

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
May 12, 2020**

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

ROLL CALL

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

ABSENT: Commissioner Pamela Tyler
Commissioner Ryan Cerioni

STAFF: Darrell Unruh, Interim Planning Manager
Jesus Orozco, Assistant Planner
Keith Helmuth, City Engineer
Tiffany Ljuba, Assistant Engineer
Brandi Garcia, Recording Secretary
Information Services Manager, Mark Souders
Communications Specialist, Joseph Carrello
Community Services Coordinator, Olga Garcia

PLEDGE: None

PUBLIC COMMENT:

Alice Morales was present to speak. She wanted to note that there were concerns regarding the apartment complex at Maple and Noble.

Commissioner Cortes said that is an item on the Agenda and she would need to hold her comment until the item is opened for public comment. He asked her to stay with us during the meeting until the public comment is opened.

MINUTES: None

NON-PUBLIC HEARING ITEMS: None

CONSENT ITEMS:

- 1. GPC 2020-02 – Acquisition of Property for Fire Station #56 Expansion**
Consideration of adoption of a resolution of the Planning Commission of the City of Madera finding that the City's acquisition of property located at 621 East 4th St. (APN: 007-093-003) is in conformance with the General Plan.

Commissioner Gran moved to approve Motion 1, seconded by Commissioner Salazar the motion carried unanimously.

PUBLIC HEARING ITEMS:

1. **GPA 2020-01, SPR 2020-01 & VAR 2020-01 – Sunset Apartments**

A noticed public hearing for an application to consider a general plan amendment, a site plan review and a variance. The applicant is proposing the partial demolition and redesign of the former Gold's Gym into a 15-unit (originally 20-unit) apartment complex that encompasses approximately 40,000 sq. ft. in the R3 (high Density Residential) Zone District. The applicant is requesting consideration of a variance from the building setbacks (originally from the required parking stalls). He amended planned land use request is from a Commercial land use to a High-Density land use designation, to allow for consistency between the current R3 (High-Density Residential) zoning. The project location is on the northeast corner of Sunset Avenue and Orchard Avenue at 1803 Sunset Avenue (APN: 06-182-007). A Negative Declaration will also be considered by the Planning Commission.

Jesus Orozco, Assistant Planner explained the reason for the continuance request.

Commissioner Gran moved to approve the extension. Seconded by Commissioner Salazar, the motion carried unanimously.

This item was continued to the June 9th, 2020 Planning Commission meeting.

2. **GPA 2019-03, REZ 2019-06, TPM 2019-03, TSM 2019-03, PPL 2020-01 & Mitigated Negative Declaration – Pecan Square**

A noticed public hearing for an application requesting a general plan amendment, rezone, tentative subdivision map, tentative parcel map and a precise plan proposing the subdivision of an approximately 76-acre property. **GPA 2019-03** proposes to modify the areas designated for Low, Medium and High Density Residential and Commercial uses. **REZ 2019-06** adjusts zoning boundaries for PD-6000, PD-3000, PD-1500 and CN-Neighborhood Commercial and deletes the PF (Public Facility) zone district. **TPM 2019-03** proposes division of the property into two (2) parcels approximately 22 and 54 acres in size. **TSM 2019-03** proposes the subdivision of 22.5-acres into 110 single family residential lots to be developed in accordance with **PPL 2020-04**. The project site is located on the southwest corner of West Pecan Avenue and Madera Avenue. A Mitigated Negative Declaration will also be considered by the Planning Commission. (APN: 012-480-005).

Interim Planning Manager, Darrell Unruh presented the project.

Commissioner Gran asked about the exterior block masonry wall. He wanted to know where it is and where the wood fence would go.

Mr. Unruh said the wood fences would be interior on the rear and sides of the lot. The East, South and West boundaries of the subdivision. The North would have the textured block wall.

Commissioner Gran said he believes they have always put a block wall between residential and commercial.

Mr. Orozco said that is a standard practice due to the difference in use. It provides a buffer and separation for noise.

Commissioner Gran said that based on what they were just told, they are not doing that. Mr. Unruh said in his experience in other communities the block wall has always been the responsibility of the more intensive use. So, the commercial or higher density use would install the block wall. He was working out of his experience and didn't clarify it with the City of Madera's perspective and practice.

Commissioner Gran asked if they were going to do this and then when it's developed commercial, they will tear down the wood fence and put up a brick wall. He said no offense to Mr. Unruh but that doesn't make sense. They're doing the precise plan with commercial so this is where it should be done.

Mr. Unruh said yes, the wood fence would remain and if that property owner desired to have it. The block wall would be built on the other side of the property line on the commercial side. He said he was working out of his experience.

Commissioner Gran said its ok, but this is going to be here for a while. He doesn't know what's going to be in the commercial development or when. He just wanted to bring it up.

Mr. Unruh said the wall often becomes a non-architecturally styled wall. There may be graffiti on the block wall. The wood fence isn't permanent and needs to be maintained. They're not as often used for graffiti.

Commissioner Gran said he's pretty sure that graffiti artists really don't care if it's wood or brick.

Commissioner Cortes noted he thinks it may be a hassle for the property owners to have to negotiate later with the builder of the commercial site. It would be easier to just get it done right now.

Commissioner Gran said he's just talking a simple block wall, mainly for safety and noise.

Commissioner Broadhead questioned the entrances and exits. There's one driveway going North to Pecan. There are two exits to the right, at a vacant lot and one to the South. None of them have a street. The only one way in and out is on Pecan which is very busy on school days.

Mr. Unruh said in his effort to keep the presentation brief, he left out that the subdivision will have to construct a second point of ingress and egress. It would be from the stub street next to the out lot and lot 61. There would be temporary pavement to the East to intersect with Madera Avenue providing a second point of access.

Commissioner Broadhead confirmed the location with Mr. Unruh.

Commissioner Gran asked if Cal Trans is ok with that dumping onto SR 145.

Mr. Unruh said it will have to come at an appropriate intersection, but Cal Trans is aware of the land use pattern.

Commissioner Gran said he understands that for the future but he's wondering about right now. Is the temporary road going to be right turn only or are they going to be able to go left?

Mr. Helmuth asked Mr. Unruh to show the exhibit with the exit on SR 145.

Mr. Orozco said he would locate the exhibit and share it once he finds it.

Mr. Helmuth said that there are two possible entries into the development. The one in the middle is equally spaced. However, most of the access points onto the highway don't have a connection with the opposite side of the street. The street Stanford has a full movement access to the highway. He would imagine Cal Trans would move that driveway to align with Stanford. Not for sure, but it's his guess.

Commissioner Broadhead confirmed what he was understanding from the exhibit.

Commissioner gran said the conceptual doesn't have much of a back up to get onto 145.

Mr. Helmuth said, that's right. These are conceptual, and there have not been detailed reviews on them. There will be additional study.

Commissioner Broadhead confirmed the area Mr. Helmuth was referring to and asked if there were sidewalks along that side of 145.

Mr. Helmuth confirmed there are not presently sidewalks there.

Commissioner Broadhead confirmed that until the state does something with 145, it remains with the only in and out on Pecan. During school, it's traffic all the time.

Mr. Helmuth confirmed that is correct. It's a 110-lot subdivision so it's not a large amount of traffic. All subdivisions are required two points of access, it's primarily a fire department requirement, but they will have another one that is proposed to come off 145.

Commissioner Broadhead said the only other questions is when.

Mr. Helmuth said it would come quickly with the subdivision since they cannot get beyond a certain point with the structures and not having it. They will have to be able to fight fires.

Commissioner Cortes asked if we knew how far they are with coordinating with Cal Trans.

Mr. Helmuth said that would be for the applicant to answer.

Commissioner Lopez asked about the shaded area on the tract map. The shaded area will be in the 100-year flood area. He noticed in that was not noted and says it is not in the 100-year flood, but the map shows it is.

Mr. Helmuth said they will have to mitigate that by either of the options, one is by elevating the structures then doing an amendment to the map.

Mr. Unruh said typically during the engineering process they will have to grade the pads, so they provide the minimum height above the flood level.

Mr. Lopez said but before it gets there it needs to be addressed in the Negative Declaration. It doesn't say that, but it should, and it should say that it will be Mitigated.

Mr. Helmuth said they can make that one of the conditions and by default it would be something they would address through the engineer of their drawings.

With no further questions of staff, the item was opened for public comment.

Trevor Stearns of QK Inc. introduced himself. He mentioned that Jerome Keene and Ernie Escobedo were present as well to help answer questions. They are representing DR Horton and wanted to show a presentation on the project and a few of the conditions they had issues with. He shared his screen and presented the power point he had prepared. He showed the parcel and how the shape of the project would be. They wanted to clean up the parcel and address the inconsistencies of zoning and land use.

He showed the design styles of the homes. He mentioned these designs illustrate what the market is looking for. He thanked staff for going through all the conditions with them. They only have concerns with two of the conditions that pertain to planning as far as the architectural standards. Conditions 108 and 119 are of concern for them. In 108 it states the Farmhouse model would require additional window shutters and façade features. Condition 119 says all lots with rear exterior elevations that are visible from public street or public right-of-way should require additional architectural treatment. Anything added will increase the cost of the home. That's not their objective. They want to provide to anyone looking for an entry level home here in Madera.

Mr. Stearns continued with his presentation noting they had requested of City staff some sort of policy or standard that has guidelines they can refer to and see why these conditions are being required but nothing has been provided. He also showed examples of similar subdivisions that were not required the items in conditions 108 and 119. The rear elevations of some two stories, in the other subdivisions, are visible from the public right-of-way but they don't have any of the additional features being required. There was another subdivision developed in the last five years with more two-story structures that also don't provide any additional architectural features. He noted the City didn't make it a requirement for this subdivision.

He noted another subdivision developed sometime the 90's, a lot of the homes visible from the rear don't provide any additional architectural features, they do have the landscaping that covers some of that visibility. He said the City has a long running record of approving projects without any additional façade improvements other than what is normally proposed by the developer. In some areas the homes have shutters on them, and others don't, however, it seems to be more of a want of the buyer and not a requirement to provide those before the homes are purchased.

Mr. Stearns said they did some research and found the SB-330 law that was passed in 2019 (also known as the Housing Crisis Act) and makes changes to the Permit Streamlining Act and the Housing Accountability Act. Under this law, cities and counties will be limited in ordinances and policies that can be applied to housing developments. Housing developments are defined as residential projects. The Senate Bill states that cities and counties are prohibited from imposing or enforcing subjective design

standards on housing developments where housing is an allowable use. Objective standards are limited to design standards that involve no personal or subjective judgement by a public official. They must be verifiable by reference to an external or uniform benchmark available to both applicant and public official prior to submittal. So, before an application is submitted the developer should have all information on what will be required instead of down the road after investing time and money, finding out there will be additional requirements.

