



## **AGENDA SPECIAL MEETING**

### **CHOWCHILLA PLANNING COMMISSION MEETING**

Council Chambers, Chowchilla City Hall - 130 S. Second Street, Chowchilla, CA  
93610

**January 22, 2020 | 7:00 PM**

Agendas for all Planning Commission meetings are posted at least 72 hours prior to the meeting at the Civic Center, 130 S. Second St., Written communications from the public for the agenda must be received by Administrative Services no less than 7 days prior to the meeting date.

Any writing or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the City Clerk's Counter. In addition, most documents will be posted on the city website at [www.cityofchowchilla.org](http://www.cityofchowchilla.org).

The City of Chowchilla complies with the Americans with Disabilities Act (ADA of 1990). The Council Chambers is accessible to the physically disabled. If you need special assistance, please call (559) 665-8615, ext. 410 at least 4 days prior to the meeting.

#### **CALL TO ORDER/ROLL CALL**

Chair: Nina Zarucchi-Mize

Vice Chair: Vacant

Commissioners: Michael Barberi, Rhonda Cargill, Marlene Holst, Syp Vander Dussen

City staff and contract employees present at the meeting will be noted in the minutes

➤ **CONSIDERATION OF APPROVAL OF AGENDA**

Additions and/or Deletions:

➤ **PLEDGE OF ALLEGIANCE**

#### **CEREMONIAL / PRESENTATIONS – Section 1**

1: **Oaths of Office:**

**Planning Commission Members: Cheryl Salter**

#### **PUBLIC ADDRESS**

This time is reserved for members of the audience to address the Planning Commission on items of interest that are not on the Agenda and that are within the subject matter jurisdiction of the Planning Commission.

It is recommended that speakers limit their comments to **no more than 3 minutes** each and it is requested that no comments be made during this period on items on the Agenda. Members of the public wishing to address the Planning Commission on items on the Agenda should notify the Chair when that Agenda item is called.

The Planning Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. No adverse conclusions should be drawn if the Planning Commission does not respond to public comment at this time.

Speakers are asked to please use the microphone, and **provide their name** for the record. Prior to addressing the Planning Commission, any handouts are to be provided to Planning Secretary who will distribute them to the Planning Commission and the appropriate staff.

## **STAFF REPORTS – Section 2**

### **2.1 Planning Commissioner Reports/Comments**

### **2.2 Oral Staff Reports**

## **CONSENT CALENDAR – Section 3**

All items listed under Consent Calendar are considered to be routine and will be enacted by one motion. For discussion of any Consent Item, it will be made a part of the Regular Agenda at the request of any member of the Planning Commission or any person in the audience.

### **3.1 Approval of the November 20, 2019 Regular Planning Commission Minutes (Hicks)**

## **PUBLIC HEARINGS – Section 4**

### **4.1 General Plan Amendment 19-0019 – Housing Element 2016 – 2024 Update (Perea)**

### **4.2 Conditional Use Permit 19-0020 – Re-establishing a burnt down Residence (Perea)**

## **DEFERRED BUSINESS – Section 5**

## **NEW BUSINESS – Section 6**

### **6.1 Planning Commission Reorganization – Election of the Chair and Vice Chair**

## **ANNOUNCEMENTS – Section 7**

- ❖ Nomination of attendees for 2020 Planning Commissioners Academy
- ❖ Next Planning Commission Meeting is scheduled for February 19, 2020.

**ADJOURNMENT**

**PUBLIC NOTIFICATION**

I, Janene Hicks, Planning Secretary for the City of Chowchilla, declare under penalty of perjury that I posted the above Planning Commission Agenda for the meeting of January 22, 2020 at the Chowchilla Civic Center, 130 S. Second Street on/or before 5:00p.m. January 16, 2020.



