

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

**COUNCIL CHAMBERS - CITY HALL  
TUESDAY  
DECEMBER 13, 2016  
6:00 pm**

**CALL TO ORDER**

**ROLL CALL**

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

**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:**

**CONSENT ITEMS:**

**NONE**

**PUBLIC HEARING ITEMS**

**1. CUP 2016-22, CUP 2016-23 & SPR 2016-39 – Home Depot Outdoor Display and Rentals**

A continued public hearing from the November 8, 2016 Planning Commission meeting to consider two conditional use permits and a site plan review to allow for the outdoor display and rental of Penske trucks and assorted power equipment, and the outdoor display and sale of various merchandise at the Home Depot located southeast of the intersection of North Schnoor Avenue and Kennedy Street

(2155 North Schnoor Ave.) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-070-025).

**2. CUP 2015-31 - Los Girasoles Restaurant Revocation**

A continued public hearing from the November 8, 2016 Planning Commission meeting to consider revocation of Conditional Use Permit 2015-31 which allows for the sale of beer and wine for on-site consumption and outdoor dining as components of the operation of a restaurant located on the east side of North Gateway Drive at its intersection with Roberts Avenue (703 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-041-009).

**3. CUP 2016-30 & SPR 2016-49 – Valley West Christian Center Multi-Purpose Room**

A noticed public hearing to consider approval of a modification to a conditional use permit and site plan review to allow for the construction of a 5,250 square foot multi-purpose room in association with the Valley West Christian Center located along West Adell Street at its intersection with Sonora Street (101 West Adell Street), in the R1 (Low Density Residential) General Plan land use designation (APN: 003-200-004).

**4. CUP 2016-31 & SPR 2016-54 – Harmony Massage**

A noticed public hearing to consider approval of a conditional use permit and site plan review to allow for the establishment of a massage business located at the southwest corner of Clark Street and Country Club Drive (1410 Country Club Drive, Suite 108), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-210-033).

**5. CUP 2016-32, CUP 2016-33 & SPR 2016-55 – Chino's Auto Detailing**

A noticed public hearing to consider approval of a conditional use permit to allow for the establishment of an auto detailing and car wash business, a conditional use permit to memorialize and existing nonconforming residence and site plan review on property located at the northeast corner of East 4<sup>th</sup> Street and North E Street (305 North E Street), in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN's: 007-075-007 and 008).

**NON-PUBLIC HEARING ITEMS**

**ADMINISTRATIVE REPORTS**

**COMMISSIONER REPORTS**

**ADJOURNMENT:** The next regular meeting will be held on January 10, 2016.

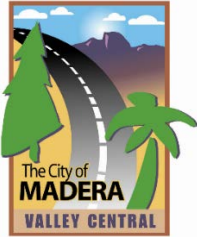
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation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

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

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

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

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



CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Home Depot Truck Rental & Outdoor Display  
CUP 2016-22 and 23, SPR 2016-39 & Environmental Determination  
Item #1 – December 13, 2016**

**PROPOSAL:** An application for a conditional use permit and site plan review to allow for a truck rental service and multiple outdoor display areas of various power equipment, store equipment and seasonal products.

<b>APPLICANT:</b>	Scott A. Mommer	<b>OWNER:</b>	Home Depot – Beverly Metz
<b>ADDRESS:</b>	2155 North Schnoor Avenue	<b>APN:</b>	013-070-025
<b>APPLICATION:</b>	CUP 2016-22 & 23 and SPR 2016-39	<b>CEQA:</b>	Categorical Exemption

**LOCATION:** The property is located at the northeast corner of North Schnoor Avenue and Foxglove Way.

**STREET ACCESS:** The site has access to North Schnoor Avenue, Kennedy Street and Foxglove Way.

**PARCEL SIZE:** Approximately 12.63 acres.

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

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

**SITE CHARACTERISTICS:** The site is located within a commercial center comprised of various retail and restaurant tenants, including a Sonic Drive-In, Starbucks and Verizon Wireless store. A Holiday Inn Express anchors the northwest corner of the commercial center at the intersection of Kennedy Street and North Schnoor Avenue. The State Route 99 freeway corridor is immediately east 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:** Home Depot proposes a Penske truck rental service, similar to a U-Haul truck rental business. Home Depot also proposes permanent outdoor display of rental power equipment, such as skid steers, mini excavators, etc. and other various seasonal items, such as barbeques, sheds, lawn mowers, etc. for retail sales. There is also a proposal for temporary outdoor display of nursery materials, plants and trees, including the seasonal sale of Christmas trees. The truck rental service and outdoor display of merchandise each require approval of a conditional use permit.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.901 Heavy Commercial Zones  
MMC § 10-3.405 Uses  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

## **PRIOR ACTION**

Tentative Parcel Map 2003-03 and Site Plan Review 2003-01 cumulatively provided for the development of the commercial location which includes Home Depot, Starbucks, Sonic Drive-In and other retail shops. The most recent entitlement was Site Plan Review 2014-37, which allowed for the installation of a fuel cell located directly behind the Home Depot warehouse. The current request was continued at the November 11, 2016 Planning Commission meeting.

## **ANALYSIS**

### Penske Truck Rentals

Home Depot is partnering with Penske to provide a program to customers as a convenience to their shopping experience. The customer can make a request, via online or in-store, to rent a Penske moving truck, similar to a U-Haul truck. Penske would deliver the truck to a designated parking area consistent with the approved site plan for customer pickup and drop off. Any person with a Class C driver's license would be able to drive the truck rental. The customer would have a variety of choices for the size of the truck rental box enclosure, from as small as twelve feet (12') to as large as twenty-six feet (26') in length. No semi-trucks or tractor trailer-type vehicles would be included in this program. The fueling, servicing and maintenance of the trucks would take place off-site at Penske facilities. Staff recommends the designated parking area be located directly east of the store, in close proximity to Home Depot's Tool and Rental Center. Any other queueing, either for pickup or drop-off of a truck, should occur behind the store.

### Power Equipment

Home Depot also proposes to provide large power equipment rentals within an outdoor display area. Providing a rental service for large power equipment brings an industrial-type use to this commercial center. The large power equipment rentals would include equipment such as tractor loader backhoes, skid steers, mini excavators, scissor lifts, light towers, material handling equipment, tree care equipment, generators and trenchers. Delivery service of the power equipment rentals could be provided to the customer as an option, rather than the customer transporting the equipment themselves. The power equipment rental display area would be located directly in front of Home Depot's Tool and Rental Center consistent with the approved site plan. Staff recommends any additional power equipment other than in front of the Tool and Rental Center be located at the rear of the Home Depot store.

### Seasonal Outdoor Display

Home Depot also proposes a temporary outdoor display area encompassing approximately 9,000 square feet, which would provide for the temporary, seasonal display of nursery materials, plants and trees, including Christmas trees. The temporary outdoor display area would be screened and occur only during appropriate seasonal periods. The location of the temporary outdoor display area would be within the parking lot in proximity to the Home Depot's outdoor garden supply entrance, consistent with the approved site plan. Also, other seasonal products, such as barbecues, lawn mowers, sheds, fencing and display materials, and patio furniture would be located in designated areas along the storefront, consistent with the approved site plan.

### Parking

The City's parking standards for a retail store that handles bulky merchandise, such as Home Depot, requires one (1) space for each 400 square feet, plus one (1) space for each two (2) employees. The property manager assured that at peak hours during the busiest time of year, the holiday season, a maximum of approximately fifty (50) employees would be working at one given time. With a 139,527 square foot building, this would equate into a parking requirement of 374 parking stalls for the store.

The applicant proposes the utilization of six (6) total parking stalls for Penske truck rentals, 28 parking stalls for display of power equipment and 34 parking stalls for the temporary outdoor display of seasonal items. With the addition of the requirement of 374 parking stalls for the Home Depot warehouse, a total of 442 parking stalls are required. 695 parking stalls are provided on the site. There is more than adequate parking to serve the store and the additional proposed uses.

### Landscaping

Proposed conditions of approval required that a landscaping and irrigation plan be provided for approval, with installation occurring on or before March, 2017. This condition, proposed at the November 15, 2016 public hearing, was in response to concerns from the adjacent property owner that the storage of trucks in proximity to the adjacent proposed shopping center site might adversely impact the view from the northernmost component of that adjacent shopping center project.

A landscaping plan has been presented to staff and has been made available to the adjacent property owner. Effort was made to tie the required landscape enhancements to the yet to be constructed shopping center landscaping, but landscaping plans for the shopping center have not yet been submitted and approved. Only a conceptual plan was reviewed as a component of the shopping center approval. With no way to tie the projects open spaces together along the project boundary, staff has incorporated the recommended condition of approval requiring the landscaping as originally proposed to the Planning Commission.

### Opposition Letter

On the evening of the November 15, 2016 Planning Commission hearing, the Planning Manager and the Planning Commission received a letter of opposition from Zinkin Development, the developer of the unbuilt Foxglove Shopping Center project approved for the adjacent vacant property. That letter made certain assertions critical of staff's analysis of the conditional use permit requests. Staff stated at the public hearing and continues to affirm that all claims within the letter are unfounded and without merit. Six assertions were made as follows:

- 1.) The use schedule of the C2 (Heavy Commercial) Zone District does not provide for the activities requested.

Response: The proposed activities, including the establishment of a truck rental business, have been entitled in the past under the "Outdoor sales establishment" call out within the applicable use schedule. Other call outs, including the "Outdoor storage of goods and

materials,” and “Other uses which, in the opinion of the Commission, are of a similar nature” also provide sufficient direction to staff.

- 2.) An environmental impact study has not been prepared.

Response: The letter states that “a study should be conducted to assess the impact on traffic, noise, vibrations and air quality, and the impact upon neighboring properties.” Only a handful of daily trips are generated by the proposed addition of outdoor truck and equipment rentals. In reality, the design of the proposed adjacent shopping center circulation mandates that all delivery trucks access the rear delivery areas of the shopping center by driving through the very area that the letter calls out as potentially being negatively impacted. The approved site plan for the unbuilt shopping center actually generates substantially more truck traffic, noise, vibration and air quality issues from the operations within the site than the addition of the few trips associated with the proposed truck rental operations. No study is required as a component of the use permit requests.