He explained that as the average price of homes has increased the demand for entry level homes has also increased. They have alternatives available for the conditions they believe to be inconsistent with SB-330. They would like to remove Condition 119. As they stated the proposed landscaping along Pecan Ave. could include trees with large canopies that would eventually reduce visibility from public rights-of-way at full maturity. This would also increase privacy. They would like to propose the removal of the reference to the Farmhouse design in Condition 108. The applicant has done significant research and development of elevation plans based on market feedback. That was the end of his presentation and he noted he and the others from QK or DR Horton are available for questions.

Commissioner Gran thanked Mr. Stearns for his presentation and said he understands Mr. Stearns concern but at the same time some of the pictures shown also had overhead power lines. He noted we don't want to go back 25 years. At some point they are trying to bring up the standard, yet they understand the desire for the first-time home buyer to get a reasonable priced product. He said he wanted to defend staff in that it wasn't a personal attack. He understands how not having some standard, can be frustrating. He said if they can get not five-gallon but some big trees in there quickly, he doesn't have a problem but they're not going to set a precedent where everybody can do this. You can go take pictures of homes that are 100 years old and they are not in compliance. You can find homes that are five years old and based on where they are and when they were approved, the points are valid, and he understands. At some point they are trying to do their job and he understands Mr. Stearns job. He knows all about cost and appreciates their development, he understands the concern but at the same time they are trying to raise the standard.

Mr. Orozco requested to share some additional information that was not presented. He asked the applicant to cancel his screen sharing.

He noted that staff is objective on how the General Plan policies are implemented. They may have not been clear, but they are within the General Plan Goals and Policies Community Design Element. Speaking directly to the request to strike out the condition regarding embellishments that are visible from the public right-of way, it's within the General Plan policy #34 and states; where side and rear exterior elevations on residential buildings are visible from the street or public right-of-way they shall incorporate architectural treatments in keeping with the front elevation. That is a policy and is available on the City's website. Staff also objectively implements however the slide may have been subjective to some extent on what was represented, the City's maintained Zoning District Map.

Mr. Orozco showed the Cottonwood Estates on N. Granada. It is a planned development zone district. This development occurred sometime in the early 2000's and the General Plan was not updated until 2009. That condition may not have been in

place when these homes were developed. That would explain why some of the homes don't have rear shutters. The Precise Plan does date back to 2002.

The other location pointed out by the applicant is Orchard Pointe which is a newer development. As you can see there is a mixture of zoning. There's R1 Zones mixed in with PD Zones. The PD-3000 does incorporate the window treatments and additional embellishments that are visible from the public right of way. Some of the homes don't have the window embellishments but those are in the R1 Zone and the R1 doesn't require a precise plan which is why that wasn't a condition of approval. He cannot explain why the zoning designation was in place, but he understands, and they are newer homes and it should have been consistent. However, it's staff's job to incorporate the General Plan Goals and Policies such as the architectural treatments when visible from the public right-of-way.

Mr. Orozco again showed the difference between the R1 Zone homes and the PD Zone homes. He asked if there were any questions about the information shared.

Commissioner Cortes asked if there were any further questions of staff.

Commissioner Broadhead asked if the accessibility of 145 could be addressed. There's only one access in and out on a busy street. Has there been any discussion with the State regarding a second access at the lower end of the tract?

Mr. Keene said he could answer it, but he has a bunch of questions to answer so he will let Mr. Darnell address this question.

Patrick Darnell, VP of land at DR Horton who resides in Visalia spoke and wanted to thank staff for their work on this project. They only have the two issues out of 127 conditions, and he thinks that's pretty good. He wanted to address a couple things quickly, the architectural standards and noted they are not building the same home they were building four years ago. They have done a lot of market research and have taken a lot of feedback from their home buyers. They are not building the half million dollar move up home but are targeting the first-time home buyers. They are trying to keep the things that the entry level buyer wants. They are concerned about curb appeal and the things that go into the house. There's cost involved, they made trade offs according to what is important to the entry level buyer. When you go to rear embellishments you have challenges. They get warped and backyards are not maintained, especially on a two-story house. Those things are not important to the consumer. There are also things that pull away from street landscape. When driving down a street you don't want to be focused on the back of the house, but the landscaping instead. They put the const into the front.

He wanted to address the Farmhouse. Architectural designs are very opinionated. He wouldn't choose the Farmhouse personally but 42% of the buyers choose that one. It's what the community wants.

Next, he addressed the block wall as well noting they are not the only ones that would share the wall. The development to the South would border it as well. It needs to be developed at the same time as that site. Block walls are done in conjunction with grading plans and the wall will be an integral part of the commercial site. Without having a commercial site plan and knowing what's going to be done it's hard to dictate what's needed. There are already extensive development costs that this site will bear the burden of up front to be reimbursed at a later date. The wall will just add more upfront

cost to the project. As Darrell said it's typically the burden of the commercial developer. He noted it may be better to let Jerome address Commissioner Broadheads question. Commissioner Lopez asked if they were aware that a portion of the property is in the 100-year flood zone.

Mr. Keene replied they are aware. That's handled on multiple fronts, during the review of the grading plan by the Engineering Dept. before the map is recorded. It's also done during the site development with the issuance of a LOMAR or the presentation of an elevation certificate for the certified pad for the house. It's handled on multiple fronts and is a requirement not necessarily tied to CEQA, it's handled through the building permit process and is reviewed during the improvement plan process as well.

Commissioner Lopez confirmed they are planning on doing a letter of obligation/LOMAR.

Mr. Keene said they are prepared to grade the site and deal with the flood plain issue as required by law.

Mr. Darnell noted they would not be able to sell the homes.

