

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
December 8, 2015**

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

ROLL CALL

PRESENT: Kenneth Hutchings (Chairperson)
Ruben Mendoza (Vice Chairperson)
Commissioner Robert Gran, Jr.
Commissioner Pamela Tyler
Commissioner Jim DaSilva
Commissioner Jeff Dal Cerro

ABSENT: Commissioner Bruce Norton

STAFF: David Merchen, Community Development Director
Christopher Boyle, Planning Manager
Kira Noguera, Assistant Planner
Robert Holt, Assistant Planner
Keith Helmuth, City Engineer
Brent Richardson, City Attorney
Zelda León, Recording Secretary

PLEDGE: Commissioner Hutchings led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: None

CONSENT ITEMS: None

NON-PUBLIC HEARING ITEMS: None

PUBLIC HEARING ITEMS

**1. Development Agreement Annual Review – The Commons at Madera Fair
No environmental review is required.**

A noticed public hearing to consider an annual review of the development agreement approved in conjunction with the Commons at Madera Fair project (Ordinance 819) for the period running through August 1, 2015. This annual review has been scheduled pursuant to Section 10-3.1715 of the Madera Municipal Code, which requires that the Planning Commission determine whether the principle party to the agreement, Newman Development Group of Madera LLC, has complied in good faith with the terms of the development agreement (APN: 006-390-029 thru 36). An environmental impact report (EIR) was prepared and certified for the shopping center project. No additional environmental review is required in conjunction with the annual review of the development agreement.

David Merchen, Community Development Director summarized the report. The Commons at Madera Fair Development Agreement was considered by the Planning Commission in July 2007 and approved by the City Council in August 2007. The primary purpose of the agreement was to lock in (vest) the project approvals, development requirements and fee schedules for the shopping center. An annual review of the development agreement is required pursuant to the California Government Code and the Madera Municipal Code to verify that the developer has complied in good faith with the terms of the agreement. A review of the project confirms that the shopping center has developed in a manner consistent with all conditions and obligations applicable to the project. As such, it is recommended that the Commission find that the developer has complied in good faith with the terms of the development agreement.

The item was opened for public comment.

No public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Gran; seconded by Commissioner Mendoza to approve a resolution declaring a statement of compliance under periodic review for the development agreement approved in conjunction with The Commons at Madera Fair Project (Ord 819), for the period through August 1, 2015; motion was carried unanimously.

Findings

- As summarized in Table 1 of this staff report, Newman Development Group of Madera, LLC has completed all terms of the development agreement which trigger compliance on the part of the applicant. This finding is supported by visual observation of physical improvements completed, and through the records of the City of Madera Engineering Department, Planning Department and Building Department, all of which were reviewed and considered during the preparation of this staff report. All City records related to The Commons at Madera Fair Shopping Center project, including those supporting the finding of good faith compliance, are available for review at the City of Madera Planning Department, at 205 W. 4th Street, Madera, CA during normal business hours.

2. CUP 2015-05 & CUP 2015-06 – DPF Filters Revocation

A public hearing to consider revocation of two Conditional Use Permits which allowed for the establishment of two uses. The first use is the maintenance and installation of diesel particulate filter systems on both diesel trucks and stationary diesel power generation systems. The second use is the storage of diesel “big rig” tractors and trailers. The project site is located at 2832 North Golden State Boulevard in the I (Industrial) General Plan land use designation (APN: 013-250-002).

Christopher Boyle, Planning Manager summarized the report. The applicant has been making progress toward full compliance with the conditions of approval. Based on the whole of the record, it is recommended that the Planning Commission provide the applicant until January 4, 2016 to come into full compliance.

The item was opened for public comment.

No public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Gran; seconded by Commissioner DaSilva to continue the review hearing of Conditional Use Permit 2015-05 and 2015-06 to January 12, 2016

to allow the applicant to comply with all of the conditions of approval of Conditional Use Permit 2015-05 and 2015-06; motion was carried unanimously.

