

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

**COUNCIL CHAMBERS - CITY HALL
TUESDAY
MAY 9, 2017
6:00 pm**

CALL TO ORDER

ROLL CALL

Commissioner Kenneth Hutchings (Chairperson)
Commissioner Robert Gran, Jr. (Vice Chairperson)
Commissioner Jim DaSilva
Commissioner Bruce Norton
Commissioner Pamela Tyler
Commissioner Israel Cortes
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

NON-PUBLIC HEARING ITEMS

PUBLIC HEARING ITEMS

1. PPL 2017-01 – Mesa Pointe Precise Plan

A continued public hearing to consider a precise plan to allow for the development of (5) new proposed home plans ranging in size from between 1,311 and 2,586 square feet on sixty-five (65) residential lots generally located southwest of the intersection of East Olive avenue and South Knox Street in the PD-3000 (Planned Development) Zone District with an MD (Medium Density) General Plan land use designation. The Precise Plan will also provide for supporting development standards for the project. APN: Multiple

2. CUP 2016-20 – Teran Residence Revocation

A continued public hearing to consider revocation of Conditional Use Permit 2016-20, which allows for a residential use on a commercially zoned property located at the southwest corner of north C Street and East 5th Street (126 North C Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. APN: 007-111-001

3. SPR 2016-22 MOD – California Custom Processing Amendment

A noticed public hearing to consider a request to amend the conditions of approval for Site Plan Review 2016-22, which allows for the development of an almond processing plant on 8.49 acres located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment (3211 Aviation Drive) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation.

APN: 013-200-014

4. VAR 2017-02 and SPR 2017-12 – Mi Reina Market Parking Variance

A noticed public hearing to consider a variance from the City's Parking Regulations to allow for no (0) parking stalls where seven (7) parking stalls are required, for property located at the southeast corner of the intersection of North Lake Street and East Riverside Drive (701 North Lake Street) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation.

APN: 005-012-001

5. CUP 2017-06 and SPR 2017-06 – Glory of Zion Ministries

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church at the southwest corner of the intersection of Emily Way and East Almond Avenue (510 East Almond Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. APN: 004-042-004

6. CUP 2017-09 and SPR 2017-10 – Two Residences in R1 Zone

A noticed public hearing to consider a conditional use permit and site plan review to allow for two (2) single family dwelling units on one parcel located on the east side of Cutting Street approximately 250 feet north of the intersection of East Lincoln Avenue and Cutting Street (817 Cutting Street) in the R1 (Low-Density Residential) Zone District with an LD (Low-Density Residential) General Plan land use designation. APN: 004-042-004

7. CUP 2017-10, 11 AND SPR 2017-13 – The Tap House

A noticed public hearing to consider two (2) conditional use permits and site plan review to allow for the on- and off-site consumption of beer and wine and an outdoor dining patio within the Home Depot shopping center located at the northwest corner of the intersection of Foxglove Way and North Schnoor Avenue in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation. APN: 013-070-026

8. CUP 2011-03 MOD2 and SPR 2017-14 – Xtreme Fitness

A noticed public hearing to consider a conditional use permit and site plan review to allow for an athletic fitness club at the northeast corner of the intersection of Maple Street and South Pine Street (225 South Pine Street) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation.

APN: 012-021-006

9. CUP 2017-12 and SPR 2017-16 – Gates of Grace Church of God

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a church at the northeast corner of the intersection of South Pine Street and West Olive Avenue (1301 West Olive Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation. APN: 010-061-001

10. Fiscal Year 2017/18 to 2021/22 Capital Improvement Program Determination of Conformity to the City of Madera General Plan

A notice public hearing to consider a resolution finding the Fiscal Year 2017/18 to 2021/22 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera pursuant to Government Code Section 65401.

NON-PUBLIC HEARING ITEMS

ADMINISTRATIVE REPORTS

COMMISSIONER REPORTS

ADJOURNMENT

The next regular meeting will be held on June 13, 2017.

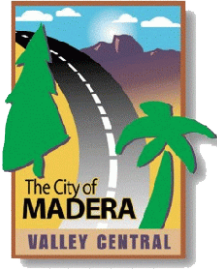
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation 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: Mesa Pointe Precise Plan
PPL 2017-01 and Environmental Determination
Item #1 – May 9, 2017**

PROPOSAL: An application for precise plan to allow for a change in the original home plans approved for construction within the subdivision, and to amend certain development standards applicable to the 104-lot Almond Village subdivision.

APPLICANT:	Richelle Carino	OWNER:	Western Pacific Housing
ADDRESS:	SWC West Olive Avenue and South Knox Street	APN:	Multiple
APPLICATIONS:	PPL 2017-01	CEQA:	Categorical Exemption

LOCATION: The Mesa Pointe project site is located generally south and west of the corner of East Olive Avenue and South Knox Street.

STREET ACCESS: Access to the project site is primarily provided from South Knox Street.

PARCEL SIZE: The Mesa Pointe project site encompasses approximately 9.5 acres of the 18.8-acre Almond Village subdivision map.

GENERAL PLAN DESIGNATION: MD (Medium Density)

ZONING DISTRICT: PD-3000 (Planned Development)

SITE CHARACTERISTICS: The project site is a portion of the Almond Village Tentative Subdivision Map 2005-09. Because of the recession, the 103 lots within Almond Village were never developed into residential homes. All lots, including the sixty-five (65) lots that encompass the Mesa Pointe project area remain vacant. Single family residential development is located to the north, south, east and west of the project site.

ENVIRONMENTAL REVIEW: A Mitigated Negative Declaration was certified by the City Council with approval of the East Olive Avenue Specific Plan in December of 2004. That determination was made relative to a potential single family subdivision on the subject property. The proposed precise plan remains consistent with development originally envisioned with the Negative Declaration.

SUMMARY AND RECOMMENDATION: The proposed precise plan, as conditioned, provides compatibility between existing land uses, the Zoning Ordinance and the Madera General Plan. Conditions of approval address aesthetics and neighborhood design.

APPLICABLE CODES AND PROCEDURES

MMC §10-3-4.101, Planned Development Zones

MMC §10-3-4.104, Precise Plan

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

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

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

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

PRIOR ACTION

The project site was annexed into the City in 2000, and was planned for residential development as part of the East Olive Specific Plan. Tentative Subdivision Map (TSM) 2005-09, known as Almond Village and the accompanying Precise Plan 2005-07 were approved for Del Valle Homes in July of 2005.

ANALYSIS

Background

Almond Village encompasses 104 single family residential lots that are divided into two zones. Thirty-nine (39) lots in the southern half of the subdivision are within the R1 (Residential) Zone District, while the sixty-five (65) remaining lots in the northern half of the subdivision are located with the PD-3000 (Planned Development) Zone District. With the purchase of the property by homebuilder, DR Horton, the subdivision will be marketed as Mesa Pointe. Although the subdivision will have a new owner and a new name, only the PD-3000 zoned properties will be subject to the development standards of the precise plan. The R1 parcels will be subject to the development standards of the R (Residential) Zone District.

Precise Plan

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

For the sixty-five (65) PD-3000 (Planned Development) lots within Mesa Pointe, the applicant has proposed five (5) home designs. Each model is proposed with three different elevations. The elevations follow a good, better, best approach to home sales, with the degree of architectural value rising accordingly. Subtle bumps in price point can be expected between the three elevational choices. All models are proposed with masonry tile roofing. Floor plans range

in size from 1,311 to 2,586 square feet. Models range from three to six bedrooms, with two bathrooms and a two car garage. The five models are:

- Model E313 1,311 sq. ft. 3 bedroom, 2 bathroom – Garage neutral
- Model E316 1,621 sq. ft. 3 bedroom, 2.5 bathroom – Garage neutral
- Model E318 1,836 sq. ft. 4 bedroom, 2.5 bathroom – Garage neutral
- Model E321 2,114 sq. ft. 4 bedroom, 2.5 bathroom – Garage neutral
- Model E325 2,586 sq. ft. 6 bedroom, 3.5 bathroom – Garage neutral

Staff recommends that window shutters be required as a component of Elevation A on two of the proposed models. Model E313 should have plank style window shutters as an embellishment to the primary front window. Model E321 should have plank style window shutters as an embellishment to the primary set of second story windows on the front elevation. With these two minor additions, staff is in support of a finding of General Plan conformance for the Mesa Pointe project.

Garage Subordinate Design

General Plan policy CD-32 states that “Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the house itself, especially the entry. This may be achieved in a number of ways, such as by locating garages toward the back of the properties, constructing alleys, building garages as separate structures from the house, requiring garages to be set back from the front facade of the house and encouraging the orientation of garage doors at 90 degrees to the street.” Although no home fully satisfies the intent of the policy, all homes are garage neutral with sufficient focus made upon the entry itself.

General Plan Conformance

In order to make an overall finding of General Plan conformity, staff added conditions of approval which reinforced conformity with other General Plan policies which require “the exterior of residential buildings [to] be varied and articulated to provide visual interest to the streetscape (CD-33) and “reflect attention to detail as necessary to produce high architectural design and construction quality” (CD-34). Having five different models, three elevation offerings went far in satisfying policies that encourage “visual interest to the streetscape” to help ensure that the end result cumulatively satisfied the design standards required within the General Plan. A condition is also included to satisfy Policy CD-31, requiring that front setbacks be varied, although variation may not be as dramatic as in other larger lot subdivisions because of the small size of lots in Mesa Pointe.

Other Department and Agency Comments

The project 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

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

SUMMARY AND RECOMMENDATION

The Precise Plan allows for the development of a residential neighborhood in general conformity with the General Plan. The information presented in this report supports a recommendation of approval for the Precise Plan modification, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve the modification to the precise plan.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2017-01.

Motion 1: Move to approve Precise Plan 2017-01 to allow for the development of residential homes on sixty-five (65) parcels, based on and subject to the findings and conditions of approval:

Findings

- A Mitigated Negative Declaration was certified by the City Council with approval of the East Olive Avenue Specific Plan in December of 2004. The proposed precise plan remains consistent with development originally envisioned with the Negative Declaration.
- Precise Plan 2017-01 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the code.
- Precise Plan 2017-01 is consistent with the requirements for Precise Plans per Section 10-3-4.104.
- Precise Plan 2017-01 is consistent with the goals and policies of the General Plan.
- Precise Plan 2017-01 continues to implement the tentative map and conditions of approval for the former Almond Village Subdivision.
- Precise Plan 2017-01 is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the city.

CONDITIONS OF APPROVAL

General Conditions

1. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
2. Any minor deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Manager.
3. Any substantial future modifications to the site involving, but not limited to, building exteriors, parking/loading areas, fence/walls, new buildings or landscaping shall require an amendment to the Precise Plan.

4. It shall be the responsibility of the property owner 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.
5. The project shall be developed in accordance with the operational statement, site plan and elevation drawings as reviewed and approved with the Precise Plan. Minor modifications to the Precise Plan necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager.

Planning Department Conditions

6. Five (5) models are approved as part of Precise Plan 2017-01. They are allowed to be constructed upon the sixty-five (65) lots encompassed within the Mesa Pointe project subdivision. They are as follows:
 - Model E313 1,311 sq. ft. 3 bedroom, 2 bathroom – Garage neutral
 - Model E316 1,621 sq. ft. 3 bedroom, 2.5 bathroom – Garage neutral
 - Model E318 1,836 sq. ft. 4 bedroom, 2.5 bathroom – Garage neutral
 - Model E321 2,114 sq. ft. 4 bedroom, 2.5 bathroom – Garage neutral
 - Model E325 2,586 sq. ft. 6 bedroom, 3.5 bathroom – Garage neutral
7. Each proposed model shall include the following features as standard elements of construction:
 - Tile roofing
 - three-color exterior painting
 - Architectural treatments, including wall sconces, window shutters, gable decorations, decorative moldings, wood corbels and hatched window treatments consistent with the approved elevations for each model.
 - front yard landscaping and irrigation
8. In addition to the approved elevation, Model E313 – Elevation A shall have plank style window shutters as an embellishment to the primary front window. Model E321 – Elevation A shall have plank style window shutters as an embellishment to the primary set of second story windows (above the garage) on the front elevation.
9. Except when included as a standard feature, each proposed model shall offer the following features as optional elements of construction:
 - upgraded garage doors
 - third-car garages (where possible)
 - front-yard courtyards.
10. For corner and reverse corner lots, where side and/or rear exterior elevations of residential buildings are visible from any street or public rights-of-way, they shall incorporate architectural treatments in keeping with the front (primary) elevation.
11. All standards for location and design of buildings (including accessory structures) and fences which are not specifically included in the Precise Plan, as amended by these conditions of approval, shall conform to R-1 residential zoning standards.
12. Rear yard wood fencing shall be required for all single family homes. Any retaining walls greater than 18 inches in height shall be split block masonry. Residential fencing

shall have a gate that will allow for easy access by an automated solid waste container provided by the City. The width of the gate shall be a minimum of 36 inches.

13. Street side yard fencing on Lots 5 and 6 shall be constructed of decorative masonry consistent with the design of the previously installed perimeter wall. The fences shall be constructed outside of the ten (10') foot public utility easement and shall extend to within twenty-five feet of the front property line of the affected lot. Any alternative design shall be approved by the Planning Manager.
14. Front yard and street side yard landscaping and irrigation shall be installed in conjunction with construction of all single family homes. At least one City approved street tree shall be planted in each front yard.
15. Two City approved street trees shall be planted in the street side yards of corner lots. No trees shall be planted within thirty (30') feet of any streetlight or five (5') feet from any fire hydrant. Each street tree shall be planted with a City approved root barrier.
16. Front and street side yard landscaping and irrigation systems shall be installed in accordance landscaping and irrigation plans approved for each of the standard plans during building permit plan check. The landscape and irrigation plans shall be prepared and stamped by a licensed landscape architect, and shall be consistent with the State of California Model Water Landscape Ordinance, and shall be submitted as part of building permit plan check. Installation shall occur prior to final building inspection of each residential unit. All maintenance shall be by the individual homeowner.
17. Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on southern and western exposures. Deciduous trees should be preferentially considered since they provide shade in the summer and allow the sun to reach the residences during winter months.
18. If fireplaces are installed, they must be either gas-burning or EPA certified wood-burning. Natural gas and electric outlets are recommended to be installed in the back yard for barbecues. Outside electric outlets are required in the front and rear yards of the units to facilitate the use of electric lawn mowers, edgers, etc. Electric or low nitrogen oxide (Nox) emitting gas-fired water heaters should be installed.
19. HVAC units shall be ground mounted. No roof mounted air conditioning and heating ventilation units shall be allowed.
20. Except as noted, all driveways and encroachments shall conform to City standards in regard to setbacks from adjacent property lines, and near intersections. All approaches shall conform to City standards.
21. The floor plans of all units shall be reversible and driveway approaches on corner lots shall be located on the interior side of the property. All units shall have a minimum of a two-car garage.
22. The following criteria shall be applied to the variation of homes on individual lots:

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

- home plan
- alternative elevations for each plan
- color

Homes built on side-by-side lots shall not repeat more than one of these primary home features. The model floor plans shall not be repeated on more than two consecutive lots.

23. The minimum structural setbacks for all lots shall be:

Front Yard

- 15 feet minimum depth to Garage
- 12 feet minimum to Living Space
- 12 feet minimum to Porches

Interior Side Yard

- 5 feet minimum Structural Setback

Street Side Yard

- 10 feet minimum Structural Setback
- 5 feet minimum to side yard fencing

Rear Yard

- 12 feet minimum Structural Setback

24. The front structural setback to the garage shall vary from the minimum of 15 feet to a maximum of 20 feet, with at least a one (1) foot variation amongst any two adjacent lots, and a five (5) foot variation over any five consecutive lots, regardless of home model.
25. The development of any temporary construction trailer and/or materials storage yard on the project site requires the approval of a Zoning Administrator Permit in advance of installation/placement.
26. The development of any model home sales center on the project site requires the approval of a Zoning Administrator Permit.

Fire Department

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

Engineering Department

28. The conditions of approval for Tentative Subdivision Map 2005-09 (Almond Village) shall remain in full effect and are in no way altered by this Precise Plan.
29. The applicant shall coordinate with the United States Post Office relative to the proposed location of the postal boxes for the project. In regard to this item, all adjacent sidewalks shall retain a minimum clear walkway width of five feet.

General

30. Impact fees shall be paid at time of building permit issuance.
31. In addition to standard City impact fees, the developer shall also pay proportionate cost of a water well and water main crossing under State Route 99 in accordance with an agreement dated December 20, 2006 through fees applied at time of building permit issuance. Such fees shall be applied on dwelling units up to the final permit unless full

payment has been made to the original builder of those improvements prior to issuance of the last permit.

32. The developer shall pay all fees, as may be required, for completion of the project. Fees due may include but shall not be limited to the following: encroachment permit processing and improvement inspection fees.
33. Improvement plans, as may be required in addition to existing plans for the subdivision, shall be submitted to the engineering division in accordance with the submittal process.
34. Improvements within the City right-of-way require encroachment permit from the Engineering Division.

Water

35. Water meters shall be installed or upgraded on each service to current City standards.

Streets

36. All driveways throughout the subdivision shall be re-constructed to the extent necessary to provide ADA accessibility along the each parcel frontage.

Air Quality Mitigation Measures

37. The developer shall meet all regulations of the San Joaquin valley air pollution control district (regulation viii) concerning dust suppression during construction of the project. Methods include, but are not limited to; use of water or chemical stabilizers/suppressants to control dust emissions from disturbed area, stock piles, and access ways; covering or wetting materials that are transported off-site; limit construction related speeds to 15 mph on all unpaved areas/washing of construction vehicles before they enter public streets to minimize carryout/track out; and cease grading and earth moving during periods of high winds (20mph or more).

(OR)

Motion 2: Move to continue the public hearing on Precise Plan 2017-01 to the June 13, 2017 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Precise Plan 2017-01 based on the following findings: (specify)

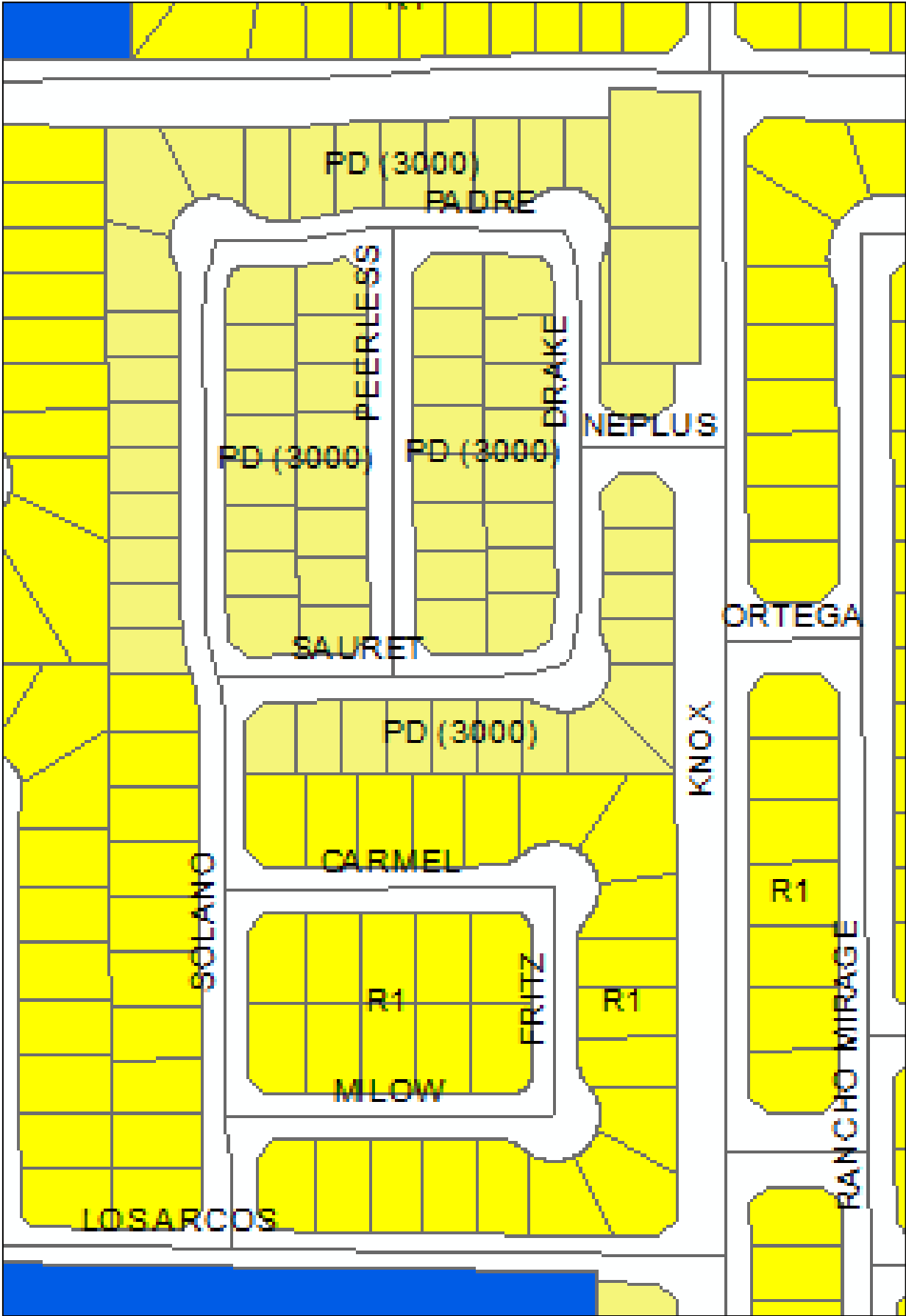
ATTACHMENTS

Aerial Photo
Zoning Map
Tentative Subdivision Map 2005-09
Precise Plan Exhibits

Aerial Photo



Zoning Map



Tentative Subdivision Map

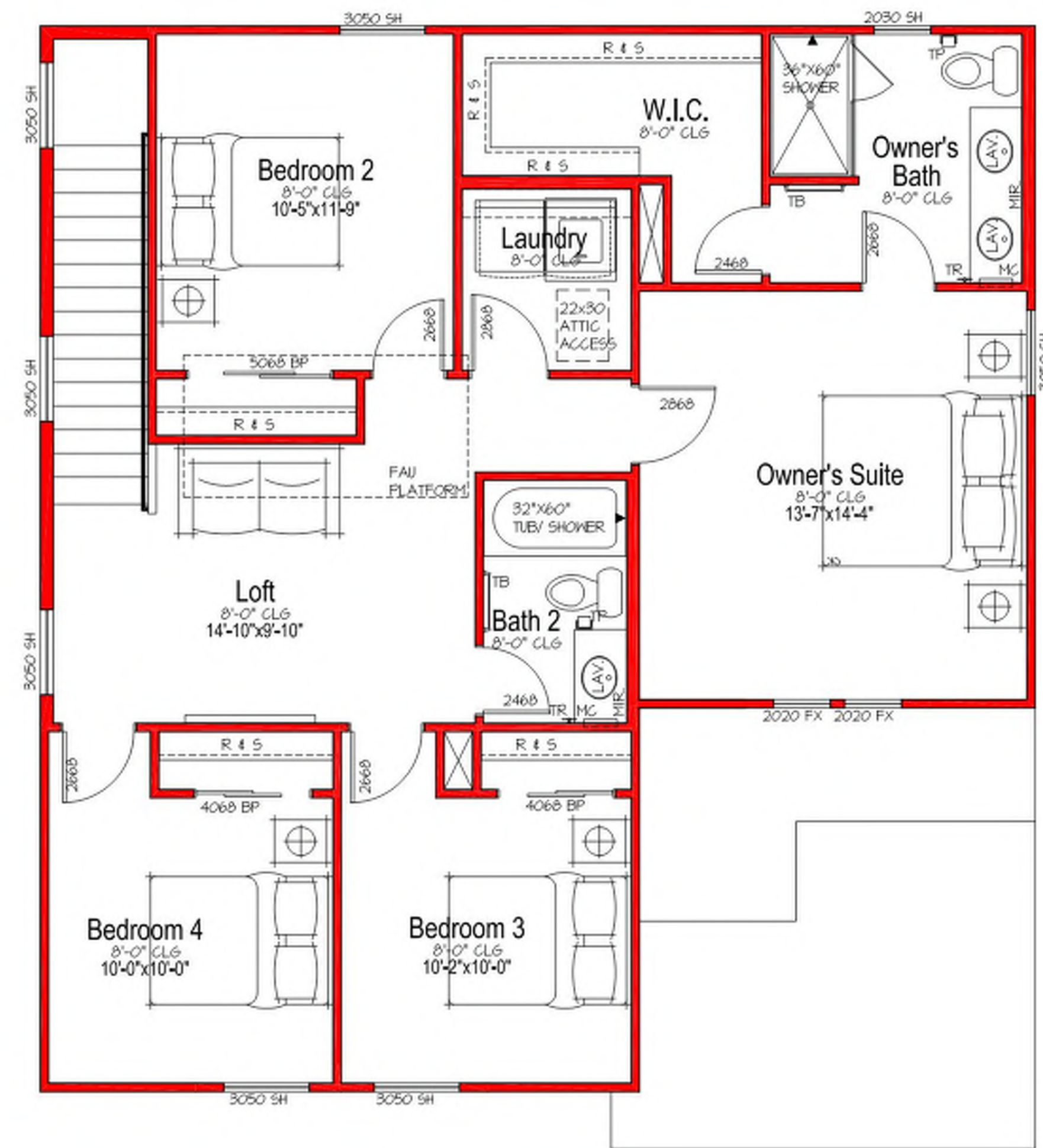
ALMOND VILLAGE ESTATES Madera, CA

50'-53' x 78'-80' (65 lots) 54'-58' x 100'-110' (19 lots) 60' x 90'-100' (20 lots)

