

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
August 10, 2021**

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

ROLL CALL

PRESENT: Commissioner Robert Gran Jr. (Chairperson)
Commissioner Ryan Cerioni
Commissioner Ramon Lopez
Commissioner Rohi Zacharia
Commissioner Bobby Sheikh
Commissioner Balwinder Singh

ABSENT: Commissioner Alex Salazar (Vice Chairperson)

STAFF: Gary Conte, Planning Manager
Keith Helmuth, City Engineer
Tiffany Ljuba, Assistant City Engineer
Randy Bell, Deputy City Engineer
Brandi Garcia, Recording Secretary
Derek Sylvester, Associate Planner
Olga Saucedo-Garcia, Planning Assistant

PLEDGE: None

PUBLIC COMMENT:

MINUTES: March 9, 2021 & April 13, 2021
Commissioner Cerioni moved to approve the minutes. Seconded by
Commissioner Sheikh the motion carried unanimously.

CONSENT ITEMS:

1. GPC 2021-01 – Madera Unified School District Acquisition of Property

Consideration of a Resolution finding that the Madera Unified High School District's proposed acquisition of 49.52 acres on the South side of West Cleveland Avenue between Avenue 16 and North Westberry Boulevard conforms with the City of Madera 2025 General Plan pursuant to Government Code Section 65402, and associated CEQA determination.

Gary Conte, Planning Manager noted this item does not require a presentation since it is a consent item.

Commissioner Lopez requested to move the item from a Consent item for educational purposes.

Mr. Conte said the Planning Commission may do so at their discretion.

Commissioner Lopez made a motion to move the item from Consent for discussion. The motion was seconded by Commissioner Sheikh. The motion carried unanimously, and the item was pulled for discussion.

Mr. Conte explained the item.

Commissioner Gran confirmed this land is a donation.

Mr. Conte said yes, this is being donated by King Hussain of Span Construction. It was recently brought to the Planning Commission not too long ago for consideration of a Tentative Map. However, now it's a donation to the school district for the public benefit.

Commissioner Lopez asked how they as Commissioners, can be sure something conforms with the General Plan. He doesn't see the connection with this and the General Plan.

Mr. Conte explained the General Plan and its policies that apply permitting public facilities within certain land uses. The school site or Public Facilities would be permissible in an area that calls for Low Density, the land use and General Plan are consistent. School sites themselves would be permissible in Low-Density, Medium-Density and High-Density Residential zones.

Commissioner Gran asked if anyone else had questions of Mr. Conte. There were none.

Commissioner Lopez moved to approve Motion 1. Seconded by Commissioner Sheikh the motion carried unanimously.

PUBLIC HEARING ITEMS:

1. PPL 2020-02 & VAR 2020-03 – Bella Vita Residences

A noticed public hearing to consider an application for a Precise Plan to develop a 112-unit multi-family residential development on an approximately 4.2-acre site. The Precise Plan is also requesting a deviation in parking requirements from the 244 required parking spaces to 212 parking spaces. VAR 2020-03 requests relief from open space property development standards, from 750 sq. ft. to 401 sq. ft. per dwelling unit. The subject property is located at the southeast corner of Owens Street and the Clark Street alignment. The project site is zoned PD-1500 (Planned Development) with an HD (High Density) General Plan land use designation (APN: 003-240-001 & 002).

The item was presented by Sara Allinder, Provost & Pritchard Contract Planner.

Commissioner Gran confirmed the last two apartment complexes that were approved met the 750 sq. ft. parking requirements.

Mrs. Allinder said yes, she was with us on the last one and it met the requirements. They compared the two and the distinctions is that the prior project had about ten less units. Some other things were differences in building sq. ft. and the layout as well. They are similar but there are some differences that were taken into consideration.

Commissioner Lopez asked if Mrs. Allinder could explain the definition of open space.

Mrs. Allinder said the open space is anything that doesn't have paving on it and is not a building or drive aisle. The pool area, BBQ area are also considered active open space.

Commissioner Lopez confirmed the open space is for people to gather, etc.

Mrs. Allinder said it can either be active or passive, the landscape counts toward it as well though people aren't going to hang out in three feet of landscaping, however, it does count. Balconies that meet certain requirements count as private open space also.

Commissioner Lopez asked about the setbacks. Why would they do fifteen or ten feet for setbacks? Why not ten or five?

