

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
March 10, 2015
6:00 pm**

CALL TO ORDER

ROLL CALL

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

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: February 10, 2015

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

1. CUP 2015-01 & SPR 2015-02 – Madera Star Smog

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an automotive smog check business to be located approximately 100 feet southwest of the intersection of South C Street and East 6th Street (217 East 6th Street), in the C1 (Light Commercial) Zone District with an C (Commercial) General Plan land use designation (APN: 007-161-013). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

2. CUP 2015-02 & SPR 2015-06 – ABC Pho Dera

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine for on-site consumption at a restaurant located near the southeast corner of West Olive Avenue and Martin Street (200 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 012-053-017). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

3. CUP 2006-30 MOD & SPR 2015-08 – Harris Daycare Modification

A noticed public hearing to consider modification of a conditional use permit and site plan review to allow for expansion of an existing daycare located at the northeast corner of South J Street and West 6th Street (125 South J Street) in the R3 (Residential) Zone District with an LD (Low Density) General Plan land use designation (APN: 010-125-007). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

4. VAR 2015-01 – Jack in the Box Signage

A noticed public hearing to consider a variance from the Sign Regulations of the City of Madera to allow for a twenty (20') foot tall freestanding sign at a multiple business development located near the northeast corner of East Yosemite Avenue and Tozer Street (1545 East Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 008-143-031). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15311.

5. Fiscal Year 2015/16 to 2019/20 Capital Improvement Program Determination of Conformity to the City of Madera General Plan

A noticed public hearing to consider a resolution finding the Fiscal Year 2015/16 to 2019/20 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401. The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15061(b)(3).

**6. OTA 2014-01 – Housing Element Streamlining Process Ordinance Amendment
(Staff Requests that this item be Continued to April 14, 2015)**

A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an ordinance amending Title X: Planning and Zoning of the Madera Municipal Code to be in compliance with the state Department of Housing and Community Development requirements for qualification for the Housing Element streamlined review process.

NON-PUBLIC HEARING ITEMS

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on April 14, 2015.

I, Zelda León, Recording Secretary for the City of Madera Planning Commission, declare under penalty of perjury that I posted the above agenda for the regular meeting of the Planning Commission for March 10, 2015, near the front entrances of City Hall at 9:20 am on March 5, 2015.



Zelda León, Recording Secretary

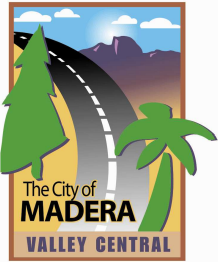
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Madera Star Smog CUP 2015-01, SPR 2015-02 and Environmental Determination Item #1 – March 10, 2015

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of an automotive smog check business.

APPLICANT:	Jatinder Singh	OWNER:	Rochelle Noblett
ADDRESS:	217 East 6 th Street	APN:	007-161-013
APPLICATION:	CUP 2015-01 & SPR 2015-02	CEQA:	Categorical Exemption

LOCATION: The property is located at the northwest corner of the intersection of South C Street and East 6th Street.

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

PARCEL SIZE: 7,500 square feet

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The site is a fully developed commercial property that includes a parking field which serves both the project site and an adjacent parcel. The 1,400 square foot lease space is a part of a larger building which includes Pete's Sports Shop. Commercial development consistent with the downtown district surrounds 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 & RECOMMENDATION: The use is consistent with the purpose and intent of the Zoning Ordinance and can be made compatible with the surrounding uses. Staff recommends approval of the automotive smog check business.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.801 Light Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits

The General Plan designates the project site as C (Commercial) property. The project site is located in the C1 (Light Commercial) Zone District. The C1 (Light Commercial) Zone District allows for the establishment of an automotive smog shop subject to the approval of a use permit by the Planning Commission.

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

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

PRIOR ACTION: This application for conditional use permit and site plan review were continued to March 10, 2015 at the Planning Commission's February 10, 2015 meeting.

ANALYSIS

Background

The proposed use would occupy an approximately 1,400 square foot portion of an existing structure formerly utilized as a screen print shop by the adjacent Pete's Sports Shop. The prior tenant operated a non-permitted used appliance store from the proposed lease space. Issues discussed as part of this analysis include operational concerns and parking requirements.

Operations

Madera Star Smog proposes to operate a California smog certification station. No other services will be provided beyond the smog check itself, and small parts replacement specific to assisting vehicles to passing the smog check. The smog check will be completed using a laptop computer connected to the vehicle emissions system. The only other equipment proposed is an air compressor to check automobile tire pressure. A waiting room will be provided for patrons. The business proposes to be open six days a week, Monday through Friday from 8:00 a.m. until 5:30 p.m., and Saturday from 9:00 a.m. until 2:00 p.m.

No other automotive services will be provided as part of the proposed business. No drive train repairs, fluid changes, suspension work and the like will be offered. Only smog checks will be performed, with minor adjustments to vehicles sufficient to pass smog certification. The conversion of the structure does result in a change in building occupancy. Structural improvements may be required in advance of issuance of a business license.

Parking

The project site is fully developed to include a parking lot that serves not only the proposed project lease area but the overall 9,000 square foot Pete's Sports Shop building as well. In that the project proposes no building expansion and is located within the downtown parking district, no additional parking is required as a component of the use permit request. It is recommended that the existing parking field be striped to City standard to provide maximum utilization of the parking lot and safety for patrons to the site.

General Plan Conformance

The establishment of an open-bay smog shop is potentially inconsistent and/or incompatible with the downtown retail environment contemplated by the General Plan. In this case, existing conditions in proximity to the proposed use allow for a finding of compatibility. The owner of the primary Pete's Sports Shop structure ultimately controls the tenancy of the project site, minimizing the potential for actual conflicts. Based on these factors, it is reasonable to view this use as an interim use; otherwise the approval of this kind of use might tend to limit the desirability of area for traditional downtown commercial in the future and make it difficult to make findings of support for the project.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although approval of an automotive smog check business in a commercial zone district is not specifically addressed in the vision or action plans, the overall project does directly support "the need for good jobs and a broad spectrum of business opportunities." Moreover, **Action 115.1 and 115.2** "encourage viable economic development" and "increase retail outlets and promote Shop Madera ..."

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports conditional approval of the use permit and site plan review request.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2015-01 and Site Plan Review 2015-02, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2015-01 and Site Plan Review 2015-02, based on and subject to the findings and conditions of approval:

Findings

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

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.
2. Site Plan Review 2015-02 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before the expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
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.
4. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Conditional Use Permit 2015-01 will expire and be rendered null and void if the use is discontinued for a twelve month period.
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.

Building Department

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

Engineering Department

8. Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.
9. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
10. The improvement plans for the project shall include the most recent version of the City's General Notes.
11. The handicap access ramp on northeast corner of East 6th Street and South C Street shall be reconstructed to meet current ADA and City standards.

Fire Department

12. One 2A10BC-rated portable fire extinguisher is required for each 3000 square feet of enclosed building or fraction thereof. The maximum travel distance to reach a portable fire extinguisher shall not exceed 75 feet.
13. Prior to issuance of business license, the applicant shall take the direction of the Building Official and complete all improvements required as part of the change in occupancy of the structure. A building permit shall be required for the change of occupancy and any improvements required of the structure.
14. Egress from within the building must comply for placement of the door(s) and door hardware.
15. Heavy engine repair or service work is not permitted under this Conditional Use Permit.
16. The exterior walls may require fire rated separations due to proximity to property line and other uses. This will be determined during the building permit stage.

Planning Department

17. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
18. No outdoor display of merchandise and/or outdoor storage of goods and materials shall be allowed.
19. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.

20. 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.
21. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.
22. The automotive smog check business may be open from as early as 8:00 a.m. until as late as 8:00 p.m., seven days per week.
23. The project shall be developed in accordance with the applicant's operational statement and site plan as submitted with the application for the Conditional Use Permit. Minor modifications to the site plan necessary to meet regulatory or engineering constraints may be made with written approval of the Planning Manager.
24. The existing parking field shall be striped to City standard along the northern edge of the project parcel, with parking stalls facing the structure located at 118 South C Street. At least one Americans with Disabilities Act (ADA) compliant parking stall shall be included as part of the parking lot striping.
25. No other automotive services shall be provided as part of the proposed business. No drive train repairs, fluid changes, suspension work, installation of automotive accessories and the like shall be offered. Only smog checks shall be performed, with minor adjustments to vehicles sufficient to pass smog certification.
26. All signage shall be in compliance with the Madera Municipal Code at all times.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2015-01 and Site Plan Review 2015-02 to the April 14, 2015 Planning Commission hearing:

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2015-01 and Site Plan Review 2015-02, based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo

Site Photograph

Aerial Photo



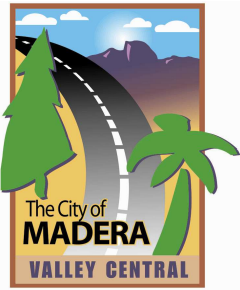
Photographs



Corner of East 6th Street and South C Street



Proposed location of the automotive smog check business



**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: ABC Pho Dera Alcohol Sales
CUP 2015-01, SPR 2015-06 and Environmental Determination
Item #2 – March 10, 2015**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the sale of alcoholic beverages for on-site consumption in conjunction with a restaurant.

