

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
November 12, 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

**ABSENT:** Commissioner Alex Salazar  
Commissioner Ryan Cerioni

**STAFF:** Christopher Boyle, Acting Planning Manager  
Keith Helmuth, City Engineer  
Jose Aguilar, Deputy Engineer  
Jesus Orozco, Assistant Planner  
Robert Holt, Assistant Planner  
Arnoldo Rodriguez, City Manager  
Brandi Garcia, Recording Secretary  
Shannon Chaffin, Legal Counsel

**PLEDGE:** Chairperson Robert Gran, Jr. led the Pledge of Allegiance.

**PUBLIC COMMENT:**

A gentleman stepped to the podium to comment on the apartment complex. Commissioner Gran said he would have him come up when the public hearing is opened since it is an item on the Agenda.

**MINUTES:** None

**CONSENT ITEMS:** None

**PUBLIC HEARING ITEMS:**

Brandi Garcia, Recording Secretary reminded Chairperson Gran there was an item that was distributed late. An announcement was made that there was a document received after the packets were distributed and copies were available in the back of the room.

**1. PPL 2019-05 & VAR 2019-04 – Linden Apartments**

A noticed public hearing to consider a precise plan to allow for the development of a 29-unit multifamily residential complex on one acre located approximately 400 feet north of the northeast corner of the intersection of Sunset Avenue and Linden Street in the PD-1500 (Planned Development) Zone District with a HD (High Density) General Plan land use designation (APN: 006-250-014). A Negative Declaration will be also be considered by the Planning Commission.

Robert Holt, Assistant Planner presented the item.

Commissioner Cortes asked how the traffic data is compiled. Such as the number of trips that were mentioned.

Mr. Holt deferred that question to Keith Helmuth, City Engineer.

Mr. Helmuth replied that it was based on an apartment complex. They use a trip generation manual that includes 100's of different types of land uses. They look at how many units and use an equation that tells them what can be expected. That's based on counts at multiple projects throughout the years in multiple cities. When they do a traffic study, they're usually looking for a project that generates 100 or more trips during peak hours but this one only shows a maximum of 35.

Commissioner Cortes asked about the trees along the south perimeter of the property and wondered if those were to provide shade and some privacy.

Mr. Holt said yes.

Commissioner Cortes asked if there is any possibility of putting some on the east end.

Mr. Holt said he's not sure if large trees will work there because of the carports.

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

Ubaldo Garcia, of 156 Asilomar Dr. in Madera stepped to the podium. He read the letter he had submitted for the project which was provided as part of the staff report.

He said that after the project was noticed he heard there were concerns from the neighbors. So, he has met with the neighbors and would like to address the concerns they had.

- Traffic; he believes they would be throwing money away with a traffic study. The streets were designed for this type of traffic flow.
- Parking; he noted he kind of wants to agree with the neighbors. The need for the Variance is kind of a self-inflicted wound. They sacrificed four stalls in order to provide beautification for the parking lot. Staff felt pressured to provide a beautiful project to the Commission, but he would like to leave it up to them if they would like to do away with the parking peninsulas. A revised site plan would provide six additional stalls and a variance would not be needed. He told the neighbors that worse case scenario; Christmas Day or Thanksgiving Dinner people would be parked on the street, but he has provided more than two spaces for unit so not on a day to day basis.
- Privacy; the neighbors would like a masonry wall built. The problem is that masonry wall is expensive. He suggested an alternate, chain link fencing with privacy slots in a dark color. His preference would eight feet tall but if seven is all they can get then that would be ok.

They have projected balconies out of the building and invented space to get more open space. That brought them as close as they could to the open space requirement. They

are at about 598 sq. ft. per unit for open space as opposed to the 750 sq. ft. requirement. They would need a seven-story building to get there, but they are very close.

Commissioner Tyler confirmed the balconies would see into the neighboring homes.

Mr. Garcia said yes.

Commissioner Broadhead asked how high the fence would need to be to be a barrier?

Mr. Garcia said it would need to be 20 feet.

Commissioner Gran wanted to note for the record that Commissioner Salazar showed up at 6:21 pm.

Commissioner Lopez noted that the letter given about the requirements mentions it was difficult to meet the requirements because the number of units. However, there's a range of 22-29 units but Mr. Garcia chose the higher number.