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Janene Hicks  
Planning Secretary



**MINUTES  
REGULAR MEETING  
CHOWCHILLA PLANNING COMMISSION MEETING**

Council Chambers, Chowchilla City Hall - 130 S. Second Street, Chowchilla, CA  
93610

**November 20, 2019**

**CALL TO ORDER/ROLL CALL: 7:02 PM**

Chair: Nina Zarucchi-Mize

Commissioners: Michael Barberi, Wayne Chapman, Marlene Holst, Syp Vander Dussen

**ABSENT:** Vice Chair Watson, Rhonda Cargill

**City Staff and Contract Employees Present:** Community & Economic Development Director Mark Hamilton, Contract Planner Annalisa Perea, City Attorney Jessica Mejorado

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➤ **CONSIDERATION OF APPROVAL OF AGENDA**

Additions and/or Deletions:

Motion by Commissioner Vander Dussen to approve agenda as presented, seconded by Commissioner Holst. Motion passed by voice vote with Vice Chair Watson and Commissioner Cargill absent.

➤ **PLEDGE OF ALLEGIANCE**

**CEREMONIAL / PRESENTATIONS – Section 1**

NONE

**PUBLIC ADDRESS**

NONE

**STAFF REPORTS – Section 2**

**2.1 Planning Commissioner Reports/Comments** – Commissioner Zarucchi-Mize reported that she attended the intergovernmental meeting.

**2.2 Oral Staff Reports** – Contract Planner Perea indicated that Commissioner Watson had submitted a resignation letter. She also indicated that there are currently no items scheduled for the December Planning Commission meeting and that it may be cancelled. Mark Hamilton reported on department updates.

**CONSENT CALENDAR – Section 3**

**3.1 Approval of the October 16, 2019 Special Planning Commission Minutes (Hicks)**

Motion by Commissioner Chapman, seconded by Commissioner Holst to approve the Consent Calendar as presented. Motion passed with Vice Chair Watson and Commissioner Cargill absent.

**PUBLIC HEARINGS – Section 4**

**4.1 Zoning Code Text Amendment to CMC Section 18.60.180 – Shipping Containers (Hamilton/Perea)**

Director Hamilton and Contract Planner Perea gave a presentation on the item.

Public Hearing was opened at 7:25 PM and two community members spoke.

- Nis Nissan spoke about his shipping containers
- Jerry Gollihar spoke about how he uses his shipping container in his backyard to store his tools and that it provides a safe mechanism for protection. He also mentioned that thieves are now using drones to spy in neighbors' yards.

Public Hearing was closed at 7:40 PM.

Commissioners discussed the item and asked staff questions as it pertains to the text language.

The Public Hearing was opened back up at 8:09 PM to allow for additional public comment from Mr. Nissan and Mr. Gollihar to talk more about how their shipping containers have benefited them.

The Public Hearing was again closed at 8:12 PM.

Motion by Commissioner Holst, seconded by Commissioner Barberi to approve the proposed text language with the following amendments:

1. Add a sentence that states that shipping containers can be used in residential zones for residential use and storage.
2. Change “may” to “shall” in section G of the text.
3. Add back in the residential text language from the September 24, 2019 staff report.

Motion passed by roll call vote with Vice Chair Watson and Commissioner Cargill absent.

**DEFERRED BUSINESS – Section 5**

NONE

**NEW BUSINESS – Section 6**

NONE

**ANNOUNCEMENTS – Section 7**

❖ Next Planning Commission Meeting is scheduled for December 18, 2019 however as previously mentioned, this meeting may be cancelled since we currently don't have any items scheduled for this date.

**ADJOURNMENT**

Motion by Commissioner Holst, seconded by Commissioner Barberi to adjourn the November 20, 2019 Regular Planning Commission Meeting at 8:14 PM. Motion passed by voice vote with Vice Chair Watson and Commissioner Cargill absent.

ATTEST:

APPROVED:

\_\_\_\_\_  
Janene Hicks, Recording Secretary

\_\_\_\_\_  
Chair Zarucchi-Mize



**Item 4.1**

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THE AGENDA](#)

# REPORT TO THE PLANNING COMMISSION

Meeting of: January 22, 2020

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**AGENDA SECTION:** Public Hearing

**SUBJECT:** **General Plan Amendment No. 19-0019:** Amendments to the 2016-2024 Housing Element Update – Revised for 2020-2024

**PREPARED BY:** Annalisa Perea, AICP, Contract City Planner

**REVIEWED BY:** Mark Hamilton, Community and Economic Development Director

REVIEWED BY  
ADMINISTRATOR

REVIEWED BY  
ATTORNEY

REVIEWED BY  
FINANCE

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## **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission recommend approval of General Plan Amendment (GPA) No. 19-0019 to the City Council, in order to keep the City in compliance with State law, to keep the City eligible to continue pursuing housing-related grant funding, and to adopt strategies to assist the City in achieving their housing needs goals.