APPLICANT:	Casey G. Ngo	OWNER:	Khalid B. Chaudhry
ADDRESS:	200 West Olive Avenue	APN:	012-053-017
APPLICATION:	CUP 2015-02 & SPR 2015-06	CEQA:	Categorical Exemption

LOCATION: The property is located on the southeast corner of West Olive Avenue and Martin Street.

STREET ACCESS: The site has access to West Olive Avenue and Martin Street.

PARCEL SIZE: 0.73-acre commercial center, of which the restaurant suite is a part thereof

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The 0.73-acre commercial center encompasses one fully developed parcel. ABC Pho Dera is located in one of the commercial suites on the parcel, with parking provided on-site as a component of the center overall. There is commercial development along the West Olive Avenue commercial corridor. Residential development is found to the south 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 & RECOMMENDATION: The use is consistent with the purpose and intent of the Zoning Ordinance and is harmonious with the surrounding uses. There is no compelling reason to deny the sale of alcoholic beverages in conjunction with the restaurant.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zone
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

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

PRIOR ACTION

Various land use entitlements have been granted by the Planning Commission on the project site over time. The last approved entitlements were Conditional Use Permit 2005-21, which allowed for the establishment of the existing Renteria Martial Arts, and Conditional Use Permit 2006-31, which allowed for a now defunct Game Tyme business.

ANALYSIS

Background

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for retail uses in the C1 Zone District, except that the proposed alcohol sales are allowed only with the approval of a conditional use permit. Issues discussed as part of this analysis include parking, accessibility, consumption of alcohol, noise and nuisances.

Parking

The commercial complex was developed with 40 parking spaces serving 9,902 square feet of floor area. These accommodations equate to a parking ratio of one stall per each 248 square feet of lease area. Uses typical of this type of commercial development require one parking stall per each 300 square feet of floor area. The restaurant encompasses 2,244 square feet of floor space. Using the one parking stall per each 300 square feet of lease area standard, the restaurant would be required to provide seven (7) parking stalls, but restaurant parking standards are more rigorous than standard retail services because a restaurant generates more demand for parking. Using the parking space requirements for restaurants, the restaurant is required to provide twenty (20) parking stalls. There is sufficient parking to accommodate the request.

CURRENT TENANT	GROSS FLOOR AREA	PARKING STALLS
ABC Pho Dera	2,244	20
Beauty Parlor	918	3
ACDC Battery	998	4
Martial Arts Studio	3,662	10
Liberty Tax	880	3
Non-Permitted Church	1200	Unknown
TOTAL	9,902	40

Consumption of Alcohol

The applicant wishes to serve beer and wine as a component of the operation of a restaurant. The applicant has made application to the California Department of Alcoholic Beverage Control for a Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license. The project site is located within Census Tract 5.02. For on-sale establishments, where alcohol is served only on the premises as a component of the business (such as a restaurant), there are currently two (2) ABC licenses active in this census tract. Nine on-sale licenses are allowed. Staff finds no compelling reason to disallow the sale of alcohol in association with the restaurant.

To dissuade any vagrancy issues and to protect the public's health, staff recommends that no off-sale activities occur as a component of the operation of the restaurant.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although approval of sales of alcoholic beverages are 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 ...*”

SUMMARY OF RECOMMENDATIONS

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

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2015-01 and Site Plan Review 2015-06, determining to either:

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

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

Motion 1: Move to approve the requested Conditional Use Permit 2015-02 and Site Plan Review 2015-06 based on and subject to the findings and conditions of approval as listed below.

Findings

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

- The sale of alcoholic beverages is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed sale of alcoholic beverages.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2015-02 allows for the sale of beer and wine as a component of the operation of a restaurant, consistent with the stated conditions of approval.
3. 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.
4. The use permit may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
5. This conditional use permit will expire if the use is discontinued for a twelve-month period.
6. Site Plan Review 2015-06 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
7. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

Building Department

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

Engineering Department

9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
10. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
11. The developer shall pay all required fees for completion of project. Fees due include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
12. The existing water service connection shall be upgraded to current city standards including Automatic Meter Read water meter located within City right-of-way and shall read in cubic feet and a backflow prevention device located within private property.
13. A separate water meter and backflow prevention device will be required for landscape consumption.
14. The existing sewer service connection shall be upgraded to current City standards with sewer clean out.
15. The existing handicap access ramp at the corner of West Olive Avenue and Martin Street shall be upgraded to meet current City and ADA standards.

Planning Department

16. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
17. No outdoor display of merchandise shall be allowed.
18. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed.
19. 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.
20. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
21. The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for revocation of this permit.

22. The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control.
23. The sale of alcoholic beverages shall be restricted to on-site consumption only. No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit 2015-02 and Site Plan Review 2015-06 to the April 14, 2015 Planning Commission hearing: (specify)

(OR)

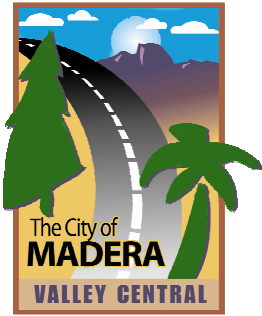
Motion 3: Move to deny the request for Conditional Use Permit 2015-02 and Site Plan Review 2015-06 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo

Aerial Photo





**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Harris Day Care Modification
CUP 2006-30 MOD, SPR 2015-08 and Environmental Determination
Item #3 – March 10, 2015**

PROPOSAL: A modification of an existing conditional use permit and site plan review to allow for expansion of an existing commercial daycare from twenty-four students to forty-one students.

APPLICANT:	Patricia J. Harris	OWNER:	Patricia J. Harris
ADDRESS:	125 South J Street	APN:	010-125-007
APPLICATIONS:	CUP 2006-30 MOD & SPR 2015-08	CEQA:	Categorically Exempt

LOCATION: This site is located on the northeast corner of South J Street and 6th Street.

STREET ACCESS: The site has vehicular access from 6th Street and the adjacent alley.

PARCEL SIZE: Approx. 7,500 Sq. Ft.

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: R3 (Residential)

SITE CHARACTERISTICS: The site is a residential corner lot located in an older residential section of the City, with an alley to the rear of the property. Residential developments of varying density surround 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 & RECOMMENDATION: The commercial daycare use has demonstrated compatibility with the surrounding area. Expansion of the use, as conditioned, will provide continued compatibility with the surrounding area. It is recommended that the Commission approve the use permit and site plan review, subject to the listed conditions of approval.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.505 R; Conditional Uses
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

Municipal Code Section 10-3.505 allows the operation of a day-care center in any residential zone subject to approval of a use permit. The Full Circle Pre-Kindergarten Learning Center day care facility is a full commercial operation and does not include a residential component. As such, the use is considered at a regular public hearing in contrast to the process employed for residential family day care homes.

The City's Zoning Ordinance allows for the granting of a use permit by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the use or building will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.

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

PRIOR ACTION

Conditional Use Permit 2006-30 was approved by the Planning Commission on August 8, 2006.

ANALYSIS

The applicant was granted a conditional use permit to operate a commercial daycare on the 125 South J Street property in 2006, and has demonstrated continual compatibility with the surrounding neighborhood for an extended period. The attached letters of support from neighbors (as well as clients) provide substantial evidence that the use has not been detrimental to the general welfare of the neighborhood or the City.

At this time, the applicant would like to modify the conditional use permit to provide for an expansion of the use on the property. The expansion would entail the following components:

- Increase number of students from 24 to 41
- Install wheel chair ramp at the rear of the structure
- Allow for the installation of on-building signage
- Install screening net on the perimeter fence

Expansion Request

The applicant would like to use previously unutilized floor space to allow for an expansion in the capacity of students. The preschool already employs sufficient staff to accommodate additional students and would continue compliance with the requirements of day care licensure. In that there have been no issues associated with the operation of the use at its present capacity, the expansion to

as many as forty-one (41) students is supported by staff, contingent upon concerted compliance with the use permit conditions of approval.

The installation of the wheel chair ramp is a precursor to expansion and is necessary to allow for additional students and a required additional safety exit. The site plan for the property reflects the addition of the ramp as a component of the expansion request.

