

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
April 14, 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: None

NON-PUBLIC HEARING ITEMS

NP1. Study Session – 2015 Housing Element Update
Presentation by Mintier Harnish

CONSENT ITEMS

C1. CUP 2011-14 EXT3 & SPR 2011-14 EXT3 - Gas Station/Convenience Store Time Extension

A request for a time extension for a conditional use permit and site plan review approval to allow for a gas station/convenience store, to include the sale of alcoholic beverages. The project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-010-090)

C2. CUP 2008-15 EXT4 & SPR 2006-31 EXT4 – Comfort Suites Hotel Time Extension

A request for a time extension for a conditional use permit and site plan review approval to allow for the development of an 80-room hotel. The project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. (APN: 013-010-089)

PUBLIC HEARING ITEMS

1. CUP 2014-25 & SPR 2014-38 - Verizon Rooftop Wireless Facility

A noticed public hearing to consider a request for conditional use permit and site plan review to allow for the installation of a rooftop cellular wireless rooftop facility to be located on the roof of the existing Quality Inn located at 317 North G Street in the C2 (Heavy Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 006-095-010). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

2. CUP 2002-07 MOD - Review of Rescue Mission Use Permit

A noticed public hearing for review of the conditional use permit (CUP 2002-07 MOD) allowing for the operation of the Madera Rescue Mission located at the northwest corner of Elm Avenue and Clinton Street in the R2 (Residential) and PD-4500 (Planned Development) Zone District, with a MD (Medium Density) and LD (Low Density) General Plan land use designation. The approximately two acre complex includes a Men's Shelter, a Women's Shelter, several storage and accessory structures, and an office. The review will assess compliance with the conditions of approval governing the use permit (APNs: 008-062-006, 007 & 033). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15303.

3. PPL 2003-03 MOD3 - Chateau at the Vineyards Precise Plan Modification

A noticed public hearing to consider modification of Precise Plan 2003-03 to allow for two additional models to be available for construction on the remaining unbuilt lots within Phase IV of the Chateau at the Vineyards subdivision. The subdivision is located in the PD 6000 (Planned Development) Zone District, with an LD (Low Density) General Plan land use designation (APN: Multiple). A negative declaration was certified by the Planning Commission for the subdivision on the site in May of 2003. The proposed modification is consistent with development anticipated in the Negative Declaration.

4. CUP 2015-03 & SPR 2015-09 – Crescent View South Public Charter

A noticed public hearing to consider a conditional use permit and site plan review to allow for a private charter school to locate within the Madera Marketplace shopping center at the northeast corner of North Schnoor Avenue and West Cleveland Avenue (2073-A West Cleveland Avenue). The project site is located in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-160-023). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

5. CUP 2015-04 & SPR 2015-12 – Maria's Burger Bar Alcohol Sales

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 in conjunction with a restaurant located on the west side of North Gateway Drive (114 North Gateway Drive), north of its intersection with Yosemite Avenue, in the C-1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 010-093-002). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301.

6. OTA 2014-01 – Housing Element Streamlining Process Ordinance Amendment

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.

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT: The next regular meeting will be held on May 12, 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 April 14, 2015, near the front entrances of City Hall at **4:30 pm on April 1, 2015.**



Zelda León, Recording Secretary

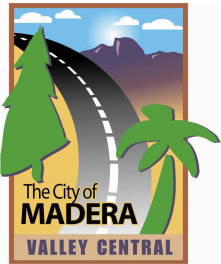
Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

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. Please call the Human Resources Office at (559) 661-5401. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services.

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.

Para asistencia en Español sobre este aviso, por favor llame al (559) 661-5432.



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Singh Gas Station/Convenience Store Time Extension CUP 2011-14 EXT3 & SPR 2011-14 EXT3 Item #C1 – April 14, 2015

PROPOSAL: Consideration of a request for a time extension for a conditional use permit and site plan review approval to allow for a gas station/convenience store, to include the sale of alcoholic beverages.

APPLICANT:	Paul Singh	OWNER:	Same as Applicant
ADDRESS:	Southeast Corner of Avenue 17 & Airport Drive	APN:	013-010-090
APPLICATIONS:	CUP 2011-14 EXT3 & SPR 2011-14 EXT3	CEQA:	Categorically Exempt

LOCATION: This project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive.

STREET ACCESS: The site is accessed from Airport Drive. No access will be provided to or from Avenue 17.

PARCEL SIZE: 1.11 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C-2 (Heavy Commercial)

SITE CHARACTERISTICS: The project site is located on the northern edge of the City. To the south and west are developed lands. Directly north, across Avenue 17, is a gas station and convenience store. To the east are vacant lands that have been previously approved for development. State Route 99 southbound off-ramp and on-ramp at Avenue 17 are located northeast of the project site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt. CEQA Guidelines Section 15332 In-Fill Development Projects.

SUMMARY & RECOMMENDATION: The project will result in the continued development of services at the intersection of Avenue 17 and Highway 99. It is recommended that the Planning Commission approve the time extension for the conditional use permit and site plan review, subject to the findings and conditions of approval.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.405(B) Uses

MMC §10-3.1311 Use Permit Termination and Revocation

MMC §10-3.4.0114 Lapse of Site Plan Approval

Per MMC §10-3.405, a conditional use permit is required to allow for the sale or serving of alcoholic beverages for consumption on or off the premises. Per MMC §10-3.1311, failure to utilize a conditional use permit within 12 months after approval renders a permit null and void unless a written request for extension is received prior to the expiration of the permit. The Commission, in considering the time extension request, may approve, deny or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the conditional use permit for further consideration by the Planning Commission.

PRIOR ACTION

A parcel map was recorded in December 2009 (Parcel Map 09-P-04). Conditional Use Permit 2011-14 and Site Plan Review 2011-14, allowing for the gas station/convenience store, were approved by the Planning Commission on March 13, 2012. Extensions were granted by the Planning Commission on April 9, 2013 and April 8, 2014.

ANALYSIS

The current approvals allow for a commercial development which includes a 4,563 square foot gasoline station and convenience store, with prepared food service and beer and wine sales. This is the third request for extension. The ordinance allows for extensions to be granted for periods of one year.

In the past, economic conditions have driven requests for extension as the applicant continued to seek financing for the construction of the project. Approval of the extension request would protect the existing planning entitlements for an additional year, allowing the applicant more time to secure project financing. At the conclusion of this extension period, the applicant will have been given four years to construct the project. As there have not been substantive changes in the City's Zoning Ordinance that would require additional conditions be placed on the project and the ordinance does not place a limit on the number of extensions that can be granted, staff can recommend approval of this extension request. Future requests for extensions may or may not be supported by staff as the intent of the ordinance is considered.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports approval of an extension of the Conditional Use Permit and Site Plan Review as conditioned. It is recommended that the Commission consider this information and move to approve the application for extension, subject to the included conditions of approval.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2011-14 EXT3 and Site Plan Review 2011-14 EXT3, determining to either:

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

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 a one-year time extension from this date to March 13, 2015, for Conditional Use Permit 2011-14 and Site Plan Review 2011-14, subject to the original findings and conditions of approval as listed below.

Findings

- Development of the site is consistent with the Madera General Plan and approval of the project will not result in any significant effects relating to traffic, noise, air quality or water quality.
- The project has been determined to be exempt from the California Environmental Quality Act, consistent with CEQA Guidelines Section 15332 In-Fill Development Projects.
- The use is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- The use is not likely to be to be injurious to property or improvements in the neighborhood or the general welfare of the City.
- The project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

CONDITIONS OF APPROVAL

General Conditions

1. Please note this site plan review approval (SPR 2011-14) will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
2. The applicant's failure to utilize this use permit (CUP 2011-14) 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 the Planning Commission.
3. This conditional use permit will expire if the use is discontinued for a twelve-month period.
4. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
5. 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. The Planning Director may, at his discretion, require an application for amendment of Site Plan Review 2011-14 and subsequent review and approval by the Planning Commission.
6. Any future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the approved site plan review.

7. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
8. It shall be the responsibility of the property owner and the general building contractor to construct the site consistent with and in substantial conformance to the conditions of approval and the approved site plan, floor plan, elevations and landscaping plan for Site Plan Review 2011-14.

Building Department

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

Engineering Department

General

13. Nuisance on-site lighting shall be redirected as requested by City Engineer within 48 hours of notification.
14. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified, so that procedures required by state law can be implemented.
15. Impact fees shall be paid at time of building permit issuance.

16. A Landscape District shall be formed for Avenue 17 median landscaping subject to and as determined by Community Development Director and City Engineer. The applicant shall participate in any landscape maintenance district for public rights-of-way along the property's frontage and any future landscape maintenance district formed for the Highway 99 and 17 interchange.
17. Prior to the issuance of an encroachment permit, the Developer shall submit a cash deposit in an amount sufficient to maintain landscaping within the required landscape maintenance district (LMD) zone of benefit for a period of one year. The specific amount of the deposit shall be determined by the City Engineer and be established based on approved landscaping plans and the Engineer's report for the required improvements. The deposit will be used by the Parks Department to maintain landscaping improvements which are required to be constructed by the Developer and included in the City-wide Landscape Maintenance District, after the improvements for the project have been approved, but before any revenues are generated by the assessment district to pay for the maintenance of the landscape. This is required, because there is a time between when the City is required to perform maintenance of the improvements and when the City is eligible to receive assessments collected for that purpose from the Tax Collector for the County of Madera. Any funds deposited by the Developer and not needed by the Parks Department for maintenance of eligible landscaping shall be refunded to the Developer.

Air Quality Mitigation Measures

18. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to, use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas; washing of construction vehicles before they enter public streets to minimize carryout/trackout; and cease grading and earth moving during periods of high winds (20 mph or more).
19. The construction grading plans shall include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.
20. The construction grading plans shall include a statement that work crews shall shut off construction equipment when not in use.

Streets

21. Conceptual interchange improvements for Avenue 17 and State Route 99 are available on drawings prepared by Peters Engineering Group. The Developer shall utilize those drawings/data in verifying that building locations do not conflict with future improvements and to confirm whether additional right-of-way is required. Final right-of-way dedications shall be based on this analysis.
22. In conformance with Caltrans determination that Airport Drive shall be limited to right turn movements only at such time as a new interchange is constructed, Airport Drive shall be restriped to the extent necessary using all pavement width from curb to curb to provide for a single left turn lane, one through lane and a bike lane in the north bound direction or as directed by the City Engineer. A 10 foot landscape pattern including sidewalk shall also be constructed east of the existing curb line.

23. In accordance with Parcel Map 09-P-04 vehicular access has been relinquished along the Airport Drive frontage except for the southern 45 feet. Project shall be limited to single driveway approach on Airport Drive located at the most southern end of the property.
24. In accordance with Parcel Map 09-P-04 vehicular access has been relinquished along the Avenue 17 frontage.
25. In conformance with Caltrans determination that Airport Drive shall be limited to right turn movements only at such time as a new interchange is constructed, the southern half of Avenue 17 adjacent to the project site shall be widened to accommodate a single left turn lane, one eastbound through travel lane, one eastbound right turn lane terminating into the existing southbound on-ramp an asphalt curb and ten foot landscape pattern including sidewalk outside the conceptual interchange footprint illustrated on drawings prepared by Peters Engineering Group.
26. A signature block for Caltrans shall be added to the improvement drawings denoting their approval of the project's physical ties (street and slopes to the east along the SR 99 on ramp) to Caltrans' future improvements.
27. Airport Drive entrance shall be street type openings with a minimum face of curb radius of 15-feet.
28. The developer shall construct a standard handicap ramp on the southeast corner of Airport Drive and Avenue 17 within a curb return constructed using temporary asphalt curbing.
29. The developer shall, in coordination with on-going developments on the opposite side of Airport Drive and Avenue 17 install 250 watt street lights in accordance with City streetlight spacing requirements. These improvements shall be shown on the final building plans submitted to the Building Department before any building permits will be issued.
30. "No Parking" signs shall be installed along Airport Drive and Avenue 17 frontage.
31. A 10-foot wide Public Utility Easement (PUE) shall be dedicated along Avenue 17 and Airport Drive frontages.
32. Property corners shall be located or reinstalled by record of survey or replaced by corner record prior to first inspection request.
33. All public utilities shall be undergrounded, except transformers, which may be mounted on pads.

Water

34. A previously approved hotel (Conditional Use Permit 2008-15 and Site Plan Review 2006-31) adjacent to this project site has a designed on-site master plan water system for the entire site which consists of an 8-inch water main along a private roadway. Developer shall connect to these facilities. If at the time of development the on-site water system is not constructed, the developer shall construct said on-site water system.
35. Developer shall reimburse the City its proportionate share of cost for the existing 12-inch water main located in Airport Drive. Developer's share shall be half the cost of

constructing an 8-inch component of the existing 12-inch water main along the entire project frontage on Airport Drive.

36. Water meters shall read in cubic feet and be located within city right-of-way and backflow prevention device located within private property.
37. Existing wells, if any, shall be abandoned as directed and permitted by City of Madera for compliance with state standards.
38. A separate water meter and backflow prevention device will be required for landscape area.

Sewer

39. A previously approved hotel (Conditional Use Permit 2008-15 and Site Plan Review 2006-31) adjacent to this project site has designed on-site master plan sewer system for the entire site which consists of an 8-inch sewer main along a private roadway. Developer shall connect to these facilities. If at the time of development the on-site sewer system is not constructed, the developer shall construct said on-site sewer system.
40. Developer shall reimburse the City its proportionate share of cost for the existing 10-inch sewer main located in Airport Drive. Developers share shall be half the cost of constructing an 8-inch component of the existing 10-inch sewer main along the entire project frontage on Airport Drive.
41. Connection to street main with a lateral larger than 4 inches shall require manhole installation.
42. Existing septic tanks, if found, shall be removed, permitted and inspected by City of Madera Building Department.

Drainage

43. Storm runoff from this project site is planned to go to the Basin 41550 to the south of this site. In conjunction with a previously approved hotel adjacent to this project site, a drainage system for the entire site has been designed. Therefore, the developer shall either be required to:
 - A. Construct new or expanded off-site storm drain facilities as necessary to convey site generated runoff to the storm drainage master plan basin. Construction of these facilities shall be developed consistent with the Storm Drainage Master Plan or as directed by the City Engineer. The developer shall excavate and remove sufficient material from Basin 41550 to accommodate storage requirements of the site's 100-year design storm. Construction of this improvement less basin excavation is eligible for reimbursement through the impact fee program; or
 - B. Construct a private temporary drainage basin and enter into a deferral agreement to construct permanent storm drainage facilities at such time as deemed necessary by the City of Madera.
44. Construction of a private temporary drainage basin shall require a Drainage Basin Covenant.

45. Prior to construction of a private temporary drainage basin, the placement, screening and landscaping of the said basin shall be reviewed and approved by the Planning Director.
46. In either alternative A or B, a detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer. The study shall be reviewed and approved by the City Engineer prior to development.
47. Capture of oil and gas shall be accomplished to the degree necessary in accordance with state and/or federal requirements.

Fire Department

48. An on-site turn-around must be provided for fire apparatus since there is only one means of access to the site.
49. A key box is required for rapid entry by emergency services personnel.
50. The placement of the CAS vapor system must be in compliance with the California Fire Code and is not identified on the proposal. A building permit is required for this installation.
51. All signage required by Chapters 22 and 79 of the CFC shall be required for fueling stations.
52. Portable fire extinguishers are required. At least one 2A10BC-rated fire extinguisher is required for the convenience store structure, and at least one 40BC-rated extinguisher is required for the protection of the fuel dispensers, which must be located within 75 feet of all dispensers and must be mounted 3-5 feet above the floor in an accessible location.
53. The exit doors must open from the inside without the use of a key or any special knowledge or effort.
54. Building permits are required for both building and the installation of the fuel dispensing system including the underground tanks.
55. The address must be plainly visible from the street.
56. An access agreement is required to serve all parcels approved with Final Parcel Map.
57. All services for the rear parcels must be provided to the limit of construction in accordance with the future needs of the remainder of the lot(s).
58. Adequate fire flow must be provided. *NOTE: If the required fire flow cannot be met, fire sprinklers will be required for protection of the facility. In such cases, when 20 or more heads are needed, then a supervisory fire alarm system is required as well.*
59. No propane/LPG dispensing or storage is permitted without revisions to the conditions of approval and approval by the Fire Department.

Planning Department

60. Site Data

- Building Area: 4,563 square foot Building
3,116 square foot Fuel Canopy
- Approved Use of Building per Zoning Ordinance
- Conditional Use Permit Allowing for Sale of Alcoholic Beverages
- Minimum Parking Requirements: 23 stalls
- Parking Provided: 24 (includes two ADA stalls)
- Loading Space 1

61. Any temporary outdoor display of merchandise for sale, including vending machines, shall not occur without the approval of a Zoning Administrator Permit.
62. Vandalism and graffiti that is detrimental or damaging to the proposed use or visible from adjacent properties or the street shall be corrected within 24 hours of notification.
63. 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 trash enclosure owned by the property owner.
64. There shall be no special outdoor events that would cause overflow parking conditions to occur.
65. Prior to issuance of any building permits, a fair share mitigation agreement shall be entered into between the applicant and Caltrans. This agreement shall identify and specify the amount, responsibility and timing of the payment towards the interchange and related improvements for the Freeway 99/ Avenue 17 interchange.
66. Prior to any submittal for building permit, the applicant shall submit an avigation easement in compliance with Specific Plan No. 1 as required by the Airport Master Plan to the Community Development Director for review and approval prior to recording. The approved easement shall, subsequently, be recorded in conjunction with a right to farm covenant. Notification shall be provided in the future to all brokers licensed to do business in Madera County of the existence of these documents prior to recording any final map on the property.
67. Access to the property is provided in part via an adjacent parcel. A reciprocal access easement must be recorded over the adjacent parcel in favor of the project property, a copy of which shall remain on file with the Planning Department.
68. All parking spaces shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of 9' wide by 19' deep (17' deep with 2' bumper overhang). Compact stalls shall be no smaller than 8' wide by 16' deep (15' deep with 1' bumper overhang). Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet.
69. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with City Standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.

70. No wheel stops shall be incorporated into the parking field/parking stall layout.
71. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans reviewed and approved by the Planning Director as to number, design and location. The facilities shall be designed so as to not be aesthetically detrimental to the building and setting.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

72. Prior to the issuance of building permits, the applicant shall identify on the site plan the following information for Planning Department's review and approval:
 - The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment, both ground and roof mounted.
73. All electrical and mechanical equipment shall be located in the interior of the proposed structure within electrical/mechanical service room(s). No electrical or mechanical equipment shall be located on or around the exterior of the structure.
74. All new HVAC equipment shall be roof-mounted. Equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening.
75. Natural gas meter placement shall be screened from public view per Planning Department approval.
76. The applicant shall coordinate the installation of utilities consistent with these conditions of approval with Pacific Gas and Electric Company. The applicant may contact David Vandergriff of PG&E at 2871 Airport Drive, Madera, CA 93637 or via telephone at (559) 675-2234.
77. Roof access ladders shall be located within the interior of the building or out of public view.
78. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
79. All ducts and vents penetrating roofs shall be directed away from the front of public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements preferred at rear sides of roof ridges. All roof-mounted ducts and vents to be painted matt black or with a color better suited to minimize their appearance.
80. Fire sprinkler risers shall be located within the interior of the building or located out of public view. Locations shall be approved by the Planning Department prior to the issuance of building permits.

Building Colors, Materials and Lighting Considerations

81. Prior to the submittal of building permits, the applicant shall submit a color and materials presentation board to the Planning Department for review and approval detailing building and trash enclosure colors and materials.

82. The construction of buildings approved as part of site plan review shall be consistent with the approved color and materials presentation board and representative color rendering of the proposed building as reviewed and approved by the Planning Commission. Any alteration shall require Planning Commission approval.
83. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
84. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to submittal of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
85. Nuisance on-site lighting shall be redirected as requested by the City within 48 hours of notification. The developer shall contact the Planning Department when all site lighting is operational. At this time, additional light screening may be required.

Signage

86. On-site signage shall be in accordance with City Standards, and all signage shall be reviewed and approved by the Planning Department prior to issuance of a separate sign construction permit which may be required by the Building Department. Banners, pennants, balloons and other temporary or portable devices are included in the definition of signs and special permits, and restrictions are applicable. Approval of this site plan constitutes neither a basis for, nor approval of, any exceptions to the Sign Code. Neither permanent nor temporary signing shall encroach into the City right-of-way.
87. All proposed construction announcement sign uses shall conform to the Municipal Sign Ordinance.

Landscaping

88. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Director. Any deviation shall require prior written approval of the Planning Director. Removal or modification shall be at developer's expense.
89. On-site landscaping shall be maintained by the property owner to provide an acceptable appearance that is compatible with adjacent uses and consistent with the intent and purpose of the zone.
90. The park strip along the street frontage shall be landscaped and provided with an automatic irrigation system by the applicant. A minimum of one City approved street tree every 30 feet shall be provided, along with root guards. No trees shall be planted within five (5) feet of any fire hydrant. Each street tree shall be planted with a City approved root barrier. Detailed landscape and irrigation plan shall have been submitted and approved by the Parks and Community Services Director and Planning Director prior to issuance of building permits. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense. Landscaping water meter (if applicable) shall be connected after the backflow device. The property owner shall maintain the landscaping in an acceptable appearance that enhances the aesthetic value of the area.

91. A revised detailed landscaping plan shall be submitted to the Planning Department for review and approval prior to submittal of building permits and shall include:
- Landscaping areas throughout the project shall be landscaped so as to provide a minimum of 70% vegetative cover.
 - On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per three parking spaces. Open parking areas shall have landscaped trees wells at a minimum of 27' on center.
 - Three foot high vertical landscaping screens shall be developed between the street frontages and parking areas.
 - Three foot high vertical landscape hedge shall be developed along the entirety of the Airport Drive frontage, between the street and the parking spaces facing Airport Drive. The hedge would act to screen traffic and adjacent property from potential headlight glare from these parking spaces serving the commercial development.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - A detailed planting list for landscaping, with the number, size and specie of all plantings shall be included as part of the approved plan.
 - Grass turf landscaped areas shall be planted in sod (except that the area of future development may be planted in seed).

Walls and Fences

92. All walls and fences shall be consistent with the Madera Municipal Code.
93. The trash enclosure shall be designed and constructed so as to closely match the architectural value of the primary building in color and materials.

California Department of Transportation

94. The applicant shall address the conditions of approval of the California Department of Transportation.

San Joaquin Valley Air Pollution Control District

95. The applicant shall address the rules and regulations of the San Joaquin Valley Air Pollution Control District. The applicant shall request a determination of the applicability of District Rule 9510 (Indirect Source Review) to the above referenced project.

(OR)

Motion 2: Move to continue the consent item for the requested time extension for Conditional Use Permit 2011-14 and Site Plan Review 2011-14 to the May 12, 2015 Planning Commission meeting.

(OR)

Motion 3: Move to deny the requested time extension for Conditional Use Permit 2011-14 and Site Plan Review 2011-14 based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo

Master Site Plan

Site Plan

Floor Plan

Building Elevations

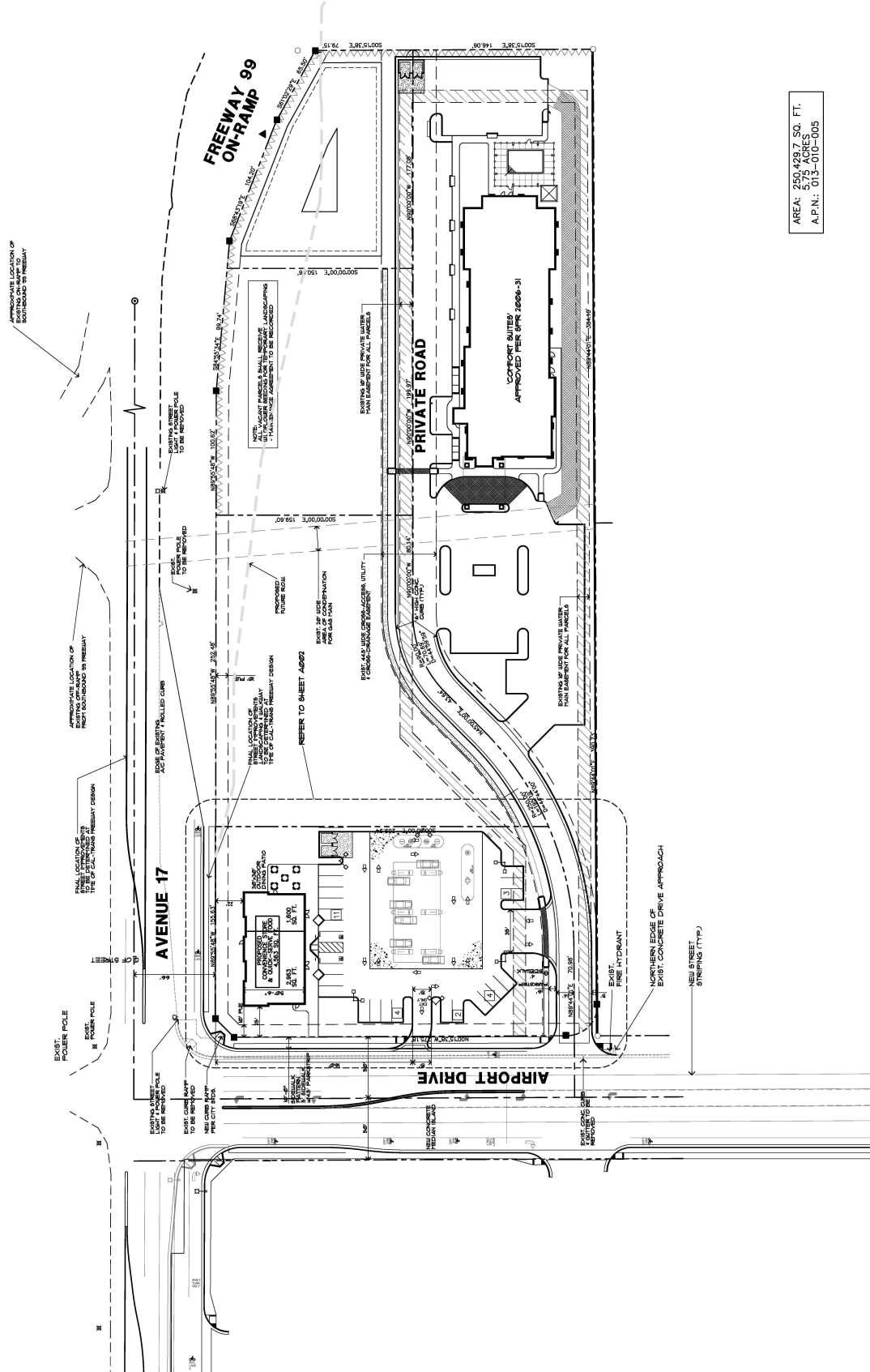
Canopy Elevations

Extension Request Letter

Aerial Photo

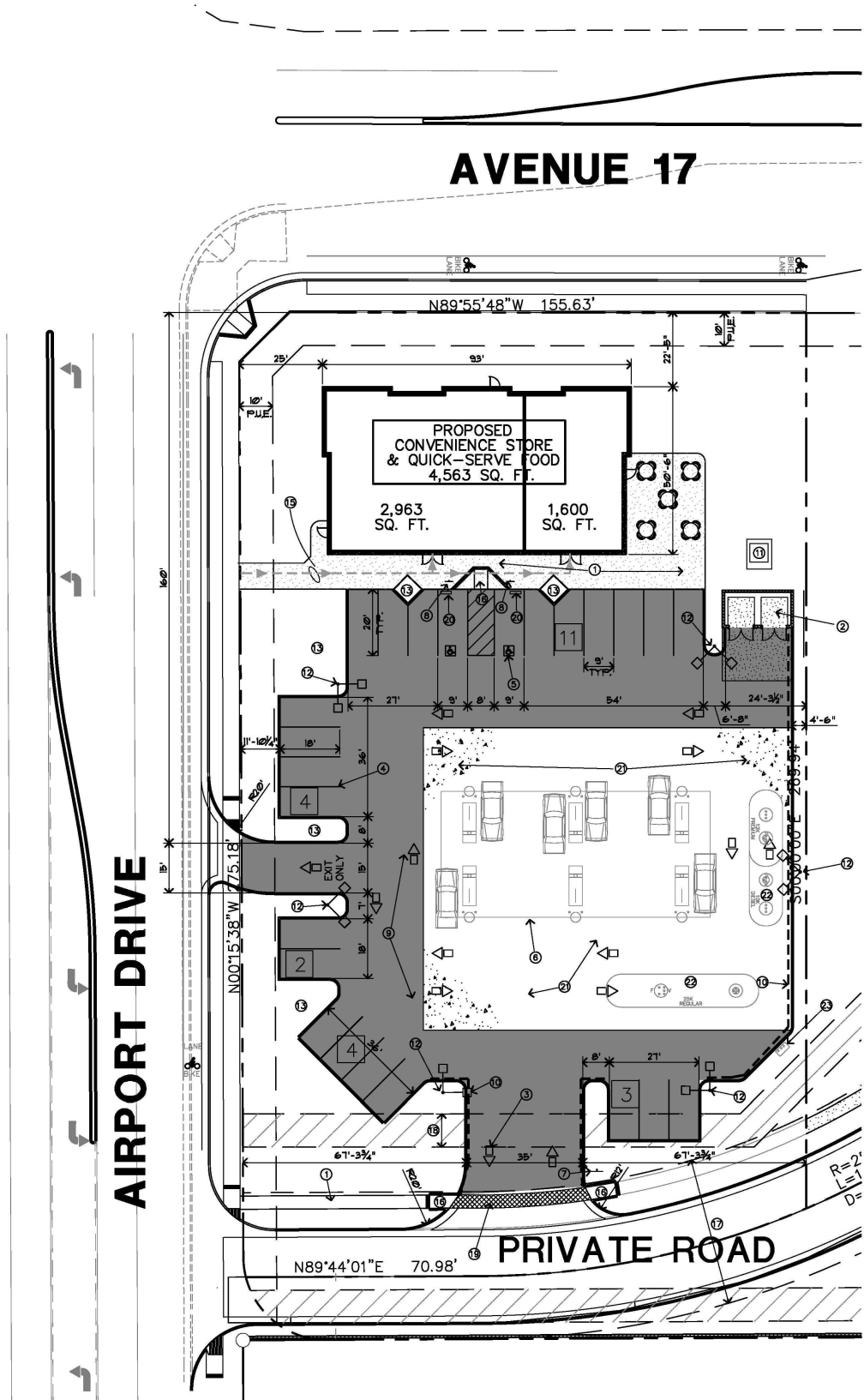


Master Site Plan

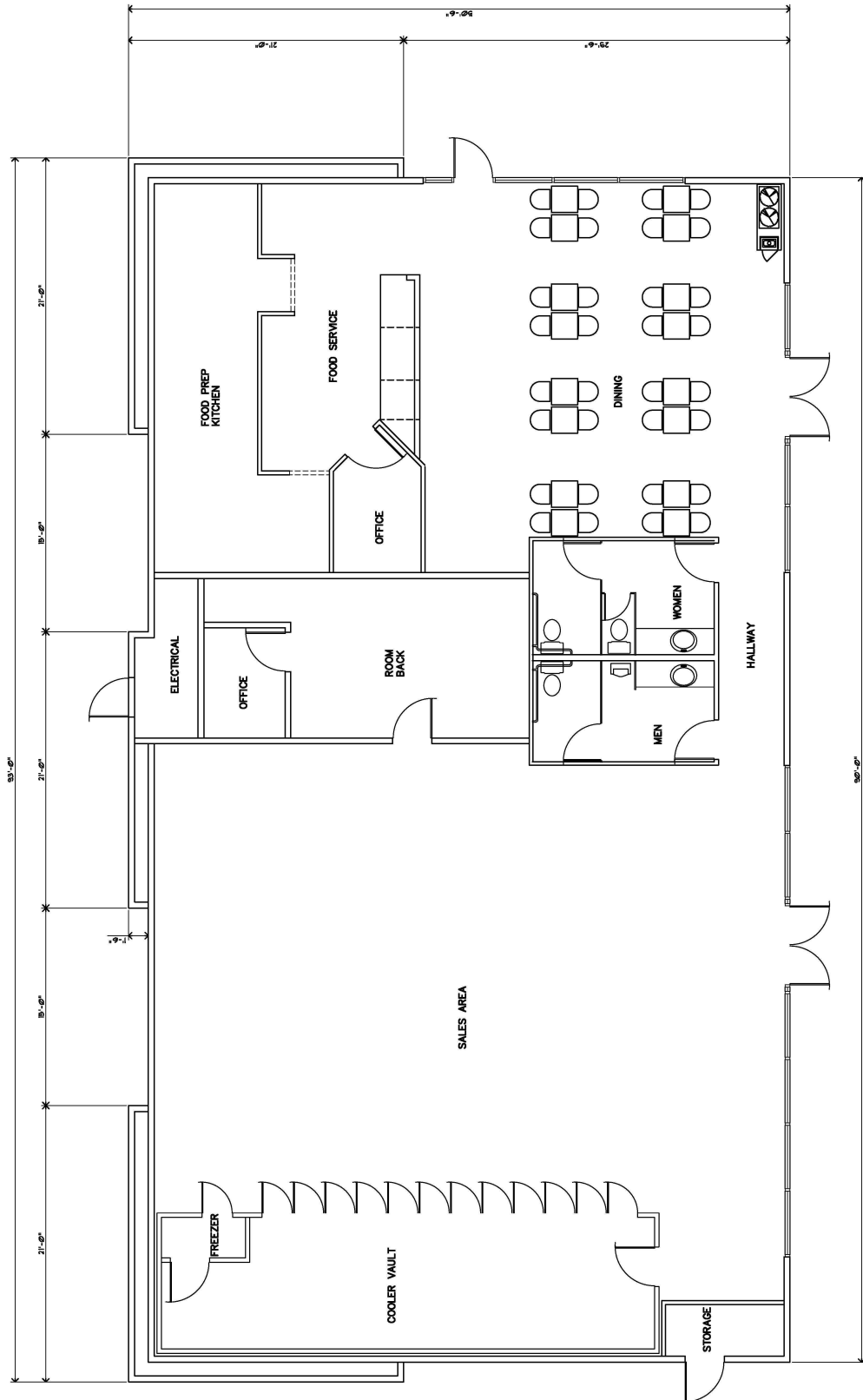


AREA: 265,428.7 SQ. FT.
 AREA: 6.07 ACRES
 A.P.N.: 013-010-005

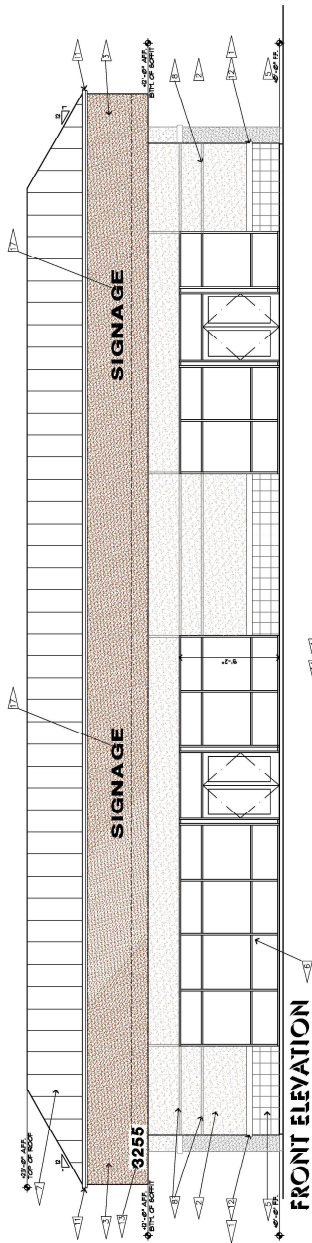
Site Plan



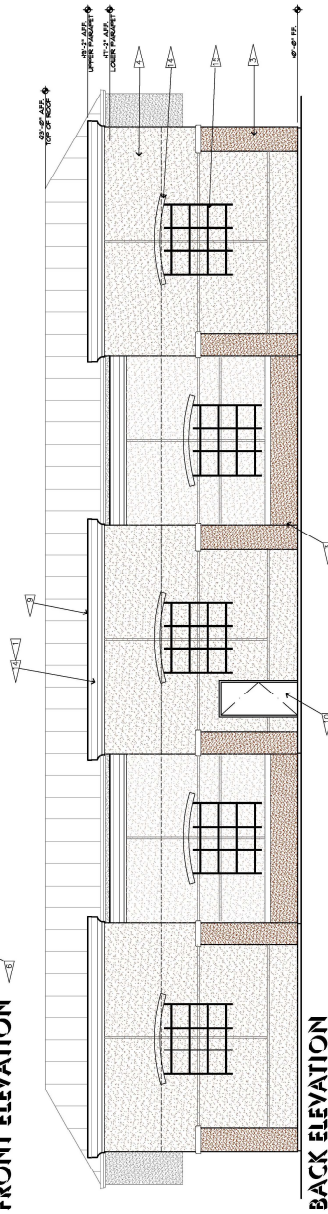
Floor Plan



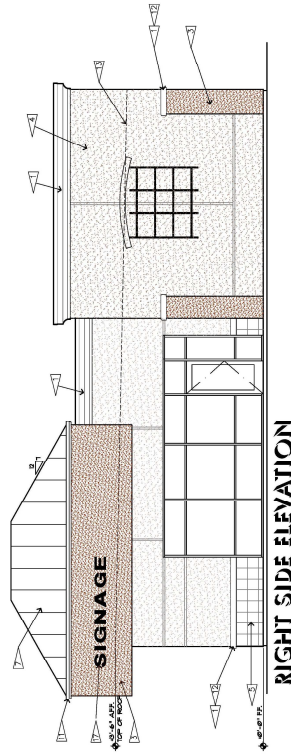
Building Elevations



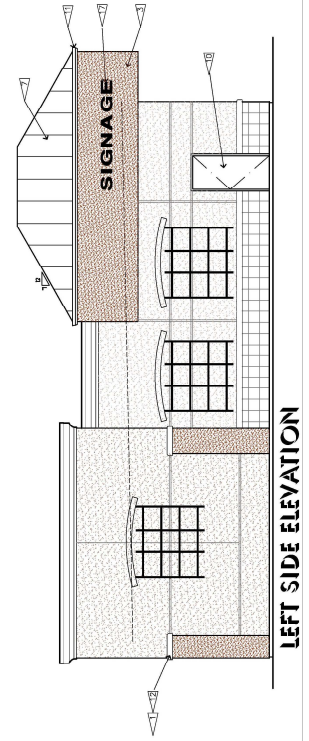
FRONT ELEVATION



BACK ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

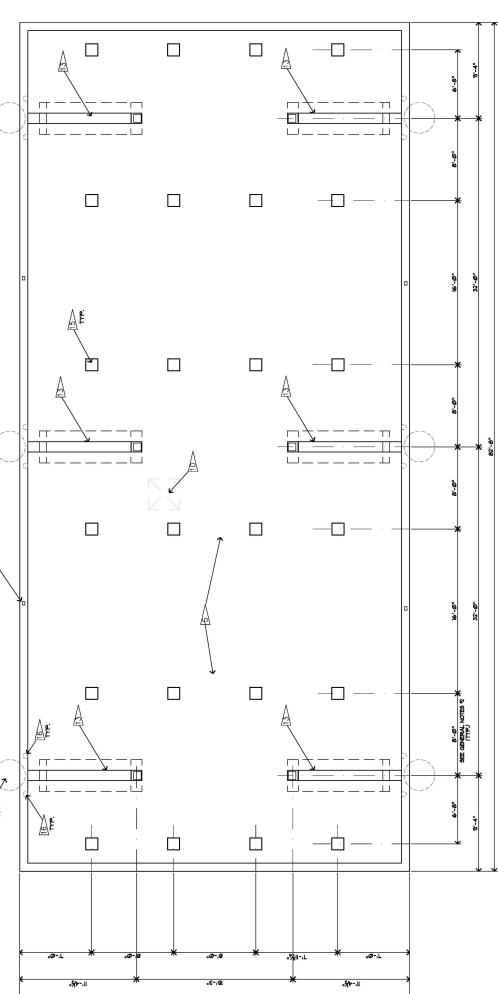
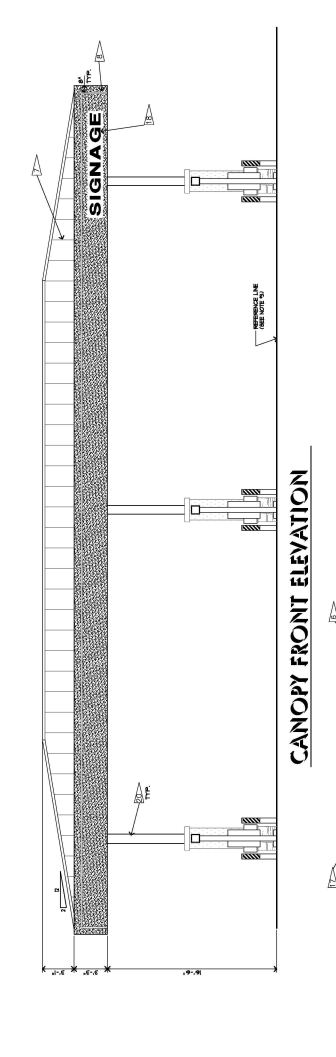
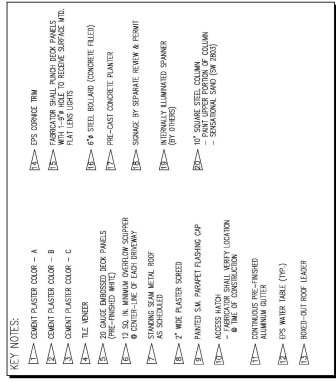
MATERIAL	FINISH	COLOR	NOTES	FINISH MATERIAL NOTES	PALETTE
BUILDING SIGN	1-COAT GEMENT PLASTER	HARRIS	1. 2) 3) PLASTER FINISHES FOR "PORTLAND CEMENT ASSOCIATION"	1. 2) 3) PLASTER COLOR - A	CEMENT PLASTER COLOR - A
ROOFING	METAL ROOF	REDWOOD #10	4. 2) PLASTER COLOR BY "SHERWIN WILLIAMS"	4. 2) PLASTER COLOR - B	REDUCE WHITE
WALLS	CONCRETE BLOCK	PREC-FIN. MATCH ADJACENT MATERIAL	5) METAL ROOF SHALL BE "TYPED SEAM" BY ATAS, OR OR EQUAL	5) METAL ROOF COLOR - C	FINISH: FINE SAND
COMPARTMENTS	ALUMINUM	PREC-FIN. COLOR TO MATCH ELFS. "X"	4) WHITE FINISH SHALL BE 1" W/GRAB	4) WHITE FINISH COLOR - C	CEMENT PLASTER COLOR - B
DOORS	ALUMINUM	PREC-FIN. COLOR TO MATCH ELFS. "X"	5) FINE SAND GEMENT PLASTER "X"	5) FINE SAND GEMENT PLASTER COLOR - C	CEMENT PLASTER COLOR - B
ROOFING	ALUMINUM	PREC-FIN. DISBURRING ANCHORED BROWSE	1. 2) 3) PLASTER FINISHES FOR "PORTLAND CEMENT ASSOCIATION"	1. 2) 3) PLASTER COLOR - A	REDUCE WHITE
MECHANICAL CABINETS	ALUM.	PREC-FIN. MATCH ADJACENT MATERIAL	4. 2) PLASTER COLOR BY "SHERWIN WILLIAMS"	4. 2) PLASTER COLOR - B	FINISH: FINE SAND

- KEY NOTES:**
- ▶▶▶ GEMENT PLASTER COLOR - A
 - ▶▶▶ GEMENT PLASTER COLOR - B
 - ▶▶▶ GEMENT PLASTER COLOR - C
 - ▶▶▶ GEMENT PLASTER COLOR - D
 - ▶▶▶ TILE FINISH
 - ▶▶▶ PRE-FINISHED ALUMINUM
 - ▶▶▶ FINISHING SEAM METAL ROOF AS SCHEDULED
 - ▶▶▶ PRE-FIN PLASTER SCHEDULE
 - ▶▶▶ PAINTED S.H. ROOFLET FLASHING CAP
 - ▶▶▶ PAINTED INSULATED METAL ROOF & FRAME
 - ▶▶▶ CONTINUOUS PRE-FINISHED ALUMINUM GUTTER
 - ▶▶▶ IPS WATER PALE (1"*)
 - ▶▶▶ LOCATION & ADDRESS NUMERALS IN CONTRASTING COLOR
 - ▶▶▶ IPS CORNER TRIM
 - ▶▶▶ COGNATE GUN TIE/CLIP
 - ▶▶▶ ROCKWELL BRAND MANHOLE
 - ▶▶▶ SIGNED BY SEPARATE SECTION & DETAIL

Canopy Elevations

EXTERIOR COLOR PALETTE OPTION SCHEDULE: MODERN SAND			
BUILDING ELEMENT	MATERIAL	FINISH	COLOR
BUILDING SIGN	3-COAT GEMENT PLASTER	FINISH	FINISH MATERIAL NOTES
BUILDING SIGN	3-COAT GEMENT PLASTER	FINISH	FINISH MATERIAL NOTES
ROOFING	METAL ROOF	FINISH	FINISH MATERIAL NOTES
CLADDING	ALUMINUM	FINISH	FINISH MATERIAL NOTES
DOOR/DOORS	ALUMINUM	FINISH	FINISH MATERIAL NOTES
SCREEN	ALUMINUM	FINISH	FINISH MATERIAL NOTES
3-COAT GEMENT PLASTER	FINISH	FINISH MATERIAL NOTES	FINISH MATERIAL NOTES

KEY NOTES			
EPS CONCRETE TRIM	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
FABRICATION SHALL FINISH KEY PANELS WITH 1/8" RADIUS TO ROUND SURFACE AND 1/4" RADIUS CORNERS	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
6" X 6" STEEL BOLTS (CONCRETE FILLED)	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
PRE-CAST CONCRETE PANELS	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
SPACING OF SPANNE RIBS & JOINTS (BY OTHERS)	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
INTERNALLY ILLUMINATED SPANNE R	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
1/2" SQUARE STEEL COLUMN	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
PAINT (UPPER PARTS OF COLUMN - BRONZE AND (UPPER PARTS))	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
DOWNROOP PRE-FINISHED ALUMINUM OUTER	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
EPS WATER TABLE (TYP.)	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C
BRICK-OUT ROOF LINDER	CONCRETE PLASTER COLOR - A	CONCRETE PLASTER COLOR - B	CONCRETE PLASTER COLOR - C



REFLECTED CEILING PLAN
"SCOTTSDALE" FLAT LENS SERIES LIGHTING

Extension Request

DPI, LLC

5161 W. Bedford
Fresno, CA 93722

March 2, 2015

Mr. Christopher Boyle
City of Madera Planning Department
205 W. 4th Street
Madera, CA 93637

Re: CUP 2011-14 & SPR 2011-14
Singh Convenience Store with Fuel Islands
Avenue 17 & Airport Drive, Madera, CA

Mr. Boyle,

I am writing this letter in order to request a time extension for conditional use permit CUP 2011-14 and site plan review SPR 2011-14 which allow for a commercial development including a 4,563 square foot convenience store with prepared food service and a covered fuel island at Avenue 17 and Airport Drive. The conditional use permit is required to allow for the sale of alcoholic beverages at the above location.

This request is being made due to the fact that economic conditions necessitate the request for an extension. We as the applicant are continuing to seek financing for the construction of the project.

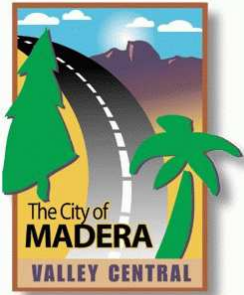
Additionally, No changes to the previously approved site plan or additional conditions of approval are proposed.

Should you have any questions regarding this request you can contact me at (559) 260-1075.

Sincerely,


Pritpal Singh, Principal

Singh-Mini Mart- CUP Extension.Doc



**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Comfort Suites Hotel Time Extension
CUP 2008-15 EXT4 & SPR 2006-31 EXT4
Item #C2 – April 14, 2015**

PROPOSAL: Consideration of a request for a time extension for a conditional use permit and site plan review approval to allow for the development of an 80 room hotel.

APPLICANT:	Paul Singh	OWNER:	Paul Singh
ADDRESS:	Southeast Corner of Avenue 17 & Airport Drive	APN:	013-010-089
APPLICATIONS:	CUP 2008-15 EXT4 & SPR 2006-31 EXT4	CEQA:	Mitigated Negative Declaration

LOCATION: This project site is located on the southeast corner of the intersection of Avenue 17 and Airport Drive.

STREET ACCESS: The site is accessed from Airport Drive. No access will be provided to or from Avenue 17.

PARCEL SIZE: 2.02 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C-2 (Heavy Commercial)

SITE CHARACTERISTICS: The site is located within an area designated and partially developed with a combination of commercial and industrial uses identified as the Madera Airport Business Park. To the south and west are developed lands. To the north is an Arco station, and to the east is the State Highway 99 transportation corridor.

ENVIRONMENTAL REVIEW: An initial study and mitigated negative declaration were adopted as part of the original approval.

SUMMARY & RECOMMENDATION: There have not been any significant changes to our local standards or the project that would warrant a change in the previous approvals or require additional conditions to be placed on the project. It is recommended that a one-year extension for the conditional use permit and site plan review be approved.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.405(B) Uses

MMC §10-3.1311 Use Permit Termination and Revocation

MMC §10-3.4.0114 Lapse of Site Plan Approval

Per MMC §10-3.405, a conditional use permit is required to allow for hotel to be located in the C-2 (Heavy Commercial) Zone District. Per MMC §10-3.1311, failure to utilize a conditional use permit within 12 months after approval renders a permit null and void unless a written request for extension is received prior to the expiration of the permit. The Commission, in considering the time extension request, may approve, deny or conditionally approve a time extension. If the time extension is denied, the applicant may re-file the conditional use permit for further consideration by the Planning Commission.

PRIOR ACTION

On October 14, 2008, the Planning Commission approved Conditional Use Permit 2008-15 and Site Plan Review 2006-31, subject to conditions of approval. The approval allowed for the development of an eighty (80) room hotel on approximately 5.5 acres of land located on the southeast corner of Avenue 17 and Airport Drive.

On March 6, 2009, a modification to the site plan review for the project was approved to allow for a shift in the building footprint to avoid a previously unidentified underground high pressure natural gas line. An additional extension was granted while a study was in process to identify the ultimate interchange design concept for SR99 and Avenue 17. The Planning Commission granted a one-year time extension for the project at its March 13, 2012, April 9, 2013, and April 8, 2014 meetings.

ANALYSIS

In the past, economic conditions have driven requests for extension as the applicant sought financing for the construction of the project.

This extension request would protect the existing planning entitlements for an additional year, allowing the applicant additional time to secure project financing. No changes to the previously approved site plan or additional conditions of approval are proposed, as there have not been any significant changes to the local standards or the design of the project to warrant any new conditions.

This is the fourth extension proposed for this project. The original entitlement was granted in 2008 and modified in 2009. Approval of the extension will have ultimately provided a five year period for completion of the project. The ordinance allows for one year extension periods, although staff questions if the intent of the ordinance was for entitlements to continue indefinitely. As such, additional extensions may not be supported by staff.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports approval of an extension of the Conditional Use Permit and Site Plan Review as conditioned. It is recommended that the Commission consider this information and move to approve the application for extension, subject to the included conditions of approval.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2008-15 EXT4 and Site Plan Review 2006-31 EXT4, determining to either:

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

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 a one-year time extension from this date to March 13, 2016, for Conditional Use Permit 2008-15 and Site Plan Review 2006-31, remaining subject to the original conditions as listed below.

Findings

- Development of the site is consistent with the Madera General Plan and approval of the project will not result in any significant effects relating to traffic, noise, air quality or water quality.
- Based upon the testimony and information presented at the hearing, including the initial study and mitigated negative declaration previously adopted for the project and all evidence in the whole record pertaining to this matter, the Commission finds that there is no substantial evidence that the project will have a significant effect on the environment.
- The use is not likely to be detrimental to the health, safety, peace, comfort, morals or general welfare of the neighborhood or the City.
- The use is not likely to be to be injurious to property or improvements in the neighborhood or the general welfare of the City.
- The project will be consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.
- The applicant made a written request for an extension, in compliance with MMC §10-3.1311.

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this conditional use permit (CUP 2008-15) and site plan review (SPR 2006-31) approval will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or a time extension is requested and approved.
2. Site development shall be consistent with the approved site plan and elevations filed with the site plan application.

3. Prior to issuance of any building permits, a fair share mitigation agreement shall be entered into between the applicant and Caltrans. This agreement shall identify and specify the amount, responsibility and timing of the payment towards the interchange and related improvements for the Freeway 99/Avenue 17 interchange.
4. Any future proposed uses will be required to comply with the Specific Plan #1 and C-2 (Heavy Commercial) Zone District regulations and requirements.
5. The applicant shall submit an avigation easement in compliance with Specific Plan #1, as required by the Airport Master Plan, to the Community Development Department for review and approval prior to recording. The approved easement shall subsequently be recorded. Notification shall be provided, in the future, to all brokers licensed to do business in Madera County of the existence of these documents prior to recording any final subdivision map on the property.
6. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
7. In the event that archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified, so that procedures required by state law can be implemented.
8. Impact fees shall be paid at time of building permits issuance.
9. A landscape, lighting and maintenance district shall be formed for Airport Drive median landscaping subject to and as determined by Community Development Director and City Engineer.

