

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
November 9, 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 Alex Salazar (Vice Chairperson)
Commissioner Ramon Lopez
Commissioner Balwinder Singh
Commissioner Rohi Zacharia
Commissioner Bobby Sheikh

ABSENT: Commissioner Ryan Cerioni

STAFF: Gary Conte, Planning Manager
Keith Helmuth, City Engineer
Randy Bell, Deputy City Engineer
Brandi Garcia, Recording Secretary
Derek Sylvester, Associate Planner
Ricardo Olea, Assistant Planner
Sara Allinder, Contract Planner
Nick Papajohn, Legal Counsel

PLEDGE:

PUBLIC COMMENT: None

MINUTES: None

CONSENT ITEMS:

1. Addendum to the Initial Study/Negative Declaration for the Grove Gardens Project (Derek Sylvester)

A proposal to correct the adopted Initial Study/Negative Declaration (IS/ND) for the Grove Gardens Project previously adopted by the Planning Commission on May 12, 2020. Following the adoption of the IS/ND, the project proponent submitted subsequent applications for project related street and alley abandonments, lot line adjustment, and a precise plan modification not originally included as part of the project description nor analyzed in the IS/ND adopted on May 12, 2020. At the October 12, 2021, regular meeting of the Planning Commission, these applications were considered and approved, along what should have been identified as an "addendum" to the IS/ND for the Grove Gardens Project. The staff report and attachments of that October 12, 2021, report incorrectly referred to the addendum of the IS/ND as a an "amendment." Staff has made the necessary correction to the IS/ND to reflect the appropriate terminology.

Mr. Sylvester summarized the item for the Commission.

The Grove Gardens incorrectly referred to the document as an amendment but should have been noted as an addendum.

Chairperson Gran said it's just legal housekeeping.

Commissioner Sheikh moved to approve as presented. Commissioner Lopez seconded the item.

Mrs. Garcia polled the Commissioners:

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.

PUBLIC HEARING ITEMS:

1. GPA 2020-01, REZ 2021-01, SPR 2021-01 MOD & VAR 2020-01 – Sunset Apartments (Sara Allinder)

A noticed public hearing to consider a request for a General Plan Amendment, Rezone, and Site Plan Review that would allow construction of a 15-unit multi-family residential development to include two-bedroom and three-bedroom apartments on a 0.875-acre site. A new two-story building is proposed to accommodate 11 units while the existing building on-site would be renovated for 4 two-story units. The General Plan Amendment proposes to amend the land use designation for the property from C (Commercial) to HD (High Density Residential). The Rezone proposes to rezone the northern approximately 0.2 acres of the property from the R1 (One unit per 6,000 square feet of site area) zone district to the R3 (One unit per 1,800 square feet of site area) zone district. The site is located at the northeast corner of Orchard Avenue and Sunset Avenue. APN: 006-182-007

An Initial Study/Negative Declaration has been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA).

Chairperson Gran noted that Dr. Naz took care of both his children. However, he has not had correspondence with him in about a year or so.

Vice Chairperson Alex Salazar said he has done business with Dr. Naz in the past but there are currently no financial interests at the moment, nor have they had discussion on the item.

Commissioner Singh said the owner of the project is related to him as an uncle, but he has no financial interest in the project and being a relative will not stop him from making a fair decision.

Sara Allinder, Provost & Pritchard Contract Planner presented the item.

Mrs. Garcia read into the record an email received in opposition to the project.

Mrs. Allinder continued presenting the project noting the available motions for the item.

Chairperson Gran asked if there were any questions of Sara.

Commissioner Lopez asked if these were to be single family residential, how many could you fit.

Mrs. Allinder said it could accommodate four single family residential lots.

Commissioner Lopez asked, if any family that lived in these apartments wanted to have a BBQ, is there space for that?

Mrs. Allinder said there is a common area at the Northwest corner of the project site. It does meet the standard of 500 sq. ft. per unit and slightly exceeds it.

Chairperson Gran asked if the site is currently zoned for Commercial.

Mr. Allinder said it is planned Commercial but zoned R3 on a majority of the site then a small piece is R1 on the northern end. It is planned for Commercial currently.