In 2006, a condition of approval specifically disallowed the incorporation of signage on the day care property. A rationale was that signage is generally not allowed in residential zone districts. The applicant has operated with a sign (in noncompliance with CUP 2006-30 conditions of approval) for an extended period of time. The applicant would like to correct that noncompliance as a component of this modification request. Today's sign ordinance provides that a private school may have signage at a size to be determined by the conditional use permit approval. It is recommended that one no larger than eight (8) square foot business identification sign be allowed on the building elevation fronting South J Street. No additional signage, either on-building or freestanding, is recommended.

The last request is to allow for a mesh screen to be installed as a component of rear-yard fencing. One principal concern in 2006 had been that noise from children playing would create a nuisance to surrounding properties. As noted in the 2006 staff report: "The sound from up to 24 children playing in a concentrated area could present some questions about compatibility with the adjacent residences to the north and east. The site is only separated from the residences by a chain link fence. It is recommended that a solid six foot high fence be required between all play areas and the adjacent residences." Ultimately, only slats were installed as a method to satisfy the "solid" requirements for the fence.

Staff's concerns about fencing were valid in 2006 and remain valid with the current request for additional students. Additionally, it is apparent that staff's intent in 2006 was to mitigate noise with a solid fence structure, such as a six foot tall solid wood fence or block wall. The utilization of slats was not an anticipated outcome of the 2006 condition of approval. Regardless of the lack of complaints from the neighborhood, staff is not comfortable with the installation of a mesh screen as a method to satisfy the existing condition of approval. It is recommended that the applicant construct a six foot tall solid wood fence to fully enclose the entirety of the outdoor activity areas of the commercial daycare, in order to provide noise attenuation and privacy between the day care outdoor areas and surrounding properties.

Parking

There are no changes proposed for parking. The two off-street parking spaces required by the use permit as employee parking are currently not maintained. Staff inspection of the site found the required parking stalls were covered in tall weed with no all weather surface. It is recommended that the required on-site parking be improved consistent with City parking standards. The site utilizes six parking stalls along the street frontage for pick-up and drop-off of students.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although approval of a modification to a conditional use permit allowing for a preschool daycare facility is not specifically addressed in the vision or action plans, the overall project does indirectly support "Madera's youth in education, after-school programs and sports activities [which] reflects the community's desire to create a caring environment in which to raise a family."

SUMMARY OF RECOMMENDATIONS

The information presented in the report supports approval of the modification to the conditional use permit, subject to the listed conditions.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2006-30 MOD and Site Plan Review 2015-08, determining to either:

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

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

Motion 1: Move to approve the application for Conditional Use Permit 2006-30 MOD and Site Plan Review 2015-08, subject to the following findings and conditions:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure and property.
- The commercial daycare is consistent with the R3 (Residential) Zone District and the LD (Low Density) General Plan land designation which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed commercial daycare.
- As conditioned, the development will be compatible with surrounding properties.
- The operation, as conditioned, can be expected to be compatible with the neighborhood and not be detrimental to the health, safety, peace, comfort, or general welfare of the neighborhood and the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Conditional Use Permit 2006-30 MOD allows for the expansion of an existing commercial daycare facility, consistent with the stated conditions of approval. The expansion shall allow for the following components:

- Increase number of students from 24 to 41
 - Install wheel chair ramp at the rear of the structure
 - Allow for the installation of on-building signage
 - Install screening net on the perimeter fence
3. 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.
 4. The use permit may be made null and void without any additional public notice or hearing at any time by the owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
 5. This conditional use permit will expire if the use is discontinued for a twelve-month period.
 6. Site Plan Review 2015-08 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
 7. This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.

Building Department

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

Fire Department

9. The applicant shall demonstrate that the facility can accommodate the increase in occupant load based upon previous review and any new requirements that may be established due to code changes. NOTE: The previous review was under a previous (non-current) version of the CBC and CFC.
10. Fire extinguishers, a fire alarm system, smoke detectors, any emergency lighting and exiting shall be subject to field inspections and verification by the City of Madera Fire Department.

Engineering Department

11. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
12. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.

13. Developer shall pay all required fees for completion of the required improvements associated with the project. Fees due include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
14. Existing sewer service connection shall be upgraded to current city standards with sewer clean out.
15. Existing handicap access ramp at the corner of West 6th Street and South J Street shall be upgraded to meet current City and ADA standards.

Planning Department

16. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
17. 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.
18. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
19. 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.
20. One business identification sign, no larger than eight (8) square feet in size, shall be allowed on the building elevation fronting South J Street. No additional signage, either on-building or freestanding, shall be allowed.
21. The applicant shall construct a six foot tall solid wood fence to fully enclose the entirety of the outdoor activity areas of the commercial daycare, in order to provide noise attenuation and privacy between the day care outdoor areas and surrounding properties. The applicant shall be required to construct the solid wood fence consistent with the requirements of the R (Residential) Zone District, within ninety (90) days after approval of CUP 2006-30 MOD, per the approval of the Planning Manager.
22. All fencing improvements must be completed within ninety (90) days after approval of CUP 2006-30 MOD.
23. The existing light-metal frame carport structure shall be removed from the site permanently, within thirty (30) days after approval of CUP 2006-30 MOD. An alternative replacement wooden shade structure may be allowed per the approval of the Planning Manager, and with the issuance of a building permit in advance of construction activities.
24. The required on-site parking located to the rear of the project site along the alley will be improved to a solid all-weather surface sufficient to provide parking for no less than two employee vehicles consistent with City standards within ninety (90) days after approval of CUP 2006-30 MOD.
25. The operation shall be limited to no more than 41 children, and four employees at the site.

26. The commercial daycare may be open from as early as 6:00 a.m. until as late as 6:00 p.m., Monday through Friday.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2006-30 MOD and Site Plan Review 2015-08 to the April 14, 2015 Planning Commission hearing: (specify)

Motion 3: Move to deny the request for Conditional Use Permit 2006-30 MOD and Site Plan Review 2015-08, based on the following findings: (specify)

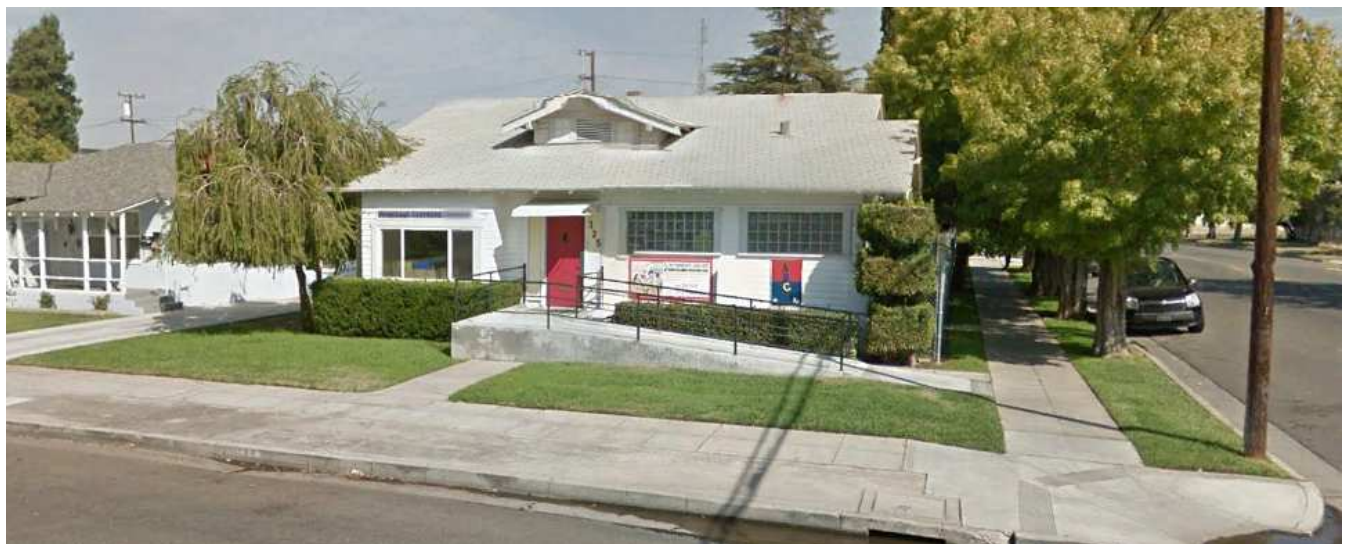
ATTACHMENTS

Aerial Photo

Site Plan

Correspondence

Aerial Photo



Correspondence

February 9, 2015

To Whom it May Concern:

Mrs. Pat's program has a history of great references, especially amongst the educator community. I was referred to Mrs. Pat's daycare from a teacher and I have referred a handful of parents myself. My son has attended Full Circle Preschool since March of 2013 until present.