Commissioner Gran said that not many title companies would allow it.

Mr. Keene said that in regard to the access to 145, they have had preliminary discussions with Cal Trans. The original subdivision configuration had two points of access along Pecan that were removed to allow spacing for driveways for the commercial development. The discussions were that there would probably be some sort of alignment from the existing alignments to create full traffic patters but that is part of the final map process.

With regard to the commercial zone and the block wall. There is no requirement in the Madera Municipal Code for residential projects to build the wall. It's exclusively listed in section 10-3-9.209 section F and says that commercial development builds an eight-foot block wall in between. However, that point is well taken in terms of when commercial development occurs, there are some negotiations that will take place.

Regarding the consistency of elevation standards, they are not trying to argue but they notice they are not consistently applied. Even if its an R1 project it still goes through a map process and the subdivision map has to be consistent with the General Plan so why wouldn't those houses be required those treatments as well? Ordinances are what implement the General Plan. The addition of such measures as you need to have architectural treatments or other design features is totally appropriate to be included in the zoning ordinance because that implements the General Plan, but they're not. They believe that landscaping along the rear will make this a moot point in the future. Nobody will see it anyway and it's just adding cost.

Mr. Darnell added that they are not suggesting little five-gallon threes. They will put the right size trees that will do what they need to do. That will add more impact than treatments on the back of a house.

Commissioner Gran said they are all in agreement that a secondary access is needed and confirmed that it's an ongoing discussion.

Mr. Keen said they don't want to put anyone in danger, and they want the two points of access. They understand it needs to happen before the houses start going up.

Commissioner Gran said it was a valid point brought up by Commissioner Broadhead concerning the traffic on Pecan around school times. It does become congested.

Mr. Keen said they understand and one of the conditions is to extend a walking path so people can walk. That's being extended west of the property. They are doing what they can to even allow people to walk to school with the high school being there.

Commissioner Gran said he just wanted to make sure that was on the record and they all understand each other.

Commissioner Cortes asked if anyone else would like to comment on the item. Seeing none, the item was returned to the Commission for further processing.

Commissioner Gran asked how everyone was feeling and mentioned to Commissioner Salazar he had been pretty quiet.

Commissioner Salazar said he is leaning more towards the applicant. For the back landscaping, we are talking about six houses, you widen the street and provide landscaping, and they could be single story homes where you won't see them from the street anyway. Depending on how you elevate they could elevate from Pecan and elevate all the way through or elevate those lots. For the condition requiring the architectural features on the back he's leaning more towards the applicants request to drop that requirement. He said he needs to think more on the other one.

Commissioner Gran said he's with Commissioner Salazar and Mr. Darnell's point regarding lack of maintenance on the back of the two-story house. As long as they understand each other and get some fast-growing landscape and that it's significant to take care of the issue so they can give them the price point they want and have us achieve our objective. He also can see the brick wall point; it makes much more sense to have the grading and wall come in during the commercial process. He's ok with the wood fence.

Commissioner Salazar said he's ok with the fencing as well. As far as the Farmhouse goes, he doesn't know but he thinks he's ok with two instead of three elevation plans. He thinks there was an exception made for another developer off Cleveland Ave. pertaining to the wainscoting.

Commissioner Gran said yes, we did, and he thinks Commissioner Salazar will have his work cut out for him if he ever has to resell one of these, no offense to anyone.

Commissioner Salazar said he thinks it's a great application and project. He can't see any other issue moving forward.

Commissioner Gran said he seconds that viewpoint.

Commissioner Lopez asked Mr. Helmuth about the right-of way requirement and the sidewalk.

Mr. Helmuth said that Pecan requires a 100-foot right-of-way for that street. For Madera Ave./145 that will be 100 something, it's up to Cal Trans discretion. They usually bounce around on where the right-of-way ends up being.

Commissioner Lopez said that when the City widens the road, Cal Trans may require another lane. He notices there's about twenty-two feet, will that be enough?

Mr. Helmuth said historically they will look at the roadway and try to determine what they need to get two or three travel lanes in each direction and bicycle access, etc. He's seen them vary from one project to another. What we can expect is a minimum of 50 feet of right of way on the west side of Madera Avenue's center line. He suspects it will however be closer to 54 feet. He can't predict it though.

Commissioner Gran pointed out the motions need to be taken one at a time.

Commissioner Lopez said he would like to add to two of the motions. Specifically, for the Negative Declaration. It says the location is not in the 100-year plan. The condition should say that the applicant acknowledges it is in the 100-year flood plan, but it will be Mitigated.

Commissioner Gran asked staff if that is correct.

Mr. Helmuth said he took a shot at revising the condition of approval for the drainage study. He's not sure if there needs to be a revision to the environmental portion. He added; the drainage study shall also address impacts and associated mitigation measures of those areas within flood inundation area AO.

Commissioner Gran asked if that would adequately take care of it without messing with the environmental.

Commissioner Lopez said he thinks that will be ok and noted there are thirteen lots he sees within the 100-year flood zone.

Mr. Helmuth said he thinks the developer will probably look to elevate the parcels to stay out of the flood zone. That will be one of their first options to address it. It's not always possible to do that. They will also be looking to pass the flood water through the streets of the subdivision and around. Either way it will be taken care of. The City is generally mandated not to allow this to occur where houses are not elevated or out of the flood zone. It's recent in the last ten years, FEMA has gotten more adamant about it. The ability to sell the house, you don't even want to go there. It will be accommodated.