Mr. Garcia said yes, he's following the direction of the General Plan. He's doing whatever he can to comply with the General Plan and meet the need of the City. Considering the amount of people that would benefit from a project like this, if we start reducing the number of units on projects simply because they create too much traffic or impact our schools, etc. it's not a wise decision to stop progress.

Commissioner Broadhead said he read through the letter and one concern was the green space, but the letter indicates there's other kids in the area. Will they have access to the area as well?

Mr. Garcia said yes, there will be a card lock system. He would be more than happy to give every neighbor a key card so they can come in and enjoy the park. It would be a neighborhood park really.

Sofia Garcia stepped to the podium and said she supports her dad's project.

Italia Garcia stepped to the podium and said she supports her dad's project.

Mirena Garcia stepped to the podium to ask for support for the needed project. Her and her husband have listened to their neighbors and friends' requests for more housing in the City. With approval, 29 families will call the Linden Apartments home.

Commissioner Broadhead wanted to confirm that the entire project would be gate controlled.

Mr. Garcia said yes.

Charlotte Rosales of 662 Laurel St. in Madera stepped to the podium. She read a letter from Mr. Grey of 719 Linden St. who was unable to attend. She also read the letter she herself submitted asking if the City works for the residents or the developer and noting and explaining her concerns including the noticing practice by the City.

Commissioner Gran noted that we operate under certain rules and the current rule is a 21-day notice and that was done. It also must run in a legal notice in the newspaper

under a 21-day notice. If people were not noticed it's because they were outside the 300-foot radius of the project. If we need to change it, opinion needs to be voiced to the City Council. We don't have the power to change it. Also, none of us work for the developer. We know Mr. Garcia because he has come before the Commission several times. He noted she may have seen a little bit of that interaction, but they are all here on a volunteer status and don't get paid.

Commissioner Gran thanked her and asked if anyone else would like to speak regarding the project.

Ubaldo Garcia, the Applicant, of 156 Asilomar Dr. returned to the podium.

Commissioner Broadhead addressed one of Mrs. Rosales' concerns, the balconies that face her property and privacy. Could the patios on that side be enclosed?

Mr. Garcia said that they do have balconies on the interior that provide connectivity, but they could plant trees that grow vertically and provide privacy. However, she would not be a concern because there are carports directly across her entire backyard and he could guarantee that someone standing on the balcony even if they were over six feet tall, would not be able to see into her backyard. He can guarantee that. The only way is if they were to stand on the roof and if that's happening, there's bigger problems.

He also noted the concern from the other neighbor, letter read by Mrs. Rosales, regarding a private fence. If he has a problem with privacy, Mr. Garcia noted he would be happy to build or pay for landscaping that goes vertically, trees or a structural metal such as a green wall with ivy.

He said regardless of speaking on it now or not, he wants to be good to the surrounding neighbors. It's never been his intention to offend them or undermine them.

Commissioner Tyler asked if there were any plans to have this complex by low income housing.

Mr. Garcia replied no, they are going to be focusing on the worker bees. Starting families, people that are empty nesters or just single. That's the need from what he's found.

Commissioner Gran asked Mr. Garcia if he had an idea on rent.

Mr. Garcia said he's shooting for \$700-\$750 for one-bedroom and \$850-\$900 for two-bedroom.

Commissioner Gran thanked Mr. Garcia and returned the item to the Commission for further questions and processing.

Commissioner Gran asked Mr. Holt what the current requirements are for the fencing.

Mr. Holt said currently it's six-foot wrought iron around the property.

Commissioner Gran asked what the City's current ordinance is for fence height, and noted he thought it was six feet.

Mr. Chaffin said he checked, and it looks like it's six feet but there may also be certain exceptions for planned development.

Mr. Holt noted that in Planned Development zones there are specific criteria and variations from normal standards may be considered. He's not sure if that would allow for a seven-foot wall instead of a six-foot wall.

The Commissioners discussed the fence and they agreed seven feet would be better. They agreed it also needed to be something other than wrought iron, something more private with landscaping on it.

Commissioner Salazar said he doesn't like chain link and that wood fencing is more appealing. Then he thinks six-foot wood with the additional foot of trellis on top.

Commissioner Gran said the slats need to be tight since they're going to shrink. He asked Mr. Holt for help on the condition number referring to the fencing.