- 3.) The activities proposed are “out of character for the center and surrounding properties.”

Response: Virtually all home improvement centers include an outdoor display and sales component within their business model. A finding of support can be and is made that the proposed activities “will not 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.” In actuality, the activities have been occurring for some time without any complaint being registered by surrounding property owners.

- 4.) The proposed activities must be operated “in a manner that not generate noise, odor, blight or vibration that adversely affects any adjacent properties.” Moreover, “no mitigation measure has been required which would mitigate the impact.”

Response: As noted, conditions of approval require the use to operate “in a manner that not generate noise, odor, blight or vibration that adversely affects any adjacent properties.” A landscape screen requirement is amongst those conditions. See conditions No. 2 above for further discussion of the issue.

- 5.) Material will be stored in “very close proximity to the adjacent undeveloped shopping center.”

Response: Conditions of approval provide compatibility with surrounding properties, including the vacant undeveloped shopping center site.

- 6.) The use permit would permit temporary outdoor sales events and the impacts of that activity has not been conducted, and mitigated to the extent possible.

Response: A repeated inference that the requested entitlements require expansive review in order to satisfy environmental analysis requirements is again found within the last point of the letter. The activities requested by Home Depot do not require that traffic or other incidental impacts be studied and “impacts there from mitigated to the extent possible.” The activities requested are categorically exempt per the California Environmental Quality Act.

In reality, the opposition to the requested entitlements has little to do with potential impacts of the requested uses. The impacts of the potential uses upon the existing activities currently entitled on the Home Depot property are minimal and do not prompt expanded environmental analysis.

Both the applicant’s representative, Scott Mommer, and Zinkin Development’s representative, Richard Fairbank have verbally conveyed to staff that Zinkin Development’s support for the use permit requests has been conditioned relative to the removal of land use restrictions on the shopping center property that restrict home improvement center uses from occurring on the

shopping center site. These restrictions were put into place when Home Depot purchased the property in order to protect the Home Depot from the establishment of a direct competitor immediately adjacent to their site. Using the conditional use permit request as a platform for removal of these restrictions is, in staff's opinion, inappropriate.

#### Site Improvements

Conditions of approval require on- and off-site improvements that bring the site to a current City standard. On-site improvements include a restriping of parking areas for truck rentals. Off-site improvements include upgrades to the water service connection and existing handicap access ramps located throughout the site.

The proposed conditional use permit and site plan review entitlements were 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 truck rentals and outdoor display of goods and materials is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera.*

### **RECOMMENDATION**

The information presented in this report continues to support conditional approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permits 2016-22 and 23, and Site Plan Review 2016-39 subject to the findings and conditions of approval outlined in this report.

### **PLANNING COMMISSION ACTION**

The Planning Commission will be acting on the use permit and site plan review request, 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 2016-22 and 23, and Site Plan Review 2016-39, based on and subject to the findings and conditions of approval:

#### Findings

- This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).
- Truck rentals and outdoor display of goods and materials are consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.



- As conditioned, the establishment, maintenance or operation of the use will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city. The use is deemed to be a compatible use that is consistent with the zoning for the 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 thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permits 2016-22 and 23 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permits 2016-22 and 23, and Site Plan Review 2016-39 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 revoke the permit or modify the conditions of approval.
5. Site Plan Review 2016-39 will expire one year from the date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-39.
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.

### **Building Department**

8. The uses of all 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.
9. Additional items identified as not complying with current codes and ordinances, which requires correction or attention, may be identified. Any item not in conformance with current codes and ordinances shall be corrected.

## **Engineering Department**

### General

10. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
11. Improvements within the City right-of-way shall require an encroachment permit from the Engineering Division.

### Streets

12. The developer shall upgrade the existing handicap access ramps located throughout the site to include truncated domes per ADA standards. If the applicant believes that a hardship waiver is applicable based on the cost of this improvement, in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

### Water

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

## **Fire Department**

14. Fire access lanes must be maintained and no obstruction of fire access lanes shall occur at any time.

## **Planning Department**

### General

15. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
16. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
17. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster and refuse containers on the site.
18. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of this permit.
19. All on- and off-site improvements shall be completed on or prior to January 1, 2017.

### Penske Truck Rentals

20. Conditional Use Permit 2016-22 allows for a truck rental business component in conjunction with the operation of the Home Depot store.
21. The fueling, cleaning, servicing, and/or maintenance of the truck rentals shall not occur on the property.
22. There shall be no storage or parking of truck rentals located in front of the Home Depot structure. All truck rentals shall be located at the rear and side of the Home Depot structure in designated parking areas closest to the Tool and Rental Center, consistent with the approved site plan.

23. All parking stalls being used for Penske truck rentals shall be restriped to a “truck rentals only” parking designation. The striping and color of the “truck parking only” area shall be approved by the Planning Manager.
24. The activities of the truck rental business shall occur from as early as 6:00 a.m. until as late as 10:00 p.m.

#### Outdoor Display

25. Conditional Use Permit 2016-23 allows for the outdoor display of power equipment, other various store equipment and products. Specifics to the type of power equipment, store equipment and products being displayed can be delineated within conditions 26, 27 and 28.
26. The following power equipment shall be located in front of the Tool Rental Center and/or at the rear of the Home Depot structure, consistent with the approved site plan:
  - Mini-excavator
  - Skid steer/Mini skid steer
  - Tractor loader backhoe
  - Trencher
  - Chipper shredder
  - Stump grinder
  - Boom lift
  - Scissor lift
  - One-man lift
  - Large/small dump trailer
  - Concrete Buggy
  - Light tower
  - Generator
27. The following shall be located within designated areas along the store frontage, consistent with the approved site plan:
  - Barbeques
  - Patio furniture
  - Material displays
  - Fencing displays
  - Sheds
  - Lawn Mowers
28. The following shall be temporarily displayed outdoors during certain seasonal periods, consistent with the approved site plan:
  - Trees and Christmas trees
  - Plants
  - Nursery Materials
29. Other products and/or equipment proposed for future outdoor display not included within conditions 26, 27 and 28 shall be approved by the Planning Manager, along with its location, on a case-by-case basis.
30. The fueling, cleaning, servicing and/or maintenance of the power equipment rentals listed in condition 26 shall not occur on the property.
31. The temporary outdoor display area shall be fenced or screened prior to selling any seasonal products listed in condition 28. The type of fencing or screening shall be approved by the Planning Manager. The temporary outdoor display area shall be kept clean of any rubbish or debris at all times.

Landscaping

- 32. The property owner shall maintain all landscaping in a healthy and well-manicured appearance. This includes, but is not limited to; ensuring irrigation equipment is properly operating at all times, trimming and pruning trees and shrubs and replacing dead or unhealthy vegetation.
- 33. The applicant shall provide enhanced landscaping along those areas proposed for parking for rental trucks and equipment which abut to the Foxglove Shopping Center property. The applicant shall provide a landscape and irrigation plan for review and approval by the Planning Manager. Landscaping and irrigation shall be fully installed on or before March 1, 2017.
- 34. The trailer display area shall only be utilized for the display of lightweight flatbed utility trailers for sale. All trailers shall not exceed an overall width of eight (8') feet and/or an overall length of eighteen (18') feet.

Signage

- 35. All signage shall be in compliance with the Sign Ordinance at all times. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC Chapter 10-6.
- 36. No signage shall be affixed to or placed directly outside the fence surrounding the temporary outdoor display area. All informational signage about the products shall be kept inside the fenced area.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permits 2016-22 and 23, and Site Plan Review 2016-39 to the January 10, 2017 Planning Commission hearing, based on and subject to the following (specify):

**(OR)**

Motion 3: Move to deny the application for Conditional Use Permits 2016-22 and 23, and Site Plan Review 2016-39 based on and subject to the following findings (specify)

**ATTACHMENTS**

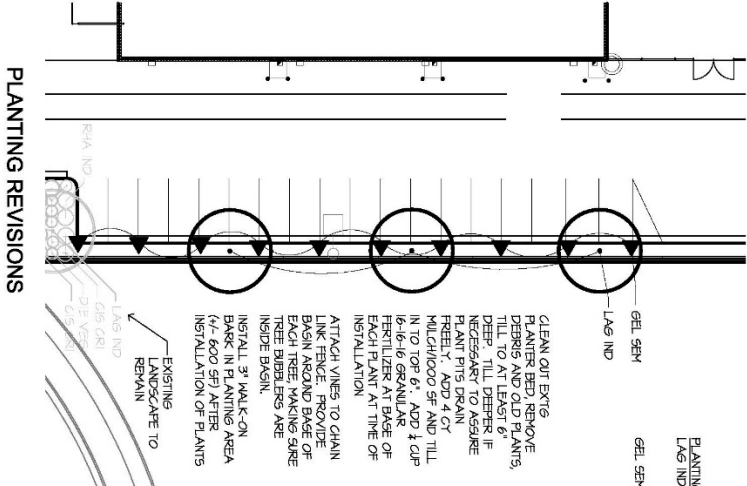
- Aerial Photo
- Site Plan
- Landscaping Plan
- Opposition Letter – Zinkin Development

# Aerial Photo





# Landscape Plan



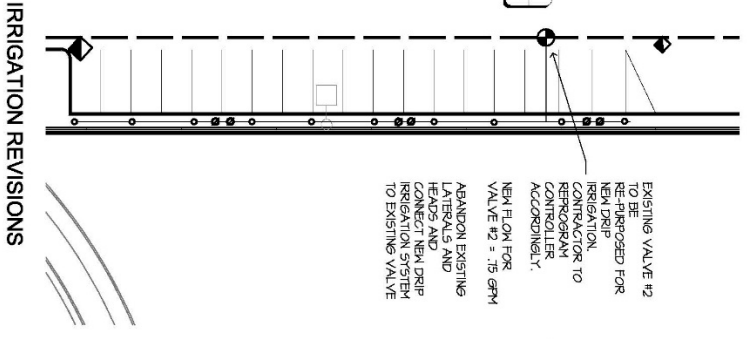
**PLANTING KEY**  
 LAG IND LAGERSTROEMIA WATERBELON RED  
 GRAPE MYRTLE  
 5 GAL. WELD = 10M, 3 REQUIRED  
 GEL SEM GELERIM-ESPAN-10 PER TREES  
 5 GAL. WELD = 10 REQUIRED

CLEAN OUT EXISTING PLANTERS REMOVE DEBRIS AND OLD PLANTS TILL TO AT LEAST 6" DEEP. TILL DEEPER IF NECESSARY TO ASSURE PLANT FITS DRAIN FREELY. ADD 4 CY WILDWOOD SP AND TILL IN TO TOP 6". ADD 1/2 CUP FERTILIZER AT BASE OF EACH PLANT AT TIME OF INSTALLATION.

