

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
July 12, 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: June 14, 2016

CONSENT ITEMS:

NONE

PUBLIC HEARING ITEMS

1. CUP 1963-23, 1989-30 & 1991-13 – Thrive Fitness Revocation

A noticed public hearing to consider a revocation of three existing conditional use permits which cumulatively allow for the athletic fitness club located at 1803 Sunset Avenue. The property is located on the northwest corner of Sunset Avenue and Orchard Avenue in the R3 (Residential) Zone District with a C (Commercial) General Plan land use designation. (APN: 006-182-007). 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 2015-26 MOD & SPR 2016-27 – Madera’s Finest Car Wash

A noticed public hearing to consider an amendment to an existing conditional use permit and site plan review to allow for a car wash and auto detailing business. The site is located at the southwest corner of East 6th Street and South E Street in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-152-007). 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. CUP 2016-09, 10, 11 & SPR 2016-20 – Madera Commerce Center

A noticed public hearing to consider an application for three conditional use permits and one site plan review to provide individual allowances for automotive repair as part of the remodel and repurposing of the former Madera Tribune newspaper building. The project site is located at the southeast corner of South E Street and East 7th Street in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. 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

1. CUP 2015-21 & SPR 2015-25 – Whole Body Bootcamp

A review of the performance of conditional Use Permit 2015-21 allowing for a training fitness facility, consideration as to whether a revocation hearing is appropriate and setting of such hearing if necessary. The site is located at the southeast corner of South Pine Street and Maple Street in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 012-230-021 & 022). A categorical exemption pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities), will also be considered by the Planning Commission.

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on August 9, 2016.

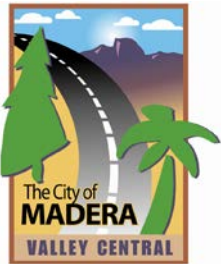
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Thrive Fitness Revocation
CUP 1963-23, CUP 1989-30, and CUP 1991-13
Public Hearing Item #1 – July 12, 2016**

PROPOSAL: A noticed public hearing to consider revocation of Conditional Use Permits 1963-23, 1989-30 and 1991-13 which cumulatively allow for the athletic fitness club located at 1803 Sunset Avenue.

APPLICANT:	Christopher Montoya	OWNER:	MCA 1803 LLC
ADDRESS:	1803 Sunset Avenue	APN:	006-182-007
APPLICATION:	CUP 1963-23	CEQA:	Categorical Exemption

LOCATION: The property is located on the northwest corner of Sunset Avenue and Orchard Avenue.

STREET ACCESS: The site has access to Sunset Avenue and Orchard Avenue.

PARCEL SIZE: 0.85-acre site, with an additional 0.52-acre parking field.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: R3 (Residential)

SITE CHARACTERISTICS: The site is a fully developed commercial site with approximately seventy (70%) percent of the property developed in structural improvements. An off-site parking lot provides parking to the site. Single family residential development surrounds the property. A church is immediately west of the athletic club site.

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 is not in compliance with the conditions of approval for Conditional Use Permits 1963-23, 1989-30 and 1991-13. Although staff has received an application to amend the conditions of approval for the athletic fitness club, the application remains incomplete and no additional information has been received from the applicant. It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the project.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses

MMC § 10-3.505 R; Conditional Uses; Commission Approval

MMC § 10-3.1301 Use Permits

MMC § 10-3.1311 Termination and Revocation

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.

All use permits which have been granted may be revoked by the Planning Commission after a hearing as set forth below in the event the user of such permit, or his or its successor in interest to the real property in favor of which the permit was granted, breaches or fails to abide by any of the conditions designated in such permit.

PRIOR ACTION

Originally built in 1954 at the City's then sparsely populated western edge, the club is now surrounded by single family residential development in all directions. Immediately west of the athletic club is a church. John Adams Elementary School is approximately 700 feet south and Thomas Jefferson Middle School is located approximately 700 feet east of the project site.

In 1963, the zoning for the subject property was changed from the C1 (Light Commercial) Zone District to the R3 (Residential) Zone District. Conditional Use Permit 1963-23 was granted to allow for the athletic fitness club in a residential zone as well. A letter to Mr. Roy Lyon, owner of the facility until 1983, stated that the R3 zone "would allow you to continue your [athletic fitness] club operations and fully utilize your property for potential development." This letter was dated March 26, 1963 and signed by Marvin J. Porter, Planning Engineer.

In September of 1983, Mr. Lyon sold the club to Chris DaSilva who subsequently completed renovations to include a new weight room and racquetball courts. The Planning Director at that time, Mr. Pete Koehn, concurred with the letter written by Marvin J. Porter in 1963 and granted the permits without necessitating the public use process. One discretionary approval was processed for a setback variance (VAR 1983-08). A condition of approval of the variance required a parking agreement be recorded between the adjacent church and the athletic club property.

In April of 1986, Mr. DaSilva was advised by Mrs. James, the new Planning Director, that the Madera Municipal Code required a use permit for clubs in the R3 (Residential) zone and future expansion or modification of the Madera Athletic Club would require the approval of a use permit.

Subsequently, Conditional Use Permit 1989-30 amended the original use permit, allowed for the athletic club in the R3 (Residential) Zone District, and allowed for the construction of a 6,606 square foot basketball court, unisex weight room, child care area expansion and storage room expansion. An off-site parking lot was also approved. As a component of that approval, Variance 1989-04 allowed for the development of the off-site parking lot.

Conditional Use Permit 1991-13 largely functioned as a review of the use with findings in favor of the continued operation of the athletic club and a reduction in the original number of parking stalls by five (5) spaces.

ANALYSIS

At the time of the last review in 1991, the Madera Athletic Club included a full-court basketball court, eight (8) handball and racquetball courts, a swimming pool, weight room and a child care component. A parking facility and a five-stall parking variance were also in place. Findings were made at that time that the use was operating in harmony with the neighborhood.

Since that time, all handball and racquetball courts have been converted to various weight training and cardiovascular training workout stations. The basketball court has been divided into two rooms which largely function as Zoomba and other group workout rooms. Other services such as dance lessons, massage therapy, and yoga have been added, and hours of operation have incrementally expanded to as early as 5:00 a.m. until as late and 11:00 p.m. Cumulatively, substantial alterations to the business model have occurred, resulting in a breakdown in the ability of existing parking to satisfy the demands of the site and increased negative impacts on the surrounding residential neighborhood.

Although the applicant has made an application for an amendment to the athletic club's use permits, the application remains incomplete and staff has no ability to either assess the use in its present form or make recommendations as to how the use might be restructured within new conditions of approval in such a way as to resolve ongoing problems with the athletic club operation prevalent on the site and the impacts to the surrounding neighborhood. Although the applicant has expressed that a complete plan set would be submitted, as of this writing (June 20, 2016) no additional information has been provided. Although the applicant secured legal counsel and requested additional time so as to provide time for representatives to become familiar with the case, first contact with staff by legal counsel was on June 20, 2016, an insufficient amount of time to proactively seek solutions to noncompliance.

Parking

A primary issue within operations has been the erosion of parking compliance since the last review of the use in 1991. There are currently a total of seventy-six (76) parking stalls serving the approximately 32,000 square foot structure. Parking ordinance requires parking to be provided at either one parking stall per each 200 square feet, or at one parking stall per each three members and one parking stall per each two employees, whichever is greater. As an example, an athletic club with five hundred (500) members and forty (40) employees would be required to provide 197 parking stalls ($500/3 + 40/2$). If square footage is the determining factor, 160 parking stalls ($32,000 \text{ sf}/\text{one stall per } 200 \text{ sf}$) would be required.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permits 1963-23, 1989-30 and 1991-13. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the sixteen total conditions of approval, seven need attention in order to be in compliance with the conditions of approval. Compliance with nine of sixteen conditions equates to a 56 percent compliance rate.

Review of the applicable conditions of approval make clear the inability of the use to operate consistent with the required conditions of approval. Significant reductions to the business hours of operation, number of activities offered, and maximum number of club members allowed would be necessary to align the business activities with the parking stalls available to serve the

use. Removal of existing activities and reconstruction of original improvements such as handball courts would be required in order to bring the athletic club into compliance with the existing conditions of approval. Alternatively, the applicant could conceivably acquire adjacent property(s) and construct additional parking field.

SUMMARY OF RECOMMENDATIONS

It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the revocation of Conditional Use Permits 1963-23, 1989-30 and 1991-13.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permits 1963-23, 1989-30 and 1991-13, determining to either:

- schedule a public hearing to consider revocation of the use permit, or
- find that the review of the use permit is not warranted at this time

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 revoke Conditional Use Permit 1963-23, 1989-30 and 1991-13 effective immediately, based on and subject to the following findings.

Findings

- Conditions of approval for Conditional Use Permit 1963-23, including Numbers 1, 2, 3, and 5, adopted by the Planning Commission are not in compliance.
- Condition of approval No. 7 for Conditional Use Permit 1989-30, adopted by the Planning Commission and agreed to by the applicant and property owner, has not been satisfied.
- Conditions of approval No. 1 and 2 for Conditional Use Permit 1991-13, adopted by the Planning Commission and agreed to by the applicant and property owner, have not been satisfied.
- Based on observations of staff and the evidence from the whole of the record, the use has not operated in compliance with conditions of approval; and
- The continued operation of the use in violation of the conditions of approval may be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City, and;
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

(OR)

Motion 2: Move to find that the review of Conditional Use Permits 1963-23, 1989-30 and 1991-13 is not warranted at this time for the following reasons (Specify):

ATTACHMENTS

Aerial Photo

Conditional Use Permits 1963-23, 1989-30 and 1991-13 Compliance Matrix

Variance 1983-08 Compliance Matrix

Citizen Comment

Aerial Photo



Conditions of Approval Compliance Matrix

CUP 1963-23 1	That the Athletic Club operate in the same manner as it does today.	Not in compliance.
2	That the commercial uses be the same type that are in the use now.	Not in compliance.
3	That the owner and future owners of the property maintain the yards and buildings in a residential manner as is done now.	Not in compliance.
4	That all future buildings maintain residential set-backs.	Setbacks reductions were allowed with variances.
5	That all Municipal Code requirements be met.	Not in compliance. Use does not satisfy required parking and entitlements.
CUP 1989-30 1	A covenant, in a form satisfactory to the City Attorney shall be recorded on the three lots at the southwest corner of Orchard and Venturi Avenues whereby the parking spaces on these lots shall be maintained for use of the property at 1803 Sunset Ave.	No record found.
2	The development of the off-site parking lot shall commence at the earliest possible time and shall have been completed and approved prior to occupancy of the building expansion areas.	Procedural.
3	The off-site parking lot improvements shall include installation of park strip landscaping, relocation of a street light and the installation of a handicapped ramp.	Completed.
4	Grading and drainage plans, right-of-way improvement plans, landscaping and irrigation plans shall have been submitted for the project and approved prior to issuance of the building permit.	Completed.
5	The 20 foot wide alley adjacent to the site shall be paved to city standard along the entire length of the parcel and shall be completed prior to occupancy of the expansion areas.	Completed.
6	A new six foot masonry fence shall replace the existing fence along the north property line and may be increased to eight feet, forty feet behind the Orchard Avenue property line with the consent of the adjacent property owner.	Completed.
7	The club manager shall make every effort to make members aware of the availability of off-street parking and encourage its use. One means of accomplishing this is regular reminders in the club newsletter.	Efforts have not been successful.