3. CUP 2015-30 & SPR 2015-33 – Madfitness & Herbalife

A noticed public hearing to consider a conditional use permit and site plan review to allow for a fitness facility and an Herbalife lounge to locate on the southwest corner of East Yosemite Avenue and South B Street (330 E. Yosemite Avenue) in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-163-017). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

Kira Noguera, Assistant Planner summarized the report. The use is consistent with the purpose and intent of the Zoning Ordinance and can be made compatible with the surrounding uses. Staff recommends approval of the fitness facility and Herbalife lounge.

The item was opened for public comment.

Martha Nieves of Herbalife and Fitness at 330 E. Yosemite Avenue, Madera, spoke in favor of this project. Ms. Nieves was asked and responded that she had reviewed the findings and conditions of approval and is in agreement with them.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Tyler; seconded by Commissioner Mendoza to approve Conditional Use Permit 2015-30 and Site Plan Review 2015-33, based on and subject to the findings and conditions of approval; motion was carried unanimously.

4. CUP 2015-28, CUP 2015-29, VAR 2015-03 & SPR 2015-32 – Captain Mart & Wireless

A noticed public hearing to consider a variance, two use permits, and a site plan review to allow for alcohol sales, cigarette sales, as well as a two stall reduction from parking standards in conjunction with the operation of a convenience store. The project site is located on the southwest corner of Olive Avenue and Martin Street in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 012-051-016). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

Kira Noguera, Assistant Planner summarized the report. The repurposing of the site to a convenience store with wireless sales can be made compatible within its surrounding and consistent with the goals and policies of the General Plan. Staff recommends conditional approval of the three-stall parking variance, the conditional use permit for cigarette sales and the required site plan review. There is not support for approval of the conditional use permit allowing for the sale of beer and wine.

The item was opened for public comment. The audience was instructed to limit their comments to three minutes or less.

Applicant, Juniad Lateef of 300 W. Olive Avenue, Madera, CA spoke in favor of the project. Mr. Lateef was asked and responded that he has reviewed and is in agreement with the conditions of approval.

Mr. Lateef made the following comments:

- The area is not over-concentrated in alcohol licenses and in a low crime area.
- He has another site with alcohol sales (2370 W. Cleveland Avenue) and he's never had any problems at that site or other sites in Fresno.
- He plans to be open from 7 am – 11 pm.
- Most of his clients don't activate phones at his sites, they just go there for repairs or to pay bills. They have very few activations.
- Regarding the letters of opposition, they appear to be self-interest comments.
 - Mr. Chaudry's letter doesn't seem concerned about the area, but instead, he's concerned about competition as he owns the PhoDera Restaurant property and the Super 7 (Old 7/11 convenience store) nearby.
 - Competition is good, "we are free market".
 - PhoDera sells alcohol and they are located next to a martial arts center.
 - This project location is across the street from them.
 - People who leave PhoDera, may leave drunk which is more dangerous.
 - Nobody had any concerns when PhoDera was approved for their license.
- His sites have surveillance cameras throughout the store and in-store monitors.
- Some cameras face the parking areas.
- He does not allow anyone to hang around/in front of his stores.
- He denies alcohol sales to anybody whom he believes is intoxicated.

Commissioner Dal Cerro asked the applicant that as the City works to redevelop the area, how does he, the applicant, see the presence of the proposed use as being an enticement to the Bethard Square center being redeveloped in a way which is appealing to the whole neighborhood.

- The building will be renovated.
- The buildings next door with the PhoDera Restaurant have seen better days.
- He doesn't put signs outside, especially in the parking area regarding alcohol & tobacco.
- Signage in the windows is very minimal.
- Signage at 2370 W. Cleveland Avenue is the same; very minimal: No signs in the back except for the Laundry sign.

Carrie Ann Garcia, 211 N. A Street, Madera, CA spoke in favor of this project. Ms. Garcia stated that she drives across town to get to the fountain drink machine at Mr. Lateef's store, even though there is a liquor store nearby. Mr. Lateef's current store is clean, he is friendly, and she feels safe with him. Alcohol sales and graffiti are not issues. People buy closed containers of alcohol instead of buying alcohol (restaurant) and driving away.