ATTACH VINES TO CHAIN LINK FENCE. FORM BASKIN AROUND BASE OF EACH TREE. MAKING SURE TREE BUBBLES ARE INSIDE BASKIN.

INSTALL 3" WALK-ON BARK IN PLANTING AREA (4" - 600 SF) AFTER INSTALLATION OF PLANTS

EXISTING LANDSCAPE TO REMAIN



**IRRIGATION KEY**  
 EXISTING "V" VALVE  
 TORO DRIP BUBBLERS ON 90' 4" x 1/2" PEX-RTS OVER WIRTLES TO ASHLEY BUBBLER HEIGHT ON 3" MODEL LF20-PC - 1 PER VINE  
 MODEL LF40-PC - 2 PER TREE  
 " CLASS 200 PVC LATERAL BURY 12", 24" IF UNDER DRIVING SURFACE

EXISTING VALVE #2 TO BE RE-PIPPROSED FOR NEW DRIP IRRIGATION. CONNECT TO REPROGRAMMABLE CONTROLLER. ACCORDINGLY.

NEW FLOW FOR VALVE #2 = .15 GPM

ABANDON EXISTING LATERALS AND CONNECT NEW DRIP IRRIGATION SYSTEM TO EXISTING VALVE



**THE HOME DEPOT**  
 MADERA, CALIFORNIA  
 SEQ AVENUE 16 & SCHNOOR AVENUE  
 NORTH WEST PROPERTY LINE

**LARS ANDERSEN & ASSOCIATES, INC.**  
 CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS  
 4884 WEST JACQUELYN AVENUE FRESNO, CA 93722  
 559 276-2790 FAX 559 276-0850 WWW.LARSANDERSEN.COM

**Sierra Designs, Inc**  
 113 N. China Street, Suite 310  
 Visalia, California, 93291  
 Telephone: 559.733.3980 Fax: 559.733.3984  
 Issue Date: 11.28.2016





## Opposition Letter



### ZINKIN DEVELOPMENT

November 15, 2016

Mr. Chris Boyle  
Planning Manager  
City of Madera  
205 West Fourth Street  
Madera, CA 93637

Re: Planning Commission Agenda – Home Depot CUP and SPR

Mr. Boyle,

This letter is submitted in opposition to application of Home Depot, listed as an item on the Planning Commission Agenda for November 15, 2016, in which Home Depot seeks a conditional use permit and site plan review to allow for a truck rental service and multiple outdoor display areas of various power equipment, store equipment and seasonal products.

I represent the interests of the DeWayne Zinkin Family Partnership, LP, which owns the undeveloped shopping center located immediately to the southeast of the Home Depot project. They share a common boundary line. While it is not my desire to interfere with the conduct of business by Home Depot, there are a number of concerns with the application as detailed below, which have not been adequately studied and the adverse effects from the expansion of the business and the business merchandise have not been addressed and mitigated:

1. The proposed use of the premises for a truck and van rental business, permanent outdoor display of rental power equipment, such as skid steers, mini excavators, etc. and other items is not a permitted use, nor a permitted use subject to the issuance of a conditional use permit pursuant to the terms of Section 10-3.901, C-2 District. The permitted uses in Section 10-3.902 (A) specifically refer to merchandise within buildings or within enclosed buildings. While subsection (B) permits the Zoning Administrator to issue a permit for a “temporary” outdoor display of merchandise and sales activities, the request at hand is not for a temporary, but rather a permanent facility. While subsection (C) permits, with a

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conditional use permit, the outdoor “storage” of goods and materials, it does not permit the permanent outdoor “display” of goods and materials. In order for a conditional use permit to be issued, the use would have to be similar in nature to the permitted uses, and no more burdensome on the environment and area. The display of large trucks and other types of equipment as contemplated, is not similar to the sale of merchandise within the enclosed building. It is out of character for the zone district, for the neighborhood, and will directly impact the surrounding properties and area. A new use should not be permitted pursuant to a CUP in a district for which it is not permitted nor similar to a use that is permitted, especially where the contemplated use is permitted in another zone district. The contemplated use is a permitted use in the Highway Commercial Zone pursuant to section 10-3-9.302, subsection 17 since the use would be similar to the uses permitted in that section, subsections 6, 7, 9 and 10.

2. I have not seen any environmental impact study that assesses the impacts of increased traffic of trucks, trailers and other vehicles as a result of this proposed use. A study should be conducted to assess the impacts of large trucks being rented from this area, the impact on traffic, noise, vibrations and air quality, and the impact upon neighboring properties, including, without limitation the undeveloped shopping center located adjacent to southeast that has shop space that will be located within 60 feet of the boundary line between the two properties. The impact of these trucks by reason of the noise, dust, and exhaust that they will produce, will directly impact the shop buildings located next door, and that impact will be significant. Those impacts must be studied and the impacts must be mitigated to the extent feasible. No such study nor any such mitigation measures have been conducted and required.
3. The use of the property in question for the display of outdoor equipment, including large trucks, trailers, equipment, is out of character for the center and surrounding properties. A finding cannot be made that the proposed use will not be detrimental to the health, safety, peace, moral, comfort and general welfare of the city, since there has been no environmental analysis conducted for that purpose, and such finding is not supported by substantial evidence.
4. The proposed use permit places the condition on the project that it be operated “in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.” However, the property that is adjacent has a plan for approximately 30,000 s.f. of shop space in close proximity of the proposed location for the outdoor display area of the large equipment and trucks. That adjacent property will be adversely affected by the noise, odor, exhaust and vibrations of the large trucks and equipment and so that condition cannot be met or satisfied, and therefore, mitigation measures have not been adopted sufficient to mitigate those effects to less than significant. The City imposed a condition to the use permit that there be “no storage or parking of truck rentals located in

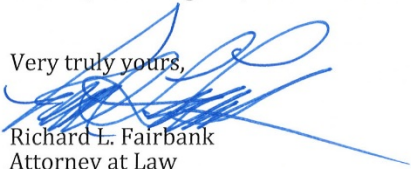
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front of the Home Depot structure.” This was obviously done in an effort to mitigate the adverse impacts upon the businesses along Schnoor Ave., as well as the public travelling along Schnoor Ave., but no such mitigation measure was required which would mitigate the impact upon the property next door.

5. Currently there is a tool rental area on the side of the building. However, the tools are stored inside the building, consistent with the zoning ordinance requirements. This use permit would allow equipment, which is much more imposing and which will result in much greater impacts to be stored and “displayed” outside of the building, within very close proximity to the adjacent undeveloped shopping center.
6. The use permit would permit the temporary display outdoors on a seasonal basis, of plants and nursery materials, even though the premises already contain a garden center of approximately 34,600 square feet. This and the outdoor display areas for trucks and equipment amount to a very substantial increase in the display and sales areas of the store, which will result in a substantial increase in traffic, and the impact of that increased traffic on the roadways affected, has not been conducted, nor the impacts there from mitigated to the extent possible.

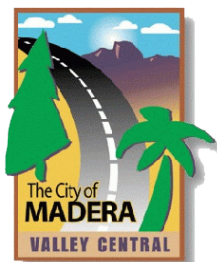
Home Depot is a responsible operator, and an asset to the community. The people it employs are fine people. However, the expansion of the business into a large truck and equipment rental business, and the incident impacts that will result from this expansion have not been adequately studied, nor mitigated, and for that reason, we respectfully request that the application be denied.

Very truly yours,



Richard L. Fairbank  
Attorney at Law

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CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Los Girasoles Restaurant Revocation  
CUP 2015-31  
Item #2 – December 13, 2016**

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**PROPOSAL:** A continued public hearing to consider revocation of Conditional Use Permit 2015-31 allowing for the sale of beer and wine and outdoor dining in conjunction with the operation of a restaurant.

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<b>APPLICANT:</b>	Jazmin Rueda	<b>OWNER:</b>	Leovigido Rueda
<b>ADDRESS:</b>	703 North Gateway Drive	<b>APN:</b>	007-041-009
<b>APPLICATIONS:</b>	CUP 2015-31 & SPR 2015-34	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The project site is located on the east side of North Gateway Drive, at its intersection with Roberts Avenue.

**STREET ACCESS:** The site has access to North Gateway Drive.

**PARCEL SIZE:** Approximately 0.40 acres

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

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

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**SITE CHARACTERISTICS:** The property is a fully improved commercial site. The Union Pacific Rail Road right-of-way is located immediately east of the project site. A multifamily apartment complex is immediately west of the project site across North Gateway Drive. Commercial development is located in all other directions along the Gateway Drive business corridor.

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

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**SUMMARY:** Approved in December of 2015, Conditional Use Permit 2015-31 allows for the sale of alcoholic beverages for on-site consumption and outdoor dining in conjunction with the operation of a restaurant. Conditions of approval require completion of on- and off-site improvements, including drought tolerant landscaping, which upgrade the site to a current City standard. The Planning Commission continued this item at the October 11, 2016 meeting, to provide the applicant sufficient time to come into compliance.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.405 Uses  
MMC § 10-3.802 Light Commercial Zones, Uses Permitted  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.1311 Termination and Revocation

## **PRIOR ACTION**

The site was originally developed under Conditional Use Permit 1986-10 as Taqueria Villa Del Mar restaurant, which included an outdoor patio and an allowance to sell alcoholic beverages. Taqueria Villa Del Mar closed sometime in 2011.