SEARCHED, FOUND NOT ESTABLISHED BY HOLD

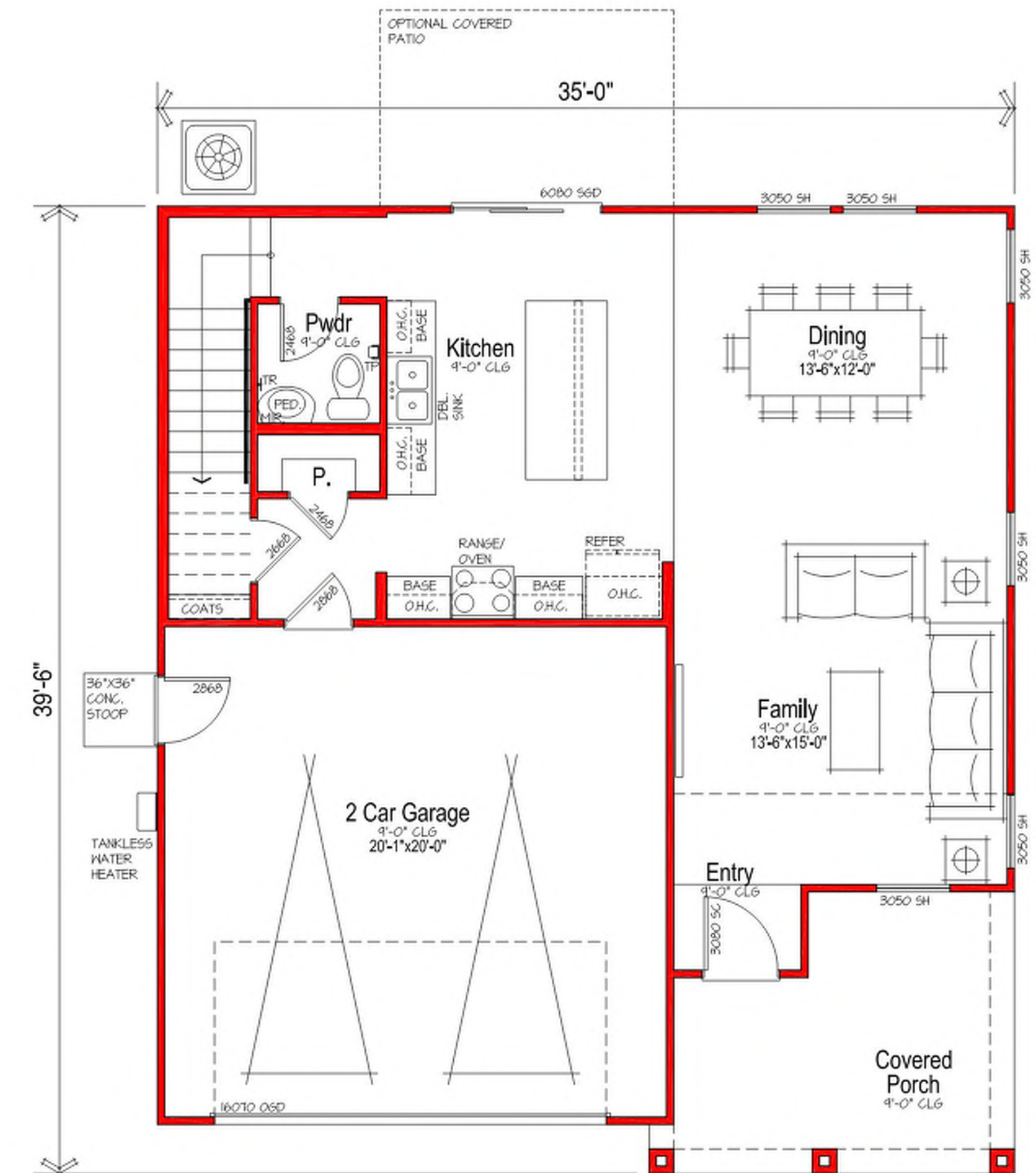


Precise Plan Exhibits



Second Floor Plan

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x7)



First Floor Plan

SCALE: 1/4"=1'-0" (22x34) 1/8"=1'-0" (11x7)

Floor Plan

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

SF170088.00

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The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural and MEP design requirements, unit plan / floor plan changes, etc.)

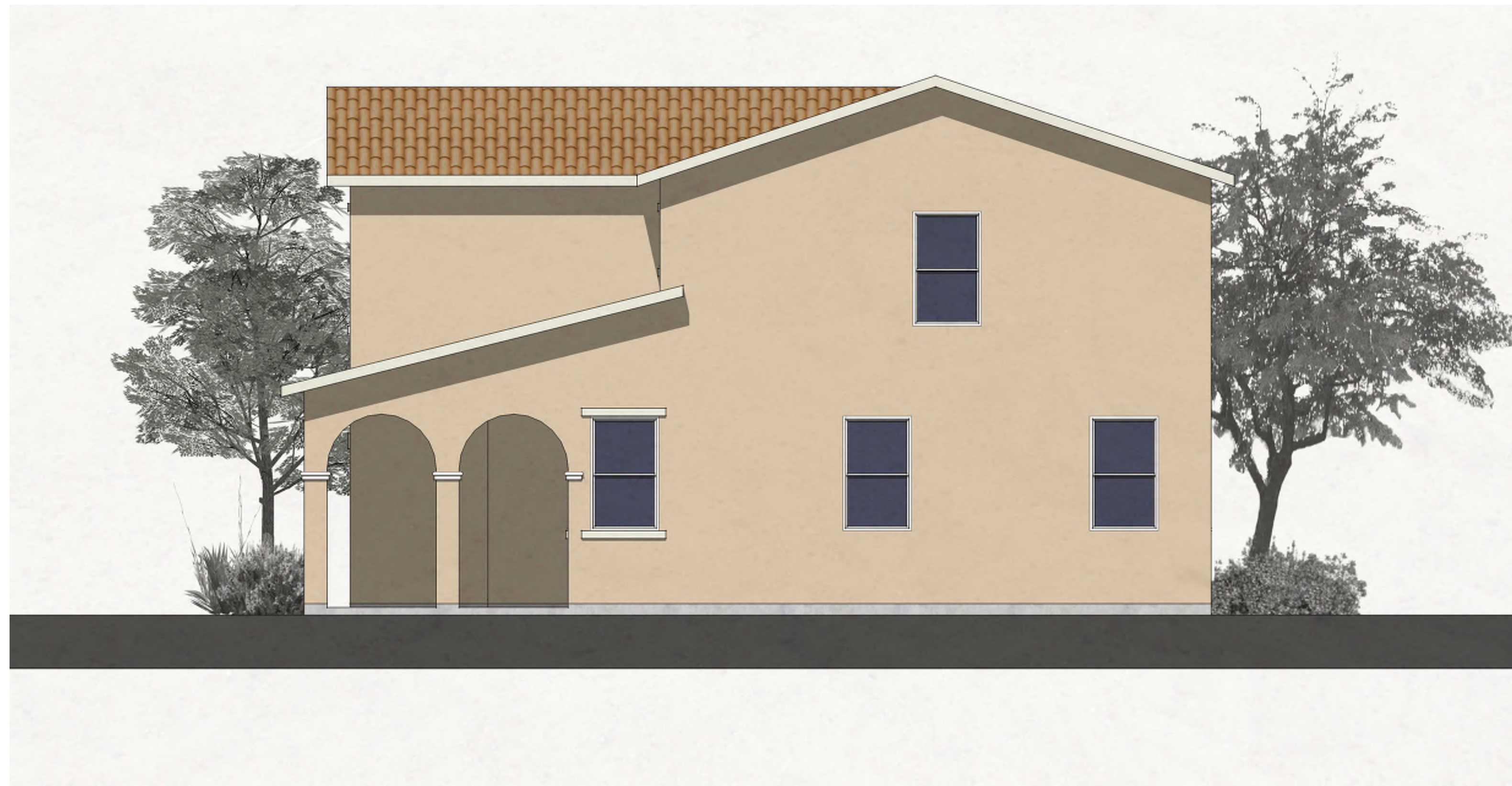
Plan E318

Mesa Pointe

Madera, CA

April 4, 2017
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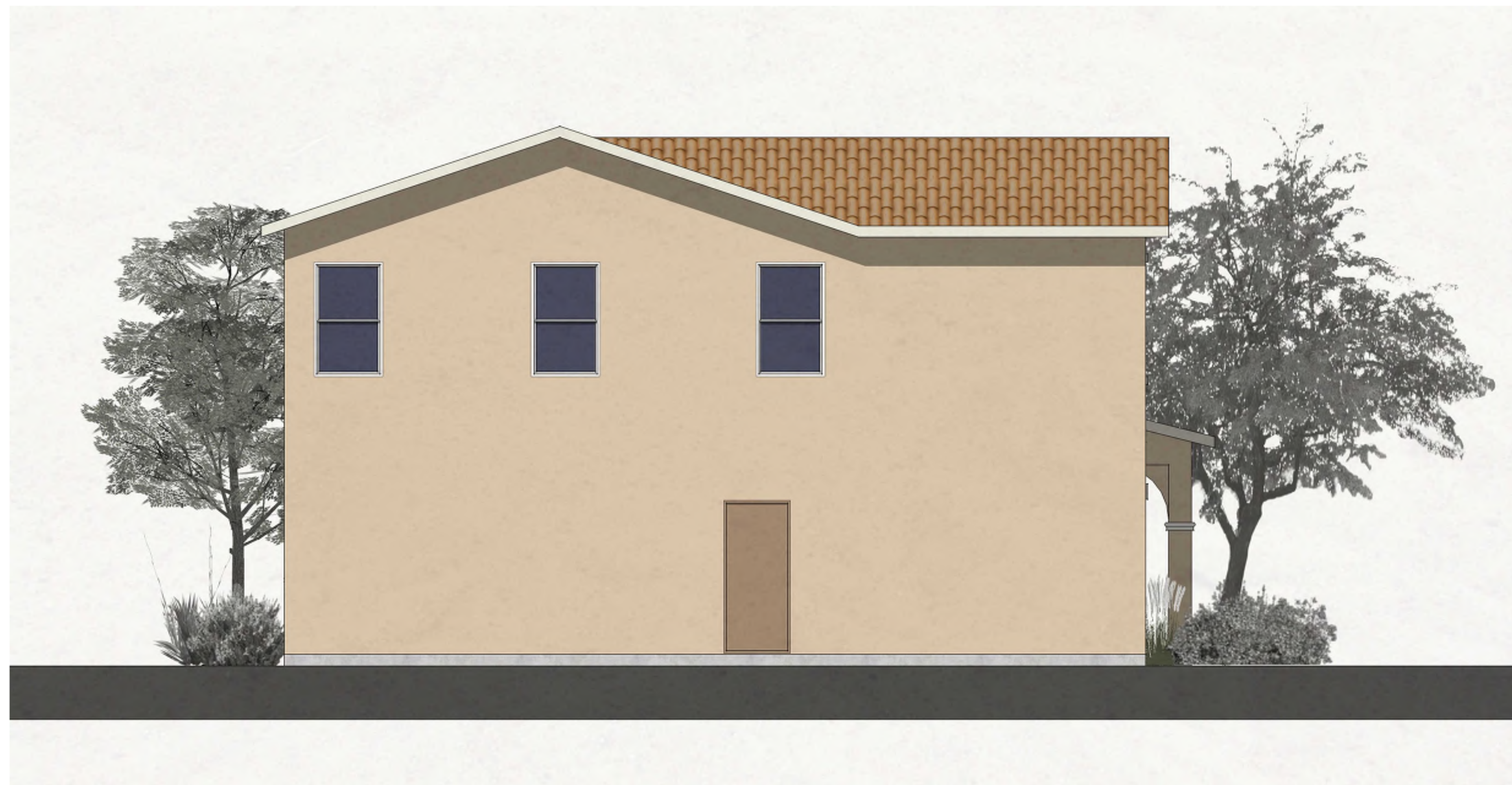




Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Elevations

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

SF170088.00

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**Plan E318
Elevation 'A'**

**Mesa Pointe
Madera, CA**

April 4, 2017
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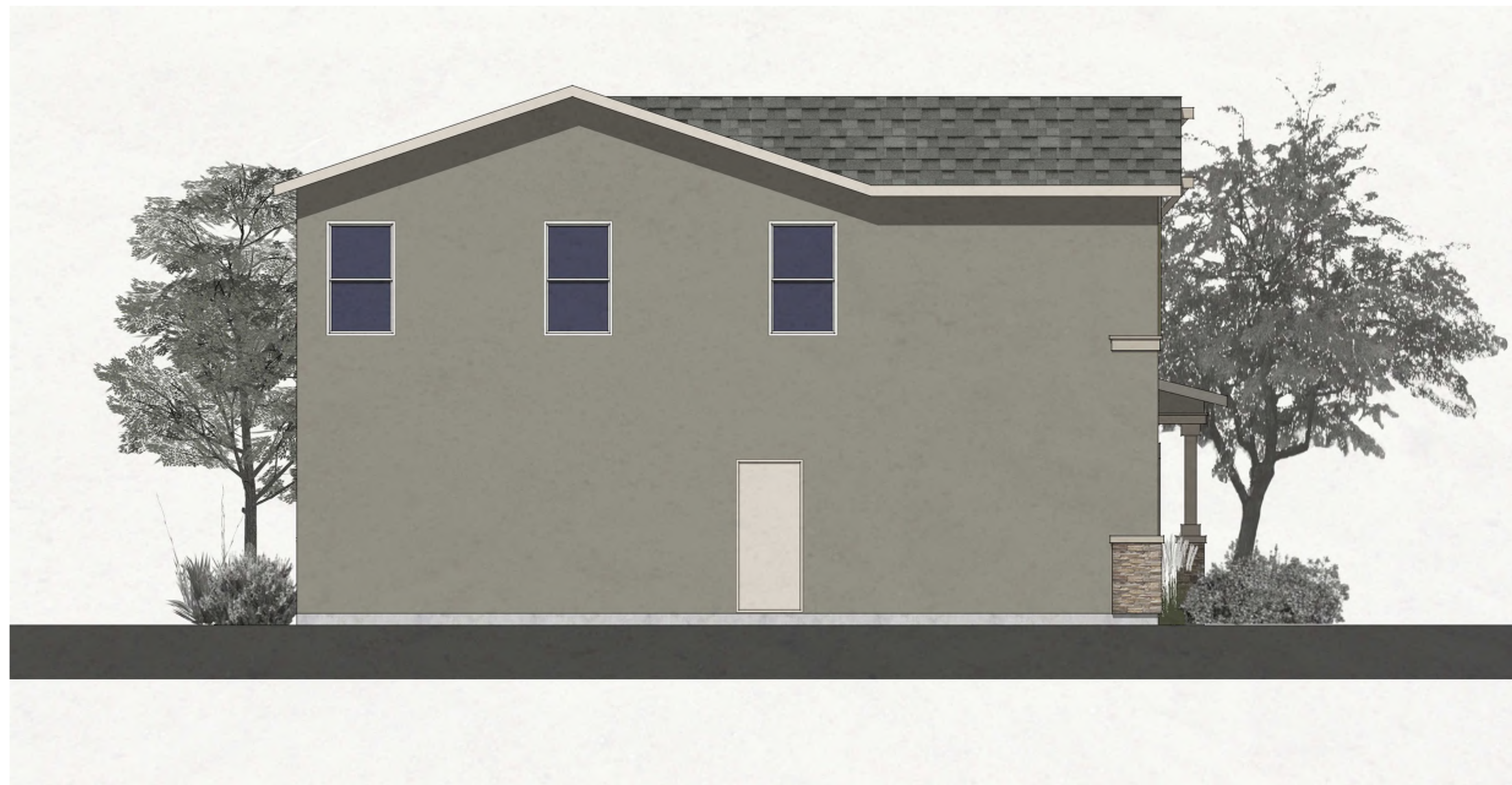




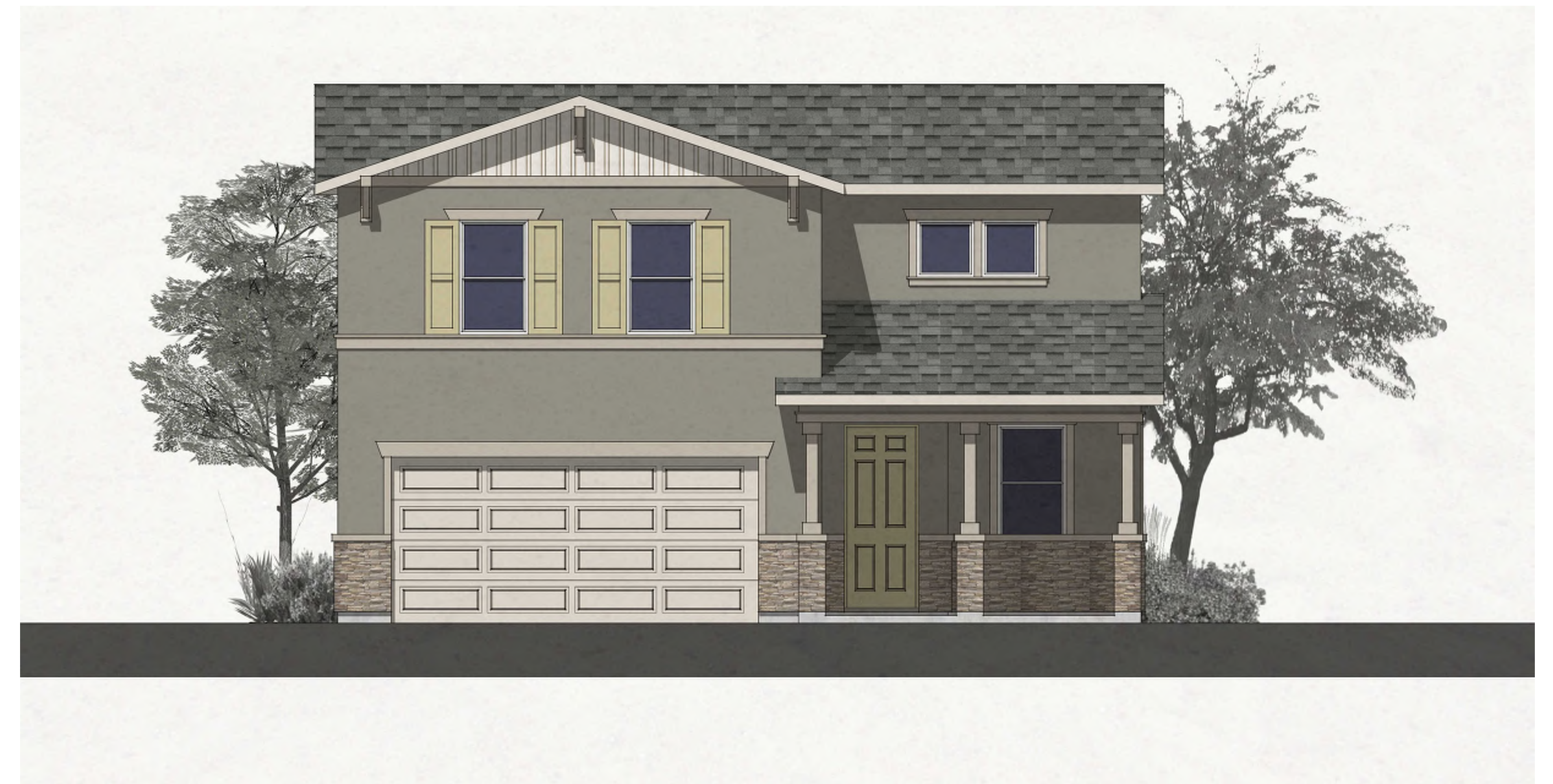
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Elevations

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

SF170088.00

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**Plan E318
Elevation 'B'**

**Mesa Pointe
Madera, CA**

April 4, 2017
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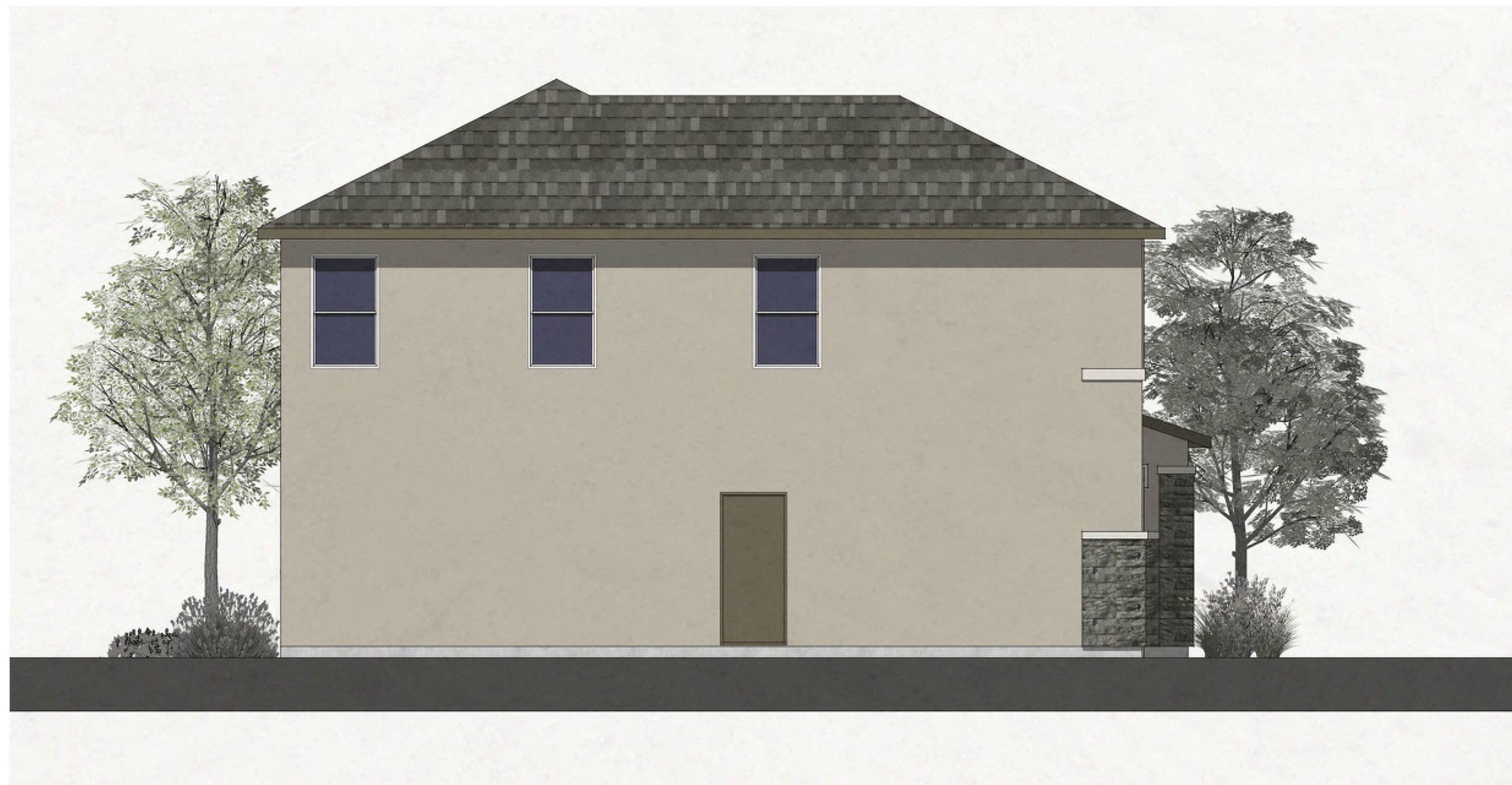




Right Elevation



Rear Elevation



Left Elevation



Front Elevation

Exterior Elevations

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

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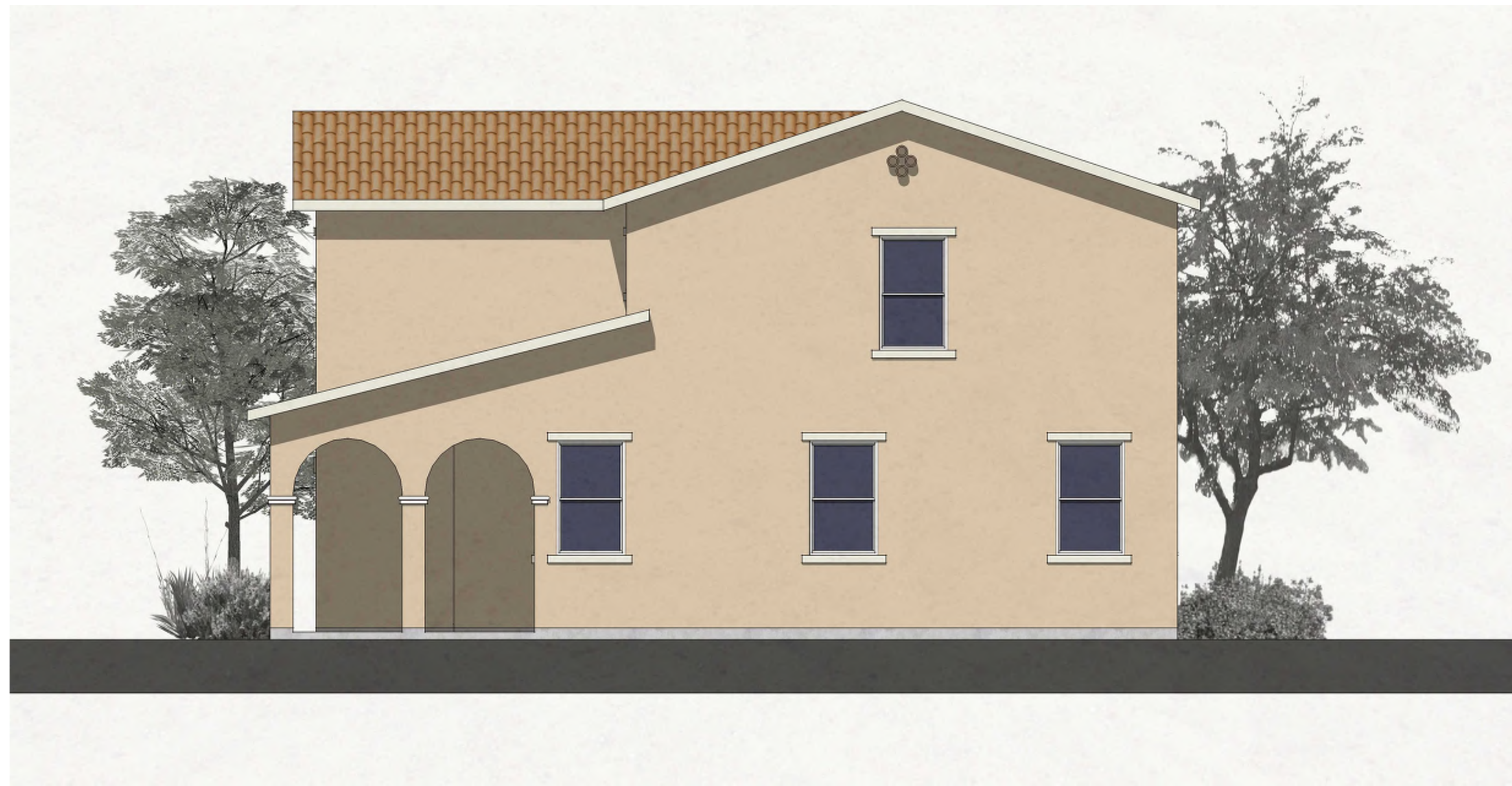
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural and MEP design requirements, unit plan / floor plan changes, etc.)