Chairperson Gran asked if that's how it came into the City from the County.

Mrs. Allinder said it is her understanding that the gym was on site and the last General Plan update recognized that existing use. She doesn't know what it was prior to that taking place in 2009.

Chairperson Gran opened the public hearing and invited the applicant to come forward.

Gary Rogers stepped to the podium. This property had an old gym on it, and it was run down. This was an eyesore and unfortunately it became a home for the homeless. They built a fire inside one morning and the fire got out of hand burning down the building. Everything burnt down except the concrete walls. Because of the insurance company they had to leave it like that for a while. That process took a year and the use permit expired. It took another four months to clean up the site.

This is the second time he has come in front of the Commission for this item. When they decided to rebuild this, they also took a lot of the comments and concerns from the neighbors. The traffic, noise and street corner were some of them. Even the number of units that were being proposed. A few neighbors think it will be run down in a few years. They have worked that out and redesigned the front of it. They are now able to put more into it. His staff worked on it for several months to come up with a design the neighbors might really like. The buildings are about 1500 sq. ft. on average. That's almost as big as some of the houses in the area. They are big enough to fit in with the surrounding area. They have provided landscape areas and areas where the families can BBQ or have activities.

They have provided plenty of parking, two spaces for each unit. There are three extras for guests to use. The traffic will go out on Orchard, and they will not go through the area where the houses are. All traffic will be kept away from the neighbors. The corner where the children will be, previously noted as the most dangerous in the City. However, he did some research and

in the last 20 years, only one child has been hurt. He disagrees with the comment that the children are not smart enough, because our children are smart.

There will not be any more noise than normal for a neighborhood. The construction noise will be temporary. The traffic and number of cars has been a concern. However, according to the traffic report only showed 7 in the morning and about 9 later. That is not a whole lot compared to what was there for 30-40 years. That argument doesn't hold water for him.

There's a block fence on the alley so kids don't cut across the property and go to the alley to do things in the alley that they shouldn't. So, they will do the block wall to prevent that. The trash enclosure will be in the alley and enclosed from the neighbors' houses. Only the garbage truck will be able to get in and access it.

The impact on the schools, they are not going to put that many more students in the school. There may be 54 children total over a year that may be using the three schools nearby. That's not very many new students when Madera expects there to be 66,000 new students in the next 20 years. They will be paying the fair amount of school fees, about 20-25,000 just for the school fees. Granted that won't build a school but it's not their job to. They are just required to pay the fees to the school district.

He believes this project will increase the value of the neighborhood. The homes around are about 30-40 years old and have reached their maximum value already. This should help increase the area now though.

Chairperson Gran asked the Commission if they had any questions of Mr. Rogers.

Commissioner Singh asked what the approximate rent will be for the units, estimated.

Mr. Rogers said it will be about \$1400 - \$1600 a month.

Chairperson Gran said it seems like an upscale project.

Mr. Rogers said it will enhance the entire neighborhood.

Commissioner Singh said he would imagine that's similar to what those in the surrounding houses may be paying per month. He asked what the proposed number of tenants would be living there, 3-4 people?

Mr. Rogers said they are thinking of a couple and maybe a couple kids. There would be a limit of 2-3 kids. He knows that people tend to rent then bring in the cousins or uncles to help pay the rent. The lease will be for the single family, not joint families as well.

Commissioner Lopez said we always tend to compare what we have with what we had before. The apartments are being compared to the gym that was in bad condition. The gym was removed because it was non-conforming and bad for the neighborhood. We don't want to compare something with something bad. It should be something good with something good. His biggest concern is the children. Will the cross walk be improved for the children that cross Sunset going to John Adams?

Mr. Rogers said they are not planning on improving it but at the last meeting that was discussed and the City was going to look into it.

Commissioner Lopez asked if it is required, would it be considered a burden to the project?

Mr. Rogers said they agree to all conditions from the City, however, if any new conditions are applied, they would need to meet with staff and take it into consideration.

Commissioner Lopez asked about the second floor. Are there windows in the section where the homes are?