In July of 2013, approval of Conditional Use Permit 2013-15 and Site Plan Review 2013-17 allowed for the renovation of the site as a component of a new Squeeze Inn restaurant. The restaurant closed in October of 2015. The original allowance for the sale of alcoholic beverages from Conditional Use Permit 1986-10 was not utilized by the Squeeze Inn restaurant, rendering the use null and void.

In December of 2015, approval of Conditional Use Permit 2015-31 and Site Plan Review 2015-34 allowed for the sale of alcoholic beverages for on-site consumption in conjunction with Los Girasoles Restaurant. The restaurant also continued the use of the outdoor dining component of the business.

On September 13, 2016, the Planning Commission reviewed Conditional Use Permit 2015-31 and moved to schedule a public hearing to consider revocation of the use permit. The revocation hearing was held on October 11, 2016, at which time the hearing was continued to this date.

## **ANALYSIS**

Shortly after the closure of the Squeeze Inn, a new owner proposed the establishment of Los Girasoles Restaurant. Staff advised the applicant that existing conditions of approval required the approval of the Planning Commission whenever meaningful changes to the site were desired. The applicant was directed to make no improvements in advance of a public hearing before the Planning Commission. At that time, any desired alterations to the property could be presented to the Commission for approval.

Nonetheless, prior to their December 8, 2015 Planning Commission meeting, the applicant removed all of the existing drought tolerant landscaping and replaced it with primarily sod, and also repainted the structure in vibrant hues of blue, green and yellow. Subsequently, conditions of approval for Conditional Use Permit 2015-31 and Site Plan Review 2015-34 required approval of a detailed landscape and irrigation plan consistent with the State's Model Water Efficient Landscape Ordinance (MWELO) within 30 days of approval of the use permit with subsequent installation of the landscaping in 90 days. Per state law, sod is not an accepted landscape option and resulted in the requirement to remove and replace non-permitted landscaping.

After the review of Conditional Use Permit 2015-31 on September 13, 2016, the applicant provided an executed proposal to provide the required landscape and irrigation plan. The landscape and irrigation plan was subsequently submitted on November 27<sup>th</sup> and approved by City staff on November 30<sup>th</sup>. Inspection of progress in completing the installation of the approved plan was completed by staff on December 5<sup>th</sup>, where it was observed that installation work had begun but was not completed. Staff will report to the Commission at the public hearing as to the final status of the required improvements.

If the Commission chooses to revoke Conditional Use Permit 2015-31, the revocation would not close the restaurant. A restaurant is a permitted use in the C1 (Light Commercial) Zone District. The use permit allows for the sale of alcoholic beverages for on-site consumption and the continued use of outdoor dining. The revocation would only extinguish the aforementioned activities approved as components of the restaurant's operations.

## **RECOMMENDATION**

It is recommended that the Planning Commission consider the information, together with testimony provided during the public hearing, and make the appropriate findings and a decision regarding the revocation of Conditional Use Permit 2015-31. If all conditions have been satisfied, staff would recommend that revocation is not warranted at this time.

## **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2015-31, determining to either:

- revoke the use permit, or
- find that revocation of the use permit is not warranted at this time.

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

Motion 1: Move to revoke Conditional Use Permit 2015-31 effective immediately, based on and subject to the following findings:

### Findings

- Conditions of approval for Conditional Use Permit 2015-31, Nos. 7, 28, 34 and 35 adopted by the Planning Commission, are not in compliance.
- Based on observations of staff and the evidence from the whole of the record, the use has not operated in compliance with conditions of approval; and
- The continued operation of the use in violation of the conditions of approval may be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City; and
- The above findings are supported by evidence presented at the public hearing, by field observations by multiple City departments, and in staff reports during the processing and review of this entitlement; which is made a part of this record by this reference.

**(OR)**

Motion 2: Move to continue the public hearing to a specific date, in order to allow the applicant additional time to complete the required improvements and demonstrate compliance with the conditions of approval for Conditional Use Permit 2015-31: (specify date)

**(OR)**

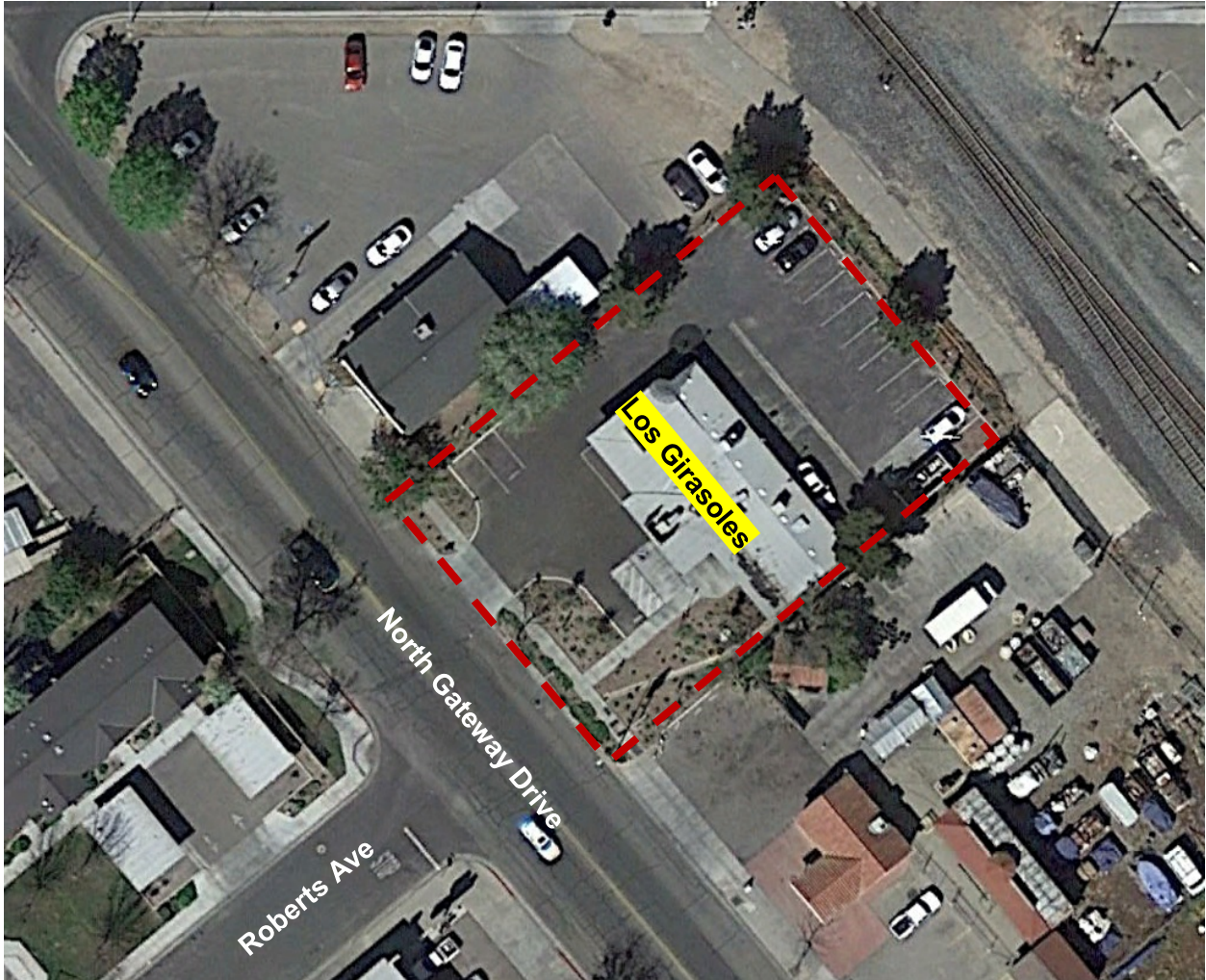
Motion 3: Move to find that the revocation of Conditional Use Permit 2015-31 is not warranted at this time for the following reasons: (specify)

## **ATTACHMENTS**

Aerial Photo  
Conditions of Approval Compliance Matrix



# Aerial Photo



## Conditions of Approval Compliance Matrix

Condition No.	Condition Statement	Condition Status
1.	Project approval is conditioned upon acceptance of the conditions of approval, as evidenced by receipt in the Planning Department of the application's signature upon an Acknowledgement and Acceptance of Conditions within thirty (30) days of the date of approval for this use permit.	Received
2.	Conditional Use Permit 2015-31 allows for the sale of beer and wine as a component of the operation of a restaurant, consistent with the stated conditions of approval.	In compliance
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.	Procedural
4.	The use permit may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural
5.	This conditional use permit will expire if the use is discontinued for a twelve-month period.	Procedural
6.	Site Plan Review 2015-34 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).	Received
7.	Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fences/walls, new buildings or landscaping shall require an amendment to this site plan review.	Landscaping modification not approved

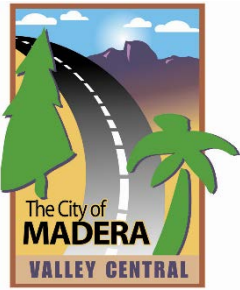


8.	This use permit shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.	Not in compliance
<b>Building Department</b>		
9.	Detailed plans shall be provided to the Building Department for formal plan check review and subsequent issuance of the required building permit for the enclosure of the patio and construction of the block wall. All permits shall be obtained prior to any construction occurring on the project site.	Building permit approved
10.	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.	In compliance
<b>Fire Department</b>		
11.	Portable fire extinguishers are required. One 2A10BC-rated fire extinguisher for every 3,000 square feet or fraction thereof.	In compliance
12.	A key box is required, if not already existing.	In compliance
13.	A building permit is required for all improvements	In compliance
14.	A complete egress analysis is required for the secondary means of egress from the patio to be enclosed. This includes the accessible means of egress.	In compliance
15.	The kitchen hood and duct suppression system must be properly serviced and in good working order.	In compliance