Conditions of Approval Compliance Matrix, Continued

CUP 1991-13 1	The original conditions of approval for Use Permit 89-30 and Variance 89-04 will remain applicable.	Not in compliance.
2	The applicant shall continue his efforts to encourage his employees and members of the club to utilize the existing off-street parking spaces. A definitive program to accomplish this shall be submitted to the Director of Community Development within 30 days of this approval.	Efforts have not been successful. No program is on record.
3	This matter shall be referred to the City Traffic Safety Committee for review of the on-street parking situation created by members and employees of the club. The results of this review and any action taken will be reported to the Planning Commission in conjunction with Condition #4 below. Review should include Orchard and Sunset Avenues and the intersection of Williams and Sunset Avenue.	Procedural.
4	This use Permit will be reviewed by the Planning Commission in six (6) months to determine if the number of off-street parking spaces is adequate for the needs of the club and if the on-street parking situation has improved.	Completed November, 1991.
VAR 1983-08 1	That a written agreement for shared parking facilities with the church at Sunset and Orchard be recorded.	No agreement has been recorded.

Dear Mr Boyle,

My concerns for traffic at Thrive facility are:

1. the patrons park cars crowding all the intersections causing one to drive into the intersection to see if clear to proceed.
2. The patrons do not cross the street at the pedestrian crossings. They walk in between cars and cross the street without looking for oncoming traffic. I've nearly hit 'jwalkers'.
3. Patrons speed on north orchard street and venturi ave. 40 mph is usually too fast for neighborhood streets.
4. Street parking has gotten so crowded that patrons and delivery trucks load or unload while double parked.
5. School children are needing more clearly marked crossings at all the intersections in the area.

I've noticed children vs. traffic dangerous situations while they are going to and from John Adams and Thomas Jefferson schools.

I would like to see the parking problems solved so as to lessen the impact of overcrowding the streets and intersections that surround the Thrive facility. The growth of the Thrive has been detrimental to the SAFETY of our neighborhood.

I have lived in this neighborhood since 1953. Our family used "Post Pool" since the beginning.

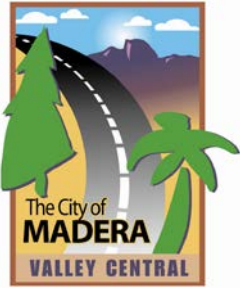
Thank You for considering any changes that would be appropriate for mitigation of these safety issues.

Jerol Holiday

[REDACTED]

Madera, Ca 93637

[REDACTED]



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 #2 – July 12, 2016

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.

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

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

STREET ACCESS: The site has access to East 6th Street and South E Street.

PARCEL SIZE: One parcel encompassing approximately 0.18 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

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 Union Pacific Rail Road 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).

SUMMARY: 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 conditions of approval were required to be satisfied in advance of occupancy, yet the applicant is in operation. The use is in noncompliance prior to any approval by the Planning Commission. Staff is not in support of reestablishment of the use.

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

In December, 2012, Preliminary Project Review (PPR) 2012-22 was completed at the request of the applicant. Although the PPR directed the applicant to file an application for conditional use permit and site plan review in order to consider establishment of an auto detailing business on the site, Madera's Finest Hand Car Wash opened in January, 2013 and continued to operate without a business license until approximately October of 2014. In October, 2014, the Planning Commission approved Conditional Use Permit 2014-24 and Site Plan Review 2014-33, allowing for a car wash and auto detailing use at the 96 East 6th Street address. None of the required conditions of approval were ever completed in association with the use permit and the use permit was ultimately extinguished via 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 in association with the used car lot 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.

Additional on-site improvements recommended with the current application 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 had 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. Those conditions were not satisfied prior to the June 14, 2016 Planning Commission and the public hearing was subsequently continued.

Occupancy

Staff support of reintroducing this use was 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 was contingent upon completion of required conditions of approval within the called out timelines. Conditions of approval required that most on- and off-site improvements be made prior to occupancy and issuance of a business license. Yet, even before the June Planning Commission, City staff observed the site open and in operation.

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 a 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 denial of the conditional use permit and site plan review request. Even before Planning Commission discretionary review of the use permit and site plan review request, the applicant was in operation, without completion of required improvements and in noncompliance with recommended conditions of approval. This continues a pattern by the car wash/detailing business of establishing operations without the required permits and failing to adhere to the conditions of approval. The message sent by those actions is that the applicant does not intend to operate consistent with and in compliance of the required

conditions of approval. Thus, it is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and deny Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 subject to the findings 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 deny the application for Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27, based on and subject to the following findings:

Findings

- A car wash and auto detailing use is not consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, since the use is operating in violation of the conditions of approval of the proposed conditional use permit.
- The development will not be compatible with surrounding properties since improvements have not been made as required.
- The establishment, maintenance or operation of the car wash and auto detailing use will, 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, and be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27 to the August 9, 2016 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: 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: (specify)

The conditions of approval listed below are provided to the Planning Commission in such case that the Planning Commission moves to approve Conditional Use Permit 2015-26 MOD and Site Plan Review 2016-27.

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 6th Street intersection shall be upgraded/reconstructed to current ADA standards.
18. The existing driveway approaches on South E Street and East 6th Street shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage.
19. The damaged sidewalk along East 6th 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.

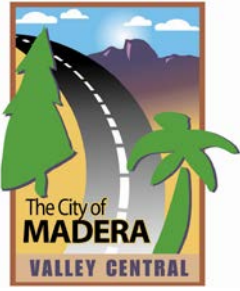
38. All automotive repair work shall occur inside of the structure.
39. Outdoor storage of goods and/or materials shall not be allowed.
40. Overnight parking of vehicles shall only occur within the interior of the building.

ATTACHMENTS

Aerial Photo

Aerial Photo





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Madera Commerce Center
CUP 2016-09, 10 & 11, SPR 2016-20 & Categorical Exemption
Item # 3 July 12, 2016**

PROPOSAL: An application for three conditional use permits and one site plan review to provide individual allowances for automotive repair as part of the remodel and repurposing of the former Madera Tribune newspaper building.

APPLICANT:	Ubaldo Garcia Hernandez	OWNER:	Ubaldo Garcia Hernandez
ADDRESS:	100 East 7 th Street	APN:	007-184-023
APPLICATION:	CUP 2016-09, 10 ,11 SPR 2016-20	CEQA:	Categorical Exemption

LOCATION: The project site is located at the southeast corner of South E Street and East 7th Street.

STREET ACCESS: The site has access to South E Street and East 7th Street.

PARCEL SIZE: One (1) parcel encompassing approximately 1.05 acre.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is the former home of the Madera Tribune. It has been vacant since the newspaper's relocation. Located in the downtown district of the city, there are commercial uses to the east, west and north of the project site, with vacant commercial properties interspersed to the south of the project site. Evans Feed properties are north and west of the project site.

ENVIRONMENTAL REVIEW: The proposed remodel and repurposing of the former Madera Tribune building has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301, (Existing Facilities).

SUMMARY: The project would provide for the remodeling and repurposing of the former Madera Tribune building into a small business "commerce" center. The center would provide small suites designed to provide small businesses within the service sector with amenities scaled to their needs. Generally, the commerce center will not be support retail sales activities. Allowances for automotive repair are reviewed on a suite by suite basis.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.901 Heavy Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 et.al. 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 automobile repair shops, subject to the approval of a conditional use permit by the Planning Commission.

PRIOR ACTION

The last site plan review to be completed on the project parcel was Site Plan Review 1987-17 for the Madera Tribune newspaper. This item was continued to the July 12, 2016 meeting by the Planning Commission at its June 14, 2016 meeting.

ANALYSIS

Business Model

The applicant proposes to remodel and repurpose the former Madera Tribune building into a "commerce center." The remodeling of the site would provide a series of smaller commercial suites that would be intended to attract small businesses that need the fundamentals necessary for business operation, such as a business address, an office component, a storage area with roll-door access, and off-street parking. An example of a prospective tenant could be a pest control company wherein the office component would provide a site for telephone contacts, bookkeeping, and dispatch of trucks in the field to prospective clients. Roll-door storage might be utilized for inventory, while the business' vehicles could be stored in a secure off-street parking area. Suites are purposely made smaller so as to maximize the purpose of the commerce center business model. Six of the eleven overall suites are less than 900 square feet in size.

The applicant also requested the ability to lease three specific larger suites to automotive repair oriented businesses. Included within this request are three individual use permit applications that would permit the automotive activities within the requested suites. The suites where automotive repair uses have been requested are 1,550, 1,829 and 3,544 square feet respectively (Suites 120, 110 and 112).

The commerce center is not designed to function as a retail sales center, but instead to provide a location for small businesses to flourish. It is recommended that retail sales activities where

goods are offered for sale as a component of the business not occur on the commerce center site.

Parking

City parking standards vary upon the different uses. Two standards are applicable to the commerce center site. The non-automotive suites require one stall per each 300 square feet of gross floor area. The automotive suites require one stall per each 400 square feet of gross floor area, plus one stall per each two employees.

