

**CITY OF MADERA PLANNING COMMISSION  
REGULAR MEETING  
January 14, 2020**

**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 Pamela Tyler  
Commissioner Alex Salazar  
Commissioner Ryan Cerioni  
Commissioner Ramon Lopez-Maciel

**ABSENT:** None

**STAFF:** Darrell Unruh, Interim Planning Manager  
Keith Helmuth, City Engineer  
Jesus Orozco, Assistant Planner  
Brandi Garcia, Recording Secretary

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

**PUBLIC COMMENT:** None

**MINUTES:** None

**CONSENT ITEMS:** None

**1. SPR 2009-21 EXT 7 & CUP 2013-04, 05, 06 & 07 – Foxglove Shopping Center Extension**

A request for an extension of an approved site plan review and various conditional use permits in support of the development of a retail shopping center. The property is 19.51 acres in size and is located on the southeast corner of Schnoor Avenue and Foxglove Way in the C2 (Commercial) Zone District with a C (Commercial) General Plan land use designation. An environmental impact report, mitigation monitoring and reporting program, statement of overriding considerations, and related findings for all project components were completed in conjunction with the proposal. The retail shopping center was approved, and the environmental impact report was certified by the Planning Commission on February 12, 2013.

Jesus Orozco, Assistant Planner presented the item.

Commissioner Gran said he would give the representative the courtesy of coming up to represent himself.

Richard Zinkin stepped to the podium and said they lost a major tenant when they went through the EIR process. However, the EIR process was probably the best thing that happened. The major tenant didn't want to wait around while they went through the EIR but late summer 2019, after being unsuccessful in securing another major tenant, the

previous tenant actually contacted them and asked about the project. They sent them the EIR and they loved it. They thought it was the most thorough EIR they had ever seen and are very interested in it. Not only have they approved the EIR, but they have commissioned a report to project sales for the project. They expect that will be completed sometime by the end of the month, possibly next month. They do believe they have an opportunity to negotiate a lease and build.

Commissioner Gran asked if it was the same tenant as before.

Mr. Zinkin said it's exactly the same tenant that walked away before.

With no further questions of Mr. Zinkin Commissioner Gran thanked him and returned the item to the Commission for processing. He noted it's not a public hearing so they can go ahead and vote on the project.

Commissioner Gran also shared that the EIR really took a long time. He was here when they did the EIR and he believes it should make the prospective tenant very happy.

Legal Counsel explained that even though it's not a public hearing item they usually will go out to the public to ask if they want to pull the item from consent to give public comment on it. He didn't believe there was anyone there but that's what is usually done.

Commissioner Gran asked if anyone would like to pull the item from consent and comment on it. Seeing none, the item was returned to the Commission for further processing.

Commissioner Gran called for a vote and the motion carried unanimously.

## **PUBLIC HEARING ITEMS:**

### **1. 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.

The project was presented by Darrell Unruh, Interim Planning Manager.

Commissioner Broadhead noted there's only one vehicle access.

Commissioner Gran asked if there's a crash gate.

Mr. Unruh said there's an alternative access for emergency only. He supposes it could remain open for pedestrians.

Commissioner Broadhead said Merced St. isn't too bad right now with the two existing apartment complexes but with this and then there's something else being built down the street by the County, then there's the school down the street, it seems like a lot of traffic to only have one in and out.

Commissioner Gran asked if they could see the slide again with the existing homes and the street improvements.

Commissioner Broadhead said there's only one access, on the west side it looks like a sidewalk more than a street, can you drive through there?

Mr. Unruh said it's definitely not intended as an access for the occupants to use. It's there for pedestrian, not vehicular and to suffice for emergency vehicles. If there's a significant fire call, they will want more than one point of access.

Commissioner Broadhead noted there's 100 something apartments and a couple houses with only one way in and out.

Mr. Unruh said the entry drive is somewhat wider and he supposes you can extend the width of the entry further if it would enhance the ability of vehicles entering and leaving during peak times in the morning and evening. You would have to shrink the open space area to achieve that.

Commissioner Broadhead said he sees it as a problem and doesn't know what a solution would be.

Commissioner Cerioni said it seems like a lot of occupancy for one in and out.

