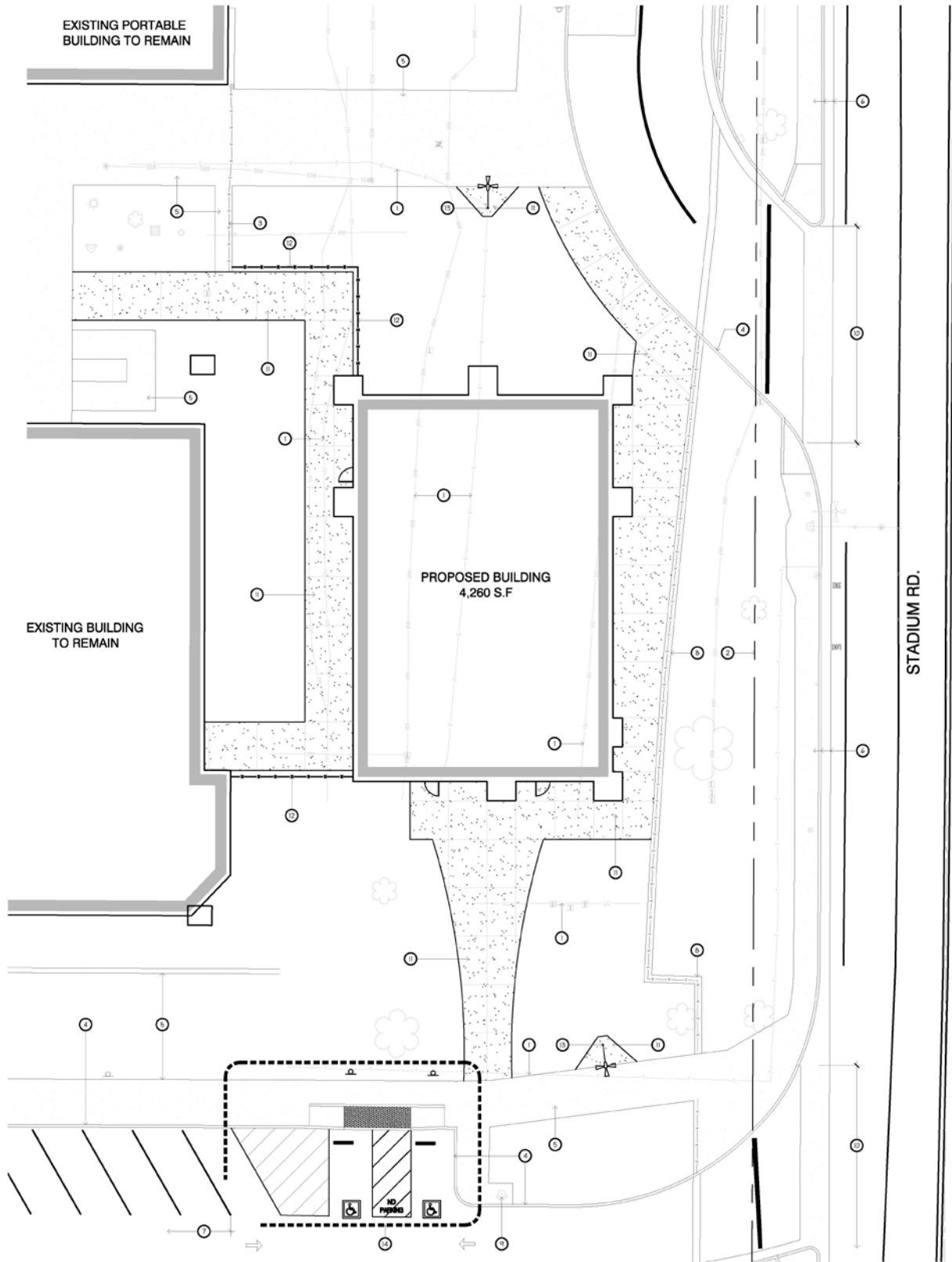
### **ATTACHMENTS**

Aerial Photo  
Site Plan  
Floor Plan  
Elevations

Aerial Image

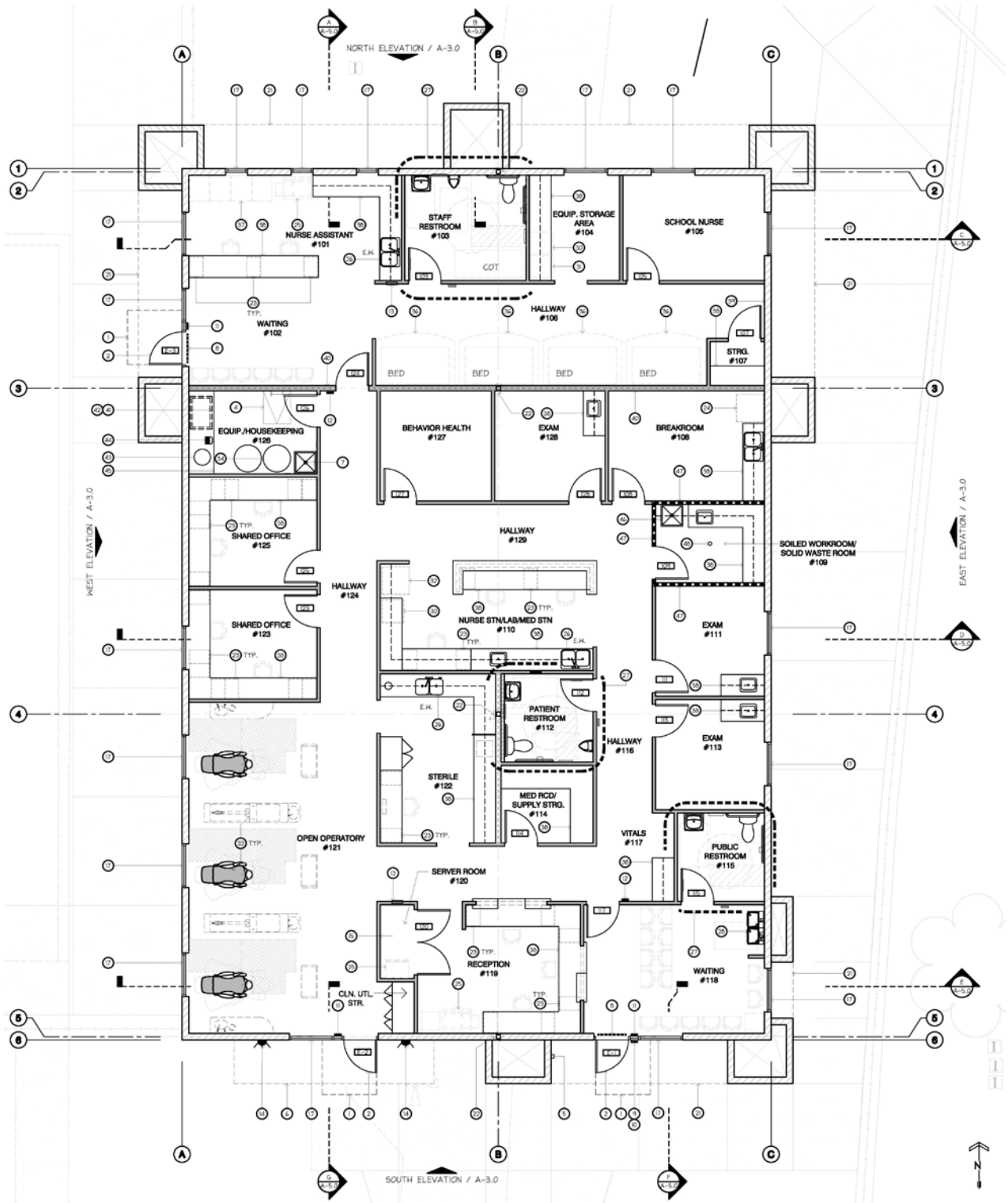


# Site Plan

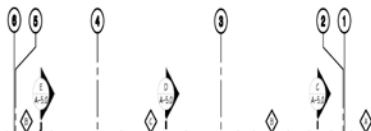
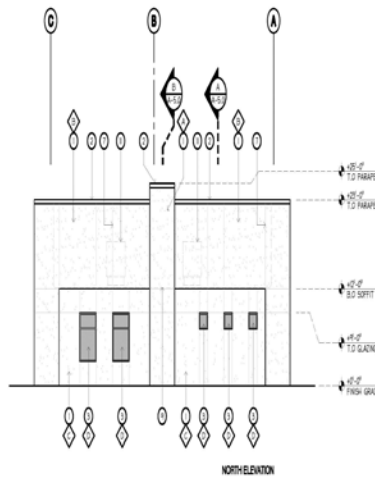
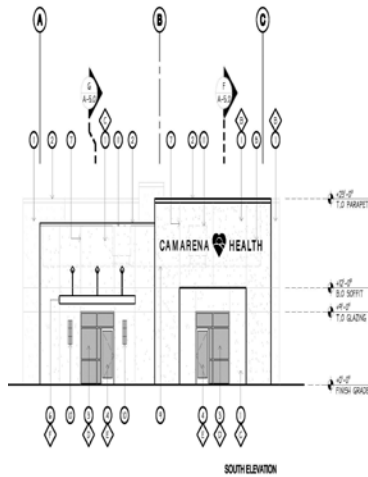
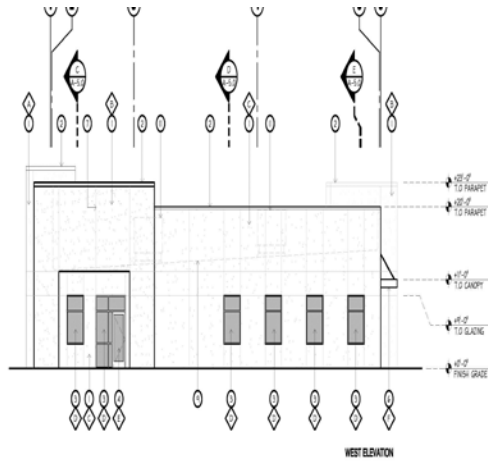




# Floor Plan



# Elevations



**ADDITIONAL INFORMATION:**

- LOCATION OF GYI PARAPET CAP FLASHING - PAINT 2-COATS ENAMEL TO MATCH COLOR OF FINISH MATERIAL DIRECTLY BELOW - REFER TO COLOR/MATERIAL LEGEND FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
- LOCATION OF DUAL PANE GLAZING SYSTEM - REFER TO COLOR/MATERIAL LEGEND FOR ADDITIONAL INFORMATION - STOREFRONT DOOR AND WINDOW ASSEMBLIES SHALL MEET ALL ENERGY CALCULATION REQUIREMENTS.
- LOCATION OF STOREFRONT (DOORS) - REFER TO COLOR SCHEDULE AND DETAILS FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
- LOCATION OF STREET ADDRESS NUMBERS LOCATED SO AS TO BE PLAINLY VISIBLE FROM THE STREET ON ROAD - LETTERS, NUMBERS, AND SYMBOLS SHALL BE A MINIMUM OF 1/2" HIGH, HAVE A FINISH BE REFLECTIVE, AND BE CONTRASTING WITH THE BACKGROUND COLOR OF THE BUILDING - DURING THE HOURS OF DARKNESS, THE NUMBERS SHALL BE EXTERNALLY ILLUMINATED (INTERNAL OR EXTERNAL).
- LOCATION OF EXTERIOR METAL CANOPY - REFER TO COLOR/MATERIAL LEGEND FOR SPECIFICATIONS AND ADDITIONAL INFORMATION.
- LOCATION OF STOREFRONT PRODUCTS W/AS HIDE V SCREEN - PROVIDE THE 1/2" HIDE BY 1/2" DEEP SCREEN - PAINT 2-COATS ENAMEL TO MATCH COLOR OF SCREEN FINISH.
- SHARED LINES INDICATE POTENTIAL TENANT SIGNAGE - SIGNAGE SHALL BE SUBMITTED UNDER A SEPARATE APPLICATION/PERMIT - REFER TO ELECTRICAL PLANS FOR ADDITIONAL INFORMATION AND REQUIREMENTS - PROVIDE SEE ADDED FLASHING UNDER BUILDING W/PER TYPICAL THIS WALL FACE OF BEYOND THE PERPETER OF THE SIGN CONFIGURATION.
- SHARED LINE INDICATES APPROXIMATE TOP OF ROOF SHEATHING LOCATION (BEYOND).
- LOCATION OF ROOF SURFACE MOUNTED LIGHT FIXTURES - REFER TO ELECTRICAL PLANS FOR ADDITIONAL INFORMATION AND REQUIREMENTS.
- SHARED LINES INDICATE APPROXIMATE LOCATION OF HVAC UNITS ON ROOF DECK SCREENED BY PARAPET AS SHOWN.

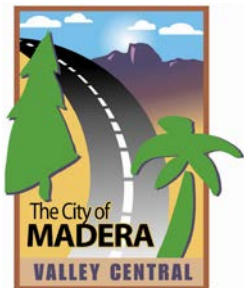
**COLOR / MATERIAL LEGEND**

MATERIAL	FINISH	COLOR
◇	PAINTED	SCHOOL COLOR PURPLE
◇	PAINTED	SCHOOL COLOR GRAY
◇	PAINTED	SCHOOL COLOR OFF-WHITE
◇	FACTORY FINISH	GLASS FINISH SHALL BE DUAL GLAZED LOW E (4 PANE) GLAZING AND FRAME SHALL BE CLEAR TILL ANODIZED.
◇	FACTORY FINISH	GLASS FINISH SHALL BE LOW E (4 PANE) GLAZING AND FRAME SHALL BE CLEAR TILL ANODIZED.
◇	PAINTED	SCHOOL COLOR PURPLE

**NOTE TO GENERAL CONTRACTOR:**  
GENERAL CONTRACTOR SHALL PROVIDE BRUSH-OUT PAINT COLORS (MATCHING THE EXISTING ADJACENT SITE BUILDINGS) TO THE DESIGN FIRM FOR REVIEW AND APPROVAL PRIOR TO PAINTING THE PROPOSED BUILDING FINISHES.

**PROJECT**  
PROPOSED DEVELOPMENT FOR:  
CAMARENA HEALTH SCHOOL BASE CLINIC  
705 WEST PECAN AVENUE  
MADERA, CA. 93637

**STATUS**  
Current Release Date: 01-14-16  
Planning Submittal



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: West Coast Tires  
CUP 2016-12, 13 & 14, SPR 2016-23 & Categorical Exemption  
Item #2 - June 14, 2016**

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**PROPOSAL:** An application for three conditional use permits and one site plan review to allow for a used car sales lot, an automotive tire and wheel store and the outdoor display of tires as part of the tire and wheel store operations.

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<b>APPLICANT:</b>	Ibrahim Alwareeth	<b>OWNER:</b>	Ibrahim Alwareeth
<b>ADDRESS:</b>	500 & 508 South Gateway Drive	<b>APN:</b>	010-213-001 and 002
<b>APPLICATION:</b>	CUP 2016-12, 13, 14 & SPR 2016-23	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The project site is located at the northwest corner of South Gateway Drive and Madera Avenue.

**STREET ACCESS:** The site has access to South Gateway Drive and Madera Avenue.

**PARCEL SIZE:** Two (2) parcels encompassing approximately 0.88 acres.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C2 (Heavy Commercial)

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**SITE CHARACTERISTICS:** The overall site encompasses two parcels. Three structures serve the site; a former motel that has historically served as a used car sales office, a light industrial structure that has been used for general automotive repair in association with the used car lot and a lube, oil and filter structure that last operated as a Pennzoil oil change facility. There are commercial uses to the east, west and north of the project site, along the Gateway commercial corridor. Residential uses are located immediately south of the project site.

**ENVIRONMENTAL REVIEW:** The proposed used car sales lot, automotive tire and wheel store and outdoor display of tires has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

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**SUMMARY:** The proposed conditional use permits and site plan review cumulatively provide for the establishment of a used car sales lot, an automotive tire and wheel store and the outdoor display of tires and wheels. Conditions of approval guide the operations of the various components of the business and the completion of required on- and off-site improvements.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.901 Heavy Commercial Zones  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1202 Parking Spaces Required  
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial activities. The City's Zoning Ordinance also allows for a variety of retail uses in the C2 (Heavy Commercial) Zone District, including the operation of a used car sales lot, an automotive tire and wheel store and the outdoor display of tires, subject to the approval of a conditional use permit by the Planning Commission.

## **PRIOR ACTION**

A used car sales lot has intermittently operated on this site for many years. Initially, the use was approved to occur only on the 508 South Gateway property, and business licenses are indicative of that condition. Over time, the use continued to grow with the changes in the automotive sales market. Conditional Use Permit 2014-21 and Site Plan Review 2014-30 allowed for the expansion of the used car sales lot to occur on both properties (500 and 508 South Gateway Drive) in conjunction with an automotive lubrication business. The used car sales lot, Universal Auto, did not make significant progress in completing the required conditions of approval, resulting in the revocation of the use permit and site plan review on November 10, 2015.