Business	Gross Floor Area (sf)	Ratio	Parking Stall Req.
Non-Automotive	8,774	1:300	29 stalls
Automotive Repair	6,923	1:400	17 stalls
		1:2 employees	3 stalls
Total	15,697 sf		49 stalls
Sec. 10-3.1201(C) Five (5) stall bonus for remodeled structure			
Parking Provided:			44 stalls

Although the forty-four (44) parking stalls provided is just below the required forty-nine (49) parking stalls, the parking ordinance provides a bonus whenever a remodeling of an existing structure occurs. Section 10-3.1201(C) essentially provides a five (5) stall bonus, stating that no additional parking stalls are required as a result of the remodeling, so as long as the number of required parking spaces is not exceeded by 10% or five stalls, whichever is greater. Combined with the additional outdoor vehicle storage area, there is ample parking to serve the repurposed commerce center site.

Automobile Repair Use Permits

The applicant desires to have pre-approved use permits in place that allow for automotive repair activities to occur on the project site. These preapproved allowances would streamline the process for prospective automotive-related tenants. Early conversations with the applicant encouraged the construction of roll-doors on the parking lot side of the structure to allow for logical queueing of vehicles into the structure and easy access to the outdoor storage yard without utilization of the public right-of-way. The applicant has incorporated that important feature into the proposed automotive suites.

Since each automotive use is proposed as part of a separate use permit, this section of the report describes each use permit request individually.

- CUP 2016-09 – Suite 120

Suite 120 is a 1,550 square foot suite that includes roll-door access from the on-site parking field and easy access to the outdoor vehicle storage yard meant to serve the automotive repair use. No direct access to South E Street is provided in this tenant suite, easing the impact of automotive uses upon the public right-of-way. Conditions of approval include specific automotive repair shop activities recommended for allowance in Suite 120. Staff supports the allowance for automotive repair in Suite 120.

- CUP 2016-10 – Suite 110

Suite 110 is a 1,829 square foot suite that provides roll-door access for vehicles from the interior parking lot and easy access to the outdoor vehicular storage area meant to serve the automotive

repair use. Although a roll-door is provided along the South E Street frontage of the suite, no drive approach is provided and consequently no ingress and egress can occur to and from the public right-of-way. Conditions of approval include specific automotive repair shop activities recommended for allowance in Suite 110. Staff supports the allowance for automotive repair in Suite 110.

- CUP 2016-11 – Suite 112

Suite 112 is a 3,544 square foot suite that includes roll-door access for vehicles from both the South E Street right-of way and the interior parking field. The interior parking field roll-door access provides good connectivity to the outdoor vehicular storage area meant to serve the automotive repair use and to on-site customer parking. Recommended condition of approval include specific automotive repair shop activities recommended for allowance in Suite 112. Staff supports the allowance for automotive repair in Suite 112.

General Plan Conformance

Enhancement of the structure and overall site are proposed as a component of the repurposing of the property. The structure will be freshened so as to provide a more commercial look and feel. Additional windows as well as additional roll-doors are proposed along the structure's frontage to both 7th Street and South E Street. Landscaping is proposed to augment and embellish the appearance of the project site. A trash enclosure is included in site design. Americans with Disabilities Act compliance is also updated.

The overall improvements proposed for the site are commensurate with a refurbishment of an existing site and structure. Although not fully consistent with standards applied to new construction, a finding of overall consistency with the goals and policies of the Community Design Element of the General Plan can be made.

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 the refurbishment and repurposing of a commercial site 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 site plan review and conditional use permit requests. 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 2016-09, 10 and 11, and Site Plan Review 2016-20 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 2016-09, 10 and 11, and Site Plan Review 2016-20, 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).
- An automotive repair shops are 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 project, including the automotive repair shops.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the automotive repair shops 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 2016-10 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 2016-10 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 2016-20 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 2016-10 and Site Plan Review 2016-20 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 2016-20.
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 2016-10.

Building Department

11. The applicant 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 include 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 - The uses of all rooms and activity areas shall be identified on the plans
 - 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.
12. 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 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.
16. 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.

17. The improvement plans for the project shall include the most recent version of the City's General Notes.
18. Improvements within the City right-of-way require Encroachment Permit from the Engineering Division.

Water

19. Existing water service connections shall be have water meters installed per current city standards located within City right-of-way and shall read in cubic feet and backflow prevention device located within private property.
20. New water service connections shall be constructed to current city standards with water meter located within City right-of-way and backflow prevention device located within private property.
21. A separate water meter and backflow prevention device will be required for landscape areas.

Sewer

22. Existing sewer service connections shall have sewer cleanout constructed per current City standards.
23. New sewer service connection(s) shall be constructed to current City standards.
24. Sewer main connection 6" and larger diameter shall require manhole installation.

Storm Drain

25. Storm runoff from this project will surface drain into existing facilities and eventually into the Madera Irrigation District (MID) Canal. Water runoff from the site must be cleaned before entering the existing storm water system to the satisfaction of the Madera Irrigation District through the use of an on-site oil/water separator or drop inlet inserts at drop inlets that receive runoff from the site.
26. An MID approval block shall be shown on the final improvement plans.
27. A detailed drainage plan shall be provided to support the design of the drainage conveyance and storage facilities.

Streets

28. The developer shall construct a handicap access ramp at the southeast corner of 7th Street and E Street intersection. Due to the existing physical constraints developer may construct a modified access ramp. Modified access ramp shall be approved by the City Engineer prior to construction. Scoring/grooves shall be removed per new Caltrans standards.
29. The developer shall construct approximately 51 lineal feet of curb and gutter along the 7th Street frontage where portion of curb and gutter is missing.

30. The developer shall construct approximately 120 lineal feet of 5 foot wide sidewalk along the 7th Street frontage where portion of sidewalk is missing.
31. The developer shall replace approximately 30 lineal feet of substandard curb and gutter along the E Street frontage.
32. The site shall be limited to the existing driveway approaches on South E Street and East 7th Street, three (3) on E Street and one (1) on 7th Street.
33. Property corners shall be located or reinstalled by record of survey or replaced by corner record prior to first request inspection.
34. On-site circulation shall be designed in such a manner as to not direct all traffic to a single ingress and egress point and to avoid vehicle circulation through City right-of-way on E Street and 7th Street.
35. The developer shall pave the proposed outdoor vehicle storage or incorporate mitigation measures, if applicable, as required by San Joaquin Valley Air Pollution Control District in Rule 8071.

Fire Department

36. Portable fire extinguishers are required in each suite in accordance with the California Fire Code.
37. The type of construction will need to be verified. If the building can be classified as type 3B, it will be permitted to utilize groups M, S1 and B Occupancies. Such occupancies need not be separated under the rules of "Non-separated occupancies" in Chapter 5 of the CBC, if compliant with the rules therein. If considered type 5B construction, then either fire walls or fire sprinklers will be required due to the lesser allowable area permitted.
38. Waste oil and other hazardous materials must be stored until removal in a manner consistent with the provisions of the California Fire Code.
39. A key box is required and, if gated, an approved access through the gate(s) will also be required.

Planning Department

Site Data

40. Building Area: 15,697 sq. ft.
Minimum Parking Requirements: 49 spaces required, 44 spaces provided
[Five stall bonus is allowed per Sec. 10-3.1202(C)]
41. 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.
42. All retail sales activities, where goods are offered for sale as a primary component of the business, should occur on the commerce center site, except as allowed for by the Planning Manager.

43. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
44. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
45. 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.
46. No portable, temporary, and/or mobile utility structures shall be allowed to be erected and/or utilized on the project site.
47. Hours of operation for all businesses established on the project site shall be from as early as 7:00 a.m. until as late as 8:00 p.m., seven (7) days a week.
48. All on- and off-site improvements shall be made prior to occupancy and issuance of a business license.
49. The existing parking field shall be slurry sealed and restriped consistent with the approved site plan.

Landscaping

50. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
51. 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.
52. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
 - Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - Landscaped areas shall be protected by raised six-inch concrete curbing, except where a reduced standard is allowed by the Planning Manager.

- A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.

Structures

53. 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.
54. As a component of submittals for building permit plan check, the applicant shall 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
55. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the structure within electrical/mechanical service rooms. Utilities (switch boxes, electrical panels and other utility appendages) proposed at the exterior shall be allowed only when incorporated into landscaping and unseen from the public right-of-way.
56. 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.
57. Final building elevations and site plan details will be designed to enhance the view of the site from the roadway, and adjacent properties, to the extent feasible (General Plan Policy CD-62).
58. 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.
59. All parking lot lights/lighting shall be incorporated into landscaped areas.
60. Roof access ladders shall be located within the interior of the building.
61. The refurbishment of the building approved as part of site plan review shall be consistent with an approved color and materials board and representative color section rendering of the proposed building to be reviewed and approved by the Planning Manager. Any substantial alteration shall require Planning Commission approval.

Signage

62. 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 back-lit illuminated canister signage or as pan channel letter.

Walls and Fences

63. The trash enclosure shall be constructed of masonry block consistent with City standards with a stucco finish and color to match the primary structure.
64. Slatted chain link fencing shall be allowed per the Planning Manager. Slat color shall be approved by the Planning Manager prior to fencing installation.

Automotive Repair Shops

65. Conditional Use Permits 2016-09, 10 and 11 allow for an automotive repair shop consistent with the conditions of approval, as follows:
 - 1) CUP 2016-09 – Suite 120 – 1,550 square feet
 - 2) CUP 2016-10 – Suite 110 – 1,829 square feet
 - 3) CUP 2016-11 – Suite 112 – 3,544 square feet

66. The automotive repair shop may offer the following general automotive repair services:

- Lube, oil and filter services.
- Tune-ups and fuel system repairs.
- Brake services.
- Installation of shocks and struts, and other suspension repair.
- Spark plug and spark plug wire replacements.
- Computer diagnostics and electronic troubleshooting.
- Air conditioning service and repair.
- Emissions systems certification and repair.
- General maintenance inspections.