Mr. Rogers said that was one of the problems the first time, the neighbors didn't want the tenants looking down into the backyards. They were able to design them to have no windows looking into the backyards. Only the one existing section that didn't burn will have windows. There will be landscaping that will eventually grow to cover it. That will take probably 2-3 years.

Chairperson Gran noted that Mrs. Allinder said the second floor is privacy glass.

Mr. Rogers said yes, that's for the four units.

Chairperson Gran thanked Mr. Rogers and invited anyone else wishing to speak to come forward.

Aftab Naz, property owner, stepped to the podium. He said he was excited about this site and developing it to enhance the value of the property and neighborhood. Then unfortunately it burned down, and everything had to be redone though it was approved for 15 units the last time. Then there was COVID, and then something about the Indian Council in case artifacts were there under the gym, so that took another 3-4 months, and the project has been delayed. It will be a high-end luxury apartment complex. There will be two bedrooms that could accommodate 1-2 kids and the three bedrooms maybe 3 kids at the most. They will only be rented to a single family and no others. They are enclosing it with the block wall on the alley side and the other will have a wrought iron fence all around the property. The buildings will be double story but no higher than the ones that were already there. He would like to have this approved as presented and they agree with all the conditions. He would like to start on it asap.

Chairperson Gran asked if there were any questions of Dr. Naz.

Commissioner Lopez said he remembers the past approval and there was a variance. However, there's no variance this time, correct?

Dr. Naz said there is no variance. They have redesigned the whole thing. Before, they had to use the existing building that had block walls. Now, there is more open space available.

Commissioner Singh said the fire has made it a better space to work with.

Mr. Conte, Planning Manager said the variance was previously required because of the setback issue from the road.

Chairperson Gran thanked Dr. Naz and asked if anyone else would like to speak for or against the project.

Gerald Holiday stepped to the podium. He thanked Mr. Conte for his conversation the other day and noted his issue is with the traffic. He moved into the area on Fairview St. in 1953 and swam in the club in 1954. They moved a little closer and to the west of the site. The traffic is horrendous with people late to work or in a hurry to get home. The traffic concern is real.

He's not against the project, it's better than what is there now. He would like to see the City do something with Orchard and would like no on street parking. If you park along the sidewalk, you cannot see the kids. It's correct, there probably hasn't been anyone hit at the crosswalk but there have been accidents at Orchard and Venturi. The children need visibility with no cars parked along the street. The City has put red curbs in front of Jefferson. However, people drop off there and don't pay attention to the red. He would like to see 'Tow Away' signs. He drives through there 4-5 times per day. If there's cars parked on the corner, it's really difficult. In addition, if there's a fence in the front, he would like to see it kept low enough so you can see.

Chairperson Gran asked if there were any questions of Mr. Holiday.

Commissioner Lopez said he understands the concerns but there are no questions.

Mr. Holiday said it seems like every apartment complex has so many cars parked on the street.

Commissioner Singh said that is one of their concerns also and they do take it into consideration.

Chairperson Gran thanked Mr. Holiday and asked if anyone else would like to speak on the item.

Betsy DaSilva stepped to the podium and noted she has lived on Orchard Ave. for 30 years. She asked what year the traffic study was done, in what year?

Mrs. Allinder replied but is unable to be heard on the audio.

Keith Helmuth, City Engineer spoke up and said he is not aware of a specific traffic study being done for this. The project does not warrant a traffic study based on its size. One is typically required when it will generate 100 peak hour trips. This is relatively small. They did however, go ahead and figure out the trip generation at the last meeting. He doesn't have it with him, but it was presented already at the last meeting. It was probably no more that 10-12 trips per hour during the peak hour for this project, but he is not aware of a traffic study.

Mrs. DaSilva said she is not concerned about the apartment building but the people that drive their kids to school in the morning. When she walks her grandchild in the morning there's cars backed up. That's the traffic she's talking about, what's there now. The apartment would just add to it in front of the complex. There are no sidewalks on Orchard, and you have to walk on the street until you get to the spot where there are sidewalks. She doesn't think 7-10 cars qualifies, she's worried about the kids. The apartment complex is fine, but it's the traffic. The City needs to take care of it and put a stop sign at Ventura to slow people down.

Chairperson Gran thanked Mrs. DaSilva and asked if anyone else would like to speak on the item.