## **ANALYSIS**

### Operations

West Coast Tires is preparing to open its first location in Madera at the former Universal Auto site. The applicant's business model involves two components: a used car sales lot and an automotive tire and wheel store, including the outdoor display of tires and wheels. The used car sales lot would generally operate on the 508 South Gateway property, while the automotive tire and wheel store would operate on the 500 South Gateway property. Vehicle inventory would be allowed on both properties per the approved site plan. The automotive tire and wheel store would provide services such as automotive lubrication, tune-ups, and the installation of tires and wheels. A vehicle repair garage is included as a component of the used car sales lot. It is recommended that the used car repair garage only be utilized for limited light maintenance such as tune-ups, safety inspections and detailing of cars offered for sale. Hours of operation are proposed from 8:00 a.m. until 9:00 p.m., seven days per week.

## Parking

City parking standards vary upon the different uses. The automotive tire and wheel store requires one stall per each 400 square feet of gross floor area, plus one stall per each two employees. The sales offices require one stall per each 300 square feet of gross floor area. The used car repair garage would only require one parking stall per each two employees. The automotive tire and wheel store would occupy approximately 2,800 square feet of gross floor area with three (3) employees operating the site, requiring a total of nine (9) parking stalls. The sales offices would occupy approximately 1,400 square feet of gross floor area, requiring a total of five (5) parking stalls. The used car repair garage would have one (1) employee.

<b>Business</b>	<b>Gross Floor Area (sf)</b>	<b>Ratio</b>	<b>Parking Stall Req.</b>
Tire & Wheel Store	2,800	Auto Shop	7 stalls
		1:2 employees	2 stalls
Sales Offices	1,400	Office	5 stalls
Used Car Shop		1:2 employees	1 stall
<b>Total</b>	<b>4,200 sf</b>		<b>15 stalls</b>
Parking Provided:			<b>20 stalls</b>

This would translate into a requirement of approximately fifteen (15) total parking stalls for the proposed uses. The new owner proposes a total of twenty-two (22) parking stalls, excluding stalls used for the display of automotive vehicles. With 20 proposed parking stalls, there is adequate parking to serve the proposed uses.

## Site Improvements

With no on or off-site improvements made from the previous business owner, the site has not seen any meaningful improvements in over thirty (30) years. Conditions of approval require on and off-site improvements that bring the site to current standards. On-site improvements include a freshening of the structures on the property, a slurry seal and the restriping of existing parking field and the construction of a new trash enclosure. Off-site improvements include the installation of new curb, gutter, sidewalk and landscaping, ADA accessibility, the revised ingress and egress.

In conjunction with off-site requirements, the new owner proposes to demolish a portion (approximately 624 square feet) of the sales offices (former motel) to allow for the completion of the off-site improvements along the street frontage. These improvements would bring the site to current City standards while enhancing the quality of the site in its entirety.

The proposed conditional use permits and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of an allowance for an expansion of a used car sales lot is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2 – As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...**

## **RECOMMENDATION**

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23 subject to the findings and conditions of approval outlined in this report.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review.

Motion 1: Move to approve Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23, based on and subject to the following findings and conditions of approval:

### Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- A used car sales lot, automotive tire and wheel store and outdoor display of tires and wheels is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed used car sales lot, automotive tire and wheel store and outdoor display of tires and wheels.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the used car sales lot, automotive tire and wheel store and outdoor display of tires and wheels will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permits 2016-12, 13, and/or 14 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.

4. Conditional Use Permits 2016-12, 13 and/or 14 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2016-23 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-23.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
10. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use could be cause for revocation of Conditional Use Permits 2016-12, 13 and/or 14.
11. Conditions of approval herein are cumulatively applicable to Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23, except where otherwise stated as applicable to a specific entitlement.

### **Building Department**

12. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
13. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

### **Engineering Department**

#### General

14. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.

15. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
16. The improvement plans for the project shall include the most recent version of the City's General Notes.
17. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
18. The developer shall coordinate with CalTrans regarding improvements along Madera Avenue and South Gateway Drive (SR 145) within their right-of-way. Improvements may require an Encroachment Permit from CalTrans.

#### Sewer

19. The existing sewer service connection shall be upgraded to current city standards including cleanouts, if not previously installed.

#### Streets

20. Access to the site shall be limited to two (2) driveways, as shown on improvement plans dated April 27, 2016. The driveway approaches shall be reconstructed to a street-type entrance with a minimum face curb radius of fifteen (15') feet and be constructed to current City standards with ADA path of travel. Other existing driveways shall be replaced with concrete sidewalk, curb and gutter per City standards, as shown in plans. The extent of improvements along South Gateway Drive and Madera Avenue shall be determined by CalTrans.
21. The driveway along South Gateway Drive shall be limited to right-in-right-out vehicle circulation. The developer shall install a "Right Turn Only" sign.
22. The developer shall dedicate a thirteen (13') foot wide easement for street purposes on Gateway Drive along the entire project frontage.  
  
The developer shall dedicate a thirteen (13') foot wide easement for street purposes on Madera Avenue along the entire project frontage.
23. The developer shall dedicate a Public Utility Easement ten (10') feet wide along the entire project parcel frontage on South Gateway Drive and Madera Avenue.
24. The developer shall construct sidewalk per City standards on South Gateway Drive and Madera Avenue along the entire parcel frontage. An unimpeded ADA path of travel shall be maintained at all times. Sidewalk shall be constructed with a maximum 2% cross slope.
25. The developer shall remove existing driveway approach located at the northern property line of 500 South Gateway Drive and replace with curb and gutter.
26. The developer shall reconstruct existing southern driveway approach of 500 South Gateway Drive to a maximum 35 foot driveway throat and construct curb and gutter.



27. The developer shall remove existing driveway approach located at the southern property line of 508 South Gateway Drive and replace with curb and gutter.
28. The developer shall reconstruct the existing primary driveway approach of 508 South Gateway Drive to maximum 24 foot driveway throat and construct curb and gutter.
29. The developer shall reconstruct curb and gutter across the remainder of the 508 South Gateway Drive frontage.
30. Park strip landscaping shall be installed in conjunction with the required street improvements on South Gateway Drive and Madera Avenue.

#### Water

31. The existing water service connection shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within City right-of-way and a backflow prevention device located within private property.
32. A separate water meter and backflow prevention device will be required for landscape area.

#### **Fire Department**

33. Portable fire extinguishers are required in accordance with the California Fire Code.
34. Both indoor and outdoor storage of tires must be installed in accordance with Chapter 34 of the California Fire Code. This includes a fire safety plan that must be provided to, and approved by the City of Madera prior to opening for business. The fire safety plan should be prepared by a designer knowledgeable in the requirements of Chapter 34.
35. Heat sources and open flame devices are not permitted in tire storage areas.
36. Fire sprinklers shall be required if the indoor storage of tires exceeds six feet (6') in height.
37. A fire access lane plan is required to show access through the car sales lot. Since there is only one entry/exit, an on-site vehicle turn around needs to be shown.

#### **Planning Department**

38. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
39. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
40. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times. Dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
41. No portable, temporary, and/or mobile utility structures shall be allowed to be erected and/or utilized on the project site.
42. Hours of operation shall be from as early as 8:00 a.m. until as late as 9:00 p.m., seven (7) days a week.

43. All on and off-site improvements shall be made prior to occupancy and issuance of a business license.
44. Either an application for a lot merger shall be completed where 500 and 508 South Gateway Drive (APN: 010-213-001 and 002) are merged to form one parcel or sufficient cross access pedestrian, parking and vehicular easements shall be recorded on both existing parcels so as to ensure proper circulation is available to serve the project site. This condition shall be satisfied in advance of occupancy of the site and issuance of business license.
45. The existing parking field shall be slurry sealed and restriped consistent with the approved site plan and City standards.
46. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Manager.

#### Landscaping

47. Off-site landscaping and irrigation shall not be installed until plans are approved by the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at the developer's expense.
48. A landscape and irrigation plan for on-site landscaping improvements shall be submitted to the Planning Department for review and approval.
49. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.
50. The developer shall construct of a new single bin trash enclosure. The trash enclosure shall be painted to match the existing structure. The location of the trash enclosure shall be approved by the Planning Manager.

#### Structures

51. Prior to the submittal of building permits, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building and trash enclosure colors and materials.
52. A portion of the former motel structure shall be demolished sufficient to allow for the required right-of-way dedication on the Madera Avenue frontage.
53. Retained structures on the site shall be reconditioned. At a minimum, all structures shall be repainted consistent with the approved color and materials presentation board.

## Signage

54. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6. All proposed on-building signage shall be constructed as illuminated pan channel letters.

## Used Car Sales Lot

55. Conditional Use Permit 2016-12 allows for a used car sales lot. Used car sales may occur on both the 500 and 508 South Gateway Drive properties.
56. The used car sales lot shall only sell used passenger cars and trucks. No recreational vehicles, boats, trailers, personal all-terrain vehicles (ATV), and the like may be marketed or sold from the site.
57. The repair garage associated with the used car sales lot shall only be utilized for limited light maintenance, tune-ups, safety inspections and detailing of cars offered for sale by the business.
58. All automotive repair work shall occur inside of the repair garage structure.
59. Overnight parking of vehicles undergoing automotive repair work in association with the repair garage shall only occur within the interior of the building.

## Automotive Tire and Wheel Store

60. Conditional Use Permit 2016-13 allows for an automotive tire and wheel store. The automotive tire and wheel store may offer the following services:
  - Sales and installation of tires and wheels
  - Wheel balancing and alignments
  - Lube, oil and filter services
  - Brake services
  - Installation of shocks and struts
  - Spark plug and spark plug wire replacements
  - General maintenance inspections
61. All automotive repair work shall occur inside of the tire and wheel store structure.
62. Overnight parking of vehicles, other than automobile sales inventory, shall only occur within the interior of the building.

## Outdoor Display of Tires and Wheels

63. Conditional Use Permit 2016-14 allows for the outdoor display of tires. Outdoor display shall occur consistent with the approved site plan which provides specific outdoor display location(s), or as provided for by the Planning Manager.

## **(OR)**

Motion 2: Move to continue the application for Conditional Use Permits 2016-12, 13 and 14 and Site Plan Review 2016-23 to the July 12, 2016 Planning Commission hearing for the following reasons: (specify)

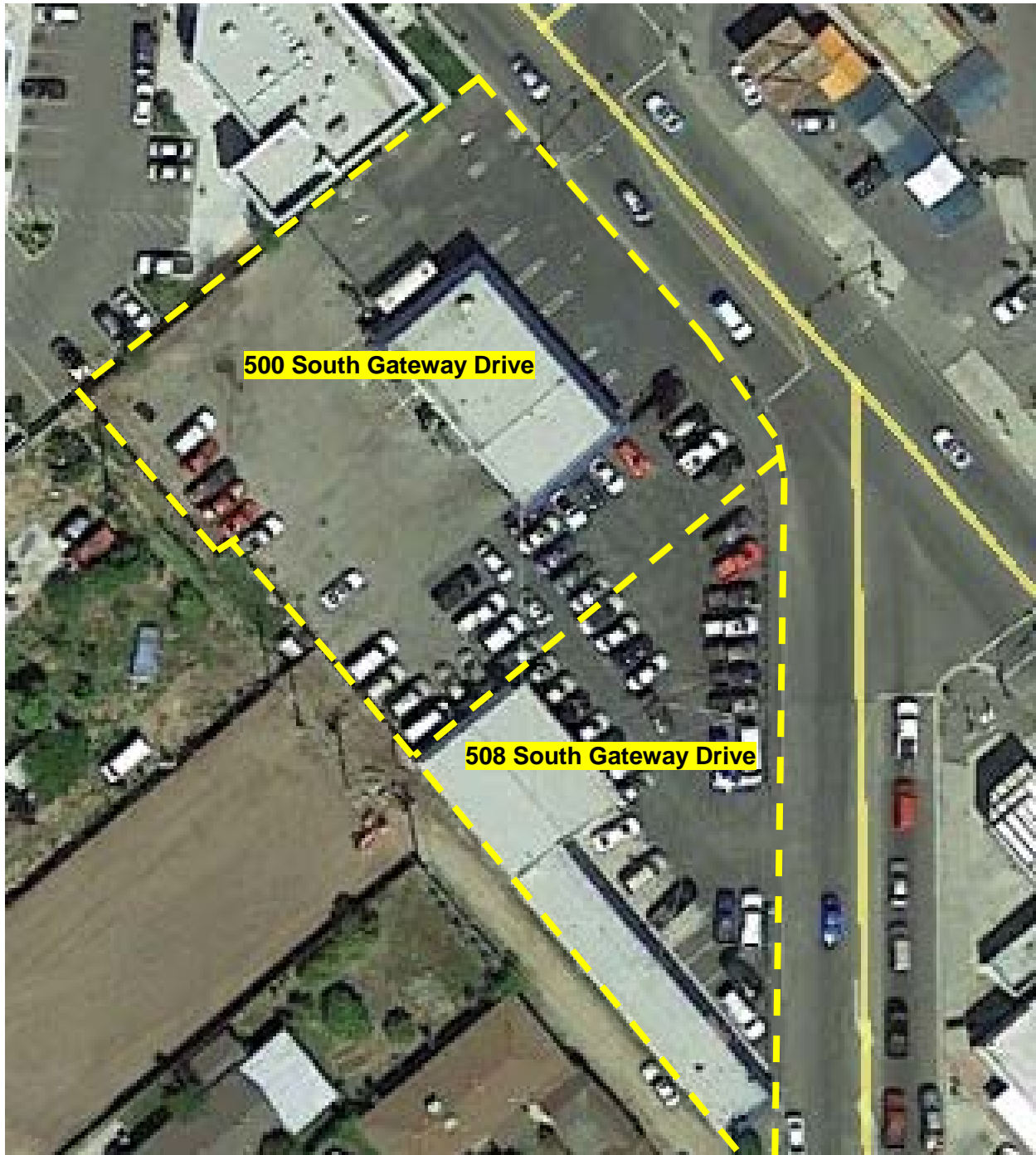
**(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2016-12, 13 and 14 and Site Plan Review 2016-23, based on and subject to the following findings: (specify)

