

**SPECIAL MEETING AGENDA
CITY OF SELMA
PLANNING COMMISSION**

**December 16, 2019
6:00 PM**

City of Selma Council Chambers
1710 Tucker Street
Selma, CA 93662

Call to order at **6:00 p.m.**

Flag salute led by Commissioner Sekhon

Roll Call: Commissioners Niswander, Coury, Fedor, Garcia, Gonzalez, Sekhon, Singh

***Potential Conflicts of Interest:** Any Commissioner who has a potential conflict of interest may now identify the item and recuse themselves from discussing and voting on the matter.*

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: *At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.*

CONSENT CALENDAR

All items listed under consent calendar are considered routine. The complete consent calendar will be enacted by one motion by Roll-Call Vote. For purposes of discussion any Commission Member may have an item removed from the consent calendar and made part of the regular agenda. The Commission can then approve the remainder of the consent calendar.

1. Consideration and necessary action on the minutes of the November 12, 2019 meeting.

PUBLIC HEARINGS

2. **CONDITIONAL USE PERMIT No. 2019-0025** Consideration of a resolution recommending that the Planning Commission approve a Conditional Use Permit application filed by Antioquia Ministries Inc., for the purpose of permitting a church and outreach ministries that serve the homeless, after school tutoring and mentoring services, and providing resources to assist unemployed individuals obtain jobs at 1426 Grove Street, Selma CA 93662 (APN 389-243-03).

ORAL COMMUNICATIONS

NOTICE(S) TO THE PUBLIC: *At this time, any member of the public may address the Commission regarding any item over which the Commission has jurisdiction. No action or discussion will be taken on any item not on the agenda. Issues raised will be referred to the Chairperson for review. Members of the public shall limit their remarks to three (3) minutes.*

ADJOURNMENT

- *Any writings or documents provided to a majority of the Selma Planning Commission regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 1710 Tucker Street during normal business hours.*
- *In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (559) 891-2200. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.*

**DRAFT
CITY OF SELMA
MINUTES OF PLANNING COMMISSION MEETING
November 12, 2019**

Chairman Niswander called the meeting of the Selma Planning Commission to order at 6:00 p.m. in the Council Chambers. Commission members answering roll call were Fedor, Garcia, Gonzales, Coury, Sekhon, and Chairman Niswander. Commissioner Singh was not present.

Also present were City Attorney Neil Costanzo, Planner Kira Noguera, and Building/Planning Technician Sabino Cayetano.

The agenda for this meeting was duly posted in a location visible at all times by the general public seventy-two hours prior to this meeting.

Chairman Niswander asks if any Commissioner has any conflict of interest and to identify the item and to excuse him or herself.

Chairman Niswander describes the revised minutes for October 28, 2019 minutes. He feels the minutes are in order.

Commissioner Fedor makes the motion to approve the October 28, 2019 minutes.

Commissioner Coury seconds the motion to approve the minutes for October 28, 2109.

Chairman Niswander ask for roll call vote to approve minutes for October 28, 2019

Technician Sabino takes roll call vote to approve the minutes for October 28, 2019. Commissioners as follows voted yes. Commissioners, Coury, Fedor, Garcia, Gonzales, Sekhon and Chairman Niswander. Commissioner Singh not present

PUBLIC HEARINGS

Consideration and Necessary Action on Alternative Resolutions Recommending Either Repeal or Amendment of Selma Municipal Code Section 11-8-10 (D), to Provide for Discretionary Modification or Adjustment of Density Requirements for Retail Outlets Selling Packaged Alcoholic Beverages in Neighborhood Commercial Zone (C-1).

Chairman Niswander describes the agenda item to the Planning Commission.

City Attorney Neil Costanzo describes in-depth on the Municipal Code Section 11-8-10 (D) to the Planning Commission on the agenda item.

Chairman Niswander asks if we have the opportunity to leave it as is.