Building Department

10. All interior spaces within the building shall meet all applicable building code requirements for their respective occupancy types before final approval for occupancy.
11. The plans submitted for building permits shall be in compliance with the herein listed conditions of approval and the building codes currently being enforced by the City Building Department, as well as, other applicable City ordinances and standards, and shall be prepared by or under the supervision of an architect or engineer licensed to practice in the State of California.
12. Prior to commencement of construction, all property corners must be located or verified to the satisfaction of the building official and no part of the structure shall encroach into the City right-of-way or onto the property of another. Property corner establishment shall also be verified prior to final occupancy. New property corners will require a record of survey to be recorded prior to any site construction or issuance of building permit.
13. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

14. Any mechanical equipment located outside of a building shall be screened in accordance with the Municipal Code. If such units are proposed, submit drawings indicating the method of screening for Planning Department review and approval before issuance of a building permit.
15. Provide a minimum of two sets of the following plans to the Building Department for the initial plan check. A complete set of plans shall be prepared by and bearing the stamp and signature of an individual licensed to practice architecture, includes the following required drawings drawn to an appropriate scale:
 - a. site plan bearing City approval or a plan incorporating all site related conditions
 - b. floor plan
 - c. site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
 - d. all exterior elevations
 - e. engineering plans and calculations
 - f. foundation plan
 - g. ceiling framing plan
 - h. roof framing plan
 - i. electrical plan
 - j. plumbing plan
 - k. mechanical plan
 - l. sections and details
 - m. disabled access compliance drawings
 - n. energy compliance drawings and documentation
 - o. landscape plan
 - p. landscape irrigation plan
16. In addition to the plans specified by #15 above, provide a minimum of four sets of the following plans to the Building Department for the initial plan check:
 - a. site plan bearing City approval or a plan incorporating all site related conditions
 - b. floor plan
 - c. all exterior elevations
 - d. site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, back flow prevention devices, roof drains, etc., and the connections to off-site utilities
17. All walls within twenty (20') feet of property lines must be of one (1) hour fire resistive construction. All walls within five feet of property lines shall be of parapet wall construction. The use of all rooms must be identified on the construction plans.

Engineering Department

Streets

18. Site development shall conform to the traffic study dated February 16, 2007 or as directed by the City Engineer.
19. Airport Drive, easterly one-half adjacent to the project site shall be improved to comply with a 100-foot street cross section, City Standard (ST-5) or as addressed in the traffic study or as approved by the City Engineer.

20. Avenue 17, southerly one-half adjacent to the project site shall be improved to comply with a 100-foot street cross section, City Standard (ST-5) or as addressed in the traffic study or as approved by the City Engineer.
21. A signature block for Caltrans shall be added to the improvement drawings denoting their approval of the project's physical ties (street and slopes to the east along the SR 99 on ramp) to Caltrans future improvements.
22. Airport Drive entrance shall be street type openings with a minimum face of curb radius of 15-feet.
23. "No Parking" signs shall be installed along Airport Drive frontage.
24. Public Utility Easement (PUE) 10-wide shall be dedicated along Airport Drive.

Water

25. The developer shall install new connection(s) to the public 12-inch water main in Airport Drive.
26. Water meters shall read in cubic feet and be located within the city right-of-way.
27. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

Sewer

28. The developer shall install new connection(s) to the 8-inch sewer main in Airport Drive. The developer shall analyze the existing sewer main to establish the capacity of the sewer main relative to the demand of this project and other projects already proposing ties upstream.
29. Connections to street mains with a lateral larger than four (4) inches shall require manholes to be installed.
30. Existing septic tanks, if found, shall be removed under permits issued by the City of Madera Building Department.

Drainage

31. Storm runoff from this project site is planned to go to Basin 41550 to the south of this site. The developer shall either:
 - Construct new or expanded off-site storm drain facilities as necessary to convey site generated runoff to the storm drainage master plan basin. Construction of these facilities shall be developed consistent with the Storm Drainage Master Plan or as directed by the City Engineer. The developer shall excavate and remove sufficient material from Basin 41550 to accommodate storage requirements of the site's 100-year design storm. Construction of this improvement less basin excavation is eligible for reimbursement through the impact fee program,

OR

- Construct a private temporary drainage basin and enter into a deferral agreement to construct permanent storm drainage facilities at such time as deemed necessary by the City of Madera.
32. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.
 33. Construction of a private temporary drainage basin shall require a Drainage Basin Covenant.

Fire Department

34. The project is protected by the City Fire Department. Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for current fire protection development requirements and shall comply with such requirements. All new construction shall comply with existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances or standards of the Fire Department. Fire Department requirements may be revised based on final project plans.
35. Water systems designed to meet the required fire flow of the development shall be approved by the Fire Department. Water systems shall be operational and approved by the Fire Department prior to any framing construction occurring or combustible materials delivered to the site. The required fire flow shall be determined in accordance with the Uniform Fire Code.
36. Prior to beginning any combustible construction, approved fire hydrants and pavement markers shall be installed in accordance with spacing requirements for commercial development (150 feet from last fire hydrant and/or 300 feet spacing fire hydrant to fire hydrant).
37. All uses shall be identified in detail, on construction plans to allow occupancy determinations to be made and fire safety requirements to be established.
38. All fire extinguishing systems, including automatic sprinkler systems, Classes I, II and III combined stand-pipes, halon systems, other special automatic extinguishing systems, and basement pipe inlets shall be approved by both the Fire Department and the Building Department prior to installation. Said systems shall meet the appropriate standard whether NFPA or UBC. The Fire Department shall witness all system tests and the system shall be operational prior to occupancy.
39. Any gated access which may be requested, shall comply with City standards for emergency access. A Knox Box key storage system is required and contact with the Fire Department is recommended for details. Fire extinguishers are required in accordance with Uniform Fire Code Standard 10-1. The building shall have a central station alarm per Uniform Fire Code Article 10.
40. Street addresses shall conform to City standards and must be a minimum of six (6") inches in height, have a contrasting background and shall be legible from the street in accordance with the Uniform Fire Code. They shall be internally or externally illuminated during all evening darkness hours.

41. 2A10BC-rated fire extinguishers are required on every floor level. The maximum travel distance is 75 feet. One fire extinguisher is required for each 3,000 square feet or fraction thereof. Special uses may trigger additional requirements.
42. There are fire hydrants shown on the site plan in the vicinity of the new construction. The actual placement and numbers are subject to the final design, however they should be located 40 feet away from all structures. A utility plan must be approved by the Fire Department prior to installation. The plan must contain pipe information such as size, type of materials, thrust block locations, thrust block design, size, etc. All easements for services shall be indicated on approved site plan.
43. The location of the FDC for the fire sprinkler systems must be coordinated with the locations of the fire hydrants for ease of use and should be 40 feet from buildings where possible.
44. A key box for entry is required for all new structures.
45. Fire lanes are required and must be posted in compliance with the California Fire Code and California Vehicle Code.

Planning Department

46. The applicant shall revise the elevations of the hotel to address unarticulated massing of the structure as currently depicted. This shall be accomplished by including additional architectural features to the roof and building design. Modifications shall be reviewed and approved by the Planning Director.
47. The applicant shall submit a color and materials board for the hotel identifying all proposed exterior finishes, to be reviewed and approved by the Planning Director.
48. The applicant shall revise the site plan to include a shift of the building footprint, at minimum, an additional 10 feet from the southerly property line to allow for the development of a landscape buffer between the proposed hotel and adjacent industrial uses. The buffer shall be a minimum of 10 feet wide and be located adjacent to the westerly and southerly project boundaries. The building shall be a minimum of 27 feet from the southerly property line.
49. The landscape and irrigation plans shall be revised to include the 10 foot landscape buffer. The buffer shall utilize tree species that at maturity would have a minimum canopy height of 30 feet, and be spaced and sized in such a manner to create generally solid visual screen within five to seven years. The landscape buffer area shall also include features that create an aesthetically pleasing outdoor space. In addition, a solid masonry wall shall be required at the southerly and westerly project boundaries, a minimum of seven feet in height. Modifications shall be reviewed and approved by the Planning Director.
50. Landscaping and irrigation plans shall include delineation of a landscaped ten (10) foot wide, public utility easement (PUE), dedicated along Avenue 17 and Airport Drive street frontages. The plan shall be in accordance with Specific Plan #1. Any proposed modification to landscape and irrigation plan shall be reviewed and approved by the Planning Director and Parks & Community Service Director.

51. All park strips shall be landscaped and provided with an automatic irrigation system. A minimum of one City approved street tree every 30 feet shall be provided. No trees shall be planted within five feet of any fire hydrant. Five percent of the parking area shall be landscaped, with trees provided at a rate of one per every five (5) parking spaces. Landscaping and irrigation shall be installed in accordance with the Planning Department approved landscaping and irrigation plans prior to final building inspection. All plans for landscape and irrigation improvements within public right-of-way shall be reviewed and approved by Parks & Community Service Director.
52. Landscaping shall be maintained by the property owner to provide an acceptable appearance that is compatible with adjacent uses and consistent with the intent and purpose of the zone.
53. No loading dock or loading space shall be allowed in the front of the building. All loading areas shall be screened from view from public rights-of-way.
54. Any outdoor lighting fixtures shall be directed and shielded away from adjacent properties and from street traffic. All outdoor lighting shall be reviewed and approved by the Community Development Department before issuance of a building permit. The approved fixtures shall be installed before final building inspection. Nuisance lighting conditions shall be corrected at the owner's expense within (30) calendar days of notification from the City Engineer.
55. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to issuance of a certificate of occupancy.
56. The applicant shall comply with all applicable federal, state and local laws. Material violation of any of those laws in connection with the use will be cause for revocation of this permit.
57. No occupancy, temporary or final, of any buildings within the development shall be granted until improvements within the public right-of-way are completed to the satisfaction of the City Engineer and confirmed in writing.
58. No occupancy, temporary or final, of any buildings within the development shall be granted until on-site project improvements are completed to the satisfaction of the Planning Department and confirmed in writing.

Air Quality Mitigation Measures

59. The developer shall meet all regulations of the San Joaquin Valley Air Pollution Control District (Regulation VIII) concerning dust suppression during construction of the project. Methods include, but are not limited to use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas, washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20 mph or more).
60. The construction grading plans shall include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.

61. Compliance with San Joaquin Valley Air Pollution Control District regulations and permitting requirements shall be required. Clearances and/or permits shall be provided to the Building Department prior to issuance of any City building permits.

The requirements and conditions of approval noted above have been established based on the information submitted for site plan review. Additional and/or modified conditions may be applied at such time as final development plans (including construction drawings for building permits) are submitted or if any changes are made to the project. Please submit construction plans and final plot plans to ensure proper application of codes.

In addition to the conditions of approval listed above for Conditional Use Permit 2008-15 and Site Plan Review 2006-31, the following conditions of approval for Site Plan Review 2006-31 MOD shall be applied to the time extension:

SITE PLAN REVIEW 2006-31 MOD CONDITIONS

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by the applicant's signature thereon within thirty days of the date of site plan approval. Please note this modification to a site plan review approval (SPR 2006-31 MOD) will expire one year from date of issuance, unless you take positive action on the project as provided in the Municipal Code, or take the required action to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
2. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval.
3. 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.
4. Any proposed future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review modification.
5. All conditions included in previous Planning Commission approval for conditional use permit (CUP 2008-15) and site plan review approval (SPR 2006-31), allowing for the development of a Comfort Suites Hotel shall remain effective and are not revised in any way by this approval except as modified herein (see attached).
6. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Pacific Gas and Electric

7. All plans submitted for issuance of permits shall indicate the existing 20' wide PG&E easement provided for the PG&E 12" gas transmission pressure pipeline crossing the subject property.
8. Items that may be installed within the 20' PG&E easement are as follows: asphalt paving, concrete curbing, and landscaping including grass and bush-type shrubs.

9. Items that shall not be installed within the 20' easement are as follows: trees, trash enclosures, parking light poles or any structures.
10. The Applicant shall provide potholes over the pipeline to determine the current pipe depths. Prior to potholing, the Applicant shall contact Underground Service Alert (USA). The Applicant also shall notify PG&E contact Steve Freitas at (209) 617-0006 to allow stand-by during the pothole excavations. (The excavations must be performed with hand tools.)
11. Prior to issuance of Grading and/or Building Permits, the Applicant shall provide PG&E with a site plan showing the pothole locations noting the current pipe depths. The Applicant shall also indicate the proposed cover over the gas pipe at subgrade elevation. Prior to grading and/or making soil cuts for the parking area, PG&E shall be provided information indicating the minimum soil cover over the gas pipe. (PG&E will calculate the wheel loading limitations with this information.)

(OR)

Motion 2: Move to continue the consent item for the requested time extension for Conditional Use Permit 2008-15 and Site Plan Review 2006-31 to the May 12, 2015 Planning Commission meeting:

(OR)

Motion 3: Move to deny the requested time extension for Conditional Use Permit 2008-15 and Site Plan Review 2006-31 based on and subject to the following findings: (specify)

ATTACHMENTS

Aerial Photo
Site Plan
Elevation
Extension Request Letter

Aerial Photo



Elevation



COMFORT SUITES
MADERA, CALIFORNIA



Extension Request

DPI, LLC

5161 W. Bedford
Fresno, CA 93722

March 2, 2015

Mr. Christopher Boyle
City of Madera Planning Department
205 W. 4th Street
Madera, CA 93637

Re: CUP 2008-15 EXT & SPR 2006-31 EXT
Comfort Suites
Avenue 17 & Airport Drive, Madera, CA

Mr. Boyle,

I am writing this letter in order to request a time extension for conditional use permit CUP 2008-15 and site plan review SPR 2006-31 which allow for the development of an 80 room hotel on a portion of a 2.02 acre parcel at Avenue 17 and Airport Drive.

This request is being made due to the fact that economic conditions necessitate the request for an extension. We as the applicant are continuing to seek financing for the construction of the project.

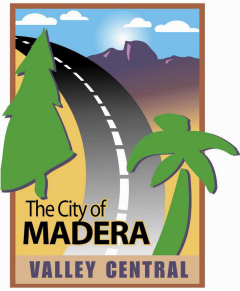
Additionally, No changes to the previously approved site plan or additional conditions of approval are proposed.

Should you have any questions regarding this request you can contact me at (559) 260-1075.

Sincerely,


Pritpal Singh, Principal

Singh-Comfort Suites- CUP Extension.Doc



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Verizon Rooftop Cellular Wireless Facility CUP 2014-25, SPR 2014-38 and Environmental Determination Item #1 – April 14, 2015

PROPOSAL: An application for a conditional use permit and site plan review to allow for the installation of rooftop cellular wireless telecommunications facility on the roof of an existing hotel.

APPLICANT:	Naomi Vidal c/o Verizon Wireless	OWNER:	HLM Investments, LLC
ADDRESS:	317 North G Street	APN:	006-095-010
APPLICATION:	CUP 2014-25 & SPR 2014-38	CEQA:	Categorical Exclusion

LOCATION: The property is located on the northeast corner of West 4th Street and North G Street.

STREET ACCESS: The site has access to West 4th Street, West 3rd Street and North G Street.

PARCEL SIZE: Approximately 1.2-acre

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Commercial)

SITE CHARACTERISTICS: The site is located on the roof of the Quality Inn. There is commercial development to the east and south, with a residential neighborhood located directly north. City Hall is located immediately west of the project site.

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

SUMMARY & RECOMMENDATION: Cellular telephone service is an integral element of daily communication. The proposed rooftop cellular wireless telecommunications facility is necessary to provide enhanced wireless telecommunications service to the area. In that no suitable alternatives are available, staff recommends conditional approval of Conditional Use Permit 2014-25 and Site Plan Review 2014-38.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.419 Telecommunication Towers, Antennas, and Structures

MMC § 10-3.901 et. al.; C2, Heavy Commercial Zones

MMC § 10-3.4.0101 Site Plan Review

MMC § 10-3.1301 Use Permits

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

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

The City's General Plan indicates that land designated as C (Commercial) is appropriate for development of commercial centers. The City's Zoning Ordinance also allows for a variety of retail and service uses in the C2 (Heavy Commercial) Zone District, including a rooftop cellular wireless telecommunications facility, subject to the approval of a conditional use permit by the Planning Commission.

PRIOR ACTION:

Site Plan Review 1974-04 was completed for signage at the Madera Valley Inn. No site plan review has been completed on the site since the 1974 application.

ANALYSIS

Project Proposal

The applicant proposes the installation of a rooftop cellular wireless telecommunications facility, to be located on the roof of the existing Quality Inn at the northeast corner of North G Street and West 4th Street. The rooftop facility would function as a typical ground based cell tower except the antennae arrays would be positioned at each corner of the roof, screened from view by fiber reinforced plastic wall panels painted to match the existing structure, instead of mounted to a tower or monopole structure. Whereas the Planning Commission has reviewed cell towers applications with various types of stealthing in the past (such as pine trees and flag poles), the proposed cell tower would be disguised to resemble the structure it was placed on top of using the height of the building to provide cellular coverage as opposed to constructing a new tower. In support of the roof top fixture, the applicant proposes to construct a 16 by 24 foot equipment enclosure on the roof to serve antennae arrays positioned on each corner of the building. A shade structure would cover the majority of the equipment enclosure area. The rooftop cellular wireless telecommunications facility would be unmanned except for periodic maintenance of the facility.

Aesthetics

The rooftop cellular wireless telecommunications facility is designed to blend into and appear to be a part of the Quality Inn structure. For those who might see the structure for the first time, they might not know that a cellular facility is present on the rooftop. Fiber reinforced plastic wall panels will be installed in such a way as to appear to be an integral component of the hotel structure. Please review the attached photo simulations for visual elaboration.

Demonstration of Need

The applicant has excellent existing coverage in this area of the city. Three existing Verizon cell towers serve the greater metropolitan Madera. This site is necessary for “enhanced Verizon wireless coverage to existing and prospective customers”.¹ Additional areas of excellent coverage will be created north of the Fresno River to beyond the East Cleveland Avenue corridor. The applicant has explored other alternative sites and found that the proposed location best suits the needs of the applicant within the requirements of City ordinance.

Telecommunications Act of 1996

The Telecom Act provides in part that no State or local statute or regulation may prohibit or have the effect of prohibiting any entity from providing intrastate telecommunications service. Although it appears the Act is more centered upon encouraging competition among providers, it has the further effect of prohibiting regulatory barriers to placement of antennas. Local jurisdictions may attach condition(s), regulate location, height, appearance and other parameters, as long as such regulation is based on need and reason. For example, to require a certain color for all towers would be permissible, but to exclude some providers from a specific area for no good cause would not be. The proposed conditions of approval are reflective of these rules.

Site Plan Review

Whenever a discretionary permit is requested, the completion of site plan review is required by the Municipal Code in order to ensure that property in the City remains in conformity with the provisions of the Municipal Code and “enhance[s] the physical appearance and attractiveness of the community.” In that the project site has not undergone site plan review in forty years, there are certain site improvements that are in genuine need of attention and repair. Curb, gutter, sidewalks and drive approaches on the project site are in need of repair and areas of deferred maintenance or neglect have caused blighted conditions that clearly do not enhance the attractiveness of the community.

Although conditions of approval had been drafted that directed the applicant toward corrective measures, these conditions of approval have been largely removed. It has been determined that, since no expansion of building footprint and no intensification of activities on the site which would impact traffic, parking, or other infrastructure serving the site would occur as a result of the installation of a cellular telecommunications facility, then no conditions relative to those issues would be included as components of the site plan review process. Conditions of approval reflective of that decision have been applied to the conditional use permit and site plan review request.

CEQA Compliance

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301(e), (Existing Facilities), which provides for minor additions to existing structures.

¹ Project Narrative / Operational Statement

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city”. The proposed rooftop wireless cellular telecommunications fixture supports Strategy 101.6, which promotes adequate infrastructure in order to sustain population growth.

SUMMARY OF RECOMMENDATIONS

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

PLANNING COMMISSION ACTION

The Planning Commission will be acting on Conditional Use Permit 2014-25 and Site Plan Review 2014-38, 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 2014-25 and Site Plan Review 2014-38, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA), which provides for minor additions to existing structures.
- The proposed rooftop cellular wireless telecommunications facility is consistent with the purpose and intent of the C2 (Heavy Commercial) Zone District which allows the use, subject to the issuance of a conditional use permit.
- The proposed rooftop cellular wireless telecommunications facility is consistent with the C (Commercial) General Plan land use designation which allows for a broad range of commercial activities.
- As conditioned, the rooftop cellular wireless telecommunications facility will be compatible with surrounding properties, because conditions of approval have been applied to the use that adequately address the operational constraints of the site.
- 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, because conditions of approval adequately

address the placement of the use in relationship to surrounding properties and allow for future review by the Commission at such time as development occurs on or in proximity to the project site.

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 (30) thirty days of the date of approval for this use permit.
2. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval and as amended within the site plan review process.
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. This conditional use permit will expire and be rendered null and void if the use is discontinued for a six-month period.
5. It shall be the responsibility of the property owner and tenant to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use. In the event approval for the project is not given by the Federal Communications Commission, Public Utility Commission, Federal Aviation Administration or other agency having jurisdiction over the project, this use permit shall become null and void.
6. This approval shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Building Department

7. Site development shall be consistent with the approved site plan and/or floor plan. The uses of all rooms and activity areas shall be identified on plans submitted for issuance of building permits.
8. Provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and includes the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing City approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan
 - d) All exterior elevations

- e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities.
9. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Fire Department

10. A building permit is required for the proposed installation.
11. Adequate fire access to the rooftop equipment must be provided. The documentation may be verified at the building permit stage.
12. One, 2A10BC rated portable fire extinguisher is required within 75 feet of all equipment and the fire extinguisher must be plainly visible. Two (2) or more fire extinguishers may be necessary.
13. The proposed roof top structure shall comply with CBC Section 1509, and shall be equipped with fire sprinklers as required by NFPA 13 for covered roof area for equipment shelters (Ordinary 2 Hazard Density).

Planning Department

14. Conditional Use Permit 2014-25 allows for the installation of a rooftop cellular wireless telecommunications facility, consistent with the proposed plan submittals. The rooftop facility shall include:
- new outdoor equipment on a new steel platform
 - new natural gas stand-by generator on a new steel platform
 - Twelve (12) new panel antennas mounted on four (4) new rooftop sleds (3 per sled)
 - Twelve (12) new RRH units to be installed (3 per sled)
 - Six (6) new raycap units
 - Two (2) new GPS antennas mounted to new sunscreen
 - Two (2) future 2.5 ft. microwave antennas
 - All improvements shall be screened utilizing fiber reinforced plastic wall panels, consistent with the approved plans and photo simulations.
15. The applicant shall operate the use in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties and tenants.
16. The rooftop cellular wireless telecommunications facility shall be consistent with the approved plan set. As-built materials shall be identical to or better than those approved by the Planning Commission, as determined by the Planning Manager upon submittal for building permit.
17. The rooftop cellular wireless telecommunications facility shall not be illuminated. Any security lighting associated with the rooftop equipment enclosure shall be down-shielded to keep light within the boundaries of the equipment enclosure and prescribed

surroundings. In no instance shall any lighting pose a concern to public safety. In no instance shall any lighting compromise the perspective of the rooftop facility and/or the fiber reinforced plastic wall panels.

18. The property owner shall maintain all landscaping in a healthy and well manicured appearance. 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.
19. Should the rooftop cellular wireless telecommunications facility remain inoperative for a continuous period of twelve (12) months, it shall be considered abandoned and the owner shall remove the facility within ninety (90) days of notification of such abandonment.
20. Vandalism and graffiti shall be removed or corrected within 24 hours of notification.
21. The rooftop cellular wireless telecommunications facility shall be maintained on a periodic basis sufficient to provide an acceptable appearance and maintain a "like new" condition.
22. Fiber reinforced plastic wall panels shall be installed in such a way as to appear to be an integral component of the hotel structure. The wall panels shall be maintained on a periodic basis to provide an acceptable appearance and maintain a "like new" condition.