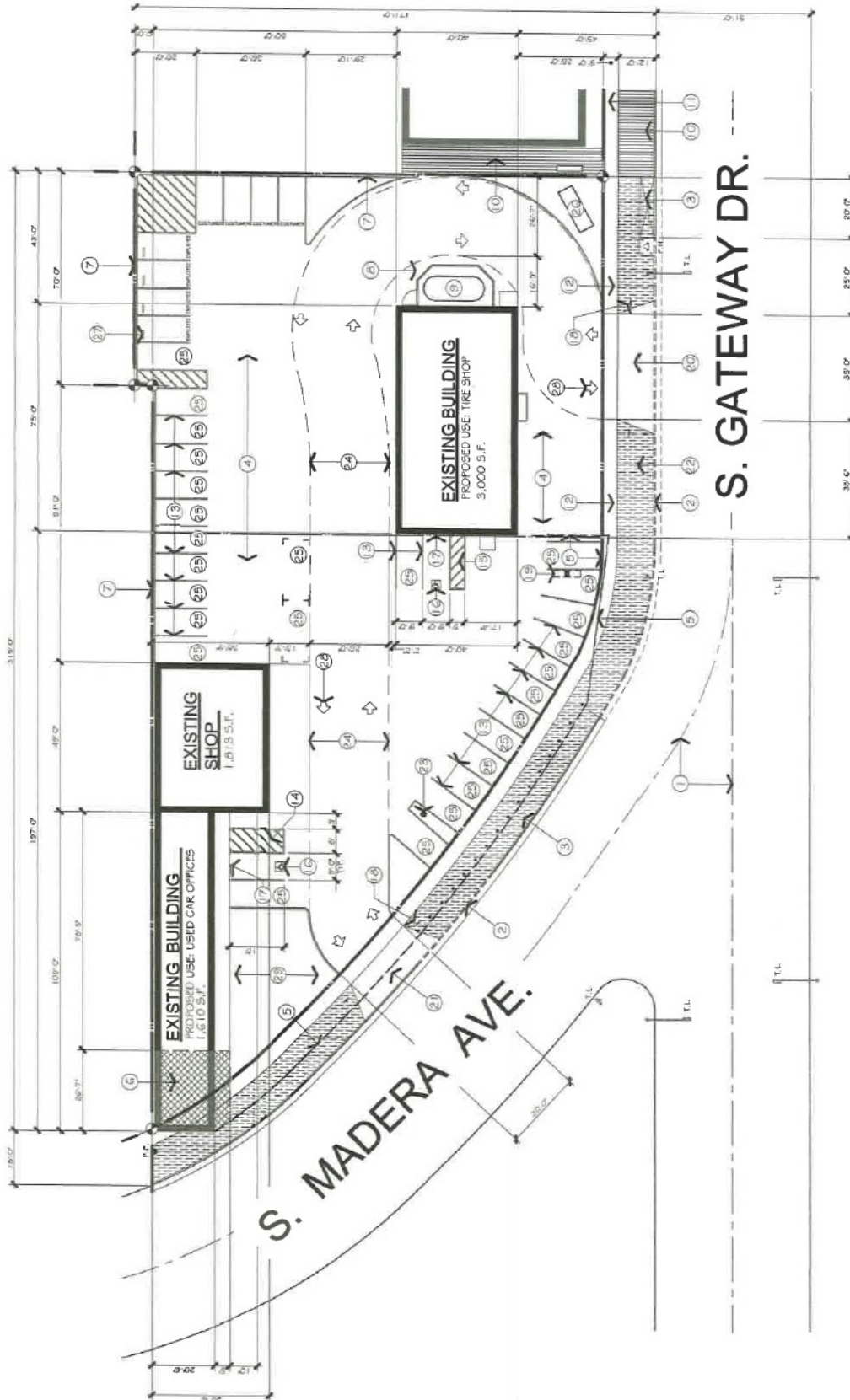
**ATTACHMENTS**

Aerial Photo  
Site Plan  
Floor Plan  
Elevations

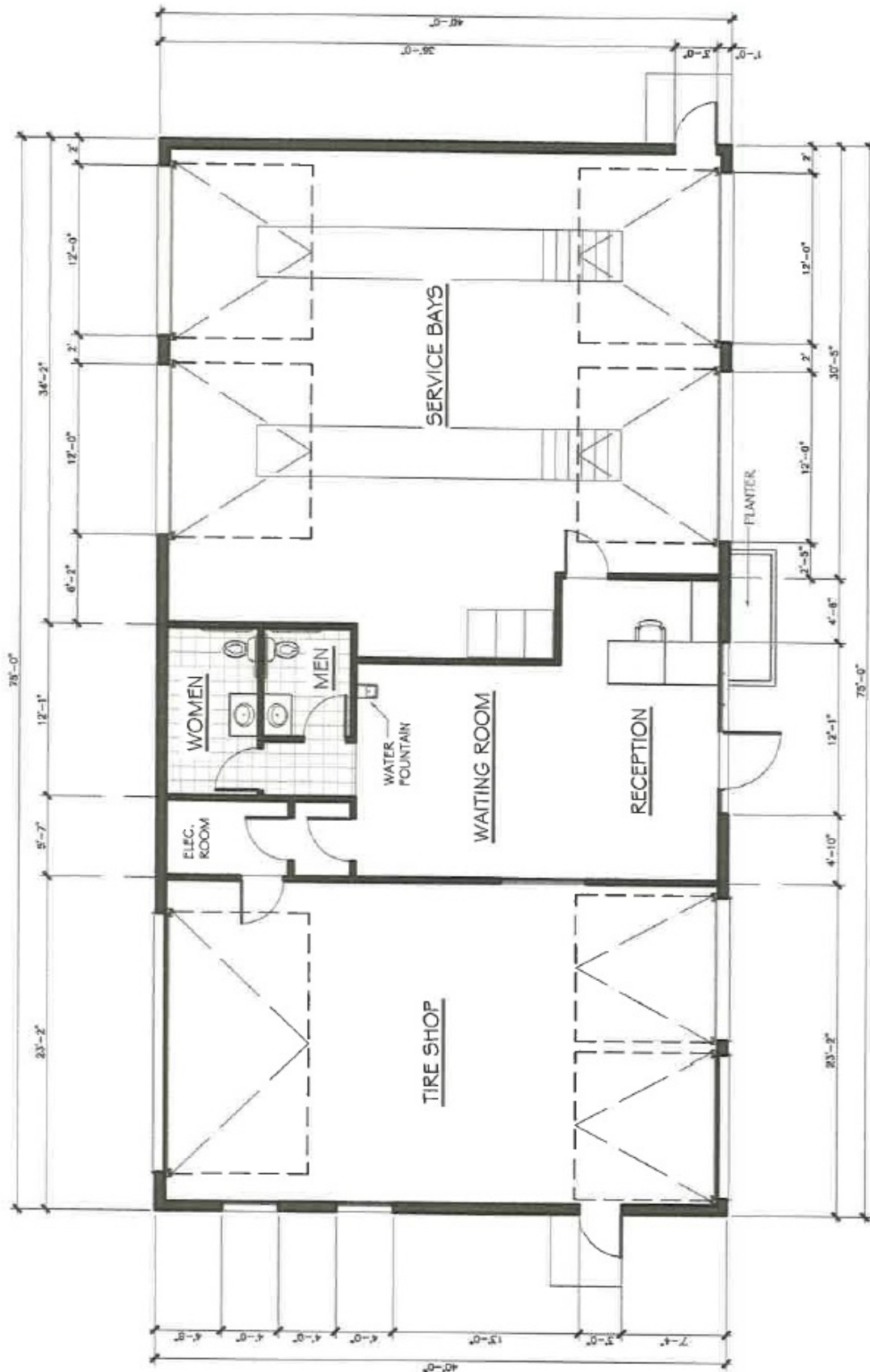
**Aerial Photo**



Site Plan



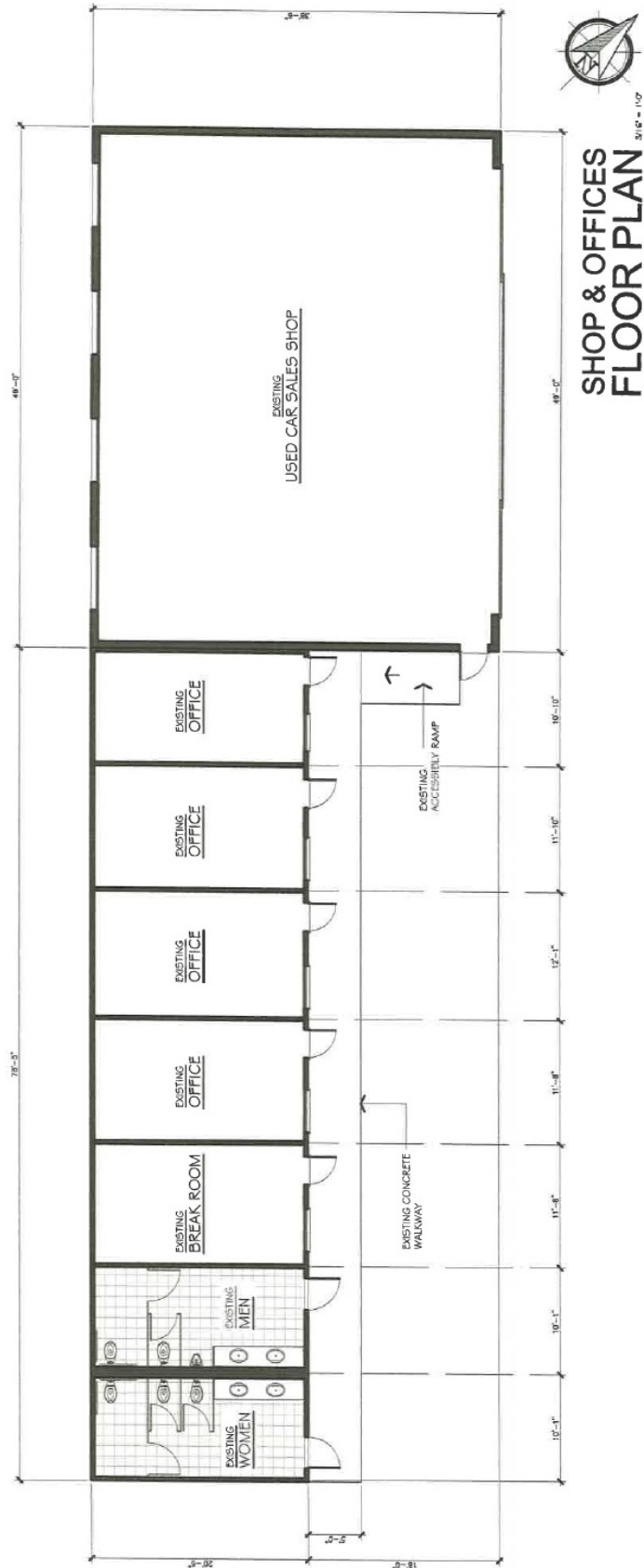
# Tire & Wheel Store Floor Plan



## TIRE SHOP FLOOR PLAN

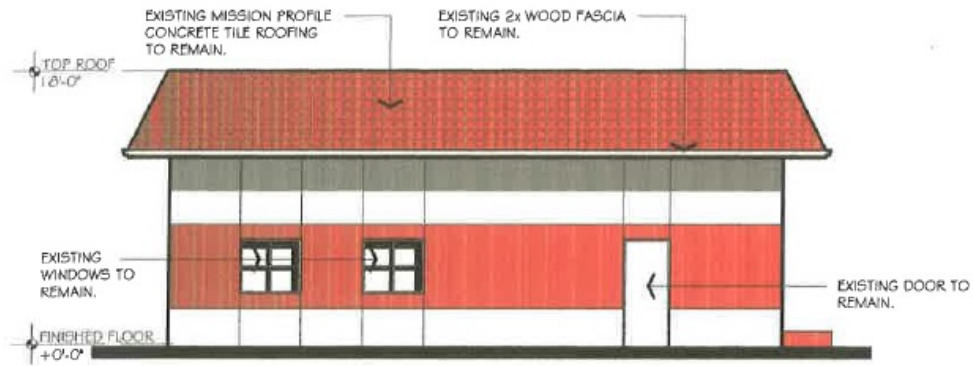
3/16 - 15'

# Sales Offices & Garage Floor Plan

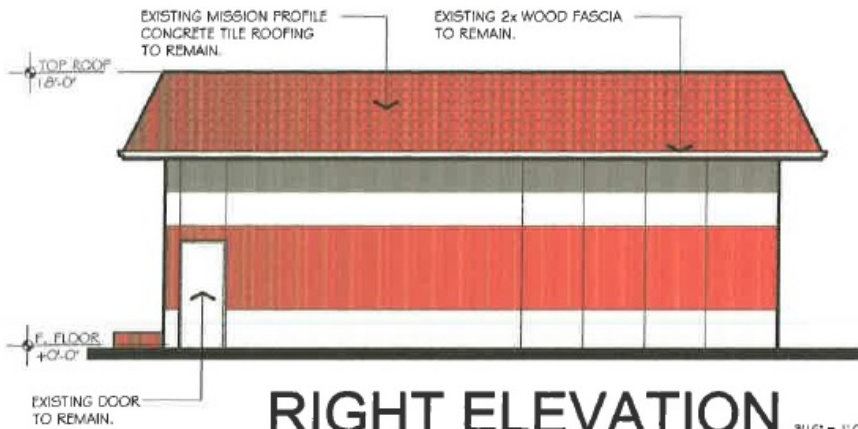




## Tire & Wheel Store Elevations



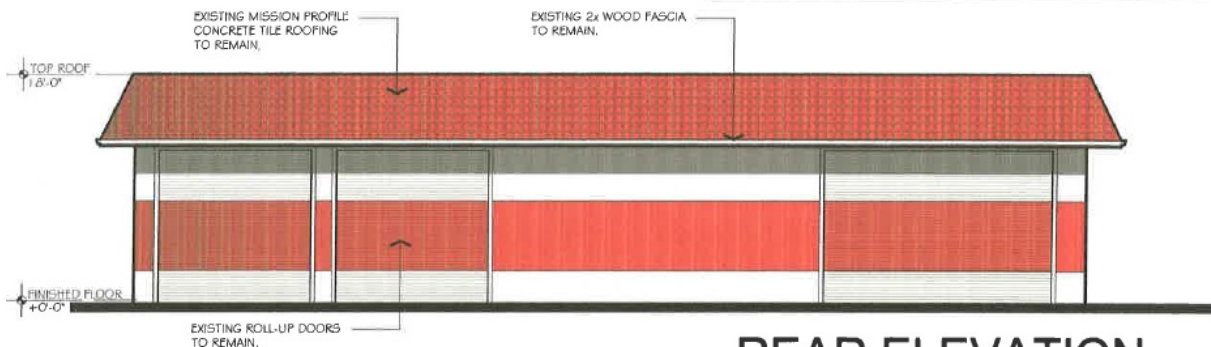
**LEFT ELEVATION** 3/16" = 1'-0"



**RIGHT ELEVATION** 3/16" = 1'-0"

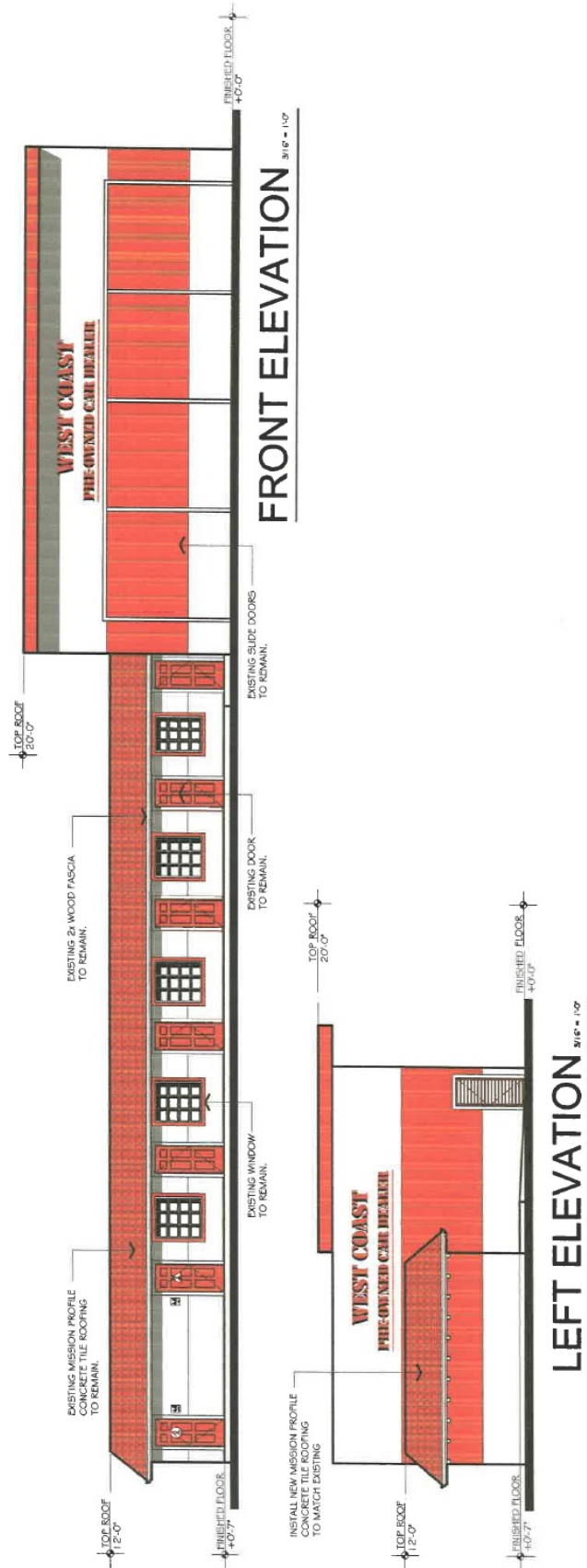


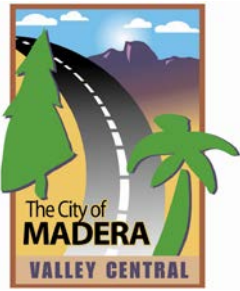
**FRONT ELEVATION** 3/16" = 1'-0"



**REAR ELEVATION** 3/16" = 1'-0"

# Offices & Garage Elevations





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Delano Setback Variance  
VAR 2016-01 and Environmental Determination  
Item #3 - June 14, 2016**

**PROPOSAL:** An application for a variance from the rear yard setback standards of the Madera Municipal Code to allow for a three (3') foot rear yard setback where a minimum of ten (10') feet is required.

<b>APPLICANT:</b>	Mark Delano	<b>OWNER:</b>	Mark Delano
<b>ADDRESS:</b>	1525 North Lake Street	<b>APN:</b>	005-132-021
<b>APPLICATIONS:</b>	VAR 2016-01	<b>CEQA:</b>	Categorically Exempt

**LOCATION:** The property is located at the southeast corner of the intersection of Clark Street and North Lake Street.

**STREET ACCESS:** Clark Street

**PARCEL SIZE:** Approximately 6,750 square feet

**GENERAL PLAN DESIGNATION:** LD (Low Density Residential)

**ZONING DISTRICT:** R1 (Residential)

**SITE CHARACTERISTICS:** The site is located within an area designated by the general plan and zoned for residential use. The area is developed with single family homes with conventional subdivision development standards. The subject parcel is currently developed with a single home and attached three car garage and shop. The residence was constructed in 1996. The attached garage and shop was an existing nonconforming structure at that time, which was then incorporated as a part of the single family home.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15305 as a "minor alteration to land use regulations".