Chris Mariscotti of 119 S. Park Drive, Madera, CA spoke in opposition of the project. Mr. Mariscotti owns and operates The Vineyard Restaurant across the street from this project. Mr. Mariscotti stated that the neighborhood doesn't need any more convenience stores as there are several mini-marts in the area. The area is not a high crime area now, but it has been previously. He is not suggesting that this store would lead to more crime, but it wouldn't help the situation. Bethard Square has recently been sold and by rumor will improve the shopping area. This convenience store wouldn't help improve the neighborhood or his business.

Khalid Chaudry, property owner of 200 W. Olive Avenue, Madera, CA spoke in opposition of the project. Mr. Chaudry is the owner of the Super 7 property, but he does not own any liquor license. He is here representing the six businesses, his tenants.

Mr. Chaudry stated the following:

- Miss Noguera missed one point. He has a church on his property.
- Renteria's Martial Arts with children present (Does it count as a school? He doesn't know, but children are present.)
- Minimum parking spaces – spills over to his property
- If you want to work in the City, Live in the City
- Miss Noguera missed something; didn't like it.
- He is opposing this. If it is approved, he may go to court or to ABC.

Commissioner DaSilva asked Mr. Chaudry what it was that Miss Noguera did not present right or miss. Mr. Chaudry stated that there is a church on his property.

Commissioner Gran asked if the church chose to locate there as there are several (convenience) stores around that area. Mr. Chaudry stated that the church did choose to locate there, but have been there for an extended amount of time previous to this project.

The Commission asked Ms. Noguera to clarify the issue on the church.

Ms. Noguera stated that all churches in the City of Madera require a Conditional Use Permit (CUP) and a Conditional Use Permit was not secured. A business license is not secured. There is no allowance for a church at this location at this time. It is not a legal church.

Mr. Chaudry stated that no business license is required for a church. They have PG&E and water.

Commissioner Gran asked Mr. Chaudry is he was saying that City Staff does not know the requirements.

Commissioner Da Silva and Commissioner Gran stated that just because the church has water and PG&E, it doesn't mean you can have a church there. Mr. Chaudry responded, "then shut it down".

Commissioners Gran and DaSilva responded to outbursts from the audience:

- No shouting matches.
- Decorum will be observed.
- Everybody will have a chance to speak.
- People have to wait their turn.

Mr. Chaudry stated that in reference to "competition", the applicant never buys a license in the market place, they always win one in the lottery. He asked how they win liquor license every time they apply with ABC.

Sajat Sargent of 2510 Beechwood Way, Madera, CA spoke in favor of the project.

Mr. Sargent stated the following:

- He used to have restaurants.
- He used to have beer and wine licenses.
- If you want to open a business now, you are very brave.
- The City would get the taxes.
- The community gets services.
- Mr. Chaudry has no problem with the drinking of alcohol on his property (restaurant), but has a problem with people buying alcohol (closed container) and leaving.
- Mr. Chaudry can have vehicles towed away if they are causing parking problems on his site.
- Mr. Chaudry allows a business to operate (illegally) that is not approved by the City, but objects to someone who tries to do things legally.
- He doesn't understand why he is objecting.

Commissioner Gran stated that everyone can express their viewpoint. Mr. Chaudry expressed his viewpoint and now he (Mr. Sargent) has expressed his viewpoint.

Deborah Vernal with the Public Health Department, 14215 Road 28, Madera, CA spoke in opposition of this project.

Ms. Vernal stated the following:

- Wants to make the Commission aware of e-cigarettes, tobacco and proximity to the schools.
- The project site is 1,080 feet away from a school near the Safe Routes to School.
- The more exposed children are, the more normalized it is to them and the more likely they are to try it.

Bobby Sheik property owner of 300 W. Olive Avenue, residing at 2671 Marie Drive, Madera, CA spoke in favor of this project. Mr. Sheik is the applicant's brother.