**Plan E318
Elevation 'C'**

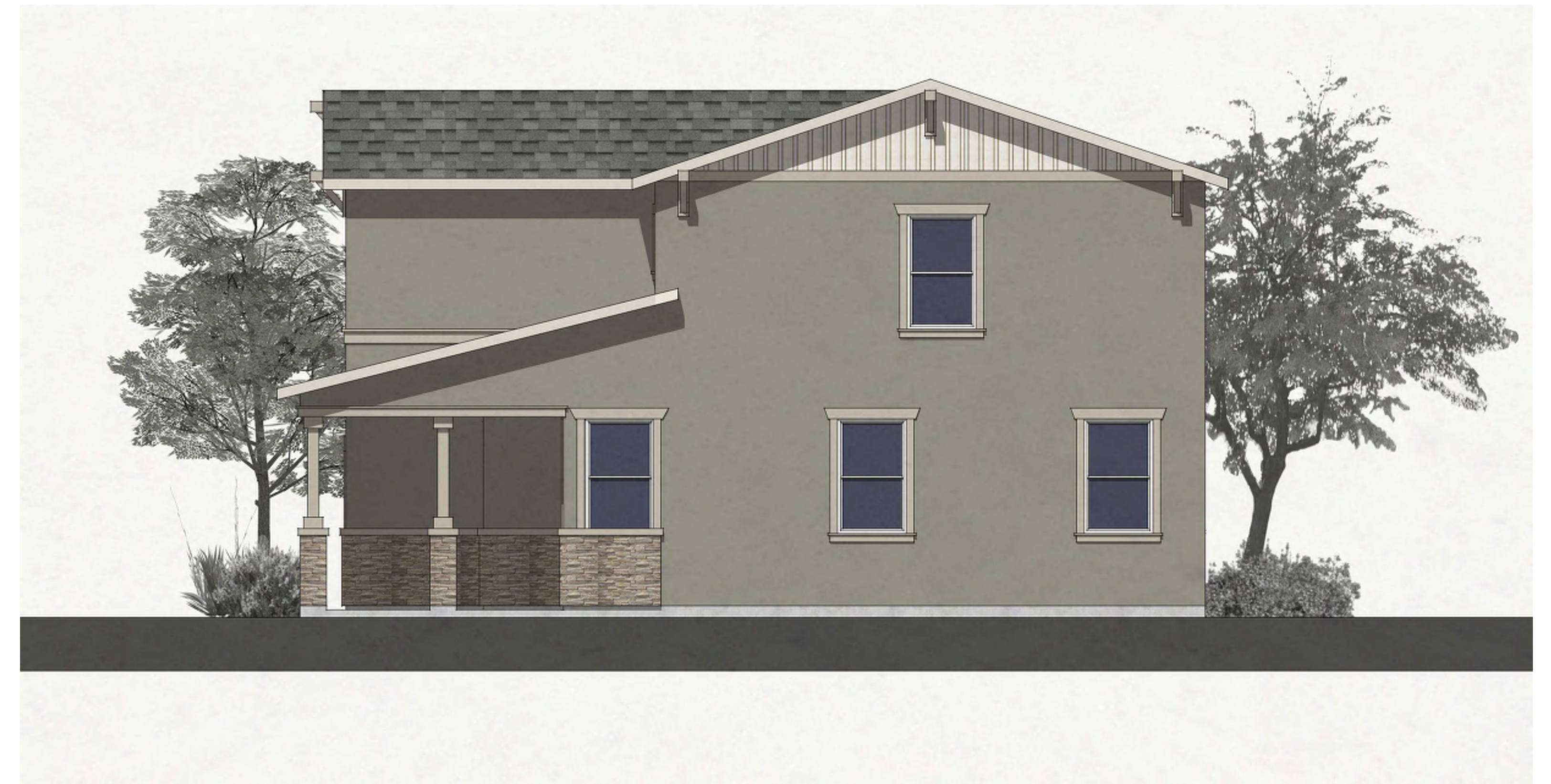
**Mesa Pointe
Madera, CA**

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Elevation 'A'



Elevation 'B'



Elevation 'C'

Exterior Elevations

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

SF170088.00

bsbdesign.com

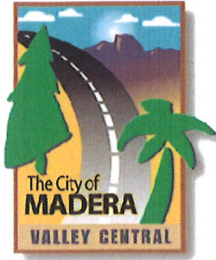
The drawings presented are illustrative of character and design intent only, and are subject to change based upon final design considerations (i.e. applicable codes, structural and MEP design requirements, unit plan / floor plan changes, etc.)

Plan E318 Enhanced Side Elevations

Mesa Pointe
Madera, CA

April 4, 2017
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CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Teran Residence Revocation CUP 2016-20 Item #2 – May 9, 2017

PROPOSAL: A continued public hearing to consider revocation of Conditional Use Permit 2016-20 allowing for a residential use on a commercially zoned property.

APPLICANT:	Israel Teran	OWNER:	Israel Teran
ADDRESS:	126 North C Street	APN:	007-111-001
APPLICATIONS:	CUP 2016-20 SPR 2016-36	CEQA:	Categorical Exemption

LOCATION: The property is located at the southwest corner of North C Street and East 5th Street.

STREET ACCESS: The site has access to North C Street.

PARCEL SIZE: Approximately 14,678 square feet in area.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The other properties at the intersection of North C Street and East 5th Street consist of two (2) vacant lots and one (1) church. There is a various mix of retail and office uses south and west of the site, including a Chase Bank, Union Bank and the former Serrano's Furniture store. There are various densities of residential development north and east of the site.

ENVIRONMENTAL REVIEW: The current review of the use permits and site plan review has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15306, (Information Collection).

SUMMARY: The site is not in compliance with the conditions of approval for Conditional Use Permits 2016-20 and Site Plan Review 2016-36. In the last month, since the request for continuance, the applicant has begun making efforts toward compliance. A site visit on April 27, 2017 observed ongoing improvement to the property. Staff will re-inspect the project site on May 8, 2017, in advance of the revocation hearing.

APPLICABLE CODES AND PROCEDURES

MMC §10-3.1002, Industrial Zones, Uses Permitted

MMC § 10-3.1301 Use Permits

PRIOR ACTION

The use permit and site plan review were conditionally approved by the Planning Commission on September 13, 2016. A review of the use was completed on March 14, wherein the Planning Commission scheduled the use permit for public hearing to consider possible revocation. The revocation hearing was continued at the request of the applicant on April 11, 2017.

ANALYSIS

History

Conditional Use Permit 2016-20 and Site Plan Review 2016-36 were submitted with the intent of resolving code enforcement citations active on the project site while providing the property owner specific allowances as to how he might utilize the property.

The property was originally developed as a single family residential property. Being located less than one block away from East Yosemite Avenue (the historic commercial main street of the City), the site was at some point in the past rezoned into the C1 (Light Commercial) Zone District in expectation of the expansion of the downtown commercial area.

In 2011, the residence was converted into a commercial business without completing a required site plan review. Although staff did extensive outreach to the property owner, no corrective steps were taken and the site continued to function as a commercial property for the next five years. A site plan review was required at time of conversion in order to logically convert the residential property into commercial usage. Compliance with parking regulations, Americans with Disabilities Act (ADA) compliance, signage and other commercial development standards would have been addressed as components of the site plan review. Despite multiple efforts to assist the property owner with conversion of the property to commercial uses, no site plan review was ever processed. The conversion of the property to a commercial use did however extinguish the existing nonconforming "grandfathered" status of the residence.

Ultimately, in 2016, in order to resolve compliance issues and remove the burden of completing required commercial improvements, the applicant requested to again utilize the commercial property as a residence. The establishment of a residential use in the C1 (Light Commercial) Zone District required that a conditional use permit first be secured from the Planning Commission. The applicant submitted application for the use permit, which was conditionally approved by the Planning Commission on September 16, 2016.

In advance of the use permit submittal, staff provided alternatives to the property owner which would have allowed the use of the property for commercial purposes only, for residential purposes only, or as a mixed-use property where the home could have been used as a residence and a commercial business. The applicant ultimately chose to process the use permit for only a residential home. The degree of improvements necessary to return the property to residential use was considered to be minimal in comparison to improvements necessary to convert the house to commercial use.

Prior to the April 11, 2017 revocation hearing, the conditions of approval designed to facilitate the use of the property as a residential home had not been addressed in any meaningful fashion. No general inspection by the Building Official for compliance with residential codes had been completed, fencing had not been resolved, signage issues and minor improvements to the public right-of-way had not been completed. In sharp contrast to the stated purpose of the application

for use permit, the applicant had instead continued the use of the property as a commercial property, with neon signs in the front windows and the front of the structure being converted into a professional office. The applicant and his family also live within the structure.

Since the request for continuance, the applicant has begun to complete some of the conditions of approval required within the use permit. An April 27, 2017 inspection showed that the right-of-way improvements were being completed, the fence was in the process of being relocated and lowered, and the non-permitted signage had been removed. Staff advised the applicant that a re-inspection would be scheduled for May 8, 2017 in advance of the Planning Commission hearing.

Although staff was not invited into the structure, multiple site visits since the item was continued indicated that the structure has continued to function as a tax preparation service, at least through April 17, 2017. On the April 27, 2017 visit, the receptionist counter appeared to still be in place.

Findings of Review

Attached please find a matrix of the conditions of approval for Conditional Use Permit 2016-20 and Site Plan Review 2016-36. These conditions were evaluated by staff for compliance on multiple occasions, the last inspection occurring on April 27, 2017. Shaded conditions of approval are currently not in compliance. Of the twenty-two (22) conditions of approval, seven (7) need attention in order to be in compliance with the conditions of approval. Compliance with fifteen (15) of twenty-two (22) conditions equates a sixty-eight (68%) percent compliance rate. This is an improvement from the April 4, 2017, inspection where only a forty-one (41%) percent compliance rate was observed.

SUMMARY OF RECOMMENDATIONS

It is recommended that the Planning Commission consider this information, together with testimony provided during the public hearing, and make the appropriate findings and decision regarding the revocation of Conditional Use Permit 2016-20.

PLANNING COMMISSION ACTION

The Commission would be taking action regarding Conditional Use Permit 2016-20, 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 2016-20 effective immediately, based on and subject to the following findings.

Findings

- Conditions of approval for Conditional Use Permit 2016-20, Nos. 4, 7, 8, 10, 15, 17, and 18, 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 find that the revocation of Conditional Use Permit 2016-20 is not warranted at this time for the following reasons (Specify):

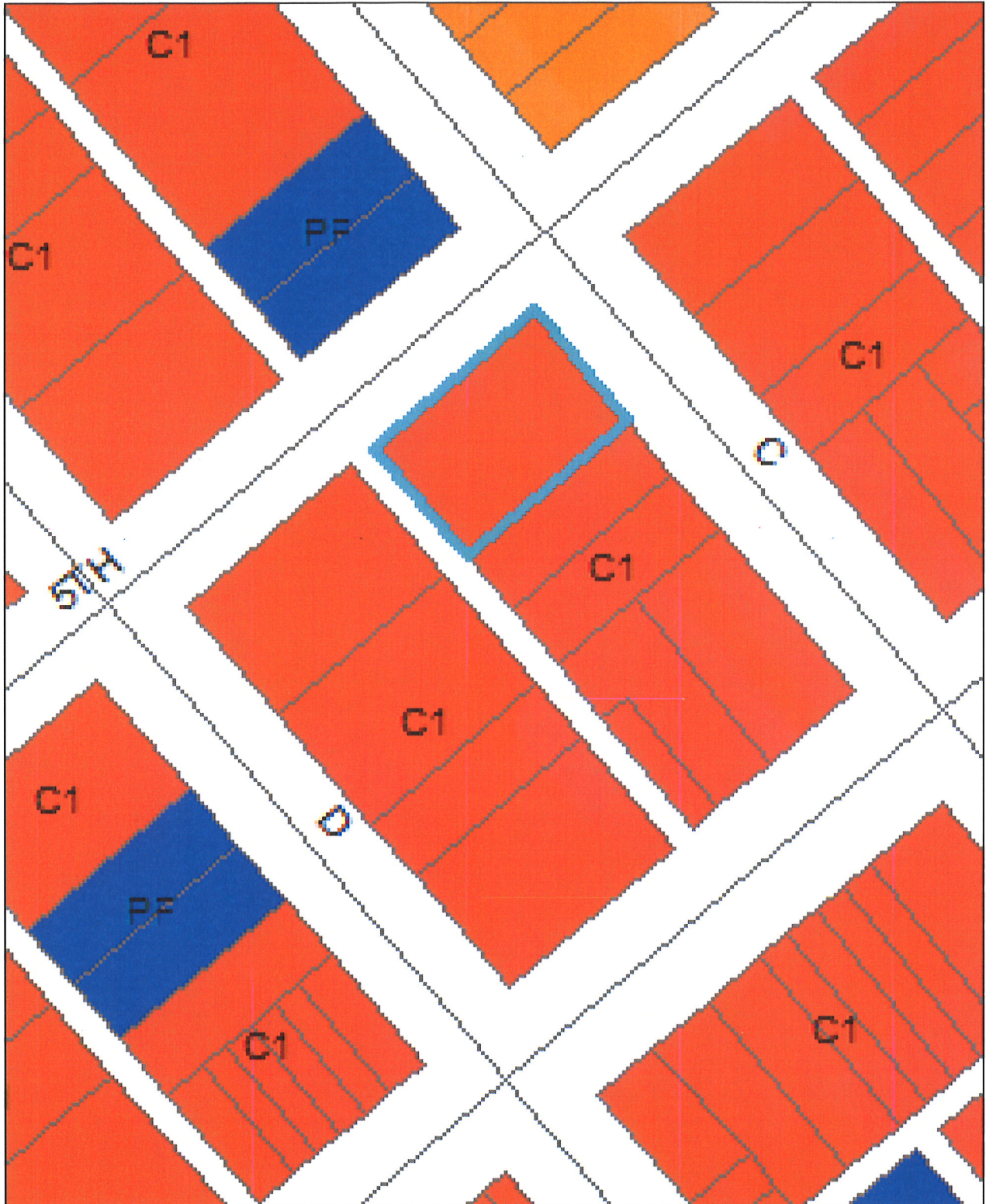
ATTACHMENTS

Aerial Photo
Zoning Map
Conditions of Approval Compliance Matrix
Site Photos

Aerial Photo



Zoning Map



Conditions of Approval Compliance Matrix

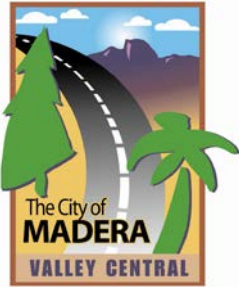
1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.	Received.
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.	Procedural.
3. Conditional Use Permit 2016-20 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permit and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.	Procedural.
4. Conditional Use Permit 2016-20 and Site Plan Review 2016-36 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.	Not in compliance. Inspections completed.
5. Site Plan Review 2016-36 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).	Procedural.
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 2016-36.	Procedural.
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.	No inspection scheduled.
8. A building permit is required for any changes to the original floor plan and/or any proposed changes to the current floor plan. The applicant shall apply for a general inspection building permit for the structure on or before September 20, 2016, and shall complete the inspection on or before October 1, 2016. Any correction(s) identified by the Building Official shall be completed per the direction of the Building Official on or before January 1, 2017.	No general inspection scheduled.
9. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.	In compliance.
10. 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.	Partial compliance in process.
11. Improvements within the City right-of-way shall require an Encroachment Permit from the Engineering Division.	Encroachment permit issued.
12. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southwest corner of North C Street and East 5 th Street	In process on April 27 th .

<p>to current ADA standards. If the applicant believes that a hardship waiver is applicable for this condition based on the cost of these improvements in relation to overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.</p>	
<p>13. The developer shall replace approximately six lineal feet (6') of substandard curb along the North C Street frontage.</p>	<p>In process on April 27th.</p>
<p>14. The developer shall repair the 4' x 5' block of damaged sidewalk along East 5th Street and the 5' x 8' block of damaged sidewalk along South C Street per City standards.</p>	<p>In process on April 27th.</p>
<p>15. Existing sewer service connection shall be upgraded to current City standards including cleanout, if not already installed.</p>	<p>No confirmation.</p>
<p>16. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and/or refuse containers owned by the property owner.</p>	<p>In compliance.</p>
<p>17. The applicant shall remove any and all commercial materials from the property. The property shall not be used to store any materials not associated with the utilization of the property for residential purposes.</p>	<p>Not in compliance</p>
<p>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.</p>	<p>Not in compliance. Operating business from site.</p>
<p>19. Conditional Use Permit 2016-20 allows for a single-family residential use on a C1 (Light Commercial) Zone District property. Only activities typical of a single family residential home shall occur on the property.</p>	<p>Business activities were not observed</p>
<p>20. The fence between the rear of the property and the front line of the main building shall be reduced to be no taller than six feet (6') in height. The fence shall also be relocated to inside of property line wherever the fence encroaches into the public right-of-way. Any fence proposed to be constructed between the front of the property and the front line of the main building shall be no taller than three feet (3') in height.</p>	<p>In process on April 27th.</p>
<p>21. 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.</p>	<p>In compliance.</p>
<p>22. All commercial signage (or signage indicating any business activity on or off the property) shall be removed from the property. No signage, either permanent or temporary, shall be erected on the property.</p>	<p>In compliance on April 27th.</p>

Site Photos







CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: California Custom Processing Amendment
SPR 2016-22 MOD and Environmental Determination
Item #3 – May 9, 2017**

PROPOSAL: Consideration of a request to amend Site Plan Review 2016-22 to allow for the removal of conditions of approval requiring shared access drive approaches.

APPLICANT:	California Custom Processing	OWNER:	CMSS Prop. LLC
ADDRESS:	3211 Aviation Dr.	APN:	013-200-014
APPLICATION:	SPR 2016-22 MOD	CEQA:	Previously Approved Negative Declaration

LOCATION: The property is located on the north side of Aviation Drive, 275 feet east of the Condor Drive alignment.

STREET ACCESS: The site is accessed by Aviation Drive.

PARCEL SIZE: Approximately 8.49 acres

GENERAL PLAN DESIGNATION: I (Industrial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The site is currently being developed as the new home of an almond processor, California Custom Processing. The surrounding property is vacant. The nearest improved site is the Sheriff's facility approximately 300 feet to the west.

ENVIRONMENTAL REVIEW: An initial study and Negative Declaration, prepared in conformity with the California Environmental Quality Act (CEQA) guidelines, was adopted by the Commission on May 10, 2016. The proposed amendment is consistent with the adopted environmental document.

SUMMARY: California Custom Processing received conditional approval of a site plan review allowing for the construction of an approximately 85,000 square foot almond processing plant in May of 2016. Because of requirements for adequate driveway spacing on arterial and collector streets, two conditions of approval require shared driveway access points as a requirement of site design. The requested amendment would remove those conditions of approval specific to the shared access driveways.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1001 Industrial Zone
MMC § 10-3.417 Zoning Administrator
MMC § 10-3.4.0101 Site Plan Review

The I (Industrial) Zone District allows for the development of an almond processing plant subject to the approval of a zoning administrator permit. The City's Zoning Ordinance allows for the incorporation of conditions of approval necessary to safeguard the public safety, health and welfare within the granting of a zoning administrator permit. A site plan review application must also be processed in order to memorialize the development of the property consistent with all applicable codes.

A site plan review may be modified, amended or revised subject to approval of the amendment request by the approving authority. The Planning Commission was/is the approving authority for Site Plan Review 2016-22.

PRIOR ACTION

Lot Line Adjustment (LLA) 2016-01 was processed in order to create the property currently proposed for development. Zoning Administrator Permit (ZAP) 2016-02 and Site Plan Review (SPR) 2016-22 were approved by the Planning Commission on May 10, 2016. ZAP 2016-02 allowed for a food processing plant in the I (Industrial) Zone District. Site Plan Review 2016-22 approved the overall site design and architectural character for development of the property.

ANALYSIS

Project Background

The applicant, California Custom Processing (CCP), is an almond processor who provides blanching, dry roasting, pasteurizing, sorting, drying and packaging of almond products. CCP currently is located at 2121 West Almond Avenue in a small facility. Development of this new industrial campus will allow for the logical growth of the company. The 8.49 acre project site was originally entitled as an 86,133 square foot office and warehouse structure, including shipping and receiving centers, parking fields and paved driveway surfaces, landscaping, fencing, and other appurtenances necessary for the development of the industrially-zoned project site. Ultimately, the overall construction of the structure will occur in phases. The structure currently under construction is 63,129 square feet in building area.

The project, as currently approved, is consistent with the General Plan's goals and policies, Specific Plan No. 1, the Madera Countywide Airport Land Use Compatibility Plan and Zoning Ordinance and the development standards applicable to industrial development.

Amendment Request

The applicant has requested amendment to Site Plan Review 2016-22 to remove Condition No. 17 and Condition No. 18, which read as follows:

17. The sub-divider shall record reciprocal ingress/egress easements acceptable to the City of Madera across those portions of the site necessary to allow shared driveway access points. The easement(s) shall provide mutual right of access for all future developments located east and west of the parcel on Aviation Drive.
18. Final design of project driveways shall demonstrate the ability for easy conversion of driveways to shared access, consistent with Condition No. 17 above.

Analysis

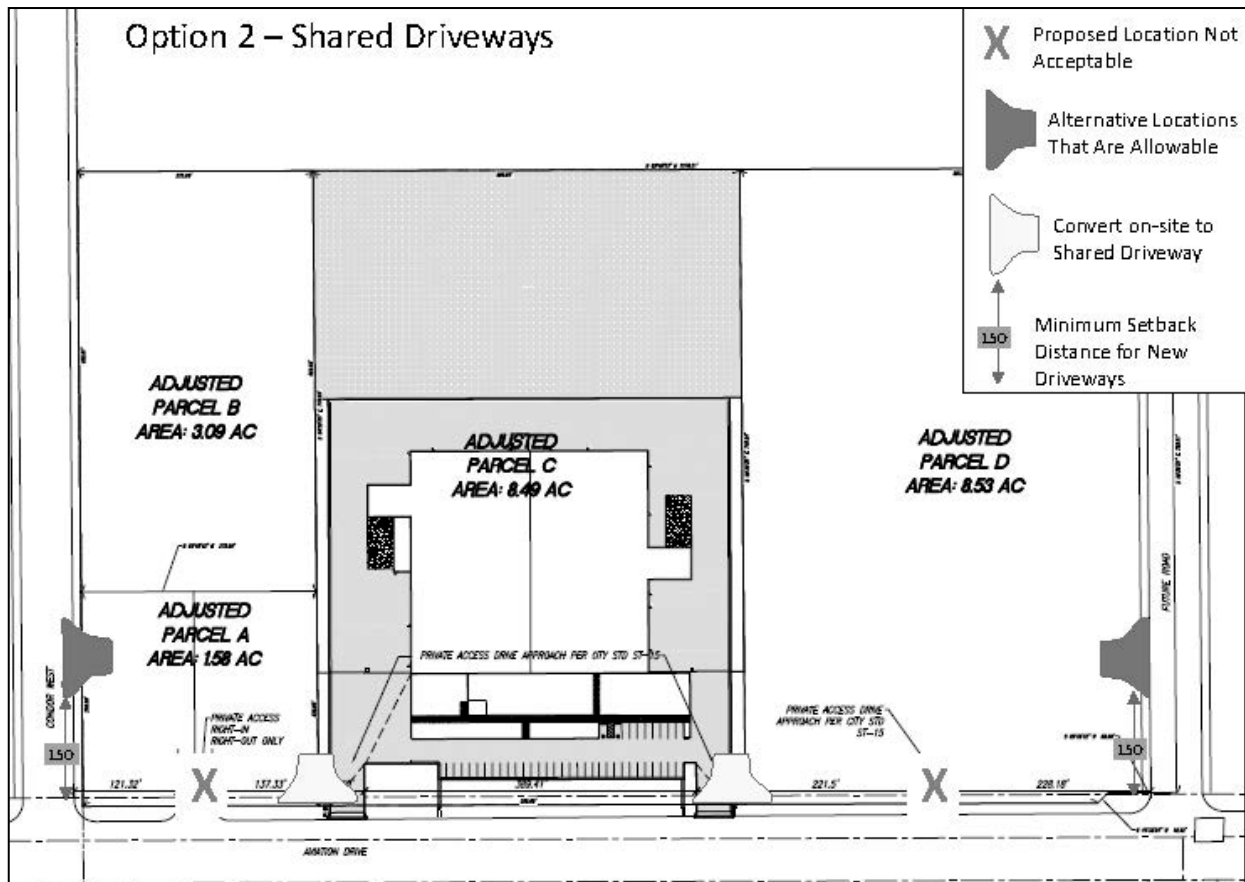
Staff has not been in support of any reduction in driveway spacing throughout the CCP development process. From the initial discussions, in advance of the lot line adjustment which created the current lot configuration for development of the CCP site, through formulation of the conditions of approval for the site plan review, a critical component of site development has been the protection of the carrying capacity and roadway functionality of Aviation Drive. Well in advance of the submittal of the CCP application, Staff provided notice that driveway spacing would be limited, and that this limitation should be reflected in the configuration of the parcels. Alternatively, staff noted that shared driveways would be required. This direction is taken specifically from the following general plan policies:

Policy CI-7 In order to ensure adequate circulation capacity of collectors, arterials and larger streets, turning movements and driveway approaches to adjoining properties and onto local streets shall be limited so through traffic speeds are not reduced by more than 10 (ten) miles per hour based on the street design speed. This policy will not be applied where the City determines that existing land use patterns and unique site constraints make it impossible. Direct access to sites along arterial and larger streets should typically be provided from adjacent local streets or signalized shared access points. This should be implemented as early as possible in development when zoning and parcels are established.