Commissioner Gran noted the new condition would be 63b; all exterior fencing facing neighbors will be of wood, seven feet high with fence planks as tight as possible and specific greenery to create a green wall effect.

Commissioner Salazar added it will be on the east, north and south sides.

Mr. Holt said the amended Motion 1a would be; move to adopt the negative declaration prepared for the project. No City Council involvement. That would come first before the amended 1b.

Legal Counsel, Mr. Chaffin said it'll be Motion 1a to approve the CEQA, then Motion 1b can be taken. He then gave the wording for 63b;

- All exterior fencing facing the neighbors on the east, south and north of the lot shall have a wood fence seven-foot high with tight slats and landscaping to create a green wall effect.

Commissioner Salazar moved to approve Motion 1a. Seconded by Commissioner Tyler the motion carried unanimously.

Commissioner Salazar moved to approve Motion 1b as amended. Seconded by Commissioner Broadhead, the motion carried unanimously.

**2. PPL 2019-06 & VAR 2019-05 – Eagle Meadows Apartments**

A noticed public hearing to consider a precise plan to allow for the development of a 106-unit multifamily residential complex on 3.67 acres located in proximity to the southwest corner of the intersection of Ellis and Merced Streets in the PD-1500 (Planned Development) Zone District with an HD (High Density) General Plan land use designation (Multiple APNs). A Negative Declaration will also be considered by the Planning Commission.

**This item was continued to the December 10, 2019 Planning Commission Meeting.**

**3. REZ 2019-05 & PPL 2019-08 – Parra Fourplex**

A noticed public hearing to consider a rezone from the C1 (Light Commercial) to the PD-3000 (Planned Development) Zone District and a precise plan to allow for the

development of a 4-unit multifamily residential complex on property located approximately 450 feet north of the intersection of Owens Street and Sherwood Way with an MD (Medium Density) General Plan land use designation (APN: 003-210-029). A Negative Declaration will also be considered by the Planning Commission.

Robert Holt, Assistant Planner presented the item.

Terry Armentrout of 18290 Ridgedale Dr. in Madera stepped to the podium. He is the architect for the project. He confirmed the applicant is in agreement with all conditions.

With nobody else to speak on the item it was returned to the Commission for further processing.

Commissioner Cortes moved to approve the amended Motion 1a. Seconded by Commissioner Salazar, the motion carried unanimously.

Commissioner Cortes moved to approve Motion 1b which was seconded by Commissioner Tyler. The motion carried unanimously.

#### **4. PPL 2019-07 – Sherwood Apartments**

A noticed public hearing to consider a precise plan to allow for the development of a 16-unit multifamily residential complex on 1.43 acres located approximately 250 feet east of the northeast corner of the intersection of Sherwood Way and Owens Street in the PD-3000 (Planned Development) Zone District with an MD (Medium Density) General Plan land use designation (APN: 003-240-015). A Negative Declaration will also be considered by the Planning Commission.

Assistant Planner, Jesus Orozco presented the item.

Commissioner Broadhead asked about the easement and if it will be paved.

Mr. Orozco deferred the question to Keith Helmuth, the City Engineer.

Mr. Helmuth said there's a 30-foot easement that was dedicated on the north side and another one just to the west a number of years ago. In addition, there's a 10-foot easement along the other side of the property line. There's about 40 foot of right-of-way available. They anticipate another 20 would need to be available. They're conditioning the project to build ½ of a residential street, but it will ultimately develop into a street.

Commissioner Gran confirmed the ½ of a street was fairly standard practice.

Mr. Helmuth said yes.

Commissioner Cortes asked about the architectural design and the foam pop outs. He said he noticed the pop outs deteriorate in a few years and you notice wear and tear rather quickly.

Mr. Orozco if they wish to propose an alternative, they can include that as a condition.

Commissioner Salazar said that in the older style homes, there would have been wood trim but that also creates deterioration, fungus, etc. For the foam pop outs if it's in an

immediately used area such as a front door it gets dinged and not repaired, but he can't imagine around the windows unless it's being used for access.

Mr. Orozco said that alternatives can be used but it has been standard material being used for current development.

Commissioner Gran said he is ok with the foam but not near the front door.

Commissioner Salazar noted that the foam is less waste compared to wood.

Commissioner Broadhead asked if there are sidewalks along the south edge.