City Attorney Neil Costanzo responds with yes you can.

Chairman Niswander asks City Attorney Neil Costanzo if the City of Selma has gone to court in a similar situation to the agenda item.

City Attorney Neil responds with the City of Selma has been challenged on various ordinances and grounds but not on this particular agenda item.

Chairman Niswander responds we already have a problem with Lincoln Park with people buying there liquor nearby and taking it to the park all day long.

City Attorney Neil Costanzo responds with the factors for the agenda item.

Chairman Niswander responds the church uses the park for the kids on recess. There are already 2 places within 100 feet of each other selling alcohol.

City Attorney Neil Costanzo responds with taking all things into consideration and proposing an amendment to the over concentration retail alcohol beverage outlets in the area.

Chairman Niswander responds with this agenda item we can have more time to investigate if we have too many alcohol outlets.

City Attorney Neil Costanzo responds with that is why the agenda item is being considered.

Commissioner Garcia respond with this agenda item would make it easier for the City of Selma to make exceptions.

City Attorney Neil Costanzo responds with this will make it impossible for the City of Selma to make exceptions.

Commissioner Garcia respond with the City of Selma ability to deny doesn't change at all.

City Attorney Neil Costanzo responds with it does not change at all.

Commissioner Sekhon asks can we change the distances.

City Attorney Neil Costanzo responds with it is within the agenda item.

Commissioner Sekhon asks what about the 500 ft. rule.

City Attorney Neil Costanzo responds that he has never seen it anywhere.

Chairman Niswander asks if the Planning Commission has any other questions.

Commissioner Fedor asks what guidelines do developers have.

City Attorney Neil Costanzo responds they will have to come to the Planning Commission and convince them of their project.

Commissioner Fedor asks if there are any changes to the agenda item, if they will still have to come to the Planning Commission.

Planner Kira Noguera responds to the question of if City Attorney Neil Costanzo has seen it anywhere. The City of Fresno and City of Stockton has it but they have exceptions.

Commissioner Fedor responds we would get it with the amendment.

Chairman Niswander asks the Planning Commission if they have any other questions. Does anyone want to speak if favor of the agenda item. Does anyone want to speak in opposition on agenda item. Closes the public portion to bring it back to Planning Commission for a vote.

Chairman Niswander entertains the motion.

Commissioner Fedor makes the first motion to approve the agenda item.

Commissioner Coury seconds the motion for approval for the agenda item.

AYES: Fedor, Coury, Gonzalez, Garcia, Sekhon, & Niswander
NOES:
ABSTAIN:
ABSENT: Singh

ORAL COMMUNICATIONS

Planner Kira Noguera wanted to verify the special meeting for December 16, 2019.

ADJOURNMENT: There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Sabino Cayetano
Building Planning Technician

Glenn Niswander, Chairman
of the Planning Commission

Kira Noguera
Secretary of the Planning Commission

**SELMA CITY PLANNING COMMISSION
STAFF REPORT**

Meeting Date: December 16, 2019

TO: Selma City Planning Commission

FROM: Community Development Department

SUBJECT: AGENDA ITEM NO. 1
Submittal No. 2019-0025:
▪ Conditional Use Permit

Summary and Purpose

Antioquia Ministries Inc. submitted a request for Conditional Use Permit for the operation of a church at 1426 Grove Street, Selma. Antioquia Ministries Inc. plans to operate a church at this location and to house the current outreach ministries that serve the homeless needs, after school tutorial and mentoring services working collaboratively with Fresno County Juvenile Probation, and providing resources to assist unemployed individuals develop interview skills to help them obtain entry level jobs.

The project site has structures constructed in 1962, which have been used for a church and a retail market in the past. The construction and use of the existing structures was prior to the requirement for any zoning approvals, including obtaining a conditional use permit, being required by the City of Selma. Therefore, the proposed project would need to comply with the current requirements for establishing a church legally in conformance with the local zoning regulations. Pursuant to Section 11-16 of the Selma Municipal Code, a conditional use permit is required for establishment of a church within any zone within the city limits.

