



REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, February 21, 2023
6:00 p.m.

Council Chambers
City Hall

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 89891644707# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89891644707>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciel
Commissioner Rohi Zacharia
Commissioner Khubaib Sheikh
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None

PUBLIC COMMENT:

The first 15 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. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened.

PUBLIC HEARINGS:

1. ANX 2022-03, GPA 2022-03, REZ 2022-02, CUP 2022-07 & SPR 2022-12, ENV 2022-03 – The Arc/Fresno Madera Counties

Subject: A noticed public hearing to consider an Annexation, General Plan Amendment, Rezone (Prezone), Conditional Use Permit and Site Plan Review for a 242 acre area generally bounded by Martin Street to the north; North D Street to the east; south to Ellis Street and a portion further south to Adell Street; and west to the United States Bureau of Reclamation (USBR) canal west of Road 26 that would allow the construction and operation of a new 8,170 sq. ft. Arc Fresno/Madera Counties facility (Arc), an intellectual and Developmental Disability Center, at 16482 Road 26 (APN: 038-060-018).

An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission, consistent with California Environmental Quality Act (CEQA). (Report by Gary Conte)

Recommendation:

Conduct the public hearing and adopt:

- a. A Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera approve ENV 2022-03 (Negative Declaration), GPA 2022-03, and REZ 2022-02 (prezoning approximately 242 acres identified as the Arc Annexation Area) for the “The Arc Fresno/Madera Counties” project; and
- b. A Resolution of the Planning Commission of the City of Madera recommending the City Council of the City of Madera initiate annexation of The Arc Fresno/Madera Counties project area (ANX 2022-03); and
- c. A Resolution of the Planning Commission of the City of Madera contingently approving Conditional Use Permit (CUP) 2022-07 and Site Plan Review (SPR) 2022-12 (The Arc Fresno/Madera Counties)

2. CUP 2022-21 – Smart & Final Alcohol Sales

Subject: A noticed public hearing to consider a Conditional Use Permit to allow for the sale of alcohol for off-site consumption, Type 21 license, and on-site tasting events with a Type 86 license from the California Department of Alcohol Beverage Control, within a proposed Smart & Final located at 2237 W. Cleveland Ave. The site is zoned C1 (Light Commercial) with a C (Commercial) General Plan land use designation (APN: 013-160-021).

This project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities). (Report by Gary Conte)

Recommendation:

Conduct the public hearing and adopt:

- a. A Resolution adopting a Findings of Categorical Exemption from CEQA pursuant to 15301 (Existing Facilities) for the project and approving Conditional Use Permit 2022-21 to allow for the sale of alcohol for off-site consumption (Type 21) and on-site tasting events (Type 86) within a Smart & Final based on, and subject to the findings and conditions of approval.

3. VAR 2022-04 & TPM 2022-07 – 1017 E. Kennedy St Parcel

Subject: A noticed public hearing to consider a variance at 1017 E. Kennedy St. allowing for one of the four proposed parcels to be less than the required depth for residential lots and a parcel map to allow for the division of the current parcel into four parcels ranging in size from 6,363 sq. ft. to 21,528 s. ft. The site is located on the northern side of E. Kennedy St., west of Merced St. and east of N. Lake St. (APN: 005-140-032).

This project has been determined to be exempt under California Environmental Quality Act (CEQA) Guidelines, Sections 15061(b)(3) of the General Rule Exception. (Report Adileni Rueda)

Recommendation:

Conduct the public hearing and adopt:

- a. A Resolution adopting a Findings of Exemption from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) Common Sense Rule for the project and approving the VAR 2022-04 to allow for the less than required depth for Parcel 1 and TPM 2022-07 to allow for the division of the current parcel into four parcels ranging in size from 6,363 sq. ft. to 21,528 sq. ft, based on, and subject to, the findings and conditions of approval.

4. CUP 2022-35 & SPR 2022-45 – Precision by Noco

Subject: A noticed public hearing to consider a Conditional Use Permit and Site Plan Review to allow for the establishment of a business, Precision by Noco (micropigmentation/tattoo cosmetic services) in Suite M of the 47th Place West Shopping Center located at 1930 Howard Road, in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 009-361-017).

The proposed micropigmentation/tattoo cosmetic service business is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). (Report by Robert Smith)

Recommendation:

Conduct the public hearing and adopt:

- a. A Resolution adopting a Findings of Categorical Exemption from CEQA pursuant to CEQA Guidelines Section 15301 for the project and approving Conditional Use Permit 2022-35 and Site Plan Review 2022-45 allowing the establishment of the Precision by Noco business to operate in Suite M of the 47th Place West Shopping Center located at 1930 Howard Rd, based on, and subject to, the findings and conditions of approval.

5. CUP 2022-19 & SPR 2022-28 – Pure Essence Massage

Subject: A noticed public hearing to consider a Conditional Use Permit and Site Plan Review to allow for the establishment of a business, Pure Essence Massage (massage therapy, lymphatic treatment, body sculpting, etc.) in Suite H of the 47th Place West Shopping Center located at 1930 Howard Road, in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 009-361-017).

The proposed massage business is categorically exempt under Section 15301, Existing Facilities, of the California Environmental Quality Act (CEQA). (Report by Robert Smith)

Staff is requesting this item be continued to the March 14, 2023, Planning Commission meeting.

Recommendation:

- a. Continue the item to the March 14, 2023, Planning Commission meeting.

6. OTA 2022-02 – Repeal of Madera Municipal Code Section 10-3.419 Telecommunication Ordinance

Subject: A noticed public hearing to consider repealing Section 10-3.419 of the Madera Municipal Code related to Telecommunication Towers, Antennas and Structures and consider adoption of a Resolution recommending to the City Council adoption of an ordinance repealing Section 10-3.419 of the Madera Municipal Code.

This item is determined to be categorically exempt pursuant to Section 15061(b)(3) the General Rule Exception of the California Environmental Quality Act (CEQA) Guidelines. (Report by James Troyer)

Recommendation:

Conduct the public hearing and adopt:

- a. A Resolution of the Planning Commission recommending the City Council of the City of Madera adopt an ordinance repealing Section 10-3.419 of Title X of the Madera Municipal Code relating to Telecommunication Towers, Antennas and Structures and find the ordinance is not a project subject to CEQA pursuant to CEQA Guidelines Section 15378, and alternatively, exempt from CEQA under CEQA Guidelines Section 15061(b)(3) (Common Sense).

ADMINISTRATIVE REPORTS:

1. Housing Element Update
2. League of California Cities – 2023 Planning Commissioners Academy

COMMISSIONER REPORTS:

ADJOURNMENT:

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.