16.	The southern wall of the patio to be enclosed may require fire resistive construction. This will be determined during plan review.	No enclosure completed.
17.	The patio conversion to conditioned space will affect building design for Energy Code compliance, as well as plumbing fixtures.	No enclosure completed.
<b>Planning Department</b>		
18.	<p style="text-align: center;"><u>Site Data</u></p> <ul style="list-style-type: none"> <li>• Building Area: 1960 square feet</li> <li>• Restaurant w/ Alcohol Sales: Allowed with approval of CUP</li> <li>• Fixed seating provided: 52 seats maximum</li> <li>• Minimum Parking Requirements: 17 spaces</li> <li>• Parking Provided: 17 spaces</li> </ul>	Informational
19.	This conditional use permit allows for the sale of beer and wine for on-site consumption in conjunction with the operation of a restaurant/food service operation. This use permit does not allow for the sale of beer and wine as a component of a bar only, cocktail lounge, or nightclub operation at this location.	In compliance
20.	No sale of alcoholic beverages for off-site consumption shall be allowed or shall occur as a component of the use.	In compliance
21.	No outdoor consumption of alcoholic beverages shall be allowed.	Signage allowing for outdoor consumption has been removed.
22.	The consumption of alcoholic beverages, including beer and wine, shall not occur in conjunction with the operation of the food truck.	In compliance
23.	Vandalism and graffiti shall be corrected within 24 hours of notification.	In compliance
24.	The owner may operate their food truck on site until such time that the restaurant is operational, but not to exceed 90 days from date of approval.	In compliance

25.	The food truck may operate between the hours of 6:00 am and 9:00 pm until such time that the restaurant is operational.	Completed
27.	The applicant shall operate in a manner that does not generate noise, odor or vibration that adversely affects any adjacent properties.	In compliance
28.	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.	Not in compliance. State law does not support the sod landscaping.
29.	The use is conditioned upon obtaining an appropriate permit from the Department of Alcoholic Beverage Control.	In compliance
30.	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.	In compliance
31.	All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles. A new parking layout shall be submitted to the Planning Manager for approval within 30 days of approval of the conditional use permit.	In compliance
32.	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 to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Commission.	In compliance
33.	A colors and materials board shall be submitted with the building permit application for approval by the Planning Department.	In compliance

34.	<p>A detailed landscaping plan shall be submitted to the Planning Department for review and approval. The applicant shall demonstrate compliance with the State's Model Water Efficient Landscape Ordinance. Any deviation from the plan shall require prior written request and approval. Removal or modification shall be at the developer's expense. Shade trees are required at one per three parking stalls provided. The plan shall be submitted to the Planning Department within thirty (30) days of this approval. All landscaping shall be installed within ninety (90) days after Planning Department approval.</p>	<p>Landscape and irrigation plan approved. Awaiting installation.</p>
35.	<p>The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, and replacing dead or unhealthy vegetation with drought tolerant plantings.</p>	<p>Current condition of site is incomplete, with areas left barren.</p>
36.	<p>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.</p>	<p>In compliance</p>



CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Valley West Christian Center Multi-Purpose Room  
CUP 2016-30, SPR 2016-49 & Environmental Determination  
Item #3 - December 13, 2016**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the construction of a 5,250 square foot multi-purpose room in association with an existing church.

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<b>APPLICANT:</b>	Roger Leach	<b>OWNER:</b>	Valley West Christian Center
<b>ADDRESS:</b>	101 West Adell Street	<b>APN:</b>	003-200-004
<b>APPLICATION:</b>	CUP 2016-30, SPR 2016-49	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located north along West Adell Street at its intersection with Sonora Street (101 West Adell Street).

**STREET ACCESS:** The site has access to West Adell Street.

**PARCEL SIZE:** Approximately 16 acres.

**GENERAL PLAN DESIGNATION:** MD (Medium-Density Residential)

**ZONING DISTRICT:** R1 (Low-Density Residential)

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**SITE CHARACTERISTICS:** The site is generally surrounded by both low and high-density residential development. Apartments are located adjacent to the east (Valle de las Brisas) and southwest (The Crossings at Madera) with single family homes located southeast of the site. Sherman Thomas Charter School is located adjacent to the west of the project site. The project site is also at the northern border of the City limits.

**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).

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**SUMMARY:** Valley West Christian Center is proposing to expand its church center with the addition of a multi-purpose room. The multi-purpose room will primarily serve as a classroom and also be used for church events. The architectural design of the proposed structure is architecturally similar to the other structures on the site. Attractive landscaping will surround the structure and accentuate the overall architecture of the structure. The site was originally

developed with an adequate number of parking stalls for future development. Conditions of approval ensure that site improvements are consistent with current City standards.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.505 R; Conditional Uses; Commission Approval  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1202 Parking Regulations

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

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

## **PRIOR ACTION**

Prior to Valley West Christian Center, this site was originally proposed as an elementary school site. In 1983, a General Plan Amendment (GPA) was approved to remove Sonora Street between Adell Street and Ellis Street from the General Plan. A Rezone (REZ) was approved in 1984 to rezone the property from the Planned Development PD (3000) and PD (4500) Zone District to R1 (Low-Density Residential) Zone District. Concurrently with the rezone, Conditional Use Permit (CUP) 1984-07 was approved to allow for the establishment of Madera Christian School on the site.

Since then, multiple entitlements have been approved, starting in 1989, which cumulatively allows for the establishment of a church center on the property today. Four (4) use permits (CUP 1989-16, 1989-26, 1993-23 and 1999-15) allowed for construction of a sanctuary, chapel, youth center, five (5) classrooms and a large parking field with over 200 parking stalls.

## **ANALYSIS**

### Background

The Valley West Christian Center started in 1989, and today includes facilities to accommodate worship services and an educational complex. The church holds events throughout the year for both the youth and adults. The overall center currently includes a sanctuary, chapel, youth center and five (5) classrooms. The youth center and three (3) of the classrooms are fenced off northwest of the site, which uses a portion of that parking lot as a playground for the students. When regular services are being held, the northwest portion of the parking lot is used as parking for its parishioners. The remaining fifth classroom holds a Head Start program. The sanctuary and chapel are located directly at the center of the site surrounded by the remaining structures that encompass the center.

### Multi-Purpose Room

The applicant proposes to construct a 5,250 square foot multi-purpose room in response to the increase in the number of church parishioners. The proposed structure would be located on the northern half of the vacant dirt land, south of the Head Start classroom. The proposed structure would be primarily used as a classroom, but will also be used for church events. The hours of operation for the classes will occur as early as 8:00 a.m. until as late as 3:00 p.m. Monday through Friday, and Sunday. The classes will include students between the ages of eleven (11) and fourteen (14), and with a maximum of up to eighty (80) students.

### Landscaping

Landscaping is proposed to enhance the appearance of the proposed structure. The proposed landscaping would surround the structure, accentuating the overall architecture of the structure. It is recommended that the proposed landscaping be consistent with the State of California's Model Water Efficient Landscape Ordinance (MWELO).

### Parking

The center was originally developed with an adequate number of parking stalls to serve all future structures and uses on the site. The various uses on the site do not all occur simultaneously, allowing for joint use parking on the site. There are 210 parking stalls developed on the site. The use with the largest number of required parking stalls is the sanctuary with a requirement of 150 total parking stalls. The addition of the 5,250 square foot classroom would not impact the parking on the site. With 210 total parking stalls, there is an adequate number of parking stalls to serve the proposed multi-purpose room and all other existing structures and uses on the site.

### Site Improvements

Conditions of approval require on- and off-site improvements that bring the site to a current City standard. On-site improvements include construction of a new multi-purpose room, installation of new landscaping and one (1) new handicap accessible parking stall. Off-site improvements include construction of new sidewalk and a handicap access ramp, water and sewer service connection upgrades and dedication of a ten foot (10') Public Utility Easement.

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

## **RECOMMENDATION**

The project site can accommodate the expansion of the church with the addition of the proposed multi-purpose room. The proposed improvements provide for the continued expansion of the church and school campus. Staff recommends conditional approval of Conditional Use Permit 2016-30 and Site Plan Review 2016-49.

## **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2016-30 and Site Plan Review 2016-49, determining to either:

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

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

Motion 1: Move to approve the request for Conditional Use Permit 2016-30 and Site Plan Review 2016-49 based on and subject to the findings and conditions of approval as listed.

### Findings

- This project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) since the project contemplates the construction of one building with a total square footage of less than 10,000 and on a parcel in an urbanized area zoned for such construction.
- The operation of a church is consistent with the purposes of the MD (Medium-Density Residential) General Plan designation and the R1 (Low-Density Residential) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

### CONDITIONS OF APPROVAL

#### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt, in the Planning Department, of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant's failure to utilize Conditional Use Permit 2016-30 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for an extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-30 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-30 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.



5. Site Plan Review 2016-49 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-49.
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.

### **Building Department**

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

### **Engineering Department**

#### General

10. Nuisance on-site lighting shall be redirected as requested by the City Engineer, within 48 hours of notification.
11. Impact fees shall be paid at time of building permit issuance.
12. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to the following: plan review, easement acceptance, encroachment permit processing and improvement inspection fees.
13. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Division in accordance with the submittal process.
14. The improvement plans for the project shall include the most recent version of the City's General Notes.
15. 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.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

#### Sewer

17. Any new or existing sewer service connection shall be constructed or upgraded to current City standards including a cleanout where not already installed.

18. A sewer main connection of six (6") inches and larger in diameter shall require manhole installation.

#### Streets

19. The developer shall construct a minimum five (5') foot concrete sidewalk in its ultimate location along the entire parcel frontage of West Adell Street per City standards. An unimpeded ADA path of travel shall be maintained at all times.
20. The developer shall construct a handicap access ramp at the north end of the existing crosswalk along West Adell Street, near Sonora Street, to current City and ADA standards.
21. The developer shall dedicate a Public Utility Easement ten (10') feet wide along the entire parcel frontage on West Adell Street.