Commissioner Broadhead noted that originally it was intended to be houses as it was pointed out. That would be quite a bit lower density but now with 100 something apartments everyone having at least one vehicle and often two. With everyone going to work at the same, time there could be quite a bunch up with no traffic lights either.

Commissioner Cerioni noted there's not enough parking for everybody.

Commissioner Salazar asked if it had been proposed for houses or apartments before.

Commissioner Gran said it was single family like the four homes. (referring to the existing homes that are there)

Commissioner Cerioni said its currently individual single-family lots.

Mr. Unruh said the proposed development divides those 102 new dwellings into six three story structures. They are identical structures in their design and floor plans.

Commissioner Broadhead pointed out there are the four single-family houses in the lower corner already and there's at least a dozen vehicles there already. There's a lot of traffic coming out of that one street.

Mr. Unruh added that the property was sub-divided for the lots that weren't constructed so prior to development the property owner will have to record and merge all the parcels and remove the property lines. It's expected that would occur to the four individual houses and they will become part of the collective whole sharing in the amenities of the development and be managed by the property owner. You see a lot of vehicles, but they will have to abide by the rules the property owner/manager enforces.

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

Ubaldo Garcia of 156 Asilomar Dr. in Madera stepped to the podium. He wanted to clarify that he is the project architect and not the owner as noted in the staff report. He said he has been working with the applicant for the last ten years in re designing the subdivision. It was originally designed in 2005 with 1100 sq. ft. homes. Those plans expired and they had to submit an addendum to the precise plan. At that time the proposed two and three- bedroom two story homes, four different models. Everything seemed to be ok until they realized what everyone saw. This subdivision was designed as an association and if every single house was sold individually everyone would have the problem of turning in their neighbors to the association when someone left their trash cans out or just mis-behaved. The only way to make this project function was to re-design it as an apartment complex and have an on-site manager to act as the sheriff in town.

The project had a lot of constraints regarding the parcel size, existing utilities and the lay out of the street. They were able to come up with a design that provides a good open space down the center of the project and all dwelling units surrounding the open space. They maximized the property according to the General Plan and they worked very closely with the Planning Manager to exchange parking spaces for amenities and open space. In the beginning they presented enough parking but had less open space. They were instructed to provide more open space to give enough for everybody. There was, 40 more parking stalls.

With regards to the point of access, the City isn't used to seeing big projects come in and out of one entrance, but they have, and they've designed 182-units with a single point of entrance. This one won't have a gate so, there won't be the traffic jams like being visualized. The other option would be to put an entrance on Ellis but he's not sure Engineering would be in agreement since it's an arterial street. There's no other place they could put an entrance that would make sense.

Commissioner Cortes noted there's an apartment complex on Kennedy St., Creekside he thinks, and it has one entrance as well.

Mr. Garcia said most of the projects do.

Commissioner Gran said there's a security factor to one point of access as well. However, he understands Richard's (Commissioner Broadhead) concern. We are 45 parking stalls short. If approved as is there will be congestion on site if there's full tenants. The open space is great.

Commissioner Cerioni said it seems like there's too many units and not enough parking on the parcel.

Commissioner Gran said the former staff that instructed him is no longer here and now we have the project in front of them.

Mr. Garcia said they submitted a parking plan. They proposed a strictly enforced parking plan. He read the plan to the Commission;

All potential tenants will be informed of the strict assigned parking rules and will be required to register the vehicles before signing the lease agreement. 48 of the two-bedroom units will be assigned a covered garage with a tandem stall. 24 of the two-bedroom units will be assigned a single covered carport space.

Each one-bedroom unit will be assigned a single covered carport space. Each assigned parking stall will be identified with a bumper sticker identifying the number of the assigned space. If you have #38 you cannot park in #47. Guest parking stalls will be available for guests only from 7am to 6pm without bumper stickers required. Guest parking stalls will be available to lease to all tenants only assigned one parking stall and only available for tenant parking from 6pm to 7am and will be identified by a bumper sticker. All unassigned parking stalls will be available for overnight parking with a dashboard permit issued by the property manager on a daily basis. All designated handicapped accessible stalls shall be available to any vehicle displaying the handicapped placard. Parking violations will be strictly enforced by the property manager as allowed by the local and state law.