## **HISTORY / BACKGROUND:**

The Housing Element is one of eight state mandated elements that every general plan must contain. The purpose of the Housing Element is to identify the community's housing needs; to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation; and to define the policies and programs that the community will implement to achieve the stated goals and objectives.

The City's 2014-2023 Chowchilla Housing Element was certified in March 2018. Since then, the State has passed legislation to both encourage housing for residents of all income levels and to punish jurisdictions not in compliance with housing laws. For example, the State's Department of Housing and Community Development (HCD) will designate cities and counties as "pro-housing" if they voluntarily adopt ordinances that make it easier to plan, approve, or construct new projects. Chowchilla already has actions outlined to do this; it needs only to find ways to implement more of these planned actions. This would allow the City to earn "bonus points" for existing housing-related competitive grants that would help the City meet their other housing goals. On the negative side, the State can sue a city or county for failing to comply with certain housing requirements, and in 2020 the State may begin to fine cities and counties with housing elements HCD

determines are out of compliance with State housing law. Therefore, even if the City cannot meet the January 2020 deadline, it must submit an adopted housing element to HCD in 2020, or risk being found out of compliance.

Under Assembly Bill (AB) 32, a jurisdiction is eligible to complete a housing element for an 8-year period if the housing element is submitted to the State Department of Housing and Community Development (HCD) by the State's deadline. Only when the City has submitted two housing element updates within the period due to HCD can Chowchilla move to an 8-year cycle. The City is currently in a 4-year update cycle. Under AB 32, the City must meet both this 2020 deadline and the 2024 housing element update deadline in order to transition to an 8-year update schedule. If the City does not meet the January 2020 deadline, the City would be required to complete housing element updates every four years for two periods (2024 and 2028), prior to being eligible again for the 8-year cycle again.

The purpose of the Housing Element update is to identify the community's housing needs; to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs; and to define the policies and programs that the community will implement to achieve the stated goals and objectives. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development. State law also requires cities and counties to address the needs of all income groups in their Housing Elements.

The draft Housing Element Update was submitted to HCD on October 27, 2019 to initiate their 60-day review. After the completion of this review period, HCD provided the City with a comment letter which has since been addressed. In addition to revising the document to address their comments, the document was also updated to reflect additional public outreach that was completed since that initial submittal. If adopted by the City Council, the revised Housing Element would subsequently be sent to HCD for final certification. This will make the Housing Element consistent with the City's other General Plan elements, as required by law. HCD certification will also allow the City to pursue grant opportunities which it would not otherwise qualify for.

Below is a summary of what's contained in this Housing Element Update:

#### *Chapter 1 – Introduction*

Provides an overview of State housing requirements, relationship of the Housing Element to other adopted plans, discusses General Plan consistency, and current legislation.

#### *Chapter 2 – Population, Housing Stock Data, and Unit Characteristics*

Provides data specific to Chowchilla. This includes demographic and employment characteristics and trends; employment and income data; housing stock and value information; and future housing needs data.

#### *Chapter 3 – Land Availability*

Provides data on land availability within the City in order to meet current and projected housing needs. Also provides information on potential constraints to building housing and opportunities for energy conservation strategies.

#### *Chapter 4 – Goals, Objectives, Policies, Actions/Implementation Measures*



Lists the goals, objectives, policies, and action/implementation measures for achieving the housing needs as identified in previous chapters.

*Chapter 5 – Public Participation*

Provides a summary of public outreach efforts, including a list of the stakeholders that played a role in the development of this updated document.

*Chapter 6 – Review and Evaluation of the Previous Housing Element*

Provides a detailed progress report on the City’s efforts in meeting the action/implementation measures from the City’s previous Housing Element. Over the last year, Planning staff has made substantial progress in assisting the City with staying in compliance with its Housing Element. The annual Housing Element progress report was submitted on-time and allowed the City to become eligible to receive \$160,000 in planning grant money under SB 2.