#### Water

22. Any new or existing water service connection shall be constructed or upgraded to current City standards including Automatic Meter Reading (AMR) water meter located within City right-of-way and backflow prevention device located within private property.

#### **Fire Department**

23. A building permit shall be required for all proposed improvements.
24. Portable fire extinguishers shall be required. A minimum of one 2A10BC-rated fire extinguisher for each 3,000 square feet, or fraction thereof, within a maximum travel distance of 75 feet.
25. An occupant load sign shall be required. Occupant load calculations are required with the Building Permit plan set.
26. Installation of fire sprinklers and fire alarm system shall be required for a calculated occupant load over 300.
27. All exits must be equipped with panic hardware.
28. A key box shall be required.
29. The on-site fire mains shall be extended to provide adequate protection for the proposed structure. An additional fire hydrant shall be required.

#### **Planning Department**

##### General

30. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
31. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
32. The property owner, manager and the applicant shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.
33. 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.

### Multi-Purpose Room

34. Conditional Use Permit 2016-30 allows for the expansion of the church with construction of a new 5,250 square foot multi-purpose room to include classes and church events.

### Building Colors, Materials and Lighting Considerations

35. The construction of buildings approved as part of Site Plan Review 2016-49 shall be consistent with the approved colors and materials board of the proposed building as reviewed and approved by the Planning Commission. Any alteration shall require approval by the Planning Manager.
36. All exterior lighting shall be directed away from residential properties and not interfere with the driving safety of vehicular traffic.
37. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department as a component of building permit issuance. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

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

38. Prior to the issuance of building permits, the applicant shall identify the following information on the site plan for Planning Department review and approval:
  - The location of all natural gas and electrical utility meter locations.
  - The location of all HVAC (heating, ventilation or air conditioning) equipment.
  - The location of all compressor equipment, and mechanical and electrical equipment.
39. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
40. Electrical/mechanical equipment shall be located in the interior of the proposed new structure within an electrical/mechanical service room(s).
41. All HVAC equipment shall be ground mounted.
42. Natural gas meter placement shall be screened from public view per Planning Department approval.
43. Roof access ladders, if proposed, shall be located within the interior of the building.
44. Future placement of roof-mounted equipment, which is not part of this site plan approval, may require amendment to this Site Plan Review.
45. 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 are preferred at rear sides of roof ridges. All roof-mounted ducts and vents are to be painted matte black or with a color better suited to minimize their appearance.
46. 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.

### Landscaping

47. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect, stamped and submitted as part of the submittals for building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plan shall include:

- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance.
- Shade trees shall be planted in the proposed construction area of the proposed structure.
- Landscaped areas are to be provided with permanent automatic irrigation systems.
- Landscaped areas shall be protected by six-inch (6") concrete curbing.
- A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.

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

**(OR)**

Motion 2: Move to continue the request for denial of Conditional Use Permit 2016-30 and Site Plan Review 2016-49 to the January 10, 2016 Planning Commission meeting: (specify)

**(OR)**

Motion 3: Move to deny the request for Conditional Use Permit 2016-30 and Site Plan Review 2016-49 based on the following findings: (specify)

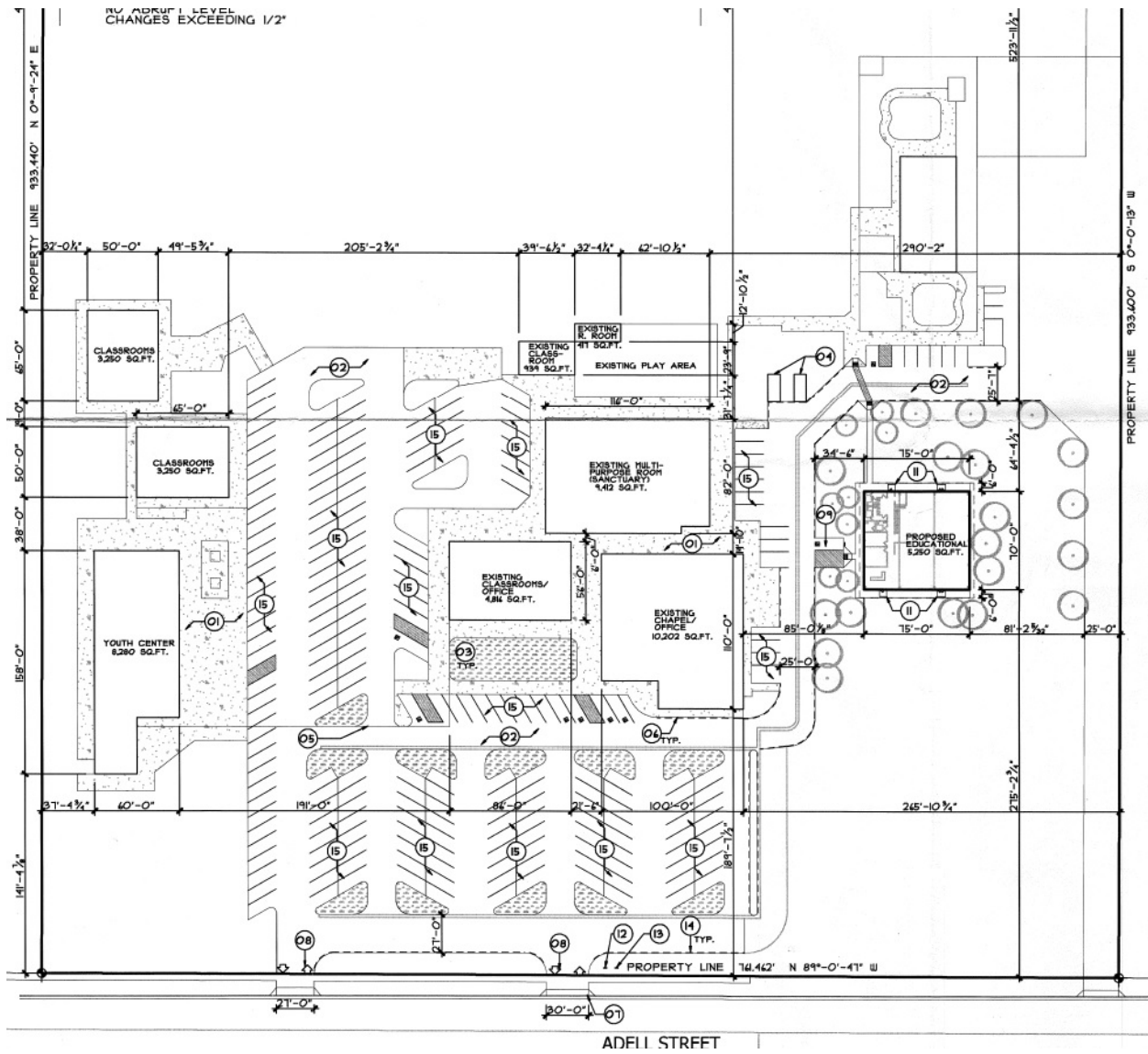
### **ATTACHMENTS**

Aerial Photo  
Site Plan

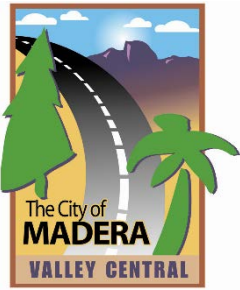
**Aerial Photo**



# Site Plan







CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Harmony Massage  
CUP 2016-31, SPR 2016-54 & Environmental Determination  
Item #4 - December 13, 2016**

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**PROPOSAL:** An application for a conditional use permit and site plan review to allow for the establishment of a massage business in an existing 825 square foot tenant suite on a C1 (Light Commercial) Zone District property.

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<b>APPLICANT:</b>	Feng Zhang	<b>OWNER:</b>	Phillip Chau
<b>ADDRESS:</b>	1410 Country Club Drive, Suite 108	<b>APN:</b>	003-210-033
<b>APPLICATION:</b>	CUP 2016-31, SPR 2016-54	<b>CEQA:</b>	Categorical Exemption

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**LOCATION:** The property is located at the southwest corner of Country Club Drive and Clark Street (1410 Country Club Drive).

**STREET ACCESS:** The site has access to Country Club Drive and Clark Street.

**PARCEL SIZE:** Approximately 1.72 acres.

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

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

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**SITE CHARACTERISTICS:** The site is along the Country Club Drive commercial corridor with Auto Zone adjacent to the north, Pizza Hut and Cricket adjacent to the east and a Toyota/Chevrolet dealership adjacent to the south. The proposed business will utilize an existing commercial suite with other adjacent businesses, such as Mejia's restaurant and Purr-D-Paws.

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

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**SUMMARY:** Harmony Massage is proposing to establish their massage business in an existing suite within the Canal Plaza Shopping Center. The existing suite previously held a boutique business that closed in May of 2016. A massage business is not specifically addressed within the Zoning Ordinance for a C1 (Light Commercial) Zone District and requires approval of a conditional use permit by the Planning Commission. The addition of a massage business would not impact parking on the site as there is an adequate number of parking stalls to serve all uses within the shopping center. Conditions of approval ensure that site improvements are consistent with current City standards.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.801 Light Commercial Uses  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1202 Parking Regulations

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

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

## **PRIOR ACTION**

Conditional Use Permit 2005-03 allowed for construction of a one-hundred foot (100') tall telecommunications monopole at the southwest corner of the property. The development of the commercial plaza was subsequent to approval of Site Plan Review 2007-07 and a master sign program. Since development of the plaza, only two (2) use permits (Conditional Use Permit 2008-11 and Conditional Use Permit 2010-05) have been approved, both for allowances for the sale of alcoholic beverages.

## **ANALYSIS**

### Use Permit Applicability

A massage business or use is not specifically addressed in the C1 (Light Commercial) Zone District. No one use or combination of uses closely resembles a massage business within the use table. "Clinics (medical and dental)" is the closest use to the proposed massage business request. Within the C1 (Light Commercial) Zoning Ordinance, other uses require approval of a conditional use permit by the Planning Commission based on the following parameters:

- The use is "similar in character" to the surrounding commercial services.
- The use is "not more detrimental to the welfare of the neighborhood" in which it is located.