This is not a plan that they invented. It works in the Bay Area and Sacramento where this developer is used to building. We have about four times the space than the projects have over there. This project provides 29 units per acre. According to the General Plan they're providing exactly what the City wants to see. If we start shooting down projects that try to achieve the maximum unit density were never going to see a 29 unit per acre or anything close to 20 units per acre. We're either going to be short on parking or short on open space. He did an analogy the last time he was here and the only way a one-acre parcel could have 29 units is if you have a five-story building with a four-story parking structure next to it. They are trying to comply with the General Plan and make everybody happy and make this project function. That's why they went for three stories and they put parking under the units. That's not typically done because it's very expensive. They are going the extra mile to make this project work. If it's a matter of parking they can turn the soccer field into an overnight parking area. That's commonly done in the Bay Area as well. When the kids leave around 7 or 8 pm it becomes a 9pm to 6 or 7am overnight parking. People just come in and park in that area. That would give an additional 40 stalls or so.

Regarding the second entrance, Keith would be the only one who could tell them where they could put one.

Mr. Helmuth, City Engineer stepped to the podium. He noted the plan dates back several years. There's not necessarily going to be a lot of traffic on this street. He understands 100 units is a fair amount to see on individual driveways but it's not uncommon. The primary concern he has is the driveway's proximity to the street. When he looks at the aerial, he doesn't see any traffic on this street but with the two connections being fairly close would be conflict between left turns into one and left turns out of the other if traffic starts to back up there may be a problem at the intersection. The solution may be a median to block the existing access to prevent left turns in and left turns out. It would be a right in and right out situation. That would alleviate some of his concerns. He doesn't believe Merced St. will have any issues with the additional traffic. Ellis and Merced may be a traffic signal in the future, but it hasn't popped up on their radar at all in the last few years.

In terms of additional access points, if he had the ability to start over and correct what was done 12-14 years ago, he would've looked at the connection and made the entry here (indicating on power point). It wasn't planned to be more than 38 units. That's a different story than 100. Potentially they could put another entry here (noting on power point). That would give some ability to distribute the traffic. This intersection here (noting on power point) internally will still see a bit of congestion. They are narrow streets and they weren't designed for this kind of traffic. The vehicles are going to get

caught up with each other on a regular basis. He doesn't mean mangled bumpers but moving through the site slowly and being careful about making turns.

Commissioner Gran said that if it was right in and right out that should alleviate some.

Mr. Helmuth replied that will alleviate some of what might happen on Merced St. Again, he's primarily concerned with the left turn conflicts out on Merced. The proximity of the two driveways with the additional amount of traffic, it's still a little worrisome. However, blocking it with a median will take away a good deal of the concern.

Commissioner Gran said nobody will get behind someone trying to turn left.

Mr. Helmuth said that's correct, they won't necessarily back up across the intersection.

Commissioner Gran said that people coming out of the apartment complex will only have to look one way and then go.

Mr. Helmuth said that's right but again he doesn't think there's a lot of traffic on Merced to begin with. However, he gets concerned when you start having left turn storage overlapping each other.

Commissioner Broadhead wanted to point out that Merced St. probably isn't a problem, but you have the elementary school down the street and then you have the construction project going in on Ellis St.

Mr. Helmuth said that's Bellava and Berk, not necessarily a large project.

Commissioner Broadhead said he makes the left turn from Merced to Ellis quite often and the school traffic is a hassle sometimes and with the other things going in it could create a problem.

Mr. Helmuth said the road does veer a little to the north as you move over to here (indicating on power point).

Commissioner Gran said if it's right in and right out then that will help a little bit. They won't be turning onto Ellis they will be going down to Kennedy.

Mr. Helmuth said probably down to a controlled location.

With no further questions of Mr. Helmuth, Mr. Garcia continued saying that as they evolve and move on with high density projects, they will start seeing more restraints with parking and open spaces. They are flexible and here to work with everyone.

Commissioner Gran said they just don't want to create a problem with something that they approve. They did do two similar projects downtown and they had their parking plans in place. It sounds like there's some form of parking plan in place.

Mr. Garcia said most of us have two, three or four vehicles but most people that live in apartments only have one. When they have two, the other one is junked.

Commissioner Cerioni said he disagrees, every single person in every single bedroom that lives there has their own car.

Mr. Garcia said if the right turn will make them feel more comfortable with the project, he is ok with that. The other thing, if parking is a concern, they can make the soccer field into overnight parking. Kids usually aren't playing in the middle of the night.

Commissioner Salazar said personally he's satisfied with the parking instructions and he's satisfied if there was to be a median, but the third thing is the third entrance for emergency. He mentioned building 6 and just south of it, there's a garbage enclosure noted.

Mr. Garcia said there was a trash enclosure there, but it was removed and its open space.

Commissioner Salazar said could it be an emergency gate? Just a gate, not an entrance.

Mr. Garcia said they could as long as Engineering would approve it. They didn't know how many trash enclosures they would need so they put as many as they could fit. If that's another solution they could put an emergency exit there. Or a second driveway.

Commissioner Salazar said he doesn't know about a second driveway, but he thinks a gate for emergency only would be good. If there was a fire at building 5, they're battling it at Ellis from behind. If it's at building 4 or 3, they're coming in from both sides. Building 2 and 1, same thing. However, building 6 is different because there's a house behind it. The fire engine would have to go all the way around to the main entrance then around the soccer field and back up. Right there could be entrance number 3 and that would make it easier.

Mr. Garcia said he would be ok with that if Engineering is.

Commissioner Salazar said in that case he would be ok with it. He also agreed that this is needed with Matilda Torres High and the other school and the further development. He doesn't want to give more parking because it would get rid of green space and this end of town doesn't have much green space.

Mr. Garcia said they should really talk to the school district to see if their open space can be used. There's all these school grounds that are basically empty after 3:00 pm.

Commissioner Tyler said there's after school programs, so they do access the playground. After 6:00 it's available though. It protects the kids too because they have to account for the students that are there and don't want any outside people coming in.

Commissioner Gran asked what the price point is on these.

Mr. Garcia said it would be fair market or lower income. So, affordable housing. He's thinking the one- bedroom, \$700-\$750 and the two-bedroom would be \$850-\$900.

With no further questions of Mr. Garcia and no one else wanting to speak on the item, it was returned to the Commission for further processing.

Commissioner Gran confirmed with Mr. Orozco that everyone was noticed within 300 feet like normal and that we did not receive any objection from those around.

Mr. Orozco also noted that an extra courtesy notice was sent out.

Commissioner Gran said he was sure that the four homes inside the project site would be complaining. He then asked Mr. Broadhead how he feels about a right in and a right out. He thinks that would alleviate the traffic situation. He also noted that Mr. Broadhead had also wanted a crash gate. They can be instructed to explore that with Keith to see what we can and can't do.

Commissioner Broadhead said that the school is only a block away. There's going to be kids living in the complex and for a parent to drive them they will have to go all the way around.

Commissioner Gran said in the morning they will have to go around or walk.

Commissioner Broadhead asked about the second driveway.

Commissioner Gran said it's only a crash gate, nothing to do with traffic. They will just have to go around. You don't want to tie up the other street and the exit flow of this project could go and not wait.

Commissioner Cortes noted it'll be the opposite when they pick up the child. They can just come right in.

Commissioner Salazar said he likes the project because it's a block from Pershing Elementary and who knows the situation the parents may be in where they have to live in low-income housing, but the opportunity to be a block away from the after school program and walking distance to the green space. It's very good for that community as opposed to the blight that has been there for years with no plan of improvement. That entire neighborhood is full, with almost no vacancies from a real estate standpoint and they all go to that school. With the three issues; the parking, median and crash gate he's satisfied.

Commissioner Gran asked about putting a pedestrian access on Ellis St.

Mr. Helmuth said that from an Engineering standpoint they have no objections, it would be a Planning Department question. Various entities in the past have had some objections but from an Engineering standpoint there are none.

Commissioner Gran said it may be more of a security issue because the gate. It looks like it would be right up on top of the building. It would need to be a swinging gate that goes one way and has a key. Also, the property on the Ellis and Merced corner is unimproved so the sidewalk will end at this project.

Commissioner Broadhead said it's ok if it won't work.

Commissioner Lopez said for the pedestrians he thinks they may be able to put a condition about having to finish the sidewalk as it pertains to the other property.

Commissioner Gran said they cannot dictate what the other property does.  
Commissioner Broadhead said there's sidewalks except for that corner.



Mr. Unruh said there is a notion to 'safe routes to school' in other communities they have required improvements. He would have to get more information on how it applies though.