Mr. Sheik stated the following:

- There is a moratorium on new Type 20 Licenses, but there are exceptions to the moratorium.
- ABC will issue a new Type 20 license if a Conditional Use Permit is approved.
- A letter from the applicant which identifies PCN (Public Convenience or Necessity) has been/will be submitted to ABC.
- One of the criteria is low Crime Rate in the area. This criteria has been met.

The applicant was asked to summarize his testimony in order to allow others to also testify.

- The applicant will use the garage for parking.
- To him, there is no church as it doesn't have the required CUP.
- A letter of opposition from Mr. Garibay references issues with graffiti.
 - They will be taking care of the building/property.
 - They will be updating the building.

Commissioner Hutchings, asked Steve Frazier, Police Chief who was in the audience if he would like to address this item.

Police Chief Frazier stated the following:

- The Police Department abdicated the authority to the ABC to identify PCN, because the City had conflicting issues.
 - Often times the City found PCN was not met, but ABC would issue a license any way.
 - Sometimes they would find PCN was met or not met and the City issued a CUP any way.
- The moratorium is in place, because Madera County has an excess of Type 20 licenses.
- From law enforcement agency, Madera has a drinking problem.
- The call they get the most is "drunk in public".
- He is not saying this would contribute to that problem, but more opportunity to buy alcohol, there is more potential for that to occur.
- Licenses can be transferred into the City from all of Madera County.
- When asked, Police Chief Frazier agreed that the Police Department believes that the community is sufficient well served and that the state moratorium should be observed.

Mohammad Vall of 3143 Hollow Avenue, Madera, CA spoke in favor of the project. Mr. Ball stated that this project would help the neighborhood and is a convenience.

Mohammad Lateef of 2370 W. Cleveland Avenue, Madera, CA spoke in favor of the project.

Mr. Lateef stated the following:

- Asked that the Conditional Use Permit and Variance be approved
- ABC stated that there are 10 licenses allowed and there are only eight now.
- ABC has identified their application as being exempted from the moratorium.
- People can walk to the store.
- It is not an eating or drinking place.
- People can't drink there or stand around there.
- Two people in opposition, he humbly asks them to be good neighbors.
- If he has problem with parking, he should talk to them.

Khalid Chaudry, property owner of 200 W. Olive Avenue, Madera, CA asked staff if there is a way of enforcing parking.

As Mr. Chaudry expanded on his parking issues, Commissioner Hutchings stated that the Commission would be interested in hearing his testimony on his position regarding this project and not in queries to staff.

Bobby Sheikh, 2671 Marie Drive, Madera, CA again spoke in favor of the project.

- Mr. Sheikh read a response made by Randal Williams (Police Dept.): "It looks like I need to clarify our comment on this request. In my understanding that ABC has determined that the addition of the license will not be excessive for this census tract and have declared there is a PCN for this location, which is

between ABC and applicant. If that is the case, the department has no further objection or comment.”

- Mr. Sheikh does not know when things changed.

No further public comment on this item was presented; public hearing on this item was closed.

Commissioner Gran thanked the audience for their comments and staff for their work. The issue is not with ABC, but in protecting the welfare of this community; the concentration of this area and not just this zone. There may be a request from the Bethard Square tenants and they will have this issue also. Requirements are met for parking and tobacco.

Motion made by Commissioner Gran for Motion 1a with the findings and conditions.

Commissioner Dal Cerro agreed with comments made by Commissioner Gran with the exception of tobacco. Tobacco location within a mini-mart, which attracts children, which is within a major walking route to and from school is not a good location for that use.

Commissioner DaSilva and Commissioner Tyler stated that there are too many convenience stores in Madera and students will tend to congregate there.

Commissioner Dal Cerro stated that the applicant may make another application that did not focus on tobacco or alcohol sales.