Environmental Assessment:

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Public Resources Code Section 15301 Existing Facilities, it has been determined that this project is categorically exempt from additional CEQA processes.

Conditional Use Permit Approval Findings:

Pursuant to section 11-16-4 of the SMC, a Conditional Use Permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:

- A. That 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 Section 11-16-4 to adjust said use with land and uses in the neighborhood.

- B. That 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.
- C. That the proposed use will have no adverse effect on property within a three hundred-foot (300') radius of the permitted use thereof. In making this determination, the Planning 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, such other characteristics as will affect surrounding property.
- D. That the conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare.
- E. That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.

Notice of Hearing

On December 4, 2019, the notice of hearing was published in the Selma Enterprise. Notice was mailed to property owners within a 300 feet radius of the project site on December 6, 2019.

Recommended conditions of Conditional Use Permit:

Staff Recommends that the approval be conditioned upon the following:

Planning Conditions:

1. The use of the site as a church and community outreach center are subject to the following conditions of approval.
2. There shall be no overnight facilities provided on site. The site shall not be utilized as a homeless shelter or emergency shelter.
3. Any new landscaped area shall be planted with live and healthy plant materials suitable for screening and/or ornamenting the site. Landscaped areas shall be watered by automatic systems and designed and developed in accordance with the most recent State Model Water Efficient Landscape Ordinance.
4. A separate sign application and administrative approval process will be required before ordering or installing any signage.
5. The developer shall provide proof of compliance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) standards prior to issuance of building permit.
6. Any new outdoor lighting shall utilize energy efficient fixtures and lamps, such as LED, high pressure sodium, metal halide, low pressure sodium, hard wired compact fluorescent,

or other lighting technology that is of equal or greater efficiency. All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than ten thousand (10,000) hours.

7. Architectural features may be illuminated by up lighting, provided that the lamps are low intensity to produce a subtle lighting effect and no glare or light trespass is produced. Wherever feasible, solar powered fixtures should be used.
8. If not exercised within one (1) year from the date of approval, this Conditional Use Permit shall expire and become void, except where an extension of time has been approved in compliance with the Zoning Code.

Fire Department Conditions:

9. Construction documents and calculations for all fire protection and notification systems shall be provided to Selma Fire Prevention Bureau for review. Installation of any fire protection or notification system shall not be started without first receiving a permit.
10. Approved notices or markings that include the words "NO PARKING-FIRE LANE" shall be provided for fire apparatus access roads.
11. Buildings shall have approved address numbers or identification placed in a position that is plainly visible from the street fronting the property. Numbers shall contrast with their background and be posted a minimum of ten feet above the ground and be in Arabic numerals or alphabet letters (8"high numbers with a minimum stroke width of 3/4").
12. Key boxes (KnoxBox) shall be installed in an approved location at a height of approximately 6-8 feet above grade. The key box shall contain labeled keys to gain access into all portions of the building.
13. An approved water supply capable of supplying the required fire flow for fire protection shall be provided. (CFC 507)
14. Fire hydrant systems shall comply with California Fire Code 580 and Appendix C. Three foot clear space shall be maintained around the circumference of fire hydrant. Fire hydrants shall be painted yellow.
15. Vehicle impact protection shall be required when any fire protection equipment is located in open areas such as parking lots. Barriers shall be built in accordance with California Fire Code 312.
16. Portable fire extinguishers shall be selected, installed and maintained in accordance with the California Fire Code, NFPA 10 and Title 19 California Code of Regulations. Fire extinguisher type and placement locations shall be shown on the plans.

Engineering Conditions:

17. Provide required accessible parking stalls and pedestrian access / path of travel.
18. A new trash enclosure shall be designed to City standards to accommodate refuse and recycling bins.