**SUMMARY:** The granting of a variance requires findings that unique or exceptional circumstances exist, and that the variance would not constitute a special privilege to the applicant. There appears to be sufficient special circumstances applicable to the parcel that support approval of the variance request.

## APPLICABLE CODES AND PROCEDURES

### MMC § 10-3.1401 Variances

A variance may be granted by the Planning Commission where practical difficulties, unnecessary hardships, or results that are inconsistent with the general purposes of the Zoning Ordinance may result from the strict and literal application of any of the provisions of the ordinance. If the Commission cannot make the appropriate findings, the variance request should be denied. Conditions may be attached to the approval of the variance to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses.

### PRIOR ACTION

The garage/storage building that was integrated into the single family structure was constructed in support of agricultural activities some time prior to 1947. The property was annexed as part of the North Lake Annexation in 1956. The property was considered part of the urbanized area of Madera by 1963. Staff has not been able to ascertain the exact date of subdivision of the area. The attached single family home was constructed in 1996.

### ANALYSIS

A variance from the R1 (Residential) Zone District development standards has been requested to memorialize a three (3') foot rear yard setback where a minimum of ten (10') feet is required.

When the applicant bought the property in early 1996, a dilapidated garage/storage structure was existing on the site. Subdivided property surrounded the 1525 North Lake Street property. As a component of building a single family home on the property, the applicant also rehabilitated the existing garage/storage structure and incorporated it into the overall development of the site. At that time, it was noted on the building permit that the garage/storage structure was located three (3') feet from the rear property line and was an "existing non-conforming" structure. In that the building permit was issued, the applicant neither identified the implications of the setback issue nor took corrective steps to remedy the condition.

At time of original construction, the structure was on open agricultural land, far from any interior property line. Subsequent subdivision of the area created the three (3') foot setback condition and the resulting existing nonconforming status. At time of subdivision, new property lines should have been established that acknowledged existing structures and provided suitable setbacks from property lines. This was not accomplished at the time of mapping, even though the structure was existing at that time. Upon purchase of the property in 1996, the structure was reconditioned as a component of constructing a new home. Although staff noted the existing nonconforming status on building permits, the applicant was not directed to correct the condition at that time, and instead made substantial improvements to the structure without being required to take corrective steps. Thus, two actions were taken over time that exacerbated the status of the structure instead of remedying the proximity of the structure to the property line.



Today, the original garage and shop structure is fully improved and serves as the required covered parking for the single family residential home. It is an integral part of the residential structure. Now though, the entire structure must be considered existing nonconforming because of the structural encroachment into the rear yard setback of the property. Where this might not normally be problematic, it becomes an issue when a house is placed for sale. Since “grandfathered” structures can’t be reconstructed if damaged by greater than 75 percent of appraised value, lenders will not fund loans for the sale of the property. This variance remedies this dilemma and allows for a sale transaction to be completed.

Cumulatively, there are practical difficulties, unnecessary hardships, and results that are inconsistent with the general purposes of the Zoning Ordinance that validate the request for variance from the residential setback standard of the Zoning Ordinance. Staff can make findings in support of granting the variance. As a condition of approval, it is recommended that the structure satisfy the requirements of the Building and Fire Code for structures constructed closer than five feet from property lines. In that the garage/storage component structure is constructed of concrete reinforced cinder block with a stucco exterior, it is anticipated that minimal improvements to the structure will be necessary to satisfy code.

## **RECOMMENDATION**

The information presented in this report supports approval of the variance. It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make a decision regarding the project.

## **PLANNING COMMISSION ACTION:**

The Planning Commission will be acting on the variance.

Motion 3: Move to approve the application for Variance 2016-01 based on and subject to the findings and conditions of approval as listed.

## Findings:

- The variance allows for a three (3’) foot rear yard setback where a minimum of ten (10’) feet is required per the Municipal Code.
- The use, as conditioned, does not constitute a special privilege not enjoyed by others in the same circumstances.
- At time of original construction, the structure was on open agricultural land, far from any interior property line. Subsequent subdivision placed the structure in nonconformance.
- To relocate the structure now would come at great expense while not providing any additional benefit to the property or surrounding properties.
- The granting of a variance from the setback standards of the R (Residential) Zone District resolves practical difficulties and an unnecessary hardship, providing a result that is consistent with the general purposes of the Zoning Ordinance.

Conditions of Approval:

- 1.) The structure shall satisfy the requirements of the Building and Fire Code, sufficient to provide the appropriate fire rating for structures constructed closer than five feet from property lines.

**(OR)**

Motion 2: Move to continue the public hearing for Variance 2016-01 to July 12, 2016, to allow the following information to be provided or for the following reason(s): (specify)

**(OR)**

Motion 3: Move to deny the application for Variance 2016-01 based on the following findings: (specify)

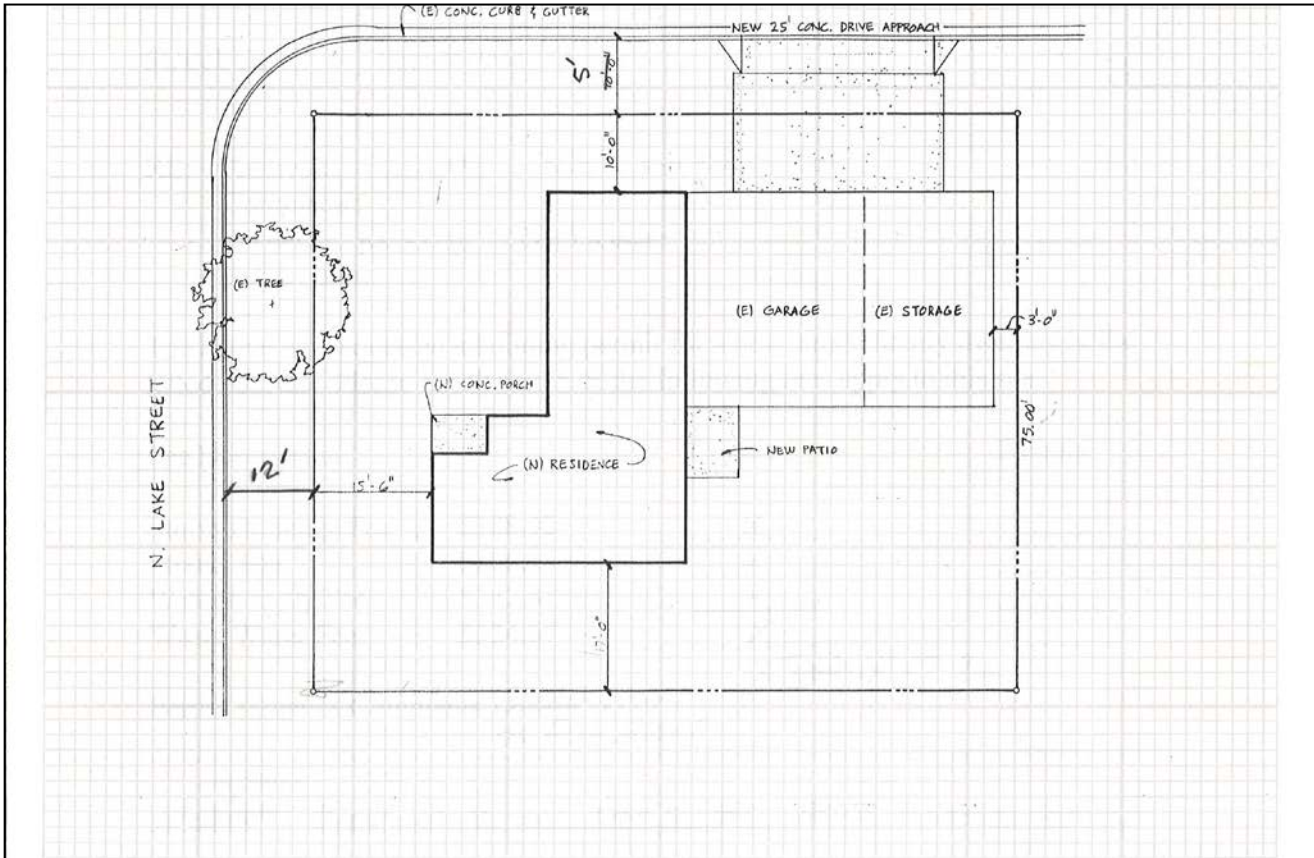
**ATTACHMENTS**

Ariel Photo  
1996 Building Permit  
Applicant Justification Letter

Aerial Photo



# 1996 Building Permit



## City of Madera

Owner MARK DELANO Contractor BUD VISHOR Phone 674-1900  
 Site Address 1525 N. LAKE APN 05-132-021 LOT# \_\_\_\_\_ BLOCK# \_\_\_\_\_  
 Name of Subdivision \_\_\_\_\_ Lot Dimensions \_\_\_\_\_ Lot Area \_\_\_\_\_

City Issued Standard Plan Number If Standard Plan SPN 94 \_\_\_\_\_  
 Windows facing rear Y N Living Area 1116 Garage/Carport 1120 Covered Porch/patio 90  
circle For pools & accessory buildings Pool Value \_\_\_\_\_  
 Pool setbacks rear lot line to pool \_\_\_\_\_ Ft. Side lot line to pool \_\_\_\_\_ Ft. to Main Bldg. \_\_\_\_\_ Ft.  
 Bldg setbacks rear lot line to bldg \_\_\_\_\_ Ft. Side lot line to bldg \_\_\_\_\_ Ft. to Main Bldg. \_\_\_\_\_ Ft.

Planning: Zoning R-1 Open space OK Lot type Interior Corner Reverse Corner  
 Setbacks Front Leftside Rightside Rear Accessory Bldg to Main Bldg  
 Required 15 10 5 15  
 Provided 15 10 17 3\* (existing non-conforming)  
 Fence Requirements 3' max height in front yard and within 10' of Clark st property line  
 Landscape Required \_\_\_\_\_  
 Easements \_\_\_\_\_ Approved By CD 2-28-96

Engineering: Encroachment Permit Req.  Not Req. \_\_\_\_\_ Permit No. \_\_\_\_\_ Driveway Width \_\_\_\_\_ Ft.  
 Easements / Dedications / Lot line Adjustment / Parcel Merger / Record of Survey / Parcel Map  
 Services: Water \_\_\_\_\_ Tag No. \_\_\_\_\_ Sewer \_\_\_\_\_ Tag No. \_\_\_\_\_  
 Approved By [Signature]  
2-28-96

Building: Permit Numbers: 1 96 00302 2 \_\_\_\_\_ 3 \_\_\_\_\_  
 Approved By [Signature]



## Applicant Justification Letter

May 20, 2016

City of Madera  
Planning Dept  
205 W. 4<sup>th</sup> Street  
Madera, CA 93637

Mark and Elizabeth Delano  
PO Box 179  
Madera, CA 93639

Re; Variance application, 1525 N Lake St rear setback

To whom it may concern,

In 1996 we purchased the above property as an investment. At that time it was a vacant lot with an older cinder block shop on it that was left over from earlier days when this was agriculture land and in the county. The existing shop was an eyesore; half the roof had blown off, the doors wouldn't open, large over grown and dead trees, weeds were waist high, 100's of pigeons had made a permanent home inside the shop that was completely full of junk and pigeon droppings.

This parcel was the only lot on Lake St that wasn't developed; there were no sidewalks on the east side of Lake St at this time, no curbs or gutters on this corner lot, electricity had been disconnected, water and sewer service were there but the City had no records of it.

We'd hired a contractor and architect to design and build a house that would fit into the neighborhood along with connecting it to the existing shop for use as a garage and extra storage space. The house and shop now look like it's always been there. We were required by the City to put in sidewalks with handicap access at the corner, curbs, gutters, park strip with specific trees when the entire street had none of this. All this work was eventually torn out during the Lake St beautification.

Now 20 years later it's time to sell the property to help fund our retirement. The new buyer's lender finds out that there is an existing non-conforming setback; this is the old shop building

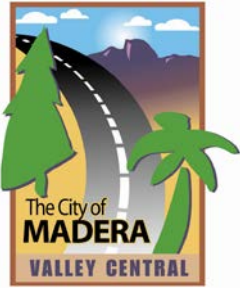
that's been there since before there was a subdivision map. The buyer's lender will not fund the loan because of the non-conforming setback. We're now asking for a variance to allow this setback, we should have done this in the beginning, but didn't realize that it was problem because we were able to get the building permit to utilize the existing building. We'd gotten a variance to add a second electric meter to the storage portion of the shop and that was granted in the beginning, had we known that we needed a variance for the setback we'd have done it then.

We ask that you consider our application for a variance of the rear setback as this has caused a hardship to us, because the sale of this property fell through and will be problem for all future opportunities to sell.

Most Sincerely,



Mark Delano



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Springhill Suites by Marriott  
CUP 2015-18 MOD & Environmental Determination  
Item #4 – June 14, 2016**

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**PROPOSAL:** An application for modification of the conditional use permit allowing for the sale of alcoholic beverages at an existing hotel.

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<b>APPLICANT:</b>	Springhill Suites by Marriott	<b>OWNER:</b>	Madera Hotels LLC
<b>ADDRESS:</b>	1219 East Almond Avenue	<b>APN:</b>	012-390-005
<b>APPLICATION:</b>	CUP 2015-18 MOD	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located on the on the north side of East Almond Avenue, immediately west of Highway 99.

**STREET ACCESS:** Access to the parcel is provided via East Almond Avenue.

**PARCEL SIZE:** Approximately 3.27 acres

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** CH (Highway Commercial)

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**SITE CHARACTERISTICS:** The 3.27-acre site is developed as a hotel and a restaurant. There is vacant land to the west, Highway 99 to the east, and Madera Community Hospital is to the south.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

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**SUMMARY:** The current allowance for the sale of beer and wine at the hotel market will be replaced with an allowance for the on-site consumption of beer, wine and distilled spirits in association with “happy hour” events available to hotel patrons and their invited guests. The modification of the use permit provides the Springhill Suites with a more compatible allowance for the serving and consumption of alcoholic beverages as a component of hotel operations.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.9.301 Highway Commercial Zone  
MMC § 10-3.1201 Parking Spaces Required  
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

The property is located within the East Almond Specific Plan planning area, completed in December, 2004. The site was developed as a hotel and restaurant with the approval of Site Plan Review 2007-02 in July of 2007, which was further refined with Site Plan Review 2007-31 in December of the same year. The allowance for alcoholic beverages for on-site consumption in conjunction with the adjacent Black Bear Diner was granted with the approval of Conditional Use Permit 2008-16 and Site Plan Review 2008-21 in October of 2008. The allowance for the sale of beer and wine as part of the hotel market at the Springhill Suites hotel was granted with the approval of Conditional Use Permit 2015-18 and Site Plan Review 2015-19 in July of 2015.

## **ANALYSIS**

### Background

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for hotels in the CH (Highway Commercial) Zone District, except that the sale or consumption of alcoholic beverages is allowed only with the approval of a conditional use permit.

### Parking

In that the site was developed with adequate parking, and there is no change in the calculated parking requirements associated with the current request, there is sufficient parking to allow for the use. The hotel and restaurant are currently served by one hundred fifty-three (153) parking stalls.

### Operations

The applicant's original request was for an allowance to sell beer and wine in a small retail area of the hotel. The request was consistent with a California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale Beer and Wine) license. The applicant has not secured ABC authorization and has never moved forward with offering beer and wine within the very small hotel market area located adjacent to the front desk of the hotel.

The current request would allow for the sale or furnishing of beer, wine and/or distilled spirits for consumption on the premises to the establishment's overnight guests or their invitees. This activity is consistent with a Type 70 ABC license normally associated with "suite-type" hotels and motels, which exercise the license privileges for a complimentary "happy hour."

The provision of "happy hour" refreshments is an amenity that is increasingly offered as a component at many hotels. Guests and invitees have the opportunity to enjoy refreshments as part of a daily social event hosted by the hotel. Conditions of approval recommend that non-alcoholic beverages also be made available to patrons as a component of the "happy hour" events.



The hotel market was never used for beer and wine sales.

The project site is in Census Tract 5.02 which generally encompasses the southern area of the City. This census tract is not in a state of over-concentration.

This proposed conditional use permit was reviewed by various City Departments. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of the sale/serving of alcoholic beverages is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*

### **RECOMMENDATION**

The information presented in this report supports conditional approval of the use permit modification request.

### **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2015-18 MOD, determining to either:

- approve the application with or without conditions
- continue the hearing, or
- deny the application

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

**Motion 1:** Move to approve the requested modification of Conditional Use Permit 2015-18 based on and subject to the findings and conditions of approval as listed.

### **Findings**

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.