**PUBLIC PARTICIPATION:**

Housing Element law requires the City to make a diligent effort to facilitate the participation of all segments of the community during the preparation of its Housing Element update. Section 65583 (c)(7) of the Government Code states that “The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.” The City of Chowchilla provided several avenues for participation in the update of the Housing Element. The City is committed to involving as many interested agencies, individuals and housing advocates as possible in an effort to achieve the ultimate potential of public input in the period of time available. The City held three public workshops at various times of the day in various locations of the City in order to attract all segments of the community. The City also developed a housing survey to collect additional data from within the community. This survey was made available online in both English and Spanish, and was mailed to residents within water bills. Hard copies of the survey were also made available at City Hall. Approximately 160 surveys were returned and the feedback has been incorporated into the Public Participation section of the Housing Element Update.

Planning staff also worked directly with a group of stakeholders which included representatives from the local school districts, First 5 Madera County, Madera Rescue Mission, Chowchilla Chamber of Commerce, Self-Help Enterprises, Madera County Housing Authority, California Rural Legal Assistance, Leadership Counsel for Justice and Accountability, and others. A full list of the stakeholders is listed within the Public Participation section of the Housing Element Update. This effort included one-on-one meetings, phone call meetings, and email communication with these individuals. Planning staff also encouraged these individuals to solicit additional feedback from their organizations and those that they serve in order to assist the City with obtaining as much input as possible.

**FINANCIAL IMPACT:**

This Housing Element Update is being funded by SB2 planning funds. QK in conjunction with City staff prepared the application and received notification in late December 2019 that the City was successful in this grant pursuit. Adoption of this 2020-2024 Housing Element and subsequent certification of the document by HCD, will qualify the City to continue pursuing granting opportunities to assist lower income residents with housing-related projects.

**ENVIRONMENTAL REVIEW ANALYSIS:**

The previous 2014-2024 Housing Element required compliance with California Environmental Quality Act (CEQA). Because this 2020-2024 planning period update was already included in the CEQA Negative Declaration document for the previous 2014-2024 document, and the updated housing element will not have any new or significant impacts, it is not necessary to amend that CEQA document or to complete any additional CEQA analysis.

As mentioned, a Negative Declaration was prepared for the previous Housing Element Update in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations. Preparation of the environmental document necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the City of Chowchilla 2040 General Plan (SCH # 2009022007) and Program Environmental Impact Report (PEIR), certified on May 2, 2011.

## **FINDINGS**

Before a General Plan Amendment may be approved, all of the following findings shall be made by the reviewing authority identified in Chapter 18.70 of the City's Municipal Code:

### **1. The amendment is internally consistent with the goals, objectives, and policies of the General Plan and this title;**

The Housing Element is one of the eight mandated elements of the General Plan. Adopting the update to the Housing Element is required to be completed every 4 years in order to keep the City in compliance with State law.

### **2. The amendment would not be detrimental to the public health, safety, or welfare of the community;**

The update to this Housing Element would not be detrimental to the public health, safety, or welfare of the community.

### **3. The amendment would maintain the appropriate balance of land uses within the city;**

The Housing Element update would maintain an appropriate balance of land uses within the City and would encourage an increase in housing as needed in order to accommodate for identified housing needs.

### **4. The anticipated land uses on the subject site would be compatible with existing and future surrounding uses;**

The update to the Housing Element would not result in any incompatible land uses.

A general plan amendment may be denied if the reviewing authority finds one or more of the findings in this section cannot be made. Staff however believes that all of the above findings can be made.

## **PLANNING COMMISSION ACTION:**

The Commission's recommendation on the amended Housing Element will be forwarded to the City Council for their consideration.

MOVE TO ADOPT RESOLUTION NO. 20-\_\_\_\_\_, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 19-0019 TO APPROVE THE 2016-2024 HOUSING ELEMENT UPDATE FOR THE 2020-2024 PLANNING CYCLE.

Or

MOVE TO DENY RESOLUTION NO. 20-\_\_\_\_\_, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 19-0019 TO APPROVE THE 2016-2024 HOUSING ELEMENT UPDATE FOR THE 2020-2024 PLANNING CYCLE.