Policy CI-17. Shared driveways, driveway consolidation, reciprocal access easements, and cross access easements to commercial centers shall be required along arterials and collector roads in new development projects and in the redevelopment or redesign of existing development to minimize traffic hazards associated with driveways and curb cuts.

The adopted circulation master plan for the City designates Aviation Drive as a collector street. A more recent circulation analysis of the area around the airport identifies the need for Aviation Drive to function in the future as a one hundred (100') foot wide arterial street standard, Arterial and collector streets comprise the principle network for traffic flow in the community, connecting areas of major activity to each other as well as to state highways. A primary goal of these streets is to reduce traffic interruptions and improve both capacity and traffic safety. In order to achieve these goals, the approved conditions of approval require designing project driveways and providing reciprocal access in a manner that allows project driveways to be converted to shared access with the neighboring properties when they develop.

This requirement achieves conformance with the General Plan, and is a product of smart traffic engineering. It is desirable to minimize the number of driveways on arterial and collector streets. This is done to reduce the number of conflict points thus allowing for freer and safer movement of vehicular traffic, reduction of traffic congestion arising from vehicular entry to or exit from abutting private properties and to maintain traffic speeds. For Aviation Drive, which is envisioned to eventually function as an arterial street, the recommended driveway spacing is somewhere between 420 and more than 500 feet depending on what the ultimate posted speed limit will be following future extension to Avenue 17.



As noted above, requirements for shared driveways had been a discussion point since early in the development process. Because of the dimensions of the proposed parcels within Lot Line Adjustment 2016-01 (which was submitted by the owner to create the parcel now being developed by CCP), staff provided feedback in advance of formal approval, noting that driveway locations would be limited and staff was unable to identify that more than two driveways along the referenced stretch of Aviation would be available. The exhibit above, proposing shared access driveways, illustrates one solution provided by staff during the early consultation process. This shared driveway approach was ultimately incorporated into the conditions of approval that are now contested.

The proposed amendment would provide for the elimination of the shared driveway requirement. If approved, based on the exhibit above, future development of the adjoining properties would result in two additional driveways being constructed as the adjacent properties developed, with driveway spacing as little as 120 feet to the west and 222 feet to the east. This would not be consistent with the General Plan and would reduce traffic safety and capacity below levels appropriate for collector and arterial streets.

With the adoption of the General Plan in 2009, the requirement for shared access driveways has been a standard requirement that is applied whenever necessary to provide adequate ingress/egress spacing on collector, arterial, and highway street sections. Ready examples include the Dollar General project on South Madera Avenue, the Les Schwab Tire Center project on Kennedy Street, the Tractor Supply Co. project on Country Club Drive, and the Freedom Industrial Park located at Pine Street and Pecan Avenue. In all of the noted cases, a lot line adjustment/land division was completed as a component of the project.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Although the amendment of these conditions is not specifically addressed in the vision or action plans, the denial of the requested amendment cumulatively supports the statements of “A Well-Planned City” and Strategy 126 which directs staff to “develop programs to create clean, safe and aesthetically pleasing streets.”

RECOMMENDATIONS

The importance of driveway separations on collector and arterial-street cannot be understated. Appropriate spacing provides safe ingress and egress to streets and provides optimal average vehicle speeds, enhancing not only safety but the functionality of the street. It is recommended that the Commission deny the request for amendment of the conditions of approval for Site Plan Review 2016-22, subject to the findings.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the amendment of the site plan review.

Motion 1: Move to deny the request to amend Site Plan Review 2016-22 based on and subject to the findings, with no amendment of the conditions of approval as listed below.

Findings

- An initial study and negative declaration were adopted by the Planning Commission on May 10, 2016 pursuant to the California Environmental Quality Act. The negative declaration determined that there is no substantial evidence that the project will have a significant effect on the environment.
- The removal of Condition Nos. 17 and 18 is not consistent with the purposes of the I (Industrial) General Plan designation and the I (Industrial) Zone District, because the removal of the conditions would cause the need to place additional driveways along Aviation Drive in order to develop the surrounding industrial properties, a condition which cannot be supported.
- The removal of Condition Nos. 17 and 18 is not consistent with the Madera General Plan principles, goals and policies, which specifically call for minimizing turning movements and driveway approaches on arterial and collector streets.
- The removal of Condition Nos. 17 and 18 is not consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality.

CONDITIONS OF APPROVAL

If the proposed amendment is denied, the original conditions of approval will not change.

(OR)

Motion 2: Move to continue the public hearing for Site Plan Review 2016-22 MOD to the June 13, 2017 Planning Commission for the following reasons: (specify)

(OR)

Motion 3: Move to approve Site Plan Review 2016-22 MOD, based on and subject to the following findings: (specify)

- An initial study and negative declaration were adopted by the Planning Commission on May 10, 2016 pursuant to the California Environmental Quality Act. The negative declaration determined that there is no substantial evidence that the project will have a significant effect on the environment.
- The removal of Condition Nos. 17 and 18 is consistent with the purposes of the I (Industrial) General Plan designation and the I (Industrial) Zone District for the following reasons: (to be specified by the Planning Commission).
- The removal of Condition Nos. 17 and 18 is consistent with the Madera General Plan principles, goals and policies for the following reasons: (to be specified by the Planning Commission).
- The removal of Condition Nos. 17 and 18 is consistent with established codes, standards and policies relating to traffic safety, street improvements and environmental quality for the following reasons: (to be specified by the Planning Commission).

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. Site Plan Review 2016-22 will expire one year from date of issuance, unless positive action is taken on the project as provided in the Municipal Code or the required action is taken to extend the approval before expiration date. (Municipal Code Section 10-3.4.0114, Lapse of Site Plan Approval)
3. The applicant's failure to utilize Zoning Administrator Permit 2016-02 within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
4. All plans submitted for on-site construction or building permits must incorporate and reflect all requirements outlined in the herein listed conditions of approval. Should the need for any deviations from these requirements arise, or for any future changes or additions not considered by the Planning Commission, they may be requested in writing and approved by the Planning Director. The Director may determine that substantive changes require formal modification to the conditional use permit and/or site plan review.
5. The approved site plan is based on a parcel configuration being created by Lot Line Adjustment 2016-01. The lot line adjustment shall be recorded prior to the issuance of

permits for construction of the project. Development of the approved project shall be in compliance with the conditions of approval for Lot Line Adjustment 2016-01.

Building Department

6. Provide a minimum of three (3) sets of the following plans to the Building Department for the initial plan check. Plans shall be prepared by an individual licensed to practice architecture and include the following required drawings drawn to an appropriate scale:
 - a) Site plan bearing city approval or a plan incorporating all site related conditions
 - b) Grading plan prepared by an individual licensed to practice land surveying, civil engineering or architecture
 - c) Floor plan - The uses of all rooms and activity areas shall be identified on the plans
 - d) All exterior elevations
 - e) Site utilities plan showing on-site sanitary sewer, water, storm sewer, water meters, backflow prevention devices, roof drains, etc., and the connections to off-site utilities
7. Current State of California and federal accessibility requirements shall apply to the entire site and all structures and parking thereon. Compliance shall be checked at permit stage, shall be confirmed at final inspection, and shall apply to proposed and future development.

Engineering Department

General

8. Nuisance onsite lighting shall be redirected as requested by the city Engineer within 48 hours of notification.
9. Any and all on-site wells and septic systems shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.
10. Impact fees shall be paid at time of building permit issuance.
11. The developer shall reimburse the city for improvements previously installed, as calculated by the city Engineer whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of a Business License.
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, encroachment permit processing and improvement inspection fees.
13. Improvement plans 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 that archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community

Development Director or the 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.
17. ~~The subdivider shall record reciprocal ingress/egress easements acceptable to the City of Madera across those portions of the site necessary to allow shared driveway access points. The easement(s) shall provide mutual right of access for all future developments located east and west of the parcel on Aviation Drive.~~
18. ~~Final design of project driveways shall demonstrate the ability for easy conversion of driveways to shared access, consistent with Condition No. 17 above.~~

Water

19. Water service connections shall be constructed per current city standards including water meters located within the city right-of-way and a backflow prevention device located within private property.
20. A separate water meter and backflow prevention device will be required for the landscape area.
21. The developer shall reimburse its fair share cost to the city for the previously constructed water main along the entire project frontage.
22. Existing wells if any shall be abandoned as directed and permitted by the City of Madera for compliance with state standards.

Sewer

23. Onsite sewer system shall discharge to the nearest street sewer main.
24. The developer shall provide the type and quantity of sanitary sewage/waste to be discharged into the city system (chemicals, grease, oil, etc.).
25. Sewer service connection(s) shall be constructed to current city standards.
26. Sewer service connections shall have sewer cleanout constructed per current city standards.
27. The developer shall reimburse its fair share cost to the city for previously constructed sewer main along the entire project frontage.
28. Sewer main connections six (6") inches in diameter or larger shall require manhole installation.
29. Existing septic tanks, if found, shall be removed, permitted, and inspected by the City of Madera Building Department.

Storm Drain

30. A detailed drainage study shall be provided that supports the design of the drainage conveyance and storage facilities constructed by the developer.

Streets

31. Proposed driveway approaches shall be street type entrance with a minimum face curb radius of 15 feet and be constructed to current city standards with ADA path of travel.
32. Throat lengths for driveways shall be sufficient in length as to eliminate the possibility of vehicles queuing into the city right-of-way.
33. "No Parking" signs shall be installed along Aviation Drive frontages per city standards.
34. The developer shall dedicate twenty (20') feet for a total of sixty (60') feet of right-of-way along Aviation Drive, north of the centerline.
35. The developer shall construct sidewalk per city standards in its ultimate location consistent with a one hundred (100') foot right-of-way arterial street along the entire Aviation Drive project frontage. ADA path of travel shall be maintained across the Aviation Drive project frontage.
36. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 1 for the purpose of participating in the cost of maintaining landscape improvements within said zone.
37. The developer shall enter into a deferral agreement for the possible construction by developer of one half of Condor Street along the western frontage of the project site.

Fire Department

38. Fire Sprinklers are required.
39. A fire sprinkler supervisory alarm is required.
40. Portable fire extinguishers are required in accordance with the California Fire Code.
41. On Site fire hydrants are required.
42. Fire lanes are required to provide access around the structure. Additional pavement may be required unless it can be demonstrated that the fire access lanes/roads will never be impaired by normal business operations.
43. A key box and gate access are required for fire department access.
44. The plans for construction must include a complete analysis for high piled storage.
45. The submitted document indicates "existing" equipment. All notations like this must be removed from any future submittals.
46. The address must be properly posted and plainly visible from the street frontage.

Planning Department

Site Data

- Building Area: 86,133 sq. ft. for primary structure, including 3,000 sq. ft. of office.
 - Industrial Use: Allowed Use per Zoning Ordinance.
 - Almond Processing Plant: Use Allowed with approval of ZAP.
 - Minimum Parking Requirements: 18 spaces required, 32 spaces provided
10 spaces required for office component, plus 8 additional spaces required based on one space per each two employees.
 - Loading Spaces Required: 8
47. It is the responsibility of the property owner and project proponent to ensure that any required permits, inspections and approvals from any regulatory agency other than the City of Madera are obtained from the concerned agency prior to establishment of the use.
48. Material safety data sheets for all materials will be available as required by law.
49. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
50. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and disposal of refuse shall be restricted to the dumpster owned by the property owner.
51. 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.
52. On-site parking shall be provided at all times in conformance with the Municipal Code. Further expansion of the use or additional or accessory uses will require the provision of additional parking spaces in compliance with city standards prior to establishment of the use. All required parking shall be permanently maintained with all parking spaces to be shown on plans submitted for building permits. Any modifications in the approved parking layout shall require approval by the Planning Department.
53. No wheel stops shall be incorporated into the parking field/parking stall layout.
54. Bicycle parking facilities shall be provided for patrons and employees in accordance with plans approved by the Planning Department as to number and location.

Building and Site Aesthetics

55. Prior to the issuance of building permits, the applicant is to identify on the site plan the following information for Planning Department review and approval:
- The location of all natural gas and electrical utility meter locations
 - The location of all HVAC (heating, ventilation or air conditioning) equipment
 - The location of all compressor equipment, and mechanical and electrical equipment

56. Wherever feasible, electrical/mechanical equipment shall be located in the interior of the proposed new structure within electrical/mechanical service rooms.
57. Final building elevations and site plan details will be designed to enhance the view of the site from the roadway, and adjacent properties, to the extent feasible (General Plan Policy CD-62).
 - a. Building and ground mounted electrical/mechanical equipment should be located outside the primary public views of the site or screened with visually appealing landscaping or fencing.
 - b. Address sign designs shall be approved by the Planning Department prior to issuance of building permits.
58. The specifications and types of exterior lighting fixtures to be installed on the site shall be submitted to and approved by the Planning Department prior to issuance of building permits. All exterior lighting shall be directed away from adjoining properties and not interfere with the driving safety of vehicular traffic. Exposed bulbs will not be permitted.
59. All parking lot lights/lighting shall be incorporated into landscaped areas.
60. The developer shall contact the Planning Department when all site lighting is operational. Additional light screening may be required.
61. Roof access ladders shall be located within the interior of the building.
62. The construction of buildings approved as part of the site plan review shall be consistent with an approved color and materials board and representative color section rendering of the proposed building to be reviewed and approved by the Planning Manager. Any substantial alteration shall require Planning Commission approval.

Signage

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

Landscaping

65. On-site and off-site landscaping and irrigation shall not be installed until plans are approved by the Planning Department and the Parks and Community Services Department. Any deviation shall require prior written request and approval. Removal or modification shall be at developer's expense.
66. The property owner shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the city. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with industry standards, and replacing dead or unhealthy vegetation.

67. A detailed landscaping and irrigation plan shall be prepared by a licensed landscape architect and submitted to and approved by the Planning Department prior to issuance of building permits. The plan shall include:
- Demonstration of compliance with the State of California Model Water Efficient Landscape Ordinance.
 - Areas throughout the project shall be planted so as to provide a minimum of 70% vegetative cover upon maturity.
 - Landscaped areas shall be developed along all street frontages and within parking fields.
 - On-site landscaping shall meet the minimum standards of five (5) percent of the parking lot in permanent landscaping.
 - Shade trees shall be planted throughout the parking lot, with a minimum of one tree per five parking spaces.
 - Landscape shall be developed between the primary structure and the sidewalk abutting the parking field.
 - The landscape plan shall include a no-less-than two-foot high hedge wherever parking stalls face the public right-of-way to reduce headlight glare onto public streets.
 - Landscaped areas are to be provided with permanent automatic irrigation systems.
 - 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.

Walls and Fences

68. A trash enclosure shall be constructed of masonry block consistent with city standards with a finish color to match the primary structure.
69. Wrought iron fencing shall be utilized for all fencing primarily visible from the street. Wrought iron gates shall be incorporated as a component of the fencing. Chain link fencing may be utilized along all side and rear yards, as well as all areas out of site from the public right-of-way.

San Joaquin Valley Air Pollution Control District

70. The applicant shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District, including the applicability of District Rule 9510 (Indirect Source Review) to the project.

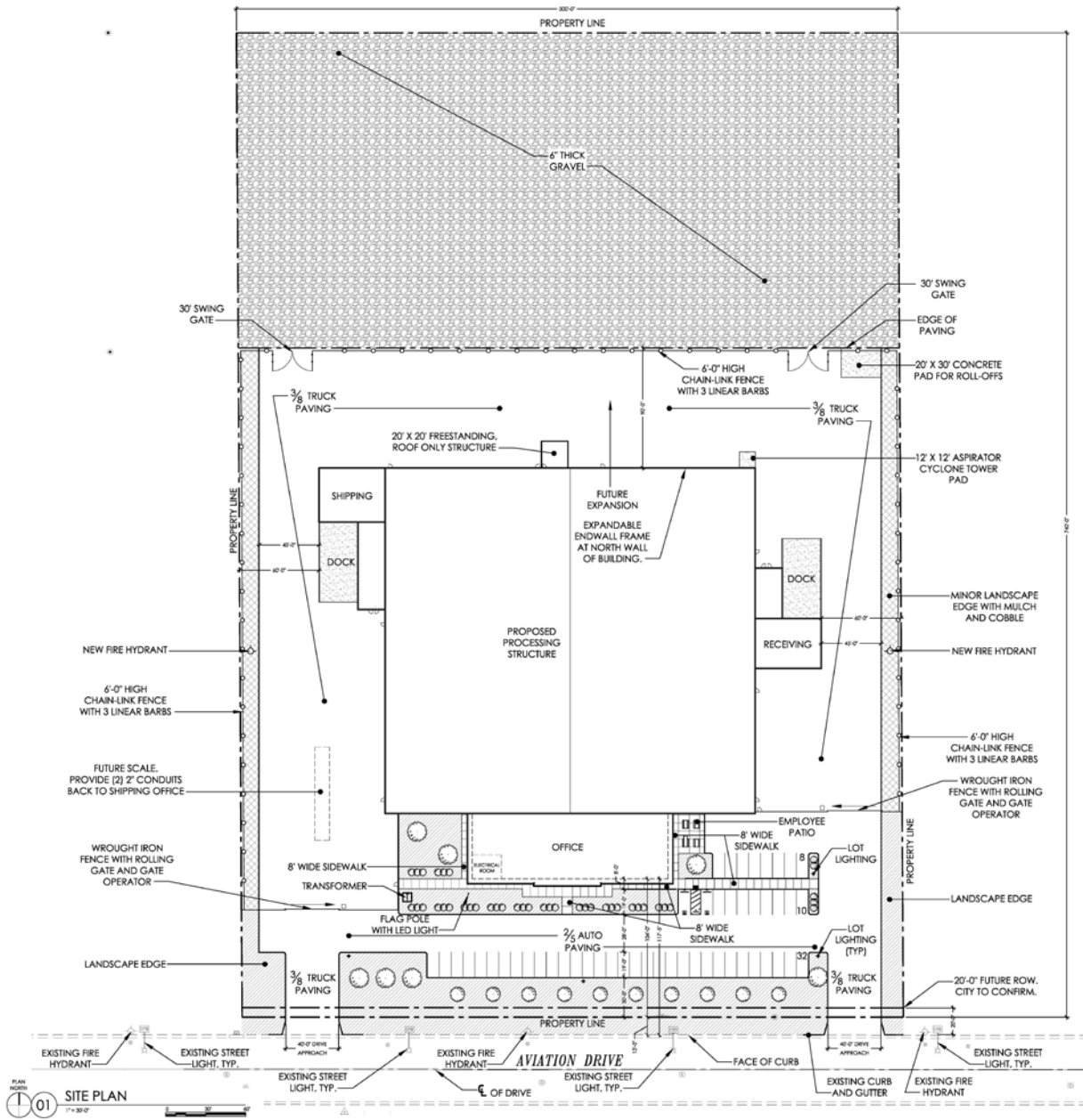
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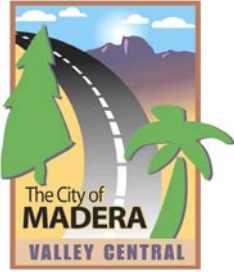
Aerial Photo
Site Plan

Aerial Photo



Site Plan





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Mi Reina Market Parking Variance
VAR 2017-02, SPR 2017-12 and Environmental Determination
Item #4 - May 9, 2017**

PROPOSAL: An application for a variance from the parking standards of the Madera Municipal Code to allow for no (0) parking stalls where a minimum of seven (7) parking stalls are required and site plan review to re-establish a 336 square foot self-serve laundromat.

APPLICANT:	Daniel Fernandez	OWNER:	Khaled Maklani
ADDRESS:	701 North Lake Street	APN:	005-012-001
APPLICATIONS:	VAR 2017-02 & SPR 2017-12	CEQA:	Categorically Exempt

LOCATION: The property is at the southeast corner of East Riverside Drive and North Lake Street.

STREET ACCESS: The site has access to East Riverside Drive and North Lake Street.

PARCEL SIZE: Approximately 0.14 acres

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: Apartment complexes are located directly west and north of the property with single-family residences surrounding the property to the north, east and west of the property. The Fresno River is immediately south of the Mi Reina Market 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: Mi Reina Market proposes to re-establish and remodel the 336 square foot self-serve laundromat business that is attached to the market structure. In conjunction with the remodel, the applicant proposes upgrades to ADA accessibility on the site. Approval of a site plan review is required when any upgrades and/or changes to ADA accessibility on the site are proposed. This site currently has insufficient space to develop any parking stalls on the site. Because the laundromat is not exempt from the City's parking standards, approval of a variance from the City's parking standards by the Planning Commission is required.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1401 Variances

MMC § 10-3.4.0101 Site Plan Review Applicability

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

PRIOR ACTION

In 1989, Conditional Use Permit (CUP) 1989-01 was approved by the Planning Commission to allow for the establishment of a self-serve laundromat on a property in the C1 (Light Commercial) Zone District. At that time, a self-serve laundromat in the C1 (Light Commercial) Zone District was required to receive approval of a conditional use permit from the Planning Commission. The code has since been updated in 1998 to allow a self-serve laundromat as a permitted use in the C1 (Light Commercial) Zone District.

ANALYSIS

Background

Since its approval in 1989, the laundromat has operated pursuant to conditions of approval which required off-site improvements. The off-site improvements included curb, gutter, sidewalk and a modified landscaping strip across the entirety of the property frontages on North Lake Street and East Riverside Drive. Almost thirty (30) years have passed and the laundromat has been in operation without the required off-site improvements in place and without a business license. The property was recently sold and the new property owner was unaware of the off-site improvement issues and business license. The new property owner has since closed the laundromat.

Laundromat Operations

The applicant proposes to re-establish and remodel the 336 square foot self-serve laundromat that is attached to the market. The hours of operation for the business would occur as early as 8:00 a.m. until as late as 8:00 p.m. seven (7) days a week. There is currently one (1) employee for the market who would also oversee the laundromat. The laundromat proposes to serve between six (6) and twelve (12) customers daily. Customers typically come from the apartment complexes to the north and west of the project site.

Site Plan Review

The applicant spoke with staff about the requirements for an ADA path-of-travel that would provide connection from the street to the structure. Any updates and/or changes for any exterior ADA improvements on a non-residential property requires approval of a site plan review (SPR) from the City of Madera Planning Department. A site plan review requires a property to be upgraded to the current City standard, consistent with all applicable codes.

Off-site improvements for the site include the reconstruction of a handicap access ramp and two (2) driveway approaches, the removal and replacement of a driveway approach with concrete sidewalk, curb and gutter, the reconstruction of damaged sidewalk and an irrevocable offer of dedication of ten (10') feet of right-of-way along the entire North Lake Street parcel frontage. On-site improvements are proposed to include ADA-compliant bathrooms and an interior remodel of the laundromat. Specific improvements

and Building requirements will be determined after consultation between the applicant and the City's Building Official and Fire Marshal, and the submittal of the proposed building plans.

Justification for Variance

There are two (2) findings that need to be made in order to be able to grant a variance. The ordinance states those findings as follows:

1. Where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter may result from the strict and literal application of any of the provisions of this chapter, a variance may be granted as provided in this subchapter.
2. Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

In the past, this property had sufficient space to provide parking stalls for the market. Conditions of approval for Conditional Use Permit 1989-01 required an irrevocable offer of dedication that dedicated an additional fifteen (15') feet of right-of-way on North Lake Street, removing additional space for parking stalls on the site. The project property currently does not have any space for parking stalls that could be designed to the current City standard. Because the market and laundromat require a total of seven (7) parking stalls where none (0) are proposed, approval of a variance from the City's parking standards by the Planning Commission is required.