- The sale and/or serving of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the CH (Highway Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

### **CONDITIONS OF APPROVAL**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2015-18 MOD allows for the sale or furnishing of beer, wine and/or distilled spirits for consumption on the premises to the establishment's overnight guests and/or invitees. The use permit shall allow activities commensurate with a guest's complimentary "happy hour," consistent with the stated conditions of approval.
3. Conditional Use Permit 2015-18 MOD allows the issuance of a Type 70 ABC license by the California Department of Alcoholic Beverage Control. The applicant shall obtain the appropriate permit from the Department of Alcoholic Beverage Control.
4. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2015-18 MOD may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
6. Conditional Use Permit 2015-18 MOD will expire if the use is discontinued for a twelve-month period.
7. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
8. All conditions applicable to approval of Site Plan Review 2007-02, Conditional Use Permit 2008-16 and Site Plan Review 2008-21 shall remain effective and are not revised in any way by this approval except as modified herein.
9. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
10. No outdoor displays or storage of materials shall be allowed.
11. No outdoor consumption of alcoholic beverages shall be allowed on the premise.

12. Alcoholic beverages may be served as a component of “happy hour” events from as early as 3:00 PM until as late as 8:00 PM daily. Nonalcoholic beverages shall also be available as part of the “happy hour” events.
13. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
14. The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.
15. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
16. 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.
17. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan.
18. All signage shall be consistent with the Madera Municipal Code. No signage promoting or advertising the serving of alcoholic beverages as part of a “happy hour” event, or in any other way, shall be displayed in such a way as to be viewed from outside of the hotel structure itself.
19. All conditions previously set for this site through Site Plan Review 2010-07 are still in effect and shall be met.
20. Existing water service connections shall be upgraded to current City standards including Automatic Meter Reading (AMR) water meter located within City right-of-way.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2015-18 MOD to the July 12, 2016 Planning Commission meeting.

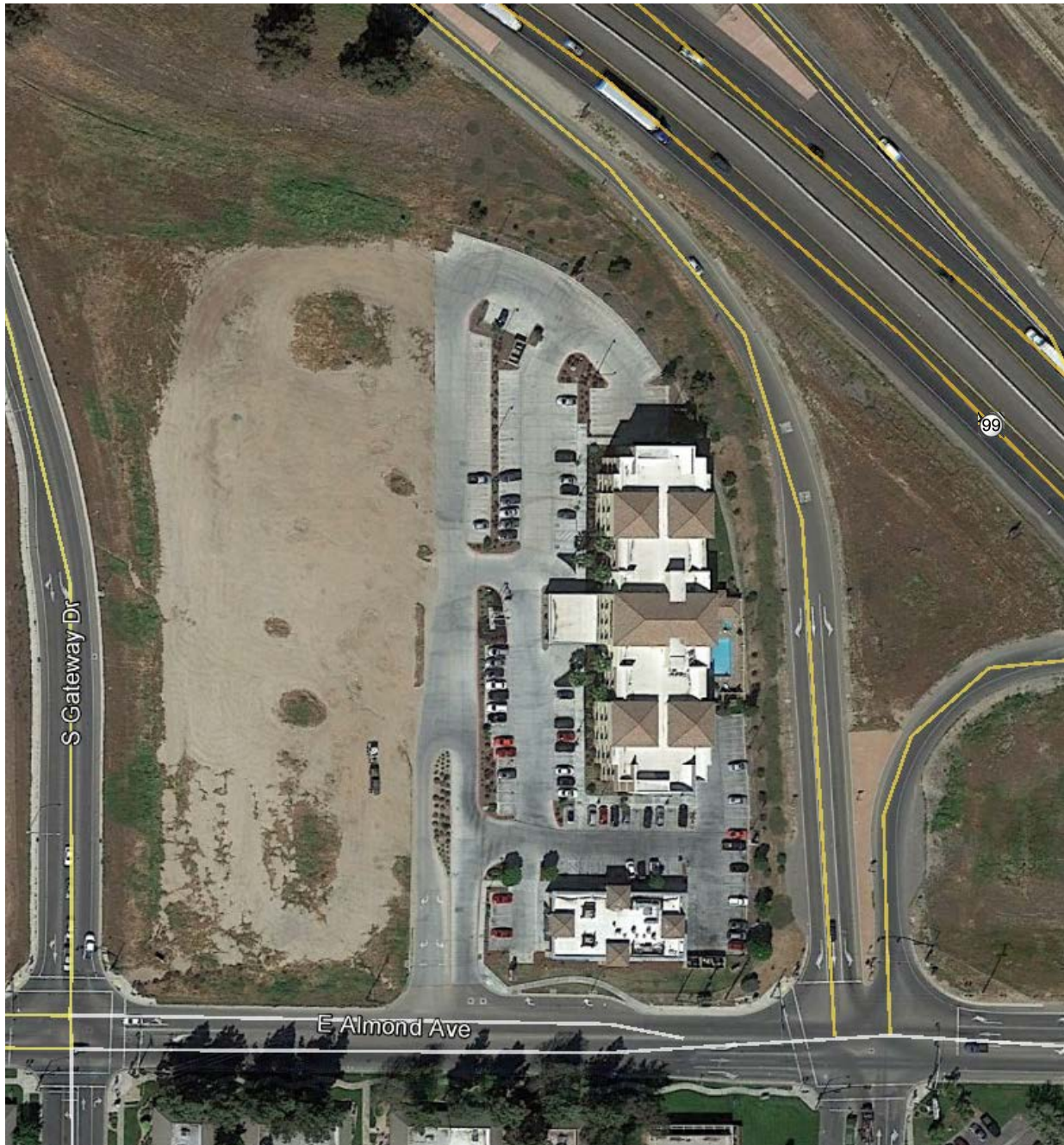
**(OR)**

Motion 3: Move to deny the request for Conditional Use Permit 2015-18 MOD based on the following findings: (specify)

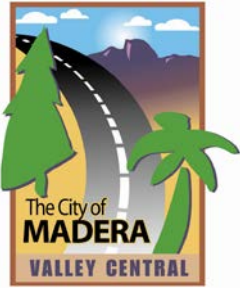
## **ATTACHMENTS**

Aerial Photo

Aerial Photo







CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Galaxy Dance Academy  
CUP 2016-16, SPR 2016-26 & Categorical Exemption  
Item #5 - June 14, 2016**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the establishment of a dance studio in the 47<sup>th</sup> Place West shopping center.

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<b>APPLICANT:</b>	Michelle Harvey	<b>OWNER:</b>	Berry Construction
<b>ADDRESS:</b>	1930 Howard Road, Suites 115 & 117	<b>APN:</b>	009-361-026, 027, 028 & 029
<b>APPLICATION:</b>	CUP 2016-16 & SPR 2016-26	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The project site is located at the southeast corner of Howard Road and Schnoor Avenue.

**STREET ACCESS:** The site has access to Howard Road, Schnoor Avenue and Modoc Street.

**PARCEL SIZE:** Four (4) parcels encompassing approximately 0.07 acres.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

---

**SITE CHARACTERISTICS:** There are commercial uses to the east, north and south of the project site, along the Howard Road commercial corridor. Residential uses are located further north along Schnoor Avenue. Town and Country Park is located west of the project site.

**ENVIRONMENTAL REVIEW:** The proposed dance studio has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

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**SUMMARY:** The proposed conditional use permit and site plan review cumulatively provide for the establishment of a dance studio. Hours of operation avoid the peak visitation hours of the shopping center and allow for the dual utilization of parking stalls provided by ordinance.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.801 Light Commercial Zones  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1207(D) Joint Use Parking  
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial activities. The City's Zoning Ordinance also allows for a variety of retail uses in the C2 (Heavy Commercial) Zone District, including the operation of a dance studio, subject to the approval of a conditional use permit by the Planning Commission.

## **PRIOR ACTION**

Site Plan Review 1989-24 guided the development of the 47<sup>th</sup> Place West shopping center. Since then, multiple use permits have been issued for various businesses located within the shopping center. The suites proposed for use as a dance studio have had a variety of commercial uses in the past, including a massage therapy, beauty parlor, firearms dealer and hiring agency.

## **ANALYSIS**

### Operations

Galaxy Dance Academy proposes to establish a dance studio within two tenant suites encompassing approximately 2,886 square feet of gross floor area within the 47<sup>th</sup> Place West shopping center. The applicant's business model includes two (2) separate classes operating concurrently with ten (10) students in each class. A total of eight (8) classes would operate each day for one (1) hour. The dance studio allows for students of all ages to participate in a range of different dance classes. Hours of operation would be between the hours of 9:00 a.m. until 12:00 p.m. and 4:30 p.m. until 9:00 p.m., Monday through Friday, and 9:00 a.m. until 1:00 p.m. on Saturday for private classes with up to a maximum of three (3) students per class.

### Parking

City parking standards for a dance studio requires a ratio of one stall per each 200 square feet of gross floor area, or a ratio of one stall per each three (3) students and one stall per each two (2) employees, whichever is greater. This would translate into a requirement of approximately fifteen (15) total parking stalls. The property has a total of 146 on-site parking stalls.

Since the business proposes to open only during the morning and night, the utilization of joint use parking is available. Conditions of approval guide the hours of operation to avoid peak

hours (12:00 p.m. until 4:30 p.m.) of the shopping center. With joint use parking, there is adequate parking to serve the proposed use.

#### Site Improvements

Conditions of approval require ADA compliance with non-compliant driveways, upgrades to existing water meters and the construction of a new dual bin trash enclosure.

The proposed conditional use permit and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

### **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of an allowance for dance studio is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*”

### **RECOMMENDATIONS**

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-16 and Site Plan Review 2016-26 subject to the findings and conditions of approval outlined in this report.

### **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review.

Motion 1: Move to approve Conditional Use Permit 2016-16 and Site Plan Review 2016-26, based on and subject to the following findings and conditions of approval:

#### Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- A dance studio is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed dance studio.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the dance studio will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-16 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-16 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2016-26 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permit 2016-16 and Site Plan Review 2016-26 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-26.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

### **Building Department**

10. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.

11. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

## **Engineering Department**

### General

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.

### Sewer

16. Existing sewer service connection(s) to the subject building shall be upgraded to current City standards including cleanouts if not already installed.

### Streets

17. The non ADA compliant driveway on Schnoor Avenue shall be brought into compliance and re-constructed to the extent necessary to provide ADA accessibility from one side to the other as part of the overall site requirement to provide an accessible path of travel in accordance with Section 11B-202.4 of the Californian Building Code. If the applicant believes that a hardship waiver is applicable based on the cost of this improvement in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

### Water

18. Existing water service connection(s) shall be upgraded to current City standards including Automatic Meter Reading (AMR) water meter located within city right-of-way and backflow prevention device(s) located within private property.

## **Fire Department**

19. A building permit is required for all changes.
20. A key box is required if one does not already exist.
21. Portable fire extinguishers are required. A minimum of one 2A10BC-rated portable fire extinguisher is permissible if placed properly.
22. The use and occupant load of the "viewing areas" must be clearly represented.

23. Egress from all studios must be code compliant. If the occupant load of each studio can be maintained below fifty (50), egress can work. Please note that when one studio must exit through another studio, the occupant load is cumulative for egress purposes.

### **Planning Department**

24. Conditional Use Permit 2016-16 allows for the establishment of a dance studio.
25. Hours of operation shall be between 9:00 a.m. until 12:00 p.m. and 4:30 p.m. until 9:00 p.m., Monday through Friday, and 9:00 a.m. until 1:00 p.m. on Saturday.
26. Class sizes shall be restricted to ten students each, with no more than two classes at any one time.
27. The dance studio shall operate consistent with the approved operational statement as described herein. Changes or expansions in the use shall require amendment of the approved use permit.
28. The hosting of special events and competitions is not allowed for by this use permit. At no time shall the occupancy of the space exceed the occupancy load as determined by the Fire Official.
29. No outdoor activities are permitted as a component of the business.
30. The construction of a new trash enclosure will be required that will provide service to all tenants on this site and must be constructed on or before August 1, 2016. The location of the trash enclosure shall be approved by the Planning Manager.
31. The project shall be developed in accordance with the conditions of approval of the use permit.
32. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2016-16.
33. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
34. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
35. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
36. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

37. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2016-16 and Site Plan Review 2016-26 to the July 12, 2016 Planning Commission hearing for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2016-16 and Site Plan Review 2016-26, based on and subject to the following findings: (specify)

### **ATTACHMENTS**

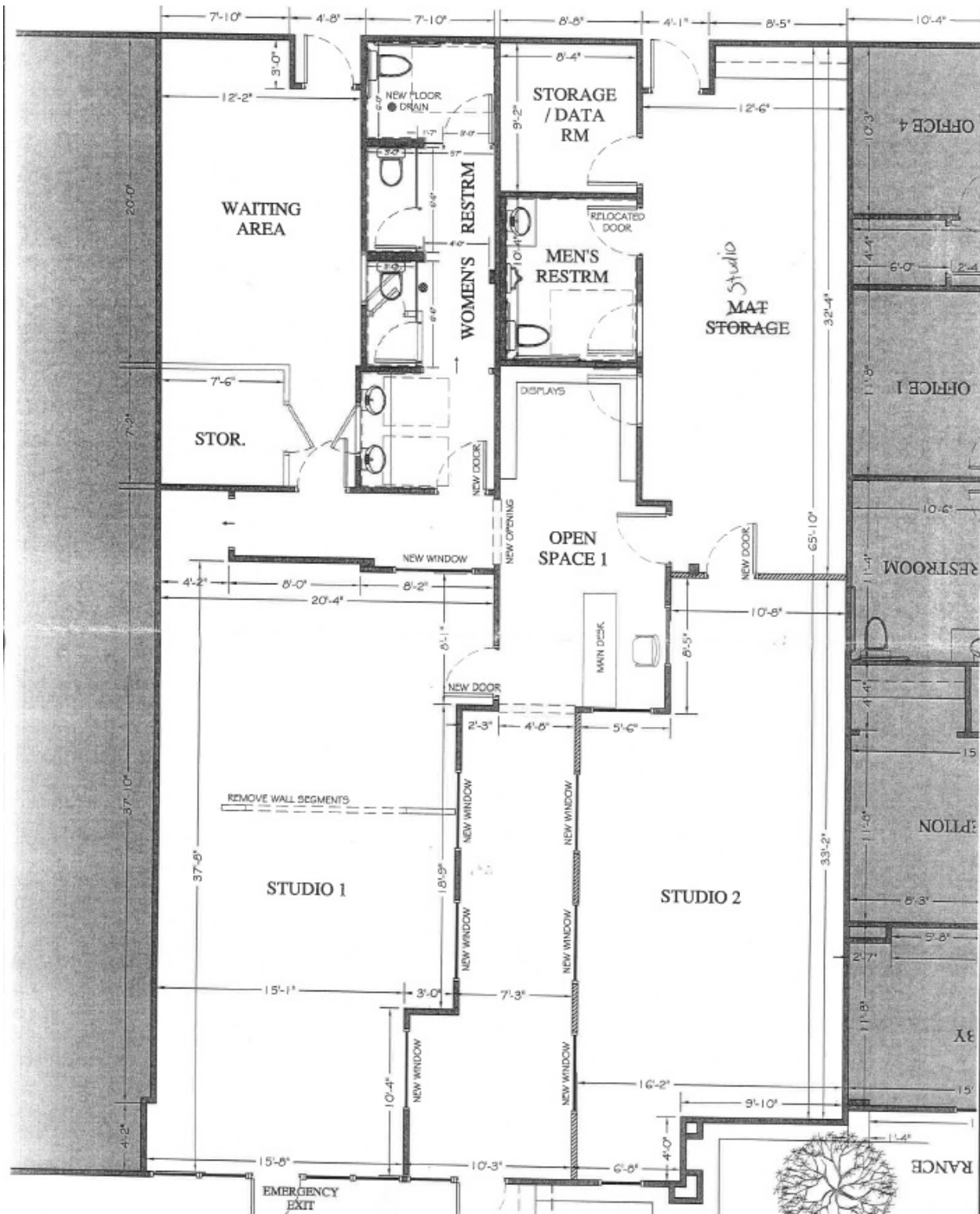
Aerial Photo  
Floor Plan  
Site Plan  
Site Photo