If the use satisfies these parameters then the use may be a permitted use in the proposed location, subject to the approval of a use permit by the Planning Commission.

### Operations

Harmony Massage proposes to utilize an existing 825 square foot tenant suite within the Canal Plaza Shopping Center that was most recently occupied as a boutique business. The proposed massage business model includes the use of oils, lotions, hot stones and towels. Customers can be of all ages, although minors must be accompanied by an adult parent or guardian in the room during the massage. The proposed hours of operation will occur as early as 9:30 a.m. until as late as 9:30 p.m., seven (7) days per week with an approximated range of eight (8) to fifteen (15) customers per day.



## Parking

The site has eleven (11) suites with primarily commercial businesses. With the inclusion of the massage business, the number of parking stalls required for all uses in the plaza equates to a total of sixty (60) parking stalls. With sixty-one (61) total parking stalls, there is an adequate number of parking stalls to serve the proposed massage business and all other uses within the plaza.

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

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

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

## **RECOMMENDATION**

The shopping center can accommodate the establishment of a massage business. Staff recommends conditional approval of Conditional Use Permit 2016-31 and Site Plan Review 2016-54.

## **PLANNING COMMISSION ACTION**

The Commission would be taking action regarding Conditional Use Permit 2016-31 and Site Plan Review 2016-54, determining to either:

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

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

Motion 1: Move to approve the request for Conditional Use Permit 2016-31 and Site Plan Review 2016-54 based on and subject to the findings and conditions of approval as listed:

## Findings

- This project is categorically exempt under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) since there will be negligible expansion of the existing use of the structure.
- The operation of a massage business is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As 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. The applicant's failure to utilize Conditional Use Permit 2016-31 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for an extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-31 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-31 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.
5. Site Plan Review 2016-54 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code and a request to extend the approval is received before the expiration date (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval).
6. Any proposed future modifications to the site, including but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-54.
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.

### **Building Department**

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

## **Engineering Department**

### General

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

### Streets

13. Damaged truncated domes at ADA curb ramps along Country Club Drive shall be repaired per City standards.

### Streets

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

## **Fire Department**

15. A building permit shall be required for all required/proposed improvements.
16. Portable fire extinguishers shall be required. A minimum of one 2A10BC-rated fire extinguisher for each 3,000 square feet, or fraction thereof, within a maximum travel distance of 75 feet.
17. An occupant load sign shall be required. Occupant load calculations are required with the Building Permit plan set.
18. Existing fire sprinklers may need modifications based upon the determined changes. The Fire Marshal shall determine if modifications are needed during plan check for building permits.
19. A new key is required for the existing key box if the locks are re-keyed.

## **Planning Department**

### General

20. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.
21. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
22. The property owner, manager and the applicant shall keep the property clear of all trash, rubbish and debris at all times; dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.

23. 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.

Massage Business

24. Conditional Use Permit 2016-31 allows for the establishment of a massage business within an existing 825 square foot tenant suite.
25. The massage business shall operate consistent with the approved floor plan and operational statement. Alterations to the approved floor plan and/or the approved operational statement shall require amendment of Conditional Use Permit 2016-31 and/or Site Plan Review 2016-54.
26. The hours of operation shall occur as early as 9:00 a.m. until as late as 10:00 p.m., seven (7) days a week.

Landscaping

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

Signage

28. All signage shall be in compliance with the approved Master Sign Program for the Canal Plaza Shopping Center under Sign Permit (SGN) 2007-35. All proposed signage shall be approved via a separate sign permit.

**(OR)**

Motion 2: Move to continue the request for denial of Conditional Use Permit 2016-31 and Site Plan Review 2016-54 to the January 10, 2016 Planning Commission meeting: (specify)

**(OR)**

Motion 3: Move to deny the request for Conditional Use Permit 2016-31 and Site Plan Review 2016-54 based on the following findings: (specify).

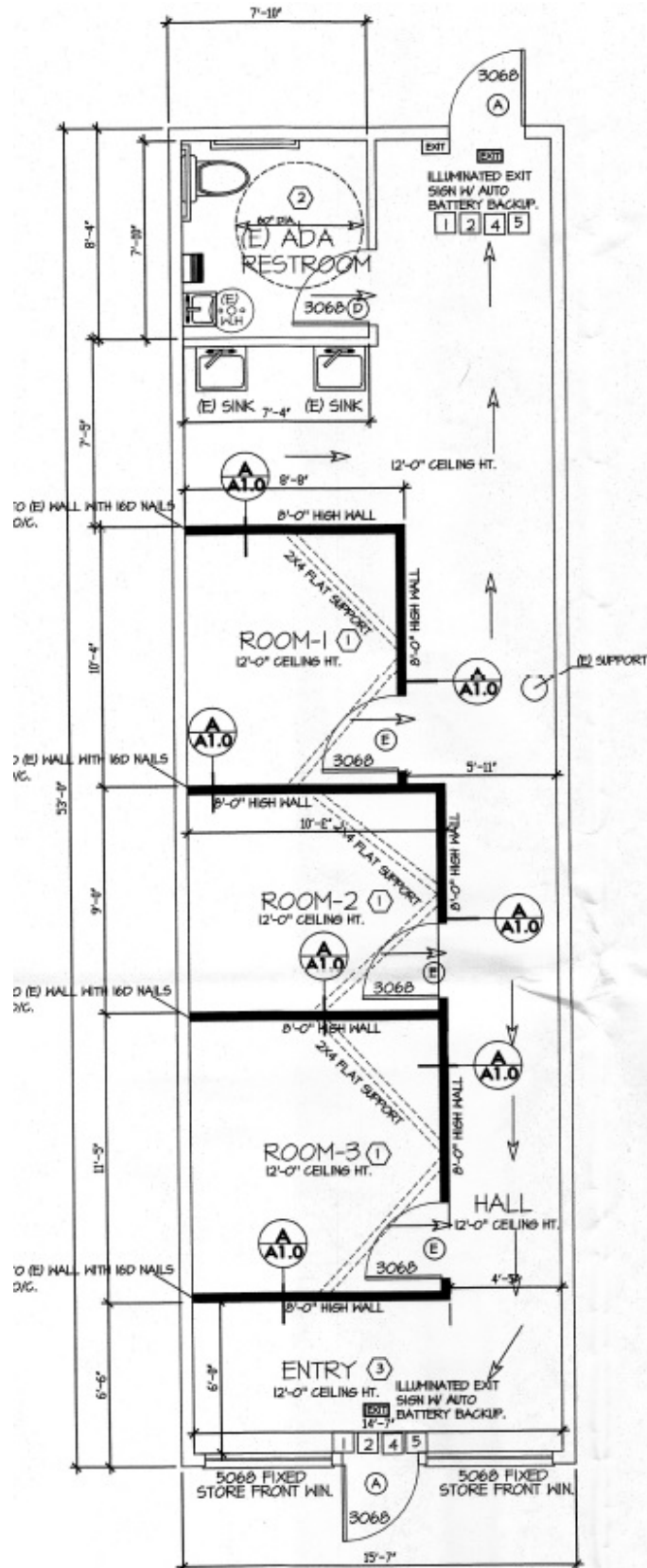
**ATTACHMENTS**

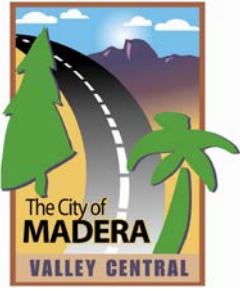
Aerial Photo  
Floor Plan

Aerial Photo



# Floor Plan





CITY OF MADERA  
PLANNING COMMISSION

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

**Staff Report: Chino's Auto Detailing  
CUP 2016-32, CUP 2016-33, SPR 2016-55  
& Categorical Exemption  
Item #5 - December 13, 2016**

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**PROPOSAL:** An application for two conditional use permits and site plan review to allow for the establishment of an automotive detailing business and an allowance for an existing nonconforming residence in the C2 (Heavy Commercial) Zone District.

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<b>APPLICANT:</b>	Daniel Fernandez	<b>OWNER:</b>	Miguel Rodriguez
<b>ADDRESS:</b>	305 North E Street	<b>APN:</b>	007-075-007 and 008
<b>APPLICATION:</b>	CUP 2016-32, CUP 2016-33 & SPR 2016-55	<b>CEQA:</b>	Categorical Exemption

---

**LOCATION:** The project site is located on the northeast corner of the intersection of North E Street and East 4<sup>th</sup> Street.

**STREET ACCESS:** The site has access to East 4<sup>th</sup> Street.

**PARCEL SIZE:** Two parcels encompassing approximately 15,000 Square feet (.34 acres)

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

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

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**SITE CHARACTERISTICS:** The project site is located on the northern fringe of the downtown area. To the south is largely commercial in nature commensurate with the downtown corridor. To the north is largely light industrial in character, extending to the Fresno River. A mixed density residential neighborhood is located to the east. The Union Pacific Railroad corridor is located to the west with the Gateway Drive commercial corridor beyond.

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

---

**SUMMARY:** Chino's Auto Detailing proposes to locate in a 960 square foot structure within an existing developed property. An existing metal carport structure would provide a shaded area for vehicle detailing. The project site also currently includes an office structure, an existing nonconforming residence, and a recordkeeping office. The business would be required to utilize water-conserving fixtures while draining water only into the City's sewer system.

## **APPLICABLE CODES AND PROCEDURES**

MMC § 10-3.901 Heavy Commercial Zone  
MMC § 10-3.1207(D)(2) Parking, General Regulations and Conditions  
MMC § 10-3.4.0102 Site Plan Review Applicability  
MMC § 10-3.1301 Use Permits  
MMC § 10-3.406 Nonconforming Buildings and Uses

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**

Records indicate that the 960 square foot metal shop structure was constructed in 1973. The home predates record keeping, a garage to serve the residence was constructed in 1956 and an addition to the home was approved in 1958.

## **ANALYSIS**

### Background

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

The project site also includes an existing nonconforming, "grandfathered" residential structure that requires the approval of a conditional use permit in order to allow for the requested establishment of the auto detailing use.