Seeing none, the applicant was invited back to the podium if he wished.

Mr. Rogers said he is aware of the traffic, and they have no control over that. All they can do is minimize their input of cars on the street. Maybe staff can meet with the public for input on the issue but that is not what is being talked about tonight. We are talking about this project, not what the City should or could do. This is something that could be considered in the future with the City but in the meantime they would like their project to move forward and not be stalled by something they have no control over.

Chairperson Gran thanked Mr. Rogers and returned the item to the Commission for further processing.

Commissioner Lopez said he knows the area really well and used to live in the neighborhood. His children used to walk to John Adams. He knows this will be better than the gym that was there, but he is concerned about the kids. He would like to see if the City could add a condition to improve the cross walk.

Commissioner Salazar said he understands the concern, but that's the school district. They need to also be part of these conversations so they could put up a light or something.

Commissioner Lopez said he understands that but is there is a possibility to make it a condition?

Commissioner Salazar said he thinks the concerns are valid, but we should be saying the School District needs to be involved as well and with every other apartment complex that gets approved throughout the town.

Commissioner Lopez asked if it could be done later when they issue a permit. Can we say you cannot move forward until you do this?

Mr. Helmuth said no, later on would not be the right time. It would need to be done now. It is within the Commission's prevue to require a better crosswalk or whatever to be installed. He did pull up the accident history prior to the meeting and he did not find any for the last four years or so. He checked with PD to confirm nothing was missing and it doesn't appear so. If there have not been any accidents at that intersection in the last four years, that makes it hard to say additional measures are necessary. It's always helpful but when there is no accident history or it's nonexistent per the records, it makes it hard to mandate it.

Chairperson Gran said he thinks this is something that definitely needs to be looked at and as the Planning Commission they can recommend to Keith that a study or a review of the area needs to be performed so they are proactive and take care of the people. We're talking about the future, not just right now. This is not something caused by the project, it has been existing. It could be worse, and they could be developing something else. However, we do need to be proactive. He does think staff did a good job addressing ingress and egress. They even addressed the graffiti issue and the block wall.

Commissioner Salazar said he thinks the traffic and the schools are very much a concern. However, he thinks there is only so much weight the Commission can carry. The other piece is the school district. The applicant is going to pay six figures to a school facility fee which to his understanding cannot be earmarked for a specific project. However, as a citizen you can go down the street and make a comment and say, we just approved this project, and I would like to see some improvements there. It needs to include the school district. The school district is meeting this evening which is the perfect time to make the comments about the school fees. The fees should not only go to change an a/c on a school. Yes, that needs the money but this needs to be addressed too.

Commissioner Lopez asked if the school district has been involved in the infrastructure of the City.

Commissioner Gran said they are informed of the development and are given the chance to give their comments. He thinks they may need a little push on it though because they're concerned about the fees and making sure they are compensated and are aware of what's going in so they can plan for the future.

Mr. Helmuth said the schools typically do not participate at least not to a meaningful degree as far as improving safety issues at or around the schools. They are very accommodating as far as proposals for change but don't necessarily fund them. Changes or improvements you see are typically done through funds the City has acquired.

With no further questions of staff Commissioner Gran entertained a motion.

Commissioner Singh moved to approve Motion 1. Commissioner Salazar seconded the motion.

Mrs. Garcia polled the Commissioners:

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. CUP 2021-07 & SPR 2021-04 – GMG Gas Station (Sara Allinder)

A noticed public hearing to consider a request for a Site Plan Review that would allow construction of a 1,640 square foot addition to an existing convenience store building on an approximately 0.37-acre site. Conditional Use Permit 2021-07 would memorialize the use of a gas station on the site. The site is located at the northeast corner of Madera Avenue and East Almond Avenue in the C1 (Light Commercial) zone district and has a C (Commercial) General Plan land use designation. APN: 012-133-025

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development Projects).

Commissioner Singh made note that he does know the applicant for this project but has not discussed the project with him. He also would not let that affect his decision.

The item was presented by Sara Allinder, Contract Planner.

With no questions for Mrs. Allinder the public hearing was opened, and the applicant was invited to speak.