In that required offers of dedication (both in the past and as a component of the current site plan review) are substantially responsible for the shortage of off-street parking on the site, an unnecessary hardship has been created. Because of the offers of dedication, there is no reasonable alternative for providing parking. The only possible solution would be the demolition of current improvements. In that those improvements have existed since before the required street dedications, it is not reasonable to expect off-street parking to be provided consistent with code.

Additionally, the offers of dedication have created a special circumstance where the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the C1 (Light Commercial) zoning classification, because of the inherent inability to develop parking stalls on the site to the current City standard.

Cumulatively, the Mi Reina Market site suffers from a special circumstance that other properties do not suffer from. Staff is in support of the variance to allow for a seven (7) parking stall reduction from the Madera Municipal Code and a method to cure the deficiencies of the Mi Reina Market site and make the property whole.

Any future expansion/intensification of the existing structures or any new development of the property would not be supported without incorporating the required space for parking stalls on the site.

RECOMMENDATION

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

PLANNING COMMISSION ACTION:

The Planning Commission will be acting on the request for Variance 2017-02 and Site Plan Review 2017-12, determining to either:

- approve the application 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 fifteen (15) calendar days of the Commission's action:

Motion 1: Move to approve the application for Variance 2017-02 and Site Plan Review 2017-12 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 no negligible expansion of the existing use of the structure.
- Because of special circumstances of the site, practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this chapter, a variance may be granted to allow for a seven (7) parking stall reduction from the Madera Municipal Code.
- The practical difficulty and special circumstance of the site is the small size of the parcel caused by prior entitlement processes that dedicated property to the City which would have otherwise created enough area to develop parking stalls to the current City standard.
- 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

Planning Department

Variance

1. All approved conditions previously set for Conditional Use Permit 1989-01 shall be voided and replaced by the conditions of approval herein.
2. All requirements listed herein shall be completed in advance of any request for building permit final inspection and/or occupancy of the laundromat.
3. Variance 2017-02 provides for up to a seven (7) parking stall reduction from the requirements of the Madera Municipal Code.
4. The trash dumpster shall be screened from the public right-of-way except on the designated day for trash pickup.

5. Future expansion and/or intensification of the existing structures or any new development on the site is not allowed unless the required number of parking stalls for the requested expansion/intensification or new development are incorporated into site design.

Engineering Department

General

6. Nuisance on-site lighting shall be redirected as requested by the City Engineer within 48 hours of notification.
7. 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.
8. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
9. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Sewer

10. The existing sewer service connection shall be upgraded to include a cleanout per City standards.

Streets

11. The developer shall reconstruct/upgrade existing the handicap access ramp located at the southeast corner of North Lake Street and East Riverside Drive to current ADA standards.
12. The two (2) driveways on North Lake Street shall be re-constructed to the extent necessary to provide ADA accessibility along the entire site frontage.
13. The existing driveway approach on East Riverside Drive shall be removed and replaced with concrete sidewalk, curb and gutter per current City standards.
14. The damaged sidewalk at the southeast corner of North Lake Street and East Riverside Drive shall be re-constructed per current City standards.
15. An Irrevocable Offer of Dedication shall be made to dedicate ten (10') feet of right-of-way along the entire project parcel frontage on North Lake Street to provide a half-street width of fifty (50') feet, east of the centerline.

Fire Department

16. Plans shall be submitted for building permits before any work is performed. All work shall be compliant with current California Codes, which includes but shall not be limited to the following: California Building Code, California Fire Code, California Energy Commission, California Plumbing Code, California Mechanical Code, and CalGreen.
17. A fire inspection shall be required prior to any work being performed in the laundromat.
18. The laundromat business shall not be conducted until all work has been completed and a certificate of occupancy has been issued.

(OR)

Motion 2: Move to continue the public hearing for Variance 2017-02 to June 13, 2017, to allow the following information to be provided or for the following reason(s): (specify)

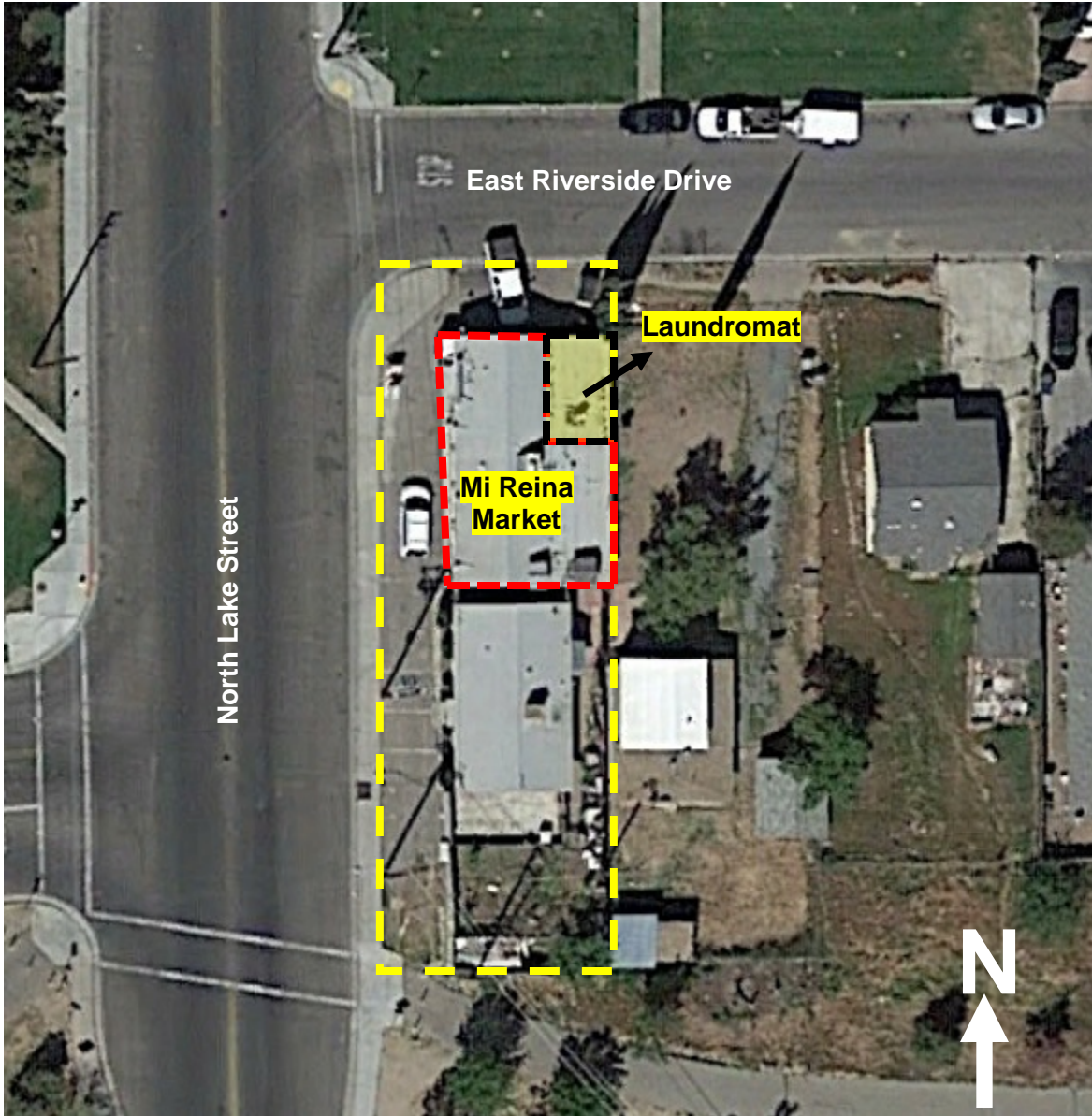
(OR)

Motion 3: Move to deny the application for Variance 2017-02 based on the following findings: (specify)

ATTACHMENTS

Aerial Photo
Applicant Justification Letter
Site Plan

Aerial Photo



Applicant Justification Letter

April 3, 2017

Robert Holt, Assistant Planner
City of Madera
Planning Department
205 West 4th Street
Madera, CA 93637

RE: Preliminary Project Review PPR 2017-01
APN: 005-012-001
Business: *Mi Reina Market*
Address: 701 N. Lake Street
Madera, CA 93638

Dear Mr. Holt,

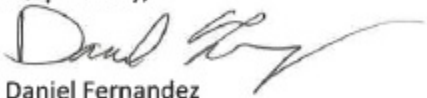
The City of Madera had previously granted to the business, *Mi Reina Market*, permission to establish a Laundromat business that would occupy a portion of the storage area of the Market. In addition, the City made concessions to the business regarding lack of off-street parking, in exchange for property dedicated to the City at that time. Due to the current dedication of an additional ten feet required by the City, there is no possibility to comply with the current standards for off-street parking.

The City had previously granted permission to *Mi Reina Market* for a Laundromat business. The City required, from the business, ten feet of the property on Lake St. by an irrevocable dedication. This dedication created a parking issue for the business. The City then granted *Mi Reina Market* permission to continue operating without following the parking standards of the day. The current variance requires an irrevocable dedication of an additional ten feet of property on the Lake St. side.

The current owners request the previous concessions regarding the lack of parking to extent to the business as was originally granted.

Thank you for your time and attention.

Respectfully,



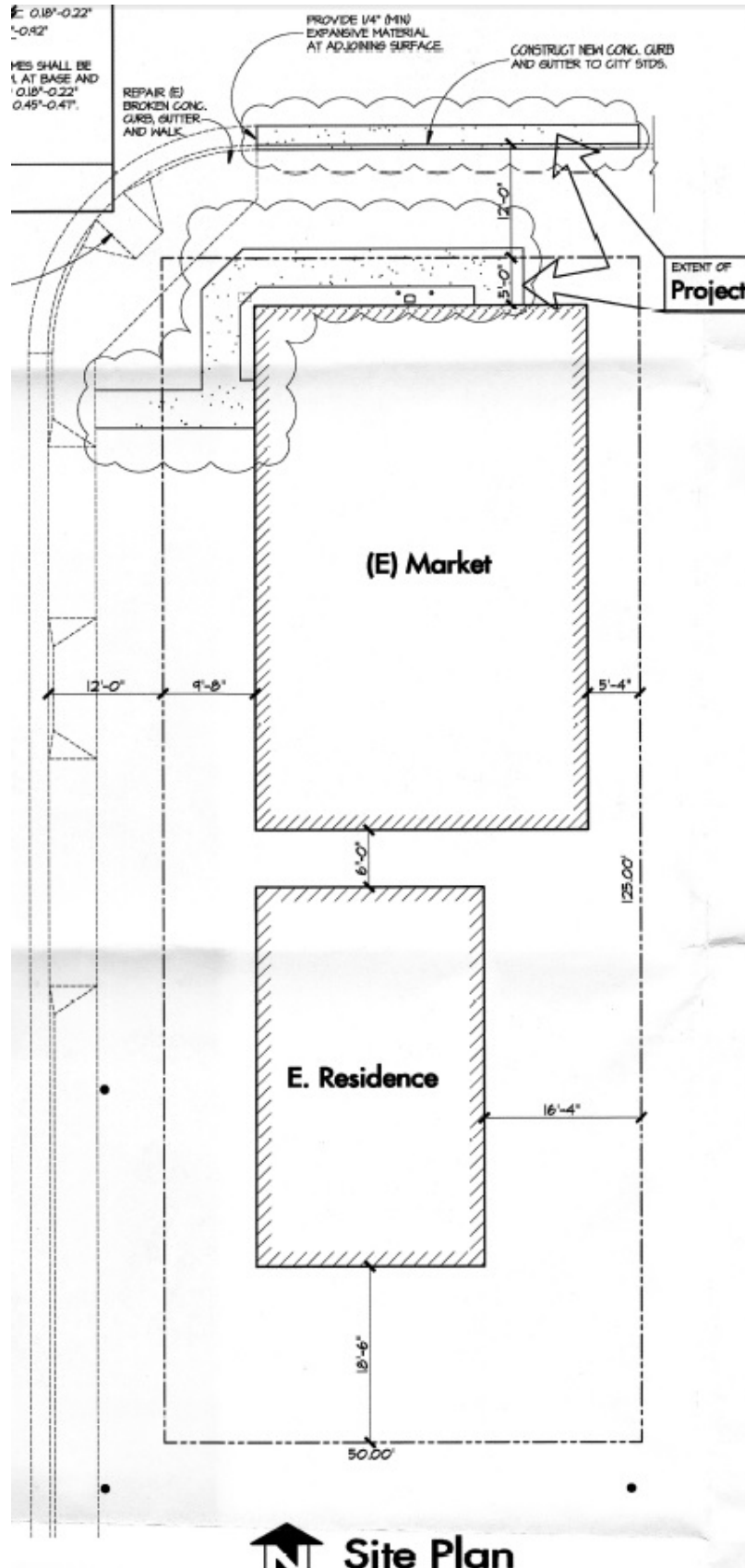
Daniel Fernandez

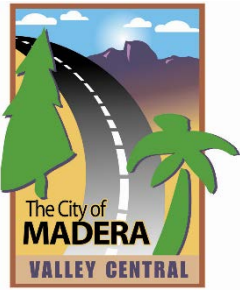
P.O. Box 6455
Fresno, CA 93703
Phone: (559) 706-2754
E-mail: dan.fernandez@yahoo.com


Khaled Maklani-Owner

4/4/2017
Date

Site Plan





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Glory of Zion Ministries
CUP 2017-06, SPR 2017-06 & Environmental Determination
Item #5 – May 9, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a church in an existing 1,600 square foot office structure.

APPLICANT:	Joyce Lane	OWNER:	Mohammad Arain
ADDRESS:	510 East Almond Avenue	APN:	012-240-011
APPLICATION:	CUP 2017-06 & SPR 2017-06	CEQA:	Categorical Exemption

LOCATION: The property is located at the southwest corner of East Almond Avenue and Emily Way.

STREET ACCESS: The site has access to Emily Way.

PARCEL SIZE: Approximately 0.07 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project parcel encompasses a separate office structure within an office complex. Other office structures and complexes are located to the north, east and west of the project parcel. Condominiums and a single-family residential neighborhood are located south of the project parcel.

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

SUMMARY: Glory of Zion Ministries has recently relocated to an existing 1,600 square foot office structure. The office structure requires upgrades to accommodate an "A" Assembly occupancy use, such as a church. The City's parking standards allow for "joint-use" parking, which in the case of the church, allows for the required parking stalls to be used when all the business on-site are primarily daytime uses. Because the businesses on the project site are offices, they can be considered daytime uses and the church would not meaningfully impact the surrounding businesses. Conditions of approval would guide the conversion of the building to accommodate an "A" Assembly occupancy class.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Uses Permitted; Light Commercial Zone
MMC § 10-3.405 Uses
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits
MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

PRIOR ACTION

The site was developed as a component of Site Plan Review 1985-18. The project site was last used as a pharmacy.

ANALYSIS

Background

Glory of Zion Ministries recently received approval of Conditional Use Permit 2015-35 in February of 2016 which allowed for the establishment of their church at a nearby office tenant suite on East Almond Avenue. In the summer of 2016, the church relocated into an office structure (former pharmacy) at 510 E. Almond Avenue. Churches are allowed in any zone with approval of a Conditional Use Permit (CUP) from the City of Madera Planning Commission.

Operations

Glory of Zion Ministries has requested that the city recognize and permit their occupancy of the 1,600 square foot office structure. The floorplan includes an assembly room/sanctuary with seating for approximately fifty (50) parishioners. The church structure also includes a pastor's office. Service hours would occur as follows:

- Wednesday: 6:00 p.m. – 8:30 p.m.
- Thursday: 12:00 p.m. – 1:30 p.m.
- Sunday: 9:30 a.m. – 12:00 p.m., 6:00 p.m. – 7:00 p.m.

The church has demonstrated compatibility with the adjoining retail uses. No conflict with an allowance for the church has been identified. Because of the evident compatibility in the commercial setting, this use permit proposes to allow for up to three special events or fundraising activities a year. A temporary use permit must be applied for at least three weeks prior to the event/activity so that staff can determine compatibility of proposed activities with surrounding uses.

Parking

The City's parking standards for a church requires a ratio of one (1) parking stall for each four (4) seats. The church proposes fifty (50) seats for its parishioners. In addition, there is a 2,900 square foot office structure that shares the parking lot with the church.

The City of Madera parking ordinance allows parking stalls to serve as "joint use" stalls in some cases. In the case of a church, up to 100% of required parking can be supplied by uses primarily considered to be daytime uses such as offices or retail shops. On this site, all of the parking requirements of the various office tenants can be considered daytime uses. Although the church does engage in some daytime activities, such as a bible study, the church does not meaningfully impact the retail operations of the other tenants. In order to comply with the City's joint-use parking standards, staff recommends no more than twenty-eight (28) individuals would be allowed to attend church daytime activities.

<u>Business Name</u>	<u>Use</u>	<u>Parking Ratio</u>	<u>Area/No. of Seats</u>	<u>Daytime Parking Req.</u>	<u>Nighttime Parking Req.</u>
Glory of Zion	Church	1:4 seats	50 seats	7 stalls	13 stalls
Kidney Specialist Inc	Office	1:300	2,900 sf	10 stalls	0 stalls
Total Required Parking Stalls:				17 stalls	13 stalls
Total Provided Parking Stalls:				17 stalls	17 stalls

Considering all factors, there is adequate parking on site to serve the use.

Site Improvements

The repurposing of the office so as to accommodate a church changes the building occupancy classification to an "A" Assembly type occupancy. Conditions of approval are focused upon improvements to the structure necessary to provide for the assembly occupancy. Additional restrooms would be required as part of the on-site improvements. Off-site improvements include upgrades to the sewer cleanout and water meter, and the ADA upgrades to a handicap access ramp and driveway approach.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2017-06 and Site Plan Review 2017-06 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission would be taking action regarding Conditional Use Permit 2017-06 and Site Plan Review 2017-06, determining to either:

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

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

Motion 1: Move to approve the requested Conditional Use Permit 2017-06 and Site Plan Review 2017-06 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).
- The establishment of a church is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed church.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the church 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 2017-06 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 2017-06 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 2017-06 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. Conditional Use Permit 2017-06 and Site Plan Review 2017-06 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 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 2017-06.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
10. All required on-site and off-site improvements listed herein shall be completed within ninety (90) days of approval of Conditional Use Permit 2017-06 and Site Plan Review 2017-06.

Building Department

11. Application for a change of occupancy is required. The proposed occupancy is considered an A3 Occupancy. The following items are required for submission to the Building Department:
 - A City of Madera Permit Application form
 - A complete plan set, including but not limited to the following: Site plan, floor plan, electrical plan, plumbing plan, mechanical plan, and Energy Code documentation. Plans shall be wet stamped and signed by a licensed architect.
12. There are inadequate restrooms. Additional restrooms shall be required in accordance with the California Plumbing Code.
13. Compliance with all accessibility provisions is required. This includes both interior and exterior access. The main entry is not in compliance and shall be in compliance prior to a final building permit inspection.
14. All changes to the property, including restroom walls, exhaust fans, plumbing, electrical, doors, etc., shall require building permits. Building permits shall be issued prior to the commencement of work being performed.

Engineering Department

General

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

16. 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.
17. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
18. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Sewer

19. The existing sewer service connection shall be upgraded to include a cleanout per City standards.

Streets

20. The developer shall reconstruct/upgrade the existing handicap access ramp located at the southwest corner of East Almond Avenue and Emily Way to current 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 a waiver may be submitted for consideration and an ultimate determination by the City.
21. The driveway on Emily Way shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage.

Water

22. The existing water service connection shall be upgraded to include an Automatic Meter Reading (AMR) water meter per City standards.

Fire Department

23. One (1) 2A10BC-rated fire extinguisher is required and shall be mounted in a visible and accessible location.
24. Exit signs and emergency lighting are required. Emergency lighting shall be provided at the exterior landings of the exterior egress doors. Exit signs shall be illuminated and have a source of back-up power or comply with the requirements for self-luminous signage.
25. An occupant load sign shall be required and must be posted in the assembly area within the view of the main entry door.
26. A Knox box shall be provided.
27. Interior wall coverings shall comply with both Chapter 8 of the California Building Code (CBC) as well as the requirements from the California Fire Code (CFC).
28. Panic hardware shall be required at the secondary egress door.
29. The primary entry/exit must be provided with a sign which shall read, "This door to remain unlocked when the building is occupied."

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, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster/refuse containers 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.

Operations

34. Conditional Use Permit 2017-06 allows for the establishment of a church in an existing 1,600 square foot tenant suite.
35. The hours of operation for the church shall occur as follows:
 - Wednesday – Thursday: 12:00 p.m. – 2:00 p.m., 6:00 p.m. – 9:00 p.m.
 - Friday: 7:00 p.m. – 9:00 p.m.
 - Saturday – Sunday: 8:00 a.m. – 6 p.m.
36. Up to three (3) special events and/or fundraising activities may be permitted each year with the approval of a Temporary Use Permit in each case. In no case shall any special event/fundraising activity cause a reduction in parking below the number of stalls required to serve the site. Special events shall only occur during daytime hours, when ample parking is available to serve the site.
37. During daytime service hours (8:00 a.m. – 5:00 p.m.) between Monday and Friday, the church shall not utilize more than seven (7) parking stalls on the site.
38. No nursery facility shall be developed as a component of the lease space without prior approval of the Building Official.
39. Church staff and parishioners shall only utilize parking stalls provided onsite. Neighboring properties shall not be adversely impacted by church activities.

Landscaping

40. 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.

Signage

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

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit 2017-06 and Site Plan Review 2017-06 to the June 13, 2017 Planning Commission meeting: (specify)

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2017-06 and Site Plan Review 2017-06 based on the following findings: (specify)

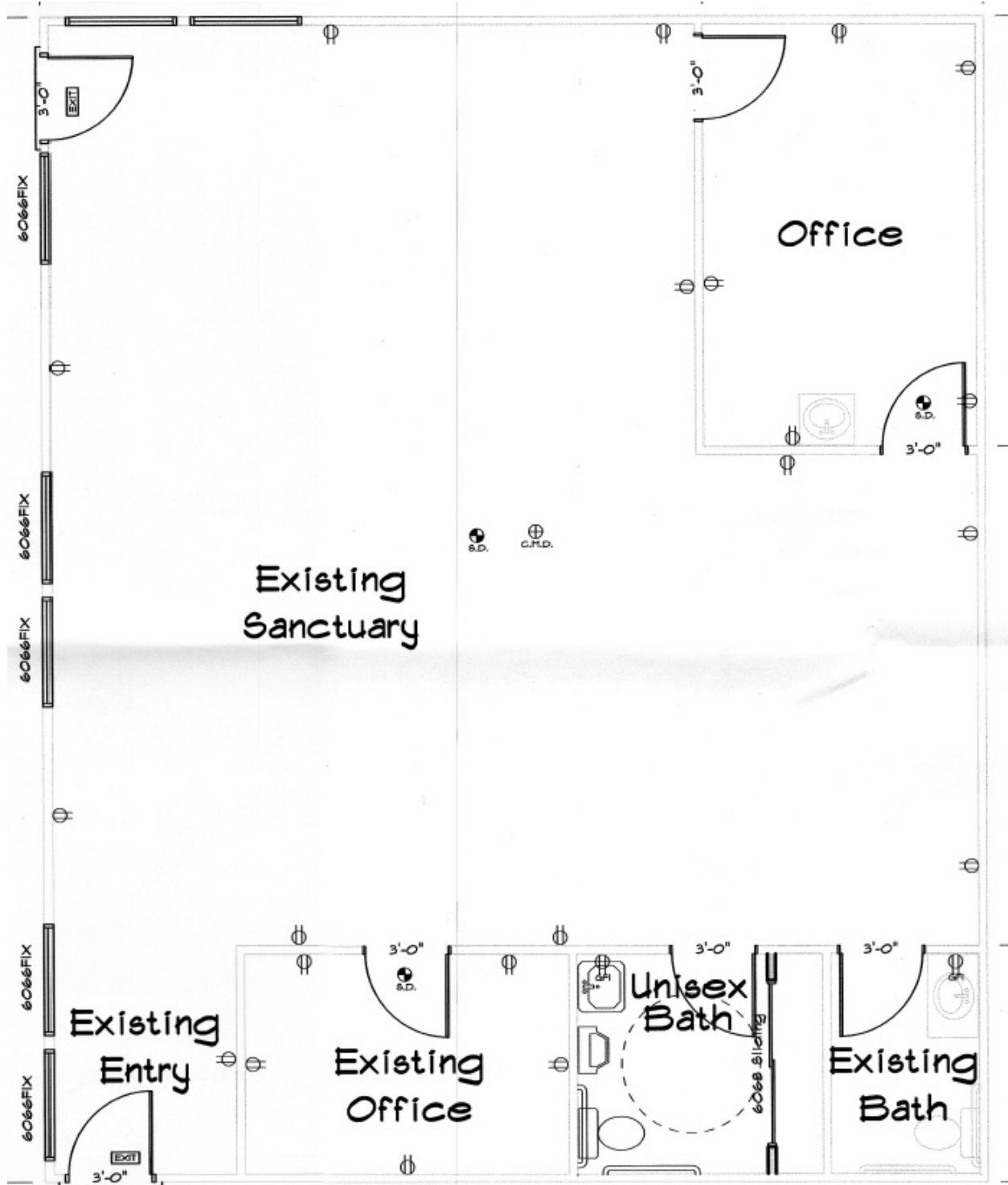
ATTACHMENTS

Aerial Photo
Floor Plan
Site Photos

Aerial Photo



Floor Plan

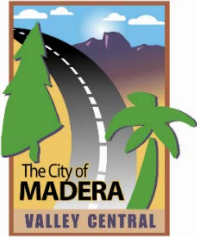


Site Photos



Site Photos





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Two Residences in R1 Zone District
CUP 2017-09, SPR 2017-10 & Environmental Determination
Item #6 – May 9, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for two single family dwelling units on the same property located in the R1 (Low-Density Residential) Zone District.