### **SUPPLEMENTS ATTACHED**

1. Resolution #20-\_\_\_\_\_
2. Housing Element Update Link – <https://www.cityofchowchilla.org/296/Housing-Element-2020-2024>

**PLANNING COMMISSION RESOLUTION #20-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA CALIFORNIA, RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT 19-0019 TO APPROVE THE 2016-2024 HOUSING ELEMENT UPDATE FOR THE 2020-2024 PLANNING CYCLE.**

**WHEREAS**, State of California Housing Element law was enacted in 1969 and requires jurisdictions to prepare and adopt a Housing Element as part of its respective General Plan; and,

**WHEREAS**, the purpose of the Housing Element is to identify the community's housing needs, to state the community's goals and objectives with regard to housing production, rehabilitation, and conservation to meet those needs, and to define the policies and implementation/action measures that the community will implement to achieve the stated goals and objectives; and,

**WHEREAS**, the Housing Element is one of eight state mandated elements that every general plan must contain; and,

**WHEREAS**, the City of Chowchilla initiated General Plan Amendment Application No. 19-0019, to update the 2016-2024 Housing Element for the 2020-2024 planning cycle; and,

**WHEREAS**, this is a city-wide housing program; and,

**WHEREAS**, during the preparation of this Housing Element update, the City solicited public input in numerous ways including holding public workshops, developing housing surveys in English and Spanish within utility bills, website outreach, social media outreach, met with various stakeholders, city departments and advocacy organizations; and,

**WHEREAS**, the public hearing of the Planning Commission meeting was duly noticed; and,

**WHEREAS**, Because this 2020-2024 planning period update was already included in the CEQA Negative Declaration document for the previous 2014-2024 document, and the updated housing element will not have any new or significant impacts, it is not necessary to amend that CEQA document or to complete any additional CEQA analysis.;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Chowchilla as follows:

1. The above recitals are true and correct;
2. That the Chowchilla Planning Commission hereby determines that all of the required findings identified in Chapter 18.70 of the City's Municipal Code in order to grant approval of a general plan amendment can be made;
3. That because this 2020-2024 planning period update was already included in the CEQA Negative Declaration document for the previous 2014-2024 document, and the updated housing element will not have any new or significant impacts, it is not necessary to amend that CEQA document or to complete any additional CEQA analysis;
4. That the Planning Commission of the City of Chowchilla RECOMMENDS APPROVAL TO THE CITY COUNCIL for the amended General Plan Amendment Application No. 19-00019, proposing to amend the 2016-2024 Housing Element Update for the 2020-2024 planning cycle.

APPROVED, PASSED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA THIS THIS 15<sup>th</sup> DAY OF JANUARY, 2020 BY THE FOLLOWING ROLL CALL VOTE:

Ayes:  
Noes:  
Absent:

\_\_\_\_\_  
Planning Commission Chairman

Attest: \_\_\_\_\_  
Janene Hicks, Recording Secretary



**Item 4.2**

[CLICK HERE TO RETURN TO THE AGENDA](#)

# REPORT TO THE PLANNING COMMISSION

Special Meeting of: January 22, 2020

**AGENDA SECTION:** Public Hearing

**SUBJECT:** Conditional Use Permit No. 19-0020 request to re-construct a single-family house in the Service Commercial (C-S) Zone.

**PREPARED BY:** Annalisa Perea, AICP, Contract Planner

**ATTACHMENTS:**  
1. Site Plan  
2. Site Pictures  
3. Conditions of Approval

REVIEWED BY  
CITY ATTORNEY

REVIEWED BY  
DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT

REVIEWED BY CITY ADMINISTRATOR

**APPLICANT REQUEST:**

Jaime Zavala Jr. is requesting to re-construct a single-family residential unit at 140 N. Thirteenth Street in Chowchilla, CA.

**HISTORY / BACKGROUND:**

The project site was designated as Service Commercial during the 2011 General Plan Update and was therefore rezoned C-S Service Commercial during the recent comprehensive Zoning Ordinance Update in order to bring the zoning into compliance with the General Plan designation. At that point, it made the existing single-family home on the site a legal nonconforming use. This was due to the fact that a single-family home is not a permitted use within the C-S zone.

In the summer of 2019, the home was destroyed by a fire for the second time and has remained inhabitable since the fire. The property has been a neighborhood nuisance with the police and building department staff being called to this property for numerous code enforcement violations.