General Conditions:

19. All requirements of the Selma Municipal Code, as they pertain to this application, shall be complied with and such requirements shall be made a condition of permit approval.
20. The Applicant and Property Owner shall within thirty (30) days after approval of CUP No. 2019-0025 by the Planning Commission, submit to the Planning Department his/her written consent to all of the conditions referenced herein. The Applicant understands that approval of this Resolution and CUP No. 2019-0025 will be of no force or effect unless such written consent is submitted to the City within the stated 30-day period.
21. The rights granted under Conditional Use Permit No. 2019-0025 shall expire within one (1) year from the date of approval by the Planning Commission unless exercised within that period or unless the Applicant applies for and is granted an extension of time. No extension of time shall be considered unless the application for an extension is filed at least thirty (30) days prior to its expiration. The extension will not be granted if conditions have changed such that the requisite findings for approval can no longer be made.
22. Any violation or failure to comply with any of the conditions of the approval of this permit shall be grounds for modification or revocation of Conditional Use Permit No. 2019-0025. The Applicant may be required to reimburse the City fully for its costs and expenses, including but not limited to, attorney's fees, in undertaking any required corrective action. Reimbursement of enforcement costs may constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City may refrain from issuing permits, licenses, or other approvals until such violation has been fully remedied.
23. Upon discontinuance of the activity authorized herein for a period of one hundred and eighty (180) days or more, the Conditional Use Permit No. 2019-0025 shall automatically expire, pursuant to the provisions of the Selma Municipal Code, and subject to all necessary due process requirements.
24. The Conditional Use Permit No. 2019-0025 may be referred to the Planning Commission for modification or revocation at any time if the use is operated contrary to the conditions of approval, or if the use is being operated in violation of applicable state or federal laws, the Selma Municipal Code and/or ordinances.
25. The Applicant and Property Owner shall indemnify, protect, hold harmless and defend the City and any agency or instrumentality thereof, and/or any of its officers, employees and

agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the applicant and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

Recommendation

Approve Resolution 2019-011 approving Conditional Use Permit 2019-0025, subject to the above conditions of approval.

Prepared by:

Kira Noguera
City Planner

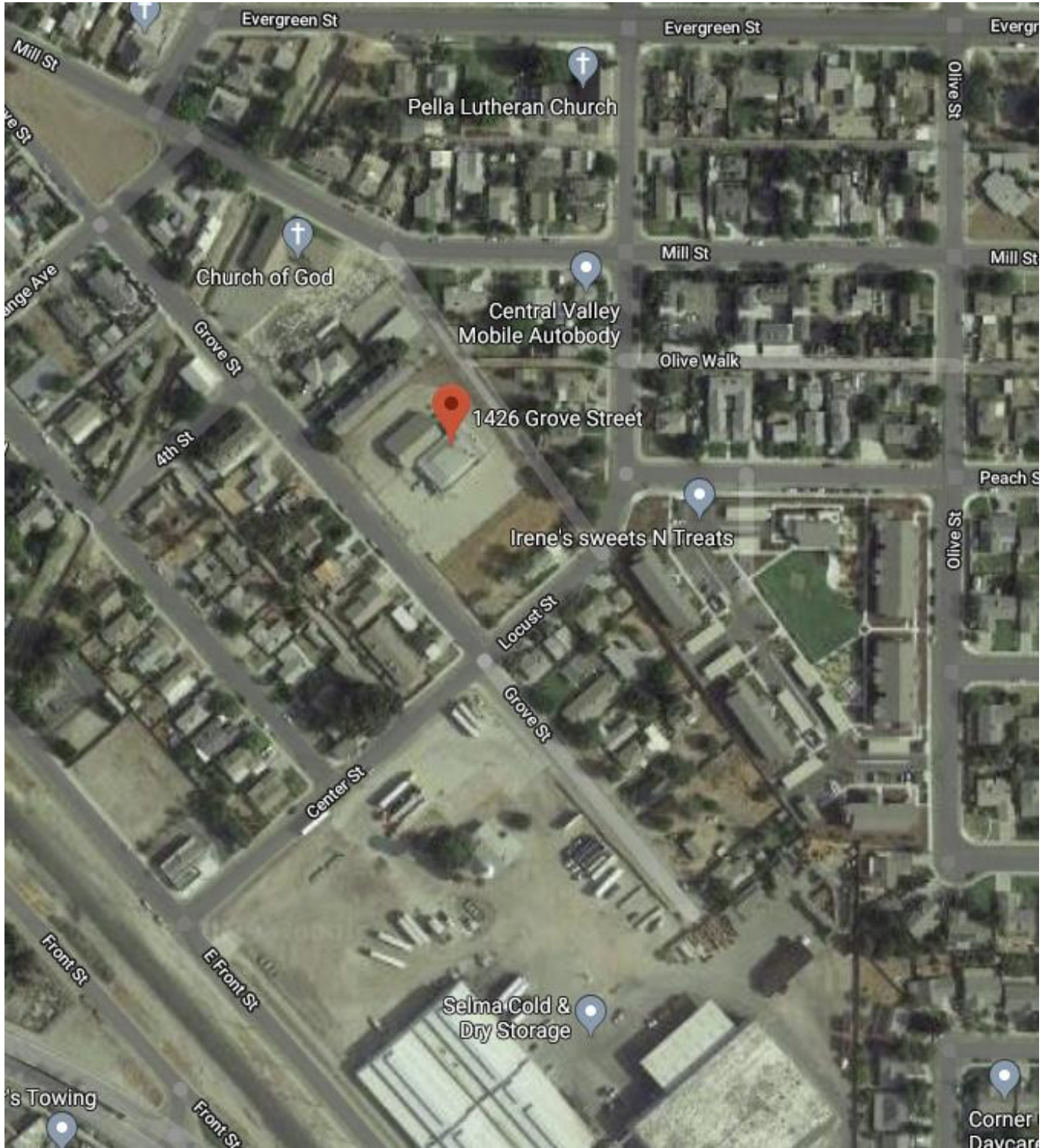
Date

Attachments

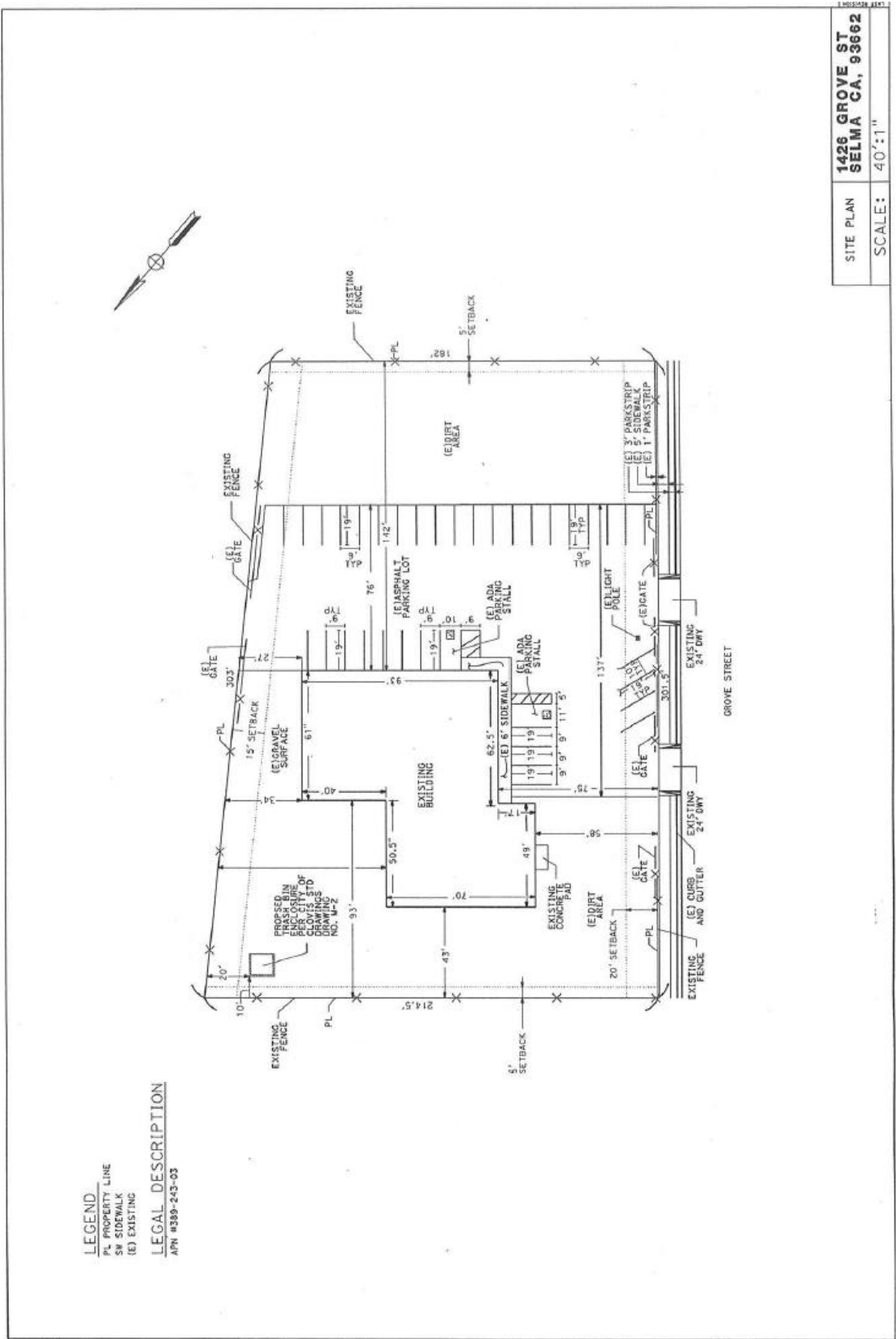
Location Map
Site Plan

Resolution 2019-011 approving CUP 2019-0025

Location Map



Site Plan



LEGEND
 PL PROPERTY LINE
 SW SIDEWALK
 (E) EXISTING

LEGAL DESCRIPTION
 APN 4389-243-03

1426 GROVE ST SELMA CA, 93662	
SITE PLAN	SCALE: 40':1"

RESOLUTION NO. 2019-011

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SELMA, CALIFORNIA MAKING FINDINGS AND APPROVING CONDITIONAL USE PERMIT NO. 2019-0025 FOR THE OPERATION OF A CHURCH AT 1426 GROVE STREET, SELMA, CA 93662 (APN 389-243-03)

RECITALS

WHEREAS, on November 15, Joe Alvarez, (“Applicant”), filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 2019-0025 described herein (“Application” or “Project”); and

WHEREAS, the Application is for the operation of a church and outreach ministries at 1426 Grove Street, Selma, California, Assessor’s Parcel Number 389-243-03 (“Property”); and

WHEREAS, the Property fronts Grove Street and is fully improved with sidewalk, curb and gutter; and

WHEREAS, the Property has vehicular and pedestrian access to Grove Street; and

WHEREAS, the Property is currently developed with buildings and paving; and

WHEREAS, the Land Use Element of the General Plan designates the Property for Neighborhood Commercial uses. The proposed CUP is consistent with the General Plan as it will provide essential services and does not conflict with the established goals and objectives of the Land Use Element. The corresponding zoning designation, C-1 Neighborhood Commercial Zone permits a church, subject to the approval of a CUP, pursuant to the Selma Municipal Code (“SMC”); and