Additionally authorized repairs that may be allowed as specific, stand-alone automotive repair shops, while not offering general automotive repair services:

- Engine, transmission and driveline repair and replacement.
- Muffler and exhaust services.
- Radiator rebuilding and replacement.
- Installation of automotive accessories, including:
 - Window tinting.
 - Car alarms.
 - Car audio.
 - Automotive upholstery.
 - Automotive restoration.
 - Auto glass.

Uses specifically not allowed as part of CUP 2016-09, 10 and 11 are as follows:

- Auto body repair/collision repair, including painting.
- Tire and wheel sales and installation (including alignments).
- Automobile sales.
- Automobile rentals.

67. Outdoor storage and/or display of merchandise and/or goods and materials shall not be allowed.
68. All automotive repair work, including vehicle inspections, shall occur inside of the structure.

69. Overnight parking of vehicles shall only occur within the interior of the building or within the outdoor vehicle storage yard. Required parking shall not be utilized for the overnight storage of vehicles.
70. The applicant and property owner shall ensure that no abandoned or wrecked vehicles are stored on the project site.
71. Non-operative vehicles shall not queue within or otherwise be located within the public right-of-way at any time. Non-operative vehicles shall only be stored within the automotive repair shop and the outdoor vehicle storage yard. Required parking shall not be utilized for the storage of non-operative vehicles.

(OR)

Motion 2: Move to continue the applications for Conditional Use Permits 2016-09, 10 and 11 and Site Plan Review 2016-20 to the August 9, 2016 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the applications for Conditional Use Permits 2016-09, 10 and 11 and Site Plan Review 2016-20, based on and subject to the following findings: (specify)

ATTACHMENTS

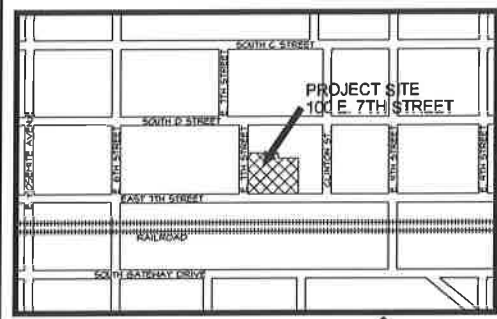
Aerial Photo
Site Plan
Floor Plan
Elevations

Aerial Photo



MADERA APIARIES PRESENTS: MADERA COMMERCE CENTER

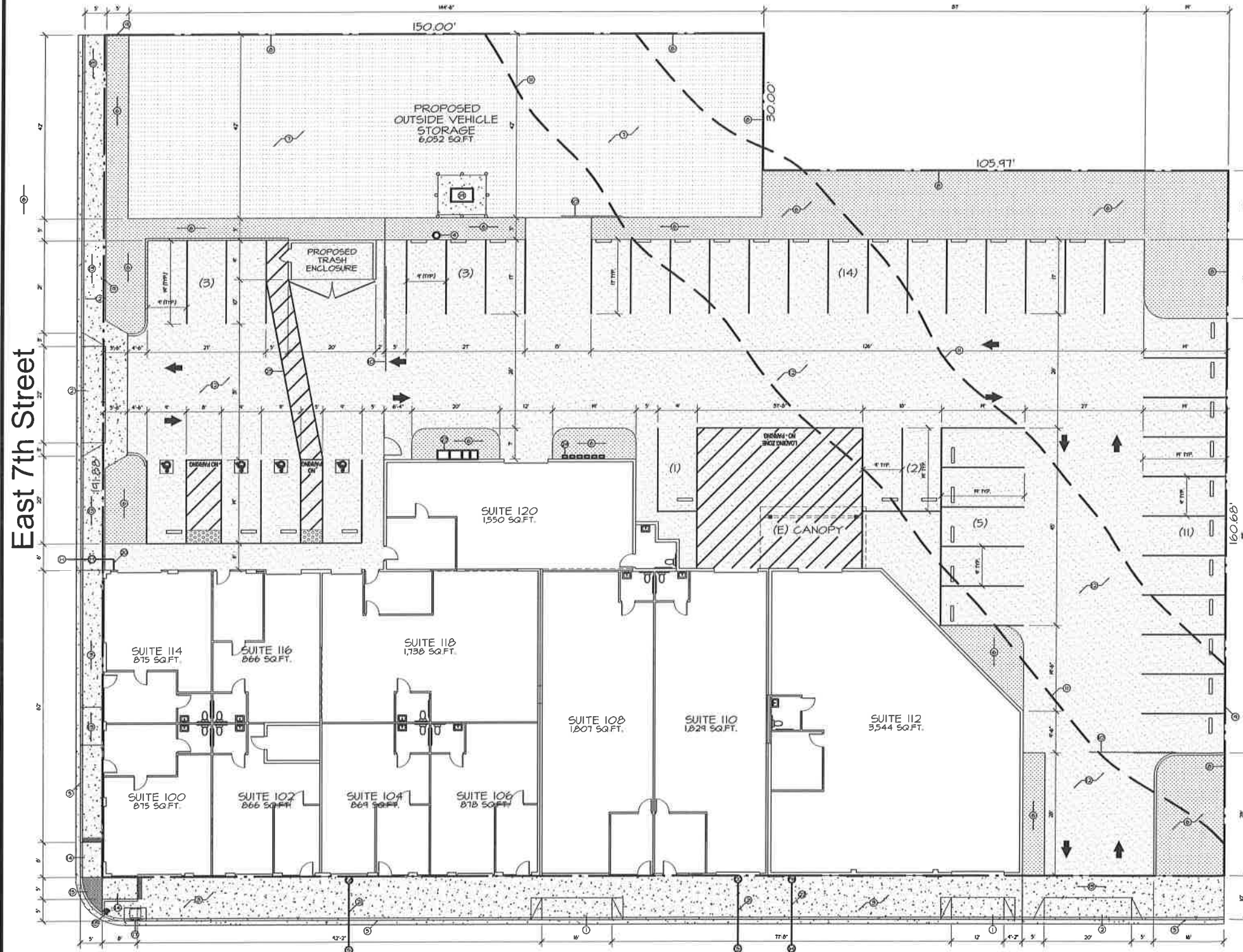
100 EAST 7TH STREET
MADERA, CA 93638



VICINITY MAP



- KEY NOTES:**
- 1 RE CONCRETE DRIVEWAY APPROACH TO REMAIN AS EXISTING
 - 2 NEW CONCRETE DRIVEWAY APPROACH PER CITY STANDARDS
 - 3 RE CONCRETE SIDEWALK TO REMAIN AS EXISTING
 - 4 RE POWER POLE TO REMAIN AS EXISTING
 - 5 RE CONCRETE CURB & GUTTER TO REMAIN AS EXISTING
 - 6 NEW LANDSCAPING AREA PER LANDSCAPE PLAN
 - 7 NEW 6" ROAD BASE COVER
 - 8 8 FT HIGH CHAIN LINK FENCE W/ PRIVACY SLATS
 - 9 SITE PROPERTY LINE
 - 10 8" HIGH CHAIN LINK GATE W/ PRIVACY SLATS PER PLAN
 - 11 MADERA IRRIGATION DISTRICT SOFT EASEMENT
 - 12 RE ASPHALT PAVING TO BE SEALED & PAINTED
 - 13 NEW CONCRETE SIDEWALK PER CITY STANDARDS
 - 14 NEW ACCESSIBLE PEDESTRIAN CURB RAMP PER CITY STANDARDS
 - 15 NEW UNPAVED DRIVE PER CITY STANDARDS
 - 16 NEW 2" THICK A.C. PAVING OF 4" A.G. BASE PER CITY STANDARDS
 - 17 RE STORM WATER PLET TO REMAIN AS EXISTING
 - 18 RE FIRE HYDRANT TO REMAIN AS EXISTING
 - 19 NEW PAD MOUNTED ELECTRICAL TRANSFORMER PER UTILITY CO.
 - 20 RE 2" WATER MAIN w/ WATER METER PER CITY STANDARDS
 - 21 RE 4" SEWER MAIN w/ 2 HAY CLEAN-OUT PER CITY STANDARDS
 - 22 RE 4" FIRE SPRINKLER MAIN PER CITY STANDARDS
 - 23 NEW HAN SHEDDARD 205TADZY 58 44 NEWA 26
 - 24 NEW GAS METER BANK 022 HETER HANFOLD PER PH1
 - 25 SPT HIDE ACCESSIBLE OF TRAVEL



PROJECT DIRECTORY
OWNER: MADERA APIARIES
UBALDO GARCIA HERNANDEZ
PO BOX 925
MADERA, CA 93634
(559) 871-5534

ARCHITECT: VILLA DI UBALDO
UBALDO GARCIA HERNANDEZ
PO BOX 925
MADERA, CA 93634
(559) 871-5534

PROJECT DATA
APPLICANT: MADERA APIARIES
UBALDO GARCIA HERNANDEZ
PO BOX 925
MADERA, CA 93634
(559) 871-5534

SITE ADDRESS: 100 EAST 7TH STREET
MADERA, CA 93638

APN: 007-184-028

ZONING: C2 - HEAVY COMMERCIAL

GENERAL PLAN LAND USE: HEAVY COMMERCIAL

OCCUPANCY: B / P-1 / H / S-1 / S-2 / U

CONSTRUCTION TYPE: VB / NON-SPRINKLERED

SITE AREA:
SITE AREA: 145,809 SQ. FT.
EXISTING SITE COVERAGE: 34 %

PROPOSED BUILDING AREA:

PROPOSED TENANT SPACE #100	875 SQ.FT.
PROPOSED TENANT SPACE #102	866 SQ.FT.
PROPOSED TENANT SPACE #104	869 SQ.FT.
PROPOSED TENANT SPACE #106	878 SQ.FT.
PROPOSED TENANT SPACE #110	1,824 SQ.FT.
PROPOSED TENANT SPACE #112	3,544 SQ.FT.
PROPOSED TENANT SPACE #114	875 SQ.FT.
PROPOSED TENANT SPACE #116	866 SQ.FT.
PROPOSED TENANT SPACE #118	1,738 SQ.FT.
PROPOSED TENANT SPACE #120	1,550 SQ.FT.
TOTAL AREA:	15,347 SQ.FT.