Full Circle's director/owner Mrs. Pat Harris and her staff have great rapport with parents and especially their students. I have witnessed first-hand the great care that the staff has with my son as well as the other children.

Mrs. Pat's program is age appropriate and gradually introduces students to a preschool atmosphere where children learn the pre-requisite skills much needed for success in reading and mathematics, teaches social skills, engages students in different activities that allow students to form friendships, and provides different enrichment activities that foster the multiple modalities of learning.

Being a current vice-principal in Madera, I am very satisfied with the curriculum that is delivered to the students. I have seen the tremendous growth in my son's academics since he has participated in Full Circle's program. If I can be of further assistance, please feel free to contact me at 559-706-4286.

Sincerely,



Mercedes Ochoa

RECEIVED
FEB 10 2014
CITY OF MADERA
PLANNING DEPARTMENT

Nicolo Lapietra

121 South J Street
Madera, California 93637

Cell: (559) 341-5221
Phone: (559) 449-1617

To Whom This May Concern:

My name is Nicolo Lapietra I am the landlord and the property owner next door. My wife and I are happy to have her as our neighbor. For 8 years Mrs. Patricia Harris has to be polite and every helpful in our community. Her preschool is clean and the lawn is kept up nicely every week. Our tenants like her and I have front and back occupancy our tenants compliment her on how she runs her preschool. We have had neighbors use her service, having her here is community support. Parents dropping the children on and off are very considerate and polite. The children are not disruptive they are very well behaved and quite on the yard while playing. She is a joy to our neighbor for the past 8 years. Any questions or concerns please call me at the above mention phone numbers.

Sincerely,



Nicolo Lapietra
(aka Nick)



February 2, 2015

City of Madera Planning Department
205 W 4th St
Madera CA 93637

Re: Capacity expansion request for Full-Circle Pre-Kindergarten Learning Center

Hello:

Access to quality child care & pre-school services for parents of young children is critically important to Madera and Madera County. Full Circle Pre-Kindergarten Center is one of those quality programs that Mrs. Pat Harris has developed and nurtured for many years.

Expansion of the child care supply that is accessible and affordable for working families is critical to job growth and economic stability in the city of Madera for both families and child care providers.

As a child care and development agency, Community Action Partnership of Madera County has worked with Mrs. Pat Harris over the years as a contracted partner in providing quality child care services. We fully support and promote this expansion.

Most Sincerely,

Liz Delano
Program Manager
Child Care Alternative Payment and Resource & Referral Program
Community Action Partnership of Madera County

1225 Gill Avenue • Madera, CA 93637 • www.maderacap.org

Administration/Community Services (559) 673-9173 • Fax (559) 673-3223 • Child Care Resource & Referral (559) 675-8469 • Fax (559) 675-1497
Alternative Payment Program (559) 661-0779 • Fax (559) 661-0764 • Child Development Services (559) 673-0012 • Fax (559) 661-8459 • Victim Services (559) 661-1000 (800) 355-8989 • Fax (559) 661-8389

February 4, 2015

To Whom It May Concern:

I am writing to express my support of Full-Circle Pre-Kindergarten Learning Center expanding their educational program and capacity.

For the past five years, Full-Circle Pre-Kindergarten Learning Center has been part of my morning routine on a daily basis. I have two children who have attended this center, both since the age of two. My daughter started attending the center in 2010, and now my four year old son is currently attending. Both of my children have had a great learning experience at the center. The curriculum is fun-filled with a variety of activities that keep the children engaged. They love singing the songs they have learned and talk about the books that are shared at school. Every day they have practiced writing their name, numbers and ABC's, and to see how proud they were when they were writing without tracing was fabulous. My son often says, "I had fun at school today" and he always sings me a new or favorite song at bedtime.

When my daughter started Kindergarten it was quickly evident to her teacher that she had been in a great preschool program. My daughter was well prepared for Kindergarten and far advanced. Originally, she had been placed in a classroom with both TK and Kindergarten students, and then she was moved to a classroom with only Kindergarten children with a more challenging curriculum. I feel confident that my son will also have an easy transition into Kindergarten this August.

This great center is due to a terrific and caring person, teacher and director, Mrs. Patricia Harris. I was referred to Full Circle by both family and co-workers. I work at the Madera County Office of Education as a Fiscal Manager and heard great reviews from a program that Mrs. Pat had been a part of, the CARES program, funded by Madera County First 5. To this day, her name is still mentioned as one of the top most caring participants, who have had great success and a wonderful center. I had many aspects to consider when I was looking for the right care for my first child: a good learning curriculum, friendly and attentive staff, hours that worked with my schedule and a priority was safety. Over the years, Full Circle Pre-K Learning Center has continued to meet all of my expectations.

Expansion of the educational program and capacity is a great opportunity for more children to be able to benefit from the exceptional program that is offered at Full-Circle Pre-Kindergarten Learning Center.

Sincerely,



Sonia Ramos

Parent

February 3, 2015

To Whom in Concerns:

It is a pleasure to write this letter of recommendation for Full Circle Learning Center, operated by Ms. Patricia Harris. My daughter, Kennidi, was fortunate to participate in this exemplary preschool program. I work for the Madera County Office of Education in the area of Human Resources and Credentialing. When our employees are looking for childcare or preschool, Full Circle is always the first place I recommend to them. I was referred to Full Circle by a co-worker when my daughter was three years old. Sending my daughter there was one of the best decisions I've made for her.

Ms. Harris, or "Miss Pat" as she is known to everyone, provides children a quality education in a nurturing and safe environment. I never "worried" about Kennidi throughout the day because of the trust and respect I held for Miss Pat. I can't say that for other centers and home daycares that I sent Kennidi to previously. I went to work each day knowing that Kennidi was being cared for, learning new things and making friends. She was always happy there.

Miss Pat provided monthly calendars which outlined the activities and curriculum for each day. There was never a question about what was being taught. The children were often grouped based on their age so they were taught the appropriate curriculum. Kennidi brought home an art project each day along with whatever written work she had done, which always matched that days agenda. There was an obvious growth in Kennidi's educational and social skills. In the year before Kennidi was to start Kindergarten, Miss Pat and her staff worked with her and each Pre-K child to ensure they would meet the rigorous Kindergarten standards in their future. Several co-workers and I have said that we wished our kids could just stay with her for Kindergarten too! I literally cried on Kennidi's last day there.

Miss Pat cares so much for the children in her program. This was evident by everything she did. Full Circle is the reason that Kennidi had such an easy transition to Kindergarten. Truth be told, parents don't always have the patience or know the strategies to prepare their children for school (I'm one of them) and most home daycare programs are not going to also serve as kindergarten readiness programs. This is why having a unique program like Full Circle that is quality childcare and preschool in one has been so beneficial for my family and countless others. I look forward to enrolling my two young sons when they are old enough to attend Full Circle Learning Center.

I am excited to hear that Full Circle may have the opportunity to expand! Our community will greatly benefit from this exceptional program!

If you have any questions, please don't hesitate to contact me.

Sincerely,


Kristen Andersen
(559) 871-6775

February 5, 2015

To Whom It May Concern:

I, Katie Kirby, am writing this letter in support of Full Circle Pre-Kindergarten Learning Center expanding the capacity of their educational program. I am a teacher in Fresno Unified and mother of two wonderful children that have attended this facility. My daughter is a second grader. She is excelling in all subject areas. She has a very artistic mind, great imagination that this facility allowed her to explore.

Mrs. Pat and the staff are knowledgeable about curriculum and learning styles of children. They have a structured learning schedule that is well balanced with arts and crafts that support their studies. The children are always cheerful and happy.

If they were able to serve more children the community of Madera would benefit from this greatly.

Sincerely,

A handwritten signature in black ink that reads "Katie Kirby". The signature is written in a cursive style with a large, looped "K" and "y".

Katie Kirby

February 4, 2015

To Whom it May Concern

I Florence Mayorga have lived near the Full Circle Pre Kindergarten Learning Center and I have observed the yard is always clean and neat, the Children are well Cared for you dont hear them they are wonderful with Caring for the Children at their facility. I have lived near other day Care Centers and my experience was not this plesant. I support the day Care Center remaining in my neighborhood!