Motion made by Commissioner Dal Cerro; seconded by Commissioner DaSilva to deny the application for Conditional Use Permit 2015-28, Conditional Use Permit 2015-29, Variance 2015-03, and Site Plan Review 2015-32, based on and subject to the findings; motion was carried 5 to 1 by Commissioner Mendoza, Commissioner Da Silva, Commissioner Tyler, Commissioner Dal Cerro, Commissioner Hutchings; Commissioner Gran opposed the vote.

Findings

- Proximity of the business to schools.
- Health and welfare of the community.

<u>Roll Call</u>	<u>Vote</u>
Ruben Mendoza	Aye
Robert Gran, Jr.	Nay
Pamela Tyler	Aye
Jim DaSilva	Aye
Jeff DalCerro	Aye
Kenneth Hutchings	Aye

5. CUP 2015-31 & SPR 2015-34 – Los Girasoles Restaurante

A noticed public hearing to consider a conditional use permit and site plan review to allow for the sale of beer and wine in conjunction with a restaurant. The restaurant will also serve as a commissary for the owner’s food truck, which proposes to locate in the parking lot until the restaurant is open. The project site is located southeast of the intersection of East Central Avenue and North Gateway Drive (703 N. Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation

(APN: 007-041-009). The Planning Commission will consider a Categorical Exemption for the project pursuant to CEQA Section 15301 (Existing Facilities).

Kira Noguera, Assistant Planner summarized the report. The use is consistent with the purpose and intent of the Zoning Ordinance and is harmonious with the surrounding uses. There is no compelling reason to deny the sale of alcoholic beverages in conjunction with the restaurant.

Commissioner Dal Cerro asked and staff responded that the applicant had been given permission to trim a tree; nothing else. The applicant was informed that any changes to the site would require Site Plan Review.

The item was opened for public comment.

Jazmin Rueda, applicant and speaking on behalf of and translating for her father, Leouigido Rueda Mendoza of 25777 Avenue 18½, Madera, CA spoke in favor of this project.

Ms. Rueda apologized for any inconvenience and misunderstanding which resulted in unapproved changes to the site. Although, they would like to keep the current color scheme and landscaping, they are willing to make any changes required to come into compliance with the City and State.

Planning Commissioners stated that:

- They understand the marketing vision of their color scheme, but the colors are too overpowering.
- They understand that the applicant wanted to create a lush environment, but unfortunately, the landscaping doesn't meet State law and has to be addressed.
- They may be able to use the color scheme on their sign.
- They have an obligation to treat all neighbors in a similar fashion.
- They are a great addition to the community, but there are concerns.
- Other business, such as KFC and Lowe's also have "branding", but the colors are muted and stonework has been incorporated.
- The applicants are to be commended on their vision and undertaking.
- They won't be able to keep those colors.

Ms. Rueda reiterated that they understand the Commission's concerns, are willing to come into compliance and are willing to work together with staff on the color scheme, but her father asks again to keep their branding colors as is.

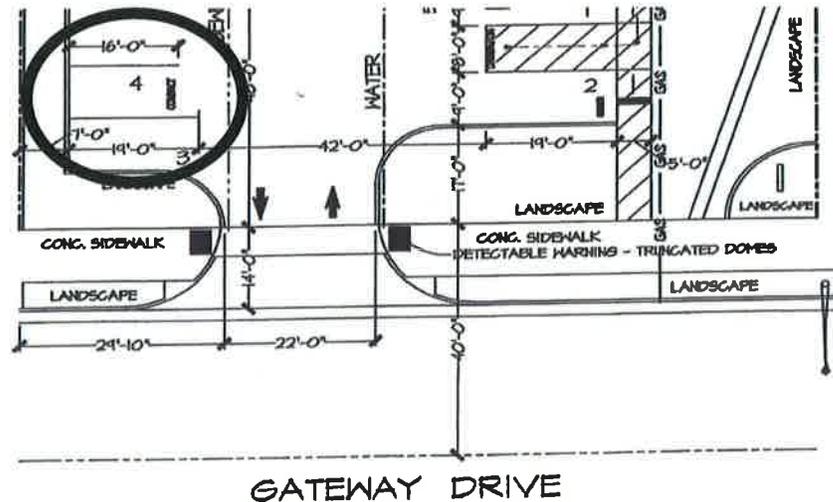
Commissioner Gran responded to Ms. Rueda that she should meet with staff to discuss the timeline for re-painting.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Gran; seconded by Commissioner DaSilva to approve the requested Conditional Use Permit 2015-31 and Site Plan Review 2015-34 based on and subject to the findings and amended conditions of approval; motion was carried unanimously.