Mr. Helmuth said as far as the property on the corner, the original developer for Eagle Meadows was conditioned to construct off-site improvements adjacent to that structure, however the conditions were applied but the city or developer doesn't have the ability to make a property owner sell or move forward with improvements like sidewalks. It's ok to condition it but it's not within the City's ability to require it. We cannot extend the right of eminent domain to a developer.

Commissioner Salazar asked Commissioner Broadhead how he felt about a pedestrian gate next to the crash gate.

Commissioner Broadhead said that would be fine, but they would still have to come down and around.

Commissioner Gran said there's sidewalk.

Commissioner Salazar showed that the tenants could cross, exit and go that way rather than that way.

Commissioner Broadhead said that would be fine, it would help.

Commissioner Gran said he liked that idea.

They Commissioners discussed options for the gate.

Commissioner Cerioni said he thinks they should strongly consider the additional parking on the soccer field that was mentioned. Either that or they cut down the number of units to accommodate the parking. He understands the high density, but this is super high density with not enough parking and narrow streets.

Commissioner Gran said there is a lot of open space. If they condition it then they can use the soccer field.

Commissioner Cortes said he likes the green space.

Commissioner Gran agreed.

Mr. Orozco recommended the Commission continue the item to allow an opportunity for them review a revised site plan with all the additions to the project.

Commissioner Lopez said that is a good idea.

Commissioner Gran agreed, and said he likes that idea then asked for a motion.

Commissioner Cerioni moved to approve Motion 2 continuing the item to the February 11, 2020 Planning Commission meeting. Seconded by Commissioner Broadhead, the motion carried unanimously.

**2. CUP 2019-30 – Deerpoint Group**

A noticed public hearing to consider a conditional use permit to allow for the outdoor storage of water-based fertilizer containers on approximately 30,000 square feet at an existing agricultural/irrigation water treatment company, located in the Freedom Industrial Park, approximately 1,700 feet west of the northwest corner of West Pecan Avenue and Independence Drive (1963 Independence Dive), in the I (Industrial) Zone District with an I (Industrial) General Plan land use designation. (APN: 009-331-023)

Jesus Orozco, Assistant Planner presented the item.

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

Daniel Gonzalez of 18855 Shell Dr. in Madera stepped to the podium.

Commissioner Gran confirmed he was in agreement with all conditions then asked if there is anything used at the site that if put into the air would cause concern for those at the High School nearby.

He said the way the standard is written, as long as they are within 1000 feet from the school, they are allowed to have the materials on site. Everything is water based with no odor to it.

Commissioner Gran said the ammonia concerns him.

Mr. Gonzalez said they are not storing ammonia at that site so it can be removed from the list.

Commissioner Gran asked if it was just being dropped off and transported.

Mr. Gonzalez said they don't have rail cars at the site so they're not doing that.

Commissioner Gran asked about fertilizer and it being used to make bombs.

Mr. Gonzalez said all their fertilizers are water based and could not be used to make bombs.

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

Mr. Orozco asked if they are going to choose Motion 1, please incorporate by reference the conditions from CUP 2014-16 in the approval.

Legal Counsel said the correct motion would be to approve CUP 2019-30 and incorporate by reference the conditions of approval as laid out in CUP 2014-16.

Commissioner Gran added; and subject to the findings and conditions of approval in this CUP.

Commissioner Salazar moved to approve the motion. Commissioner Broadhead seconded the motion and it was carried unanimously.

**3. Development Agreement Annual Review – Madera Travel Center**

An annual review of the 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 required 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: 013-240-004, 005, 006 & 007)

This item was continued to the March 10, 2020 Planning Commission meeting.

**WORKSHOPS:** None

**ADMINISTRATIVE REPORTS:**

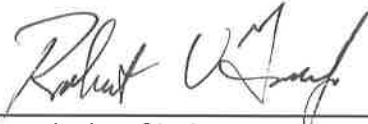
Jesus Orozco noted that the reorganization of the Commission was not placed on the agenda so it will be on February's agenda.

**COMMISSIONER REPORTS:**

Commissioner Lopez asked about the deadline for the form 700.

Commissioner Gran said it's the first week in April.

**ADJOURNMENT:** 6:15 pm



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Planning Commission Chairperson



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Brandi Garcia, Recording Secretary