Mrs. Allinder said those were put into place before she was here with us and typically those are Building requirements.

Commissioner Lopez said he sees this request coming often, where the developers want to cut the setback. He would like to see the benefit of it.

Mr. Conte said the standards are what is defined in the Code which was written well before his time as Sara had mentioned as well. The concept of a five, ten or fifteen is to provide consistency throughout the neighborhood or subdivision as well as a comfort level from where the front door lies to the edge of the street. We also do take into consideration the Public Utility Easements that are necessary along frontages. Those are ten feet and there are limits to what can be constructed within that PUE. No buildings, fences, walls, etc. In this situation you have both Clark St. and Owens St. The setbacks are for aesthetics and, people don't like walking on the sidewalk where there is a fence or wall and will tend to walk closer to the street side. It's a sense of comfort for walking and from the placement of the door to the edge of the street.

The limit for a three-foot fence in the front yard is so law enforcement and others can see that nothing is going on at the property that should not be taking place. When there is a request for a higher fence in the front, it's expected that it be transparent so it can be seen through, such as wrought iron, etc.

Commissioner Singh mentioned that we are in the need of housing here in the City. With the deviation of parking would that cause any issues around the area with people parking on the street and pedestrians more than usual? He mentioned the complex on Sherwood and that he noticed a lot of people do park along the street there

Mrs. Allinder said this project is proposing what they have seen in other apartment complexes. This site is well positioned for people to get around without needing a car. It's also near the bus stops.

With no further questions, Commissioner Gran opened the public hearing and asked the applicant to come forward.

Mrs. Garcia asked the person with phone number ending in 0507 to speak. Nobody spoke so Mr. Garabedian was invited in.

Mr. Garabedian said he was representing the applicant for the apartments. They have asked for a reduction in parking, but the open space is what is making it difficult. He spoke about his calculations that were submitted. He noted that when you increase density something has to give and that's usually the open space.

He said the City of Fresno has an open space percentage of 10% but the City of Madera has it at 33% which is quite high and doesn't allow much of a design and get the full use for the project based on the zoning. He noted that they could reduce the size of the units but when it's too hot or too cold people just want to be inside and that's where the larger units come in. To achieve the 500 sq. ft., they would either need to reduce the unit size or the number of units. That would change things dramatically.

Commissioner Gran said no offense, but it seems like the space is being totally maximized then they are asking for variances. The two recent apartment complexes were able to meet the 750 sq. ft. requirements with no problem. There was a reduction on some parking, and he can see that, but he's not comfortable setting a new precedence for future complexes dropping the open space down to under 500 sq. ft. per unit. He doesn't see how they could give a special variance then ask it from everyone else.

Mr. Garabedian said the City of Madera made a special zoning of 1500. Trying to get the full use at the 1500 they can get 121 units and they're not even reaching that potential. They have 111 plus the Manager's unit, so 112. It's normal that when you increase the density something has to give and that's usually the open space.

Commissioner Gran asked if he was saying the other apartments used a better Engineer and were able to achieve it? He said he doesn't understand the logic.

Mr. Garabedian said, no. He doesn't know what the zoning was for the others.

Commissioner Gran said they are going for a nice three-story project and over maximizing the footprint. He understands some of the reasoning and logic but were also setting a precedence for future developments.

Mr. Garabedian said the percentage also needs to be addressed by the City. If they dropped the average unit down to 750 sq. ft. and need to provide 750 sq. ft. of open space, then that's 1500 already. They have eliminated parking and everything else. Why didn't the City just make it R3 which would be 2000 sq. ft. per unit and may have worked.

Commissioner Lopez said he noticed they are trying to get three shortcuts: fencing, parking and open space. Is there anything they are doing that is more than required?

Mr. Garabedian said he would say the extra is making the units bigger. They have also put the entrances further away from the intersections, which the City Engineers can understand. There are almost two parking stalls per unit.

Commissioner Lopez said it was difficult to follow the open space calculations given because it could have been done in a simple division problem instead of using four pages. He wanted to know Mr. Garabedian's reasoning to provide that much instead of using simple division.

Mr. Garabedian said he said if he takes short cuts only another Engineer can follow so he wanted to explain it as much as possible.

Commissioner Lopez said he shouldn't assume there are Engineers or not on the Commission.