Mr. Orozco said there is not, and they will be required as part of the development.

Commissioner Salazar confirmed the sidewalks would only be in front of this subject property and not the two-story home next to it.

Mr. Orozco replied, yes.

Commissioner Salazar noted, there's a bus cover across the street almost directly across from this project. In front of the two-story house maybe. How will you will cross the street. Residents may need to use the transportation. How do we get kids across Sherwood when the next crossing is at Cleveland? Or not even to Lake, there's no technical crossing even there.

Commissioner Gran said Owens would be realistic.

Mr. Orozco said frontage improvements would facilitate accessibility for crossing the street.

Commissioner Salazar said if that's the only way to catch a bus, the south side of the street, how do you get people across without a cross walk? How do you put it on the North side?

Mr. Helmuth, City engineer said as projects build, they construct sidewalk improvements. It's not always perfect in how it goes in. Some cities require accessible pathways all the way to certain facilities such as schools and other cities do like this. It will be some time before future improvements come to pass. The nearest crossing is to the East

Orlando Ramirez of 4233 W. Wathen Ave. in Fresno stepped to the podium. He represents Vanosh LLC., the applicant for this project. He thanked staff and noted this is their first project in the City of Madera, but it won't be the last because he has really enjoyed working with staff. Jesus took over the project after the former Planning Manager left and he has been in contact with them throughout the whole process. He noted they were able to utilize a 30-foot easement on the north side that was recorded back in 1962 and use it as access to the site. They came up with a 16-unit project. Two buildings that house eight units each.

They are in agreement with all conditions of approval and ask for support on the project.

Tony Fuentes stepped to the podium, he has property and personal interest at 1307 Owens St. wanted to speak in general. He believes there are many unknowns. We would like to see residential single-family homes in their neighborhood. He thinks

apartments are a temporary solution. They are opposed to having the 16-unit apartment complex there that doesn't reflect someone that may come in and set roots. He wanted to request that it either be denied or for a continuance until all the unknowns are better understood and presented to community members. It doesn't come across as being a project that is well planned. He's opposed to the project being built.

Xavier Garcia of 1323 Owens St. stepped to the podium. He said his concerns are that it doesn't seem well thought out plan. Also, the entrance to the complex. Their home is adjacent to the complex and he doesn't think it has been presented as well as it should be. He doesn't feel the applicant is thinking this through clearly.

Ursula Garcia of 1323 Owens St. stepped to the podium and noted the other apartments that were recently built by their house. The outcome of those has been constant traffic. There's no sidewalk or lighting for the kids that are trying to cross the street. What about the foot traffic and security in the area? There is, already a lot of foot traffic and people walking next to their property.

Commissioner Gran asked if anyone else would like to speak.

Fernando Degadillo of 1217 Owens St. stepped to the podium. He said they have no idea how people drive through the area and how many accidents there are during the summer. This will make the traffic even worse. Crossing from Owens to go across Sherwood takes forever already. He's also concerned if it will be low income. He's worried that will decrease the value of the homes in the area.

The Applicant stepped back to the podium. He noted they are developing consistently with the General Plan. It's a 1.43-acre parcel and allows up to 21 units. They decided to go with about 11 units per acre so they could increase the open space. He thinks they have a good project that is consistent with the General Plan and the zoning. With reduction of the density they increased the open space to 2300 sq. ft. per unit. This gives some separation between the residential properties and the project site.

Commissioner Gran closed the public hearing and returned the item to the Commission for processing.

Commissioner Broadhead moved to approve Motion 1a. seconded by Commissioner Tyler, the motion carried unanimously.

Commissioner Broadhead moved to approve Motion 1b as stated. Commissioner Tyler seconded the motion, it was carried unanimously.

**5. VAR 2019-06 & SPR 2019-24 – Naz Sixplex**

A noticed public hearing to consider a variance from the open space requirements of the Madera Municipal Code and a site plan review for the conversion of a former adult education building into a 6-unit multifamily residential complex on property located on the southeast corner of the intersection of South I Street and West 6th Street (322 West 6th Street) in the R3 (High Density) Zone District with a HD (High Density) General Plan land use designation (APN: 010-132-001). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Assistant Planner, Robert Holt summarized the item.



Commissioner Tyler asked if they were going to tear down and rebuild. She's been in the building and can't see six units going in there.