Motion 2: Move to continue the public hearing for Conditional Use Permit 2014-25 and Site Plan Review 2014-38 to the May 12, 2015 Planning Commission meeting:

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2014-25 and Site Plan Review 2014-38 based on and subject to the following findings: (specify)

Attachments

Aerial Map
Site Plan
Elevations
Photo Simulations

Aerial Map



Site Plan



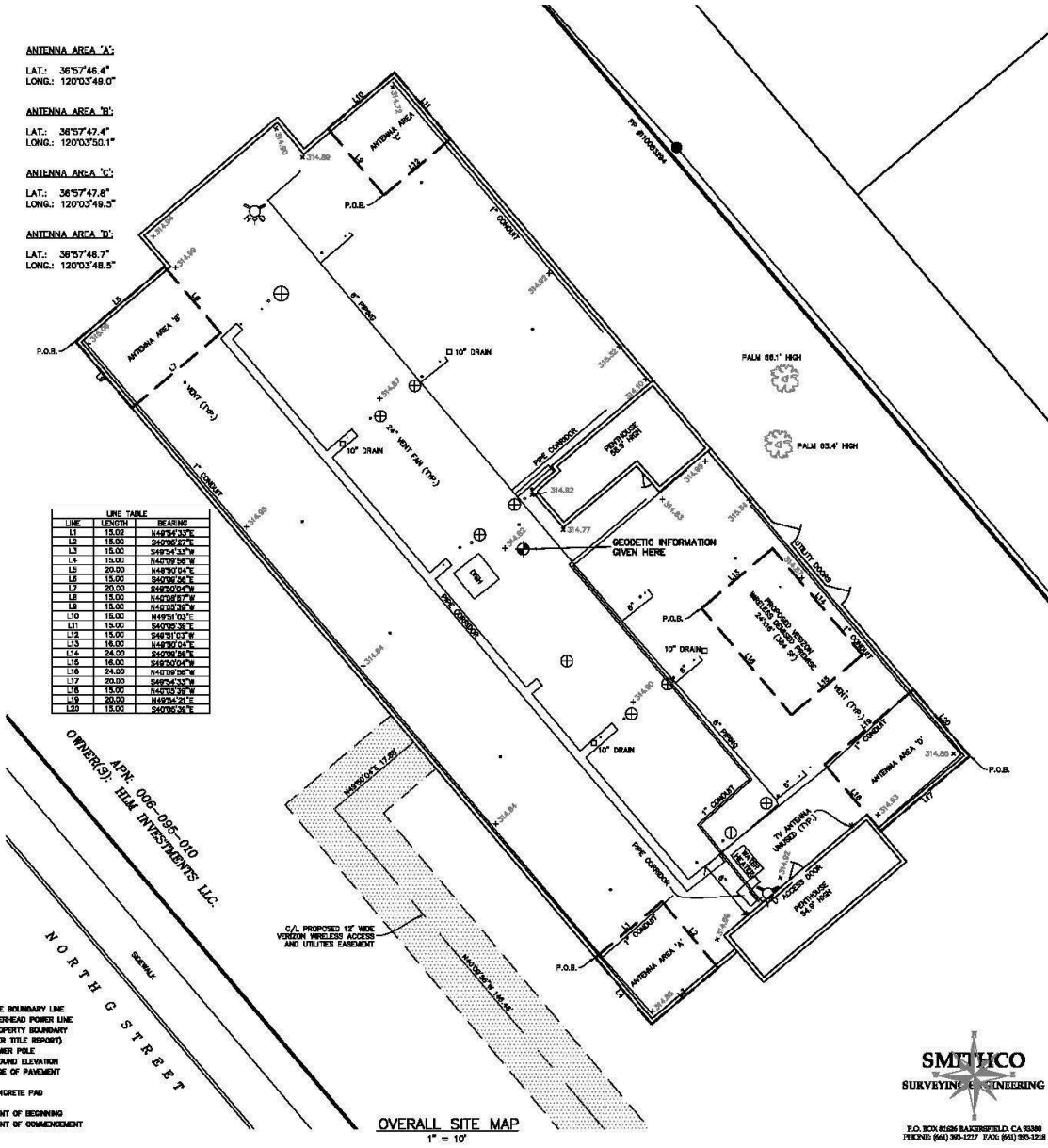
ANTENNA AREA 'A':
LAT.: 38°57'46.4"
LONG.: 120°03'48.0"

ANTENNA AREA 'B':
LAT.: 38°57'47.4"
LONG.: 120°03'50.1"

ANTENNA AREA 'C':
LAT.: 38°57'47.8"
LONG.: 120°03'49.5"

ANTENNA AREA 'D':
LAT.: 38°57'48.7"
LONG.: 120°03'48.5"

LINE	LENGTH	BEARING
L1	15.00	N48°24'32"E
L2	18.00	S60°00'27"E
L3	18.00	S89°54'32"W
L4	15.00	N42°00'00"W
L5	20.00	N48°30'04"E
L6	15.00	S60°00'26"E
L7	20.00	S60°00'26"E
L8	18.00	N42°00'00"W
L9	15.00	N42°00'00"W
L10	18.00	N48°30'04"E
L11	18.00	S60°00'26"E
L12	15.00	S89°54'32"W
L13	18.00	N48°30'04"E
L14	24.00	S60°00'26"E
L15	18.00	S89°50'04"W
L16	24.00	N42°00'00"W
L17	20.00	S89°54'32"W
L18	15.00	N42°00'00"W
L19	20.00	S89°50'04"W
L20	15.00	S60°00'26"E

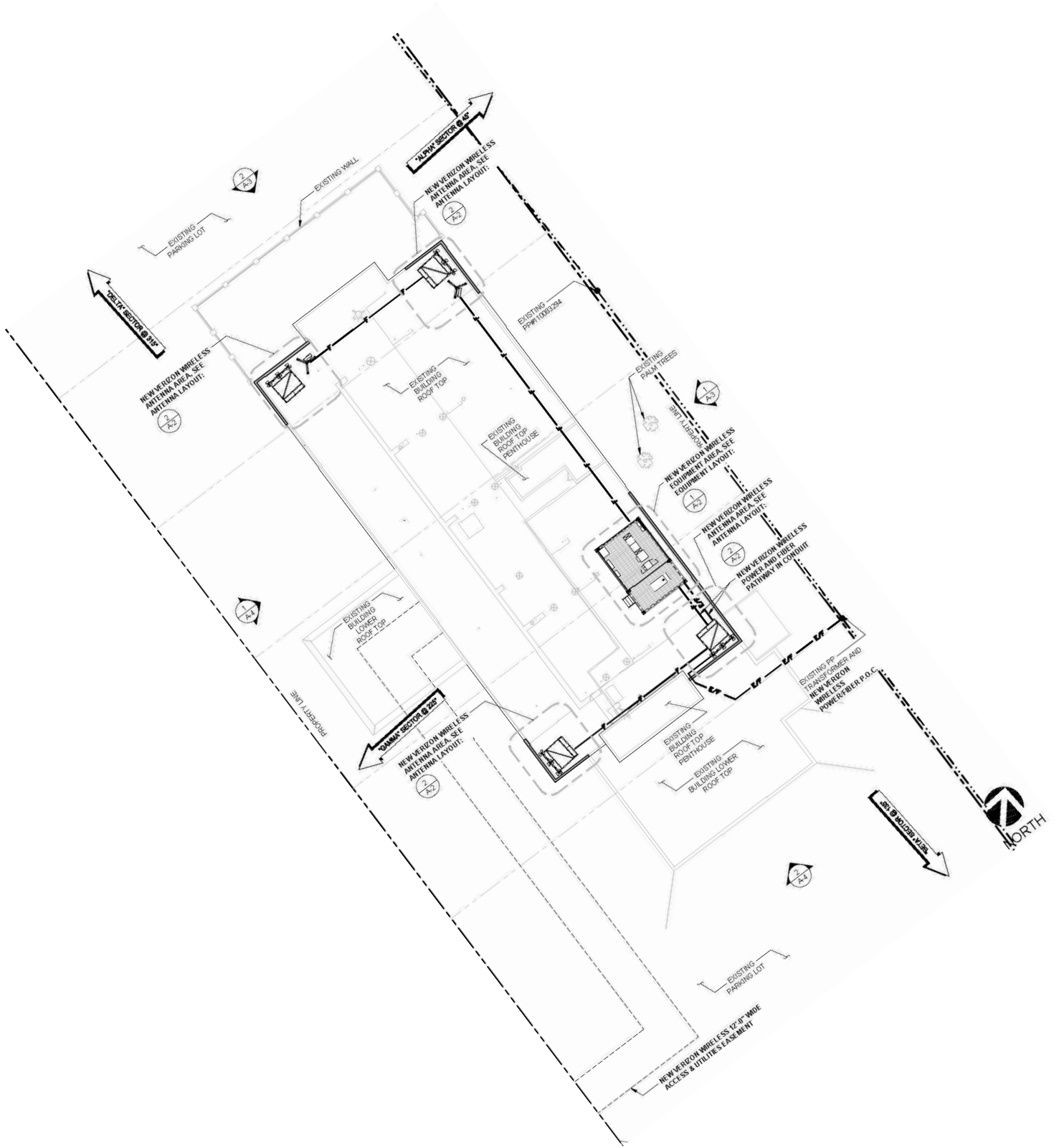


- LEGEND**
- SITE BOUNDARY LINE
 - OVERHEAD POWER LINE
 - PROPERTY BOUNDARY (PER TITLE REPORT)
 - POWER POLE
 - ⊕ GROUND ELEVATION
 - EDGE OF PAVEMENT
 - CONCRETE PAD
 - POB (POINT OF BEGINNING)
 - POC (POINT OF COMMENCEMENT)

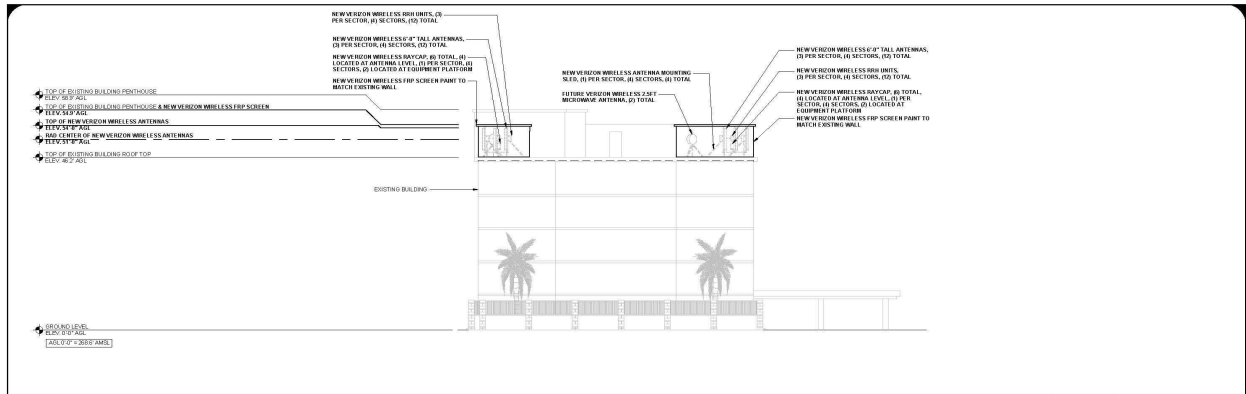
OVERALL SITE MAP
1" = 10'

SMITHCO
SURVEYING & ENGINEERING

P.O. BOX 8186 BAKERSFIELD, CA 93300
PHONE: (805) 395-2227 FAX: (805) 395-2258

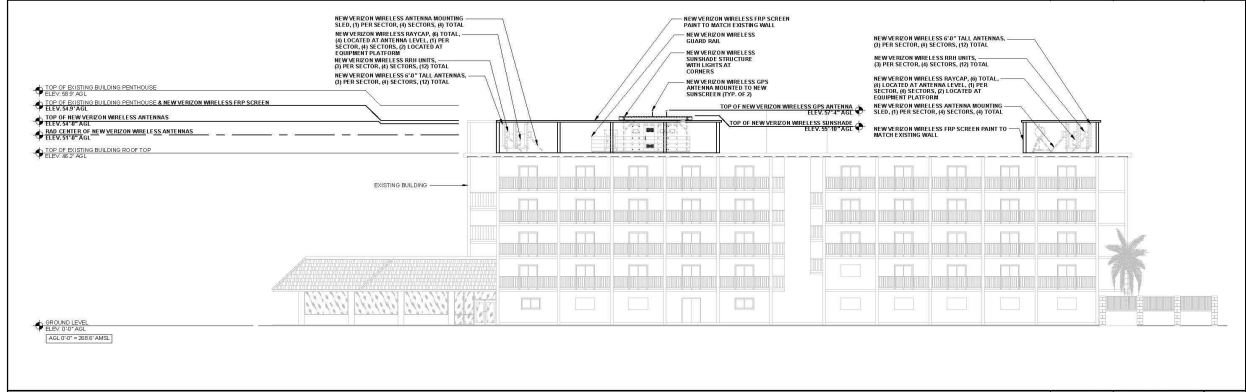


Elevations



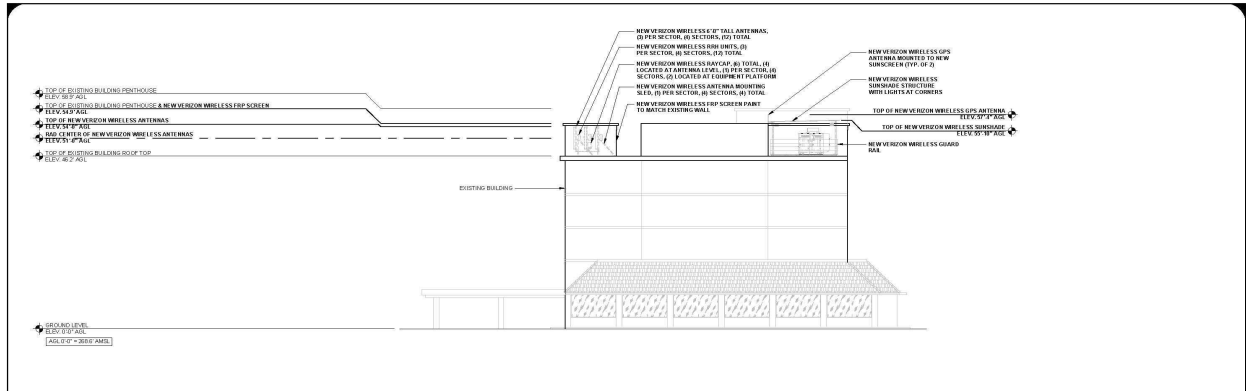
NORTHWEST ELEVATION

SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/8" = 1'-0" (11x17) **2**



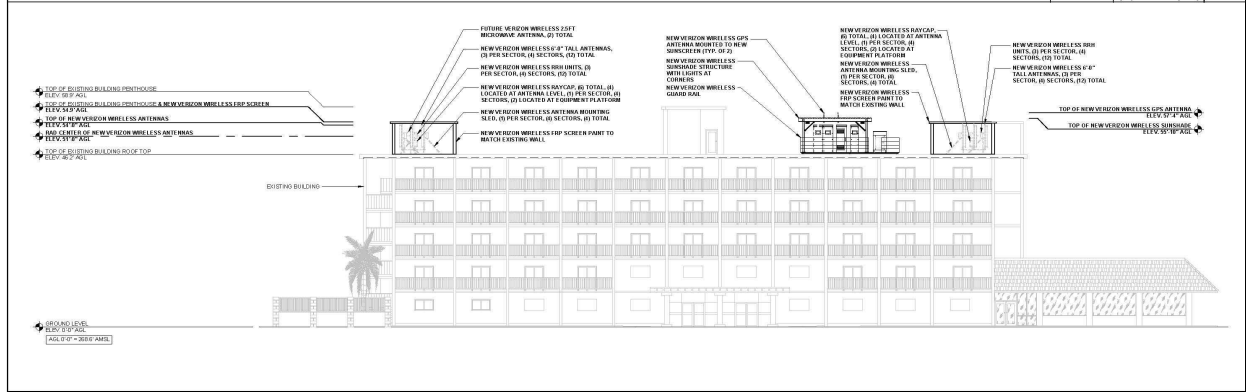
NORTHEAST ELEVATION

SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/8" = 1'-0" (11x17) **1**



SOUTHEAST ELEVATION

SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/8" = 1'-0" (11x17) **2**

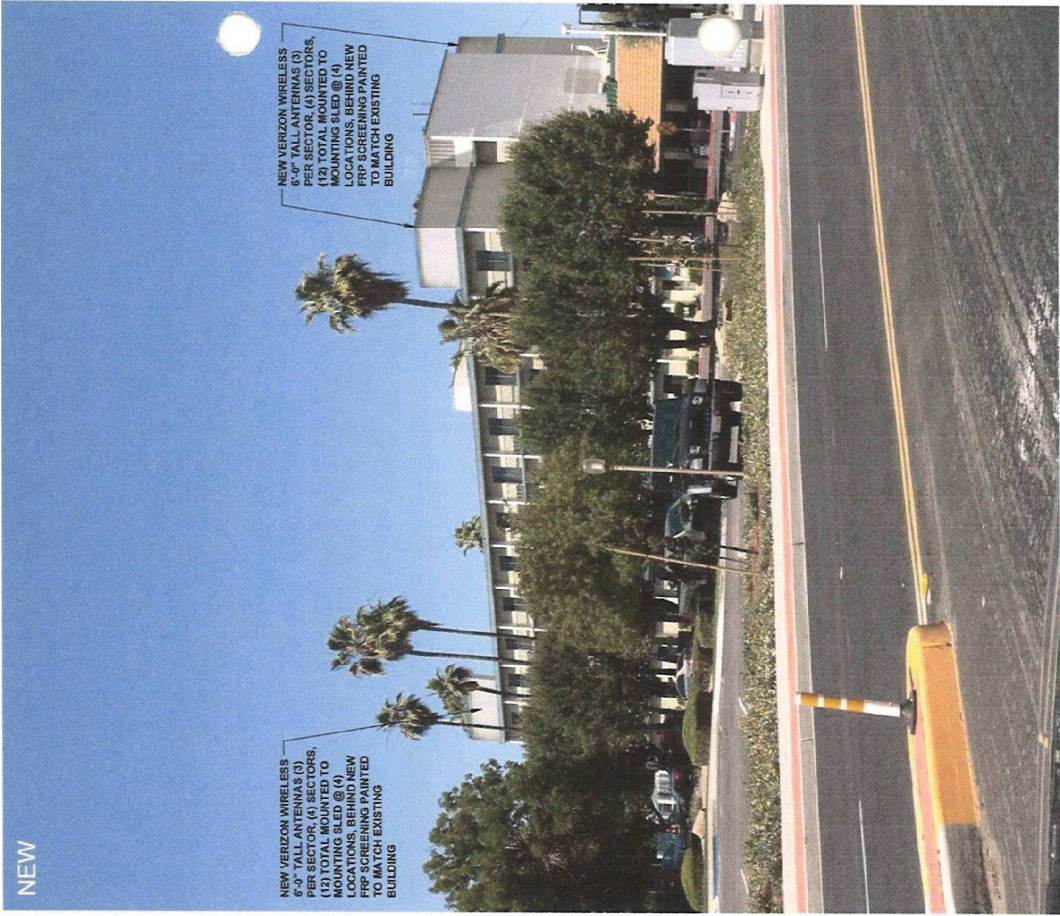


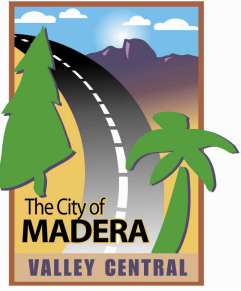
SOUTHWEST ELEVATION

SCALE: 3/8" = 1'-0" (24x36)
(OR) 3/8" = 1'-0" (11x17) **1**

Photo Simulations







CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Review of Madera Rescue Mission CUP 2002-07 MOD, SPR 2013-42 and Environmental Determination Item #2 – April 14, 2015

PROPOSAL: A continued review of compliance with the conditions of approval providing for and permitting the operation of the Madera Rescue Mission.

APPLICANT:	Madera Rescue Mission	OWNER:	Madera Rescue Mission
ADDRESS:	332 Elm Avenue	APN:	008-062-033, 006 & 007
APPLICATION:	CUP 2002-07 MOD & SPR 2013-42	CEQA:	Categorical Exemption

LOCATION: The property is located at the northwest corner of Elm Avenue and Clinton Street.

STREET ACCESS: The site has access to Elm Avenue and Clinton Street.

PARCEL SIZE: Approximately 2.1-acres total

GENERAL PLAN DESIGNATION: MD (Medium Density)

ZONING DISTRICT: R2 (Medium Density)

SITE CHARACTERISTICS: The project site includes multiple structures that cumulatively form the Madera Rescue Mission. There is predominantly single-family residential development of varying densities surrounding the project site.

ENVIRONMENTAL REVIEW: The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15303, (New Construction or Conversion of Small Structures).

SUMMARY & RECOMMENDATION: The review is required per the conditions of approval for CUP 2002-07 MOD. The information contained herein demonstrates that the Madera Rescue Mission is operating in noncompliance with two of the thirty-two conditions of approval.

APPLICABLE CODES AND PROCEDURES

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

MMC § 10-3.1301 Use Permits

MMC § 10-3.1311 Use Permits, Termination and Revocation

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

PRIOR ACTION

The existing Rescue Mission facilities have been approved by the Planning Commission via Conditional Use Permits 1988-01, 1990-20, 1991-11, 1999-22, 2002-07, 2004-24, 2005-17, 2005-28 and Conditional Use Permit 2007-15. These entitlements have allowed for several expansions of the Madera Rescue Mission. Conditional Use Permit 2002-07 approved the conversion of a 995 square foot single story residence to an office, placement of a 600 square foot storage container, and the construction of a 4,000 square foot steel warehouse. Conditional Use Permit 2004-24 approved a 3,960 square foot addition to the existing Madera Rescue Mission, including expansion of both the kitchen and dormitory facilities. Conditional Use Permit 2005-17 allowed for the development of four short-term family units with garages, and Conditional Use Permits 2005-28 and 2007-15 allowed for the construction of the women's emergency shelter. Precise Plan 2005-14 was approved in support of Conditional Use Permit 2005-17. CUP 2002-07 MOD and SPR 2013-42 allowed for the construction of a freestanding open-sided shade structure for outdoor weight training. An annual review of the use, required as a condition of approval for CUP 2002-07 MOD, was extended to this date at the Planning Commission's January, 2015 meeting.

ANALYSIS

Background

The City's General Plan indicates that land designated as MD (Medium Density) is appropriate for residential development. The City's Zoning Ordinance also allows for a variety of residential uses in the R2 (Medium Density) Zone District, including rehabilitation facilities subject to the approval of a conditional use permit by the Planning Commission. The Rescue Mission has been in operation for a number of years, and is considered an established use in the neighborhood. This required annual review is designed to inform the Planning Commission of the status of compliance with required conditions of approval.

A one-year review of the Rescue Mission's conditional use permit was made a condition of approval for CUP 2002-07 MOD, which was a request to construct a covered patio for outdoor weight training by residents of the Rescue Mission facility. The weight training entitlement was approved at the January 12, 2014 Planning Commission.

The current review is an extension from the January 13, 2015 annual review. Issues associated with painting, landscaping, parking, signage, special events and water metering had been in non-compliance at the January 13, 2015 review. These conditions led the Planning Commission to provide an additional ninety days to complete improvements required by the use permit.

Findings of Review

Two conditions of approval remain in non-compliance. Condition No. 32 requires that water service connections be upgraded to current City standards including water meters and backflow prevention devices. The applicant is not in disagreement with the condition of approval, but instead continues to seek funding to complete the required improvements. The lowest bid received to complete this required work is \$18,000.00. Director Mike Unger, in conversation with staff, has expressed a desire to enter into a deferral agreement with the City that would provide the Mission additional time to complete the required work. It is recommended that, within the next ninety (90) days, the applicant complete one of two options, either completing the required water meter installations or entering into a deferral agreement with the City Council that ensures the installation of the improvements at some later date to be specified within the deferral.

Condition No. 10 has also been in noncompliance over the review period. Condition No. 10 requires that a temporary use permit (TUP) be secured for special outdoor events in order to ensure compatibility with surrounding properties. Examples where a TUP would have been required included the Christmas toy giveaway and a fundraising event. Although no TUP has been secured for any extracurricular events, reports from property owners indicate that extracurricular outdoor events have taken place during the review period. In conversation with Director Mike Unger, it appears that some of these events most likely were food giveaways that the Rescue Mission has partnered with the Madera County Food Bank in providing to the needy. Staff recommends that the applicant apply for amendment of the use permit within the next ninety days wherein conditions of approval that better define the parameters of special events may be crafted to better provide for compatibility with surrounding properties. The Planning Department may initiate the amendment if no application is received within the stated ninety days. In the interim, it is recommended that all outdoor special events be memorialized within the TUP process.

Staff had received periodic communications from a neighbor of the Rescue Mission which have expressed continued frustration with the Rescue Mission's lack of compliance with conditions of approval and the resulting impacts to the neighborhood. A written correspondence from January, 2015 remains attached to this continued report. The neighbor expressed that there has been improved compatibility recently.

Attached please find a matrix of the conditions of approval for CUP 2002-07 MOD. These conditions were evaluated by staff for compliance. In that two conditions of approval remain outstanding, staff cannot make a complete finding of conformance with the conditions of approval. It is recommended that no further expansion of the use be considered by the Planning Commission until such time as Condition No. 32 is completed. This would continue to place a focus upon completing standard improvements in advance of any contemplated expansion projects.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Strategy 136 encourages the City to "Promote transitional housing to ensure the homeless have safe shelter." To that end, **Action 136.1** states "Expand and enhance the Rescue Mission programs."

SUMMARY OF RECOMMENDATIONS

Staff recommends that the Planning Commission review the information within the staff report as well as information provided during the public hearing and make a finding of general

conformance with the condition of approval for CUP 2002-07 MOD, with the requirement that within the next ninety days the applicant either install the required improvements or make an application for deferral of the requirements within Condition No. 32, and make application to amend the use permit to better clarify Condition No. 10 and provisions for special events.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the review of Conditional Use Permit 2002-07 MOD.

Motion 1: Find Conditional Use Permit 2002-07 MOD to be in general conformance with the conditions of approval, with the requirement that within the next ninety days the applicant either install the required improvements or make an application for deferral of the required improvements listed in Condition No. 32, and make application to amend the use permit to better clarify Condition No. 10 and provisions for special events.

(OR)

Motion 2: Move to continue the review of Conditional Use Permit 2002-07 MOD to the (insert date) Planning Commission hearing for the following reasons or in order for the following information to be provided: (specify)

(OR)

Motion 3: Move to schedule a public hearing for revocation of Conditional Use Permit 2002-07 MOD based on the following findings: (specify)

ATTACHMENTS

Conformance Matrix

Aerial Photo

Prior Written Correspondence

Conformance Matrix

Shaded cells indicate non-compliance with the Conditions of Approval for CUP 2002-07 MOD.

<u>CONDITIONS OF APPROVAL</u>		
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.	In compliance.
2.	Site Plan Review 2013-42 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)	In compliance. Patio cover for weight training has been finalized.
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.	In compliance.
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.	In compliance.
5.	Conditional Use Permit 2002-07 MOD and associated permits which cumulatively allow for the Madera Rescue Mission facility will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.	In compliance.
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.	Procedural condition. CUP is currently in non-compliance for one condition of approval.
7.	The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Director.	In compliance. Wrought iron fence has been relocated. City Engineer has approved location.
8.	Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.	In compliance. Wrought iron fence has been relocated. City Engineer has approved location.

9.	It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.	In compliance.
10.	Special outdoor events hosted by the Rescue Mission shall secure a temporary use permit at least seven days prior to the event. The temporary use permit shall apply conditions of approval sufficient to ensure compatibility with surrounding properties. Examples of outdoor special events include Christmas toy giveaways and fundraising events.	Not in compliance. No temporary use permit has been requested for any events. See staff report for additional information.
11.	The conditional use permit(s) providing for and permitting the operation of the Madera Rescue Mission shall be scheduled for an annual review, to be completed at the January 13, 2015 meeting of the Planning Commission.	In compliance.
Fire Department		
12.	Additional information may be required for the proposed "weight lifting shed". Such information will be required in advance of issuance of a building permit and might alter the design and construction of the proposed structure.	In compliance.
13.	A portable 2A10BC rated fire extinguisher must be provided.	In compliance.
14.	A building permit is required for the construction of the structure.	In compliance.
Planning Department		
15.	Vandalism and graffiti shall be corrected per the Madera Municipal Code.	In compliance.
16.	The property owner shall maintain all landscaping in a healthy and well manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.	In compliance. Landscaping on the site has been completed or is in the process of being completed as of this writing.
17.	A solid, six-foot-tall concrete masonry unit block wall with stucco coating shall be constructed along the Elm Avenue frontage prior to July 14, 2014. The wall shall provide screening as well as a more attractive interface with the surrounding neighborhood. Final wall design shall be approved by the Planning Department in advance of an application for building permit. A faux wrought iron gate shall also be constructed to allow access to the required on-site parking accessed from Elm Avenue.	In compliance.
18.	The two primary parking fields, with entries from Elm Avenue and Clinton Street respectively, shall be clear of obstructions and available to serve visitors to the site during all peak periods. The two primary parking lots shall	In compliance.

	be open during all peak visitation periods, such as during evening meal periods.	
19.	A “tough shed” structure shall be removed from the required Elm Avenue parking field and relocated to an alternative location per the approval of the Planning Manager.	In compliance.
20.	No parking shall be allowed in red-curbed areas along Elm Avenue at any time. Red curbing shall be repainted per the direction of the City Engineer.	In compliance.
21.	Replacement parking stalls, sufficient to provide the minimum required parking for the project site, shall be provided as a component of any future requests for intensification on the site. Locations on the shelter campus that could be developed to provide replacement parking shall not be utilized for alternative development proposals.	In compliance.
22.	The previously required painting shall be completed prior to July 14, 2014. The color scheme shall match the recently completed women’s bed structure facing Clinton Street. As reroofing of structures occurs, replacement roofing shingles shall also match to the women’s bed shelter roof materials.	In compliance. The cold box unit has been painted.
23.	The freezer units, warehouse, and storage container shall all be screened from the public-right-way via the planting of landscaping sufficient to screen these structures from view. A landscaping and irrigation plan shall be submitted to and approved by the Planning Department. Installation of approved landscaping and irrigation shall be completed within 90 days after Planning Commission approval.	In compliance. Landscaping has been installed.
24.	Prior to July 14, 2014, the freezer units, warehouse, and storage container structures shall be painted to match the overall color scheme for the Rescue Mission property.	In compliance.
25.	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.	In compliance.
26.	The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.	In compliance.
27.	The applicant shall comply with all federal, state and local laws. Material violation of any applicable laws concerning the use will be cause for the City to pursue revocation of this permit.	In compliance.
28.	All signage shall be in compliance with the Madera Municipal Code at all times. There is signage on the site that has not been issued either a sign review permit or building permit prior to its installation. The Rescue Mission shall resolve non-permitted signage issues as part of the review and approval of a master sign review permit	In compliance.

	application to be completed no later the prior to April 14, 2014.	
29.	All conditions applicable to approval of Conditional Use Permit 1988-01, Conditional Use Permit 1990-20, Conditional Use Permit 1991-11, Conditional Use Permit 1999-22, Conditional Use Permit 2002-07, Conditional Use Permit 2004-24, Conditional Use Permit 2005-17, Conditional Use Permit 2005-28, Conditional Use Permit 2007-15, Precise Plan 2005-14 and subsequent modifications shall remain effective and are not revised in any way by this approval except as modified herein.	In compliance, except as noted herein.
Engineering Department		
30.	Nuisance onsite lighting shall be redirected as requested by City Engineer within 48 hours of notification.	In compliance.
31.	Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.	In compliance.
32.	Existing water service connections shall be upgraded to current City standards including water meters located within city right-of-way and backflow prevention device located within private property.	Not in compliance. Not completed.