### Operations

The applicant wishes to establish a hand car wash and auto detailing business within a 960 square foot metal shop structure located to the rear of the primary office structure. Whereas the office faces onto North E Street, the metal shop structure faces onto and is accessed from East 4<sup>th</sup> Street. In addition to the shop structure, a light-weight metal framed carport structure would be used to detail vehicles in the shade. The business would include the detailing of both the interior and exterior of automobiles. Hours of operation would be from as early as 7:00 a.m. until as late as 7:00 p.m., six days per week, Sunday being closed. The applicant anticipates detailing a maximum of ten cars per day, with as many as three employees.

Whereas establishing an automatic car wash would require the installation of a water recovery and reuse system, auto detailers are typically only required to incorporate water saving, high pressure, automatic shut-off nozzles as components of their operations. Water is required to drain only to the City sewer system. Surface flow to storm drain facilities is prohibited. The project



site includes a car washing well within the interior of the structure. Water is retained within the “well” and is directed into the City’s sewer.

The project site also includes an outdoor drain. Because the drain has the potential to accept rainwater, the drain is recommended to be closed off and its availability discontinued. Therefore, no washing of vehicles should be allowed to occur outside of the shop structure. Only detailing should occur under the shade structure outside of the shop structure. No water associated with the use should be allowed to enter into any exterior drains on the project property.

Parking

The project site is developed with fifteen (15) parking stalls including one (1) Americans with Disabilities Act (ADA) accessible space. Parking standards for the site as proposed call out the following parking ratios:

<b>Business</b>	<b>Size (sf)</b>	<b>Ratio</b>	<b>Parking Req.</b>
Office Structure	2796	1 stall / 300 sf	9 stalls
Chino,s Auto Detailing	960	Auto shop	4 stalls
Total	3,756		13 required

As noted in the parking table above, a total of thirteen (13) parking stalls are required in order to provide compliance with the Parking Regulation. Fifteen parking stalls are available to serve the site. There is sufficient parking to serve Chino’s Auto Detailing and the remainder of the site.

Existing Nonconforming Residence

The project site also has an existing residence constructed sometime before 1956. The home is considered an existing nonconforming “grandfathered” structure. In order to allow for the proposed expansion of activities on the project site, the grandfathered status of the structure must be resolved. A residence within a commercial zone requires the issuance of a conditional use permit.

The residence is entirely separated from other activities that occur on the property. Required covered parking and open space are provided as amenities to the home. It is recommended that the residence be allowed to remain a component of the project site subject to conformance with the recommended conditions of approval.

Site Improvements

In that the project site immediately abuts to the recently completed 4<sup>th</sup> Street widening project, virtually no off-site improvements are necessary. There are specific on-site conditions of approval that require the installation of an Automatic Meter Read (AMR) water meter, the removal of the outside floor drain which conveys rainwater to the sewer, the approval of a building permit for the remaining carport structure and the rehabilitation of the parking field. All conditions of approval must be satisfied in advance of building occupancy and issuance of a business license.

The project site is actually two parcels. The primary structure on the project site straddles both parcels. A parcel merger is required as a component of the approval.

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

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

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

## **RECOMMENDATION**

The information presented in this report supports approval of the two conditional use permit and site plan review request, subject to the recommended conditions of approval. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2016-32, Conditional Use Permit 2016-33 and Site Plan Review 2016-55 subject to the findings and conditions of approval.

## **PLANNING COMMISSION ACTION**

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

Motion 1: Move to approve Conditional Use Permit 2016-32, Conditional Use Permit 2016-33 and Site Plan Review 2016-55, 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).
- Automotive detailing is consistent with the purposes of the C (Commercial) General Plan land use designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- The residence is allowed within the C2 (Heavy Commercial) Zone District which provides for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the hand car wash and automotive detailing business.
- As conditioned, the hand car wash and automotive detailing business will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the use will not under the circumstances of this particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

## **CONDITIONS OF APPROVAL**

### **General Conditions**

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature

upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.

2. The applicant's failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2016-32 and/or Conditional Use Permit 2016-33 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2016-32 and/or Conditional Use Permit 2016-33 will expire and be rendered null and void if the use is discontinued for a twelve month period unless a written request for extension has been submitted to and approved by the Planning Commission.
5. Site Plan Review 2016-55 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
6. Conditional Use Permit 2016-32, Conditional Use Permit 2016-33 and Site Plan Review 2016-55 shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions of approval, Staff may schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit.
7. The site or building plans submitted for any building permit applications shall reflect changes required by the herein listed conditions of approval. Any deviation from the approved plan or any condition contained herein shall require, at a minimum, prior written request by the applicant and approval by the Planning Manager.
8. Any proposed future modifications to the site, including but not limited to building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to Site Plan Review 2016-55.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

### **Building Department**

10. Building permits are required for any tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
11. The applicant shall apply for and have approved a building permit to allow the existing lightweight metal carport structure to remain in its approval location. As an alternative, the structure may be immediately removed from the project site.
12. Current State of California and federal handicap requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at the permit stage and confirmed at final inspection.

## **Engineering Department**

### General

13. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
14. The developer shall pay all the required fees for completion of the project. Fees due may include, but shall not be limited to, the following: encroachment permit processing and improvement inspection fees.
15. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Department.
16. The existing building is located across and within two separate parcels. The affected parcels shall be merged into a single parcel per City of Madera Municipal Code. The developer shall submit a parcel merger application to Engineering Division along with the associated fee.

### Sewer

17. The existing sewer service connection shall be upgraded to current City standards.
18. If the existing sanitary sewer connection(s) allows for infiltration of storm water into the sanitary sewer system, developer shall make necessary adjustments to eliminate such occurrence(s). Outdoor sewer connections shall be sealed and their use discontinued.

### Streets

19. A City approved tree shall be planted at the empty tree well on E Street per the approval of the Parks Department.

## **Fire Department**

20. Portable fire extinguishers are required. A minimum of one 2A10BC rated fire extinguisher for each 3,000 square feet or fraction thereof, within a maximum travel distance of 75 feet.
21. If alterations are made to the structures, building permits will be required.
22. Relocatable canopies larger than 10'x10' must be approved as to placement and must be inspected prior to use for this commercial application.

## **Planning Department**

23. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
24. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
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.
26. Hours of operation shall be from as early as 7:00 a.m. until as late as 7:00 p.m. Employees may be present from as early as 6:00 a.m. until as late as 8:00 p.m.

27. Except as noted herein, all on- and off-site improvements shall be made prior to the occupancy of the structure and issuance of a business license.

#### Landscaping

28. 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, and replacing dead or unhealthy vegetation with drought-tolerant plantings.

#### Signage

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

#### Site Improvements

30. The parking field shall be rehabilitated. Distressed pavement shall be replaced. The entire paved surface shall be slurry-sealed to a like new condition. The parking field shall be restriped to satisfy the parking requirements of the City and the Americans with Disabilities Act.
31. The metal shop structure shall be treated/painted in such a way as to match/complement the primary office structure on the site.

#### Fencing

32. The existing wrought iron fencing shall be cleaned/painted to a like new condition. No screening material (opaque or transparent) shall be used in conjunction with the wrought iron fencing.
33. The wrought iron gates shall be open during all business hours. Opening and closing of gates shall be accomplished in such a way as to not queue any vehicle in the public right-of-way.
34. All wooden fencing, including fencing associated with the residence, shall be repainted. The color of the fence paint shall be approved by the Planning Manager.

#### Car Wash and Auto Detailing

35. Conditional Use Permit 2016-32 allows for the following automotive services:
  - Hand car wash and auto detailing
36. No other automotive services, repairs, and/or installations are allowed on the project site without the approval of a separate conditional use permit.
37. All washing of vehicles shall occur inside of the metal shop structure.
38. All vacuuming shall occur inside of the metal shop structures.
39. The lightweight metal carport structure immediately east of the metal shop building may be used as a component of the business for interior and exterior detailing. Washing or vacuuming of vehicles shall not occur out of doors.
40. Outdoor storage of goods and/or materials shall not be allowed.

41. All materials stored within the metal shop structure shall be relocated from the structure such that only materials associated with the auto detailing business are stored within.
42. Overnight parking of vehicles shall only occur within the interior of the building.
43. The parking requirements of the use shall be provided at the following ratio(s): one (1) stall per each 400 square feet of gross floor space, plus one (1) stall per each two (2) employees. The business suite encompasses approximately 960 square feet of gross square footage. A minimum of four (4) parking stalls are required. Some of the required parking may be located within the structure with the approval of the Planning Manager.
44. All parking and loading areas to be located outside of the structure shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces shall measure a minimum of 9' wide by 19' deep (including up to a 2' maximum bumper overhang into landscaped area). Minimum backing/ maneuvering/drive aisle space is twenty-six (26') feet. 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.
45. The business shall incorporate water conservation measures as part of the washing of all vehicles. At a minimum, all hoses shall be fitted with water-saving automatic shut-off nozzles and/or high pressure wands.
46. All waste water from the business shall drain into floor drain(s) within the interior of the metal shop structure. All floor drain(s) within the metal shop structure shall flow into the City's sewer system. No waste water shall be allowed to have access to any storm drain facilities.

#### Residential Considerations

47. The residential structure shall be used as a single family residence. No expansion of the residential use shall be permitted without completion of a minor site plan review.
48. Any conversion of the structure to an alternative use(s) shall, at a minimum, require approval of a site plan review.
49. The fencing which separates the residence from the commercial activities on the site shall be maintained at all times.

**(OR)**

Motion 2: Move to continue the application for Conditional Use Permit 2016-32, Conditional Use Permit 2016-33 and Site Plan Review 2016-55 to the January 10, 2017 Planning Commission hearing for the following reasons: (specify)

**(OR)**

Motion 3: Move to deny the application for Conditional Use Permit 2016-32, Conditional Use Permit 2016-33 and Site Plan Review 2016-43, based on and subject to the following findings: (specify)

## **ATTACHMENTS**

Aerial Photo  
Site Plan

Aerial Photo





# Site Plan