Gary Rogers, applicant stepped to the podium. He asked Mrs. Allinder about the Almond divider. What does she mean by that?

Mrs. Allinder replied, unable to hear audio.

Mr. Helmuth then addressed the question. There is a condition to install a two-foot median island from the intersection at Madera Avenue back beyond the existing driveway. This is due to the increase in square footage on the property which will increase traffic there. The driveway is also too close to the intersection. A vehicle wishing to turn left is essentially parking themselves at the intersection and anyone coming left from Madera Ave. onto Almond Ave. is encountering a vehicle they could potentially rear end. Any additions to the facility would potentially increase the traffic wishing to turn left in or left out.

Mrs. Allinder said it is Condition #77.

Mr. Rogers said this project was started by his grandson and then it was decided he would have his grandfather take care of it. The store is a bit crowded inside. Additional storage area is needed for the soda and beer, etc. Adding the additional square footage would make the store more profitable. This will require a 10 ft. setback so they reduced the area from 1800 sq. ft. down to about 150 sq. ft. so they could comply with this. The owner has agreed to it.

The trash enclosure is also outdated and non-conforming to the City and ADA requirements so a new one will be constructed. The 500-gallon propane tank will also be removed, and their Civil Engineer will take care of the divider for the street. They will do their part to help with the traffic.

The handicapped curb is being put in by the City. They will take care of repairing any damaged sidewalk and put in street trees. Their landscaper will take care of that. The landscaping there currently is minimal. The building will also be painted. Both the new and old building will match with color, windows, etc.

Commissioner Gran confirmed he agreed to Condition #77 that was just talked about for the median.

Mr. Rogers said yes, he agrees even though he doesn't like it.

Commissioner Gran asked if anyone else would like to speak on the item.

Seeing none, the public hearing was closed, and the item returned to the Commission.

Commissioner Lopez commented that he did like that safety was considered in this project.

Commissioner Sheikh moved to approve Motion 1. Commissioner Salazar seconded the Motion.

Mrs. Garcia polled the Commissioners:

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.

3. CUP 2021-05 & SPR 2021-23 MOD – Gateway & Almond Convenience Store (Sara Allinder)

A noticed public hearing requesting to modify a previously approved Site Plan Review and approve a Conditional Use Permit that would accommodate the construction and operation of a drive through facility in association with a quick serve restaurant to be located within a previously approved building on an approximately one-acre site. The site is located at the northeast corner of South Gateway Drive and East Almond Avenue in the CH (Highway Commercial) zone district and has a C (Commercial) General Plan land use designation. APN: 012-390-023

The project has been determined to be categorically exempt under the California Environmental Quality Act (CEQA) guidelines, Section 15332 (In-Fill Development Projects).

Staff requested this item be continued to the December 14, 2021, Planning Commission Meeting.

Chairperson Gran stated this item was pulled and moved to the December 14th, 2021 Planning Commission meeting as requested.

NON-PUBLIC HEARING ITEMS: None

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS:

Commissioner Gran asked Keith to look at the Sunset and Orchard area to maybe put some red curbs there. He also asked Mr. Helmuth how much the flashing cross walk things cost.

Mr. Helmuth said in regard to the red curb, the conditions do ask for no parking signs on Sunset. That would address the issue there. As far as Orchard, he doesn't see the need to restrict parking there. There is no concern relative to the intersection to the south. He doesn't see that would change anything. With regards to the lighted crosswalk, he would not do it at an uncontrolled intersection. There is a cost of about \$30,000 to \$40,000. They have moved away from those though and look at rectangular flashing beacons. They will take a look but don't usually move up to more intensive mitigation measures unless the accident records suggest they need to. Putting fairly extensive measures with intersections that don't need it warrants all other intersections in the City to warrant the same. He recognizes the concerns of the public and they will review the intersection. He doesn't know the basis of how the four way stop went in. It's been there for at least 15 years or more. He will look at it now on the basis of current warrants and traffic volumes.

Chairperson Gran thanked Mr. Helmuth and wished everyone a Happy Thanksgiving.

ADJOURNMENT: 7:47 pm



Planning Commission Chairperson



Brandi Garcia, Recording Secretary