Aerial Photo

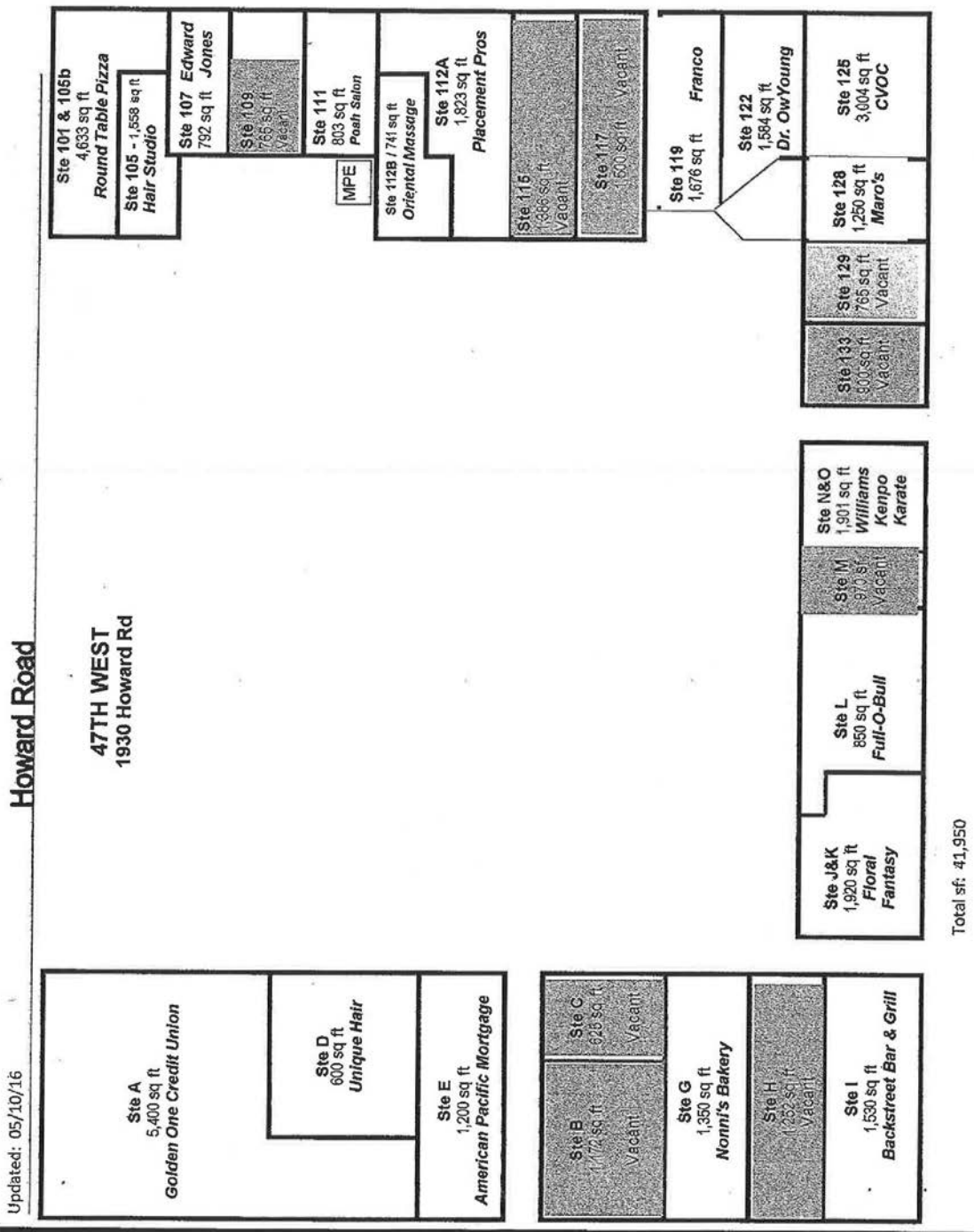




# Floor Plan

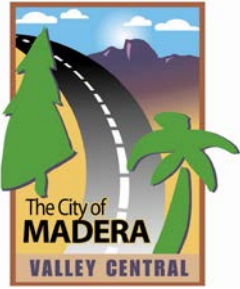


# Site Plan



Site Photo





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Madera's Finest Car Wash  
CUP 2015-26 MOD, SPR 2016-27 & Categorical Exemption  
Item #6 - June 14, 2016**

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**PROPOSAL:** An application for an amendment to an existing conditional use permit and site plan review to allow for a car wash and auto detailing business.

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<b>APPLICANT:</b>	Tony Ortega	<b>OWNER:</b>	Don Bonander
<b>ADDRESS:</b>	96 East 6 <sup>th</sup> Street	<b>APN:</b>	007-152-007
<b>APPLICATION:</b>	CUP 2015-26 MOD & SPR 2016-27	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** The project site is located at the southwest corner of East 6<sup>th</sup> Street and South E Street.

**STREET ACCESS:** The site has access to East 6<sup>th</sup> Street and South E Street.

**PARCEL SIZE:** One parcel encompassing approximately 0.18 acres.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

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**SITE CHARACTERISTICS:** The project site is located in the downtown district of the City. A mixture of commercial activity is located to the north, south, east and west of the project site, with the UPRR tracks located immediately west of the project site.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

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**SUMMARY:** Conditions of approval guide the operation of the proposed re-establishment of a car wash and auto detailing business. The used car sales lot abandoned the site. The former tenant, a hand car wash and auto detailer, would like to re-establish the use on the site. All required improvements would be completed in advance of occupancy.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.801 Light Commercial Zones  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1205 Parking Exemptions  
MMC § 10-3.1301 Use Permits

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the use should be denied. Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on- or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial activities. The City's Zoning Ordinance also allows for a variety of retail uses in the C1 (Light Commercial) Zone District, including the operation of a car wash and auto detailing business, subject to the approval of a conditional use permit by the Planning Commission.

## **PRIOR ACTION**

Conditional Use Permit 2014-24 and Site Plan Review 2014-33 allowed for a car wash and auto detailing use. This use permit was extinguished from a written letter signed by the business and property owner. Conditional Use Permit 2015-26 and Site Plan Review 2015-30 allowed for a used auto sales business on the lot. The used auto sales business closed, leaving the site vacant with an active use permit. No required off-site improvements were completed from either use permit.

## **ANALYSIS**

### Operations

Madera's Finest Car Wash proposes to re-establish its car wash and auto detailing business in the same location as its previous establishment in 2014. The project site includes a car washing well within the interior of the structure. Water is retained within the "well" and is directed into the City's sewer. There is no water recirculation system currently being utilized on this site. In the past, staff has only required water recirculation systems to be installed on high volume users, with the assumption that the overall water consumption for a car wash and auto detailing business is much lower than automated high volume car washes. In light of current drought conditions and the heightened awareness of the importance of water conservation, it is recommended that the car wash and auto detailing business utilize water conserving fixtures to include water saving high-pressure nozzles. Prior to operations, conditions of approval also require that a water meter and back flow preventer be installed consistent with City standards. Hours of operation are proposed from 8:00 a.m. until 5:00 p.m., Monday through Friday, and 10:00 a.m. until 3:00 p.m. on Saturday. The car wash and auto detailing business will be closed on Sundays.

### Parking

The City's parking standards are exempt, per section 10-3.1205(B) of the Madera Municipal Code, as the business is located within the Downtown Parking District.

### Site Improvements

The two (2) recently approved site plan reviews for this location had required off-site improvements that were never completed. Off-site improvements include Americans with Disabilities Act compliance with the existing driveways and handicap access ramp, reconstruction of damaged sidewalk, and an upgrade to the existing water meter.

On-site improvements include a slurry seal of the existing parking field and restriping of parking stalls consistent with City standards, and the construction of a new single bin trash enclosure consistent with state mandates.

Staff has encouraged the applicant and property owner to complete previously required off-site improvements from Site Plan Review 2015-30 in advance of submission of these current entitlement requests. Staff support of reintroducing this use is contingent upon the applicant and owner complying with previously approved conditions of approval for the car wash and auto detailing use. Occupancy of the site is contingent upon completion of required conditions of approval within the called out timelines.

The proposed conditional use permits and site plan review were reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of an allowance for an re-establishment of a hand car wash and auto detailing business is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*”

## **RECOMMENDATION**

The information presented in this report supports approval of the conditional use permit and site plan review request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 subject to the findings and conditions of approval outlined in this report.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review.

Motion 1: Move to approve Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27, based on and subject to the following findings and conditions of approval:

### Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).

- A car wash and auto detailing use is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- Parking standards are exempt per section 10-3.1205(B) of the Madera Municipal Code.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the car wash and auto detailing use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2015-26 MOD may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2015-26 MOD will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2016-27 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.

8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-27.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

### **Building Department**

10. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
11. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

### **Engineering Department**

#### General

12. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
13. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.

#### Sewer

16. The existing sewer service connection shall be upgraded to current city standards including cleanouts, if not previously installed.

#### Streets

17. The existing handicap access ramp located at the southwest corner of South E Street and East 6<sup>th</sup> Street intersection shall be upgraded/reconstructed to current ADA standards.
18. The existing driveway approaches on South E Street and East 6<sup>th</sup> Street shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage.
19. The damaged sidewalk along East 6<sup>th</sup> Street shall be reconstructed per current City standards.



20. The site shall implement a circulation plan as to eliminate vehicles queuing in the City right-of-way. If the circulation plan illustrates non-use of any driveway, the driveway shall be removed and reconstructed as sidewalk per City standards.

#### Water

21. The existing water service connection shall be upgraded to current City standards including an Automatic Meter Reading (AMR) water meter located within City right-of-way and a backflow prevention device located within private property.

#### **Fire Department**

22. Portable fire extinguishers shall be provided. A minimum of one for each 3,000 square feet or fraction thereof. Maximum travel distance to reach a fire extinguisher shall not exceed 75 feet.
23. Heavy automotive repair is not permitted without a complete analysis of the structure and its life safety components. The occupancy classification may be altered in such a case increasing the requirements.
24. A key box must be provided for access by emergency services personnel.

#### **Planning Department**

25. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
26. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
27. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner. Outdoor storage of goods or materials shall not be allowed.
28. Hours of operation shall be from as early as 8:00 a.m. until as late as 6:00 p.m., seven (7) days a week.
29. Except as noted herein, all on- and off-site improvements shall be made prior to occupancy and issuance of a business license.
30. The existing parking field shall be slurry sealed and restriped consistent with a site plan to be submitted for approval by the Planning Manager.

#### Landscaping

31. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

### Structure

32. The existing "Vintage" billboard sign on the north elevation shall be removed from the structure. The wall shall be repainted to match the remainder of the structure. This condition shall be satisfied prior to occupancy of the structure.
33. If the applicant wishes to repaint or refurbish the structure, a color and materials board of the proposed paint colors will be required for approval prior to paint application.
34. The construction of a new single bin trash enclosure shall be required and must be constructed on or before August 1, 2016. The color of the trash enclosure shall be painted to match the existing structure. The location of the trash enclosure shall be shown on the required site plan for the parking field and shall be approved by the Planning Manager.

### Signage

35. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

### Car Wash and Auto Detailing

36. Conditional Use Permit 2015-26 MOD allows for the following automotive services:
  - Hand car wash and auto detailing
  - Automotive glass tinting installation
37. No other automotive services, repairs, and/or installations are allowed on the project site without the approval of a separate conditional use permit.
38. All automotive repair work shall occur inside of the structure.
39. Outdoor storage of goods and/or materials shall not be allowed.
40. Overnight parking of vehicles shall only occur within the interior of the building.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 to the July 12, 2016 Planning Commission hearing for the following reasons: (specify)

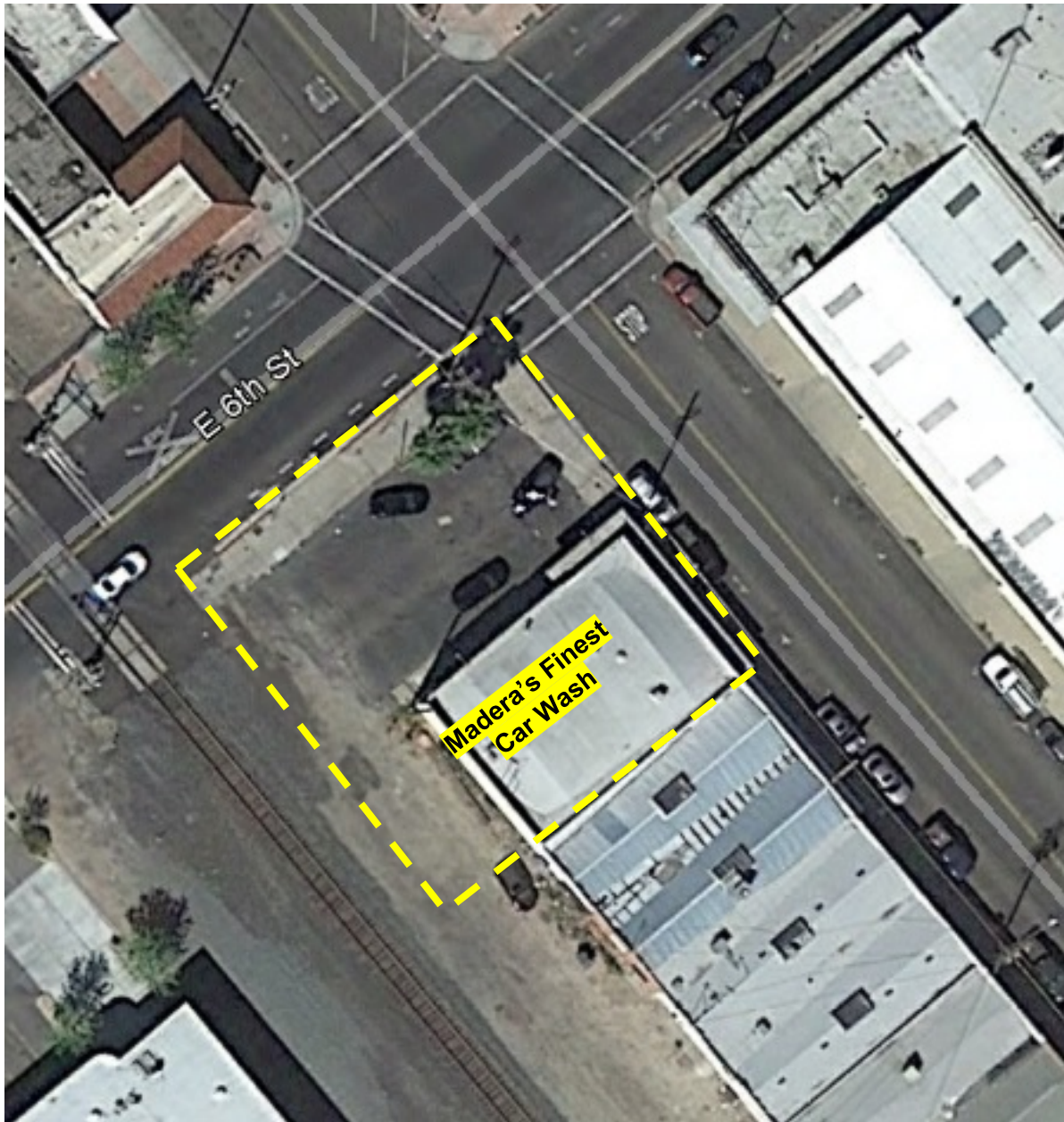
**(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27, based on and subject to the following findings: (specify)

### **ATTACHMENTS**

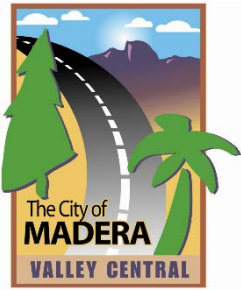
Aerial Photo  
Site Photos

Aerial Photo



## Site Photos





CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: New Beginnings Church  
CUP 2016-17, SPR 2016-30 & Environmental Determination  
Item #7 - June 14, 2016**

---

**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the establishment of a church.

---

<b>APPLICANT:</b>	Samuel Almanza	<b>OWNER:</b>	Manuel Anguiano
<b>ADDRESS:</b>	218 South D Street	<b>APN:</b>	007-154-012
<b>APPLICATION:</b>	CUP 2016-17 & SPR 2016-30	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** The property is located along the west side of South D Street and southwest of its intersection with East 6<sup>th</sup> Street (218 South D Street).

**STREET ACCESS:** The site has access to South D Street.

**PARCEL SIZE:** Approximately 3,750 square feet.

**GENERAL PLAN DESIGNATION:** C (Commercial)

**ZONING DISTRICT:** C1 (Light Commercial)

---

**SITE CHARACTERISTICS:** The site is generally surrounded by commercial development within the downtown district of the city. The post office is northeast of the site. A parking lot is located immediately adjacent of the project site, with the Frank Bergon Senior Center located south of the parking lot.

**ENVIRONMENTAL REVIEW:** The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

---

**SUMMARY:** The site has operated as a church for an extended period of time. Current conditions of approval substantially restrict occupancy. The amendment would provide for improvements sufficient to allow for a greater occupancy of the structure.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses  
MMC § 10-3.1202 Parking Regulations  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.4.0102 Site Plan Review Applicability

A church may be allowed in any zone subject to the approval of a conditional use permit by the Planning Commission. The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building 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 the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. If the Commission cannot make the appropriate findings, the use permit should be denied.

Conditions may be attached to the approval of the use permit to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

## **PRIOR ACTION**

Conditional Use Permit 1989-23 allowed for the establishment of the Valley Church of Religious Sciences. The site last operated as the church's Spiritual Awareness Center, which recently moved from the site.