According to section 18.90.070 "Expansion or reestablishment with a conditional use permit" of the City's Zoning Ordinance, a nonconforming use that has been abandoned or discontinued for a period of more than six (6) months, but less than 18 months, may be reestablished if a conditional use permit is granted, in accordance with Chapter 18.80 of the Municipal Code.

The applicant proposes to replace the 1,230 SF single-family unit with a 1,302 SF single-family unit, including an attached 2-car garage.

**ENVIRONMENTAL REVIEW ANALYSIS:**

The project is exempt from CEQA pursuant to Class 2 - Section 15302 Replacement or Reconstruction. Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.

**Planning Commission Conditional Use Permit Findings**

The Planning Commission, before granting a conditional use permit, must make all of the following findings, (CMC 18.81.040):

- A. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required by this title to adjust said use with land and uses in the neighborhood.**

The site is adequate in size and shape to accommodate the proposed single-family residence.

- B. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.**

The project itself would not generate an increase in trip traffic for the area beyond what already exists.

- C. The proposed use will have no adverse effect upon adjoining or other properties. In making this determination, the Commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting; signs; and such other characteristics as will affect surrounding property.**

The proposed rebuild will have no adverse effect upon adjoining properties. It would result in the site and surrounding area to be cleaned up.

- D. That the proposed use is consistent with the objectives and policies of the Chowchilla General Plan.**

The proposed project is consistent with the objectives of the General Plan.

- E. That the conditions established by the Commission for the conditional use permit are deemed necessary to protect the public health, safety and general welfare.**

The conditions of approval were developed to assist with protecting the public health, safety and general welfare to the extent possible.

**STAFF RECOMMENDATION:**

Staff recommends the Planning Commission approve CUP 19-0020.

**PLANNING COMMISSION ACTION:**

The Commission's action on CUP No. 19-0020 for the proposed project.

MOVE TO ADOPT RESOLUTION NO. 20-\_\_\_\_, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING CONDITIONAL USE PERMIT NO. 19-0020 TO APPROVE THE REQUEST TO RE-CONSTRUCT A SINGLE-FAMILY HOUSE IN THE SERVICE COMMERCIAL (C-S) ZONE WITH THE FINDINGS AND CONDITIONS AS SET OUT IN THE RESOLUTION.

**or**

MOVE TO DENY RESOLUTION NO. 20-\_\_\_\_, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA, GRANTING CONDITIONAL USE PERMIT NO. 19-0020 TO APPROVE THE REQUEST TO RE-CONSTRUCT A SINGLE-FAMILY HOUSE IN THE SERVICE COMMERCIAL (C-S) ZONE WITH THE FOLLOWING FINDING(S): (specify)



**PLANNING COMMISSION RESOLUTION NO. 20-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA CALIFORNIA, GRANTING CONDITIONAL USE PERMIT NO. 19-0020 TO APPROVE THE REQUEST TO RE-CONSTRUCT A SINGLE-FAMILY HOUSE IN THE SERVICE COMMERCIAL (C-S) ZONE WITH THE FINDINGS AND CONDITIONS AS SET OUT IN THE RESOLUTION.**

WHEREAS, a conditional use permit application has been submitted by Jaime Zavala Jr. requesting to rebuild an existing single-family unit in the C-S Service Commercial Zone; and,

WHEREAS, since the single-family unit is located in a C-S zone, it's considered to be a legal nonconforming use; and,

WHEREAS, the single-family unit was destroyed by a fire and has remained inhabitable since then; and,

WHEREAS, according to section 18.90.070 "Expansion or reestablishment with a conditional use permit" of the City's Zoning Ordinance, a nonconforming use that has been abandoned or discontinued for a period of more than six (6) months, but less than 18 months, may be reestablished if a conditional use permit is granted; and,

WHEREAS, a Public Hearing was duly noticed for the January 22, 2020 Special Planning Commission meeting; and,

WHEREAS, the proposal may be found exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15302, and

WHEREAS, the site is of adequate size and shape to accommodate the project; and

WHEREAS, since the proposed use will not generate substantially new traffic trips, the adjacent streets will not be impacted; and

WHEREAS, after consideration the Commission finds that the use will be compatible in the subject location; and

WHEREAS, the use can be found to be consistent with the General Plan and its policies and objectives; and

WHEREAS, adherence to the proposed conditions would eliminate any potential for unintended negative impacts; and

WHEREAS, the Planning Commission has carefully considered the staff report, recommendations and all oral and written evidence presented during the public hearing;

NOW, THEREFORE, the Planning Commission of the City of Chowchilla does hereby resolve to grant Conditional Use Permit No. 19-0009 approving the proposed reconstruction of a single-family resident in the C-S zone at 140 N. Thirteenth Street with the conditions of approval as set forth.