Mr. Holt said they are just redoing the interior and not tearing it down.

Commissioner Salazar asked how many units on the bottom and top.

Mr. Holt said it's three and three.

The public hearing was opened, and the applicant was invited to the podium.

Gary Rogers of 1816 Howard Rd. in Madera stepped to the podium. He is the project architect. Mr. Rogers said this building was quite a challenge. It's 80 something years old but his job is not to tear down buildings, but to preserve. He believes he can make this building usable for many more years. The doctor and his group bought this with the intent of making six nice apartments. It was easy to get six in there. They are doing the best they can with it. There are 14 parking spaces but only about 1200 square feet of open space. They could get the 3000 square feet of open space but then they have less than 12 parking spaces. They chose to leave the parking spaces. There is a park across the street also that people can enjoy. The building is three feet from the property line so they will have to spend some money fire rating the building with a two-hour fire wall because of the building code. The two buildings are right next to each other and could even be on each other's property. They want to take the old building, preserve it and make it function for the City. It would be cheaper to tear it down and start over instead of remodeling it. They will beautify the outside so it will be nice. The doctor would like to speak also.

Dr. Aftab Naz of 17402 Conejo Rd. stepped to the podium. He said he has not brought any projects to the Commission in a while, but this building is pretty solid. The interior will be redone and cost a lot of money, but it will embellish the corner. He did think about the lawyer offices, but nobody has come to him yet. If someone comes to him before they begin, he would be happy to sell it to them. But until then he is in agreement with all conditions.

Cedric Jimenez of 205 S. I St. in Madera stepped to the podium. He owns the house right next door. He thinks the building is ugly and needs to come down. He has a pool and grandchildren that will be swimming. The windows for this building will investigate his backyard. He's against a six plex being built there. It's a quiet, nice neighborhood and he didn't buy a house that will sit between two apartment complexes. The traffic will also increase, and he's witnessed so many accidents there already.

Dr. Naz returned to the podium. He said the building is situated with a parking lot and the alley in the back with the highway. He believes it's a false statement to say they would be over-looking into someone's back yard.

Mr. Jimenez stepped to the podium again. He asked for the view of the property to be put back up on the power point. He showed where his property was and that the windows would be looking into his backyard.

Mr. Holt noted there's one window that will be on that side according to the elevation.

Mr. Gran said it could be made a privacy glass where you can't see through the glass. You can't see out or in, it just lets light in and doesn't open.

Mr. Cortes asked how the others felt about a fence that is seven foot.

Mr. Salazar said there's fencing on the site plan. He sees an enclosure for trash in the alley way, a/c units and what appears to be six-foot fencing. There's no place for transients to sleep.

Commissioner Tyler commented that the site is an eye sore right now.

Commissioner Salazar noted that if the building was torn down and rebuild there could be six windows along the backyard as opposed to the one. He also noted that this ties into what's across the highway with the courthouse. Right now, there's no connection between the courthouse and this.

Gary Rogers returned to the podium to address the window. He said they can put a window that doesn't allow you to see out, but you can see in. He also mentioned they will be landscaping the corner to make it look nice.

Commissioner Salazar complimented Dr. Naz for taking on this project then moved to approve Motion 1. Commissioner Broadhead seconded the motion and it carried unanimously.

The Commission took a quick break.

**6. CUP 2019-23 & SPR 2019-23 – Loan's Massage**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a massage parlor on property located approximately 150 feet east of the southeast corner of the intersection of Howard Road and Dwyer Street, to the rear of the Courtyard Business Professional Center, (1816 Howard Road Suite 7), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 009-191-007). 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 about the track record on the massage parlors that had been approved in the past and if anyone has complained about them.

Mr. Orozco said he doesn't know of anything.

Mr. Ambriz stepped to the podium to speak for Mrs. Ambriz.

Commissioner Gran asked if she is a CMT.

Mr. Ambriz said she doesn't have certification, but she has been doing massage for about seven years back in Vietnam. Recently she has been doing massage since the beginning of 2019 at A-1 Massage.

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

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

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

**7. CUP 2019-11 & SPR 2019-18 – 610 N. E Street Automotive Uses**

A noticed public hearing to consider a conditional use permit and site plan review to allow for various automotive uses throughout multiple suites of an existing building on property located on the southwest corner of the intersection of East Central Avenue and North E Street (610 North E Street) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-042-001). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Assistant Planner, Robert Holt presented the item.