Commissioner Gran asked if anyone else had questions for the applicant. Seeing none, he invited anyone else who would like to speak to come forward.

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

Commissioner Gran said he doesn't know about others, but for himself he is not comfortable with the open space.

Commissioner Cerioni said it's a pretty big deviation. The standard is the standard and if it needs to be addressed and changed at some point, he's not sure if they handle that or City council.

Commissioner Gran would feel comfortable continuing the item then bringing it back.

Commissioner Lopez said he notices there's a trend where the recent applicants have been taking so many cuts. If there is an urgency, then maybe we need to look at the zoning and change the parameters. With the applicant requesting to go from a 15 foot to a three-foot clearance that's too much.

Commissioner Singh said these are shortcuts that are going to affect the tenants.

Commissioner Cerioni said maybe the number of units just needs to be trimmed down a bit.

Commissioner Singh asked Mr. Garabedian what the average rent will be for these.

Mr. Garabedian said he doesn't have the numbers with him, but it comes down to how much it costs to construct. Also, if they reduce the number of units the rent will need to be higher to make up for the loss. Not to compare but a design like this would have no problems in the City of Fresno or even the County of Madera. He does agree with Commissioner Lopez and that if this is coming up all the time, then it needs to be addressed. Especially when it prevents the ability to come up with different designs. Right now, you're stuck with a certain way.

Commissioner Gran thanked Mr. Garabedian but noted the public hearing was closed. He reminded the Commissioners to remember what Charles said but when you build less, it costs less, and you don't have to raise the rent to make up for it. When you try to compare us to Fresno or other Metropolitan areas the variances are different. We do not have these open space requirements in say the City of San Francisco because everyone walks, and everyone commutes. We are still a very car-based City. The transportation system is getting better and is close to this project, but we don't want to congest the streets with outside parking where it gets stacked up.

Mr. Garabedian started to speak, and Commissioner Gran reminded him his time is done.

Commissioner Lopez said regarding the rent, what they charge in the first few years is proportionate to the cost but after that in 10 years or more its supply and demand.

Commissioner Cerioni said the rent is controlled by market conditions and that's the only thing.

Commissioner Gan said based on today's society everything is through the roof. There's no way Charles can even predict rent at this time. A lot of contractors are bidding jobs based on the cost they can get things for. He asked the others what they felt about the project.

Commissioner Lopez said he would like to wait for another month or two and hopefully the applicant is able to come up with a little more open space or parking where the shortcuts are.

Commissioner Cerioni said the three-foot setback on the street really concerns him as well.

Commissioner Gran said to be truthful, if they could get the open space, he would be willing to trade off on the parking. 1.9 is better than most, maybe not as ideal but based on the location and transportation not being far away it can be rationalized. He has a problem with the three-foot setback. He also said he took a look at the elevations and the window treatments and it's pretty plain. If they could put in more landscaping, then maybe. He really has a problem with the open space.

Commissioner Cerioni said this is not a 10 or 15% deviation. If the standard needs to be changed that needs to be crossed at another point.

Commissioner Gran said they just approved two or three that met the 750 and they gave a parking variance on the parking to the last one. He still feels good about that one too. He feels they need to maintain a standard. It needs to be continued with guidance to staff and the applicant.

Commissioners Salazar and Cerioni agreed.

Commissioner Gran asked the other Commissioner's what guidance they need to suggest before they can frame the motion.

Commissioner Cerioni said they need to increase the open space and increase the setback on the three-foot property line. He would be comfortable with that as the direction with those two items.

Commissioner Salazar said the parking, he could live with on the way it is now, but not anymore reduction. The open space, he's not willing to negotiate on. With being compared to Fresno, they may take a significant reduction on their variances because they are truly in a different housing situation than we are in Madera. Being compared is not fair either.

Commissioner Gran asked with regards to the open space are they giving direction to the 500 or the 750?

Commissioner Zacharia said 500 seems pretty fair. They don't want to be too crammed or too tight.

Commissioner Gran said, just to confirm; they are ok with the parking, taking away the three-foot setback and to at least have them meet the minimum of staff's recommendation for open space.

Commissioner Salazar made a motion to approve what Commissioner Gran stated. Motion 2 with the proposals.

Sarah Allinder wanted clarification on the setbacks to make sure it would be a ten-foot setback along both Owens and Clark. So, the fence would be just behind the PUE?