PARKING PROVIDED:

PROPOSED PARKING	50 STALLS
STANDARD STALLS PROVIDED	4 STALLS
BARNDROP ACCESSIBLE STALLS PROVIDED	45 STALLS
TOTAL STALLS PROVIDED:	49 STALLS
TOTAL PARKING RATIO:	21 STALLS / 1,000 SQ.FT.

SHEET SCHEDULE
ARCHITECTURAL

A1.1 SITE PLAN
A3.0 EXISTING & DEMOLITION FLOOR PLAN
A5.1 PROPOSED FLOOR PLAN
A6.2 PROPOSED EXTERIOR ELEVATIONS

Project Directory

Project Data

Site Area

Proposed Building Area

Parking Provided

Sheet Schedule

Revisions

Architect

Villa Di Ubaldo
Architecture, Engineering & Development
Ubaldo Garcia Hernandez
Architect Lic. No. C-35319

PO BOX 925
MADERA, CA 93639

Madera Apiaries Presents:
MADERA COMMERCE CENTER
PO BOX 925
MADERA, CA 93639

Phone: (559) 871-5534
Email: maderapiaries@hotmail.com

DATE: 6 / 23 / 2015
DRAWN BY: UBALDO GARCIA
SCALE: 1" = 10'-0"
JOB NO: 2015 - 0601

SITE PLAN

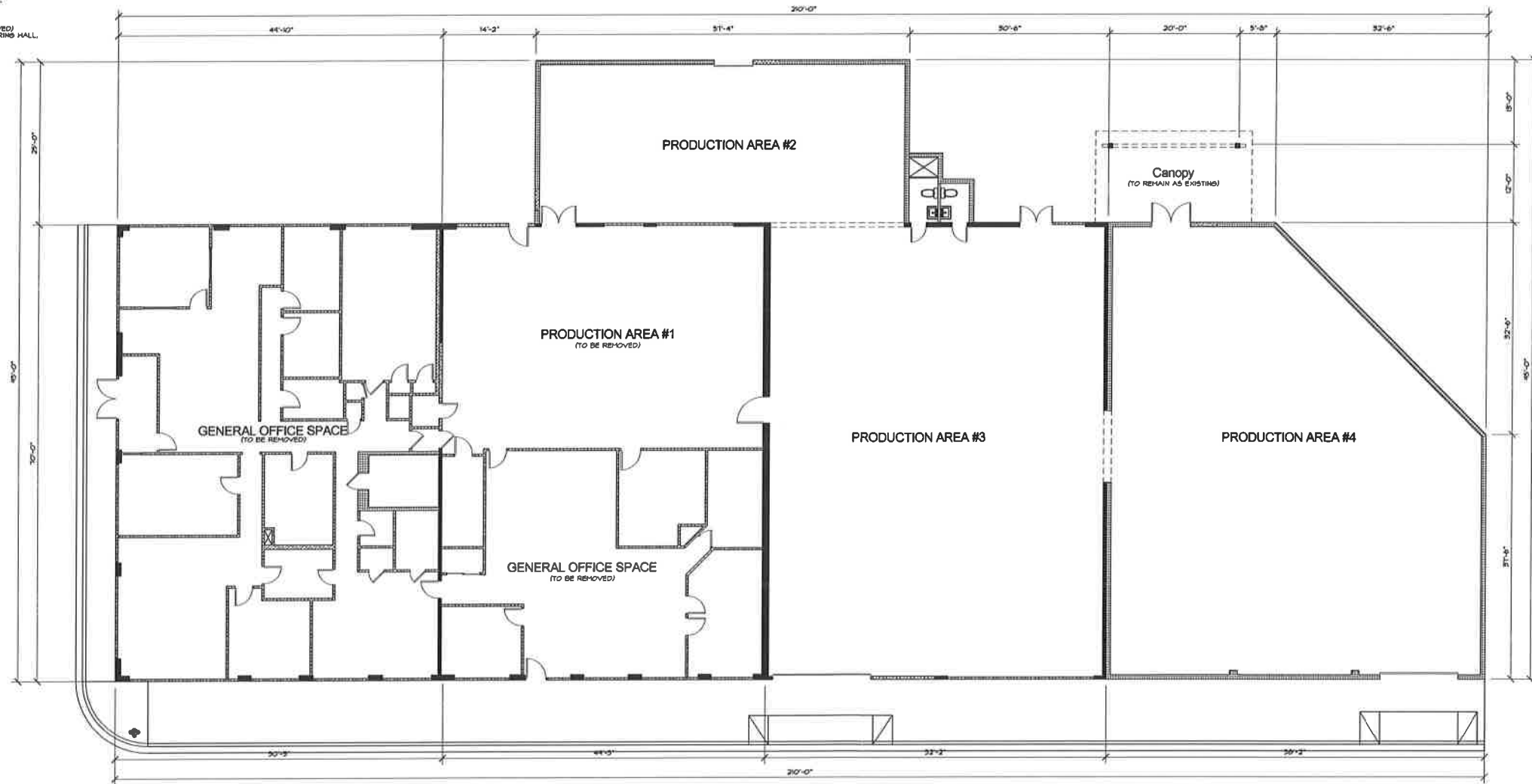
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DEMOLITION NOTES

1. THE EXTENT OF ANY/ALL DEMOLITION SHALL BE AS INDICATED ON THESE DRAWINGS.
2. COORDINATE ALL DEMOLITION WORK WITH ARCHITECTURAL, STRUCTURAL, PLUMBING, MECHANICAL, ELECTRICAL, AND INTERIOR DRAWINGS WHERE APPLICABLE.
3. THE CONTRACTOR SHALL PROVIDE ADEQUATE PROTECTION FOR ALL ADJACENT FINISHES TO REMAIN.
4. STOCKPILE AND REMOVE FROM SITE ALL DEBRIS CREATED BY DEMOLITION WORK.
5. CONTRACTOR AND OWNER TO DETERMINE OWNERSHIP AND DISPOSITION OF SALVAGED ITEMS.
6. CONTRACTOR SHALL ALLOW FOR ALL NECESSARY TEMPORARY PROPPING AND SUPPORT OF EXISTING STRUCTURES WHILE WORK IS IN PROGRESS.
7. REMOVE EXISTING FLOOR FINISHES, HALLS AND CEILING IN AREA AFFECTED BY THE TENANT IMPROVEMENT AS SHOWN ON PLAN.
8. UNLESS NOTED OTHERWISE, PATCH AND REPAIR TO MATCH REMAINING ADJACENT WALLS, FLOORS AND CEILING WHERE EXISTING MEETS NEW.
9. REMOVE EXISTING PLUMBING FIXTURES AND CAP ALL EXISTING UTILITIES AS REQUIRED.
10. REMOVE EXPOSED ELECTRICAL, PHONE AND DATA WIRING AS REGISTERED.
11. ANY REQUIRED DEMOLITION MUST FIRST BE APPROVED BY ARCHITECT AND PROPERTY OWNER PRIOR TO COMMENCING WORK.

WALL LEGEND

- A** (EXISTING HALL TO REMAIN) CAST IN PLACE CONCRETE HALL TO REMAIN AS EXISTING EXCEPT WHERE NOTED OTHERWISE SEE EXTERIOR ELEVATIONS FOR PAINT AND FINISHES.
- B** (EXISTING HALL TO REMAIN) 8" CMU BEARING WALL TO REMAIN AS EXISTING EXCEPT WHERE NOTED OTHERWISE SEE EXTERIOR ELEVATIONS FOR PAINT AND FINISHES.
- C** (EXISTING HALL TO REMAIN) INTERIOR/EXTERIOR NON-BEARING HALL, 2x6 FRAMING AT 16" O.C. INTERIOR/EXTERIOR NON-BEARING BALLOON FRAMED HALL w/ 1/2" SHEET ROCK, ASTER & R-R BATT INSULATION AT EXTERIOR.
- D** (EXISTING HALL TO REMAIN) INTERIOR NON-BEARING HALL, EXISTING INTERIOR PARTITION, 2x4 DP STUDS AT 16" O.C. WITH 1/2" SHEET ROCK, TAPE, TEXTURED AND PAINTED TO REMAIN AS EXISTING.
- E** (EXISTING HALL TO BE REMOVED) INTERIOR/EXTERIOR NON-BEARING HALL TO BE REMOVED PER PLANS.



Existing Building Area:

GENERAL OFFICE AREA:	5,236 sq. ft.
PRODUCTION AREA #1:	1,740 sq. ft.
PRODUCTION AREA #2:	1,433 sq. ft.
PRODUCTION AREA #3:	3,142 sq. ft.
PRODUCTION AREA #4:	3,514 sq. ft.
TOTAL AREA:	15,741 sq. ft.



Villa Di Ubaldo
Architecture, Engineering & Development
 PO BOX 925
 MADERA, CA 93639
 Ubaldo Garcia Hernandez
 Tel: (559) 871-5534
 Email: villa@vdiubaldo.com

REVISIONS:

Madera Apiaries Presents:
MADERA COMMERCE CENTER
 PO BOX 925
 MADERA, CA 93639
 Phone: (559) 871-5534
 Email: maderacommerce@normal.com