Bryan Pok of Centerline Design at 1508 Tollhouse Rd. in Clovis stepped to the podium. He is representing the owner who is out of town.

Commissioner Gran asked if they are in agreement with all conditions.

Mr. Pok confirmed they are in agreement.

With no further questions and nobody else wanting to speak on the item it was returned to the Commission for further processing.

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

**8. CUP 2019-21 & SPR 2019-26 – Los Girasoles Food Truck**

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of a food truck to be parked on the Chevron property located on the northwest corner of the intersection of West Cleveland Avenue and the Highway 99 off-ramp (1801 West Cleveland Avenue) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-110-010). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

The item was presented by Assistant Planner, Robert Holt.

Commissioner Gran asked where the picnic tables will go.

Commissioner Gran confirmed that no matter what ADA path is chosen, there still needs to be some sort of protection yet not a trip hazard. Probably the simplest would be a full curb but he said he could see where parking stops would work also.

Jazmin Rueda of 25779 Ave. 18 ½ in Madera stepped to the podium. She said they initially agreed with the conditions but then they consulted with a local architect and he let them know that the slope wouldn't allow for the ADA path of travel that was required. That's when they came up with the second path of travel noted. The architect had pointed out that curb wasn't designed to protect the pedestrian from traffic but designed to make a pedestrian aware of a change in elevation. She's not wanting to put an

investment into a property and then have their business not do well there. They are not in agreement of adding more parking stalls either. They don't feel that three more parking stalls are necessary. They also don't think the property owner would be in agreement with it. The food truck would be just to serve the people that are already going to the gas station and they won't really be going there to eat when the restaurant is right down the road and that's where people would go to sit and eat.

Commissioner Gran said he does like their proposed ADA path a little better but the parking stalls, that's in the Ordinance and not negotiable. But that's the least of the concerns because it's simple paint so we need to figure out how we can make the ADA work.

Mrs. Rueda said they could move the truck a little more to the North so it's closer to someone that will be parking in the ADA and draw out the three parking stalls but not have to put the curb. There's no traffic back there and it's well lit.

Commissioner Tyler confirmed the area Mrs. Rueda was referring to.

Commissioner Cortes said it makes sense because the bathrooms are back there.

Mr. Holt replied that there would still need to be some type of barrier for the ADA path of travel based on what he's being told by the Fire Marshal and Building Official. However, they and condition it that if the truck is gone for x amount of time (determined by the Commission) the barrier could be removed.

Commissioner Cortes asked if a semi-permanent rail would work.

Mr. Holt said yes, a handrail would work.

Commissioner Cortes said that would be permanent though.

Commissioner Gran asked if the orange traffic delineators would work.

Mr. Holt said he would have to check.

Mrs. Rueda said she wanted to emphasize there are no vehicular traffic crossings there, it's the back of the building.

Commissioner Gran said she's going to butt heads with the Fire Marshal and Building Official. They won't over-rule them, she will have to go in and talk with them.

With no further questions for the applicant and nobody else to speak on the item, the project was returned to the Commission for further processing.

Commissioner Salazar noted that he was at the Pomegranate Festival and he and Mrs. Rueda were standing in line at the Lions Club area and she was talking about her project in passing. They had a conversation, but she did not know he was on the Commission and he had not seen the project prior.

Commissioner Gran noted there was a discussion that took place and thanked him for getting that on the record.

Commissioner Salazar also said he would like to comment that the bump traffic stops are the least expensive. He can't see making large improvements since they may or may not be there for a long time.

Commissioner Tyler commented; and it's not theirs.

City Manager, Arnaldo Rodriguez, stepped to the podium. In terms of the ADA path of travel he's not sure it should be up for discussion here this evening since the ADA path of travel is outlined by the State of California. The City of Madera adopted the building code without any modifications. For that reason, it's really not up to us. The state does provide a couple different options. He would recommend the commission consider that if the use is appropriate how it's being proposed, that's the use permit, but as far as the path of travel they could state that it must comply with the California Building Code, then the applicant, property owner and the City can sit down and discuss a couple different options. He wouldn't want to give property owners false expectations that the Commission can identify what can be used.