Amended Condition #31

All parking and loading areas shall be marked and striped to City Standards: Perpendicular (90 degree) parking spaces shall measure a minimum of nine feet (9') wide by 19' deep (17' deep with 2' bumper overhang). No compact stalls shall be incorporated into the parking field with the exception of one (1) compact stall to be allowed as noted in the Site Plan to help with circulation. Minimum drive aisle/backing/maneuvering space is twenty-six (26') feet for primary drive aisles. A new parking layout shall be submitted to the Planning Manager for approval within 30 days of approval of the conditional use permit.



Commissioner Gran recused himself from the following item and left the room as he has property in those areas.

6. GPA 2015-02 – General Plan / Zoning Consistency

A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an amendment to the Land Use element of the General Plan in order to provide specific changes to the land use map necessary to provide consistency with the Zoning Ordinance as required by law. An Addendum to the 2009 General Plan Environmental Impact Report has also been prepared pursuant to CEQA Guidelines Section 15162 and 15164.

Christopher Boyle, Planning Manager summarized the report. The proposed General Plan amendment provides compatibility between the Zoning Ordinance and the General Plan as required by law. Staff recommends approval of the General Plan amendment as the "first step" toward adoption of an updated Zoning Ordinance.

The item was opened for public comment.

The following people stepped up to the podium to get clarification on what the new General Plan designation meant for their affected properties:

Carmen Marin of 742 High Street asked and received clarification on what the new General Plan designation meant for her property.

George Konovalov of 115 W. Central Avenue, Madera, CA spoke in strong opposition of the change to his property. Mr. Konovalov stated that if the City wants to change the General Plan designation of his property, they should buy it from him.

Christopher Boyle, Planning Manager advised the Planning Commission that in light of Mr. Konovalov's strong opposition, Staff recommended removing this parcel from consideration. Mr. Konovalov's parcel is located at 115 W. Central Avenue with an Assessor's Parcel Number of 006-010-002.

Hilda Garnica of 117 E. Clark Street asked and received clarification on what the new General Plan designation meant for her property. There is no change in property value or property tax.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Dal Cerro; seconded by Commissioner DaSilva to adopt a Resolution recommending to the City Council approval of General Plan Amendment 2012-02, allowing for the requested land use designation changes as identified in Exhibit A with the exclusion of 115 W. Central Avenue (APN: 006-010-002), with the findings as stated; the voted was carried 5 to 1 by Commissioner DaSilva, Commissioner Mendoza, Commissioner Tyler, Commissioner Dal Cerro and Commissioner Hutchings. Commissioner Gran abstained from the vote.

Findings

- An Addendum to the 2009 General Plan Environmental Impact Report has also been prepared pursuant to CEQA Guidelines Section 15162 and 15164, and considered as part of this proceeding.
- The proposed General Plan Amendment will provide consistency between the General Plan, Zoning and adjacent land uses.
- The General Plan Amendment, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.
- City services are available to serve the properties in question.

Commissioner Gran returned to his seat.

- 7. GPA 2015-03 – SB 244 Compliance (Disadvantaged Unincorporated Communities)**
A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an amendment to the Housing Element of the General Plan to provide compliance with SB 244, requiring the City to identify disadvantaged unincorporated communities (DUC) located within the City's sphere of influence and analyze infrastructure deficits.

Christopher Boyle, Planning Manager summarized the report. The proposed General Plan amendment provides compliance with state law SB 244, which addresses disadvantaged unincorporated communities within the City's sphere of influence. Staff recommends approval of an amendment of the land use element of the General Plan.