Aerial Photo

The aerial imagery shows the entire Madera Rescue Mission Campus.



Written Correspondence

January 7, 2015

City of Madera
Planning Commission
205 W. 4th Street
Madera, CA 93637

Re: CUP 2002-07 MOD & SPR 2013-42 – Madera Rescue Mission Review

As a resident in the vicinity of the Madera Rescue Mission, I would like to express my concerns regarding the site and its adherence to their conditions of approval which were agreed upon by Madera Rescue Mission personnel and/or representative in January 2014.

Planning Staff was notified and pictures provided (in most cases) as concerns were happening which provided backup for the following:

Condition #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.

- The rod iron fence as it was in the process of being installed. That fence is now a traffic safety hazard as it turns “solid” and vehicles have to move into the street to see past it.
- Several outdoor events as they were being conducted without the required Temporary Use Permit.
 - Loud noises included a live band and in two different instances - church personnel/representatives yelling, “car wash” to garner attention.
 - Car wash sign on the pole located on the corner of Clinton Street/Elm Avenue.
- The gate on Elm Avenue closed during events as they were happening and the ensuing parking off-site.
 - This caused safety traffic hazards for vehicles attempting to see around them in order to turn onto Clinton Street.
 - This caused vehicles attempting to get into the Clinton Street parking area to wait in the middle of the street until someone left that parking area.
 - Vehicles parked on the Elm Avenue red curb area to await people attending these events which caused vehicles to have to go around all those illegally parked vehicles and into the opposite traffic lane.

Condition #8: Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.

- Rod Iron Fence was installed
- Parking Area on Elm Avenue not Used; Entrance gate kept closed/locked

Condition #10: Special outdoor events hosted by the Rescue Mission shall secure a temporary use permit at least seven days prior to the event. The temporary use permit shall apply conditions of approval sufficient to ensure compatibility with surrounding properties. Examples of outdoor special events include Christmas toy giveaways and fundraising events.

- See Condition #6 above.
 - I saw and heard:
 - Two (2) car washes
 - One live band with many motorcycles in attendance. The event was covered by the Madera Tribune.
 - Christmas event that ran several days.
- Port-a-Potties were located next to the sidewalk in front of the Mission during the Christmas events which lasted 3-4 days. If you were walking on the sidewalk, you could have easily touched/leaned on the port-a-potties.

Condition #17: “A solid, six-foot concrete masonry unit block wall with stucco coating shall be constructed along the Elm Avenue frontage..... A faux wrought iron gate shall be.....from Elm Avenue.”

- Faux wrought iron gate.....not fence.....not on Clinton Street

Condition #18: The two primary parking fields, with entries from Elm Avenue and Clinton Street respectively, shall be clear of obstructions and available to serve visitors to the site during all peak periods. The two primary parking lots shall be open during all peak visitation periods, such as during evening meal periods.

- Elm Avenue parking area remains closed, even during their events.
- Clinton Street parking area not used by clients staying overnight as they park on Clinton Street directly across from that mostly empty parking area.
- Are visitors, clients, etc. advised that parking is available for their use?

Condition #20: No parking shall be allowed in red-curbed areas along Elm Avenue at any time. Red curbing shall be repainted per the direction of the City Engineer.

- Still occurs – contractor’s who worked on the site, customer drop off, special event customers waiting to pick up their children, etc.

Condition #26: The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.

- See Condition #6 and Condition #10 remarks as noted above.
- I recorded the car wash people yelling and played it for the Planning Manager. I was inside my house with the central air on and I could still hear it.
- I also heard singing or loud congregation in early December (from inside my house).

I know the Rescue Mission provides a valuable service to this community, but it, like all other sites which function under a Conditional Use Permit they need to abide by their conditions of approval and not impact the residential neighborhood negatively, especially by causing safety hazards/concerns.

Last year, the contractor and the director of the Mission stated that they had read and were in agreement with the conditions of approval. It isn’t like they don’t know about these things.

I was at that same meeting and I voiced my concerns then. I brought many of these things to your attention and the only thing that I see is that there are now more issues.

The issues that brought this site to my attention and that I feel more strongly about are those that cause safety hazards:

- Open the Elm Avenue gate, so their clients, visitors, etc have access to the parking field during all operational hours.
- Open the Elm Avenue man-gate into the newly enclosed area in plenty of time to be used by clients, etc. The gate is still closed at 5:15 pm and their clients are now closer to the street than before, in the street, or sitting on the sidewalk in front of that area.
- Special Events: Even with both parking fields open (which they don't do), there would still be heavy traffic and parking on Clinton Street which creates traffic hazards.
- Most importantly, in regards to the fence at the corner of Elm Avenue & Clinton Street: Remove it, move it back, or make it three (3) feet tall like they used to have it. Make them do whatever it takes, so that safety hazard is eliminated.

Although, the Rescue Mission has been at this site for many years, it has expanded; maybe too much. It may be time for them to relocate to a bigger area where these issues don't present operational concerns; a site where their fundraising/special events don't negatively impact the neighborhood so strongly. These events might be better held off-site where there is sufficient parking and amenities.

I don't see how, with all these safety hazard causing items in non-compliance, a finding can be made that:

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.

Thank you for the opportunity to voice my concerns.

Mariselda Leon

Attachments



Gate on Elm Avenue not open for client use



Gate on Elm Avenue not open for client use.
Clients standing in street and along Elm Avenue.



Gate to Elm Avenue parking area closed; client parked in driveway approach. Contractor parked in front of red curb. Traffic having to move across double lines.



Client drop off and visiting while awaiting opening of new area gate on Elm Avenue. Person sitting on sidewalk (between red truck and hydrant). Traffic moving over.



Gate to Elm Avenue parking area closed. Contractor parked in front of red curb. Contractor parked in public right-of-way. Traffic moving across double lines.



Gate to Elm Avenue parking area closed. Contractor parked in front of red curb. Traffic moving across double lines.



Contractor parked in red curb zone on Elm Avenue. Red car unable to stay in proper lane. Other vehicle already moving over double lines in anticipation of limited space.



Out of town church vehicle parked in front of Elm Avenue driveway approach in red curb zone.



Front View of Truck: Mission employees/volunteers(?) while installing faux rod iron fence. Vehicle on Elm Avenue in front of red curb, facing the wrong way, on public right-of-way.



Elm Avenue - Truck and trailer separated.



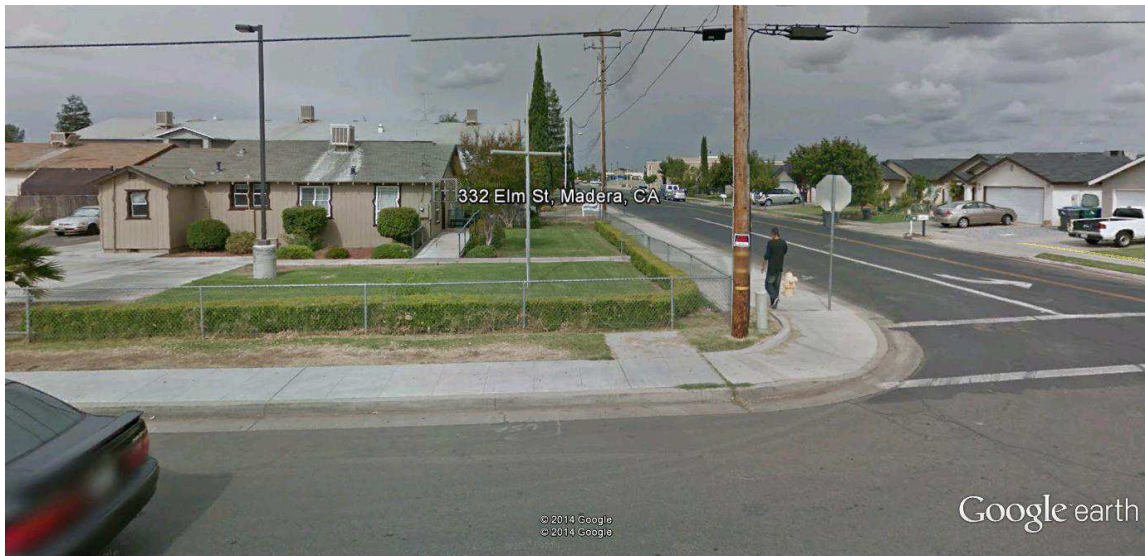
Special Event with live band – Both parking areas were opened for this event.



First car wash



Second Car Wash - Sign



Visibility from the corner before the faux rod iron fence.

My views now as I try to cross the road from that corner.



At the stop sign.

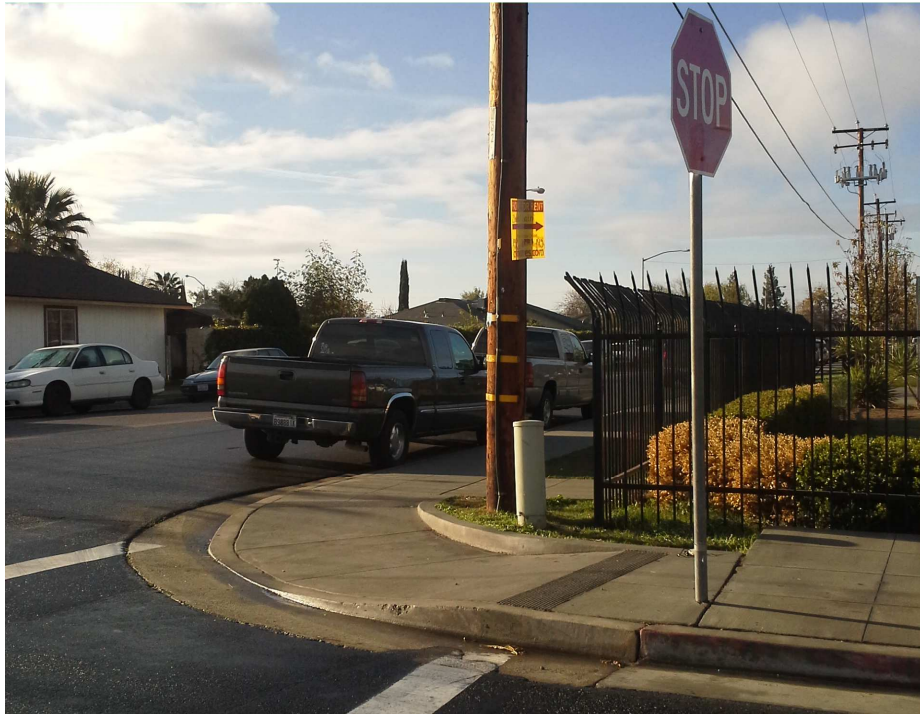


Past the stop sign and in the crosswalk.



Past the stop sign and completely blocking the crosswalk. People who came to the corner as I awaited traffic from other side, didn't wait, they just walked out into the street and in front of me to go across. The fence becomes "solid" and I have to move further into the street as the fence and the pole become blind spots.

December 2014 – (3-4 Day Special Event)



Corner of Elm Avenue and Clinton Street
In left turn lane; can't see if traffic is clear on the right.



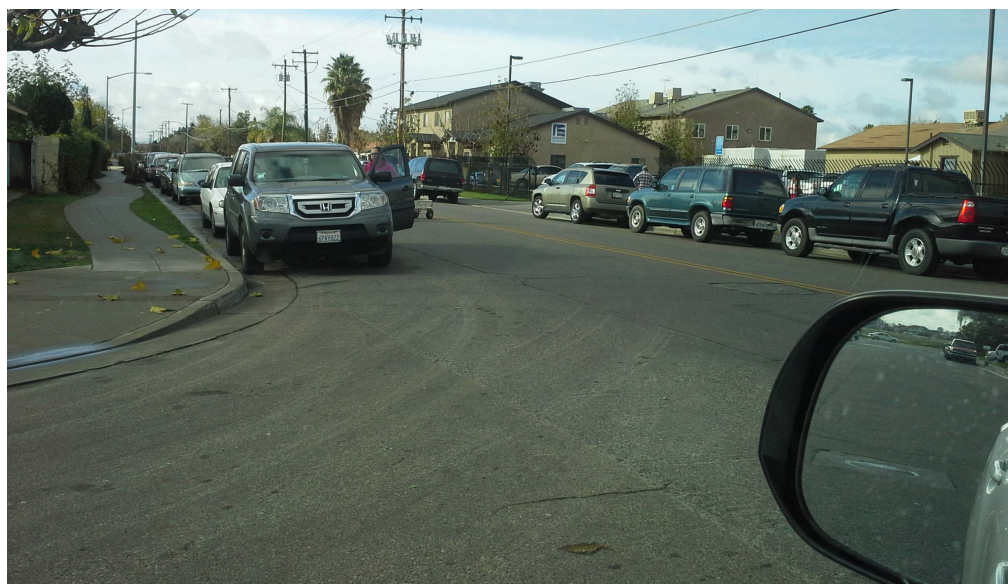
Corner of Elm Avenue and Clinton Street
In left turn lane; can't see if traffic is clear on the right.
Notice my passenger side mirror and its position in relation to the crosswalk.



Going east on Clinton Street – about to pass Elm Avenue



Going north on Elm Avenue – trying to turn left



Notice my mirror in relation to the street corner. I'm in the street trying to go left.



Different day – Same issue



Zero visibility



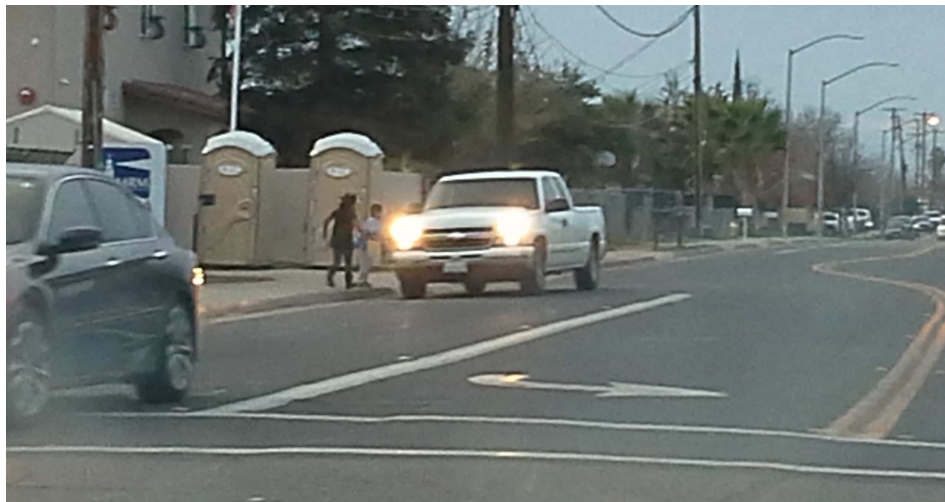
Clinton Street parking area



Going east on Clinton Street – Black truck on my left is waiting to see if anyone will come out of the full parking area on my right; starting to hold up traffic behind him.



Clinton Street parking area - Full

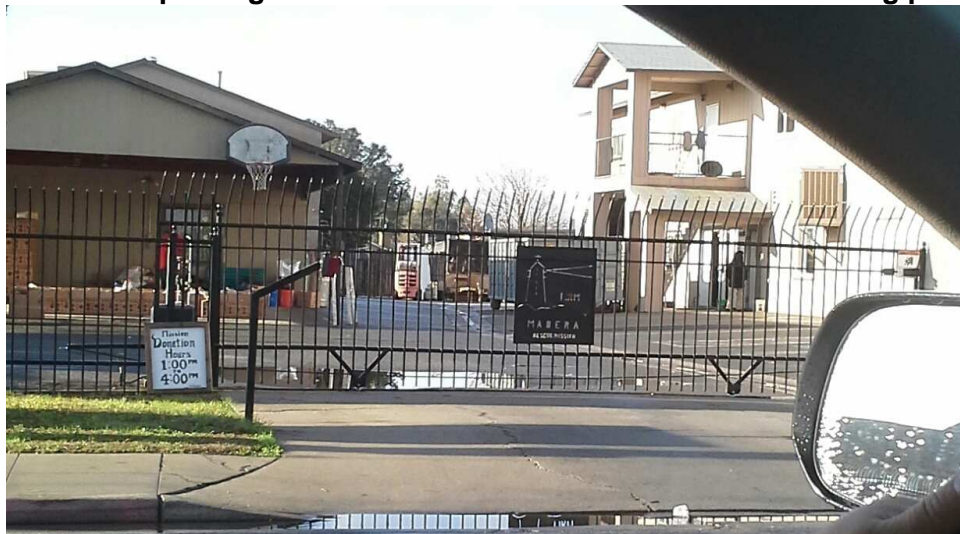


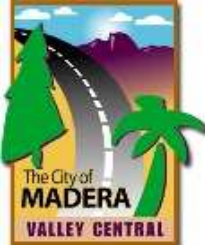
Children walking to waiting truck after getting gifts.
 Port-a-potties up against sidewalk.
 Car attempting to go to its left; notice how he's in the crosswalk as there is zero visibility.



Man came out of the Mission's Elm Avenue parking area and starting visiting with the person in the truck who parked in red curb zone in the wrong direction.
 See the van in the back? That situation is me almost every day

Elm Avenue parking area while all these traffic issues were taking place.





**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Chateau at the Vineyards Precise Plan Modification
PPL 2003-03 MOD3 and Environmental Determination
Item #3 – April 14, 2015**

PROPOSAL: An application for modification of the Chateau at the Vineyards subdivision Precise Plan to allow for two new models to be available for construction on the remaining undeveloped lots within the subdivision.

APPLICANT:	Joseph Crown	OWNER:	Joseph Crown
ADDRESS:	Multiple	APN:	Multiple
APPLICATIONS:	PPL 2003-03 MOD3	CEQA:	Negative Declaration

LOCATION: The project site encompasses the thirty-five (35) lots within Phase IV of the Chateau at the Vineyards subdivision.

STREET ACCESS: The subdivision has access from Almond Avenue, Stadium Road, Monterey Street and Gary Lane.

PARCEL SIZE: Lots within Phase IV range in size from 6,000 to 8,161 square feet.

GENERAL PLAN DESIGNATION: LD (Low Density)

ZONING DISTRICT: PD-6000 (Planned Development)

SITE CHARACTERISTICS: Chateau at the Vineyards is a single family residential subdivision that is almost entirely built out. Single family residential development is located immediately to the east and north, with vacant residential property to the south and an elementary/high school campus to the west.

ENVIRONMENTAL REVIEW: A negative declaration was certified by the Planning Commission for the subdivision on the site in May of 2003. The proposed modification is consistent with development anticipated in the Negative Declaration.

SUMMARY & RECOMMENDATION: The proposed new home floor plans and elevations are comparable to the approved models and, as conditioned, are consistent with the goals and policies of the General Plan. Approval of the modification to the precise plan is recommended.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101 Planned Development Zones

MMC §10-3-4.104 Precise Plan Application

MMC §10-3.13 Use Permits

California Public Resources Code §21000, California Environmental Quality Act "CEQA".

Precise plans are utilized within the PD (Planned Development) Zone District to establish the specific development and improvement standards for a proposed project. Precise plans address site features such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the granting of an amendment to a precise plan by the Planning Commission subject to the Planning Commission being able to make findings that the establishment, maintenance or operation of the development 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 development, 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 development should be denied. Conditions may be attached to the approval of the precise plan to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission as necessary.

PRIOR ACTION

The Planning Commission approved Tentative Subdivision Map 2003-04 and its accompanying Precise Plan 2003-03 on May 13, 2003. A modification to the precise plan (PPL 2003-03 MOD) was approved by the Planning Commission in January 2014. The modification was specific to only the two remaining lots in Phase II of the subdivision. A second modification (PPL 2003-03 MOD2) was approved in September of 2014, specific to 35 lots within Phase IV, to allow for five model choices.

ANALYSIS

Background

The approved tentative map for the Chateau at the Vineyards subdivision created 163 residential lots. Lots ranged in size from between 6,000 and 8,227 square feet, with the majority of lots between 6,000 and 6,100 square feet in size. Four home plans were originally offered, ranging between 1,200 and 1,960 square feet, with larger models being incorporated as market conditions warranted. All homes included at least a two car garage, tile roofing, stucco exteriors and a variety of elevations and colors. No special design criteria were included in the precise plan, which relied primarily on the development standards of the R1 zone.

A previous modification approved five new floor plans, each with three different elevations, to the existing precise plan. Floor plans range in size from 1,295 to 2,318 square feet. Models range from three to four bedrooms and two or three bathrooms. Each of the five models allow for the option of an available third-car garage. These models include tile roofing, stamped concrete, varying architectural treatments including wall sconces, window shutters, gable decorations and hatched window treatments as standard features. Stone, rock, and brick elevation treatments and upgraded garage doors are optional embellishments to the models.

Modification Request

The proposed additional two models are compatible with the existing completed homes in the subdivision, although with a slightly higher range of square footages. This modification would result in a total of seven models available for construction on the remaining Phase IV lots. Approval of the modification request would allow these homes to be constructed on the majority of the remaining vacant lots within the Chateau at the Vineyards subdivision. Only two lots (at the intersection of Cosentino Drive and St. Michelle Drive) within the subdivision will be left vacant upon completion of the proposed thirty-five homes.



The proposed models are generally consistent with the goals and policies of the General Plan, to include the following policies which state:

CD-32: Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.

CD-33: The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.

CD-34: The exterior of residential buildings shall reflect attention to detail as necessary to produce high architectural design and construction quality. Where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.

Requirements for staggered setbacks, enhanced elevations, garage subordinate design and varying model distribution ensure that the proposed modification to Precise Plan 2003-03 is consistent with the goals and policies of the General Plan.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four core vision statements in the Vision Plan is “a well-planned city”. The Commission, by considering how this development connects to other developments and how the neighborhood and infrastructure can be maintained, is actively implementing this key concept of the Vision Plan. Moreover, approval of the project is specifically consistent with Strategy 131, “Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities and commercial components”.

SUMMARY OF RECOMMENDATIONS

The modification to the precise plan allows for additional model choices available for completion of a residential neighborhood. The proposed homes provide conformity with the General Plan. The information presented supports approval of the project. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

PLANNING COMMISSION ACTION:

The Commission would be taking action regarding Precise Plan 2003-03 MOD3, determining to either:

- Approve the application with or without conditions
- Continue the hearing, or
- Deny the application

Motion 1: Move to approve Precise Plan 2003-03 MOD3 to allow for the modification of the precise plan for Chateau at the Vineyards to include the addition of two new floor plans and elevations, based on and subject to the findings and conditions of approval:

Findings

- A negative declaration for the subdivision was certified by the Planning Commission in May of 2003. The proposed modification is consistent with development anticipated in the Negative Declaration.
- The modification of Precise Plan 2003-03 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- The modification of Precise Plan 2003-03 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- The modification of Precise Plan 2003-03 is consistent with the goals and policies of the General Plan.
- The modification of Precise Plan 2003-03 continues to implement the tentative map and conditions of approval for the Chateau at the Vineyards Subdivision.

- The proposed modification is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.

CONDITIONS OF APPROVAL

1. Except as modified herein, all conditions applicable to approval of Tentative Subdivision Map 2003-04 and Precise Plan 2003-03 shall remain effective and are not revised in any way by this approval.
2. Two (2) new models are approved as part of Precise Plan 2003-03 MOD3. They are allowed to be constructed within Phase IV of the Chateau at the Vineyards subdivision. They are as follows:

Antonella: 2,023 sq. ft., 4 bedrooms, 2 bathrooms, 2 car garage
Avanti: 2,222 sq. ft., 4 bedrooms, 3 bathrooms, 2 or 3 car garage

These models are in addition to the previously approved models (Amelia, Camilla, Laurel, Weston, and Abbey).

3. Each proposed model shall include the following features as standard elements of construction: tile roofing, stamped concrete, tri-color exterior painting, architectural treatments including wall sconces, window shutters, gable decorations and hatched window treatments.
4. Each proposed model shall offer the following features as optional elements of construction: stone, rock, and brick elevation treatments, upgraded garage doors, third-car garages (where possible).
5. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R-1 residential zoning standards.
6. Minor adjustments in the width of corner lots may be approved by the Community Development Director in order to comply with these precise plan requirements.
7. A ten percent (10%) minor variation for the interior side yard and rear setbacks and yard requirements may be granted with approval by the Community Development Director when deemed necessary.
8. Rear yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.
9. Street side yard fencing on Lots 133, 134, 119 and 120 shall be setback ten (10') feet. As an alternative on Lots 119 and 134, a block wall may replace wood fencing. The masonry wall shall be constructed to match the existing perimeter block wall and shall be allowed at zero (0') setback, constructed to twenty (20') feet from the front property line.

10. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard.
11. Street frontage landscaping shall include a minimum of one City approved street tree every fifty (50') feet, along with root guards. Two City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
12. Rear yard fencing, front and street side yard landscaping and irrigation systems shall be installed in accordance with the typical landscaping and irrigation plans included with the precise plan before the final building inspection of any residential units. All maintenance shall be by the individual homeowner.
13. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
14. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are recommended in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.
15. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
16. Except as noted above, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
17. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
18. The following criteria shall be applied to the location of homes on individual lots:

The appearance of a home is affected by at least three (3) primary features, including:

 - 1) home plan
 - 2) alternative elevations for each plan; and
 - 3) color

Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.
18. The minimum front setback for all lots shall be:

- 20 feet minimum depth to garage
- 15 feet minimum to living space
- 12 feet minimum to porch

19. The front structural setback shall vary from the minimum of 15 feet to a maximum of 22 feet, with at least a one foot variation amongst any two adjacent lots, and a five foot variation over any five consecutive lots, regardless of home model.

Fire Department

20. All residential properties are required to be equipped with automatic fire sprinkler protection. Permits must be obtained prior to the framing inspection of each dwelling, as said dwelling is constructed.