APPLICANT:	Lucy Chaves	OWNER:	Lucy Chaves
ADDRESS:	817 Cutting Street	APN:	004-042-004
APPLICATION:	CUP 2017-09 and SPR 2017-10	CEQA:	Categorical Exemption

LOCATION: The property is located on the east side of Cutting Street, approximately two-hundred (200') feet from the intersection at Cutting Street and Lincoln Avenue.

STREET ACCESS: The site has access to Cutting Street.

PARCEL SIZE: Approximately 0.36 acres.

GENERAL PLAN DESIGNATION: LD (Low-Density Residential)

ZONING DISTRICT: R1 (Low-Density Residential)

SITE CHARACTERISTICS: The site is surrounded by a single-family residential neighborhood.

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

SUMMARY: The applicant proposes to remodel two (2) existing single-family dwelling units and utilize them as rental units. The property is located in the R1 (Low-Density Residential) Zone District. The applicant informed staff that both residential structures have been vacant for an extended period of time, requiring any current utilization of the structures to conform to the City's standards in an R (Residential) Zone District. Multiple single-family dwelling units in the R1 (Low-Density Residential) Zone District requires approval of a conditional use permit by the Planning Commission.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.406 Nonconforming Buildings and Uses
MMC § 10-3.505 R; Conditional Uses; Commission Approval
MMC § 10-3.512 Multiple Single-Family Dwelling Units
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(s) 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

No prior action has been taken on this property.

ANALYSIS

Background

In March 2017, the applicant and their realtor visited the Planning Department for information about purchasing a property in the R1 (Low-Density Residential) Zone District that included two existing non-conforming residences and an existing non-conforming storage shed. The applicant informed staff that both residential structures have been vacant for an extended period of time. The applicant will not live in either residence and will utilize the homes as rentals.

Non-conforming Residences and Structures

Madera Municipal Code Section 10-3.406 states, "If the nonconforming use of a building or structure ceases for a continuous period of six months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the zone in which such building or structure is located and the nonconforming right shall be lost." Because both residential structures have been vacant longer than a continuous period of six (6) months, any current use of the residential structures on the project site shall require consistency with the current regulations of the R (Residential) Zone District. Multiple single-family dwelling units on a property with an R1 (Low-Density Residential) Zone District requires approval of a conditional use permit from the Planning Commission. The applicant also proposes to retain two (2) existing storage sheds at the rear of the property. The sheds will not be used for any habitation whatsoever.



Structure Remodel

The applicant recently was issued building permits to start the remodel for the front-most dwelling unit that includes a stucco exterior, repaint, retro-fitted windows and a reroof. The applicant will

provide a similar remodel to the other existing dwelling unit. The applicant also proposes to sandblast and repaint the existing storage sheds to match the remodeled color of the dwelling units.

Site Requirements

Section 10-3.512 (Multiple Single-Family Dwelling Units) of the Madera Municipal Code provides specific direction for the establishment of more than one residence on an R1 zoned parcel. As proposed, the dwelling units and parcel will conform to all parking, height, open space, lot coverage and setback requirements of the R1 (Low-Density Residential) Zone District.

The minimum parcel size requirement for a property in the R1 Zone District is 6,000 square feet, with an extra 8,000 square feet for any additional primary dwelling units on the parcel. With only one (1) additional primary dwelling unit, the minimum parcel size requirement equates to 14,000 square feet. The project parcel size is 15,625 square feet, which satisfies the minimum parcel size requirement.

The dwelling units may be for rental purposes, but no unit may be sold separately. The dwelling units are required to provide separate, independent living quarters for only one family each. The dwelling units are also required to provide separate utilities, such as sewer, water, gas and garbage. Neither unit can be located over underground utilities serving the other unit.

On-site improvements for the property include building permits for all exterior improvements for the dwelling units and the two (2) proposed carports. Off-site improvements include an upgrade to the existing sewer connection, which includes a sewer cleanout to current City standards. These improvements guide the property to the current residential City standard.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of multiple single-family residences is not specifically addressed in the vision or action plans, the overall project does indirectly support **Strategy 131** – *Create Well-Planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities.*

RECOMMENDATION

The information presented in this report supports 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 Permit 2017-09 and Site Plan Review 2017-10 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be acting on the request for Conditional Use Permit 2017-09 and Site Plan Review 2017-10, 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 2017-09 and Site Plan Review 2017-10, 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 15303 (New Construction or Conversion of Small Structures).
- Multiple single-family dwelling units on a single parcel is consistent with the purposes of the LD (Low-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 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 these use permits.
2. The applicant's failure to utilize any of the use permits within one year following the date of this approval shall render the conditional use permits null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. Conditional Use Permit 2017-09 may be made null and void without any additional public notice or hearing at any time upon both the benefactors of the use permits and owners of the property voluntarily submitting to the City a written request to permanently extinguish the conditional use permit.
4. Conditional Use Permit 2017-09 and Site Plan Review 2017-10 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 permits or modify the conditions of approval.
5. Site Plan Review 2017-10 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 2017-10.
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 property owner shall secure a building permit for all exterior and interior improvements for each dwelling unit. The permit shall, at a minimum, include the following: re-roof, retro-fitted windows, stucco, and interior tenant improvements. Required submittals may include electrical, plumbing, mechanical and building plans. Other submittals may be required per the City Building Official. Occupancy of the structures shall not occur until authorized by the Building Official.

Engineering Department

General

9. The developer shall pay all fees required for completion of project. Fees due may include, but shall not be limited to the following; encroachment permit processing and improvement inspection fees.
10. Improvements within the City right-of-way require an encroachment permit from the Engineering Division.

Sewer

11. Existing sewer service connection shall be upgraded to include a cleanout per City standards.

Water

12. Each unit shall have a separate water connection per Madera Municipal Code 10-3.512. The developer shall construct a new water service connection to current City standards including an Automatic Meter Reading (AMR) water meter installed within the City right-of-way.

Planning Department

General

13. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
14. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
15. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times.
16. 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 these permits.

Building Color and Materials

17. The remodel of the dwelling units shall have similar exterior materials (stucco), color and roofing. Any refresh of other existing and/or future structures other than a dwelling on the site shall be similar in color to the dwelling units.

Landscaping

18. If any modification (over 500 square feet) to the existing landscaping is proposed, submission of a new landscape and irrigation plan shall be required to be submitted to and approved by the Planning Department. The submission of the landscape and irrigation plan shall be stamped and signed by a licensed landscape architect. No installation of new landscaping over 500 square feet shall be allowed prior to approval of a landscape and irrigation plan.
19. 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.

Parking

20. A garage or carport shall be required for each primary and/or secondary dwelling unit as part of any future submission of building permits for the property. The garage or carport shall be constructed with similar architectural style to the existing primary residential structure. The garage(s) or carport(s) shall be constructed prior to utilization of any single-family dwelling units on the property.
21. There shall be no allowance for curb stops on the property.

Structures

22. There shall be no allowance for any future primary dwelling units. The allowance for an additional secondary dwelling unit shall only be allowed if the property owner lives in either primary dwelling unit and it is consistent with Section 10-3.513 (Secondary Dwelling Units) of the Madera Municipal Code.
23. The existing sheds shall not be allowed to be used for dwelling purposes at any time.

(OR)

Motion 2: Move to continue the application for Conditional Use Permits 2017-09 and Site Plan Review 2017-10 to the June 13, 2017 Planning Commission hearing, based on and subject to the following (specify):

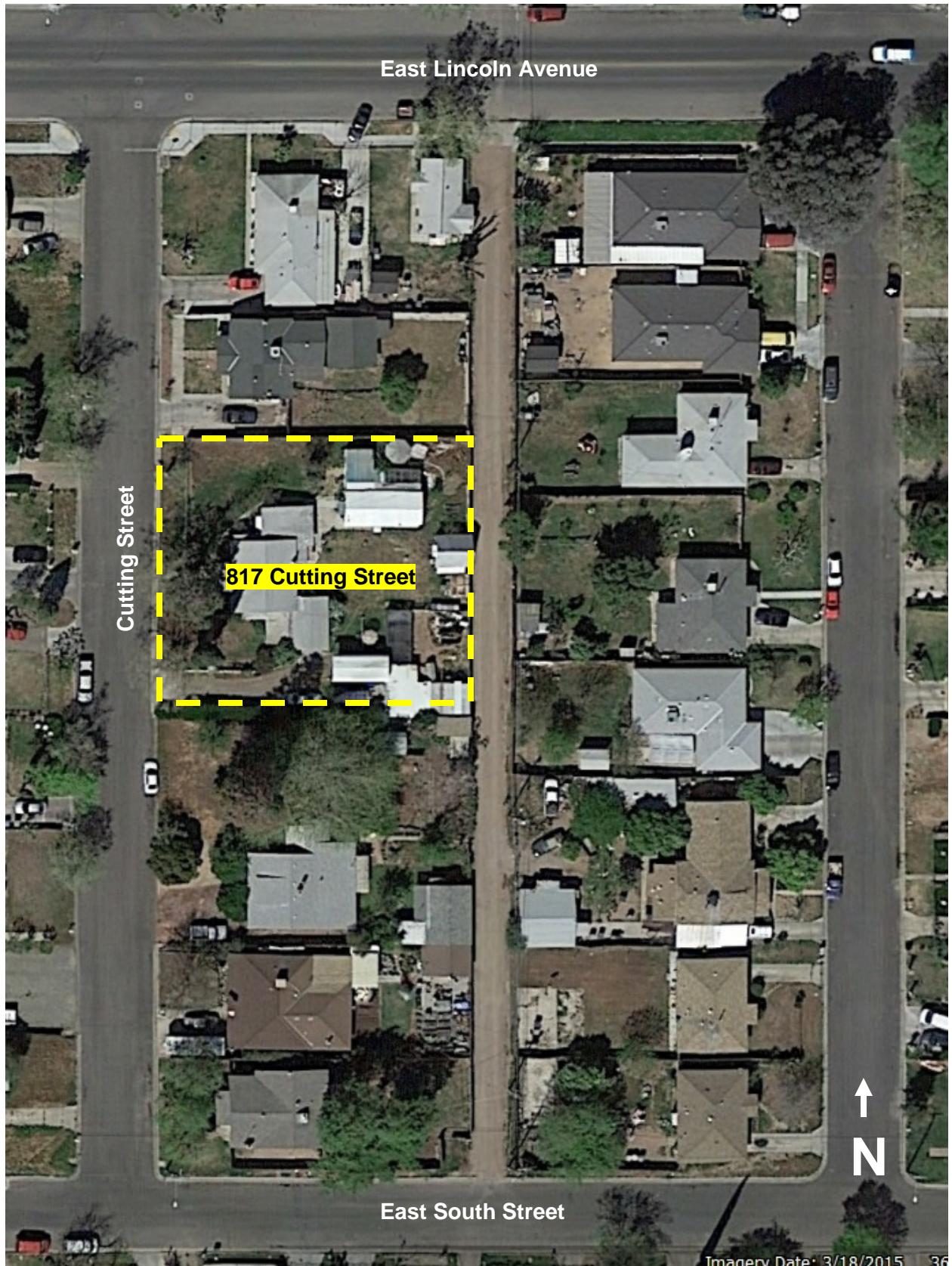
(OR)

Motion 3: Move to deny the application for Conditional Use Permits 2017-09 and Site Plan Review 2017-10 based on and subject to the following findings (specify)

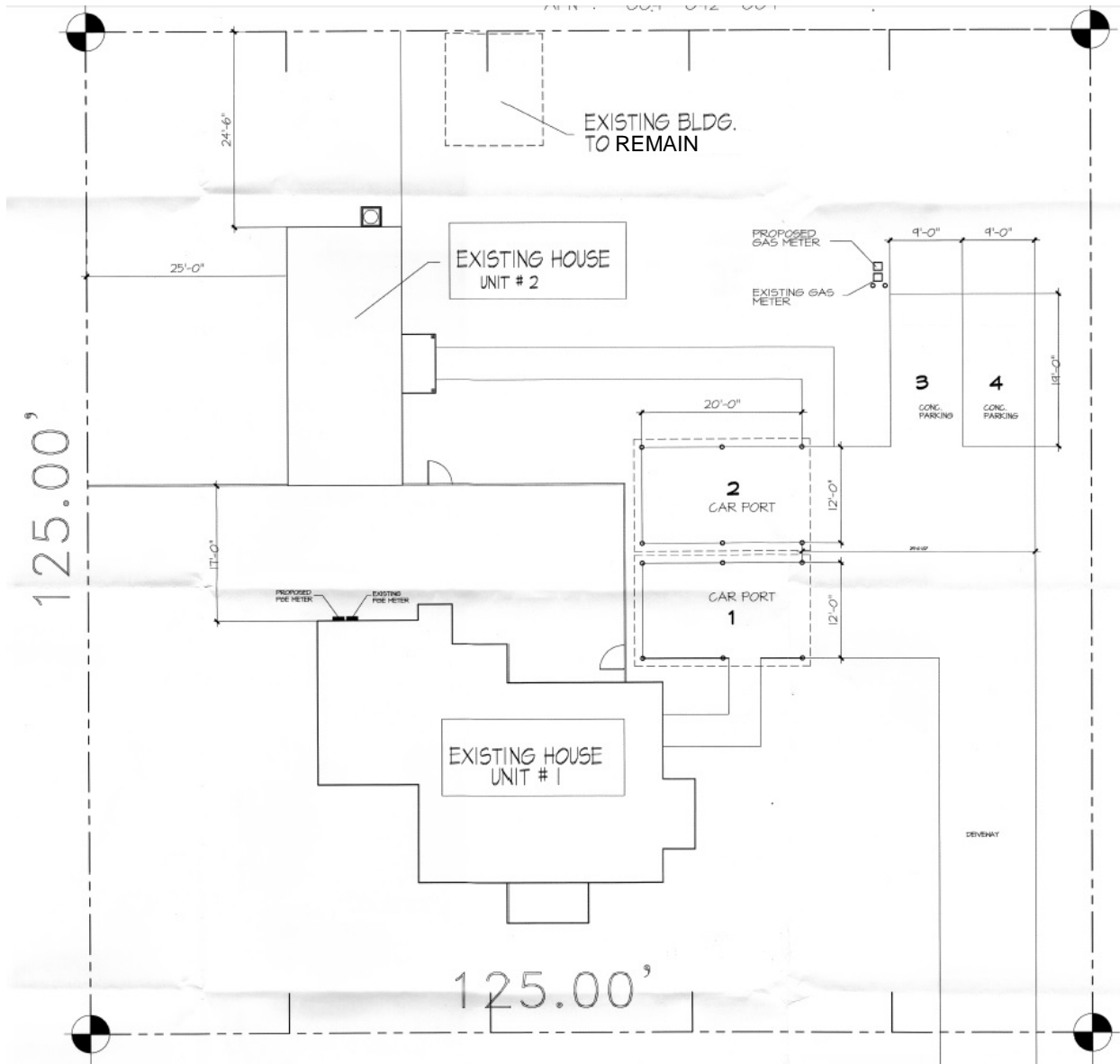
ATTACHMENTS

- Aerial Photo
- Site Plan
- Site Photos

Aerial Photo



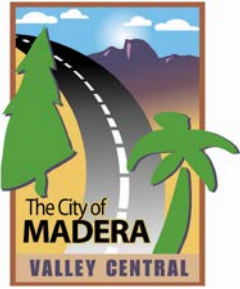
Site Plan



Site Photos







CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: The Tap House
CUP 2017-10, 11, SPR 2017-13 & Categorical Exemption
Item #7 – May 9, 2017**

PROPOSAL: An application for two conditional use permits and a site plan review to allow for sale of beer and wine for on- and off-site consumption in conjunction with the establishment of a bar and restaurant in an existing 1,400 square foot tenant suite within the Home Depot shopping center and an allowance for an outdoor dining patio as a component of the restaurant.

APPLICANT:	Dustin & Traci Franklin	OWNER:	Angadji LLC
ADDRESS:	2175 N. Schnoor Ave, Ste. 101	APN:	013-070-026
APPLICATION:	CUP 2017-10, 11 & SPR 2017-13	CEQA:	Categorical Exemption

LOCATION: The project site is located at the northwest corner of Schnoor Avenue and Foxglove Way.

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

PARCEL SIZE: One parcel encompassing approximately 0.73 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C2 (Heavy Commercial)

SITE CHARACTERISTICS: The project site is located in an existing tenant suite within the Home Depot shopping center, which includes retail businesses such as Home Depot, Starbucks and Verizon Wireless, as well as the Holiday Inn Express. Madera Villa Apartments and Les Schwab Tire Center are directly west of the site. Highway 99 is directly east of the shopping center.

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

SUMMARY: The Tap House proposes to establish a restaurant and bar in an existing 1,400 square foot tenant suite within the Home Depot shopping center. As a component of the restaurant, the applicant also proposes a 266 square foot outdoor dining patio. The applicant proposes the sale of beer and wine for on-site consumption and the sale of specialty craft beer and wine for off-site consumption.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.902 Uses Permitted; Heavy Commercial Zones
MMC § 10-3.4.0102 Site Plan Review Applicability
MMC § 10-3.1202 Parking Spaces Required
MMC § 10-3.1301 Use Permits

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

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

PRIOR ACTION

Tentative Parcel Map 2003-03 and Site Plan Review 2003-01 cumulatively provided for the development of the commercial shopping center which includes Home Depot, Starbucks, Sonic Drive-In and other retail shops. The most recent entitlement was Conditional Use Permit 2016-22 and 23, which allowed for a truck and rental service and multiple outdoor display areas of various power equipment, store equipment and seasonal products in conjunction with the Home Depot store. No previous entitlements have been approved for the project site parcel.

ANALYSIS

Operations

The Tap House proposes to establish a restaurant and bar in an existing tenant suite (formerly Subway) encompassing 1,400 square feet at the southwest corner of the Home Depot shopping center. The applicant also proposes to incorporate a 266 square foot outdoor dining patio as a component of the restaurant's operations.

The anticipated maximum number of visitors per day would be approximately 220. There would be a total of two (2) employees with the potential of up to a total of twelve (12) employees in the future. The hours of operation for the business would be as follows:

- Mon., Wed., Thu., and Sun.: 11:00 a.m. – 10:00 p.m.
- Fri. and Sat.: 11:00 a.m. – 12:00 a.m.
- Tuesday: Closed

ABC License

The applicant proposes to obtain a Type 41 ABC license, which allows for the on- and off-site consumption of alcoholic beverages in conjunction with a bona fide eating establishment. Usually, the City restricts restaurants that obtain a Type 41 ABC license to on-site consumption only, with no allowance for off-site consumption. The applicant's business model would include the sale of beer and wine for both on- and off-site consumption. Staff recommends that outdoor consumption of alcohol only occur within the outdoor dining patio area, consistent with all applicable law.

The project site is located within Census Tract 5.03, which currently holds seven (7) Alcohol Beverage Control (ABC) licenses for on-site consumption of alcoholic beverages and thirteen (13) ABC licenses for off-site consumption of alcoholic beverages. The current population of Census Tract 5.03 (8,539 residents) allows for a maximum of eight (8) ABC licenses for both on- and off-site consumption of alcoholic beverages each. It should be noted that on March 14, 2017, the Planning Commission approved Conditional Use Permit 2017-04 to allow for the on-site consumption of beer and wine in conjunction with the Paletalandia restaurant in the Madera Marketplace shopping center. With the Paletalandia restaurant in process of obtaining their ABC license for the on-site consumption of beer and wine in conjunction with a restaurant, approval of Conditional Use Permit 2017-10 would eventually create an over-concentration of ABC licenses for the on- and off-site consumption of alcoholic beverages within Census Tract 5.03.

City Council has directed staff to review each application for a conditional use permit for the sale and/or consumption of alcoholic beverages within areas of over-concentration on individual case-by-case basis and weigh each application on its specific merits. In that The Tap House proposes a new and unique restaurant experience not currently offered here in Madera, staff is in support of the requested allowance for alcoholic beverages in association with the Tap House restaurant. To reinforce the unique character of the operation and distinguish it from typical off-sale establishments, staff recommends that two (2) conditions of approval be incorporated. First, only products offered for on-site consumption may be offered for off-sale. Second, products available for off-sale should be maintained behind the counter/bar and be available by request for sale.

Parking

The City's parking standards for a restaurant requires a ratio of one (1) parking stall for each three (3) seats. The restaurant proposes fifty-seven (57) seats, which includes the tenant suite and outdoor dining patio area. With 4,960 square feet of other various retail businesses, the minimum requirement for parking stalls on the site would be thirty-six (36) total parking stalls and two (2) handicap accessible parking stalls. With forty-one (41) total parking stalls and two (2) handicap accessible parking stalls provided, there is an adequate number of parking stalls to serve the restaurant.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

Though approval of an allowance for the sale of alcohol for on- and off-site consumption, and an outdoor dining patio is not specifically addressed in the vision or action plans, the overall project does indirectly support **Action 115.2** – *As a component of the General Plan Update, increase retail outlets and promote Shop Madera ...*

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2017-10, 11 and Site Plan Review 2017-13 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission will be taking action regarding Conditional Use Permit 2017-10, 11 and Site Plan Review 2017-13, determining to either:

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

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

Motion 1: Move to approve Conditional Use Permit 2017-10, 11 and Site Plan Review 2017-13, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- A restaurant/bar is consistent with the purposes of the C (Commercial) General Plan designation and the C2 (Heavy Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed restaurant and bar.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the restaurant and bar 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 2017-10, 11 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 2017-10, 11 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 2017-13 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 2017-10, 11 and Site Plan Review 2017-13 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 2017-13.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
10. All on-site and off-site requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite and issuance of a business license.

Building Department

11. Building permits are required for all proposed tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
12. The applicant shall submit detailed plans that include interior setbacks for ADA compliance to be approved by the Building Department.

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 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. Improvement plans shall be submitted to the Engineering Division in accordance with the submittal process.
16. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Streets

17. The developer shall reconstruct/upgrade the existing handicap access ramp located at the northernmost driveway approach on North Schnoor Avenue to current 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

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

Fire Department

19. One (1) 2A10BC-rated fire extinguisher shall be required. The fire extinguisher(s) shall be mounted in visible and accessible locations within a maximum 75 feet of travel distance from all areas within the building.
20. A key box shall be required or new keys shall be provided if there is an existing key box.
21. In order to limit potential over-crowding of this “B” occupancy, a sign indicating “Maximum Occupant Load 49” shall be posted.

Planning Department

General

22. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
23. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
24. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster and refuse containers owned by the property owner.
25. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2017-10.

Operations

26. Conditional Use Permit 2017-10 allows for the sale of beer and wine for on- and off-site consumption in conjunction with the establishment of a restaurant in an existing 1,400 square foot tenant suite. Conditional Use Permit 2017-11 allows for the utilization of a 266 square foot outdoor dining patio in conjunction with the establishment of the restaurant and bar.
27. Hours of operation shall occur as follows:
 - Monday – Thursday and Sunday: 11:00 a.m. – 10:00 p.m.
 - Friday – Saturday: 11:00 a.m. – 12:00 a.m.
28. Changes or expansions in the use shall require an amendment to Conditional Use Permit 2017-10.

29. The sale of beer and wine for off-site consumption shall be restricted to only the product offered for sale and consumption on the premises.
30. There shall be no allowance for off-sale products to be stored or displayed in areas accessible to the public. All such products shall be accessible to employees only and products requested by customers.
31. The outdoor consumption of beer and wine shall only be allowed in the outdoor dining patio area consistent with the applicable laws of the State of California Department of Alcoholic Beverage Control.
32. No outdoor display of merchandise shall be allowed.
33. No amplified or live performance music shall be allowed in the outdoor dining patio area.
34. Smoking shall be prohibited in the outdoor dining patio, except as provided by law.
35. The sale of beer and wine for on- and off-site consumption is conditioned upon obtaining a Type 41 ABC license from the Department of Alcoholic Beverage Control. The applicants, its operators and successors shall comply with all applicable City, State and Federal requirements and standards.

Fences and Walls

36. The applicant shall construct a three (3') foot decorative wrought iron fence around the outdoor dining patio area. The fence and outdoor dining patio shall not impede any required ADA path of travel. The location of the fence shall be placed consistent with the approved site plan. The design and placement of the fence shall be approved by the Planning Manager prior to installation.

Landscaping

37. 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.

Signage

38. No permanent or temporary signage shall be placed within the outdoor patio dining area or affixed onto the outdoor dining patio fence.
39. All signage shall be in compliance with the Madera Sign Ordinance. All signage is required to have an approved Sign Permit issued by the Planning Department per MMC §10-6.