WHEREAS, the Planning Commission, examined the record and found that Section 15301 of the California Environmental Quality Act provides that projects characterized as existing facilities qualify as a Class 32 Categorical Exemption. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, CUP No. 2019-0025, as proposed, qualifies as a categorical exemption pursuant to Section 15301 of California Environmental Quality Act (“CEQA”) Guidelines, Title 14, Chapter 3 of the California Code of Regulations, because it is a project characterized as existing facilities, meeting the conditions described in Section 15301. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment; and

WHEREAS, notice of the Planning Commission’s December 16, 2019 public hearing on CUP No. 2019-0025 was published in *The Selma Enterprise* on December 4, 2019, in compliance with the City’s Code and Government Code Section 65091.

WHEREAS, notice of the Planning Commission’s December 16, 2019 public hearing on CUP No. 2019-0025 was also mailed by the City to property owners within 300 feet of the Property on December 6, 2019; and

WHEREAS, on December 16, 2019, the Planning Commission of the City of Selma conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

WHEREAS, based on substantial evidence provided in the whole record before the Planning Commission for CEQA compliance and public comments related to the project, it has been determined that there is no possibility that this project will have significant effects on the environment; and

WHEREAS, the Planning Commission deliberated and hereby makes the following Findings for Approval of Conditional Use Permit No. 2019-0025, in compliance with Municipal Code section 11-16-4.

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Selma as follows:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct and are incorporated herein by reference.

SECTION 2. All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State Law and the Municipal Code of the City of Selma.

SECTION 3. That Conditional Use Permit No. 2019-0025 is hereby approved subject to the conditions of approval included in the staff report which are in addition to all other statutes, regulations, ordinances or other applicable conditions.

SECTION 4. Upon independent review and consideration of all pertinent written information contained in the Staff Report, the Planning Commission hereby finds and determines that the proposed CUP No. 2019-0025 is categorically exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15301 of California Environmental Quality Act (“CEQA”) Guidelines, Title 14, Chapter 3 of the California Code of Regulations, because it is a project characterized as in-fill development. Reflecting independent judgment and analysis, the Planning Commission determined that the project will not have a significant effect on the environment. Based on these findings, the Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

SECTION 5. Based upon substantial evidence presented to the Planning Commission during the December 16, 2019, public hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows pursuant to Section 11-16-5 of the Selma Municipal Code:

- A. That 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 Section to adjust said use with land and uses in the neighborhood.
 - a. The site proposed is an existing building and parking lot. The applicant is proposing to improve the site ensuring paved parking, as detailed in the site plan exhibit.
- B. That 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.
 - a. The site is accessed by Grove Street. This street will provide access to and from the site and is adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- C. That the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof. In making this determination, the Planning 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, such other characteristics as will affect surrounding property.

The site proposed is an existing building and paved parking lot. The applicant is proposing to improve the site over time and will be in full compliance with all applicable development standards.

Therefore, the proposed use will have no adverse effect on property within a 300-foot radius of the permitted use thereof.

- D. That the conditions stated in the resolution are deemed necessary to protect the public health, safety and general welfare.
- E. That the proposed use is consistent with the Selma General Plan and applicable land use component plans which may establish criteria for approval and/or standards for development.
 - a. The proposed use is consistent with the Selma General Plan. The site plan compliant with all applicable development standards.

SECTION 5. The Planning Commission, having made its Findings for Approval, was of the opinion that Conditional Use Permit No. 2019-0025 should be approved subject to the conditions of approval included in the staff report and made a part of the Resolution.

The foregoing Resolution was duly approved by the Selma Planning Commission at a regular meeting held on the 16th day of December 2019 by the following vote, to wit:

AYES: COMMISSIONER:

NOES: COMMISSIONER:

ABSTAIN: COMMISSIONER:

ABSENT: COMMISSIONER:

GLENN NISWANDER CHAIRMAN OF
THE SELMA PLANNING COMMISSION

ATTEST:

Kira Noguera, Secretary, Selma Planning Commission