Engineering Department

21. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
22. Impact fees shall be paid at time of building permit issuance.
23. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
24. The improvement plans for the project shall include the most recent version of the City's General Notes.
25. Developer shall construct sidewalk with an ADA accessible path of travel per ADA and City standards.
26. Water service connections shall be constructed to current City standards with water meters located within city right-of-way.
27. Sewer service connections shall be constructed per current City standards.

(OR)

Motion 2: Move to continue the application for Precise Plan 2003-03 MOD3 to the May 12, 2015 Planning Commission meeting: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2003-03 MOD3, based on and subject to the following findings: (specify)

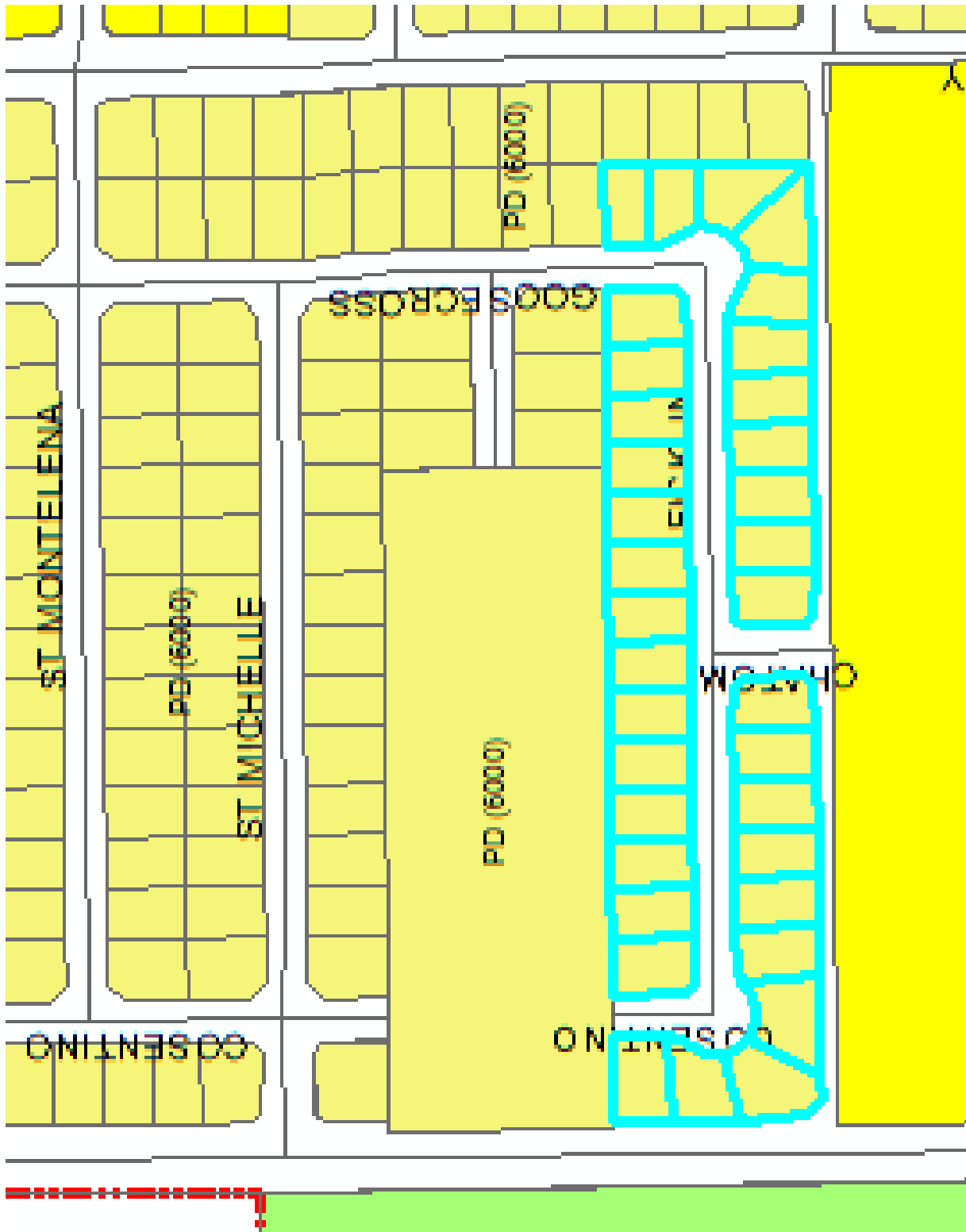
ATTACHMENTS

- Aerial Photo
- Zoning Map
- Subdivision Map Phase IV
- New Model Details

Aerial Photo

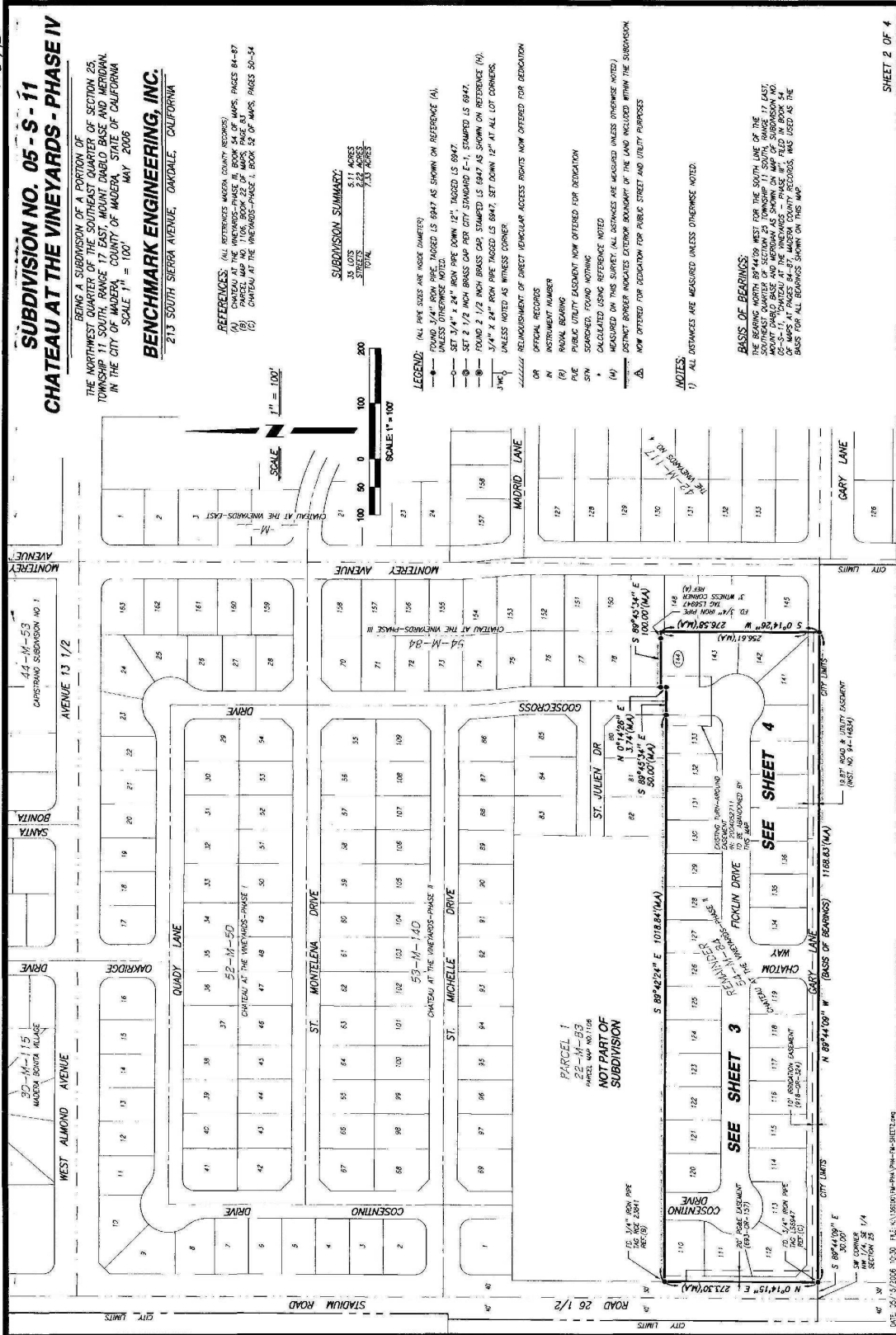


Zoning Map



Subdivision Map Phase IV

56/15

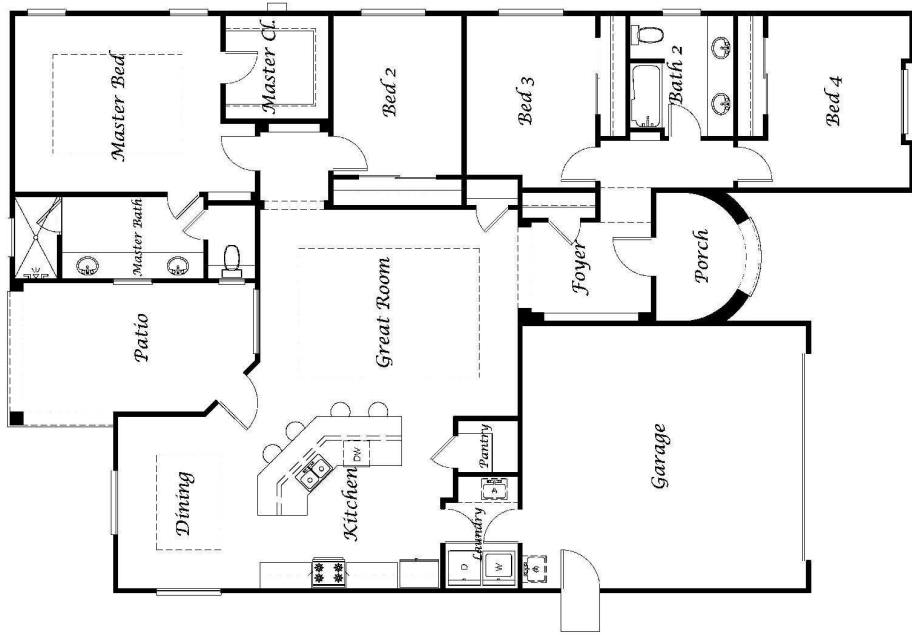


56/15

SHEET 2 OF 4

New Model Details

PRECISE PLAN AMENDMENT
Antonella Plan



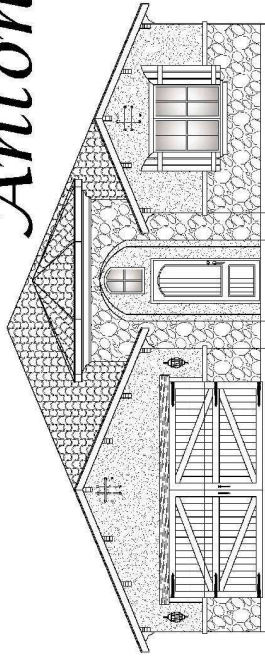
Area:

LIVING SPACE:	2,025 sq. ft.
BATHING:	242 sq. ft.
PATIO:	192 sq. ft.
TOTAL AREA:	2,459 sq. ft.

Antonella 2023 Standard Plan

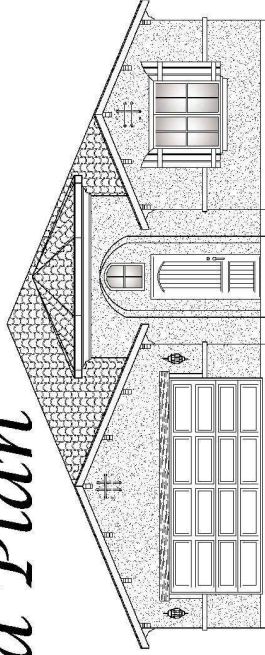
PRECISE PLAN AMENDMENT

Antonella Plan



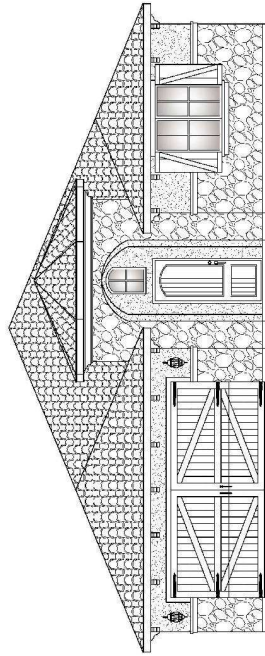
Antonella Elevation 'A'

UPGRADE ELEVATION



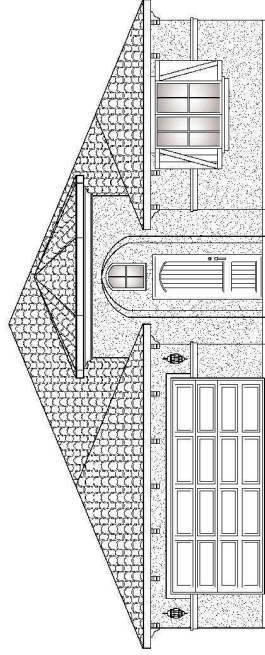
Antonella Elevation 'A'

STANDARD ELEVATION



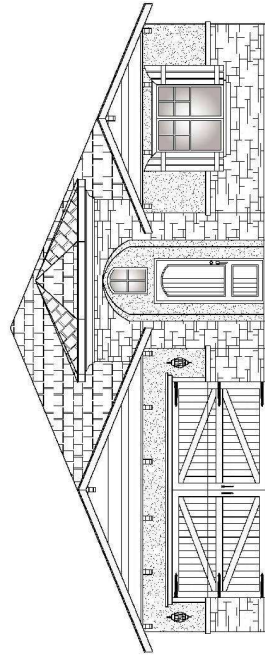
Antonella Elevation 'B'

UPGRADE ELEVATION



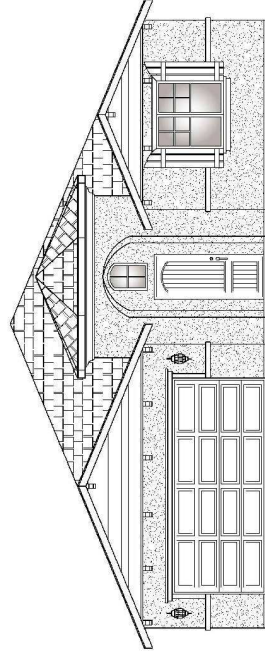
Antonella Elevation 'B'

STANDARD ELEVATION



Antonella Elevation 'C'

UPGRADE ELEVATION

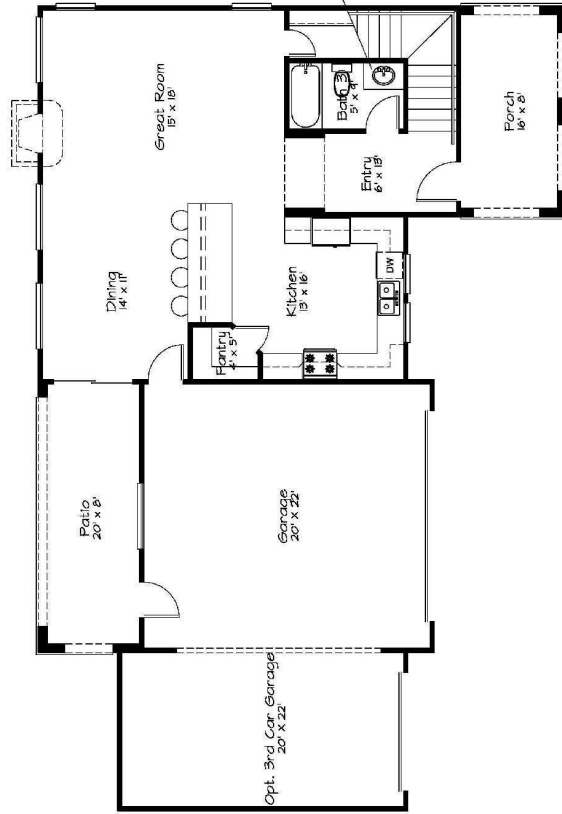


Antonella Elevation 'C'

STANDARD ELEVATION

Antonella 2023 Standard Plan Exterior Elevations

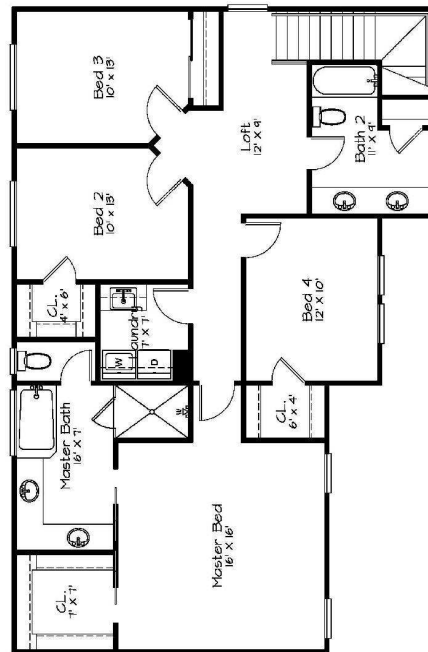
PRECISE PLAN AMENDMENT AVANTI PLAN



Avanti 1st Floor Plan

Area:

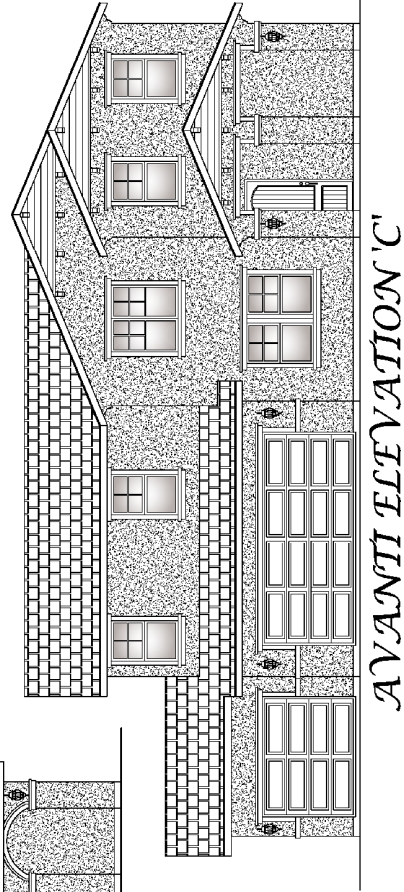
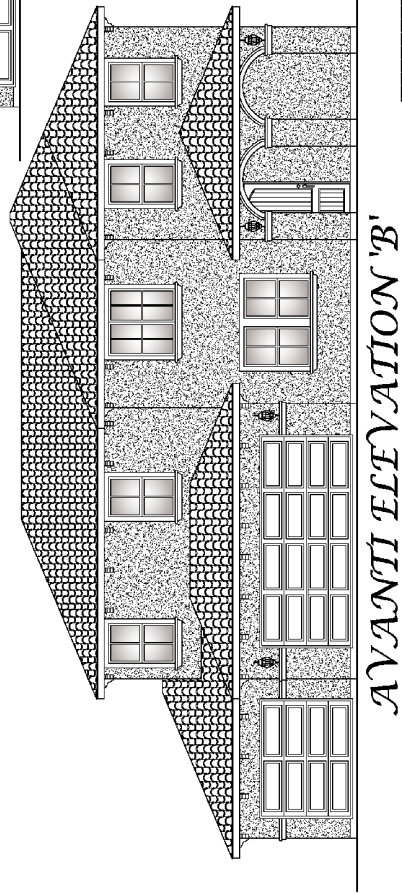
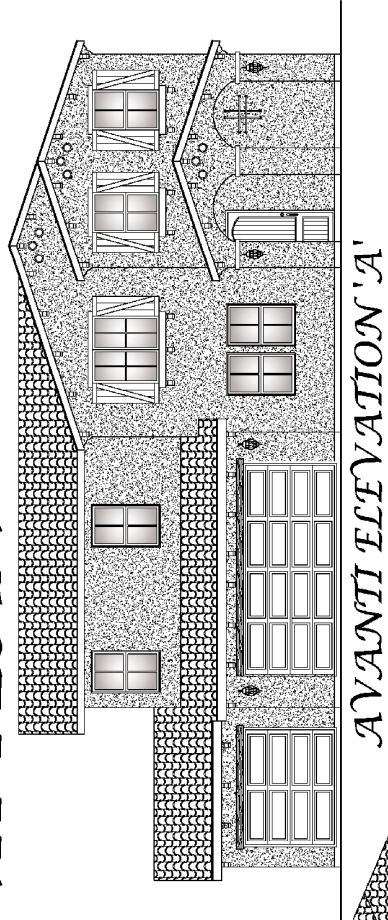
1 st FLOOR	3,571
2 nd FLOOR	1,550
3 rd FLOOR	1,550
3 rd CAR GARAGE	2,642
PATIO	116
TOTAL	9,469
TOTAL LIVING	5,225
TOTAL	9,469



Avanti 2nd Floor Plan

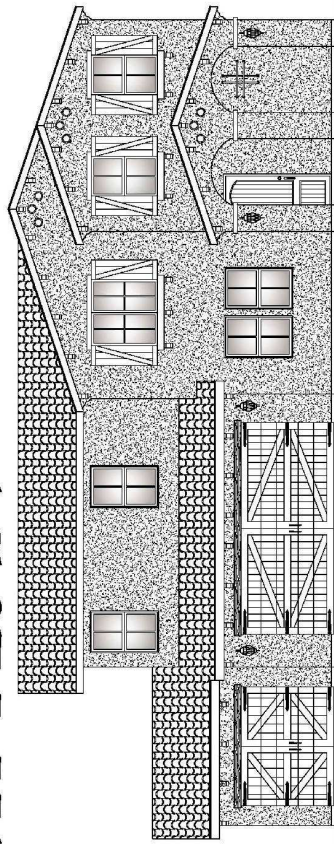
2222 Standard Plan 1st & 2nd Floor Plan

PRECISE PLAN AMENDMENT AVANTI PLAN

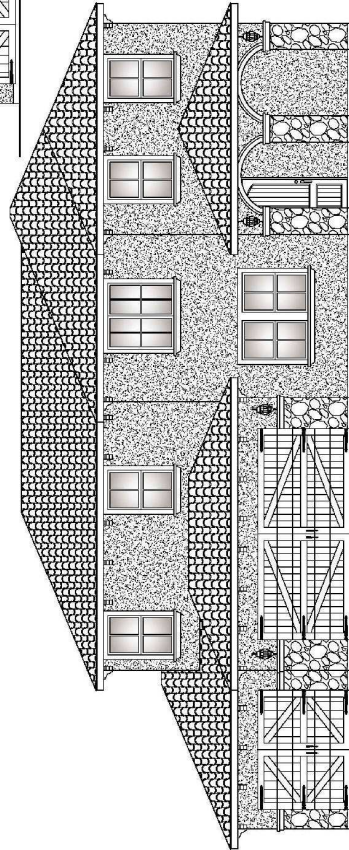


2222 Standard Plan Exterior Elevations

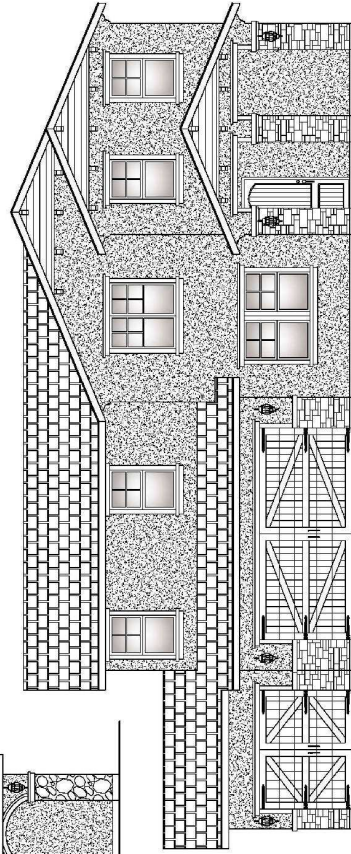
PRECISE PLAN AMENDMENT
AVANTI PLAN



AVANTI ELEVATION 'A'

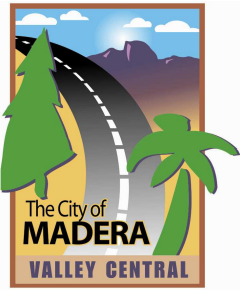


AVANTI ELEVATION 'B'



AVANTI ELEVATION 'C'

2222 Standard Plan Exterior Elevations



CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Crescent View South Public Charter CUP 2015-03, SPR 2015-09 & Categorical Exemption Item #4 – April 14, 2015

PROPOSAL: An application for a conditional use permit and site plan review to allow for Crescent View South Public Charter to locate in an 8,000 square foot commercial suite.

APPLICANT:	Crescent View South Public Charter	OWNER:	Madera Marketplace LP
ADDRESS:	2073-A West Cleveland Avenue	APN:	013-160-023
APPLICATION:	CUP 2015-03 & SPR 2015-09	CEQA:	Categorical Exemption

LOCATION: The property is located on the northeast corner of North Schnoor Avenue and West Cleveland Avenue.

STREET ACCESS: The site has access to North Schnoor Avenue and West Cleveland Avenue.

PARCEL SIZE: Approximately 0.78 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is part of the Madera Marketplace shopping center which is anchored by Pak N Save and Walmart. A mixture of commercial development is located to the north, south and east of the project site, with residential and professional office uses located to the west.

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

SUMMARY & RECOMMENDATION: The allowance for a private school in a commercial zone is consistent with the purpose and intent of the Zoning Ordinance. Conditions of approval provide compatibility with surrounding land uses. Staff recommends approval of the conditional use permit and site plan review.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Light Commercial Zone

MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

Since the site was developed in 1989, multiple use permits have been issued for various businesses located within the Madera Marketplace shopping center. Most recently, Conditional Use Permit 2014-08 allowed for the establishment of another private school, San Joaquin Valley College.

ANALYSIS

Background

The Zoning Ordinance allows for the establishment of a private school in a commercial zone with the approval of a use permit. The tenant space has most recently served as a Super Buffet restaurant.

Operations

Crescent View South Public Charter proposes to establish a resource center comprised of classrooms and administrative offices in the Madera Marketplace shopping center. The proposed center would offer one-on-one interaction between students and teachers as well as three classrooms available to provide a more traditional educational setting and testing space. The proposed hours of operation are from 7:30 am to 6:00 pm.

The use is compatible with surrounding commercial uses. The coming and going of students and staff will not generate excess noise or create a nuisance in the area. In fact, the resource center could generate business for other tenants in the Madera Marketplace shopping center by bringing potential customers to the site.

Parking

An educational use will require parking based on the number of students (at one stall per two students) and staff members (at one stall per employee). Crescent View South asserts that no more than 50 students would visit the center each day, estimating between 8 and 25 students be present at any given time. They expect to employ 14 staff members at maximum enrollment. The proposed use would require twenty-six (26) parking stalls. For comparison, a retail store in this tenant space would require twenty-seven (27) parking stalls. The Madera Marketplace shopping center was developed with an abundance of parking. The parking needs generated

by the school can be absorbed by the large amount of stalls provided in the parking lot. There is adequate parking provided to serve the proposed use.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an allowance for a private charter school is not specifically addressed in the vision or action plans, the overall project will further the core vision statements in the Vision Plan of “a strong community and great schools” by providing an “expansion of educational opportunities”.