## **ANALYSIS**

### Background

Churches are allowed in any zone in the City with the approval of a use permit. The project site has had an approved use permit (CUP 1989-23) for a church since June of 1989. Conditional Use Permit 1989-23 has only two conditions of approval which substantially restrict the operations of a church on the site. One condition of approval restricted the occupancy of the structure to less than forty-nine (49) people. Because the applicant church, New Beginnings Apostolic Center, already includes membership in excess of that amount, a new use permit has been requested.

### Operations

The New Beginnings Apostolic Center proposes to make the project site home to its church family. Current membership is approximately sixty (60) people. Although the church would like to grow over time, the proposed facility should serve the church's need for some time to come. The church would hold three events per week; a Monday evening prayer service, a Wednesday night bible study, and a Sunday afternoon celebration service. Evening event would occur from 7:00 p.m. until 9:00 p.m. and Sunday services would occur from approximately 1:00 p.m. until 3:00 p.m.

This use permit proposes to allow for up to three special event or fundraising activities per calendar year. A temporary use permit must be applied for at least three weeks prior to the event/activity so that staff can determine compatibility of proposed activities and apply appropriate conditions of approval. Events will be allowed to occur only on-site.

### Parking

The project site is fully developed, and includes a small parking lot accessed from the rear alley. In that the project proposes no building expansion and is located within the downtown parking district, no additional parking is required as a component of the use permit request. It is recommended that the existing parking field be striped to City standard to provide maximum utilization of the parking lot and safety for patrons to the site.

As with the original use permit approval, it is recommended that church events be held during the evening, after the close of surrounding businesses, and on Sundays, so as to avoid conflicts with surrounding downtown businesses. Considering all factors, there is sufficient parking to serve the use.

### Site Improvements

The change in occupancy necessary to accommodate a larger church assembly changes the building occupancy classification to an "A" Assembly type occupancy. Conditions of approval are focused upon improvements to the structure necessary to provide for the assembly occupancy. Required improvements include additional restrooms, Americans with Disabilities Act compliance and fire code improvements. Fire sprinklers are not required so long as occupancy remains under one hundred (100) people.

This proposed conditional use permit was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

## **CONSISTENCY WITH THE VISION MADERA 2025 PLAN**

Though approval of a church is not specifically addressed in the vision or action plans, the overall project does indirectly support Strategy 336 which encourages cooperation and continued collaboration with the church community.

## **RECOMMENDATION**

The site has historically accommodated a church. The structure will need certain improvements necessary to allow for greater attendance and the resulting change in occupancy classification of the structure to an assembly occupancy. With these improvements in place, staff recommends conditional approval of Conditional Use Permit 2016-17 and Site Plan Review 2016-30.

## **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2016-17 and Site Plan Review 2016-30, determining to either:

- approve the applications
- continue the hearing, or
- deny the applications

Any action by the Commission approving or denying the application is subject to appeal to the City Council within 15 calendar days of the Commission's action.

Motion 1: Move to approve the requested Conditional Use Permit 2016-17 and Site Plan Review 2016-30 based on and subject to the findings and conditions of approval as listed.

## Findings

- This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The operation of a church is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking on site to allow for the proposed church.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

## CONDITIONS OF APPROVAL

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt, in the Planning Department, of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2016-17 allows for the establishment of a church within an approximately 2,400 square foot structure. Conditions of approval are commensurate with the required conversion of the structure to an A (Assembly) occupancy classification.
3. The applicant's failure to utilize Conditional Use Permit 2016-17 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for an extension has been submitted to and approved by the Planning Commission.
4. Conditional Use Permit 2016-17 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
5. Conditional Use Permit 2016-17 will expire if the use is discontinued for a twelve-month period.
6. Site Plan Review 2016-30 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
7. Conditional Use Permit 2016-17 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at



any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

### **Building Department**

8. A building permit is required for all improvements. The tenant space must meet the requirements of the California Building Code, California Fire Code, and Americans with Disabilities Act prior to occupancy.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage and shall be confirmed at final inspection.

### **Engineering Department**

#### General

10. Nuisance on-site lighting shall be redirected as requested by the City Engineer, within 48 hours of notification.
11. Improvements within the City right-of-way requires an Encroachment Permit from the Engineering Division.
12. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: encroachment permit processing, improvement inspection fees, and grant deed acceptance fee.

#### Water

13. Existing water service connection shall be upgraded to current City standards including Automatic Meter Reading (AMR) water meter located within City right-of-way and backflow prevention device located within private property.
14. Existing sewer service connection shall be upgraded to current City standards including cleanouts if not previously installed.

### **Fire Department**

15. 2A10BC-rated portable fire extinguishers are required. A minimum of one is required, which must be mounted between 3-5 feet above the floor in a visible and accessible location.
16. The address must be posted and visible from the street.
17. Architectural plans must be submitted and a building permit issued for any changes to the structure, except as specifically exempted in the California Building Code/California Fire Code. Approval must be granted for the requested change in occupancy as a component of the issuance of building permits.

## Planning Department

18. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
19. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
20. The property owner, manager and the applicant shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.
21. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
22. The church shall operate consistent with the approved floor plan and operational statement. Alterations to the approved floor plan and/or the approved operation statement shall require amendment of Conditional Use Permit 2016-17 and/or Site Plan Review 2016-30.
23. The A (Assembly) occupancy classification shall require improvements be made to the structure and site. The church shall not exceed the occupancy rating of the structure at any time. Required improvements shall be commensurate with the number of people utilizing the church structure and site.
24. Up to three (3) special events and/or fundraising activities may be permitted each year with the approval of a temporary use permit in each case. A temporary use permit must be applied for at least three weeks prior to the event/activity so that staff can determine compatibility of proposed activities and apply appropriate conditions of approval. Events will be allowed to occur only on-site.
25. No nursery facility shall be developed as a component of the lease space without prior approval of the Building Official.
26. The applicant shall rehabilitate the outdoor area at the rear of the structure. Refuse and debris shall be removed from the area. Fencing shall be brought to a current standard for commercial property.
27. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation with drought tolerant plantings.
28. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved sign permit issued by the Planning Department per MMC §10-6.

**(OR)**

Motion 2: Move to continue the request for approval of Conditional Use Permit 2016-17 and Site Plan Review 2016-30 to the July 12, 2016 Planning Commission meeting: (specify)

**(OR)**

Motion 3: Move to deny the request for Conditional Use Permit 2016-17 and Site Plan Review 2016-30 based on the following findings: (specify)

**ATTACHMENTS**

Aerial Photo  
Site Photos  
Site Plan

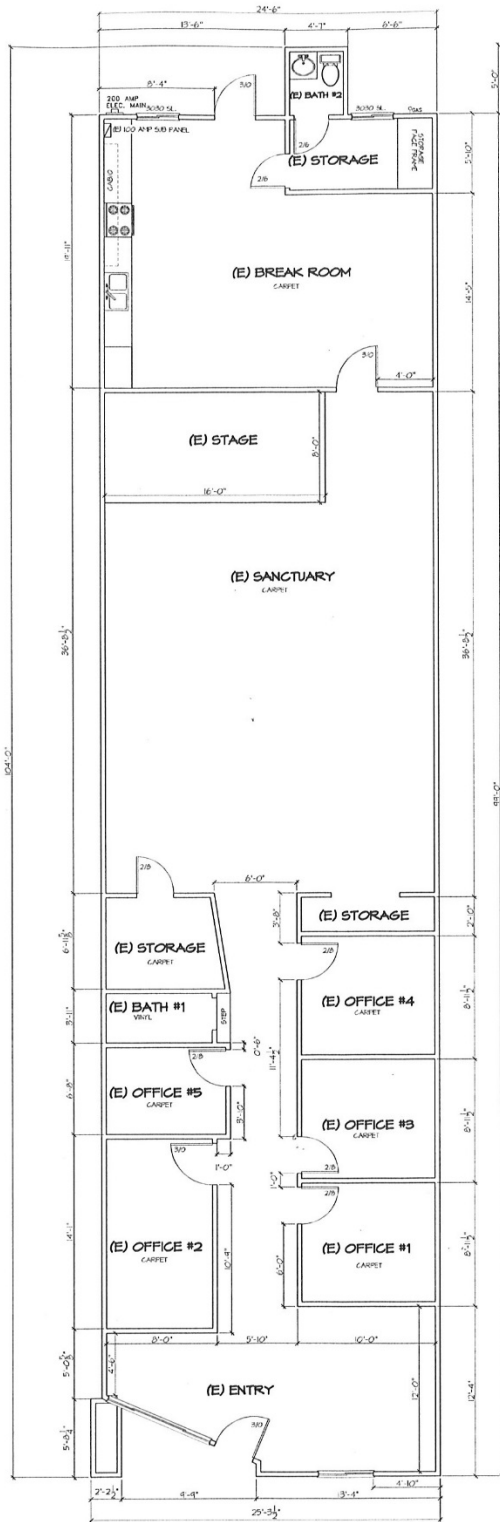
**Aerial Photo**



Site Photos

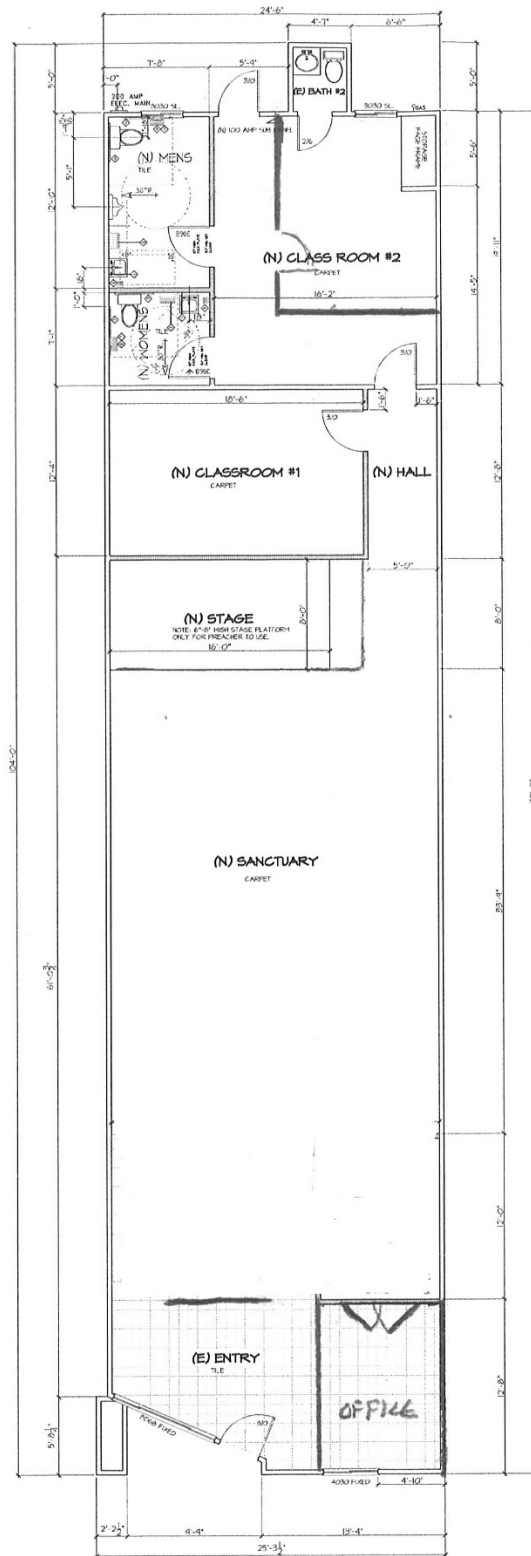


# Site Plan



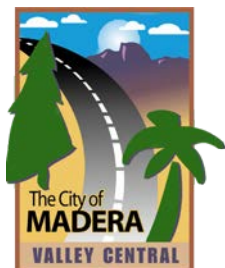
**(E) FLOOR PLAN**

SCALE: 1/4" = 1'-0"



**(N) FLOOR PLAN**

SCALE: 1/4" = 1'-0"



CITY OF MADERA  
PLANNING COMMISSION

205 W. Fourth Street  
Madera CA 93637  
(559) 661-5430

**Staff Report: Ordinance Text Amendment – OTA 2016-03  
Item #8 - June 14, 2016**

**PROPOSAL:** A noticed public hearing to consider an amendment to add Chapter 10 to Title IX of the Madera Municipal Code to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards.

<b>APPLICANT:</b>	City of Madera	<b>OWNER:</b>	N/A
<b>ADDRESS:</b>	N/A	<b>APN:</b>	N/A
<b>APPLICATIONS:</b>	OTA 2016-03	<b>CEQA:</b>	Exempt

**LOCATION:** Citywide

**STREET ACCESS:** N/A

**PARCEL SIZE:** N/A

**GENERAL PLAN DESIGNATION:** N/A

**ZONING DISTRICT:** N/A

**SITE CHARACTERISTICS:** N/A

**ENVIRONMENTAL REVIEW:** The proposed ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA". The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing 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.

**SUMMARY:** In response to ongoing drought conditions, the State of California adopted rigorous requirements in 2015 which limit the type and amount of landscaping that may be installed and how it can be irrigated. In order to address these requirements, and to ensure the health and wellbeing of neighborhoods and commercial/industrial areas, a City of Madera landscape ordinance has been drafted for consideration. The ordinance would require that a landscape and irrigation permit be issued for most landscaping projects, and would specify that new and renovated landscaping installations comply with standards to be adopted by the City Council.

## **APPLICABLE CODES AND PROCEDURES**

See the discussion on background below.

## **PRIOR ACTION**

None.

## **BACKGROUND**

In 2015, the State Department of Water Resources adopted the Model Water Efficient Landscape Ordinance and the California Secretary of State ordered the regulations to be incorporated into California Code of Regulations. Cities were required to either adopt local versions of the model ordinance by the end of 2015 or simply wait for the State's ordinance to automatically take effect. In Madera, the State's Model Water Efficient Ordinance is now in effect. The regulations limit the type and amount of landscaping which is allowed, specify irrigation methodologies, and establish various permit and inspection requirements.

## **ANALYSIS**

The State of California's requirements for landscaping and irrigation are intended to reduce the amount of water utilized for landscape irrigation. Projects adding more than 500 square feet of landscaping are subject to State regulations. The City does not have the ability to set aside these requirements or to adopt standards which are less intensive than those identified in the State's Model Ordinance.

In order to comply with the new requirements, new landscaping must transition from traditional styles which have focused on natural turf to drought tolerant and xeriscape styles which have little or no natural turf. The proposed ordinance is intended to insure that while this transition is occurring, landscaped areas continue to contribute positively to the visual and design character of the community. For instance, while a residential front yard consisting entirely of hardscape (i.e. concrete, rock, etc.) or compost would achieve goals for drought tolerance, such a design is less likely be viewed as aesthetically pleasing or as helping to maintain the highest possible property values within a neighborhood.

### Applicability of New Ordinance

The proposed landscape ordinance and the permit requirements specified therein would apply to landscaping proposed or installed when any of the following events occur:

1. A new single family home or multi-family home is proposed.
2. The approval of a Site Plan Review application is required pursuant to §10-3.4.0102 of the zoning code for any new multiple family, commercial, industrial, or institutional construction project.
3. More than 500 square feet of new landscaping is proposed to be added or more than 500 square feet of existing landscaping is proposed to be renovated.
4. A building permit for a new swimming pool is proposed.



## Landscape and Irrigation Permit Requirements

The proposed ordinance calls for the submittal of a Landscape and Irrigation Permit for new or renovated landscaping in conjunction with the events described. The permit would be reviewed by the Planning Department for compliance with the City's landscape standards prior to issuance. Inspections may be completed before and/or after issuance to verify the application materials and the results of the installation. The ordinance calls for the landscape standards, and the permit fee, to be set separately by resolution of the City Council.

## Landscape Standards

As noted above, the proposed ordinance calls for landscape standards to be established separately by resolution of the City Council. A set of draft standards is included with this Planning Commission staff report for review by the Planning Commission. The Commission may offer any input on the draft standards, which will then be provided to the City Council when it considers this matter. Key elements of the draft landscape standards are summarized below. Features specifically required per State model ordinance are noted with the symbol - ♦:

1. All landscaping on a parcel is subject to permit requirements, including rear yards. ♦
2. Landscaping with more than 2500 square feet of greenscape requires the submittal of a detailed package prepared by a landscape architect. ♦
3. Landscaping with less than 2500 square feet of greenscape may qualify for a streamlined permit that does not necessarily require a landscape architect. ♦
4. For streamlined permits, a maximum of 25% of total landscape area (front & rear yards combined) may be planted in grass. ♦
5. A minimum of 50% of residential front yards must be greenscape-planter area. The remainder may be hardscape.
6. Planter beds must be mulched 3" deep. ♦
7. Planter beds must be planted to achieve 50% coverage at maturity.
8. One street tree plus one additional tree is required for residential parcels.
9. No bare dirt areas are allowed in areas visible from public areas and surrounding properties.
10. Automatic irrigation controllers using evapotranspiration or soil moisture sensor data are required, along with pressure regulators and manual shut off valves. Low flow irrigation is required within planting beds. ♦

## **RECOMMENDATION**

The information presented in this report supports approval of an ordinance to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards. It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing and make a decision regarding the ordinance amendment.