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2017-10, 11 and Site Plan Review 2017-13 to the June 13, 2017 Planning Commission hearing for the following reasons: (specify)

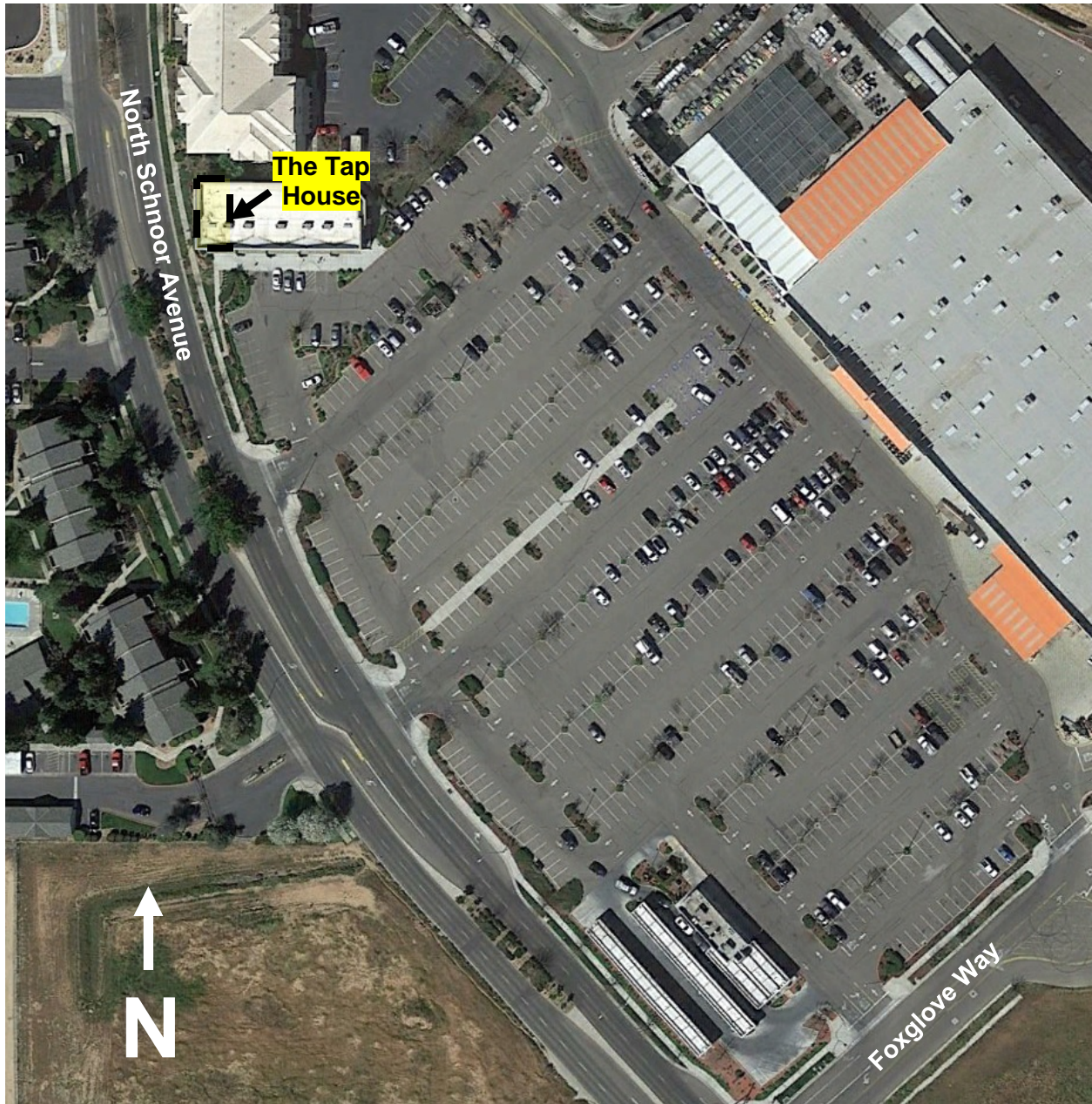
(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2017-10, 11 and Site Plan Review 2017-13, based on and subject to the following findings: (specify)

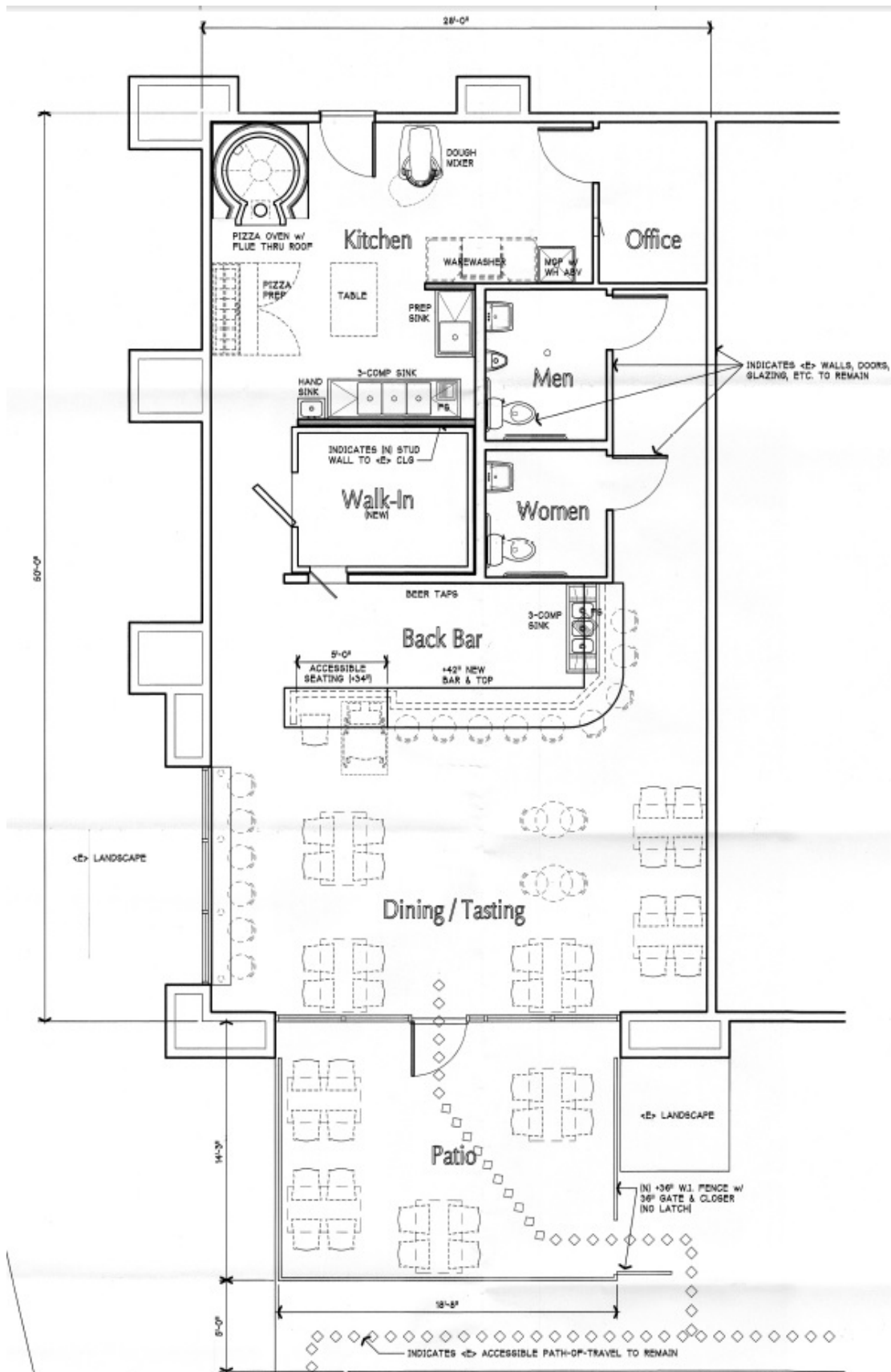
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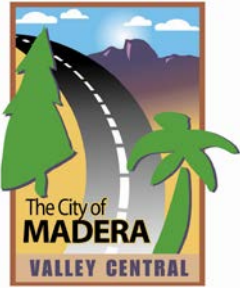
Aerial Photo
Floor Plan

Aerial Photo



Floor Plan





CITY OF MADERA PLANNING COMMISSION

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

Staff Report: Xtreme Fitness Athletic Fitness Club CUP 2011-03 MOD2, SPR 2017-14 & Categorical Exemption Item #8 – May 9, 2017

PROPOSAL: An application for an amendment to Conditional Use Permit 2011-03 MOD and a site plan review to allow for the establishment of an athletic fitness club in an approximate 5,020 square foot tenant suite.

APPLICANT:	Maria Cervantes	OWNER:	Anna DaSilva
ADDRESS:	225 South Pine Street	APN:	012-021-006
APPLICATION:	CUP 2011-03 MOD2 & SPR 2017-14	CEQA:	Categorical Exemption

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

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

PARCEL SIZE: One parcel encompassing approximately 1.16 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: I (Industrial)

SITE CHARACTERISTICS: The project site is surrounded by heavy commercial and industrial activities to the north, south and east. The Lee's Concrete batch plant is located directly west of the project site.

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

SUMMARY: Xtreme Fitness proposes to establish an athletic fitness club in an existing 5,020 square foot tenant suite. The applicant proposes to install new cardiovascular and athletic fitness equipment and indoor bicycle equipment. The proposed business model deviates from the previously approved plan as part of Conditional Use Permit (CUP) 2011-03 MOD, requiring approval of an amendment to Conditional Use Permit 2011-03 MOD by the Planning Commission.

APPLICABLE CODES AND PROCEDURES

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

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

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

PRIOR ACTION

Conditional Use Permit 2011-03 allowed for a mixed martial arts studio, which included a boxing ring and mixed martial arts cage. Conditional Use Permit 2011-03 MOD allowed for a new martial arts studio, which removed the boxing ring and mixed martial arts cage, and installed new wrestling and jujitsu mats.

ANALYSIS

Background

Xtreme Fitness proposes to establish its athletic fitness club in response to the recent closing of the Thrive MMA studio. A condition of approval from the previously approved Conditional Use Permit (CUP 2011-03 MOD) required that "Any deviation from the approved plan or any condition contained herein shall require prior written request by the applicant and approval by the Planning Commission." The previous plan included the installation of wrestling and jujitsu mats. The applicant proposes to add new cardiovascular and athletic fitness equipment, and the installation of indoor bicycle equipment. Because this deviates from the previously approved plan, an approval of an amendment to Conditional Use Permit 2011-03 MOD is required by the Planning Commission.

Operations

Xtreme Fitness proposes to establish an athletic fitness club in an existing 5,020 square foot tenant suite. The applicant's business model would include group exercise classes, such as spinning, tumbling, etc., as well as one-on-one training classes. The applicant also proposes the sale of health products, which would include supplements, protein powder, etc. The anticipated maximum number of visitors per day would be thirty-five (35). The hours of operation for the business would be from as early as 5:00 a.m. until as late as 10:00 p.m., Monday through Saturday.

Parking

City parking standards for an athletic fitness club requires a ratio of one stall per each 200 square feet of gross floor area, or a ratio of one stall per each three (3) members and one stall per each two (2) employees, whichever is greater. A total of twenty-five (25) parking stalls are required for

the Xtreme fitness business. With the inclusion of the Andy's Signs & Design business and the Madera County Food Bank, this would translate into a minimum requirement of forty (40) parking stalls and two (2) handicap accessible parking stalls that are required for the property overall. The site has a total of forty-two (42) parking stalls with three (3) handicap accessible parking stalls, providing an adequate number of parking stalls to serve the proposed use.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2011-03 MOD2 and Site Plan Review 2017-14 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

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

Motion 1: Move to approve Conditional Use Permit 2011-03 MOD2 and Site Plan Review 2017-14, based on and subject to the following findings and conditions of approval:

Findings

- This project is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA).
- A dance studio is consistent with the purposes of the C (Commercial) General Plan designation and the I (Industrial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed athletic fitness club.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the athletic fitness club 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 2011-03 MOD2 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 2011-03 MOD2 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 2017-14 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 2011-03 MOD2 and Site Plan Review 2017-14 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 an item before the Planning Commission so that it may determine whether to consider a hearing regarding 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 2017-14.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.

Building Department

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

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

Engineering Department

General

12. 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.
13. Improvements within the City right-of-way require an Encroachment Permit from the Engineering Division.

Streets

14. Driveways on South Pine Street shall be reconstructed to the extent necessary to provide ADA accessibility along the entire site frontage. If the applicant believes that a hardship waiver is applicable based on the cost of this improvement in relation to the overall project costs, a request for waiver may be submitted for consideration and an ultimate determination by the City.

Fire Department

15. Two (2) legal means of egress are required and must be maintained if the occupant load exceeds 49.
16. Panic hardware is required if the occupant load exceeds 49.
17. Exit signs and emergency lighting are required and must be maintained if the occupant load exceeds 49.
18. Interior improvements shall require a building permit.
19. A key box is required. If a key box has already been provided, then a new key compatible with the new locks is required.
20. One 2A10BC-rated fire extinguisher is required. The fire extinguisher shall be mounted in a visible and accessible location.

Planning Department

General

21. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
22. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
23. 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.

24. The applicant shall comply with all federal, state and local laws. Material violation of any of those laws concerning the use will be cause for revocation of Conditional Use Permit 2011-03 MOD2.
25. All requirements listed herein shall be completed in advance of any request for building permit final inspection, occupancy of the tenant suite and issuance of a business license.

Operations

26. Conditional Use Permit 2011-03 MOD2 allows for the establishment of an athletic fitness club in an approximate 5,020 square foot tenant suite.
27. Hours of operation shall be from as early as 5:00 a.m. until as late as 10:00 p.m., Monday through Saturday.
28. Changes or expansions in the use shall require amendment of Conditional Use Permit 2011-03 MOD2.
29. The hosting of special events and competitions is not allowed for by this use permit. At no time shall the occupancy of the space exceed the occupancy load as determined by the Fire Official.
30. No outdoor activities are permitted as a component of the business.

Fences and Walls

31. Steel gates shall be installed on the existing trash enclosure located north of the existing structure, consistent with Engineering Department standards.

Landscaping

32. 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.

Signage

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

(OR)

Motion 2: Move to continue the application for Conditional Use Permit 2011-03 MOD2 and Site Plan Review 2017-14 to the June 13, 2017 Planning Commission hearing for the following reasons: (specify)

(OR)

Motion 3: Move to deny the application for Conditional Use Permit 2011-03 MOD2 and Site Plan Review 2017-14, based on and subject to the following findings: (specify)

ATTACHMENTS

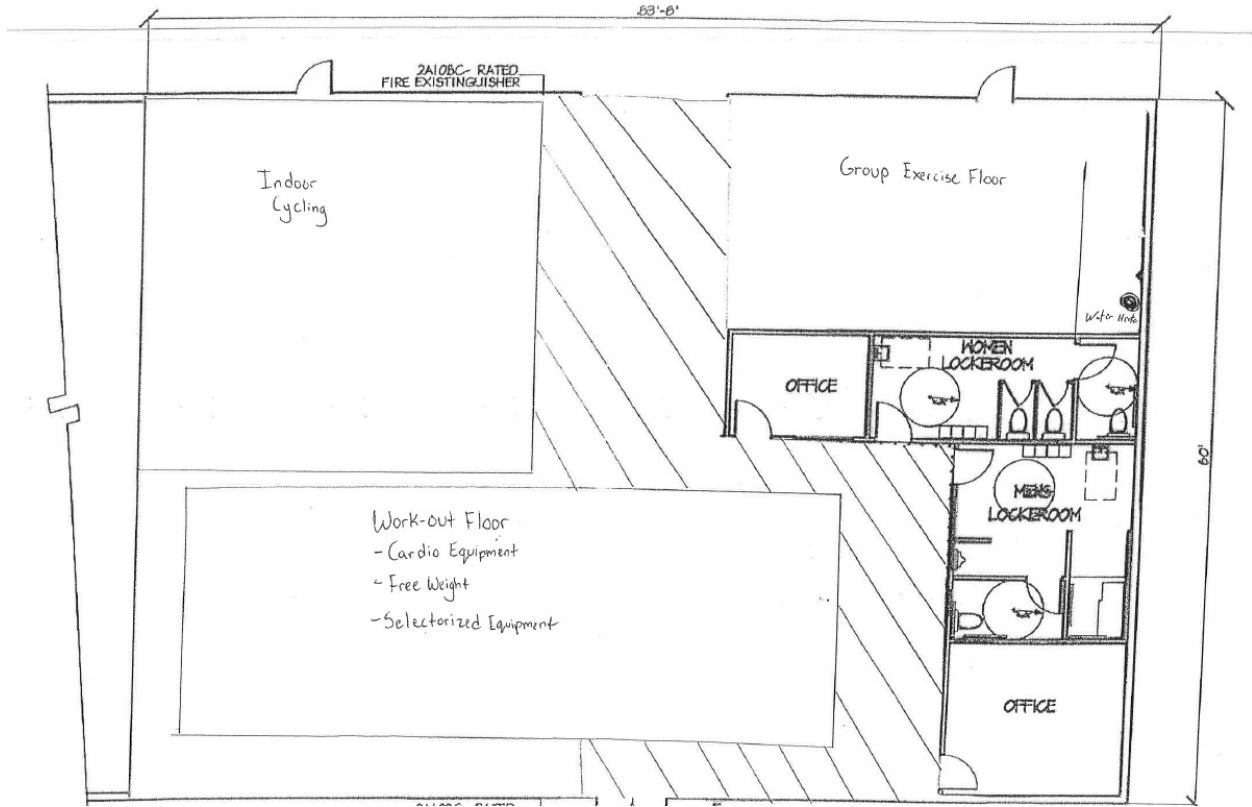
Aerial Photo
Floor Plan

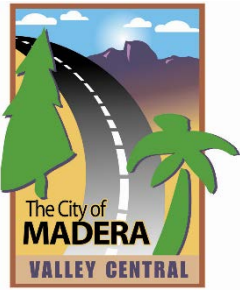
Aerial Photo



Floor Plan

SOUTH PINE STREET





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Gates of Grace Church of God
CUP 2017-12, SPR 2017-16 & Environmental Determination
Item #9 – May 9, 2017**

PROPOSAL: An application for a conditional use permit and site plan review to allow for the establishment of a church in an existing 2,000 square foot commercial suite.

APPLICANT:	Alex Hernandez	OWNER:	Pat De Santis
ADDRESS:	1301 West Olive Avenue	APN:	010-061-001
APPLICATION:	CUP 2017-12 & SPR 2017-16	CEQA:	Categorical Exemption

LOCATION: The property is located at the northeast corner of South Pine Street and West Olive Avenue.

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

PARCEL SIZE: Approximately 0.44 acres.

GENERAL PLAN DESIGNATION: C (Commercial)

ZONING DISTRICT: C1 (Light Commercial)

SITE CHARACTERISTICS: The project site is located on the abandoned "R" Street that extends from South Pine Street and connects to the Chevron that abuts the property to the east. The church proposes to located within a tenant suite (former Hobby Shop) surrounded by other retail tenants, such as the barber and deli shop. West and south of the project site are other various commercial uses, such as Subway and Walgreens.

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

SUMMARY: The Gates of Grace Church of God recently moved their church into an existing 2,000 square foot commercial tenant suite that requires upgrades to accommodate an "A" Assembly occupancy class. The City's parking standards allow for "joint-use" parking, which in the case of the church, allows for the required parking stalls to be used when all the business on-site are primarily daytime uses. Because the businesses on the project site are retail stores, they can be considered daytime uses and the church would not meaningfully impact the surrounding businesses. Conditions of approval would guide the conversion of the building to accommodate an "A" Assembly occupancy class.

APPLICABLE CODES AND PROCEDURES

MMC § 10-3.802 Uses Permitted; Light Commercial Zone

MMC § 10-3.405 Uses

MMC § 10-3.1202 Parking Spaces Required

MMC § 10-3.1301 Use Permits

MMC § 10-3.4.0102 Site Plan Review Applicability

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

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

PRIOR ACTION

Conditional Use Permit (CUP) 1985-17 allowed for the establishment of the Believers Church in the same tenant suite as the proposed church suite. The Believers Church closed its doors over five (5) years ago. The last tenant in the project suite was the hobby shop, which closed in January of 2015.

ANALYSIS

Background

Gates of Grace previously was located in a suite that could not easily accommodate an "A" Assembly occupancy class. The church decided to move into a tenant suite that had been occupied by a church in the past. The church is currently in process of converting the suite to an "A" occupancy class because the previous business was an "M" Mercantile occupancy class. This tenant suite is more accommodating of a church than their previous location.

Operations

The Gates of Grace church is located in an approximate 2,000 square foot commercial tenant suite. The floorplan includes an assembly room/sanctuary with seating for approximately sixty (60) people. The sanctuary will include a stage with a drumset, keyboard, guitar and microphone. Men's and women's restrooms serve all tenants of the site. Service hours would occur as follows:

- Wednesday – Thursday: 6:00 p.m. – 9:00 p.m.
- Saturday – Sunday: 9:00 a.m. – 3:00 p.m.

Parking

The City's parking standards for a church requires a ratio of one (1) parking stall for each four (4) seats. The church proposes ninety-three (93) seats for its parishioners, resulting in a requirement for twenty-three (23) parking stalls. In addition, the Sub Shop & Deli has 771 square feet of gross floor area and all other retail tenants encompass a total of 3,640 square feet. This equates to a

minimum requirement of twenty-three (23) parking stalls and one (1) handicap accessible parking stall, which the project site currently provides.

The City of Madera parking ordinance allows parking stalls to serve as “joint use” stalls in some cases. In the case of a church, up to 100% of required parking can be supplied by uses primarily considered to be daytime uses such as offices or retail shops. On this site, all of the parking requirements of the various office tenants can be considered daytime uses. Although the church does engage in some daytime activities, such as a bible study, the church does not meaningfully impact the retail operations of the other tenants. In order to comply with the City’s joint-use parking standards, staff recommends no more than thirty-two (32) individuals would be allowed to attend any daytime activities.

<u>Business Name</u>	<u>Use</u>	<u>Parking Ratio</u>	<u>Area/No. of Seats</u>	<u>Daytime Parking Req.</u>	<u>Nighttime Parking Req.</u>
Gates of Grace	Church	1:4 seats	93 seats	8 stalls	23 stalls
Sub Shop & Deli	Retail Food	1:250	771 sf	3 stalls	0 stalls
Other Retail Businesses	Retail	1:300	3,640 sf	12 stalls	0 stalls
Total Required Parking Stalls:				23 stalls	23 stalls
Total Provided Parking Stalls:				23 stalls	23 stalls

Considering all factors, there is adequate parking on site to serve the use.

Site Improvements

The repurposing of the office so as to accommodate a church changes the building occupancy classification to an “A” Assembly type occupancy. Conditions of approval are focused upon improvements to the structure necessary to provide for the assembly occupancy. Upgrades to the restrooms would be required to serve all tenants on the site. Off-site improvements include upgrades to the water meter, sewer cleanout and ADA handicap accessible ramp.

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

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

RECOMMENDATION

The information presented in this report supports approval of the conditional use permit request. It is recommended that the Planning Commission consider the information in this report, as well as testimony in the public hearing, and approve Conditional Use Permit 2017-12 and Site Plan Review 2017-16 subject to the findings and conditions of approval outlined in this report.

PLANNING COMMISSION ACTION

The Planning Commission would be taking action regarding Conditional Use Permit 2017-12 and Site Plan Review 2017-16, determining to either:

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

- deny the applications

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

Motion 1: Move to approve the requested Conditional Use Permit 2017-12 and Site Plan Review 2017-16 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).
- The establishment of a church is consistent with the purposes of the C (Commercial) General Plan designation and the C1 (Light Commercial) Zone District which provide for the use, subject to the issuance of a conditional use permit.
- As proposed, there is adequate parking and site features to allow for the proposed church.
- As conditioned, the development will be compatible with surrounding properties.
- As conditioned, the establishment, maintenance or operation of the church 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 2017-12 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 2017-12 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 2017-16 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. Conditional Use Permit 2017-12 and Site Plan Review 2017-16 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 an item before the Planning Commission so that it may determine whether to consider setting a hearing regarding 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 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 2017-16.
9. It shall be the responsibility of the property owner and management to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
10. All required on-site and off-site improvements shall be completed within ninety (90) days of approval of Conditional Use Permit 2017-12 and Site Plan Review 2017-16.

Building Department

11. Building permits are required for all proposed tenant improvements. The uses of all rooms and activity areas shall be identified on any plans submitted for issuance of building permits.
12. There shall be an ADA accessible path of travel from the structure to the City's right-of-way. This shall include the construction of an ADA ramp where a "step" exists at the West Olive Street parcel frontage immediately southeast of the structure. Plans submitted for Building Permit and Plan Check shall address this ADA ramp to be approved by the City Building Official.
13. There shall be an adequate number of ADA accessible parking stalls, including all associated signage.
14. The quantity of restrooms shall be in compliance with Chapter 4, Table 422.1 and Table A of the California Plumbing Code.
15. The elevated platform (stage) shall be made accessible or a space adjacent to the platform shall be identified as the equivalent accessible space.

Engineering Department

General

16. 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.

17. Improvement plans shall be submitted to the Engineering Department in accordance with the submittal process.
18. Improvements within the City's right-of-way require an Encroachment Permit from the Engineering Division.

Sewer

19. The existing sewer service connection shall be upgraded to include a cleanout per City standards.

Streets

20. The developer shall upgrade the existing handicap access ramp at the southeast corner of South Pine Street and Howard Road to remove the lip at the gutter pan and to include truncated domes per current 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

21. Existing water service connection(s) shall be upgraded to include an Automatic Meter Reading (AMR) water meter per City standards.