Commissioner Salazar wanted to comment as a Real Estate professional, in the old Parkwood area, on the East side of Madera Avenue, from Parkwood all the way back to Georgia. You will see that the front set of houses from Pecan to about Perkins were built in the 50's and sit lower within in the flood zone and cannot be removed. However, Perkins moving back are elevated on purpose. Those have all been getting the LOMER certificate because of the elevation. This developer will either elevate gradually to the back or just have elevated slightly higher lots. Its not a title issue. Tile will grant title insurance on a property in a flood zone. It's the initial financing. The builder knows they won't be able to sell any of the houses without the LOMER letters up front.

Commissioner Lopez said he believes they will do it, but he wants to make sure it's noted. He doesn't want to leave the burden to the new property owners. He thinks there should just be a condition that states a letter of map revision will be done prior to constructing or selling those houses.

Commissioner Gran asked Mr. Helmuth if his condition covered that.

Mr. Helmuth said he believes it does. We can get more specific, but it may not be a map revision but maybe a map amendment. He's not as proficient with the requirements of FEMA and which way to go but there are a number of ways. Specifying one at this moment would probably be premature.

Commissioner Lopez said the letter of map revision is usually the easiest. The other is probably much more difficult, but either of the two needs to be done.

Commissioner Gran asked Commissioner Lopez, how about something to the satisfaction of the City Engineer.

Commissioner Lopez said that may be okay, but he doesn't want it to be overseen. The Negative Declaration is already contradicting.

Commissioner Gran said he's just trying not to impact the environmental.

Commissioner Lopez said the condition would be in one of the other motions. It just needs to be said that it will be mitigated. We don't need to say how but just that it will be mitigated.

Commissioner Salazar said maybe just general language that it will be mitigated, but not say with a letter or anything so the applicant isn't put into a bind.

Commissioner Lopez said maybe that it will be mitigated, so the lot will be outside the 100-year flood zone.

Commissioner Salazar said he doesn't want to put the applicant in a bind if we specifically say that or even tell them they should grade at lot 31 and 63 and go up. Just the general language that it will be mitigated to accommodate those properties. That should be it.

Commissioner Lopez said he wants it to be out of the 100-year flood zone. There is no other way.

Commissioner Cortes opened the public hearing again and asked the applicant to address the item.

Mr. Darnell said they have to get it out of the 100-year flood plain. They don't have a choice. You can't get a final map without the plans dealing with it. They don't want to mess with the environmental report, that opens a can of worms that impact a project. It can be put into the Engineering. They have to get it done they can't impact the buyer. It has to be addressed or they will not be able to even build a home. They're not going to develop the site but not build houses on those lots. It's a fairly easy remedy in the grading plans as Keith said and there's a bunch of ways to take care of it.

Commissioner Lopez replied that in that case they could say that after proper grading, all the lots will be outside of the 100-year flood zone.

Mr. Helmuth said they will not be outside the flood zone they will be elevated. They will not receive a final map without this being mitigated and until they are elevated or removed from the flood zone. But removing usually implies that the boundaries have changed, in his mind, but that may not be entirely true. There's removal and there's elevating. The flood zone will still pass through there but there may be a LOMER that goes along with it stating the home has been removed.

Commissioner Lopez said he thinks everyone is in agreement, but he just want to make sure.

Commissioner Salazar replied that he thinks simply saying it will be mitigated is sufficient. He doesn't think getting into the fine details of Engineering and everything is necessary. Something simple will satisfy the concern.

Commissioner Gran said it's even better than writing. We have recorded public testimony stating it will be taken care of and the problem would be mitigated.

Commissioner Lopez said a mitigation is done to help the developer sell the house but as soon as the new property owner will be stuck with the problem. Some of his neighbors had the problem and they were scared but luckily, they were able to get it taken care of.

Commissioner Salazar said he's ready to make a motion and move on.

Commissioner gran said he's ready.

Commissioner Salazar moved to approve Motion 1 and it was seconded by Commissioner Gran.

Commissioner Lopez said this is what was discussed, and everybody agreed they would add acknowledgement that the document was contradicting. However, it was not in the comments.

Commissioner Salazar said that Ramon could amend the motion. None of them are in disagreement. If he would like to then make an amendment and they will vote on it.

Commissioner Lopez said he would like to amend the motion to acknowledge that the negative Declaration says a portion of the property is in the 100-year flood, but it will be mitigated.

Commissioner Cortes asked if there was a motion to approve.

Nobody responded.

Commissioner Salazar asked what the motion was for.

Commissioner Gran said he removed his second.

Commissioner Salazar seconded Commissioner Lopez' amended motion.

The amended Motion 1a passed 3-2.

Commissioner Gran moved to approve Motion 1b, seconded by Commission Salazar. The motion carried unanimously.

Recording Secretary, Brandi Garcia asked for Motion 1a to be repeated and asked if it was to amend the Negative Declaration or to make note.

Commissioners Salazar and Cortes said to make note.

Commissioner Salazar said to only make note it is in the 100-year flood but will be mitigated but not to amend the Negative Declaration.

Commissioner Salazar moved to approve Motion 1c as stated. Commissioner Gran seconded the motion and it was carried unanimously.

Commissioner Gran asked which motion is the one they need to modify.

Commissioner Salazar said to remove conditions 108 and 119 he thinks its Motion 1d.

Mr. Orozco said it would be the one associated with the precise plan, Motion 1d.

Commissioner Salazar moved to approve Motion 1d removing Conditions 108 and 119. The motion was seconded by Commissioner Gran and it carried unanimously.

