

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
October 8, 2019**

**CALL TO ORDER:** The meeting was called to order by Chairperson Gran at 6:00 p.m.

**ROLL CALL**

**PRESENT:** Commissioner Robert Gran, Jr. (Chairperson)  
Commissioner Israel Cortes (Vice Chairperson)  
Commissioner Richard Broadhead  
Commissioner Ramon Lopez-Maciel  
Commissioner Pamela Tyler  
Commissioner Alex Salazar

**ABSENT:** Commissioner Ryan Cerioni

**STAFF:** Christopher Boyle, Acting Planning Manager  
Keith Helmuth, City Engineer  
Jose Aguilar, Deputy Engineer  
Tiffany Ljuba, Assistant Engineer  
Jesus Orozco, Assistant Planner  
Brandi Garcia, Recording Secretary

**PLEDGE:** Chairperson Gran led the Pledge of Allegiance.

**PUBLIC COMMENT:** None

**MINUTES:** None

**CONSENT ITEMS:** None

**PUBLIC HEARING ITEMS:**

**1. PPL 2019-04 & REZ 2019-04 – Bellava Apartments**

A noticed public hearing to consider a precise plan to allow for development of an eight-unit apartment complex on two properties. A rezone would change the zone district of the properties from the R3 (High Density) Zone District to the PD-1500 (Planned Development) Zone District. The project properties are located south of Wilson Street and north of Rush Street in the R3 (High Density) Zone District with a HD (High Density) General Plan land use designation (APNs: 003-093-006 & 008). A Negative Declaration will be considered by the Planning Commission.

Jesus Orozco, Assistant Planner presented this item.

The applicant, Ubaldo Garcia of 156 Asilomar Dr. in Madera stepped to the podium. He is the architect for the property. They are proposing a direct

response for the high demand for housing in the City of Madera. He has worked on projects up and down the state and he has learned what works and what doesn't. He will be proposing more multi family projects that have a similar motive. His client approached him and wanted to maximize the property. For this one they had some restraints because of the lot size but also the single-family home adjacent to the lot. They came up with a design that complies with the General Plan and takes into consideration the neighboring properties. No balcony will have a direct view of the neighbors. There was also a safety issue since this area is plagued by gang violence and transients. So, there will be enclosed garages that allow tenants to come in and out and just shut the door. The common areas will be gated so the kids are always behind gates and it eliminates the risk of someone trying to go through using it as the shortest path of travel. They spent a lot of time and effort on the project.

Commissioner Gran asked if he agrees with all terms and conditions including the two that were added.

Mr. Garcia replied, yes.

Commissioner Gran wanted to compliment Mr. Garcia on how he snuck in the third floor. Staff is probably elated with the elevations. They are nice, and this will be an asset to the neighborhood.

Commissioner Broadhead asked about the south access. The street goes from normal size to an alley and there's a garage off Rush St. so how's that going to work? You must go in the alley to get to the garage.

Mr. Garcia said it's about 19 feet from the start of the alley to the garage and there is a 20-foot alley there and an area to pull in and back out. There's no other traffic, only the person going in there. It gives them enough time to make a three-point turn.

Commissioner Broadhead asked if the alley is one way.

Commissioner Gran said it's just tiny and he's not sure if there's any actual marking of one-way but maybe it should be considered. He can say its primarily neighborhood traffic that travels through there. It might make it more secure since cars won't be driving all the way down.

Commissioner Lopez asked if the alley will be improved and paved.

Commissioner Gran noted that the alley is currently paved.

Mr. Boyle said it appears the alley is improved including its center drain.

Mr. Nevarez (unable to make out first name on audio), a life-long City resident stepped to the podium. He thinks this project will be very positive for the neighborhood. It's a win for everyone.

Commissioner Gran asked if anyone else would like to speak in favor or against the project.

Seeing none, the item was returned to the Commission for further processing.

Commissioner Cortes moved to approve Motion 1a. The motion was seconded by Commissioner Broadhead and carried unanimously.

Commissioner Tyler moved to approve Motion 1b. Seconded by Commissioner Cortes the motion carried unanimously.

Commissioner Salazar moved to approve Motion 1c with the two additions. Seconded by Commissioner Cortes (?) the motion carried unanimously.

**2. CUP 2019-05 – Sea Wolf Tattoo**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a tattoo parlor on property located on the northwest corner of the intersection of North Gateway Drive and East 3<sup>rd</sup> Street (400 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 006-086-003). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

This item was presented by Assistant Planner, Jesus Orozco.

Commissioner Gran asked Mr. Orozco what his definition of 'appointment only' is.