DATE	6 / 23 / 2015
DRAWN BY	UBALDO GARCIA
SCALE	1/8" = 1'-0"
PROJECT	2015 - 0801

Existing / Demolition Floor Plan

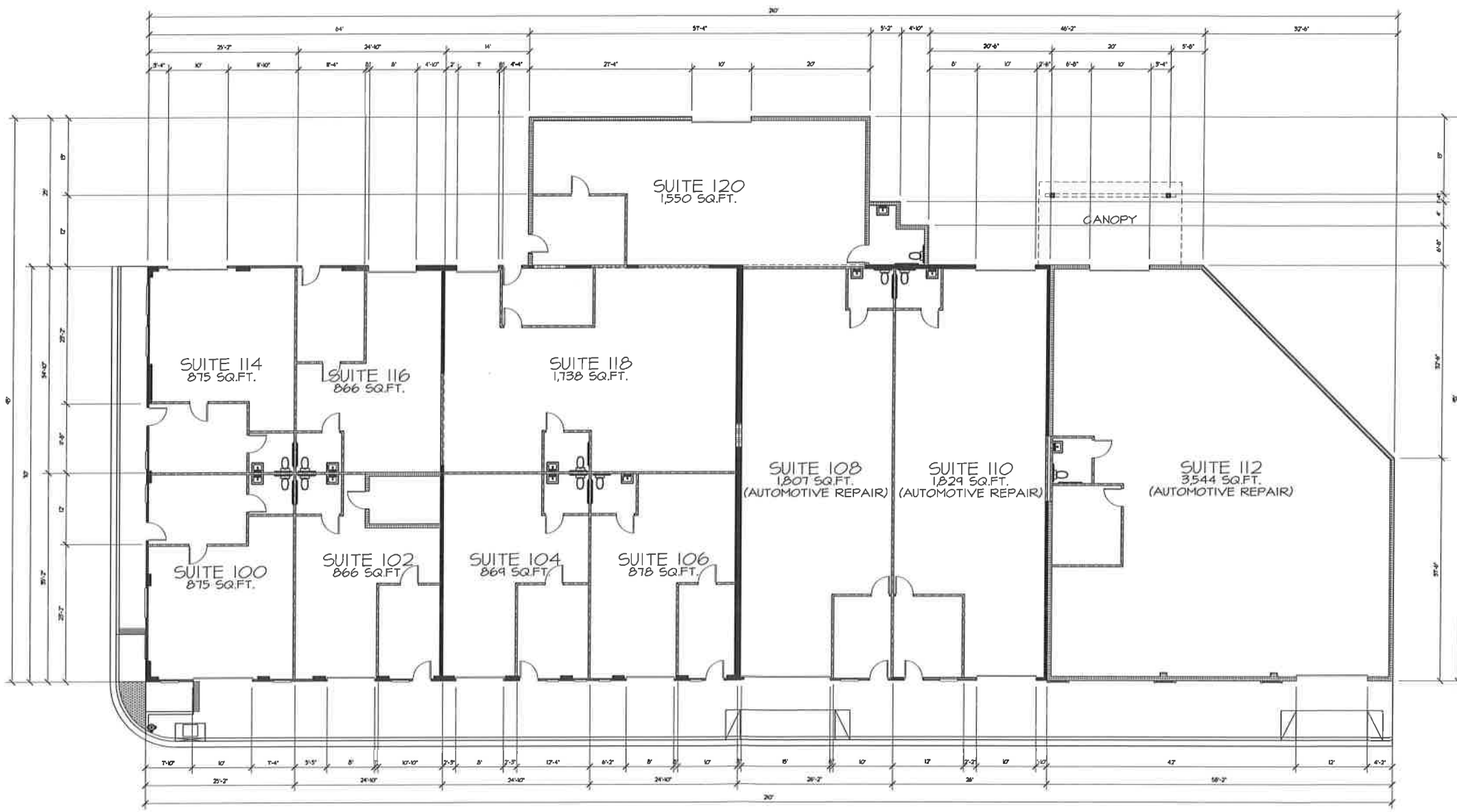
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GENERAL NOTES Architectural:

- DRAWINGS ARE NOT TO BE SCALED. DIMENSIONS GOVERN.
- ALL DIMENSIONS OF EXISTING STRUCTURE ARE APPROXIMATE.
- VERIFY IN FIELD ALL BASE DIMENSIONS AND FINISHES. DIMENSIONS INSIDE LIMIT OF WORK FROM TO BEARING CONSTRUCTION. NOTIFY ARCHITECT OF ANY DISCREPANCIES.
- INTERIOR WALL FINISHES TO BE HEAVY BLENDED. VERIFY WITH WALL LEGEND AND STRUCTURAL DRAWINGS.
- PROVIDE ALL BLOCKS REQUIRED FOR COMPLETE INSTALLATION OF FINISH MATERIALS, HANDRAILS, RELIQUETS AND FLOOR OFFSETS AT ALL THRESHOLDS AND ANY CHANGE IN FLOOR MATERIAL SHALL BE A MAXIMUM OF 1/2" INCH. OFFSETS GREATER TO OR LESS THAN 1/4" INCH MAY BE VERTICAL. OFFSETS GREATER THAN 1/4" INCH REQUIRE A MAXIMUM REVISED SLOPE OF 1 UNIT VERTICAL TO 2 UNITS HORIZONTAL.
- HANDRAIL FINISH AND CLASS OF FINISH MATERIALS USED ON INTERIOR WALLS AND CEILING SHALL MEET OR EXCEED THE REQUIREMENTS OF 2007 CBC SECTION 909 AND TABLE 909.5.
- PROVIDE EMERGENCY LIGHTING ON EMERGENCY POWER SUPPLY. MAINTAIN MINIMUM ONE FOOT-CANDLE ILLUMINATION. TESTING OF EMERGENCY LIGHTING IS REQUIRED AND MUST BE BY DISCONNECTING MAIN SWALL FOR TESTING PRIOR TO FINAL INSPECTION.
- NO BACK TO BACK ELECTRICAL BOXES ARE PERMITTED.
- ALL EXPOSED EDGES AND / OR CORNERS ON ALL PAINTED DRYWALL CONSTRUCTION SHALL RECEIVE A METAL BEAD FINISH TO BE PAINTED AND FLOATED SMOOTH.
- HERE NEW WALLS ARE TO ALIGN WITH EXISTING PARTITIONS AND / OR COLUMNS. REMOVE EXISTING CORNER BEAD, TAPE SPACKLE AND SAND SMOOTH EDGES AS NECESSARY TO A FINISH ALONG THE EXISTING SURFACE SO THAT THE NEW FINISH IS NOT OBVIOUS.
- ALL FLOOR SLABS SHALL BE PATCHED SMOOTH AS REQUIRED TO ACCEPT NEW FLOOR FINISHES.
- ALL SUSPENDED CEILING TILE GRID, BULKHEADS, ETC. SHALL BE SUSPENDED FROM EXISTING FRAMING ABOVE.
- ALL VERTICAL DIMENSIONS SHALL BE MEASURED FROM THE HIGHEST POINT OF THE FLOOR SLAB TO DESIRED FINISH ALIGNMENT OF ALL DOORS, WINDOWS, BULKHEADS, ETC.
- LOCATE HIGHER EDGE OF ALL DOOR THRESHOLDS 4" FROM THE ADJACENT, PERPENDICULAR PARTITION. ALL DOORS SHALL BE IN ACCORDANCE WITH IFAS AND ADA. INSTALL ALL FRAMES, DOORS AND HARDWARE IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- ALL PENETRATIONS OF FIRE RATED ASSEMBLIES FLOORS, PARTITIONS, AND / OR CEILING SHALL BE FIRE STOPPED TO COMPLY WITH ALL APPLICABLE CODES AND IN ACCORDANCE WITH U.L. STANDARDS.
- ALL DRYWALL PARTITIONS ARE DIMENSIONED IN FEET AND INCHES FROM FACE OF STUD TO FACE OF STUD.
- COORDINATE ALL FLOOR AND CEILING FINISHES TO ENSURE THAT JOINTS AND TRANSITIONS BETWEEN MATERIALS, WHEN THEY ARE HALL TO HALL, HALL TO FLOOR, FLOOR TO FLOOR, FLOOR TO CEILING OR CEILING TO CEILING, WILL BE SMOOTH, TRUE LEVEL AND IN ACCORDANCE WITH THE DRAWINGS AND SCHEDULES.
- SUBMIT METHOD OF FIRE STOPPING TO BUILDING INSPECTOR FOR APPROVAL.
- PROVIDE A 5'x5' SYMBOL OFF ACCESSIBILITY AT ALL PRIMARY BUILDING ENTRANCES.
- PROVIDE 24-INCH FIRE EXTINGUISHER HOOKUP TO FOOT TRAVEL DISTANCE FROM ANY POINT IN THE BUILDING.
- UPON COMPLETION OF THE INSTALLATION OF INSULATION IN THE WALLS, FLOORS OR CEILING, THE INSULATION INSTALLER SHALL POST IN A CONSPICUOUS LOCATION IN THE BUILDING, A CERTIFICATE SIGNED BY THE INSTALLER STATING THAT THE INSTALLATION WAS PERFORMED IN ACCORDANCE WITH THE 24 REQUIREMENTS.

WALL LEGEND

- A** EXISTING HALL TO REMAIN. CAST IN PLACE CONCRETE HALL TO REMAIN AS EXISTING EXCEPT HERE NOTED OTHERWISE. SEE EXTERIOR ELEVATIONS FOR FINISH AND FINISHES.
- B** EXISTING HALL TO REMAIN. 5" GIB BEARING HALL TO REMAIN AS EXISTING EXCEPT HERE NOTED OTHERWISE. SEE EXTERIOR ELEVATIONS FOR FINISH AND FINISHES.
- C** EXISTING HALL TO REMAIN. INTERIOR/EXTERIOR NON-BEARING HALL. INTERIOR/EXTERIOR NON-BEARING HALL. FRAMED HALL WITH 1/2" SHEET ROCK/PLASTER & 6" BATT INSULATION AT EXTERIOR.
- D** EXISTING HALL TO REMAIN. INTERIOR NON-BEARING HALL. EXISTING INTERIOR PARTITION. 2" OF STUD AT 16" O.C. WITH 1/2" SHEET ROCK, TAPE, TEXTURED AND PAINTED TO REMAIN AS EXISTING.
- E** EXISTING HALL TO BE REMOVED. INTERIOR/EXTERIOR NON-BEARING HALL TO BE REMOVED PER PLAN.
- F** (NEW HALL) INTERIOR NON-BEARING HALL. 2x4 FRAMING AT 16" O.C. 1/2" SHEET ROCK.
- G** (NEW HALL) EXTERIOR NON-BEARING HALL. 2x4 FRAMING AT 16" O.C. 5-COAT BRICK. 6"-13" BATT INSULATION & 1/2" SHEET ROCK, TAPE, TEXTURED AND PAINTED PER FINISH SCHEDULE.



Building Area:

SUITE #100	1,744 sq. ft.
SUITE #102	1,142 sq. ft.
SUITE #104	1,130 sq. ft.
SUITE #106	1,824 sq. ft.
SUITE #110	1,829 sq. ft.
SUITE #112	3,544 sq. ft.
SUITE #114	1,361 sq. ft.
SUITE #116	1,361 sq. ft.
SUITE #118	1,738 sq. ft.
SUITE #120	1,550 sq. ft.
TOTAL AREA:	15,676 sq. ft.