Fire Department

22. A building permit must be obtained for a change of occupancy from an "M" (retail sales) to an A3 (public assembly – church). The new space must comply with the current code requirements for an A3 Occupancy because this is a Change of Occupancy.
23. A key box is required or new keys must be provided if there is an existing key box.
24. One (1) 2A10BC-rated fire extinguisher is required. The fire extinguisher shall be mounted in a visible and accessible location within a maximum of 75 feet of travel distance from all areas within the building.
25. All interior finishes shall comply with Chapter 8 of the California Fire Code (CFC) as well as California Code of Regulations Title 19 for flame spread and smoke generation. This includes window and wall coverings, fabrics on chairs and other decorations.
26. Panic hardware is required at the exits.
27. Exit signs and emergency lighting are required and shall be in accordance with Chapter 10 of the California Building Code (CBC).
28. The occupant load is based upon the use of the space and not the number of parishioners. The occupant load must be properly posted.

Planning Department

General

29. Vandalism and graffiti shall be corrected per the Madera Municipal Code.
30. The applicant shall operate in a manner that does not generate significant noise, odor or vibration that adversely affects any adjacent properties.

31. The property owner, operator and manager shall keep the property clear of all trash, rubbish and debris at all times; and dumping of refuse shall be restricted to the dumpster/refuse containers belonging to the subject property.
32. 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.

Operations

33. Conditional Use Permit 2017-12 allows for the establishment of a church in an existing 2,000 square foot tenant suite.
34. The hours of operation for the church shall occur as follows:
 - Wednesday – Thursday: 10:00 a.m. – 12:00 p.m., 6:00 – 9:00 p.m.
 - Saturday – Sunday: 8:00 a.m. – 6:00 p.m.
35. During daytime service hours (8:00 a.m. – 5:00 p.m.) between Monday and Friday, the church shall not utilize more than eight (8) parking stalls on the site.
36. No nursery facility shall be developed as a component of the lease space without prior approval of the Building Official.
37. Church staff and parishioners shall only utilize parking stalls provided onsite. Neighboring properties shall not be adversely impacted by church activities.

Landscaping

38. 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.

Signage

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

(OR)

Motion 2: Move to continue the request for approval of Conditional Use Permit 2017-12 and Site Plan Review 2017-16 to the June 13, 2017 Planning Commission meeting: (specify)

(OR)

Motion 3: Move to deny the request for Conditional Use Permit 2017-12 and Site Plan Review 2017-16 based on the following findings: (specify)

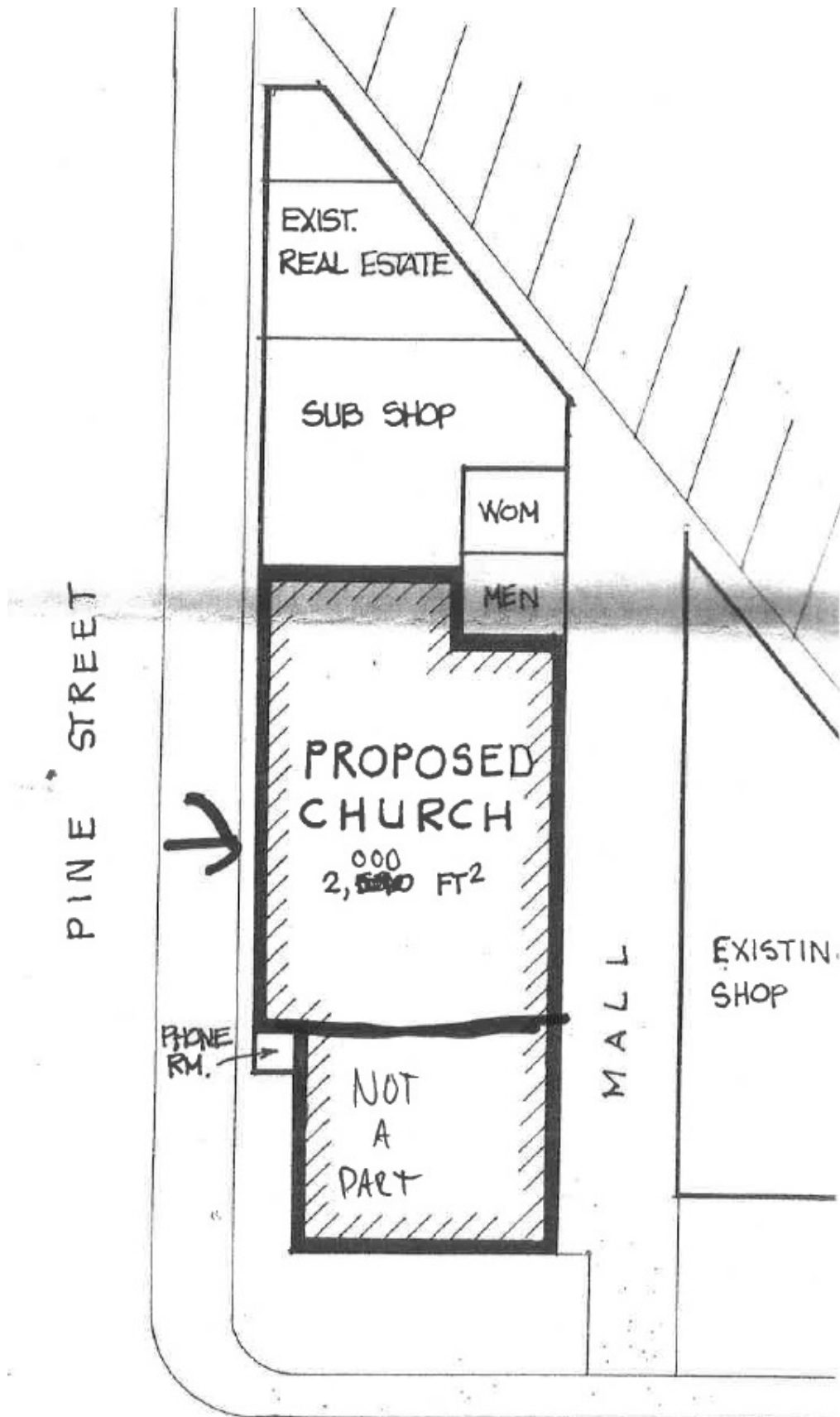
ATTACHMENTS

Aerial Photo
Site Plan
Floor Plan
Site Photos

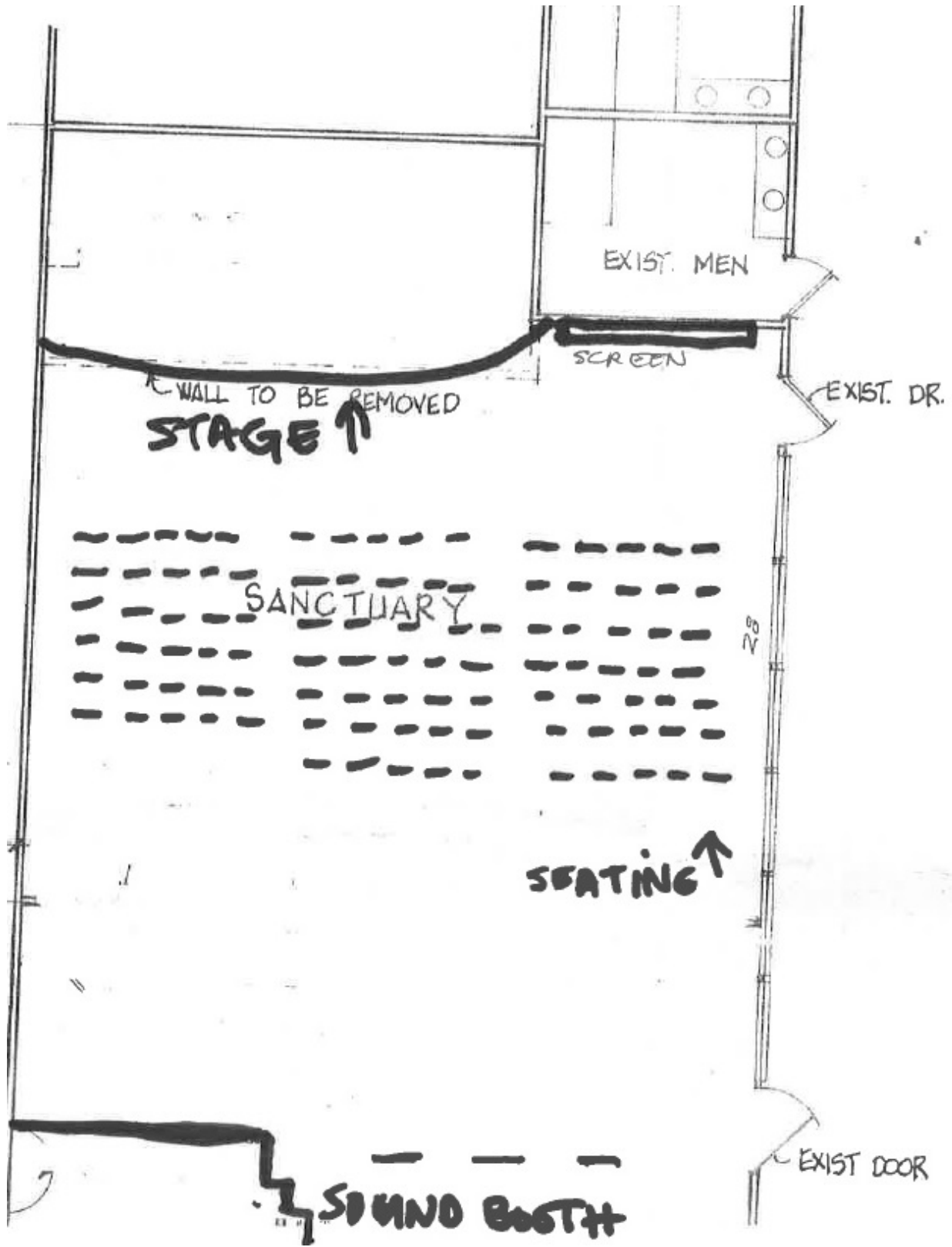
Aerial Photo



Site Plan



Floor Plan

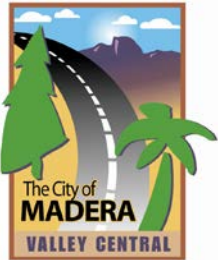


Site Photos



Site Photos





CITY OF MADERA
PLANNING COMMISSION

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

**Staff Report: Consideration of a Resolution finding that
the 2017/2018 to 2021/22 Capital Improvement Program
is in Conformance with the General Plan
Item #10 – May 9, 2017**

PROPOSAL: Evaluation of the City of Madera Capital Improvement Program (CIP) for fiscal years 2017/18 through 2021/22 to determine conformity with the City of Madera General Plan.

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

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

ENVIRONMENTAL REVIEW: The proposed project is a finding of conformance and supporting resolution regarding the Capital Improvement Program (CIP) for fiscal years 2017/18 through 2021/22. The CIP identifies proposed capital improvements and preliminary budgets for capital improvements throughout the City. Projects in the Plan include a range of public works and infrastructure projects to improve the quality of life for local residents and visitors alike. The project has been determined to be exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15061(b)(3), which states that a project is exempt from CEQA if “the activity is covered by the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is subject to the CEQA.” The resolution of finding of conformance under review by the Commission at this time does not have the possibility of having a significant effect on the environment. The individual projects, proposed within the CIP are subject to CEQA analysis individually, on a project by project basis.

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

ANALYSIS

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

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

Airport Operations	10	Projects
Community Development	1	Projects
Alley Improvements	2	Projects
Traffic Signal/Improvements	8	Projects
Streets & Bridges	28	Projects
Park Development	8	Projects
Water System Utility	32	Projects
Sewer System Utility	6	Projects
Drainage System Operations	6	Projects
Fire Department	3	Projects
Successor Agency	5	Projects
Transit System	4	Projects

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

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

Community Development – The future relocation of City Hall.

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

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

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

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

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

Fire Department – Construct a Fire Station in the northwest quadrant of the City.

Successor Agency – Facilitate completion of Adelaide Subdivision, the Midtown Village project and the Southwest Industrial Master Plan.

Transit System – Construct Transit and Public Works Maintenance and Administration Facility.

A Capital Improvement Program summary is attached to this report. The full Capital Improvement Program (CIP), including a detail sheet for each project, is available for review at the City Engineering Department (205 W. 4th Street, Madera) during normal business hours. The full Capital Improvement Program can also be reviewed on the City's web-site at the following: Capital Improvement Plan (CIP) Fiscal Year 2017/18 to 2021/22.

GENERAL PLAN CONFORMITY

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

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

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

If the Planning Commission finds that the projects are in conformance with the General Plan, the Fiscal Year 2017/18 to 2021/22 Capital Improvement Program (CIP) will be forwarded on to the City Council for final adoption during its consideration of the Fiscal Year 2017/18 Budget.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

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

SUMMARY OF RECOMMENDATIONS

The information presented in this report supports adoption of a resolution finding the Fiscal Year 2017/18 to 2021/22 Capital Improvement Program (CIP) in conformance with the General Plan and Specific Plans of the City of Madera.

PLANNING COMMISSION ACTION

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

ATTACHMENTS

CIP Summary
Resolution

City of Madera, California
Capital Plan
 '17/'18 thru '21/'22

PROJECTS BY DEPARTMENT

Department	Project#	Priority	'17/'18	'18/'19	'19/'20	'20/'21	'21/'22	Total
Airport								
Tee Hangar Taxiway & Apron Const-I	AIP-0028	1		70,000	547,000			617,000
Tee Hangar Development Const-II	AIP-0029	1			68,750	637,000		705,750
Apron Reconstruction Phase II	AIP-0030	1	1,650,000					1,650,000
Apron & Taxiway Drainage	AIP-0031	1			1,050,000			1,050,000
Runway, Taxiway & Apron Crack Seal	AIP-0033	1	525,000					525,000
Commercial Hangar Develop Extend-III	AIP-0034	1		50,000	50,000	95,000	2,860,750	3,055,750
Extend Runway 12-30 & Taxiway P	AIP-0035	1				620,000		620,000
Airport Gate Security Update	AIP-0036	1	373,000					373,000
AGIS Survey & Obstruction Mitigation	AIP-0037	1		125,000				125,000
Apron & Taxiway Drainage Upgrade/T-Hangar Dev.	AIP-0038	1	64,800	55,200				120,000
Airport Total			2,612,800	300,200	1,715,750	1,352,000	2,860,750	8,841,500
Community Development								
City Hall Relocation & Expansion	CD-00001	1					0	0
Community Development Total							0	0
Engineering								
Torres Way Alley Paving	ALY-0001	1	15,000		185,000			200,000
Alley Paving-Variou Locations	ALY-0002	1	801,000					801,000
Westberry Bridge Construction	B-000002	3				500,000	2,000,000	2,500,000
BPMP Rehab/Repair of 3 Bridges	B-000004	1	206,000					206,000
Traffic Warrants	ENG-000C	1	25,000	25,000	25,000	25,000	25,000	125,000
Micro-Paver Distress Survey	ENG-000G	1	32,000	5,000		5,000	60,000	102,000
Master Utility Plan Update, II	MUP-UDII	1					475,000	475,000
Olive Ave Widening-Gateway to Knox	R-000010	1	3,965,000	1,844,000				5,809,000
Contingency / Project Administration	R-000031	1	160,000	160,000	160,000	160,000	160,000	800,000
UPPR Crossing - Street Approach	R-000032	1	50,000	50,000	50,000	50,000	50,000	250,000
Raymond Rd Shoulder-n/o Cleveland	R-000037	1	302,000					302,000
Gateway/Central/3rd/E St Sidewalks	R-000038	1	321,000					321,000
Concrete Projects - Share Program	R-000041	1	75,000	20,000	20,000	20,000	20,000	155,000
Lake St Widening-Fourth to Cleveland	R-000046	1	1,045,000	880,000	2,612,000			4,537,000
Olive Ave Concept Plan	R-000049	1	12,000					12,000
Pine St Reconstr-Howard to Fourth St	R-000050	1			30,900	484,100		515,000
Thomas Jefferson/John Adams Sidw/k	R-000051	1	50,000					50,000
Cleveland Ave Widen-Schnoor to SR99	R-000054	1		60,500			0	60,500
Lake-Fourth-Central Intersection	R-000057	1	270,000	1,430,000				1,700,000
Schnoor Ave Sidewalk-Sunset to River	R-000058	1			22,000	128,000		150,000
Storey Rd Shoulder Paving	R-000060	1	31,000			275,000		306,000
Sidewalks-School & Commercial	R-000062	1	262,000					262,000
ADA Walkability Sidewalks 16-17	R-000064	1	228,000	58,000	84,000	73,000	147,000	590,000
Surface Seals-AC Overlays 16-17	R-000065	1	50,000					50,000
Sunset Ave Sidewalk, Granada-Foster	R-000066	1	345,100					345,100
Pecan Ave Shoulder Paving	R-000067	1	66,000			599,000		665,000
Golden State Blvd Shoulder Paving	R-000068	1	12,000	113,000				125,000

Department	Project#	Priority	'17/'18	'18/'19	'19/'20	'20/'21	'21/'22	Total
Pine-Pecan Median Landscape	R-000069	1	53,000					53,000
Surface Seals-AC Overlays 18-19	R-000070	1	30,000	570,000				600,000
Surface Seals-AC Overlays 20-21	R-000071	1			30,000	570,000		600,000
Ave 17/Sharon Blvd Improvements	R-000072	1	5,105,910					5,105,910
Fourth St Tree Replacemt-Pine to K	R-0025EX	1	125,000					125,000
Rtne Maint City Bridges Fresno RVR	RM-00001	1	45,000	5,000				50,000
Schnoor Ave Trunk Sewer Rehab	S-000012	1	535,000					535,000
NW Quad Storm Drain Improvement	SD-00014	4					7,400,000	7,400,000
SE Quad Storm Drain Improvements	SD-00015	4					17,500,000	17,500,000
Retention Basin Land Acquisition	SD-13-PX	1	50,000	40,000	40,000	10,000		140,000
Granada Dr/Ave 12.5 Retention Basin	SD-14-P11	1		100,000				100,000
Ellis St/Krohn St Retention Basin	SD-15-P7	1		100,000				100,000
Sienna Basin	SD-P18	1	240,000					240,000
Wessmith Way Sewer Main Replace	SS-00001	2	39,000					39,000
Sherwood Way Sewer Main Replace	SS-00002	2	574,000					574,000
Fairgrounds Liftstation-VFD	SS-00006	n/a	425,000					425,000
Sewer System Assess/Rehab	S-STDY-1	1	123,825					123,825
Sewer Main Video Inspection	S-VI-002	1	740,930					740,930
Yosemite Ave/Elm St Traffic Signal	TS-00009	1	200,000					200,000
Granada Dr/Howard Rd Traffic Signal	TS-00017	1	30,000	305,000				335,000
Howard Rd/Westberry Traffic Signal	TS-00019	3	364,500					364,500
Sunrise Ave/Tozer St Traffic Signal	TS-00020	1			35,000	350,000		385,000
Howard/Shannon Pedestrian X-Walk	TS-00021	1	6,000					6,000
4th St Traffic Signal Interconnect	TS-00022	1	24,000					24,000
HOPYQ Intersection Traffic Signals	TS-00023	1	15,000	120,000				135,000
Cleveland/Granada Dr Traffic Signal	TS-00024	1				375,000		375,000
Parkwood-Parkdale Utility Study	U-000001	1	50,000					50,000
Water Main Upgrades - Locations 1-12	W-000003	1	100,000		750,000			850,000
Water Main Upgrades - Locations 13-23	W-000004	1	120,000			1,380,000		1,500,000
H St-Water Main Upgrades	W-000006	1		10,000	255,000			265,000
10th St-Water Main Upgrades	W-000008	1		10,000	770,000			780,000
Gateway-Riverside River Crossing	W-000009	1	175,000					175,000
Well 27 Pipe Outfall Extension	W-000017	1	45,000	530,000				575,000
Well 28 Pump Replacement	W-000020	1	500,000					500,000
Water Tower Recoating	W-000022	1	1,490,000					1,490,000
Commercial Water Meters	W-000023	1	800,000					800,000
Water Tower Demolition	W-000026	1	285,000					285,000
Sycamore St. Water Main-Lake to Clinton	W-000028	1	62,000					62,000
Downtown Valve Replacement	W-000029	1	130,000					130,000
Maple St Water Main,Pine to Noble	W-FF-001	3	134,000					134,000
Rotan Ave Water Main,Howard-Oak	W-FF-002	3	68,000					68,000
Olive Ave Water Main, Grove-Cypress	W-FF-004	3	115,000					115,000
Water Well 37-Install Pump	W-GW-001	3				1,012,000		1,012,000
Water Well 35-Ellis w/o Chapin	W-GW-002	4					2,011,000	2,011,000
Sharon Blvd. S/O Ave 17 - Well	W-GW-0024	1	2,000,000					2,000,000
Water Well 36- SR145/Indigo	W-GW-003	4				121,000	1,890,000	2,011,000
VFD Retrofit 4 Wells	W-GW-005	1	120,000					120,000
Water Well Pump Bowls Replace	W-GW-006	1	50,000					50,000
Meter Shop	W-MS-001	1	300,000					300,000
Lake St Water Main-Ellis to Ave 17	W-PNE-04	2	60,000	25,000	615,000			700,000
Aviation Dr/Falcon Dr Water Main	W-PNW-30	3	48,000					48,000
Ave 17 & Lake Pump Station/Tank	W-PS-001	2	339,000	103,000	377,000	5,893,000		6,712,000
Pecan Ave Water Main, Madera-750'E	W-PSE-03	3	113,000					113,000
Almond Ave Water Main, Pine-Stadium	W-PSW-45	3				88,000	188,000	276,000
Pecan Water Main, Monterey-680'W	W-PSW-50	3	90,000					90,000
Water Feasibility & New Water Supply	W-STDY-1	1	150,000	150,000	150,000	150,000	150,000	750,000
Water System Condition Assess/Rehab	W-STDY-2	1	250,000					250,000

Department	Project#	Priority	'17/'18	'18/'19	'19/'20	'20/'21	'21/'22	Total
Asset Management Software	W-STDY-3	1	150,000					150,000
Water Storage Tank Installation	W-T-0001	2	505,000	448,000		9,000,000		9,953,000
Engineering Total			25,298,265	7,161,500	6,210,900	21,268,100	32,076,000	92,014,765
Fire Department								
Fire Station 7 - Parking Lot Paving	FD-00001	1	67,000					67,000
Fire Station Constr, Northwest	FD-00002	1	2,250,000	6,450,000				8,700,000
Fire Station 6 Parking Lot	FD-00003	1	70,000					70,000
Fire Department Total			2,387,000	6,450,000				8,837,000
Parks & Community Services								
Ped/Bike Facilities	PK-00001	1	83,000	34,000	35,000	36,000	37,000	225,000
FRT-Gateway/UPRR Undercrossing	PK-00008	1	1,002,000					1,002,000
Sunrise Rotary Sports Complex	PK-00013	1	469,218					469,218
Tulare/Cleveland/Raymond Bike Path	PK-00048	1	10,000	315,000				325,000
Bike/Ped Path, FRT-Cleveland Ave	PK-00056	1			45,000	339,000		384,000
FRT-Granada to MID, North Bank	PK-00058	1			40,000	156,000		196,000
ADA Improvements at Pan-Am and Bergon	PK-00062	1	65,000					65,000
Centennial Park Rehab - Lighting	PK-00063	1	379,000					379,000
Parks & Community Services Total			2,008,218	349,000	120,000	531,000	37,000	3,045,218
Public Works								
Sewer Manhole Covers-Replacement	S-000011	1	75,000					75,000
4th/Gateway Valve Replacement	W-000030	1			30,000	220,000		250,000
Public Works Total			75,000		30,000	220,000		325,000
RDA Successor Agency								
SW Industrial Master Plan	RDA-16-04	1	70,000					70,000
Adelaide Subdivision	RDA-16-05	1	1,290,755					1,290,755
Malone	RDA-17-01	1	222,782					222,782
Yosemite Lot Plan Review	RDA-17-02	1	220,650					220,650
Mid Town Subdivision	RDA-17-03	1	1,249,313					1,249,313
RDA Successor Agency Total			3,053,500					3,053,500
Transit Program								
Transit Operations Facility	Trans-01	1	3,927,000					3,927,000
Transit Security/Passenger Enhancmt	Trans-06	1	418,000					418,000
Transit Security/Passenger Enhanc-B	Trans-07	1	35,000	134,000				169,000
Transit Security/Passenger Enhanc-C	Trans-08	1			12,000	150,000		162,000
Transit Program Total			4,380,000	134,000	12,000	150,000		4,676,000
GRAND TOTAL			39,814,783	14,394,700	8,088,650	23,521,100	34,973,750	120,792,983

RESOLUTION NO. 1817

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA FINDING THAT THE PROPOSED 2017/18 TO 2021/22 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPECIFIC PLANS OF THE CITY OF MADERA AS REQUIRED BY SECTION 65401 OF THE GOVERNMENT CODE.

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

WHEREAS, the City Council of the City of Madera reviewed the active and proposed projects in the Fiscal Year 2017/18 to 2021/22 Capital Improvement Program at their meetings on April 5, 2017; and

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

WHEREAS, The City Council of the City of Madera has forwarded the Fiscal Year 2017/18 to 2021/22 Capital Improvement Program to the Planning Commission for determination of conformance with the City General Plan and Specific Plans pursuant to Government Code Section 65401; and

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

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

1. The above recitals are true and correct.
2. In the independent judgement of the Planning Commission, and based upon the whole of the record before the Commission, the Commission finds that the resolution

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

3. The Planning Commission hereby finds the Fiscal Year 2017/18 to 2021/22 Capital Improvement Program in conformance with the General Plan and Specific Plans of the City of Madera.
4. This resolution is effective immediately upon adoption.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 9th day of May, 2017, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Kenneth Hutchings, Chairperson
City Planning Commission

Attest:

Christopher Boyle
Planning Manager