Sincerely

116 S. J Street
Madera, Ca 93637

Florence Mayorga

Michelle Potter
State Employee
559-718-1337


To Whom it may concern:

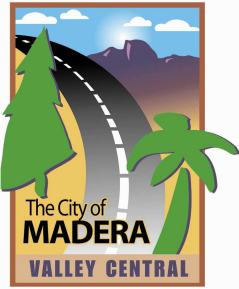
My three children have had the opportunity to attend Full Circle Preschool, under the supervision of Pat Harris, for the last year. I was referred through Madera Action Committee. I am extremely please with the amount of learning and comprehension that my children have gained through their attendance. Not only have my 3 year old twins reached a level of learning close to kindergarten age but they have also enjoyed the compassion and caring shown by Mrs. Pat and her staff.

I love the structured curriculum. The kids enjoy the projects and friendship. I feel that I can leave my children there while I am at work and trust that Mrs. Pat and the other providers will care for my children just as I would. I am completely satisfied with Full Circle Preschool and I would reacomend Mrs. Pat Harris to anyone with children in the 2-5 age range.

→

Mrs. Harris' facility would benefit tremendously from a capacity increase. This would allow more room to provide additional educational studies and activities for more children. Any child can benefit from the educational program presented by Mrs. Pat Harris and her staff.

Thank you, 
Michelle Potter
(Happy ^{one} mom)



<p>CITY OF MADERA</p> <p>PLANNING COMMISSION</p>	<p>205 W. Fourth Street Madera CA 93637 (559) 661-5430</p>
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**Staff Report: Jack in the Box Signage
VAR 2015-01 & Categorical Exemption
Item #4 – March 10, 2015**

PROPOSAL: An application for a variance to allow for the replacement of one existing non-conforming twenty foot tall freestanding sign where the sign ordinance only allows for a fourteen foot tall freestanding sign.

APPLICANT:	VWC Builders	OWNER:	NAS Partnership
ADDRESS:	1545 E. Yosemite Avenue	APN:	008-143-031
APPLICATION:	VAR 2015-01	CEQA:	Categorical Exemption

LOCATION: The property is located at the northeast corner of East Yosemite Avenue and Tozer Street.

STREET ACCESS: The site has access to East Yosemite Avenue and Tozer Street.

PARCEL SIZE: Approximately 0.20-acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: There are a number of commercial uses to the south and west, and the Fresno River to the north.

ENVIRONMENTAL REVIEW: The project is categorically exempt under Section 15311(a), Accessory Structures, of the California Environmental Quality Act (CEQA), which provides for construction or replacement of minor structures, including on-premise signs.

SUMMARY & RECOMMENDATION: The proposed project provides for the replacement of the existing non-conforming twenty foot tall freestanding sign. Staff recommends approval of the variance.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1401 Variances

MMC § 10-6.01 Sign Regulations – Purpose and Intent

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

The sign ordinance can have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. Application of the sign ordinance prevents the degradation of the visual quality of the city which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion.

PRIOR ACTION

Multiple land use entitlements have been processed on and for the project site. Most recently, SPR 2014-12 allowed for the conversion of an existing drive-thru restaurant into a Jack in the Box restaurant.

ANALYSIS

Sign Ordinance

The sign ordinance provides criteria for signs allowed in a Commercial Zone (§ 10-6.09). The Sign Ordinance allows for freestanding signs within a commercial zone based on the site's frontage to a public right-of-way. Larger parcels typically qualify for taller and larger freestanding signs while smaller parcels qualify for shorter and smaller signs.

Per the Sign Ordinance, project site is allowed two freestanding signs, both a maximum of fourteen (14') feet in sign height and sixty (60) square feet in sign face area. The ordinance also allows one gasoline price sign at twenty (20) square feet in face area per each street frontage. In order to allow for the requested twenty (20') foot tall freestanding sign, the approval of a variance by the Planning Commission is required.

Proposed Signage

The applicant has proposed the replacement of the existing non-conforming twenty (20') foot tall sign located on the southwest corner of East Yosemite Avenue and Tozer Street with a new twenty (20') foot tall freestanding sign with approximately eighty-two square feet of sign face area. Of the eighty-two square feet, approximately thirty (30) square feet is dedicated to a gasoline price sign which is incorporated as an additional signage component. A "City of Madera" script is included on the top of the sign, promoting the store's location at an eastern entrance to the community.

The applicant has also proposed to install one twelve (12') foot tall freestanding sign on the southeast corner of the lot with approximately forty (40) square feet of sign face area which will provide signage for the other existing tenants located behind the Jack in the Box restaurant.

This provision will provide for businesses otherwise screened from view. This will help to reduce illegal signage along the street frontage by providing legal alternative signage.

Justification for Variance

The approval of a variance from the Sign Regulations of the City of Madera follows the same path as required for all variances from the Zoning Ordinance. Ordinance states that “[w]here practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted.”

Findings in support of a variance can be made based on the consistency of the request with the purpose and intent of the sign ordinance itself. The ordinance states:

(A) The purpose of this chapter is to regulate signs in the city. Signs have an obvious impact on the character, quality, and economic health of the City of Madera. As a prominent part of the scenery, signs may attract the viewing public, help set the visual tone of the community, and affect the safety of vehicular and pedestrian traffic. This chapter shall prevent the degradation of the visual quality of the city which can result from the proliferation of excessive amounts of signage, poorly designed signage, inappropriately located signage, and/or signage maintained in a hazardous or unsightly fashion. The intent of this chapter is to:

- (1) Advance the economic vitality of the city
- (2) Improve the character and natural beauty of the community and its various neighborhoods and districts
- (3) Promote the visibility of businesses through signage
- (4) Enhance the public’s ability to identify uses and premises without confusion
- (5) Prevent the proliferation of sign clutter
- (6) Ensure the safety of pedestrian and vehicular traffic
- (7) Provide specific instruction for the permitting of signage within the city
- (8) Implement the community design objectives expressed in the General Plan’s Vision 2025

(B) Signs in the city shall:

- (1) Be of sufficient quality as to enhance rather than detract from the aesthetic value of structures and places
- (2) Be proportionate to the scale of architecture
- (3) Be compatible to the environment in which the signage is proposed to be located
- (4) Be sensibly sized for public view
- (5) Be commensurate with the purpose of the zone district in which the signage is proposed to be located
- (6) Provide information as opposed to advertisement
- (7) Should never compromise the safety of the public

The recommended allowance for a twenty (20’) foot tall sign where a fourteen (14’) foot tall sign is allowed is rooted in an assessment of the site overall. Originally, the applicant desired to erect only one sign – the twenty foot tall sign. Although there is an existing twenty (20’) foot tall sign, that alone was insufficient to grant a variance. The site has struggled to provide visibility to the businesses located at the rear of the property. This has led to the placement of prohibited temporary signage all along the project frontage from time to time. Staff suggested the addition of the second sign so as cumulatively address the overall shortcomings of the site. The allowance for a twenty (20’) foot tall sign allowed the incorporation of Jack in the Box’s primary freestanding signage, and in turn allowed a second sign to adequately serve tenants to

the rear. The net result is adequate visibility for all businesses located within the multi-tenant commercial complex.

Without approval of the variance, attainment of signage that best satisfies all elements of the purpose and intent is difficult to attain. Approval of the variance resolves practical difficulties, reconciles unnecessary hardships, and provides results most consistent with the general purposes of the Sign Ordinance. Staff is in support of the request for variance, subject to the recommended conditions of approval.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although approval of a variance from the sign regulations of the City is not specifically addressed in the vision or action plans, the overall project does indirectly support a primary focus toward economic opportunity and a goal to “encourage new and redeveloped retail properties.”

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports conditional approval of the variance. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Variance 2015-01, subject to the findings and conditions of approval.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Variance 2015-01, determining to either:

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

Motion 1: Move to approve Variance 2015-01, based on and subject to the findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15311, Accessory Structures, of the California Environmental Quality Act (CEQA), which specifically exempts on-premises signs.
- Because of special circumstances of a site, practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter, a variance may be granted to allow for additional height of freestanding signage.
- The proposed signage provides relief for screened tenants and reduces the potential for non-permitted signage that cumulatively creates blight in the City.
- The proposed signage relieves an unnecessary reduction in existing height, and subsequently allows an embellishment to gateway signage in the community.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the

neighborhood or general welfare of the city.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.
2. Any deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Director.

Planning Department

3. No additional freestanding signage shall be allowed as a component of the Jack in the Box Restaurant or the site overall. Freestanding signage shall be installed consistent with Variance 2015-01.
4. Tenants located in the rear of the center shall have the right to locate within the twelve foot tall freestanding sign to be located on the southeast corner of the project site. Leases shall include the allowance to locate on specific individual portions of the sign.
5. All signage shall be consistent with the Madera Municipal Code. Signage shall be reviewed and approved by the Planning Department.
6. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
7. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster owned by the property owner.
8. The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain a pleasing landscaping design. 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.