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 2015-03 and Site Plan Review 2015-09, 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 2015-03 and Site Plan Review 2015-09 based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The use is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- There is adequate parking and site features to allow for the proposed use of a private school.
- 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. Site Plan Review 2015-09 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or action is taken to extend the approval before 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 2015-03 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
6. 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.
7. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to this site plan review.
8. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Engineering Department

General

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 shall require an Encroachment Permit from the Engineering Department.

Water

11. Existing water service connections shall be upgraded to current city standards including water meters located within city right-of-way and backflow prevention device located within private property.

Building Department

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

Fire Department

14. The building shall be retrofitted to comply as an E-Occupancy for all building systems including, Energy, Plumbing, Mechanical, Electrical and CalGreen. A building permit is required prior to the commencement of renovations. Fire sprinkler alterations should be anticipated.
15. The overall allowable building area shall be recalculated, taking into consideration the change to an E-Occupancy.
16. Panic hardware shall be installed prior to granting of occupancy.
17. An evacuation alarm is required, including both initiating and notifying appliances.
18. Portable fire extinguishers are required in accordance with the California Fire Code.
19. Rated egress corridors and a rated lobby may be required.

Planning Department

20. The conditional use permit allows for a private charter school, Crescent View South, to locate in an 8,000 square foot tenant space in the Madera Marketplace shopping center.
21. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
22. "No Smoking" signs shall be installed near public entrances in accordance with applicable federal, state, and local law.
23. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
24. 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.
25. 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.

26. The use 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, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to determine whether revocation of the permit or modification of the conditions of approval is appropriate.
27. On-site parking shall be provided at all times in conformance with the Municipal Code. All required parking shall be permanently maintained with all parking spaces as shown on the submitted site plan. Any modifications in the approved parking layout shall require approval by the Planning Commission.
28. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2015-03 and Site Plan Review 2015-09 to the May 12, 2015 Planning Commission meeting.

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2015-03 and Site Plan Review 2015-09, based on and subject to the following findings: (specify)

ATTACHMENTS

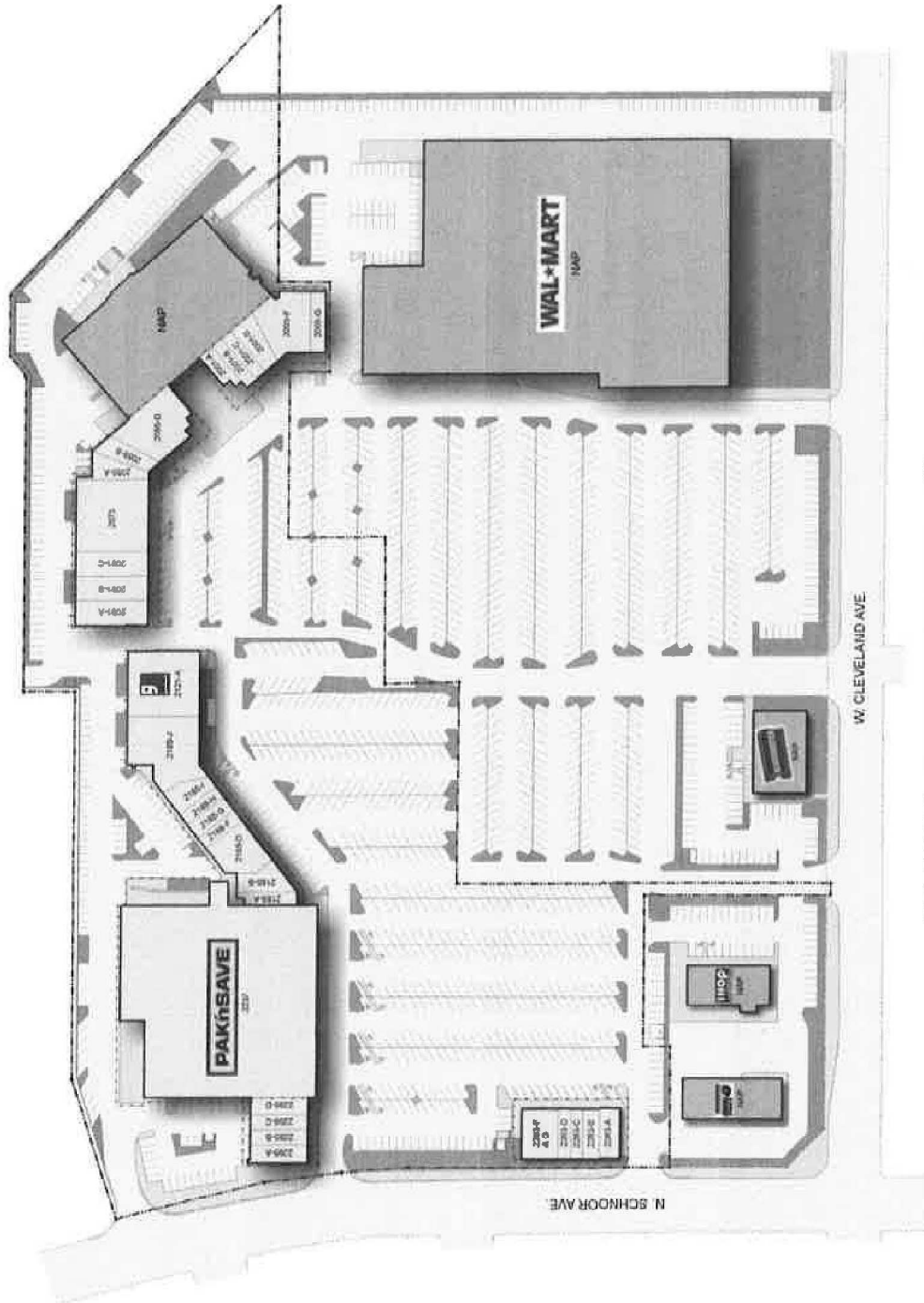
Aerial Photo
Site Plan
Floor Plan

Aerial Photo



Site Plan

EXHIBIT B
SITE PLAN/PREMISES OUTLINE

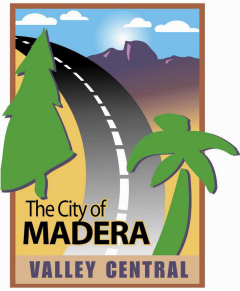


MADERA MARKET PLACE
NEC WEST CLEVELAND AVE & SCHNOOR RD

 **SITE PLAN**

Floor Plan





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Maria’s Burger Bar CUP 2015-04, SPR 2015-12 & Environmental Determination Item #5 – April 14, 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:	Maria Luisa Nuñez	OWNER:	Eufrocina Rivera
ADDRESS:	114 North Gateway Drive	APN:	010-093-002
APPLICATION:	CUP 2015-04 & SPR 2015-012	CEQA:	Categorical Exemption

LOCATION: The property is located on the west side of North Gateway Drive, approximately 200 feet north of the intersection of North Gateway Drive and West Yosemite Avenue.

STREET ACCESS: The site has access to North Gateway Drive and a municipal alley.

PARCEL SIZE: Approximately 0.35-acre

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The 0.35-acre site is established commercial development. The restaurant, Maria’s Burger Bar, faces onto the public right-of-way with parking provided via an alley abutting the rear of the property. There is commercial development to the north, east and south; with the county library directly across the alley to the west.

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 § 10-3.1205 Exemptions from Parking Space Requirements

MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

The site is in the historic core of the City. The site has been intermittently utilized as a restaurant for an extended period of time. Conditional Use Permit 2009-15, completed in September of 2009, allowed for the sale of alcoholic beverages for on-site consumption in conjunction with a restaurant (El Amigo Restaurant). The sale of alcohol was discontinued for more than a twelve month period, rendering the use permit expired.

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. The commercial building where the restaurant is located has been utilized for the same purpose in the past and the use is compatible with surrounding uses. Issues discussed as part of this analysis include parking and operational concerns.

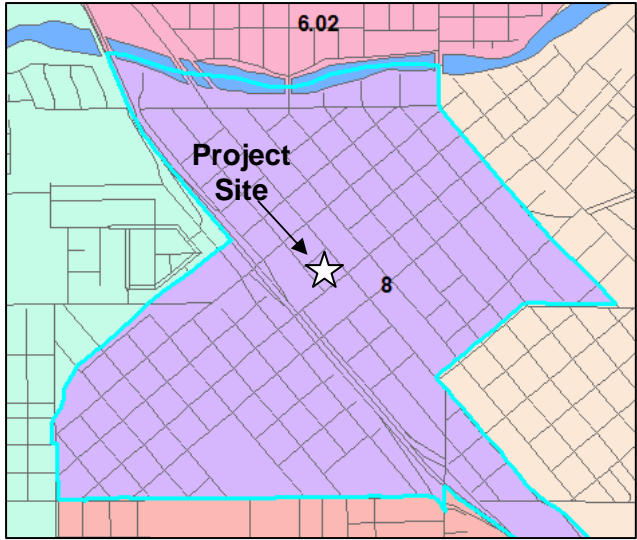
Parking

In that the restaurant site was fully developed prior to August 1, 1978, none of the parking requirements are applicable to the site. Zoning Ordinance provides an exemption to all structures and uses that were in existence prior to 1978. Eighteen (18) parking stalls are provided in the rear of the site with access to the municipal alley.

Operations

The applicant wishes to serve beer and wine for consumption on site as part of the operation of a restaurant. A Type 41 (On-Sale Beer and Wine for Bona Fide Public Eating Place) license from the California Department of Alcoholic Beverage Control (ABC) would be required. The project site is in Census Tract 8, which generally encompasses the downtown region of the city. Census Tract 8 is an area of overconcentration for ABC licenses for both the on and off-site sale and consumption of alcoholic beverages. Currently, there are twenty-two (22) on-sale and seventeen (17) off-sale ABC licenses in Census Tract 8. Ideally, there should be only six (6) on-sale and six (6) off-sale ABC licenses issued in Census Tract 8. Thus, the downtown area is an over-concentrated area of ABC liquor licenses. Over-concentration in a downtown area is typical due to a high concentration of businesses and a low number of residences.

The past policy of the City Council was to not allow the issuance of additional ABC licenses in Census Tract 8. The only exception to this policy had been the allowance of on-site beer and wine licensure in association with an eating establishment. The City Council reviewed the aforementioned policy of no additional ABC licenses in Census Tract 8 as part of an administrative report on April 20, 2011. From the report and subsequent discussion, the City Council directed staff to review each application for a conditional use permit for the sale and/or consumption of alcoholic beverages within areas of overconcentration on an individual case by case basis and weigh each application on its specific merits.



In this case, the applicant is asking for the allowance of on-site beer and wine licensure in association with an eating establishment. Most sit down restaurants do offer alcoholic beverages in concert with the food served.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

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 2015-04 and Site Plan Review 2015-12, 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 2015-04 and Site Plan Review 2015-12 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.
- The site is exempt from off street parking requirements as the building was in existence prior to August 1, 1978.
- 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 2015-04 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 2015-12 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

General

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 shall require an Encroachment Permit from the Engineering Department.

Water

11. Existing water service connections shall be upgraded to current city standards including water meters located within city right-of-way and backflow prevention device located within private property.

Sewer

12. Existing sewer service connection shall be upgraded to current City standards.

Planning Department

13. Vandalism and graffiti shall be corrected within 24 hours of notification.
14. No outdoor displays or storage of materials shall be allowed.
15. No outdoor dining or outdoor consumption of alcoholic beverages shall be allowed.
16. 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.
17. The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.
18. 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.
19. The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control.
20. 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.
21. All signage shall be consistent with the Madera Municipal Code.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2015-04 and Site Plan Review 2015-12 to the May 12, 2015 Planning Commission meeting.

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2015-04 and Site Plan Review 2015-12 based on the following findings: (specify)

ATTACHMENTS

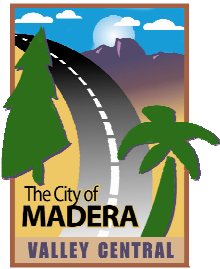
Aerial Photo
Photos

Aerial Photo



Photos





**CITY OF MADERA
PLANNING COMMISSION**

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

**Staff Report: Ordinance Text Amendment – OTA 2014-01
Item #6 – April 14, 2015**

PROPOSAL: Consideration of 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.

APPLICANT:	City of Madera	OWNER:	N/A
ADDRESS:	Citywide	APN:	N/A
APPLICATIONS:	OTA 2014-01	CEQA:	Exempt

LOCATION: N/A

STREET ACCESS: N/A

PARCEL SIZE: N/A

GENERAL PLAN DESIGNATION: N/A

ZONING DISTRICT: N/A

SITE CHARACTERISTICS: N/A

ENVIRONMENTAL REVIEW: The proposed ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA". The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SUMMARY & RECOMMENDATION: In order to qualify for the Housing Element streamlined review process, 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 is necessary.

APPLICABLE CODES AND PROCEDURES

State law

PRIOR ACTION

The Housing Element rezone program has been recently completed within Rezone 2014-02.

BACKGROUND

Housing elements are one of the mandatory elements of a General Plan. They are the only element that requires specific approval by the State. The State Department of Housing and Community Development is the State agency responsible for reviewing housing elements. Every City and County is required to update and have their housing element certified on a regular cycle, currently every five years. The City anticipates shifting to an eight year cycle after certification of the 2015 Housing Element.

ANALYSIS

The City is currently completing the required five-year update to the Housing Element. In the current cycle of housing element updates, the California Department of Housing and Community Development (HCD) has recognized that local governments and its own staff are facing resource challenges. At the same time, for many local governments much of the information in their existing housing elements is still current and/or particular conditions and circumstances have not changed significantly since the last housing element update. Recognizing these circumstances, HCD has created a streamlined review process that jurisdictions may use to reduce the time and resources needed to update the Housing Element. The streamlined review process allows jurisdictions to update areas of the existing Housing Element where changes have occurred instead of conducting a comprehensive update. HCD in turn will focus its review on those sections of the housing element that have changed.

In order to use HCD's streamlined review process, a jurisdiction must document that its existing housing element was adopted and found to be in compliance with State housing element law, and that the jurisdiction's policies, regulations, and procedures meet the requirements of State housing law. Specifically, the jurisdiction must document compliance with five items: 1) implementation of a housing element rezone program, 2) adoption of emergency shelter provisions, 3) adoption of transitional and supportive housing provisions, 4) adoption of reasonable accommodation procedures, and 5) consistency with State density bonus law. The housing element rezone program has been recently completed within Rezone 2014-02. This ordinance would complete the remaining steps toward qualifying for the streamlining process.

Emergency Shelter Provisions

The City does not currently comply with this requirement. To comply with State law (Government Code Section 65583), jurisdictions must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner. Jurisdictions may, however, apply specific objective development and management standards pursuant to Government Code Section 65583(a)(4), as follows:

- The maximum number of beds or persons permitted to be served nightly by the facility
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or

- commercial uses within the same zone
- The size and location of exterior and interior on-site waiting and client intake areas
- The provision of on-site management
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart
- The length of stay
- Lighting
- Security during hours that the emergency shelter is in operation

Adoption of this ordinance amendment will correct this condition by allowing emergency shelters within the C2 (Heavy Commercial) Zone District. The proposed text amendment for Emergency Shelters is located on Page 23 of the draft ordinance.

Transitional and Supportive Housing Provisions

The City does not currently comply with this requirement. State law (Government Code Section 65583) requires cities and counties to consider transitional and supportive housing as residential uses and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Ordinance does not comply with State law requirements for transitional and supportive housing. The proposed amendments would create definitions for transitional and supportive housing and specify their status as residential uses consistent with the requirements of the State's Health and Safety Code. The proposed text amendment for Transitional and Supportive Housing Provisions is located on Page 18 of the draft ordinance.

Reasonable Accommodation Procedures

The City does not clearly comply with this requirement. The Zoning Ordinance does not contain a formal reasonable accommodation procedure. Incorporation of reasonable accommodation language into the Zoning Ordinance was anticipated in the 2009 Housing Update which contained Action Item H-4.7.1, and the following language:

Government Code Section 65583(c)(3) requires the housing element provide a program to "address and where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing for persons with disabilities. The program shall remove constraints to and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities."

The recommended changes to the ordinance include the addition of a new section on reasonable accommodation, thereby assisting in satisfying Action Item H-4.7.1 and complying with HCD streamlining requirements. The proposed text amendment for Reasonable Accommodation Procedures is located on Page 15 of the draft ordinance.

Density Bonus Law

The City does not currently comply with this requirement. The Zoning Ordinance contains Affordable Housing Density Bonus provisions, but the section is outdated and not consistent with Government Code Section 65915. It only provides for a 25 percent density bonus, while State law requires the City to grant a density bonus on a sliding scale up to 35 percent. The current ordinance does not allow for up to three additional concessions, which is required per State law. Finally, it does not provide a density bonus for developments that include child care facilities, which is also required by State law.

The density bonus ordinance proposed provides the required density bonus on a sliding scale up to 35 percent, allows for up to three concessions on a sliding scale, and provides a density bonus for child care facilities. Adoption of the proposed ordinance amendment would modify the Affordable Housing Density Bonus section of the Zoning Ordinance to comply with

State law. The proposed text amendment for Density Bonus Law is located on Page 2 of the draft ordinance.

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports approval of an ordinance amendment amending and/or adding specific text to the Zoning Ordinance. It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing and make a decision regarding the ordinance amendment.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the ordinance amendment.

The Commission would be taking action regarding Ordinance Text Amendment 2014-01, determining to either:

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

Motion 1: Move to adopt a resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2014-01, 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, as proposed.

(OR)

Motion 2: Move to adopt a resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2014-01, subject to the following Planning Commission recommendations: (Insert revised ordinance text).

(OR)

Motion 3: Move to adopt a resolution recommending to the City Council denial of Ordinance Text Amendment 2014-01.

ATTACHMENTS

Planning Commission Resolution
Draft Ordinance

RESOLUTION NO. ____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF MADERA ADOPTION OF AN ORDINANCE AMENDING THE MADERA MUNICIPAL CODE TO PROVIDE ELIGIBILITY FOR AND COMPLIANCE WITH THE HOUSING ELEMENT STREAMLINED REVIEW PROCESS OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

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

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

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

WHEREAS, the City is currently in the process of updating the General Plan's Housing Element to be consistent with State law; and

WHEREAS, the California Department of Housing and Community Development has created a streamlined review process in order to assist local agencies in the completion of the Housing Element update; and

WHEREAS, in order to utilize the California Department of Housing and Community Development streamlined review process in the completion of the aforementioned Housing Element update, certain City policies, regulations and procedures must meet the requires of State housing law; and

WHEREAS, the Planning Commission recommends to the City Council of the City of Madera adoption of an amendment to the Madera Municipal Code in order to comply with State housing law and the requirements of the streamlined review process; and

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

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

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

1. The above recitals are true and correct.
2. The proposed ordinance is exempt under Section 15061(b)(3) of the California Environmental Quality Act.
3. It is recommended that the City Council of the City of Madera adopt an ordinance amending the Madera Municipal Code as set forth in the attached Exhibit 'A'.
4. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 14th day of April, 2015, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Chairperson
City Planning Commission

Attest:

Christopher Boyle
Planning Manager

PLANNING COMMISSION RESOLUTION NO. _____

EXHIBIT 'A'

DRAFT ORDINANCE

AN ORDINANCE AMENDING THE MADERA MUNICIPAL CODE TO PROVIDE ELIGIBILITY FOR AND COMPLIANCE WITH THE HOUSING ELEMENT STREAMLINED REVIEW PROCESS OF THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

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

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

SECTION 2. The Planning Commission and the City Council of the City of Madera have determined that the ordinance is consistent with the purpose and intent of Chapter 3 of Title X of the Madera Municipal Code.

SECTION 3. Subchapter 5 of Chapter 3 of Title X to the Madera Municipal Code is hereby deleted in its entirety and replaced as follows:

[AFFORDABLE HOUSING DENSITY BONUS

§ 10-3-5.101 PURPOSE OF CHAPTER

As required by Government Code Section 65915, this Chapter offers density bonuses, and incentives or concessions for the development of housing that is affordable to the types of households and qualifying residents identified in Section 10-3-5.102 (Eligibility for Bonus, Incentives, or Concessions) below. This Chapter is intended to implement the requirements of Government Code Section 65915 et seq., and the Housing Element of the General Plan.

§ 10-3-5.102 ELIGIBILITY FOR BONUS, INCENTIVES, OR CONCESSIONS

In order to be eligible for a density bonus and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Ordinance, except as provided by Section 10-3-5.104 (Allowed Incentives or Concessions).

(A) Resident requirements. A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least any one of the following:

(1) Ten percent (10%) of the total number of proposed units are for lower income households, as defined in Health and Safety Code section 50079.5;

(2) Five percent (5%) of the total number of proposed units are for very low income households, as defined in Health and Safety Code section 50105;

(3) The project is a senior citizen housing development as defined in Civil Code sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code sections 798.76 or 799.5; or

(4) Ten percent (10%) of the total dwelling units in a common interest development as defined in Civil Code section 1351 are for persons and families of moderate income, as defined in Health and Safety Code section 50093, provided that all units in the development are offered to the public for purchase.

(B) Applicant selection of basis for bonus. For purposes of calculating the amount of the density bonus in compliance with Section 10-3-5.103 (Allowed Density Bonuses), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsections A. 1., 2., 3., or 4., above.

(C) Bonus units shall not qualify a project. A density bonus granted in compliance with Section 10-3-5.103 (Allowed Density Bonuses), below, shall not be included when determining the number of housing units that is equal to the percentages required by Subsection (A), above.

(D) Minimum project size to qualify for density bonus. The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units.

(E) Condominium conversion projects. A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Government Code section 65915.5.

§ 10-3-5.103 ALLOWED DENSITY BONUSES

The review authority shall determine the amount of a density bonus allowed in a housing development in compliance with this Section. For the purposes of this Chapter, "density bonus" means a density increase over the otherwise maximum allowable residential density under the applicable General Plan Land Use designation and zone as of the date of application by the applicant to the City.

(A) Density bonus. A housing development that complies with the eligibility requirements specified in Subsection 10-3-5.102(A) above, shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.

(1) Bonus for units for lower income households. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 10-3-5.102(A)(1) (ten percent (10%) of units for lower income households) shall be entitled to a density bonus calculated as follows:

TABLE 103.1 - BONUS FOR LOWER INCOME HOUSEHOLDS

<u>Percentage of Low-Income Units Proposed</u>	<u>Percentage of Density Bonus</u>
<u>10</u>	<u>20</u>
<u>11</u>	<u>21.5</u>
<u>12</u>	<u>23</u>
<u>13</u>	<u>24.5</u>
<u>14</u>	<u>26</u>
<u>15</u>	<u>27.5</u>
<u>17</u>	<u>30.5</u>
<u>18</u>	<u>32</u>
<u>19</u>	<u>33.5</u>
<u>20</u>	<u>35</u>

(2) Bonus for units for very low-income households. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 10-3-5.102(A)(2), (five percent (5%) of units for very low-income households) shall be entitled to a density bonus calculated as follows:

TABLE 103.2 - BONUS FOR VERY LOW-INCOME HOUSEHOLDS

<u>Percentage of Very Low- Income Units Proposed</u>	<u>Percentage of Density Bonus</u>
<u>5</u>	<u>20</u>
<u>6</u>	<u>22.5</u>
<u>7</u>	<u>25</u>
<u>8</u>	<u>27.5</u>
<u>9</u>	<u>30</u>
<u>10</u>	<u>32.5</u>
<u>11</u>	<u>35</u>

(3) Bonus for senior citizen development. A housing development that is eligible for a bonus in compliance with the criteria in Section 10-3-5.102(A)(3), (senior citizen development or mobile home park) shall be entitled to a density bonus of 20 percent.

(4) Bonus for moderate income units in common interest development. A housing development that is eligible for a bonus in compliance with the criteria specified in Section 10-3-5.102(A)(4). (ten percent (10%) of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:

TABLE 103-3 - BONUS FOR MODERATE INCOME HOUSEHOLDS

<u>Percentage of Moderate-Income Units Proposed</u>	<u>Percentage of Density Bonus</u>
<u>10</u>	<u>5</u>
<u>11</u>	<u>6</u>
<u>12</u>	<u>7</u>
<u>13</u>	<u>8</u>
<u>14</u>	<u>9</u>
<u>15</u>	<u>10</u>
<u>16</u>	<u>11</u>
<u>17</u>	<u>12</u>
<u>18</u>	<u>13</u>
<u>19</u>	<u>14</u>
<u>20</u>	<u>15</u>
<u>21</u>	<u>16</u>
<u>22</u>	<u>83</u>
<u>23</u>	<u>18</u>
<u>24</u>	<u>19</u>
<u>25</u>	<u>20</u>
<u>26</u>	<u>21</u>
<u>27</u>	<u>22</u>
<u>28</u>	<u>23</u>
<u>29</u>	<u>24</u>
<u>30</u>	<u>25</u>
<u>31</u>	<u>26</u>
<u>32</u>	<u>27</u>
<u>33</u>	<u>28</u>
<u>34</u>	<u>29</u>
<u>35</u>	<u>30</u>
<u>36</u>	<u>31</u>
<u>37</u>	<u>32</u>
<u>38</u>	<u>33</u>
<u>39</u>	<u>34</u>
<u>40</u>	<u>35</u>

(5) Density bonus for land donation. When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development as follows; provided, that nothing in this Subsection shall be construed to affect the authority of the City to require a developer to donate land as a condition of development.

(a) Basic bonus. The applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable Land Use Plan designation and zone for the entire development, and an additional increase as follows.

TABLE 103.4 - BASIC BONUSES

<u>Percentage of Very Low- Income Units Proposed</u>	<u>Percentage of Density Bonus</u>
<u>10</u>	<u>15</u>
<u>11</u>	<u>16</u>
<u>12</u>	<u>17</u>
<u>13</u>	<u>18</u>
<u>14</u>	<u>19</u>
<u>15</u>	<u>20</u>
<u>16</u>	<u>21</u>
<u>17</u>	<u>22</u>
<u>18</u>	<u>23</u>
<u>19</u>	<u>24</u>
<u>20</u>	<u>25</u>
<u>21</u>	<u>26</u>
<u>22</u>	<u>27</u>
<u>23</u>	<u>28</u>
<u>24</u>	<u>29</u>
<u>25</u>	<u>30</u>
<u>26</u>	<u>31</u>
<u>27</u>	<u>32</u>
<u>28</u>	<u>33</u>
<u>29</u>	<u>34</u>
<u>30</u>	<u>35</u>

(b) Increased bonus. The increase identified in Table 103.4 above shall be in addition to any increase in density required by Subsections (A)(1) through (A)(4), up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required in compliance with this Subsection (A)(5), as well as the bonuses provided by Subsections (A)(1) through (A)(4).

(c) Eligibility for increased bonus. An applicant shall be eligible for the increased density bonus provided by this Subsection if all of the following conditions are met:

- (1) The applicant donates and transfers the land no later than the date of approval of the final map, parcel map, or residential development application.
- (2) The developable acreage and zoning classification of the land being transferred are sufficient to allow construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (3) The transferred land is at least one acre in size, or of sufficient size to allow development of at least 40 units; has the appropriate Land Use Plan designation; is appropriately zoned for development as affordable housing; and is or will be served by adequate public facilities and infrastructure. The land shall have

appropriate zoning and development standards to make the development of the affordable units feasible.