3. Development Agreement Annual Review – Madera Travel Center

An annual review of a development agreement approved in conjunction with the Madera Travel Center project (Ordinance 938) for the period running through December 21, 2019. This annual review has been scheduled pursuant to Section 10-3.1715 of the Madera Municipal Code, which requires that the Planning Commission determine whether the principal party to the agreement, Love's Travel Center, has complied in good faith with the terms of the development agreement (APN's: 013-240-004, 005, 006 & 007).

Commissioner Cortes moved this item to the end of the meeting per staff's request.

4. CUP 2020-04 & SPR 2020-02 – OLIVE Charitable Trust

A noticed public hearing for an application requesting a conditional use permit and site plan review to allow for a five-room women's residential shelter. The site is located at 610 West Yosemite Avenue in the POWYO (Professional Office West Yosemite Overlay) Zone District with an O (Office) General Plan land use designation. A CEQA Categorical Exemption will also be considered (APN: 010-121-001).

Darrell Unruh, Interim Planning Manager presented the item.

Commissioner Cortes thanked Darrell and asked if there were any questions of Mr. Unruh from the Commission.

With no questions of Mr. Unruh, the applicant was invited to speak on the project.

Dan Foss of Madera PD at 330 South C Street spoke. He is the applicant and Chairman for the OLIVE Organization. He is currently a Lieutenant with Madera PD and the Interim Public Works Director for the City of Madera. He said this would be a shelter for

women who are victims of human trafficking. There is nothing like that in the entire County of Madera. It's a critical need. They have been a non-profit now for about five years for the human trafficking in Madera. They are the predominant organization here.

These are victims and could have substance abuse problems, but they would be particular on who they choose to house here. They use locations up and down the State depending on the need. This would not be a site for those who are heavily involved with substance abuse problems or that have mental health problems. There will not be 24/7 staff but there will be 24/7 surveillance and security measures. This will be for women who need assistance and their temporary housing while they are working on getting permanent housing.

Commissioner Gran asked he read the report and confirmed they are asking for 90 days for the victims.

Lt. Foss said he would prefer not to do 90 days but since these are women of the sex industry and many times, they can be pregnant. If you move someone in when they are six months pregnant then have to remove them right when they give birth or two weeks before or after. They do need a little leeway depending on the situation. They have to file with the State on how long the shelter could be used for. He wants to keep them there as little as possible but wants to have permission to keep them there as long as possible because you never know the situation of a young woman you might get into the shelter.

Commissioner Salazar said in looking at the floor plan and the layout. Across the hall from bedroom #3, there's a doorway. Is that for security into those rooms? If so, why is there not a doorway on the other hallway?

Lt. Foss said they're actually in the process of installing one or two doors that separate the building to some degree. If they decide to have counselors or business in the building, there has to be a separation between residential and commercial.

Commissioner Salazar said right at the bottom of the floor plan next to the restroom and bedroom there's a door, but he doesn't see a second one. If counseling is a separate service another doorway should be there somewhere.

Lt. Foss said that doorway leads into the living room area. If you continue straight there's the room for counseling.

Commissioner Salazar said he was just curious if they intend to put a second door. It makes sense to him that in the hallway next to the breakroom and the counselors office. That would be a secure door so that nobody except the residents could access the bedrooms.

Lt. Foss said they are considering a second door across from the fitness room. It would separate the living room from the bedrooms. It would be a rectangle in the middle.

Commissioner Broadhead asked where they would eat. The breakroom or is there special meals.

Lt. Foss said there is a little kitchenette with a fridge and microwave. Its not a good idea to have a stove. Maybe a hotplate will be available to check out when staff is there. It will be either cold or hot meals that are brought in. They will have snacks there.

Commissioner Salazar asked if there was a job process for those that will be at the facility. Are they introduced to the workforce?

Lt. Foss said that's a long-term plan of every client. Every client they bring in gets an assessment and the ultimate goal is to get them back into society. If they have been involved in human trafficking for twenty years, as with one victim they have currently its been almost 30 years, she won't be able to function in society too much with the PTSD. There's too much damage. They're trying to get her into permanent housing.

Most clients are much younger, and they try to get them into school and the workforce. They treat the individual as an individual, there's no blanket policy. Not two people will be treated the same, with the same results. The goal is to get them back into society. With each one it depends on their capabilities, but they try to give them every opportunity.

Commissioner Salazar asked about those staying there and if children would be there.

Lt. Foss said there will not be children unless the mother is there. They try to avoid working with juveniles if they can. The process with juveniles is heavily controlled by the State. So, the only time there would be children is with the parent. However, somewhere around puberty age, males would not be allowed even if the parent is at the facility.

With no further questions, the item was returned to the Commission for further processing.

Commissioner Gran moved to approve Motion 1a. The Motion was seconded by Commissioner Salazar.

Mr. Orozco added that Engineering conditions in the report were incorrect and that Brandi Garcia, Recording Secretary was in the process of emailing them out as he spoke.

Commissioner Gran asked Mr. Orozco to expand on the conditions.

Mr. Orozco said they were general conditions regarding upgrading water meters, frontage improvements, etc.

Commissioner Gran said it was in the report, but not in the findings and conditions, correct?

Mr. Unruh said he believes some of them were in the conditions. They're relatively standard. For the record it's appropriate to acknowledge it.

Mr. Helmuth said they are relatively benign, but they do paint a little bit of a different picture than the conditions in the staff report originally. Some have virtually no meaning but are included such as abandoning water wells and septic tanks. That has no meaning, it's there all the time. Just in case somebody was working there though and

uncovered something. Annexing into zone 51 will have some cost, he's not sure off the top of his head but maybe somewhere around one to two hundred dollars per year.