(OR)

Motion 2: Move to continue the application for Variance 2015-01 to the April 14, 2015 Planning Commission hearing: (specify)

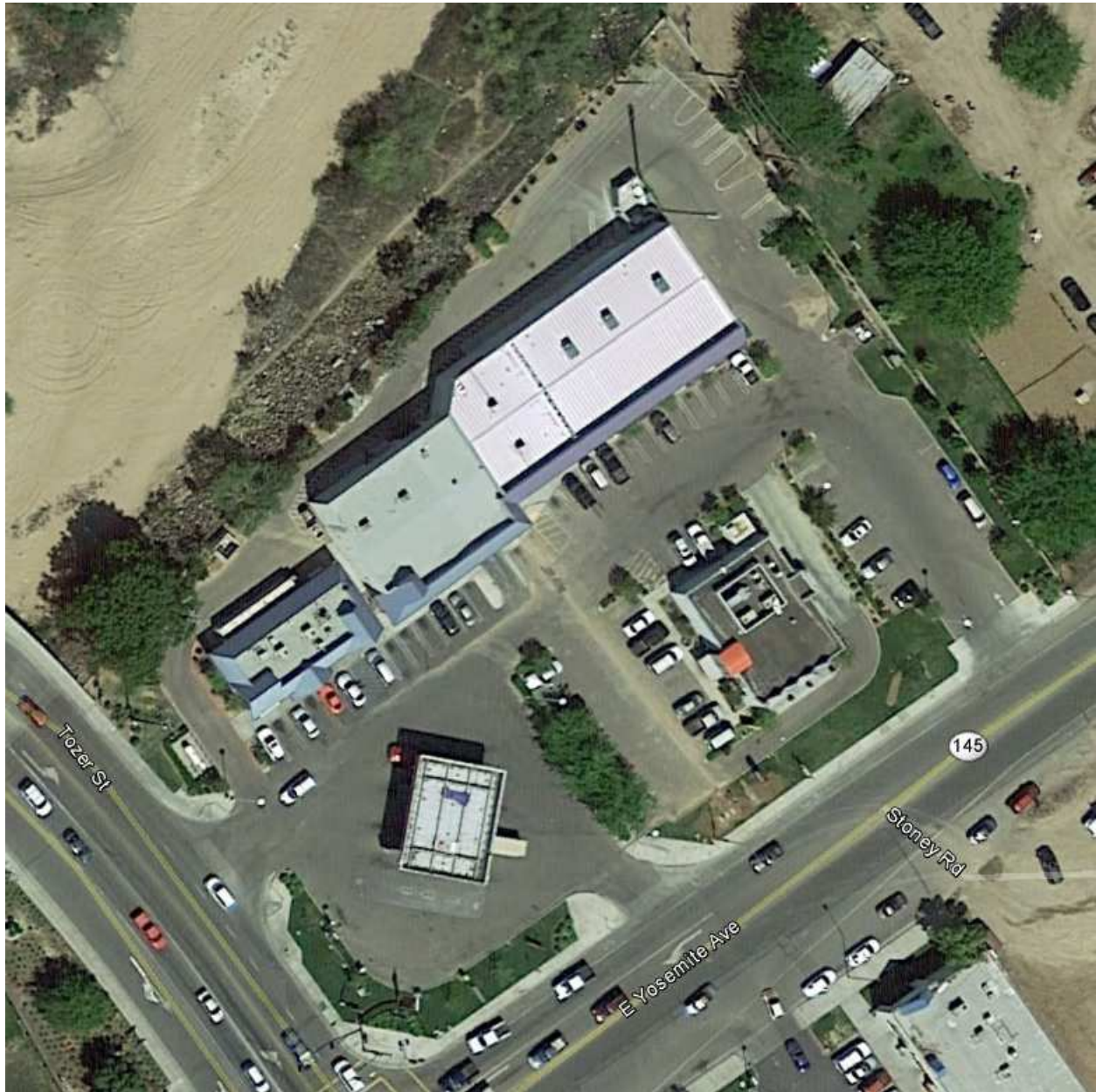
(OR)

Motion 3: Move to deny the application for Variance 2015-01, based on and subject to the following findings: (specify)

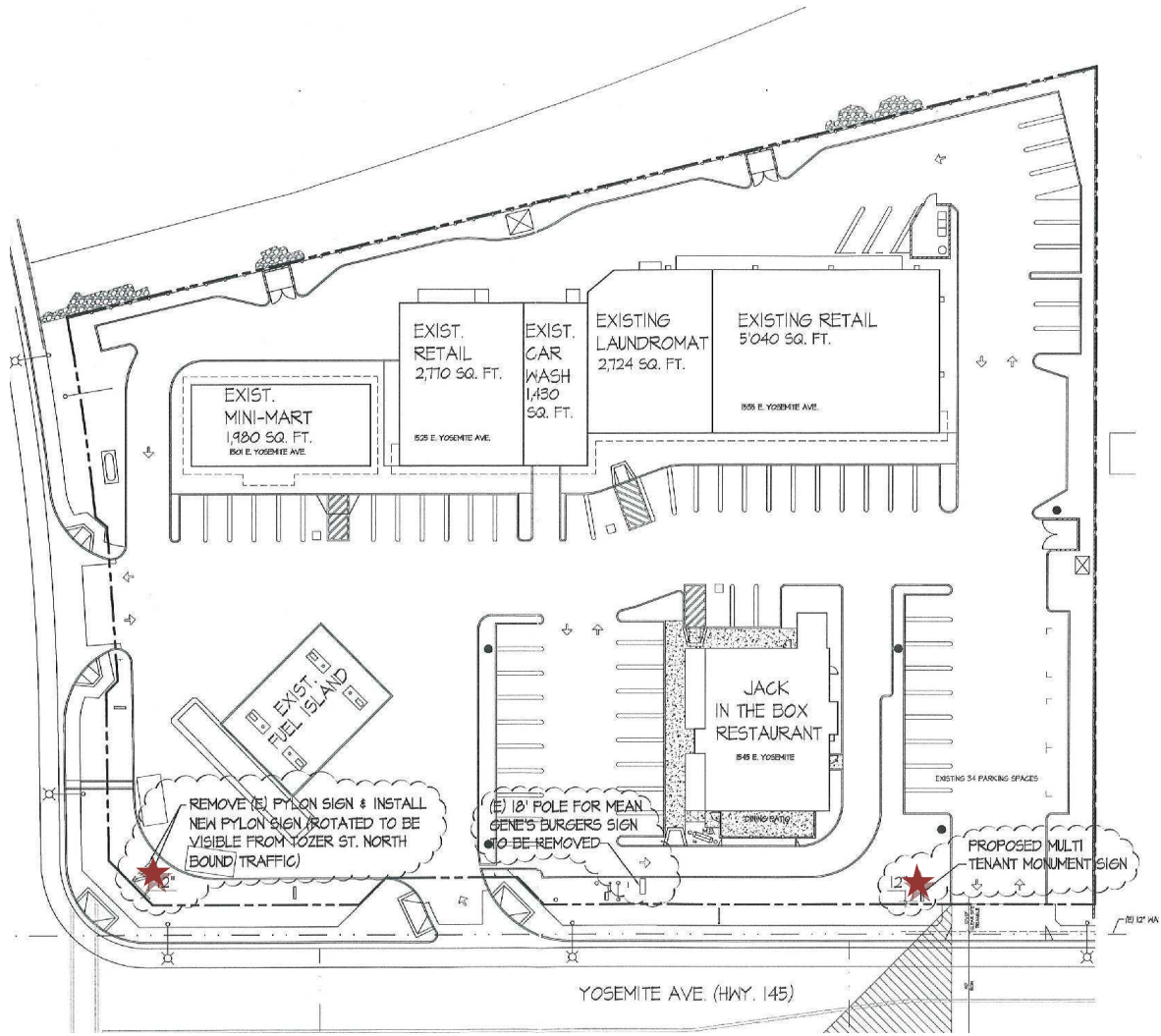
ATTACHMENTS

Aerial Photo
Site Plan
Proposed Signs

Aerial Photo



Site Plan

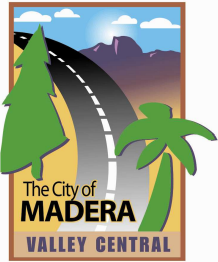


Proposed Signs



D/F POLE SIGN & MONUMENT SIGNS

SCALE: 3/8" = 1'-0"



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Consideration of a Resolution finding that the 2015-2016 to 2019-20 Capital Improvement Program is in Conformance with the General Plan Item #5 – March 10, 2015

PROPOSAL: Evaluation of the City of Madera Capital Improvement Program (CIP) for Fiscal Years 2015/16 through 2019/20 to determine conformity with the City of Madera General Plan.