Mr. Orozco said appointment only to staff was a pre-arrangement of an hour/date.

Commissioner Gran noted that his first tattoo was impromptu. If he doesn't have an open sign, how is he supposed to get any traffic.

Commissioner Salazar said he thinks that now days it's more of a social following like hairdressers. They have appointments sometimes but it's different now.

Commissioner Gran just wanted to define the 'appointment only' so if he does get someone, he's not breaking one of his conditions.

Mr. Orozco said there's no actual condition that states by appointment only it's just between the hours of 9 to 10.

Commissioner Gran said that's fine.

Commissioner Lopez confirmed it was 9-5.

Commissioner Gran said he doesn't anticipate being open that early.

Mr. Orozco said that is correct and those hours are consistent with the other previously approved tattoo parlor that's at the Yosemite Plaza off Vineyard and E. Yosemite.

Mr. Boyle added that Mr. Orozco is really discussing the Operational Statement that was provided by the applicant. Staff can take that request and provide additional allowances if the site permits. This one said by appointment only from 9-5 but staff said this is a busy street section so there is no reason to restrict it to that.

Commissioner Lopez asked about if they have a lot of traffic and would like to then operate 24 hours a day. Would that be allowed?

Mr. Orozco said he doesn't believe so. There may be something with the Environmental Health Dept. or the State's Health and Safety Code. He isn't aware of anything though.

Commissioner Lopez said his concern would be because there appear to be homes nearby.

Commissioner Gran noted that is a hotel, not residences.

Commissioner Broadhead asked about parking noted and how there are 5-6 cars parked next to the railroad tracks in the picture. Is that a problem with the railroad company?

Mr. Orozco said that picture is of the previous barber shop and they were very successful and that is why they are no longer there.

Commissioner Gran said that technically they are not supposed to be parking there on railroad property.

With no further questions of staff, the applicant was invited to the podium.

Kirk Atamian of 400 N Gateway stepped to the podium. He is the property owner. The hours will end around 6pm before it gets dark. The site is 100% remodeled inside. They have been working with the railroad company and they have allowed him to park there, they just let them know when they will need to be using the gravel area etc.

Commissioner Broadhead asked if the new customer will be using the same sign. Mr. Atamian said yes, they will just be replacing the glass. It's been reused by the last four tenants.

Commissioner Broadhead wanted to confirm the sign meets all the sign criteria.

Mr. Boyle said yes, it was previously approved and meets all the guidelines.

The Applicant, Steven Alonzo stepped to the podium. He is an American Traditional tattoo artist, award winning in the Central Valley. He's been on TV shows as well and used to work at Moon Child Tattoo in Fresno but wants to open his own shop. He wants to do appointment only so he can do big nice pieces instead of small little ones that will drive him crazy.

Commissioner Lopez asked if he would be planning on doing tattoos after 10 pm.

Mr. Alonzo said no, he wants to be from 11am to 6pm the latest would probably be like 8:00. If he gets an appointment at 6:00 he usually will tell the customer, it's a 3-hour process. If it's someone new he doesn't know how well they're going to sit.

Commissioner Lopez asked if he would be ok with limiting it to 8pm.

Mr. Alonzo said he would be fine with that.

Commissioner Lopez said his main concern is the evening hours.

Mr. Atamian stepped back to the podium and said he thinks 8:00 is still early especially in the summer hours. The sun doesn't even go down until like 9:00. He understands 10:00 but you can't shuffle a client out. If it's taking longer you can't just stop. His normal hours are 'til 6:00 pm but if it is longer it would be an exception.

Commissioner Lopez asked him if 9:00 would be ok.

Mr. Atamian said he isn't sure it may need to be an exception.

Commissioner Gran said what he's saying is he will try not to go past 9 but if he needs to, he needs the leeway.

Commissioner Tyler said on the use permit he can operate between 9am and 10pm.

Commissioner Salazar said that what he's saying is he's going to book the appointment no later than 6pm.

Commissioner Gran added, but, if something happens....

Mr. Atamain said they will be willing to address the situation if it becomes an issue, but they hate to just put it in

Commissioner Salazar said he can see the time being an issue if he wasn't a custom artist.

Commissioner Cortes said if he was getting a tattoo and booked at 6:00 he would want him to take his time. He thinks 10:00 is fine.

Commissioner Tyler said he's saying they're appointments and they are custom. It's not like someone going in there to get a little heart. They are custom which takes time.

Commissioner Salazar said booking an appointment at 6:00, it may take time then you still must clean up.

Commissioner Gran thanked the applicant and Mr. Atamian. He asked if anyone else would like to speak.