The item was opened for public comment.

Abigail Ramirez of 222 S. Clovis, Fresno, CA spoke regarding this item. Ms. Ramirez is representing Leadership Council for Justice and Accountability. They work with and represent many disadvantaged unincorporated communities in the San Joaquin Valley and they co-sponsored SB244.

Ms. Ramirez stated that they wanted to point out a few deficiencies in the analysis:

- Does not provide any analysis of water and other infrastructure capacity needs for the community of Vista Grande Acres; there is no supporting documentation in reaching this decision.
- The report indicates that the waste water capacity of Parksdale is deficient, but does not provide potential actions that can be taken to cure the deficiency, such as consolidating with the City's system.
- Does not mention that the community of Parkwood recently connected to City's water system due to a drought emergency and how that affects the analysis.
- Wants to emphasize that due to the drought, the State Water Board is currently prioritizing water consolidation projects. Leadership Council for Justice and Accountability would be happy to assist the City in applying for these funding opportunities.

Ms. Ramirez was asked and responded that it is a requirement to list all the deficiencies and pro-actions.

Ms. Ramirez was asked what would be required to take care of a sewer septic system other than an outlay of funds. Ms. Ramirez stated that she did not know, but could get that information to the Commission in a week.

Christopher Boyle, Planning Manager stated that the law requires only to provide analysis based on available data. It also does not provide parameters for what a threshold of analysis might entail. It only says to perform an analysis on the stated infrastructural requirements.

David Merchen, Community Development Director advised the Commission that there are a couple of different things included in this project:

- Staff report
- Text amendment
 - Infrastructure Study for Parkwood and Parksdale and a detailed report
 - Vista Grande Acres has privately owned wells and septic and there is no additional information for analysis.
 - He has not seen as much information as that provided on Parkwood and Parksdale in any other SB244 analysis.

No further public comment on this item was presented; public hearing on this item was closed.

Motion made by Commissioner Gran; seconded by Commissioner Tyler to adopt a Resolution recommending to the City Council approval of General Plan Amendment 2015-03, allowing for amendment of the land use element of the General Plan as identified in Exhibit A, with the findings as stated; motion was carried unanimously.

Findings

- The proposed General Plan amendment is exempt under Section 15061(b)(3) of the California Environmental Quality Act "CEQA". The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- The proposed General Plan Amendment will provide compliance with SB 244, which addresses disadvantaged unincorporated communities within the City's sphere of influence.
- The General Plan Amendment, under the circumstances of the particular case, will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

8. OTA 2015-01 – Marijuana Regulation

A noticed public hearing to consider adoption of a resolution recommending to the City Council adoption of an ordinance amending the Madera Municipal Code to provide for compliance with the Medical Marijuana Regulation and Safety Act.

Christopher Boyle, Planning Manager summarized the report. In order to address the requirements of the recently adopted Medical Marijuana Regulation and Safety Act, it is recommended that amendment of the City's medical marijuana ordinance be approved.

The item was opened for public comment.

No public comment on this item was presented; public hearing on this item was closed.

The Commission took a short break to allow for corrected pages in the Resolution to be printed for their review.

Motion made by Commissioner Gran; seconded by Commissioner DaSilva to adopt the resolution recommending to the City Council of the City of Madera approval of Ordinance Text Amendment 2015-01, amending Title IV: Chapter 15: Medical Marijuana, of the Madera Municipal Code in order to address the requirements of the Medical Marijuana Regulation and Safety Act, as proposed; motion was carried unanimously.

ADMINISTRATIVE REPORTS: None

COMMISSIONER REPORTS

Commissioner Gran stated that Code Enforcement needs to visit the shopping center regarding the church since it was brought to the Commission's attention that they are not operating with a CUP (Conditional Use Permit) or a business license and the property owner is aware of this fact and still allowing them to operate.

ADJOURNMENT: Meeting adjourned at 9:07 pm.

Kenneth F. Hutchings

Planning Commission Chairperson

Zelda León

Zelda León, Recording Secretary