APPLICANT:	City of Madera	OWNER:	N/A
ADDRESS:	Multiple	APN:	Multiple
APPLICATION:	N/A	CEQA:	Exempt

SITE CHARACTERISTICS: The projects included in the Capital Improvement Program (CIP) are located within the urbanized area of the City of Madera. Surrounding land uses vary depending upon the individual project, but are typically commercial, residential or industrial in nature.

ENVIRONMENTAL REVIEW: The proposed project is a finding of conformance and supporting resolution regarding the Capital Improvement Program (CIP) for Fiscal Years 2015/16 through 2019/20. The CIP identifies proposed capital improvements and preliminary budgets for capital improvements throughout the City. Projects in the Plan include a range of public works and infrastructure projects to improve the quality of life for local residents and visitors alike. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is subject to CEQA.” The resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment. The individual projects proposed within the CIP are subject to CEQA analysis individually, on a project by project basis.

SUMMARY & RECOMMENDATION: The City Council of the City of Madera has reviewed the active and proposed projects in the Capital Improvement Program and forwards the CIP to the Planning Commission for determination of conformance with the City General Plan pursuant to Government Code Section 65401. It is recommended that the Planning Commission adopt a resolution finding the Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.

ANALYSIS

Under the terms of Section 65401 of the Government Code, the Planning Commission of each city or county is required to review any CIP and the projects contained therein, within that jurisdiction as to conformance with that agency's General Plan.

The proposed projects are for new major infrastructure improvements and reconstruction of existing facilities. The projects are divided into the following categories:

Airport Operations	9	Projects
Community Development	3	Projects
Traffic Signal/Improvements	9	Projects
Streets & Bridges	26	Projects
Park Development	12	Projects
Water System Utility	24	Projects
Sewer System Utility	3	Projects
Drainage System Operations	4	Projects
Dial-A-Ride Transit System	No	Projects
Transit System	No	Projects

A brief description of the projects in each category is listed below:

Airport Operations – Reconstruct runway and taxiway pavements, and construct new aprons and Tee Hangers.

Community Development – The future relocation of City Hall and the construction of a Fire Station in the northwest quadrant of the City.

Streets & Roads – Improvements include widening existing streets, adding landscaped medians, installing sidewalks, installing traffic signals and other safety improvements. Reconstruction and Rehabilitation includes major repairs and rehabilitation of existing streets to extend useful life and pavement resurfacing. All street projects take place on arterials and collectors as designated by the General Plan Circulation Element.

Park Development – Construction projects include new trails and bike paths improvements to various Parks and Recreation facilities. Proposed projects are consistent with the City's approved Bicycle Transportation Plan and the Park and Recreation Element of the General Plan.

Water System – Construct new water wells, major replacement of water distribution systems components and replace/rehabilitate water mains.

Sewer System – Construct trunk sewer pipelines, replace and up-grade sewer main pipelines and rehabilitate sewer lift stations.

Drainage System – Construct storm drain pipelines and drainage basins, and make enhancements to the existing drainage system.

Dial-A-Ride Transit System – No new projects proposed.

Fixed Route Transit System – No new projects proposed.

A CIP summary is attached to this report. The full CIP, including a detail sheet for each project, is available for review at the City Engineering Department (205 W. 4th Street, Madera) during normal business hours. The full CIP can also be reviewed on the City's web-site at the following: Capital Improvement Plan (CIP) Fiscal Year 2015-16 to 2019-20.

GENERAL PLAN CONFORMITY

If a project identified in the proposed CIP item would implement or generally support attainment of a General Plan goal, policy or action item, staff recommends that a finding of conformance be made. Where the linkage between the General Plan and a CIP is less direct, a finding of conformance is recommended to the extent that no conflicts are identified, and the project will not obstruct attainment of General Plan goals, policies and action items. If adopted policies do not support a project, or the project prevents attainment of an adopted policy, a conformity determination should not be made.

A screening level analysis was completed for each CIP project against the goals, policies and action items in all ten elements of the General Plan. No conflicts were identified between any proposed project and any feature of the adopted General Plan. In general, capital projects identified in the CIP are consistent with the General Plan's intent to provide adequate circulation and utilities, and to support enhanced transit, walkability and recreational opportunities. Airport related projects are consistent with the General Plan policy supporting the Airport in its role as an important part of the local commercial economy.

The Commission's finding that a proposed CIP item conforms with the General Plan does not necessarily mean that the Commission or the City endorses the project in a particular form. Individual capital projects must undergo environmental review and receive approval prior to being carried out. As projects proceed from concept to final design and construction, individual projects are commonly modified. Where the General Plan points to specific features that affect design, these features will be incorporated. The City Council will continue to have full discretion in deciding to move forward with CIP items.

If the Planning Commission finds that the projects are in conformance with the General Plan, the Fiscal Year 2015/16 to 2019/20 Capital Improvement Program will be forwarded on to the City Council for final adoption during its consideration of the Fiscal Year 2015/16 Budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Consistent with Action 126 and Action 132 of Vision 2025, the projects support the strategy for providing clean attractive streets that are safe and aesthetically pleasing, and connecting Madera's neighborhoods through streets, trails and walkways that promote community interaction. The requested action is for the improvement of infrastructure and is not in conflict with any of the actions or goals contained in the plan.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports adoption of a resolution finding the Fiscal Year 2015/16 to 2019/20 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the adoption of a resolution, included herein as an attachment.

ATTACHMENTS

CIP Summary

Resolution

City of Madera, California

Capital Plan

'15/'16 thru '19/'20

PROJECTS BY DEPARTMENT

Department	Project#	Priority	'15/'16	'16/'17	'17/'18	'18/'19	'19/'20	Total
Airport								
Tee Hangar Design Phase I	AIP 25	1	75,000					75,000
Tee Hangar Taxiway & Apron Construction Phase I	AIP 28	1	0	791,000				791,000
Tee Hangar Taxiway & Apron Construction Phase II	AIP 29	1		65,000	520,000			585,000
Apron Reconstruction Phase II	AIP 30	1	1,261,000					1,261,000
Engineering Design - Apron, Drainage	AIP 31	1	75,000					75,000
Reconstruct Apron Ph. II, Apron & Taxiway Drainage	AIP 32	1	1,066,667					1,066,667
Runway, Taxiway & Apron Crack Seal	AIP 33	1	657,000					657,000
Extend Commercial Hangar Development - Phase III	AIP 34	1			136,000	1,537,500		1,673,500
Extend & Rehab Runway 12-30, Extend Taxiway P	AIP 35	1					620,000	620,000
Airport Total			3,134,667	856,000	656,000	1,537,500	620,000	6,804,167
Community Development								
City Hall Relocation & Expansion	MISC 1	1					19,863,000	19,863,000
Fire Station - Northwest	MISC 2	1				3,425,000		3,425,000
Fire Station 7 - Parking Lot Paving	MISC 3	1		67,000				67,000
Community Development Total				67,000		3,425,000	19,863,000	23,355,000
Engineering								
Westberry Bridge Construction	B-2	3			500,000	500,000		1,000,000
Gateway Bridge Repair	B-3	1	8,960					8,960
Sharon Blvd. Plan, Ellis Street to Avenue 17	CDD-1D-ST	1	45,000					45,000
CNG Compressor	CNG11-1	1	397,500					397,500
Master Utility Plan Update	MP Update	1	133,000					133,000
Olive Ave. Widening - Gateway to e/o Roosevelt	R-10	1	1,550,000	300,000	4,007,000			5,857,000
Fourth St. Reconstruction - Pine to K Landscaping	R-25 EX	1	128,000					128,000
UPPR Crossing - Street Approach	R-32	1	140,000	50,000	50,000	50,000	50,000	340,000
Raymond Rd. Shoulder n/o Cleveland	R-37	1	313,000					313,000
Gateway/Central/3rd/E St. Sidewalks	R-38	1	305,000					305,000
Concrete Projects - Share Program	R-41	1	20,000	20,000	20,000	20,000	30,000	110,000
Lake St. Widening - Fourth St. to Cleveland	R-46	1	720,000	2,870,000				3,590,000
Olive Ave. Concept Plan	R-49	1	16,000					16,000
Pine St. Reconstruction - Howard to Fourth St.	R-50	1	528,000					528,000
Thomas Jefferson/John Adams Sidewalks	R-51	1	250,000					250,000
ADA Walkability Sidewalks	R-52	1	157,000	58,000	96,000	101,000	128,000	540,000
Cleveland Ave. Improvements - Schnoor Ave. to SR99	R-54	1	100,000					100,000
Surface Seals and AC Overlays	R-55	1	30,000	570,000	30,000	560,000	310,000	1,500,000
Fourth St. Median Landscaping	R-56	1	153,000					153,000
Lake/4th/Central Intersection	R-57	1	40,000	226,000				266,000
Schnoor Ave. Sidewalks	R-58	1	22,000	128,000				150,000
Torres Wy. Alley Paving	R-59	1		15,000		170,000		185,000
Storey Rd. Shoulder Paving	R-60	1		31,000	270,000			301,000
Pine-Pecan Street Improvements	R-61	1	130,000					130,000
Pedestrian Facilities/Schools & Commercial Areas	R-62	n/a	262,000					262,000
Riverwalk Drive Improvements	R-63	1	1,360,000					1,360,000