Commissioner Gran said they were going to ask staff how to structure this and he solved their problem. He thinks they are all in agreement that they like the idea of it, but they need to be able to make sure they are legal with the State of California. He wants the applicant to be successful but cover all liabilities.

Mr. Holt said he believes condition #22 should be removed completely and amend #10 to remove the first sentence. He wanted to confirm with legal counsel though.

Shannon Chaffin, Legal Counsel said they don't usually negotiate like this so they could say 'an ADA path of travel shall be painted and separated as otherwise required by the California Building and Fire Code as adopted by the City of Madera.' That could also apply to #11 which also talks about a separation. Then also remove #22.

Commissioner Lopez moved to approve Motion 1 as amended, with the removal of #22 and the amendment of #10 and #11 to include specifically 'as required by California Building and Fire Code adopted by the City of Madera.' The motion was seconded by Commissioner Broadhead and carried unanimously.

**9. CUP 2019-18 – Central Valle' Ink**

A noticed public hearing to consider a conditional use permit to allow for the establishment of a tattoo parlor on property located on the northwest corner of the intersection of Country Club Drive and Sharon Boulevard (1130 Country Club Drive, Suite C) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-194-003). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Jesus Orozco, Assistant Planner presented the item.

With no questions of Mr. Orozco, the applicant was invited to the podium.

Gabriel Jaime of 2321 Ironwood way stepped to the podium.

Commissioner Gran confirmed he is in agreement with all the conditions.

With no further questions of the Applicant, and no one else to speak on the item it was returned to the commission for further processing.

Commissioner Broadhead moved to approve motion w. Commissioner Tyler seconded the motion and it carried unanimously.

**10. CUP 2019-22 – Stop-N-Smoke**

A noticed public hearing to consider a conditional use permit to allow for the establishment of a smoke shop on property located at the northwest corner of the intersection of Country Club Drive and Sharon Boulevard (1130 Country Club Drive, Suite B) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 003-194-003). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities). **This item was continued to the December 10, 2019 Planning Commission hearing.**

**11. CUP 2019-24 – U.S. Water**

A noticed public hearing for an application for a conditional use permit to allow for the establishment of a chemical storage and distribution warehouse facility in an existing tenant suite on property located within Freedom Industrial Park approximately 1,000 feet west of the intersection of South Pine Street and Independence Drive (1955 Independence Drive) in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation (APN: 009-331-018). The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15301 (Existing Facilities).

Robert Holt, Assistant Planner presented the item.

With no questions for Mr. Holt the applicant was invited to the podium.

Paul Hansen of 35 West Loop in Madera stepped to the podium.

Commissioner Gran confirmed Mr. Hansen has reviewed and is in agreement with all conditions. He then asked what hazardous materials are used.

Mr. Hansen said they are primarily two divisions;

- Agricultural; water requirements/food safety, processing facilities
- Industrial

Commissioner Gran confirmed it's just a warehouse.

Mr. Hansen said yes, warehouse/distribution no blending. They have hired an independent consultant; All Hazard EHS out of Fresno. They will work along side Span to develop the hazardous management plan that will be submitted with the TI improvements.

Commissioner Gran asked if there was any ventilation going toward the High School.

Mr. Hansen said they were told there was no ventilation required since there was no blending.

Commissioner Salazar asked if the product was stored in large plastic bins.

Mr. Hansen said they use 55-gallon poly drums and 275-gallon poly totes.

Commissioner Salazar said that makes sense why there's no ventilation.

Mr. Hansen said they have various blending facilities across the U.S. and the product will be coming in in truckload quantities and stored there then distributed through local transportation to various locations.

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

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

**NON-PUBLIC HEARING ITEMS:** None

**WORKSHOPS:** None

**ADMINISTRATIVE REPORTS:** None

**COMMISSIONER REPORTS:**

Commissioner Gran wished Mr. Holt luck since this was his last meeting.

Commissioner Gran thanked Mr. Helmuth for making his life easier by making his wife happy. She is the president of Madera Evening Lions. Caltrans required a traffic engineer to sign off and stamp the Christmas parade route even though they had used the same one for years. Mr. Helmuth and the guy from the County came to the rescue.

Commissioner Gran welcomed Mr. Rodriguez and thanked him for joining the meeting. He also thanked Mr. Chaffin for being present at the meeting.

**ADJOURNMENT:** 8:54 pm



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Planning Commission Chairperson



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Brand