## **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the ordinance amendment.

The Commission would be taking action regarding Ordinance Text Amendment 2016-03, determining to either:

- adopt of a resolution recommending to the City Council adoption of the ordinance
- continue the hearing, or
- adopt a resolution recommending to the City Council denial of the ordinance

Motion 1: Move to adopt a resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2016-03, adding Chapter 10 to Title IX of the Madera Municipal Code to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards, as proposed.

**(OR)**

Motion 2: Move to adopt a resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2016-03, subject to the following Planning Commission recommendations: (Insert revised ordinance text).

**(OR)**

Motion 3: Move to adopt a resolution recommending to the City Council denial of Ordinance Text Amendment 2016-03.

## **ATTACHMENTS**

Planning Commission Resolution  
Draft Ordinance

**RESOLUTION NO. \_\_\_\_**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE ADDING CHAPTER 10 TO TITLE IX OF THE MADERA MUNICIPAL CODE TO ESTABLISH REQUIREMENTS FOR THE ISSUANCE OF LANDSCAPE AND IRRIGATION PERMITS AND COMPLIANCE WITH CITY OF MADERA LANDSCAPE STANDARDS

WHEREAS, the City of Madera has adopted the mandatory elements of the General Plan, as required by the State of California; and

WHEREAS, the City has adopted regulations and established policies for the betterment of public welfare; and

WHEREAS, the City has adopted zoning regulations and established land use zones to further implement the General Plan; and

WHEREAS, State law also provides for periodic review, updates, and amendments of its various Plans and Codes; and

WHEREAS, in 2015, the State Department of Water Resources adopted the Model Water Efficient Landscape Ordinance and the California Secretary of State ordered the regulations to be incorporated into California Code of Regulations; and

WHEREAS, the general purpose of the Model Water Efficient Landscape Ordinance is to reduce the amount of water utilized for landscape irrigation; and

WHEREAS, the City of Madera desires to implement the requirements of the Model Water Efficient Landscape Ordinance while ensuring that new landscaping contributes positively to the visual and design character of the community; and

WHEREAS, the Planning Commission recommends to the City Council of the City of Madera adoption of an ordinance amendment to Chapter 10 of Title 9 of the Madera Municipal Code to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards; and

WHEREAS, the Madera Municipal Code authorizes the Planning Commission to initiate Code Amendments through adoption of a Resolution; and

WHEREAS, the Planning Commission has completed its final review and evaluated information contained in the Staff Report.

NOW THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MADERA AS FOLLOWS:

1. The above recitals are true and correct.
2. The proposed ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act.
3. The Planning Commission hereby recommends that the City Council of the City of Madera adopt an ordinance adding Chapter 10 to Title IX of the Madera Municipal Code to establish requirements for the issuance of landscape and irrigation permits and compliance with City of Madera landscape standards as set forth in the attached Exhibit 'A'.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

Passed and adopted by the Planning Commission of the City of Madera this 14<sup>th</sup> day of June, 2016, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

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Kenneth Hutchings, Chairperson  
City Planning Commission

Attest:

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Christopher Boyle  
Planning Manager

**PLANNING COMMISSION RESOLUTION NO. \_\_\_\_\_**

**EXHIBIT 'A'**

**DRAFT ORDINANCE**

AN ORDINANCE AMENDING THE MADERA MUNICIPAL CODE TO ADD CHAPTER 10 TO TITLE IX TO ESTABLISH REQUIREMENTS FOR THE ISSUANCE OF LANDSCAPE AND IRRIGATION PERMITS AND COMPLIANCE WITH CITY OF MADERA LANDSCAPE STANDARDS

THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Madera and this Council have held public hearings and have determined that the proposed ordinance text amendment is consistent with the General Plan.

SECTION 2. Chapter 10 of Title IX of the Madera Municipal Code is hereby added to read as follows:

# CHAPTER 10: Landscaping

## § 9-10.01 PURPOSE/SCOPE.

It is the purpose and intent of the Madera City Council, through the adoption of this chapter, to establish permit requirements and standards for the installation of landscaping in the City of Madera as a mechanism to conserve water and protect residential and non-residential properties from becoming blighted through the absence of appropriate landscape and irrigation materials and equipment.

## § 9-10.02 PERMIT REQUIRED.

A Landscape and Irrigation Permit shall be obtained from the City prior to the installation of any landscaping when any of the following events occur:

- (A) A new single family home or multi-family home is constructed on any parcel. A Landscape and Irrigation Permit shall be submitted and approved prior to the issuance of any building permit for a single family or multi-family home.
- (B) Site Plan Review is required pursuant to §10-3.4.0102 of the zoning ordinance for any new multiple family, commercial, industrial, or institutional land use or construction project. A Landscape and Irrigation Permit shall be submitted and approved prior to the issuance of any building permit for any improvement authorized by Site Plan Review. If no building permit is required, a Landscape and Irrigation Permit shall be submitted and approved prior to the commencement of the use for which Site Plan Review is required.
- (C) More than 500 square feet of landscaping is proposed to be added or more than 500 square feet of existing landscaping is proposed to be renovated. A Landscape and Irrigation Permit shall be submitted and approved prior to the removal of any existing landscape material or the installation of new landscape material.
- (D) A building permit for a new swimming pool has been approved. A Landscape and Irrigation Permit shall be submitted and approved prior to the issuance of any building permit for a new swimming pool.

## § 9-10.03 LANDSCAPING AND IRRIGATION STANDARDS.

All landscaping installed pursuant to a landscape and irrigation permit shall conform to the City's Landscaping and Irrigation Standards, which shall be adopted by resolution of the City Council and may be amended from time to time.

## § 9-10.04 APPLICATION.

- (A) Applications for a Landscape and Irrigation Permit pursuant to this Chapter shall be made to the Planning Department on a form provided by the Planning Manager prior to the removal of existing landscape material or the installation of new landscape material.
- (B) The Planning Manager may require a Landscape and Irrigation Permit application to include such information and supporting data as he considers necessary to process the application. An applicant requesting the issuance of a Landscape and Irrigation Permit shall, at a minimum, provide the following information:

- (1) Name and Contact Information for the Owner and the Applicant for the Permit;
  - (2) Calculations of minimum and maximum Greenscape and turf areas;
  - (3) A landscape plan, drawn to scale, showing lot size, structures and other non-landscape features, planter beds, turf, and hardscape areas.
- (C) The Planning Manager shall review the application and may reject it if it is incomplete or inaccurate for processing.

#### **§ 9-10.05 FEES.**

Fees to be imposed for the filing and processing of each application shall be as prescribed by resolution adopted by the City Council. No such application shall be deemed complete unless it is accompanied by the current filing and processing fee.

#### **§ 9-10.06 REVIEW AND DETERMINATION.**

The Planning Manager shall review the Landscape and Irrigation Permit application and determine whether such application is in compliance with the City's Landscape Standards in all respects. Applications that are determined to be compliance shall be approved. Except as authorized under Section 9-10.07, applications which are not in compliance with the City's Landscape and Irrigation Standard shall be denied.

#### **§ 9-10.07 CONDITIONS AND MODIFICATIONS.**

The Planning Manager may impose any reasonable conditions and/or modifications upon any application as deemed necessary to bring the application and subsequent permit into full compliance with the City's Landscape and Irrigation Standards.

#### **§ 9-10.08 INSPECTION.**

The Planning Manager or his designee may, at his discretion, inspect the site which is the subject of the Landscaping and Irrigation Permit, to determine the accuracy of the application materials prior to making his determination. The Planning Manager may also choose, at his discretion, to inspect the site after the completion of the work undertaken pursuant to said permit to determine the conformance of the work to the application materials and any conditions established therewith.

#### **§ 9-10.09 APPEAL.**

Any person aggrieved by the decision of the Planning Manager may appeal such decision to the Council as provided in § 1-4.01 of this code.

## LANDSCAPE AND IRRIGATION STANDARDS

### A. Applicability

The landscape and irrigation standards shall apply to landscaping proposed or installed when any of the following events occurs:

1. A new single family home or multi-family home is proposed;
2. The approval of a Site Plan Review application is required pursuant to §10-3.4.0102 of the zoning code for any new multiple family, commercial, industrial, or institutional construction project;
3. More than 500 square feet of new landscaping is proposed to be added or more than 500 square feet of existing landscaping is proposed to be renovated;
4. A building permit for a new swimming pool is proposed.

### B. Permit Required.

No landscaping shall be added or installed on any lot when any of the events described in Section A occurs, until such time as a Landscape and Irrigation Permit has been issued by the City.

### C. Greenscape and Hardscape

New landscaping will need to include healthy, drought tolerant plant materials, and most landscapes will necessarily consist of a combination of plants and non-vegetative ground cover (rock, bark, concrete). The City's landscape standard uses the following terms:

1. Greenscape: Those areas in a yard or landscape area that will be irrigated and are intended for the growing of grass, trees, and other vegetative material in planter beds (shrubs, flowers, etc.).
2. Hardscape: Those areas in a yard or landscape area that will not be irrigated and are designed to be permanently covered in bark, rock, concrete, or other non-vegetative material.

### D. Landscape Areas Subject to the Standard and Permit Requirements

The water efficient landscaping requirements adopted by the State of California mandate that water usage for all landscaping on a parcel be evaluated. For this reason, all landscape and irrigation permit applications will need to show how the entire parcel (or group of parcels) will be landscaped. For residential lots, this includes front, back, and side yards. For commercial areas, this includes all street frontages, building frontages, parking areas, and other areas in which landscaping is proposed or required.

### E. Preparation of Landscape and Irrigation Plan

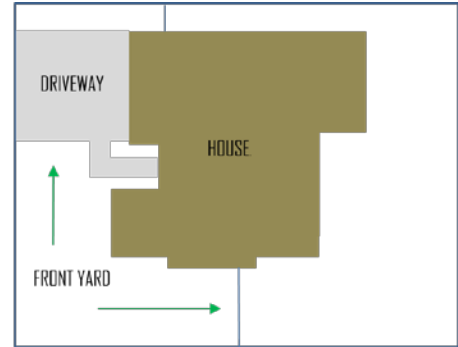
The specific requirements for the preparation of a landscape and irrigation plan are based on how much greenscape area, as described above, is proposed. Greenscape area excludes all structures and hardscape area. A sample worksheet for calculating greenscape area on a single family residential lot is included as Appendix A to these Landscape and Irrigation Standards.



1. Parcels with 2,500 square feet of landscaping (greenscape) or less. Owners may utilize a streamlined permit and self-certification process - or – they may choose to hire a landscape architect to develop and submit a full custom landscape and irrigation application package.
2. Parcels with more than 2,500 square feet of landscaping. A landscape and irrigation package and permit must be submitted by a landscape architect demonstrating compliance with the State of California’s water efficiency requirements.

F. Minimum Greenscape Area Required

1. Single Family and Two-Family Residential Uses and Parcels. At least 50% of each front yard must be greenscape, regardless of whether an applicant is using the streamlined permit or hiring a landscape architect to prepare and submit a custom package. For the purpose of calculating minimum greenscape area, the front yard is considered to be everything between the street/sidewalk and the fence that separates the front yard from the back yard. Only the part of the front yard on widest side of the driveway needs to be considered. There is no minimum greenscape requirement in the backyard.



2. Commercial, Industrial, Institutional, and Multi-Family Residential (3 units or greater) Uses and Parcels. Due to the significant variation in possible landscape areas for these uses, the specific requirements for greenscape will be set through the Site Plan Review process, including those areas within street frontages, park strips, parking lot landscaping, and other active and passive open space areas.
  - i. The addition or installation of 500 square feet or more of landscaping on a parcel for which the approval of a Site Plan Review application is not otherwise required, shall first require the approval of a “Minor Site Plan Review” by the Planning Department.

G. Planter Bed Areas Within Greenscape Areas

Any required greenscape area which is not turf or grass (see Sections J and K discussing grass and turf) shall be installed as a planter bed, which is irrigated and intended for growing vegetative material.

H. Planter Bed Requirements

1. Planter beds must be mulched to a minimum depth of 3” with either organic or inorganic material (such as gravel). Inorganic materials such as gravel or rock shall be natural in color and type. Colored or dyed non-natural products including lava rock will be rejected.
2. Plants must be planted to achieve 50% coverage within the planting bed at maturity. Refer to the City’s menu of drought tolerant plants for plant coverage criteria. Owners selecting species not included in the City’s menu will need to specify coverage and spacing for those plants.
3. A minimum of 3 plants must be planted within a defined planting bed.

4. All plants required to achieve the coverage specifications in this section shall be perennial species. Annuals may be added as desired by the homeowner, but they shall not be counted towards the required plantings.

I. Required Trees.

1. Single Family and Two-Family Residential Uses and Parcels. A minimum of one street tree shall be provided along each frontage. One additional tree shall be planted in the front yard.
2. Commercial, Industrial, Institutional, and Multi-Family Residential (3 units or greater) Uses and Parcels.
  - i. Street Frontage: One street tree is required for each thirty (30') lineal feet of street frontage on all street.
  - ii. Parking Lot and Other Areas: As set through the Site Plan Review process.

J. Natural Grass or Turf

1. Steamlined Permit: A maximum of 25% of the total greenscape area on the parcel may be planted in grass or turf. For residential lots, owners must decide where to install this turf, as the maximum allowable will generally not allow turf in both the front and back yard.
2. Custom Plan Submittal: A landscape architect must calculate the amount of allowable turf depending on the overall design and how much water is being used.

K. Artificial Turf Standards and Limitations

Artificial or synthetic turf may be an appropriate substitute for natural turf for the purposes of water conservation. The following minimum standards must be observed in all artificial turf installation projects.

1. Where artificial turf is installed as a component of landscaping which is visible to the public, a minimum of 25% of the landscape area must be planted as planter bed as described above.
2. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn.
3. Artificial turf shall have an unfilled minimum face weight of 45 ounces per square yard.
4. Turf shall be installed by a licensed contractor over a minimum 3" sub-base of compacted aggregate material.
5. Turf shall have a minimum eight-year manufacturer's warranty.
6. Rubber infill made from old tires is not acceptable for use as infill for artificial/synthetic turf.

7. Artificial turf shall be installed in combination with only natural plant materials (i.e. trees, shrubs or groundcover) to enhance the overall landscape design.
8. Artificial turf must be natural in appearance and color.
9. Pile height must be between 1¼ and 2 inches and must be installed in a manner where the top of piles are not flush with adjacent surfaces; a minimum height of ½" above adjacent surfaces is required.
10. Artificial turf must be installed in a manner where there are no visible seams, patterns or change in color. Seams shall be installed per manufacturer's standards which may include glue, sod-staples or other methods of attachment to prevent future separation.
11. The Artificial turf area shall be kept free of weeds, debris, tears, stains, holes, mildew and impressions. When artificial turf reaches the end of its lifespan and no longer appears natural in color and appearance, or has suffered irreparable damage or wear, the turf must be replaced.
12. Inspection by City Staff is required upon installation to ensure compliance with standards. The City of Madera reserves the right to require removal and/or replacement of any area of artificial turf which does not meet these standards.

#### L. Bare Dirt Areas

Within areas visible from surrounding properties and roadways (including the front yards in all single family and 2 family lots), bare dirt areas are not allowed. All such areas need to be covered with hardscape, planter beds, turf, or a 3" (minimum) of organic or inorganic material, such as rock or bark.

#### M. Special Irrigation System Requirements

1. The State requirements specify that automatic irrigation controllers must be installed and they must use evapotranspiration or soil moisture sensor data. Controller must also be of a type that does not lose programming date in the event the primary power source is interrupted.
2. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.
3. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.
4. Low flow irrigation is required within planting beds, utilizing any system desired by the owner as long as it delivers a maximum of 10 gallons per hour. Drip and micro spray techniques are common.

Appendix A

<b>Single Family Lot - Greenspace Calculation</b>				
		Length	Width	Sq. Ft
1	Lot Size	100	60	6000
2	Home foot print	40	40	1600
3	Garage	20	20	400
4	Driveway	20	20	400
5	Front porch	10	5	50
6	Back patio	25	10	250
7	Front walkway	5	20	100
8	Other walkways			0
9	Non-irrigated side yard	5	50	250
10	Other _____			0
11	Other _____			0
12	Other _____			0
13	Sub-total Greenspace	#1 Minus #2 - #12		2950
14	Non-irrigated hardscape	30	15	450
15	Total Greenscape area	#13 Minus #14		2500

**CUP 2016-09, 10, 11 & SPR 2016-20  
Madera Commerce Center  
Item #9 – June 14, 2016**

**Staff recommends that the Planning Commission make a motion to continue this item to the July 12, 2016 regular Planning Commission meeting.**