Department	Project#	Priority	'15/'16	'16/'17	'17/'18	'18/'19	'19/'20	Total
Sewer Main, Manhole Covers	S-07	1	10,000					10,000
Schnoor Ave. Trunk Sewer System	S-12 (S-5)	1	70,000	535,000				605,000
San Sabastian Basin Overflow Pipeline	SD-12	1	40,000					40,000
Pine St/Avenue 12 1/2 Retention Basin	SD-13-PX	1	50,000	50,000	50,000			150,000
Granada Dr./Avenue 12 1/2 Retention Basin	SD-14-P11	1	100,000					100,000
Ellis St./Krohn St. Retention Basin	SD-15-P07	1	100,000					100,000
Fairgrounds Liftstation	SS-6	n/a	450,000					450,000
Yosemite & Elm Traffic Signal	TS-09	1	325,000					325,000
Sherwood & Lake Traffic Signal	TS-12	1				355,000		355,000
Cleveland Dual Left Turn Lanes at Schnoor	TS-13	1	8,000					8,000
Gateway & Cleveland Pedestrian Crossing	TS-14	1	170,000					170,000
Granada & Howard Traffic Signal	TS-17	1		65,000	275,000			340,000
Traffic Safety Improvements-Variou Locations	TS-18	1	35,000					35,000
Howard/Westberry Traffic Signal	TS-19	3	390,500					390,500
Sunrise Ave. & Tozer St. Traffic Signal	TS-20	1		25,000	40,000			65,000
Howard Rd. & Mainberry Dr. Pedestrian Crosswalk	TS-21	1	20,000	5,000				25,000
Water Main Upgrades - Locations 1-12	W-03	1	110,000	740,000				850,000
Water Main Upgrades - Locations 13-23	W-04	1		1,500,000				1,500,000
Water Main Upgrades - H St.	W-06	1	10,000	255,000				265,000
Water Main Upgrades - 10th St.	W-08	1	10,000	770,000				780,000
Water Main Upgrades - River Crossing at Gateway	W-09	1		185,000				185,000
Well No. 27 Pipeline Outfall Extension	W-17	1	45,000	530,000				575,000
Well #28 Pumps Replacement	W-20	1		500,000				500,000
Commercial Water Meters	W-23	1	2,551,000					2,551,000
Water Tower Demolition	W-26	1	30,000	275,000				305,000
Pecan Ave. Water Main	W-27	1					265,000	265,000
Maple St Pipe - Pine St to Noble St	W-FF-1	3	54,000					54,000
Rotan Ave Pipe - Howard Rd to Plumas St	W-FF-2	3	40,000					40,000
Plumas St Pipe - Rotan Ave approx 330 ft west	W-FF-3	3	18,000					18,000
Olive Ave Pipe - Pine St to Noble St	W-FF-4	3	54,000					54,000
Complete Water Well No. 37	W-GW-1	3	1,012,000					1,012,000
Water Well No. 35, Ellis St 970 ft w/o Chapin St	W-GW-2	4					2,011,000	2,011,000
24" Pipe, Lake Street - Ellis to Avenue 17	W-PNE-4	2			60,000	25,000	615,000	700,000
Aviation Dr Pipe - Cross Airport Dr to 12" line	W-PNW-29	3					6,700	6,700
Aviation Pipe - Connect 12" in Aviation by Falcon	W-PNW-30	3					13,000	13,000
Pump Station for Tank at Ave. 17 & Road 27	W-PS-1	2	201,000	158,000	103,000	4,147,000	2,123,000	6,732,000
12" Pipe, Pecan Ave - Madera to 760 ft e/o Madera	W-PSE-3	3				5,600	50,400	56,000
12" Pipe - Almond Ave -Pine St to Stadium Rd	W-PSW-45	3				84,000	192,000	276,000
12" Pipe Pecan Av, 480 ft w/o Monterey to Monterey	W-PSW-50	3					3,500	3,500
Above Ground Storage Tank - 6.75 MG	W-T-1	2	288,000	227,000	148,000	5,950,000	3,050,000	9,663,000
Engineering Total			12,999,960	10,088,000	5,649,000	11,967,600	8,847,600	49,552,160

Parks & Community Services

Bike Lane Projects - Various Locations	PK-01	1	31,000	32,000	33,000	34,000	35,000	165,000
FRT - Gateway & UPRR Undercrossing	PK-08	1	592,800					592,800
Laurel Bike Path - Sunset to FRT	PK-12	1	552,800					552,800
Sunrise Rotary Sports Complex Improvements	PK-13	1	421,000					421,000
Tulare/Cleveland/Raymond Bike Path	PK-48	1		325,000				325,000
FRT- Schnoor Bridge - North Undercrossing	PK-54	1	383,000					383,000
Bike/Ped Path - FRT to Cleveland	PK-56	1		339,000				339,000
FRT - MID to Schnoor, North Bank	PK-57	1	45,000	188,000				233,000
FRT - Granada to MID, North Bank	PK-58	1	20,000	110,000				130,000
Knox Park Rehabilitation	PK-59	1	235,000					235,000
Sherwood Basin Project	PK-60	1	351,250					351,250
Fully Accessible Playground at LTC	PK-61	1	168,000					168,000

Department	Project#	Priority	'15/'16	'16/'17	'17/'18	'18/'19	'19/'20	Total
Parks & Community Services Total			2,799,850	994,000	33,000	34,000	35,000	3,895,850
Public Works								
Sewer Mains, Package 2	S-02	1	220,000					220,000
Water Tower Recoating	W-22	1		1,500,000				1,500,000
Public Works Total			220,000	1,500,000				1,720,000
Transit Program								
Transit & Public Works Maintenance/Admin Facility	Trans-1	1	1,890,000					1,890,000
Security & Passenger Enhancements	Trans-6	1	196,800					196,800
Security & Passenger Enhancements, B	Trans-7	1			248,000			248,000
Security & Passenger Enhancements, C	Trans-8	1				209,000		209,000
Transit Program Total			2,086,800		248,000		209,000	2,543,800
GRAND TOTAL			21,241,277	13,505,000	6,586,000	16,964,100	29,574,600	87,870,977

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA FINDING THAT THE PROPOSED 2015/16 TO 2019/20 CAPITAL IMPROVEMENT PROGRAM (CIP) IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPECIFIC PLANS OF THE CITY OF MADERA AS REQUIRED BY SECTIONS 65401 OF THE GOVERNMENT CODE.

WHEREAS, Section 65401 of the Government Code requires the Planning Commission of cities and counties to review any Capital Improvement Program (CIP) in its jurisdiction for conformance with the agency's adopted General Plan and Specific Plans; and

WHEREAS, the City Council of the City of Madera reviewed the active and proposed projects in the Fiscal Year 2015/16 to 2019/20 Capital Improvement Program at their meetings on February 18, 2015; and

WHEREAS, the proposed projects reflect the major need for airport, streets, public utilities, parks and other community facilities during the next five years in concert with the provisions in the adopted General Plan and Specific Plans; and

WHEREAS, The City Council of the City of Madera has forwarded the Fiscal Year 2015/16 to 2019/20 Capital Improvement Program to the Planning Commission for determination of conformance with the City General Plan and Specific Plans pursuant to Government Code Section 65401; and

WHEREAS, The resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment and has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA when "the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment; and

WHEREAS, The Planning Commission has completed its review of the Staff Report, evaluated all attached supporting documents, and considered testimony received as part of the public hearing process.

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

1. The above recitals are true and correct.
2. The Planning Commission hereby finds the Fiscal Year 2015/16 to 2019/20 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.
3. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 10th day of March, 2015, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Kenneth Hutchings, Chairperson
City Planning Commission

Attest:

Christopher Boyle
Planning Manager

**OTA 2014-01 – Housing Element Streamlining
Process Ordinance Amendment
Item #6 – March 10, 2015**

Staff requests that the Planning Commission make a motion to continue this item to the April 14, 2015 regular Planning Commission meeting.