- (4) No later than the date of approval of the final map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(i) if the design is not reviewed by the City before the time of transfer.
- (5) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 10-3-5.107 (Continued Availability), which shall be recorded on the property at the time of dedication.
- (6) The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.
- (7) The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

(B) Greater or lesser bonuses. The City may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section, or grant a proportionately lower density bonus than required by this Section for a development that does not fully comply with the requirements of this Section.

(C) Density bonus calculations. The calculation of a density bonus in compliance with this Section that results in fractional units shall be rounded up to the next whole number, as required by State law. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.

(D) Requirements for amendments or discretionary approval. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

(E) Location of bonus units. The developer may locate density bonus units in the housing project in areas other than where the units for the lower income households are located.

§ 10-3-5.104 ALLOWED INCENTIVES OR CONCESSIONS

(A) Applicant request and City approval.

(1) An applicant for a density bonus in compliance with this Chapter may submit to the City a proposal for the specific incentives or concessions listed in Subsection (C) (Type of incentives), below, that the applicant requests in compliance with this Section, and may request a meeting with the Director. The applicant may file a request either before filing an application for City approval of a proposed project or concurrently with an application for project approval. The review authority shall grant an incentive or concession request that complies with this Section unless the review authority makes either of the following findings in writing, based upon substantial evidence:

(a) The incentive or concession is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 10-3-5.107(B) (Unit cost requirements); or

(b) The incentive or concession would have a specific adverse impact, as defined in Government Code section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(2) The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.

(B) Number of incentives. The applicant shall receive the following number of incentives or concessions.

(1) One incentive or concession. One incentive or concession for a project that includes at least 10 percent of the total units for lower income households, at least five percent for very low income households, or at least 10 percent for persons and families of moderate income in a common interest development.

(2) Two incentives or concessions. Two incentives or concessions for a project that includes at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(3) Three incentives or concessions. Three incentives or concessions for a project that includes at least 30 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(C) Type of incentives. For the purposes of this Chapter, concession or incentive means any of the following:

(1) A reduction in the site development standards of this Zoning Ordinance (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements) (see also Section 10-3-5.105 (Parking Requirements in Density Bonus Projects)), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;

(2) Approval of mixed-use land uses not otherwise allowed by this Zoning Ordinance in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located;

(3) Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or

(4) In its sole and absolute discretion, a direct financial contribution granted by the review authority, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.

(D) Effect of incentive or concession. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval.

§ 10-3-5.105 PARKING REQUIREMENTS IN DENSITY BONUS PROJECTS

(A) Applicability. This Section applies to a development that meets the requirements of Section 10-3-5.102 (Eligibility for Density Bonus, Incentives, and Concessions), above, but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 10-3-5.104 (Allowed Concessions and Incentives), above.

(B) Number of parking spaces required.

(1) At the request of the applicant, the City shall require the following vehicular parking ratios for a project that complies with the requirements of Section 10-3-5.102 (Eligibility for Density Bonus, Incentives, and Concessions), above, inclusive of handicapped and guest parking.

(a) Zero to one bedroom: One on-site parking space.

(b) Two to three bedrooms: Two on-site parking spaces.

(c) Four and more bedrooms: Two and one half on-site parking spaces.

(2) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

(C) Location of parking. For purposes of this Section, a development may provide on-site parking through uncovered parking, but not through on-street parking.

§ 10-3-5.106 BONUS AND INCENTIVES FOR DEVELOPMENTS WITH CHILD CARE FACILITIES

(A) Housing developments. A housing development that complies with the resident and project size requirements of Subsections 10-3-5.102(A) and (B), above, and also includes as part of that development a child care facility other than a large or small family day care home, that will be located on the site of, as part of, or adjacent to the development, shall be subject to the following additional bonus, incentives, and requirements.

(1) Additional bonus and incentives. The City shall grant a housing development that includes a child care facility in compliance with this Section either of the following:

(a) An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or

(b) An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(2) Requirements to qualify for additional bonus and incentives.

(a) The City shall require, as a condition of approving the housing development, that:

(1) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 10-3-5.107 (Continued Availability), below; and

(2) Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with Subsection 10-3-5.102(A) (Resident requirements), above.

(b) The City shall not be required to provide a density bonus for a child care facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(B) Commercial and industrial developments. A developer of a commercial or industrial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that developer agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a child care facility, other than a large or small family day care home, in compliance with Government Code section 65917.5 (Commercial density bonus).

(1) Allowable density bonuses. The allowable density bonus may be one of the following:

(a) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility located in an existing child care facility; or

(b) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility located in a new child care facility.

(2) Requirements. Requirements to qualify for the additional density bonus shall include all of the following:

(a) For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.

(b) The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least 40 children.

(c) This facility may be located either on the project site or may be located off-site as agreed upon by the developer and the City.

(d) If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this Section.

(e) The granting of a density bonus shall not preclude the City from imposing necessary

conditions on the development project or on the additional square footage in compliance with Government Code section 65917.5 (Commercial density bonus).

§ 10-3-5.107 CONTINUED AVAILABILITY

The units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 10-3-5.110 (Control of Resale).

(A) Duration of affordability. The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives and concessions, as follows.

(1) Low- and very low-income units. The continued affordability of all low- and very low-income qualifying units shall be maintained for 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.

(2) Moderate income units in common interest development. The continued availability of moderate-income units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.

(B) Unit cost requirements. The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Section:

(1) Lower income units. Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code section 50053; and

(2) Owner-occupied units. Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code section 50052.5.

(C) Occupancy and resale of moderate-income common interest development units. An applicant shall agree to, and the City shall ensure that the initial occupant of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code section 1351, are persons and families of moderate income, as defined in Health and Safety Code section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.

(1) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.

(2) The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code section 33334.2(e) that promote home ownership. For the purposes of this Section:

(a) The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial

market value, then the value at the time of the resale shall be used as the initial market value; and

(b) The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

§ 10-3-5.108 LOCATION AND TYPE OF DESIGNATED UNITS

(A) Location/dispersal of units. Designated units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project, and shall be compatible with the design or use of remaining units in terms of appearance, materials, and finish quality.

(B) Phasing. If a project is to be phased, the density bonus units shall be phased in the same proportion as the non-density bonus units, or phased in another sequence acceptable to the City.

§ 10-3-5.109 DENSITY BONUS AGREEMENT

(A) Agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the City in the City's standard form of agreement. The applicant shall prepare the draft agreement for submission to the City for review.

(B) Agreement provisions.

(1) Project information. The agreement shall include at least the following information about the project:

(a) The total number of units approved for the housing development, including the number of designated dwelling units;

(b) A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with the California Department of Housing and Urban Development (HUD) Guidelines;

(c) The marketing plan for the affordable units;

(d) The location, unit sizes (square feet), and number of bedrooms of the designated dwelling units;

(e) Tenure of the use restrictions for designated dwelling units of the time periods required by Section 10-3-5.107 (Continued Availability);

(f) A schedule for completion and occupancy of the designated dwelling units;

(g) A description of the additional incentives and concessions being provided by the City;

(h) A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and

(i) Other provisions to ensure successful implementation and compliance with this Chapter.

(2) Minimum requirements. The agreement shall provide, at minimum, that:

(a) The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all of the designated dwelling units at the appraised value;

(b) The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the City;

(c) When providing the written approval, the City shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD;

(d) The City shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;

(e) Applicable deed restrictions, in a form satisfactory to the City Counsel, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;

(f) In any action taken to enforce compliance with the deed restrictions, the City Attorney shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all of the City's costs of action including legal services; and

(g) Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.

(3) For-sale housing conditions. In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period:

(a) Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and

(b) The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the City which:

(1) Restricts the sale of the unit in compliance with this Chapter, or other applicable City policy or ordinance, during the applicable use restriction period;

(2) Contains provisions as the City may require to ensure continued compliance with this Chapter and State law; and

(3) Shall be recorded against the parcel containing the designated dwelling unit.

(4) Rental housing conditions. In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period:

(a) The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;

(b) Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;

(c) Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and

(d) The applicable use restriction period shall comply with the time limits for continued availability in Section 10-3-5.107 (Continued Availability), above.

(C) Execution of agreement.

(1) Following approval of the agreement, and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.

(2) The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of Building Permits for the designated dwelling units.

(3) The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

§ 10-3-5.110 CONTROL OF RESALE

In order to maintain the availability of for-sale affordable housing units constructed in compliance with this Chapter, the following resale conditions shall apply.

(A) Limits on resale price. The price received by the seller of an affordable unit shall be limited to the purchase price plus an increase based on the local consumer price index, an amount consistent with the increase in the median income since the date of purchase, or the fair market value, whichever is less. Before offering an affordable housing unit for sale, the seller shall provide written notice to the City of their intent to sell. The notice shall be provided by certified mail to the Director.

(B) Units to be offered to the City. Home ownership affordable units constructed, offered for sale, or sold under the requirements of this Section shall be offered to the City or its assignee for a period of at least 90 days from the date of the notice of intent to sell is delivered to the City by the first purchaser or subsequent purchasers. Home ownership affordable units shall be sold and resold from the date of the original sale only to households as determined to be eligible for affordable units by the City in compliance with this Section. The seller shall not levy or charge any additional fees nor shall any "finder's fee" or other monetary consideration be allowed other than customary real estate commissions and closing costs.

(C) Declaration of restrictions. The owners of any affordable unit shall attach and legally reference in the grant deed conveying title of the affordable ownership unit a declaration of restrictions provided by the City, stating the restrictions imposed in compliance with this Section. The grant deed shall afford the grantor and the City the right to enforce the declaration of restrictions. The declaration of restrictions shall include all applicable resale controls, occupancy restrictions, and prohibitions required by this Section.

(D) City to monitor resale of units. The City shall monitor the resale of ownership affordable units. The City or its designee shall have a 90-day option to commence purchase of ownership affordable units

after the owner gives notification of intent to sell. Any abuse in the resale provisions shall be referred to the City for appropriate action.

§ 10-3-5.111 JUDICIAL RELIEF, WAIVER OF STANDARDS

(A) Judicial relief. As provided by Government Code section 65915(d)(3), the applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession.

(B) Waiver of standards preventing the use of bonuses, incentives, or concessions.

(1) As required by Government Code section 65915(e), the City shall not apply a development standard that will have the effect of precluding the construction of a development meeting the criteria of Subsection 10-3-5.102(A) (Resident requirements), above, at the densities or with the concessions or incentives allowed by this Chapter.

(2) An applicant may submit to the City a proposal for the waiver or reduction of development and zoning standards that would otherwise inhibit the utilization of a density bonus on a specific site, including minimum parcel size, side setbacks, and placement of public works improvements.

(3) The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

(C) City exemption. Notwithstanding the provisions of Subsections (A) and (B), above, nothing in this Section shall be interpreted to require the City to:

(1) Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have a specific, adverse impact, as defined in Government Code section 65589.5(d)(2), upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
or

(2) Grant a density bonus, incentive, or concession, or waive or reduce development standards, if the bonus, incentive, concession, waiver, or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources.]

SECTION 4. Section 201 of Subchapter 5 of Chapter 3 of Title X to the Madera Municipal Code is hereby added as follows:

REASONABLE ACCOMMODATION

§ 10-3-5.201 PURPOSE

This purpose of this Chapter is to provide a procedure for individuals with disabilities to request reasonable accommodation in seeking equal access to housing under the federal Fair Housing Act and the California Fair Employment and Housing Act (hereafter “Acts”) in the application of zoning laws and other land use regulations, policies, and procedures.

§ 10-3-5.202 APPLICABILITY

(A) A request for reasonable accommodation may be made by any person with a disability or their representative, when the application of a requirement of this zoning code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. For the purposes of this chapter, a “person with a disability” is any person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

(B) A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

(C) A reasonable accommodation is granted only to the household that needs the accommodation and does not apply to successors in interest to the site.

(D) A reasonable accommodation may be granted in compliance with this Chapter without the need for the approval of a variance.

§ 10-3-5.203 PROCEDURE

(A) A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Director of Community Development Department, and shall contain the following information:

- (1) The applicant’s name, address, and telephone number;
- (2) Address of the property for which the request is being made;
- (3) The current use of the property;
- (4) The basis for the claim that the individual is considered disabled under the Acts, including verification of such claim;
- (5) The zoning code provision, regulation, or policy from which reasonable accommodation is being requested; and
- (6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(B) If the project for which the request for reasonable accommodation is being made requires some other discretionary approval (including use permit, design review, etc.), then the applicant shall file the information required by subsection (A) of this section for concurrent review with the application for discretionary approval.

(C) A request for reasonable accommodation shall be reviewed by the Director of Community Development Department or his/her designee, if no approval is sought other than the request for reasonable accommodation. The Director or his/her designee shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.

(D) A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the Planning Commission. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the Planning Commission in compliance with the applicable review procedure for the discretionary review.

§ 10-3-5.204 APPROVAL FINDINGS

The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

(A) Whether the housing in the request will be used by a person with a disability under the Acts;

(B) Whether the request for reasonable accommodation is necessary to make specific housing available to a person with a disability under the Acts;

(C) Whether the requested reasonable accommodation would impose an undue financial, administrative or enforcement burden on the City;

(D) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;

(E) Potential impact on surrounding uses;

(F) Physical attributes of the property and structures; and

(G) Other reasonable accommodations that may provide an equivalent level of benefit.

§ 10-3-5.205 CONDITIONS OF APPROVAL

In granting a request for reasonable accommodation, the Director of Community Development Department or his/her designee, or the Planning Commission as the case might be, may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

§ 10-3-5.206 APPEALS

(A) Any person dissatisfied with any action of the Director of the Community Development Department pertaining to this Chapter may appeal to the Planning Commission within 10 days after written notice of the Director's decision is sent to the applicant. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

(B) Any person dissatisfied with any action of the Planning Commission pertaining to this Chapter may appeal to the City Council within 10 days after the rendition of the decision of the Planning Commission. The appeal is taken by filing a written notice of appeal with the Director of Community Development Department and shall specify the reasons for the appeal and the grounds asserted for relief.

(C) The City Council shall, by resolution, adopt and from time to time amend a fee for the filing of appeals. Such fee shall be for the sole purpose of defraying costs incurred for the administration of appeals. The fee for an appeal shall be paid at the time of and with the filing of an appeal. No appeal shall be deemed valid unless the prescribed has been paid.

(D) If an appeal is not filed within the time or in the manner prescribed in this section, the right to review of the action against which the complaint is made shall be deemed to have been waived.

(E) After filing an appeal, the appropriate hearing body shall conduct a public hearing for the purpose of determining whether the appeal should be granted. Written notice of the time, date and place of hearing shall be given to the appellant, and to any other persons who have filed a written request for notice. Such notices shall be mailed to the appellant and the applicant at least ten days prior to the hearing.

(F) The Planning Commission or City Council shall review de novo the entire proceeding or proceedings relating to the decision, and may make any order it deems just and equitable, including the approval of the application. Any hearing may be continued from time to time.

(G) At the conclusion of the hearing, the hearing body shall prepare a written decision which either grants or denies the appeal and contains findings of fact and conclusions. The written decision, including a copy thereof shall be provided to the appellant and the project applicant.]

SECTION 5. Section 201 of Chapter 3 of Title X to the Madera Municipal Code is hereby amended to read as follows:

DEFINITIONS

§ 10-3.201 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING. Part of the main building or a detached subordinate building located on the same lot or building site, the use of which is customarily incidental to that of the main building or to the main use of the land. Where a substantial part of the wall of an accessory building is a part of the main building, or where an accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be counted as part of the main building.

ACCESSORY USE. A use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the premises.

ALLEY. A public thoroughfare or way not less than ten feet nor more than 20 feet in width, serving as a secondary means of access to abutting property, and which has been deeded or dedicated to the city.

APARTMENT. A room or suite of two or more rooms in a multiple dwelling occupied or suitable for occupancy as a residence for one family.

APARTMENT HOUSE. See definition in this subchapter, **DWELLING, MULTIPLE.**

AUTOMOBILE COURT. A group of two or more attached, detached, or semi-detached buildings containing individual sleeping or living units designed for or used primarily for the accommodation of transient automobile travelers, with garage attached or parking space conveniently located to each unit, including tourist courts, motels, or motor lodges.

BOARDING HOUSE. A dwelling other than a hotel where lodging and/or meals for three or more persons are provided for compensation. **COMPENSATION** shall include compensation in money, services, or other things of value.

BILLBOARD. Any sign containing advertising, not appurtenant to any permitted use, over six square feet in area.

BUILDING. Any structure having a roof supported by columns or by walls and designed for the housing or enclosure of any person, animal, or chattel.

BUILDING, HEIGHT OF. The vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.

BUILDING, MAIN. A building in which is conducted the principal use of the lot on which it is situated. In any R zone, any dwelling shall be deemed to be a main building on the lot on which the same is situated.

BUILDING SITE. See definition in this subchapter, **LOT.**

CAMP, TRAILER. Any area or tract of land used or designed to accommodate ten or more automobile trailers or ten or more camping parties, including cabins, tents, or other camping outfits.

COMMISSION. The Planning Commission of the city.

DUPLEX. A building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including all necessary employees of each family.

DWELLING. A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, clubs, or boarding houses or any institution such as an asylum, hospital, or jail where human beings are housed by reason of illness or under legal restraint.

DWELLING GROUPS. One or more buildings containing dwelling units occupying a parcel of land, in one ownership, and arranged around a yard or court, including one-family, two-family, and multiple dwellings, but not including automobile courts.

DWELLING, MULTIPLE. A building, or portion thereof, used, designed, or intended as a residence for three or more families living independently of each other, and doing their own cooking in the building, including apartment houses, apartment hotels and flats, but not including automobile courts.

DWELLING, ONE-FAMILY. A building designed and/or used exclusively for occupancy by one family, living independently of any other family.

DWELLING, TWO-FAMILY. A building designed and/or used exclusively for occupancy by two families, living independently of each other (see definition in this subchapter, **DUPLEX**).

DWELLING UNIT. Two or more rooms in a dwelling or an apartment hotel designed for occupancy by one family for living and sleeping purposes and having only one kitchen.

EMERGENCY SHELTER. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.]

ERECTED. Shall include built, built upon, added to, altered, constructed, reconstructed, moved upon, or any physical operation upon the land required for a building.

FAMILY. One or more persons living as a single housekeeping unit in a dwelling unit, including necessary domestic servants. **FAMILY** shall not include such groups as customarily occupy a hotel, club, fraternity, or sorority house.

GARAGE, PUBLIC. A building used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire, or sale.

GARAGE, PRIVATE. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

GARAGE SPACE. Permanently maintained space of not less than 8½ × 19 feet for the parking of automobiles off the street. Such space shall be located and arranged for an accessory building and with adequate ingress and egress.

HOME OCCUPATION. The conduct of an art or profession, the offering of a service, or the conduct of a business, or the handcraft manufacture of products within a house or garage in a residential district, which use is clearly incidental and secondary to the use of a structure for dwelling purposes and which use does not change the character thereof.

HOTEL. Any building, or portion thereof, containing six or more guest rooms used, designed, or intended to be used, let, or hired out to be occupied or which are occupied as the more or less temporary abiding place of six or more individuals who are lodged with or without meals for compensation, whether the compensation for hire is paid directly or indirectly, and in which no provision is made for cooking in any individual room or suite.

JUNK YARD. The use of more than 200 square feet of the area of any lot or the use of any portion of that half of any lot, which half adjoins any street for the storage of junk, including scrap metals or other scrap materials, or for the dismantling or wrecking of automobiles, other vehicles, or machinery, whether for sale or storage.

LOADING SPACE. A permanently maintained space of not less than 8 × 18 feet located off the street with access for the parking of vehicles. Whenever the provisions of this chapter shall require loading space, such space shall be in addition to any required parking space and/or garage space.

LOT. Any area or parcel of land held under separate ownership and occupied, or to be occupied, by a main building or by a dwelling group, together with such yards, open spaces, lot width, and lot area as are required by this chapter and having its principal frontage on a public street, road, or highway.

LOT, CORNER. A lot situated at the intersection of two or more intersecting streets.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

LOT LINE, FRONT. The property line dividing a lot from a street. On a corner lot the shorter street frontage shall be considered the front lot line.

LOT, INTERIOR. A lot other than a corner lot.

LOT, KEY. The first lot to the rear of a reversed corner lot, whether or not separated by an alley.

LOT LINE. The lines bounding a lot.

LOT LINE, REAR. The line opposite the front lot line.

LOT, REVERSED CORNER. A corner lot which rear upon the side of another lot, whether separated by an alley or not.

LOT LINE, SIDE. Lot lines other than front lot lines or rear lot lines.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

NONCONFORMING BUILDING. A building or structure or portion thereof lawfully existing on September 15, 1954, which was designed, erected, or structurally altered for a use that does not conform

to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height or area regulations of the zone in which it is located.

NONCONFORMING USE. A use which lawfully occupied a building or land on September 15, 1954, and which does not conform with the use regulations of the zone in which it is located.

OPEN SPACE. As required in the R and PD zones shall mean area available and accessible to residents for active and passive recreation including landscaped areas, walkways, patios, yards, and recreation facilities. To qualify as open space, an area must have a minimum dimension of 10 feet except that balconies may qualify as open space when the minimum dimension is five feet. Parking areas (spaces and driveways) may not be included in open space calculations.

PARKING SPACE. Permanently maintained space at least $8\frac{1}{2} \times 19$ feet located off the street with access for the parking of automobiles.

PROFESSIONAL OFFICES. An office for the conduct of any one of the following uses: accountant, architect, attorney, chiropractor, civil engineer or surveyor's drafting office, collection agency, cosmetologist, dentist, doctor, funeral parlor, insurance, private detective, real estate, social worker or similar use; but shall not include the following uses: advertiser, barber shop, contractor, pest control, pharmacy, or veterinary.

ROOMING HOUSE. See definition subsection in this subchapter, **BOARDING HOUSE.**

STREET. A public thoroughfare or road easement not less than 20 feet in width, which affords principal means of access to abutting property, but not including an alley.

STREET LINE. The boundary between a street and property.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on or in the ground or attachment to something having a permanent location on or in the ground, including site built swimming pools. This definition does not include walls and fences less than three feet in height when located in front yards, or less than six feet in height when located in side or rear yards, nor other improvements of a minor character.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists, or roof joists, for which a building permit is required.

[SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing, but operating under program requirements that require the termination of assistance and recirculation of the assisted unit to another

eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.]

USE. The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

YARD. An open space, other than a court, on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in this chapter.

YARD, FRONT. A yard extending across the front of the lot between the inner side yard lines and measured between the front lot line and the nearest line of the main building.

YARD, REAR. A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line or point of the main building nearest the rear line of the lot.

YARD, SIDE. A yard on each side of a building between the building and the side line of the lot and extending from the front line to the rear yard.

ZONE. A portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limited are established for buildings, all as set forth and specified in this chapter. **ZONE** shall mean and include the word **DISTRICT**.

('61 Code, § 10-3.201) (Ord. 231 N.S., passed - - ; Am. Ord. 26 C.S., passed 4-16-62; Am. Ord. 80 C.S., passed 8-5-65; Am. Ord. 452 C.S., passed 1-15-86; Am. Ord. 652 C.S., passed 3-6-96)

SECTION 6. Section 422 of Chapter 3 of Title X to the Madera Municipal Code is hereby added as follows:

[EMERGENCY SHELTERS

§ 10-3.422 STANDARDS.

In addition to the development standards in the underlying zoning district, the following standards apply to emergency shelters and each emergency shelter shall comply with the standards set forth in this Section. In the event of conflict between these standards and the underlying zoning district regulations, the provisions of this Section shall apply. Nothing in this Section modifies the requirements for approval of a religious facility as otherwise provided in this Code.

(A) Facility compliance with applicable state and local standards and requirements.

(1) Federal, state and local licensing as required for any program incidental to the emergency shelter.

(B) Physical Characteristics.

(1) Compliance with applicable state and local uniform housing and building code requirements.

(2) The facility shall have on-site security during all hours when the shelter is open.

(3) Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.

(4) Facilities shall provide secure areas for personal property.

(C) Limited Number of Beds per Facility. Emergency shelters shall not exceed 50 beds.

(D) Limited Terms of Stay. The maximum term of staying at an emergency shelter is 6 months in a consecutive 12-month period.

(E) Parking. The emergency shelter shall provide on-site parking at a rate of 2 spaces per facility for staff plus 1 space per 6 occupants allowed at the maximum capacity.

(F) Emergency Shelter Management. A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department

with updated information for review and approval. The city council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.]

SECTION 7. Section 902 of Chapter 3 of Title X to the Madera Municipal Code is hereby amended to read as follows:

HEAVY COMMERCIAL ZONES

§ 10-3.902 USES PERMITTED.

(A) The following uses shall be permitted in the C-2 zone:

- (1) Any use permitted in the C-1 zone.
- (2) Wholesale stores and storage within buildings.
- (3) Building material yards.
- (4) Lumber yards.
- (5) Used secondhand merchandise within enclosed buildings.

[(6) Emergency Shelter as provided in § 10-3.422]

(B) The following uses shall be permitted subject to approval by the Zoning Administrator:

- (1) Temporary outdoor display of merchandise and sales activities.
- (2) Gas and electric transmission lines, electrical transmission and distribution substations, gas regulator stations, communications equipment buildings, public service pumping stations, and elevated pressure tanks.

(C) The following uses subject to first securing a Use Permit in each case:

- (1) Auto wrecking;
- (2) Bottling works;
- (3) Contractor's yards;
- (4) Farm supply store;
- (5) Junk yards;
- (6) Machine shops;
- (7) Planing mills;
- (8) Outdoor storage of goods and materials;
- (9) Trailer coach camps;

- (10) Auction facilities;
- (11) Self-service car washes as either a primary or accessory use;
- (12) Any use permitted in any R zone;
- (13) Adult oriented businesses as provided in § 10-7.01 of this title; and
- (14) Other uses, which in the opinion of the Commission are of a similar nature.

(D) Light manufacturing, including the manufacture of clothing, novelties, and toys, and uses which in the opinion of the Commission are of a similar nature, and all subject to first securing a use permit in each case; and

(E) Signs appurtenant to any permitted use may be erected in the C-2 zone subject to all the laws, rules, and regulations of the city pertaining to signs.
(‘61 Code, § 10-3.902) (Ord. 231 N.S., passed - - ; Am. Ord. 88 C.S., passed 1-5-66; Am. Ord. 117 C.S., passed 1-17-68; Am. Ord. 173 C.S., passed 1-19-72; Am. Ord. 315 C.S., passed 6-6-79; Am. Ord. 484 C.S., passed 10-21-87; Am. Ord. 663 C.S., passed 9-4-96; Am. Ord. 690 C.S., passed 8-5-98; Am. Ord. 697 C.S., passed 3-17-99)

SECTION 8. This Ordinance shall be effective and of full force and effect at 12:01 am on the thirty-first day after its passage.

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