Commissioner Cortes asked if the applicant was made aware of these prior.

Lt. Foss said he can't say because if they are insignificant, he wouldn't have paid much attention to them and they wouldn't have stuck. He was looking over the conditions since they just came through. He asked for a second to go ahead and review them.

Commissioner Gran told Lt. Foss to take his time since there are some costs involved with them, however, they are standard.

Lt. Foss said he knows of some in particular because he has spoken to staff about them. He knew there would be some cost, but they all look good to him

Commissioner Cortes confirmed Lt. Foss is in agreement.

Lt. Foss replied, yes.

Commissioner Gran removed his first motion and moved to approve Motion 1 with the conditions emailed to them. Seconded by Commissioner Broadhead, the motion carried unanimously.

5. GPA 2020-02, REZ 2020-01, PPL 2020-03, VAR 2020-02 & Negative Declaration - Grove Gardens

A noticed public hearing for an application requesting a general plan amendment, rezone, precise plan, and a variance proposing the development of a 34-unit apartment complex on approximately 1.8-acres. **GPA 2020-02** proposes to modify the project site's I (Industrial) land use designation to an HD (High Density) General Plan land use designation. **REZ 2020-01** proposes rezoning the project site's I (Industrial) Zone District to a PD-2000 (Planned Development) Zone District consistent with the land use. **PPL 2020-03** will guide development of the apartment complex. The applicant is also requesting a variance from open space and parking requirements of the Planned Development Zone District. The project site is located on the southeast corner of Maple Street and Noble Street. A Negative Declaration will also be considered by the Planning Commission (APN: 012-026-001 & 012-402-006).

This item was presented by Jesus Orozco, Assistant Planner. He also noted that staff received comment letters that day with a petition and concerns regarding traffic, gang issues, theft and vandalism, etc. He allowed the Commission a few minutes to read through it.

Brandi Garcia, Recording Secretary reminded Jesus there was an email received as well.

Commissioner Gran confirmed with Mr. Orozco that the page closest to them is what everyone with a signature on the second page had agreed to.

Mr. Orozco confirmed that was correct. He went back and addressed the conditions of approval and noted that the leasing building would be shifted a little to the West to be outside the public utility easement and to allow visibility to the resident to the North as

far as the driveway approach. There would be minor modifications and it shouldn't affect their approval.

Commissioner Cortes confirmed the leasing office would be shifted over.

Mr. Orozco confirmed that was correct and noted again that the changes are minor.

Commissioner Gran asked Mr. Orozco to talk about the traffic.

Mr. Orozco said that the complex would generate less traffic than a by right Industrial use such as a standard fabricating or other type Industrial use. That's per the manual that Engineering uses to calculate trips. Relating to graffiti and theft, it's difficult to substantiate how an apartment complex may generate additional graffiti and theft. Staff is generally in support with the rezone and general plan amendment. It is a buffer between the current uses of Industrial and Single Family.

Commissioner Cortes asked if there were any more questions of Mr. Orozco. Seeing none, the item was opened for public comment.

Maddie Mendez of 1225 Gill Avenue joined the public comment via phone. She works with families and the need for housing. The location is close to stores, schools, etc. She hopes the Commission considers approving them. There is a huge need for families in Madera.

Commissioner Gran asked if the applicant was present.

Mr. Orozco said yes, but there are others present to speak as well.

James Chandler of 1912 Venturi Avenue spoke. He wanted to make sure his email was received.

Brandi Garcia, Recording Secretary confirmed it was received and asked if he would like to read it or if he wanted it read for him.

Mr. Chandler said it could be read for him. He also noted that there's usually a waiver on the parking or open space. He thinks if the number of units is reduced you could meet the requirements. People need open space for distancing. He thinks it's a shame the City either reduces the parking or the open space requirements. He felt the project should be denied.

Brandi Garcia, Recording Secretary read the email provided by Mr. Chandler.

Commissioner Cortes said he didn't notice anyone else waiting besides the applicant and asked the applicant to go ahead and speak.

Todd Phillips from Berry Development spoke and wanted to thank staff. He understands all the conditions and they are really trying to get housing in Madera. They represent about 85% of the housing on the West side of Madera. They have a waiting list and no housing. This is an opportunity they felt could get some housing right away, it's a good proximity to schools and shopping. It will be beneficial for the City of Madera.

Commissioner Cortes thanked Mr. Phillips and asked if there was anyone else who would like to speak on the item.

Mr. Orozco said there are two attendees, but he believes one is Mr. Chandler.

Commissioner Cortes asked Mrs. Mendez would like to add anything else.

Mrs. Mendez said no, thank you.

Commissioner Cortes asked Mr. Chandler if he would like to add anything.

Mr. Chandler said he thinks it's a great idea for more apartments, but he thinks they are trying to put too many people into too little space, and he thinks that's unhealthy for the people.

The item was closed for public comment and returned to the Commission for further processing.

Commissioner Broadhead noted that the gentleman on the phone addressed lack of green space, but he sees quite a bit. Is it shared space or open space?

Mr. Orozco said it is open space for passive recreation. The requirement is to provide some sort of tot lot in addition to the community gardens as well as a bbq area.

Commissioner Broadhead confirmed the green lawn space does count as the open space.

Mr. Orozco said yes. He also noted that the applicant does need to comply with ADA requirements that will be addressed by the Plans Examiner and the Fire Marshal.

Commissioner Broadhead said that one issue on the petition was graffiti, but the complex is gated all the way around. Wouldn't that put a damper on graffiti being an issue.