Seeing none, the item was returned to the commission for processing.

Commissioner Cortes moved to approve Motion 1 as stated. Seconded by Commissioner Tyler the motion carried unanimously.

Commissioner Gran asked Mr. Boyle if he was going to do a presentation this evening.

Mr. Boyle said yes, he is.

Commissioner Gran asked if it could be saved for the next meeting since Mr. Boyle obviously isn't feeling well.

Mr. Boyle said he would complete it tonight, but he could also wait. It will just add length to next month's meeting.

The Commissioners decided it was up to Mr. Boyle.

Mr. Boyle decided to go ahead.

#### **NON-PUBLIC HEARING ITEMS:**

##### **1. Consideration of a Resolution Adopting a Code of Conduct for the Madera City Council, Boards and Commission Members.**

This was originally brought about by the Madera County Grand Jury. Their June 25, 2019 recommendation was that by September 30, 2019 the City of Madera create and follow a Code of Ethics for all senior officials and elected members and display the Code of Ethics in a public place. On September 4<sup>th</sup>, the City Council responded to the Grand Jury Report and included the implementation by September 30<sup>th</sup>. At the last public hearing the Council approved the Code of Conduct not just for the Council but for other Boards and Commissions as well. Commissioners may serve on other boards as well and over time the Agenda may have a Code of Conduct included in it.

Mr. Boyle explained the sections of the item.

- The Preamble:  
This looks for good Governance and requires public officials to be independent, impartial and responsible to the people. It calls out that government decisions and policies be made in proper channels and public office not be used for personal gain.
- Ethics:  
Pertains to elected officials of City Council and others such as Planning Commission.
  - Acts in the public interest; members will not work for the common good of the residents and not for any private or personal interest.
  - Compliance with the law; members shall comply with the law, the U.S. and California Constitution, Fair Political Practices Law, finance disclosures, election campaigns, and adopted City Ordinances and Policies.
- Conduct Guidelines:  
Conduct of members; members must be above reproach and avoid even the appearance of impropriety, and refrain from abusive conduct or personal charges or verbal attacks upon the character or motives of others.
  - Respect for process; members shall perform their duties in accordance with processes and rules of order governing the deliberation of the policy issues.
  - Conduct of public meetings; members shall prepare themselves for public issues, listen courteously and refrain from interrupting other speakers and making personal comments not pertaining to the business of the body.
  - Decisions based on merit; members shall base their decision on the substance of the matter at hand rather than on unrelated considerations.
  - Conflict of Interest; members shall not use their official position to influence government decisions to which they have a material financial interest or an organizational responsibility or personal relationship that may give the appearance of a conflict of interest. Members must disclose financial interest as required by law and recuse themselves when necessary.
  - Members shall disclose gifts and limit the acceptance of gifts as required by law.
  - Confidential Information; members shall respect the confidentiality of information concerning property, personnel or affairs of the City. They shall neither disclose information without proper legal authorization nor use such information to advance their personal financial or private interests.
  - Use of Public Resources; members shall not use public resources unavailable to the public in general such as City staff time or equipment, supplies or facilities for private gain or personal purposes.
  - Representation of Public Interests; members shall not appear on behalf of interest of third parties before the Council or any Board, Commission or proceedings of the City.
  - Advocacy; members shall represent the official policies or positions of the Council, Board or Commission to the best of their ability when designated for

this purpose and when presenting their individual opinions and positions members should state they do not represent their body or the City nor will they allow interference that they do.

- Policy Role of Members; to respect and adhere to the Council Manager's structure and not interfere with the administrative functions or professional duties of City staff nor shall they impair the ability of City staff to implement Council policy decisions.
- Independence of Boards and Commissions; Council shall refrain from using their positions to influence the deliberations or outcomes of Board and Commission proceedings.
- A positive workplace environment; members shall support the maintenance of a positive and constructive workplace for City employees.

Mr. Boyle had also noted that the Code of Ethics was created specific to the City Council but is applicable to Boards and Commissions at the same time, so without changing the wording of calling out Council, we should be able to insert the Planning Commission, etc.

Mr. Boyle continued with the Guidelines and completed his presentation.

Commissioner Gran said everything looks good to him.

Commissioner Broadhead moved to adopt the resolution as stated. Seconded by Commissioner Cortes, the motion carried unanimously.

**WORKSHOPS:** None

**ADMINISTRATIVE REPORTS:** None

**COMMISSIONER REPORTS:** None

**ADJOURNMENT:** 6:46 pm

  
\_\_\_\_\_  
Planning Commission Chairperson

  
\_\_\_\_\_  
Brandi Garcia, Recording Secretary