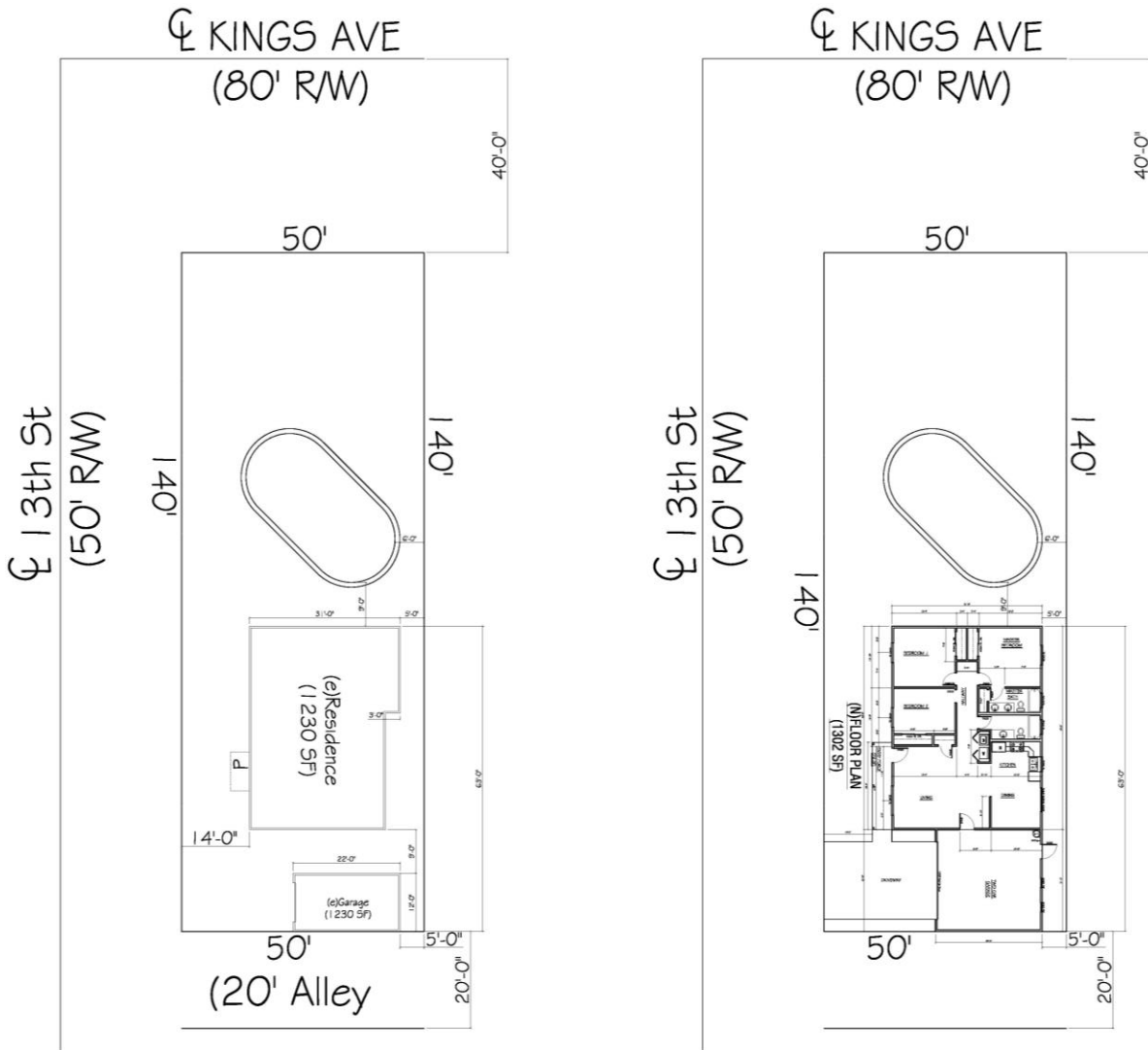
APPROVED, PASSED, AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CHOWCHILLA THIS THIS 22<sup>nd</sup> DAY OF JANUARY, 2020 BY THE FOLLOWING ROLL CALL VOTE:

Ayes:  
Noes:  
Abstain:  
Absent:

\_\_\_\_\_  
Chair

Attest: \_\_\_\_\_  
Janene Hicks, Recording Secretary

**ATTACHMENT 1 – Site Plan**



140 13TH ST. CHOWCHILLA CA 93610

**ATTACHMENT 2 – Pictures of Existing Site**



A view of the yard



A view of the side of the property along Thirteenth Street where sidewalk would need to be installed.



Location of Thirteenth Street and Kings Avenue where an ADA curb ramp would need to be installed along with sidewalk.



Debris from the fire that would be required to be removed as part of the rebuild.



Another view of the property where sidewalk and ADA ramp would need to be installed.



Portion of the alleyway where vegetation would be required to be removed and where the alley would need to be repaved.

**ATTACHMENT 3 –Conditions of Approval**

1. Prior to issuance of building permits, the Applicant shall submit a fence plan to the City Planning Department indicating the proposed fence boundaries. It shall include corner cutoffs at the corner of the property abutting the intersection and at the corner abutting the alley. See section 18.50.110(c) of the City's Zoning Ordinance.
2. If new sewer and water services are being proposed, the Applicant shall re-submit the site plan to indicate the locations of these services.
3. The Applicant shall be required to obtain necessary building permits for the construction of the project. Please contact the building department at (559) 665-8615 ext. 410 for more information and to receive the application.
4. Prior to issuance of a certificate of occupancy, all debris shall be removed from the site.
5. The garage wall facing the alley way shall be constructed with a fire-rated material acceptable to the Building Official. The design, material, and location shall be shown on the building plans and inspected per the building, health and safety codes.
6. Prior to issuance of the certificate of occupancy of the single-family unit, the Applicant shall install curb, gutter, sidewalk, and new driveway approach per City standards along the extent of the project site along Thirteenth Street and Kings Avenue.
7. Within 6 months after issuance of the certificate of occupancy, the Applicant shall construct an ADA curb ramp at the intersection of Thirteenth Street and Kings Avenue.
8. Prior to issuance of certificate of occupancy, all trees in the public right-of-way shall be removed and replaced elsewhere on the property.
9. Prior to issuance of certificate of occupancy, all dead trees on-site shall be removed and replaced with new trees.
10. Prior to issuance of certificate of occupancy, the Applicant shall repave the alleyway for the full extent of their property line.
11. Prior to issuance of certificate of occupancy, the Applicant shall remove the vegetation located between the rear property line along the alleyway.
12. The applicant shall be required to remove the bushes currently located along the property line in the alley way. Upon removal of the bushes and debris in the alley way, the applicant shall replace the with a non-permeable surface material (i.e.: concrete or asphalt).
13. The planning commission may impose modified, additional, or more restrictive, requirements as deemed necessary to effectively implement the intent of section 18.66.162 of the City's Municipal Code.

**ATTACHMENT 4 – Public Notice**

**NOTICE OF A PUBLIC HEARING**

Conditional Use Permit No. 19-0020:  
Rehabilitate the residence located at 140 N. 13<sup>th</sup> Street

Notice is hereby given that the Planning Commission of the City of Chowchilla, California, will hold a public hearing on Wednesday, January 22, 2020 at 7:00 P.M. or as soon thereafter as possible, in the Chowchilla Council Chambers, 130 South Second Street at Civic Center Plaza, to consider Conditional Use Permit to rehabilitate a single-family residence located at 140 N. 13<sup>th</sup> Street.

All interested persons are invited to appear at the time and place specified above to give verbal testimony regarding the proposed actions listed above. Written comments may be forwarded to the City of Chowchilla, Community Development Department, 130 South Second Street, Chowchilla, CA 93610, and to the attention of Mark Hamilton – Community & Economic Development Director. If you challenge the above matter in court, you may be limited to raising only those issues which you or someone else raised at the Public Hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the Public Hearing.