Mr. Orozco said the site is currently vacant and that could impact vandalism, etc. The complex will push away those things and he imagines the developer would provide some sort of security features, though it's not required.

Commissioner Broadhead said he just wondered if being gated helps to keep the people out.

Commissioner Salazar said the street artists are not discriminatory against what they are graffitiing. The problem in the area could be the rundown dilapidated houses and unpaved streets. He thinks this will provide some improvement to the area. He just wanted to comment on Commissioner Broadheads question.

Commissioner Broadhead confirmed that Commissioner Salazar was saying that graffiti and vandalism come with a rundown neighborhood and not whether its gated or not.

Commissioner Salazar said that's correct, but it's just his opinion.

Commissioner Gran said Jesus mentioned they were opposed to the fencing, but they stated they are in agreement with all conditions.

Commissioner Salazar said he didn't notice anything about solar. How is the applicant dealing with the solar? Is it going to be on the covered parking?

Mr. Orozco said he believes there was some talk about it and he's aware of the solar requirement. They will more than likely comply with solar requirements.

Commissioner Gran said he believes from now on we should actually call out the solar panels.

Commissioner Salazar said he would like to see how it's being incorporated into the design just like the green space and open space. It also impacts the visibility. Are the panels going to get in the way of getting to the third floor during a fire? He wants to see it as well.

Commissioner Cortes confirmed we are saying there will be solar but were just not sure of the design.

Commissioner Salazar said he remembers a project over on maybe Kennedy and there was a lot of discussion about solar and his carports. Maybe this developer has it more figured out, he's not sure but he would like to see it incorporated next time.

Mr. Orozco said staff will be sure to include that information in the next report.

Commissioner Gran moved to approve Motion 1a. Seconded by Commissioner Broadhead, the motion carried unanimously.

Commissioner Gran moved to approve Motion 1b. Seconded by Commissioner Salazar the motion carried unanimously.

6. CUP 2020-08 & SPR 2020-05 – Berry Office Conversion

A noticed public hearing for an application requesting a conditional use permit and site plan review to allow for the interior conversion of an existing wholesale industrial retail and warehouse space to an office use. The project site is located on the northeast corner of South Pine Street and Gill avenue, in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. A CEQA Categorical Exemption will also be considered (APN: 012-401-008).

Jesus Orozco, Assistant Planner presented the item.

Commissioner Cortes asked about the veterinary office and wouldn't that be considered the same as the doctor's office?

Mr. Orozco said the way staff thought about it, if you have to make an appointment to get to the site like a doctor office it may not be a compatible use. The intent behind the condition is to allow for future compatibility and not cause conflict with surrounding land uses. Staff doesn't see it being an issue but it's entirely up to the Commission, if that condition needs to be amended.

With no further questions of staff, the item was opened for public comment.

Alice Morales of 230 Grove St., she wanted to speak on the Grove Garden item.

Commissioner Cortes said they have already closed the item and it is no longer open for public comment.

Mr. Morales said she wanted to state her concerns because it is a big issue.

Commissioner Cortes said again that we have already closed the public hearing it and the City Council will be holding a public hearing.

Commissioner Gran said they have already passed the item and cannot make any changes. He let her know she could voice her concern to them.

Commissioner Cortes let her know to contact City Hall the following day to get the City Council information.

Todd Phillips of Berry Development spoke on the item. The own all the buildings there and in the recent six to eight months he has pushed to soften the West side entrance into Madera. They are working towards accommodation more of a business type atmosphere there with the Industrial uses further down.

Commissioner Gran asked if he was in agreement with all conditions.

Mr. Phillips confirmed he is in agreement.

With nobody else to speak on the item, the public comment was closed, and the item was returned to the Commission for further processing.

Commissioner moved to approve Motion 1. Seconded by Commissioner Broadhead, the motion carried unanimously.

They moved on to Item #3 (**Madera Travel Center Annual Review**) that was postponed to the end of the meeting.

Darrell Unruh, Interim Planning Manager presented the item.

Commissioner Gran asked if they have asked for any relief for the hotel?

Mr. Unruh said he spoke with the representative that morning and he was not aware of them communicating that with other City staff. He believes they would need to take that up with City Administration.

Commissioner Broadhead asked about the traffic signals.

Mr. Helmuth said they were anticipated to be complete by about July. They must've purchased some equipment late, the poles can take about three, four or more months to arrive.

Commissioner Gran said the monument is hard to see, the truckers can see it though. He also noted how Mr. Boyle used to prepare the documents in the review and that it made it easy to quickly review and move forward.

Commissioner Cortes opened the item for public comment. Kym Van Dyke of Love's Travel Stops spoke on the item. His only comment is that he appreciates the opportunity to be in our town and they are doing their best to have a product to be proud of. He hopes the Commission approves that they have completed everything up to this point of the Development Agreement.

Commissioner Gran asked about the status of the Hotel and if they have any anticipation of meeting that obligation.

Mr. Van Dyke said now more than ever these are really challenging times and Hotels probably more than most are in trouble. They have 16 of them and they are all under water. They are reevaluating their options daily to stay afloat. They are concerned but they will continue to communicate with the City and their obligation to fulfill.

Commissioner Cortes closed the public comment and returned the item to the Commission.

Commissioner Gran moved to approve Motion 1 with the findings. Seconded by Commissioner Salazar, the motion carried unanimously.

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS:

Commissioner Gran wanted to comment that he misunderstood the motion earlier. Once Alex explained it, he understood and would have voted for it. He didn't want any hard feelings.

ADJOURNMENT: 9:30 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary