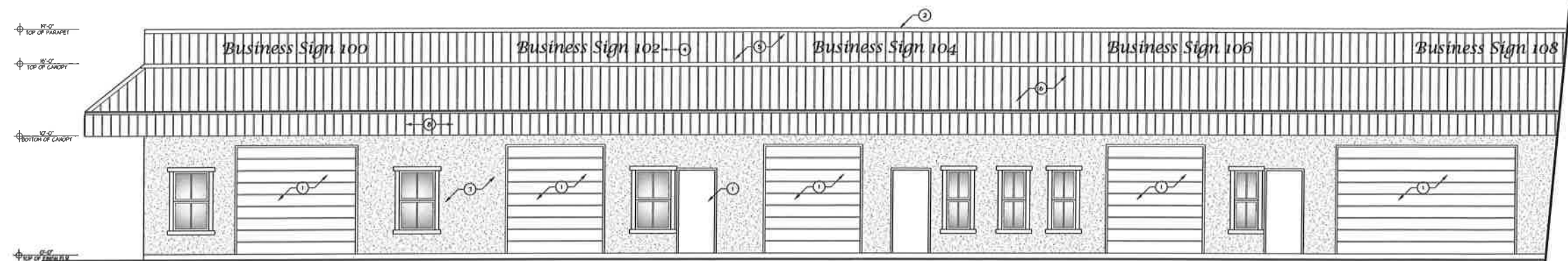
Villa Di Ubaldo
 Architecture, Engineering & Development
 Ubaldo Garcia Hernandez
 Architect Lic. No. C-35319
 PO BOX 925
 MADERA, CA 93639
 Tel: (559) 871-5534
 Email: villadiubaldo@hotmail.com

REVISIONS:

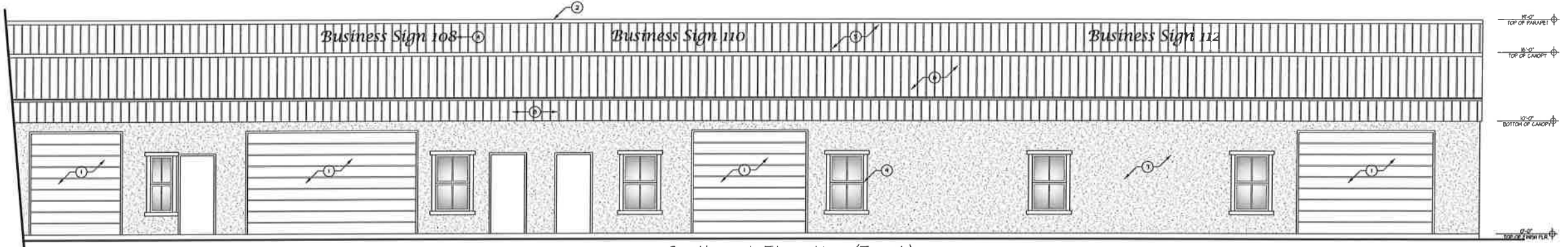
Madera Apiaries Presents:
MADERA COMMERCE CENTER
 PO BOX 925
 MADERA, CA 93639
 Phone: (559) 871-5534
 Email: maderapiaries@hotmail.com

DATE: 6 / 23 / 2015
 DRAWN BY: UBALDO GARCIA
 SCALE: 1/4" = 1'-0"
 JOB NO: 2015 - 0601

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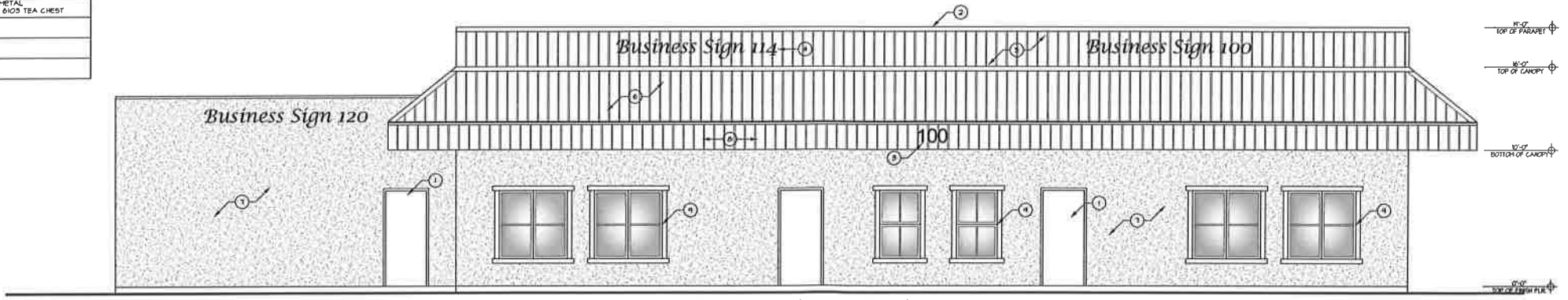
Northeast Elevation (Front)
SCALE: 1/4" = 1'-0"



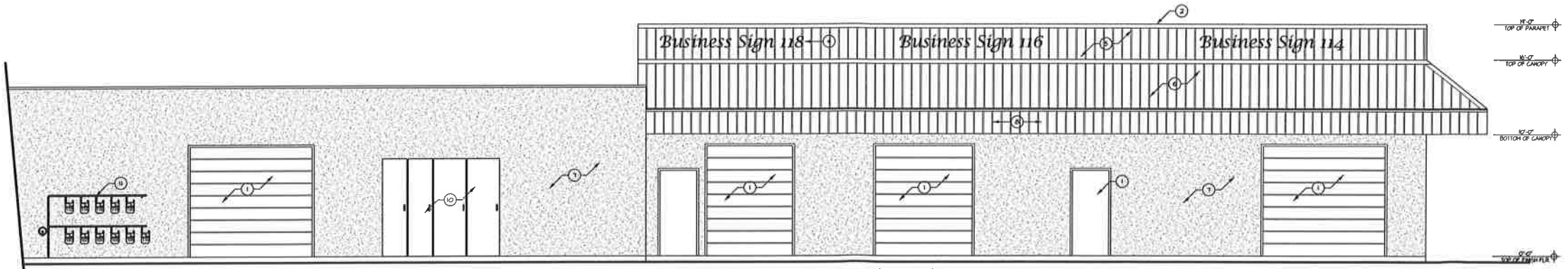
Southwest Elevation (Front)
SCALE: 1/4" = 1'-0"

EXTERIOR FINISH SCHEDULE

MATERIAL	DESCRIPTION / COLOR
1 EXTERIOR DOORS	MATERIAL: HOLLOW METAL COLOR: SHERWIN-WILLIAMS 6103 TEA CHEST
2 MISCELLANEOUS METALS DOWNSPOUT, VENTS, ETC.	26 GA. GALVANIZED SHEET METAL PAINTED, COLOR TO MATCH ADJACENT SURFACE
3 NEW BUILDING ADDRESS SIGN	INTER LIGHT ADDRESS SIGNS w/ 1/2" HIGH WHITE NUMBERS ON A GRAY BACKGROUND
4 NEW BUSINESS SIGN	WALL MOUNTED SIGNS UNDER SEPARATE PERMIT
5 NEW CORRUGATED METAL PANELING	MATERIAL: CORRUGATED METAL COLOR: SHERWIN-WILLIAMS 6103 SOUNDS OF TIME
6 (E) METAL ROOF PANELING	MATERIAL: CORRUGATED METAL COLOR: SHERWIN-WILLIAMS 6103 TEA CHEST
7 (E) STUCCO WALLS	MATERIAL: CONCRETE STUCCO COLOR: SHERWIN-WILLIAMS 6101 SOUNDS OF TIME
8 NEW CORRUGATED METAL PANELING	MATERIAL: CORRUGATED METAL COLOR: SHERWIN-WILLIAMS 6103 TEA CHEST
9 NEW VINYL SIDING	MATERIAL: VINYL COLOR: WHITE
10 NEW ELECTRICAL HUB	MATERIAL: METAL COLOR: FACTORY FINISH
11 NEW GAS PETER HANFOLD	MATERIAL: METAL COLOR: FACTORY FINISH



North Elevation (Left Side)
SCALE: 1/4" = 1'-0"



North East Elevation (Rear)
SCALE: 1/4" = 1'-0"

Proposed Exterior Elevations

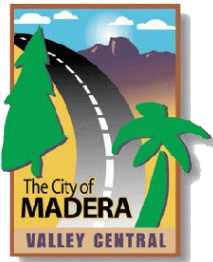


Villa Di Ubaldo
Architecture, Engineering & Development
 Ubaldo Garcia Hernandez
 Architect Lic. No. C-35319
 PO BOX 925
 MADERA, CA 93639
 Tel: (559) 871-5534
 Email: villa@villadiubaldo.com

REVISIONS:

Madera Apiaries Presents:
MADERA COMMERCE CENTER
 PO BOX 925
 MADERA, CA 93639
 Phone: (559) 871-5534
 Email: maderapiaries@hotmail.com

DATE: 8/23/2015
 DRAWN BY: UBALDO GARCIA
 SCALE: 1/4" = 1'-0"
 JOB NO.: 2015-0801
 SHEET



CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Whole Body Bootcamp (Performance Review)
CUP 2015-21 & SPR 2015-25
Item # NP1 – July 12, 2016**

PROPOSAL: A review of the performance of Conditional Use Permit 2015-21 allowing for a training fitness facility.

APPLICANT:	Debbie Coate	OWNER:	Berry Construction
ADDRESS:	311 South Pine Street	APN:	012-230-021 & 022
APPLICATIONS:	CUP 2015-21 & SPR 2015-25	CEQA:	Categorical Exemption

LOCATION: The project site is located at the southeast corner of South Pine Street and Maple Street.

STREET ACCESS: The site has access to South Pine Street and Maple Street.

PARCEL SIZE: 4.2 acres (5,000 sq. ft. of lease space of a 22,500 sq. ft. building)

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The use is a portion of a building within a small industrial park consisting of six (6) buildings, most being divided into multiple tenant spaces that are used for a variety of uses ranging from classic industrial processing and automotive services to public offices.

ENVIRONMENTAL REVIEW: The project is categorically exempt under 15301 (Existing Facilities) of CEQA Guidelines.

SUMMARY: Approved in September of 2015, Conditional Use Permit 2015-21 allowed for the establishment of a fitness training facility. Conditions of approval required on- and off-site improvements be completed, including upgrades to the water meter and sewer connection, construction of new sidewalk, and ADA accessibility. Conditions of approval also prohibited outdoor activities as a component of their business operations. Although multiple efforts have been made since approval of the use permit, Staff has yet to receive signed conditions of approval and no significant progress has been made towards completing the required conditions of approval. There is currently a 50% compliance rate with the conditions of approval.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.405 Uses
MMC § 10-3.505 R; Conditional Uses; Commission Approval
MMC §10-3.1002, Industrial Zones, Uses Permitted
MMC § 10-3.1301 Use Permits
MMC § 10-3.1311 Termination and Revocation

PRIOR ACTION

PAC Studio secured Conditional Use Permit 2009-19 that allowed for the establishment of a performing arts studio within a 5,000 square foot tenant space. Conditional Use Permit 2015-21 and Site Plan Review 2015-25 allowed for the establishment of a fitness training facility (Whole Body Bootcamp) within the existing PAC Studio.

ANALYSIS

Whole Body Bootcamp's use permit allowed for the establishment of a fitness training facility that utilizes half of PAC Studio's tenant space. Conditions of approval require consistency with the California Fire and Building Code, an ADA path of travel and the training activities to occur within the tenant space at all times. The conditions of approval adopted by the Planning Commission and agreed to by the property owner and applicant were intended to ensure the project site would be improved to reflect the current development standards of the City, providing compatibility with the surrounding uses, compliance with City and ADA standards, and conformance with the General Plan.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2015-21. These conditions were evaluated by staff for compliance. Shaded conditions of approval are currently not in compliance. Of the thirty-four (34) total conditions of approval, seventeen (17) need attention in order to be in compliance with the conditions of approval. Compliance with 17 of the 34 conditions of approval equates to a 50 percent compliance rate.

Significant progress has not been made towards meeting the conditions aimed at resolving issues discussed during the entitlement process. Still, we have not received signed conditions of approval or submission for a building permit for completion of fire and life safety building improvements. The Fire Marshal's most recent inspection approximately one month ago resulted in non-compliance with all Fire Department-related conditions of approval. There have been outdoor activities occurring recently in the parking lot of the industrial site.

RECOMMENDATION

It is recommended that Conditional Use Permit 2015-21 be scheduled for a public hearing at the August 9, 2016 Planning Commission meeting to determine whether revocation is appropriate.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2015-21, determining to either:

- schedule a public hearing to consider revocation of the use permit, or
- find that the review of the use permit is not warranted at this time

Motion 1: Based on the following findings, move to schedule a public hearing to consider revocation of Conditional Use Permit 2015-21 at the August 9, 2016 Planning Commission regularly scheduled meeting.

Findings

- Staff has observed non-compliance with the conditions of approval, warranting review of Conditional Use Permit 2015-21, as approved by the Planning Commission on September 8, 2015.

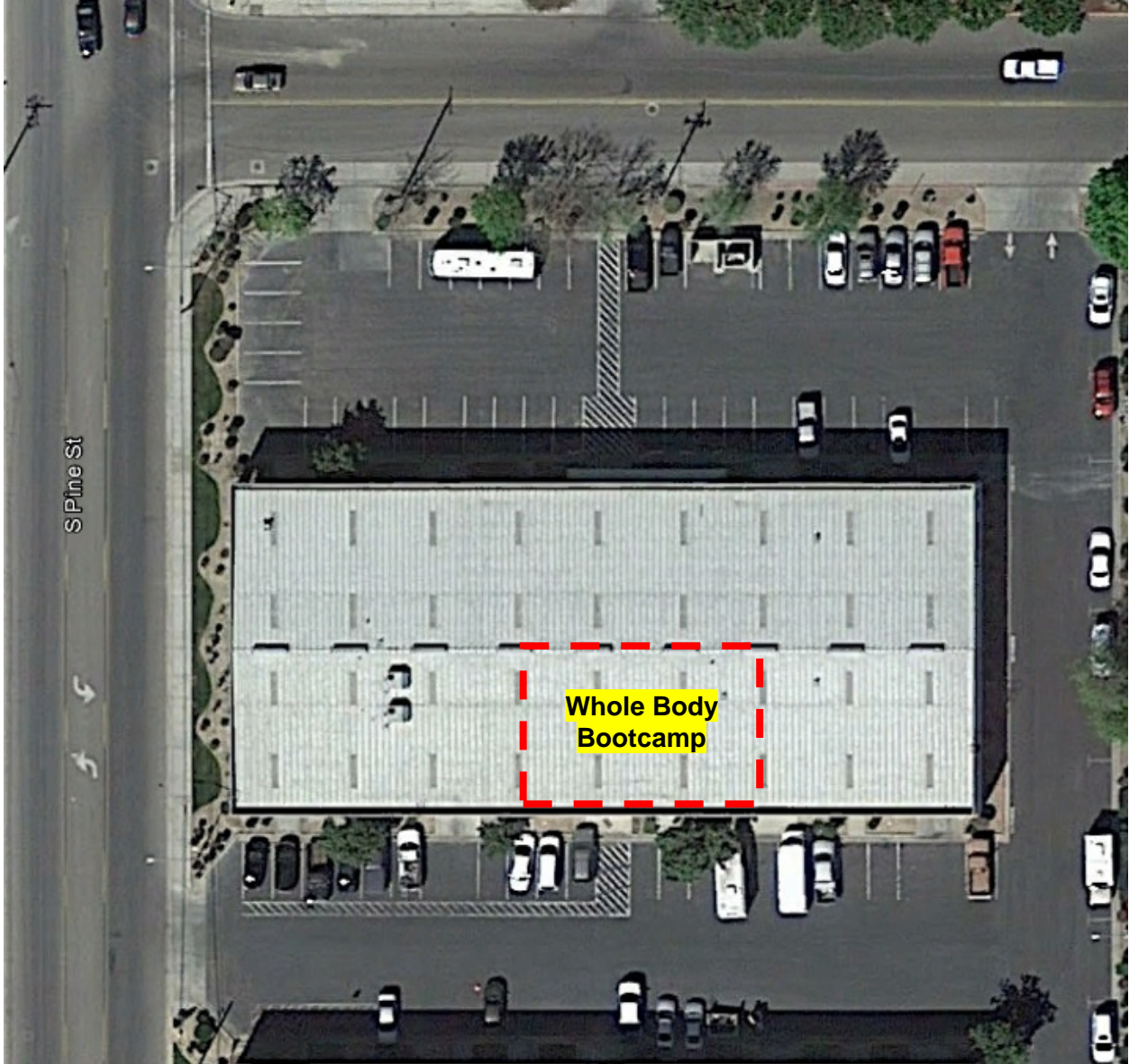
(OR)

Motion 2: Move to find that the review of Conditional Use Permit 2015-21 is not warranted at this time for the following reasons: (specify)

ATTACHMENTS

Aerial Map
Conditions of Approval Compliance Matrix

Aerial Photo



Conditions of Approval Compliance Matrix

Condition No.	Condition Statement	Condition Status
1.	Project approval is conditioned upon acceptance of the conditions of approval, as evidenced by receipt in the Planning Department of the application's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.	Not received
2.	Site Plan Review 2015-25 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).	Not received
3.	The use permit 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.	Procedural
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.	Procedural
5.	Conditional Use Permit 2015-21 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.	Procedural
6.	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.	Not in compliance

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.	Not in compliance
8.	Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to this site plan review.	In compliance
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.	Not in compliance
10.	The applicant shall acknowledge that other businesses may located in the immediate vicinity, as allowed in an industrial zone, which may generate significant noise, odor or vibration that would not be considered complimentary to the fitness facility.	Procedural
Building Department		
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 any plans submitted for issuance of building permits. Applicant must demonstrate the number of restrooms provided meets code or add additional restrooms as required.	No submission of Building Permit
Engineering Department		
12.	Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	In compliance
13.	The improvement plans for the project shall include the most recent version of the City's General Notes.	In compliance
14.	Existing water service connection must be to current City standards including Automatic Meter Read water meter located within City right-of-way and a backflow prevention device, located within private property.	In compliance

15.	Existing sewer connection shall be upgraded to meet current City standards.	Not in compliance
16.	The developer shall construct an ADA path of travel across the existing driveway approach on Pine Street. Path of travel shall meet current City and ADA standards.	Not in compliance
17.	Existing handicap ramp at the corner of Pine Street and Maple Street shall be upgraded to meet current City and ADA standards.	In compliance
18.	The developer shall construct a sidewalk on Maple Street along the entire project frontage per City and ADA standards.	In compliance
Fire Department		
19.	Access between the spaces is mandatory since each must use the adjoining space for its secondary means of egress.	Not in compliance
20.	Panic hardware is required on egress doors.	Not in compliance
21.	Building permits are required for any proposed construction.	No submission of Building Permit
22.	The proposed floor mats must meet the smoke generation and flame spread requirements of the California Building Code and California Fire Code for assembly occupancies.	Not in compliance
23.	The occupant load must be clearly posted and visible from the entry door	Not in compliance
24.	Emergency lighting is required.	Not in compliance
Planning Department		
25.	This use permit allows for the establishment of a fitness facility in approximately half of a 5,000 square foot tenant suite. Alteration to the approved site plan may require	Outdoor activities occurring

	amendment of the Conditional Use Permit and/or Site Plan Review.	
26.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance
27.	No outdoor activities shall be allowed. Outdoor storage of goods and/or materials shall not be allowed.	Outdoor activities occurring
28.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	In compliance
29.	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/refuse containers owned by the property owner.	In compliance
30.	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.	Business License not approved
31.	The business may be open from as early as 5:00 a.m. in the morning to as late as 8:00 p.m. at night, seven days a week.	Procedural
32.	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.	In compliance
33.	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 Commission.	In compliance
34.	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.	Sign Permit Approved