Commissioner Cerioni said a ten-foot PUE setback is pretty standard. If you go with a three foot you will have public utilities under a fence or behind a fence, it'll be messy.

Commissioner Gran said this is just the beginning of this area being developed. What if we have to bring more utilities in. We don't want it to be a nightmare. He agrees with the ten-foot. We're looking at Motion 2 with the minimum open space at staff's recommendation for open space. We will accept the request for the parking variance but would want a ten-foot setback.

Commissioner Lopez asked what they said the variance would be.

Commissioner Gran said the 500 but if he's not comfortable with it then he can speak up.

Commissioner Lopez said we are basically giving him what wants except the setback.

Commissioner Salazar said, no we are giving him 500 but he wants less.

Commissioner Lopez said he would say 600 but...

Commissioner Gran said he sees where he's coming from but is comfortable with staff's recommendation.

Mrs. Allinder said one distinction is the land use compatibility requirements that need to be addressed due to the adjacent single-family residences. This won't be the case in all projects.

Commissioner Gran confirmed she was talking about them losing the balcony.

Mrs. Allinder said, yes.

Commissioner Salazar said he understands and is ok with that. There has to be a reason staff came to the recommendation of 500 sq. ft. He doesn't think staff would recommend that every single time.

Commissioner Gran said it sounds good and rationalizes it for him.

Mr. Conte, Planning Manager said the request of 500 sq. ft. is similar to what an R3 district would consider a standard. The 500 as opposed to 750 represents a 20% reduction.

Commissioner Gran said it has been moved to approve Motion 2 with the recommendations and the applicants parking request. Commissioner Sheikh seconded the motion.

Mrs. Garcia polled the Commissioner's.

Commissioner Ryan Cerioni – yes
Commissioner Ramon Lopez – yes
Commissioner Rohi Zacharia – yes
Commissioner Bobby Sheikh – yes
Commissioner Balwinder Singh – yes
Vice Chairperson Alex Salazar – yes
Chairperson Robert Gran Jr. - yes

The motion carried unanimously.

2. SPR 2021-24 – South Schnoor Ave. Industrial Warehouse

An application proposing the development of four (4) single-story, pre-engineered metal buildings for flex/warehouse spaces to occupy approximately 9.0 acres of the total 16.57 acre parcel and a drainage basin at the northeast corner of the site. The site plan review would allow for the construction of four (4) buildings ranging in size from 35,100 sq. ft. (Buildings C & D) to 37,050 sq. ft. (Buildings A & B) for a total of 74 leasable units at 1,950. The project site is located east of South Schnoor Avenue between Modoc Street and West Almond Avenue (APN: 009-330-011).

Derek Sylvester, Associate Planner presented the item.

Commissioner Gran commented on the packet being very good, thorough, and having a nice flow to it. He said he appreciated it.

With no questions of staff, the public hearing was opened, and the applicant was invited to come raise their hand to speak.

Mrs. Garcia noted, there is someone from WHSE Partners in attendance.

Franklin Spees spoke on behalf of the Applicant.

Commissioner Gran confirmed he agreed with all the conditions as stated.

Mrs. Spees said he agreed with all conditions and noted they have had a great collaboration with staff.

Seeing nobody else to speak on the item, the public hearing was closed, and the item returned to the commission for further processing.

Commissioner Salazar moved to approve Motion 1 and Commissioner Cerioni seconded the motion.

Mr. Conte confirmed that Motion 1 was with the addition of Conditions #106 and #107.

Commissioner Salazar said yes.

Commissioner Cerioni confirmed his second to the Motion.

Mrs. Garcia polled the Commissioners.

Commissioner Ryan Cerioni – yes
Commissioner Ramon Lopez – yes
Commissioner Rohi Zacharia – yes
Commissioner Bobby Sheikh – yes
Commissioner Balwinder Singh – yes
Vice Chairperson Alex Salazar – yes
Chairperson Robert Gran Jr. - yes

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS:

Mr. Conte noted that he doesn't see us meeting in the Chambers until September or October. Until then, we will continue to use Zoom.

COMMISSIONER REPORTS:

Commissioner Singh asked if he should email Brandi with questions individuals have regarding projects and the status.

Commissioner Cerioni said it would be Brandi.

Mr. Conte said his recommendation is that you make it known when the item goes to Planning Commission that you have had conversation.

ADJOURNMENT: 6:45 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary