

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, November 4, 2025
6:00 p.m.**

**Council Chambers
City Hall**

The Council Chambers will be open to the public. This meeting will also be available for public viewing and participation through Zoom. Members of the public may comment on agenda items at the meeting or remotely through an electronic meeting via phone by dialing (669) 900-6833 enter ID: 89220357627# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89220357627>. Comments will also be accepted via email at planningcommissionpubliccomment@madera.gov or by regular mail at 205 W. 4th Street, Madera, CA 93637.

CALL TO ORDER:

ROLL CALL:

Chairperson Robert Gran Jr.
Vice Chair Ramon Lopez-Maciell
Commissioner Tim Riche
Commissioner Abel Perez
Commissioner Balwinder Singh
Commissioner Saim Mohammad
Commissioner Jose Eduardo Chavez

INTRODUCTION OF STAFF:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES:

PUBLIC COMMENT:

The first 15 minutes of the meeting are reserved for members of the public to address the Commission on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked, but are not required, to identify themselves and state the subject of their comments. If the subject is an item on the Agenda, the Chairperson has the option of asking the

speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Commission is prohibited by law from taking any action on matters discussed that are not on the agenda, and no adverse conclusions should be drawn if the Commission does not respond to public comment at this time.

PUBLIC HEARINGS:

1. CUP 2025-03 & SPR 2025-06 – El Toro Iron and Metal Recycling Processing Facility (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-03) and Site Plan Review (SPR 2025-06) requesting approval of a Recycling Processing Facility use and authorization to construct a new 2,100 sq. ft. building and locate four 350 sq. ft. storage containers on a vacant ±1.06 acre parcel located on the northeastern side of S. Gateway Dr. at its intersection with W. 8th St. (APN: 007-181-008). The site is located within the C2 (Heavy Commercial) Zone District and is designated for Commercial land uses in the General Plan.

Recommendation:

Conduct a public hearing and adopt:

- a. Conduct a Public Hearing; and,
- b. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to:
 - i. Return with a Resolution of the City of Madera Planning Commission, and conditions of approval for purposes of approving the project based on specified findings (Commission to articulate reasons for approval); or,
 - ii. Return with a Resolution of the City of Madera Planning Commission denying the project based on specified findings (Commission to articulate reasons for denial); or,
 - iii. Return with an updated staff report for final consideration by the Commission and consistent with the Commission's direction (Commission to specify date and reasons for continuance).

2. CUP 2025-12 & SPR 2025-20 – Massage Therapy (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-12) and Site Plan Review (SPR 2025-20) requesting authorization to operate a massage parlor within the 27th Place West Shopping Center located on the southeast corner of the intersection of S. Schnoor Ave. and Howard Rd. at 1930 Howard Rd., Ste. 119 (APN: 009-361-031). The project site is located within the C1 (Light Commercial) Zone District and is designated for Commercial land uses in the General Plan.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Sections 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-12 and Site Plan Review 2025-20, subject to the findings and conditions of approval.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

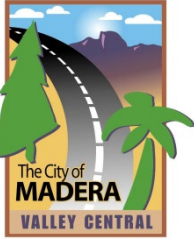
-
- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in this public meeting may be made by calling the Planning Department's Office at (559) 661-5430 or emailing planninginfo@madera.gov. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be made as soon as practicable as additional time may be required for the City to arrange or provide the requested accommodation. Requests may also be delivered/mailed to: City of Madera, Attn: Planning Department, 205 W. 4th Street, Madera, CA 93637. At least seventy-two (72) hours' notice prior to the meeting is requested but not required. When making a request, please provide sufficient detail that the City may evaluate the nature of the request and available accommodations to support meeting participation. Please also provide appropriate contact information should the City need to engage in an interactive discussion regarding the requested accommodation.
 - The services of a translator can be made available. Please contact the Planning Department at (559) 661-5430 or emailing planninginfo@madera.gov to request translation services for this meeting. Those who are hearing impaired may call 711 or 1-800-735-2929 for TTY Relay Service. Requests should be submitted in advance of the meeting to allow the City sufficient time to provide or arrange for the requested services. At least seventy-two (72) hours' notice prior to the meeting is requested but not required.

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at the City of Madera – Planning Department, 205 W. 4th Street, Madera, CA 93637 during normal business hours.

Pursuant to Section 65009 of the Government Code of the State of California, notice is hereby given that if any of the foregoing projects or matters is challenged in Court, such challenge may be limited to only those issues raised at the public hearing, or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

All Planning Commission actions may be appealed to the City Council. The time in which an applicant may appeal a Planning Commission action varies from 10 to 30 days depending on the type of project. The appeal period begins the day after the Planning Commission public hearing. There is NO EXTENSION for an appeal period.

If you have any questions or comments regarding this hearing notice, you may call the Planning Department at (559) 661-5430. Si usted tiene preguntas, comentarios o necesita ayuda con interpretación, favor de llamar el Departamento de Planeamiento por lo menos 72 horas antes de esta junta (559) 661-5430.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Associate Planner

Meeting of: November 04, 2025

Agenda Item: 1

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-03) and Site Plan Review (SPR 2025-06) to requesting authorization to operate a Recycling Processing Facility use and to construct a new 2,100 square foot building and locate four 350 square foot storage containers on a ±1.06-acre lot located on the northeasterly side of South Gateway Drive at its intersection with West 8th Street (APN: 007-181-008).

RECOMMENDATION:

1. Conduct a Public Hearing; and,
2. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to:
 - a. Return with a Resolution of the City of Madera Planning Commission, and conditions of approval for purposes of approving the project based on specified findings (Commission to articulate reasons for approval); or,
 - b. Return with a Resolution of the City of Madera Planning Commission denying the project based on specified findings (Commission to articulate reasons for denial); or,
 - c. Return with an updated staff report for final consideration by the Commission and consistent with the Commission's direction (Commission to specify date and reasons for continuance).

SUMMARY:

The applicant and owner, Andreina Vargas, has filed an application for a Conditional Use Permit (CUP 2025-03) and Site Plan Review (SPR 2025-06) requesting authorization to operate a Recycling Processing Facility on a vacant ±1.06-acre lot located on the northeasterly side of South Gateway Drive at its intersection with West 8th Street (APN: 007-181-008) (the "project site").

Proposed operations include the on-site collection of California Refund Value (CRV) materials (e.g., plastic, glass and aluminum or bi-metal product containers) as well as the purchase of both ferrous and non-ferrous metals (which could include scrap iron, aluminum and/or copper materials) as components of the collection and processing services. The project proposes to

construct a new ±2,100 square foot building, locate and store four 350 square foot storage (shipping) containers on the project site as well as construct seven new concrete masonry unit (CMU) bunkers for outdoor storage of recyclable materials and two CMU solid waste enclosures on the project site. A cardinal (heavy-duty truck/recycling) scale is also proposed to be installed on the project site.

The project site is located within the C2 (Heavy Commercial) zone district and is designated for Commercial uses on the General Plan Land Use Map.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location, and site characteristics.

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2025-03 & SPR 2025-06
<i>Applicant:</i>	Andreina Vargas
<i>Property Owner:</i>	Andreina Vargas
<i>Location:</i>	Assessor's Parcel Number (APN): 007-181-008 Located on the northeasterly side of South Gateway Drive at its intersection with West 8 th Street.
<i>Project Area:</i>	±1.06 acres of vacant/unimproved land
<i>Plan Land Use:</i>	Commercial
<i>Zoning District:</i>	C2 (Heavy Commercial)
<i>Site Characteristics</i>	Project site is located within the segment of South Gateway corridor between South Madera Avenue and Yosemite Ave which comprises a portion of State Route 145. This segment of the South Gateway corridor includes a mix of residential, office, health services, commercial retail and services, as well as automotive-related uses.

ANALYSIS:

City Municipal Code (CMC) § 10-3.405(I) pertains to Recycling Facilities. CMC § 10-3.405(I)(1) describes Recycling Facilities as being either collection facilities or processing facilities; and, provides as follows:

- A processing facility is a building or space used for the collection and processing of recyclable materials and processed by such means as flattening, sorting, settling, compacting, bailing, shredding, grinding, and crushing.

The CMC provides recyclable materials are reusable material including aluminum, glass, plastic, paper, and used motor oil. The inclusion of additional non-CRV eligible ferrous and non-ferrous metals broadens operations to potentially include but not be limited to scrap iron, aluminum and/or copper materials.

The Operational Statement and Site Plans which were prepared and submitted by the applicant describe and illustrate a recycling processing facility for recyclable materials that have or are eligible for a California Redemption Value (CRV) and which typically include most plastic, glass, aluminum, and bi-metal beverage containers (plus wine and distilled spirit pouches and boxes); as well as, other ferrous and non-ferrous materials which could commonly include scrap iron, aluminum and/or copper materials.

The operation proposes use of a new ±2,100 square foot primary building, sorting bins, four storage (shipping) containers, seven CMU constructed outdoor storage bunkers, new solid waste and associated facilities for parking, points-of-sale (cash register) and shade for its operations. Operations are proposed to occur seven days of the week from 8:00 a.m. to 5:00 p.m. with and estimated 50 to 70 visitors per day.

Heavy equipment is also proposed to be utilized for purposes of operations including a cardinal (heavy duty truck/recycling) scale, a forklift(s), a skid steer(s) and an excavator.

Conditional Use Permit

Pursuant to CMC § 10-3.405(I)(2)(b), a recycling processing facility may be permitted in any zone after first securing a use permit. A use permit may be granted by the Commission or Council and then only in accordance with the terms and conditions of the use permit granted (i.e., Conditional Use Permit). Use permits, revocable, conditional, or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the provisions of the Zoning Regulations (Ordinance).

Findings

In accordance with the provisions of the Ordinance (CMC § 10-3.1307[B]), in order to grant any use permit, the Commission shall first find that all of the following apply:

- (1) The proposal is consistent with the General Plan and Zoning Ordinance.
- (2) The proposed use will be compatible with the surrounding properties.
- (3) The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, 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.

Additionally, in accordance with CMC § 10-3.405(I), the following provisions apply and shall be considered:

- (3) Applications for recycling facilities shall be evaluated for propriety of location and consideration shall be given to the need for facility screening, landscaping, circulation/parking, noise, odor, and sanitation control to assure compatibility with surrounding land uses.

Analysis of Findings

Land Use Implementation Policy LU-32 provides zoning shall be consistent with General Plan land use designations. In areas where the zoning and the land use designation are not identical, Table LU-A shall be used to determine consistency for rezoning applications. The project site is currently zoned C2 (Heavy Commercial) which is consistent with the Commercial land use designated by the General Plan pursuant to Table LU-A: General Plan/Zoning Consistency of the General Plan.

The Commercial land use designation applies to nearly the entirety of the Gateway Drive through the City. Gateway Drive is part of the City's arterial street system and is planned to serve as the primary north-south commercial corridor through the core downtown area of the City and its surrounding neighborhoods. It should also be acknowledged that the City's Zoning Regulations permit residential uses and facilities in all commercial zone districts, with the exception of the Highway Commercial district. The vicinity of the project site includes an existing residential neighborhood to the west, including residential uses along the west side of Gateway Drive (to the north opposite the project site). Properties planned for High Density Residential (15.1-50 dwelling units/acre) are designated between the Commercial planned properties along the corridor and State Route 99. This existing residentially built environment in-situ amongst a commercial planned core area and major transportation corridor of the City will afford new development, consistent with the General Plan, opportunity to contribute to a more vibrant, mixed-use and complete neighborhood and Gateway Drive corridor.

At present, almost all properties with frontage on the Gateway Drive corridor south of 9th Street and South Madera Avenue (SR145) are zoned Industrial. Staff recognize this inconsistency with the Commercial planned land use designation as a concern with respect to the implementation of the General Plan. The General Plan acknowledges some industrial uses remain in the downtown area along the railway, continuing a land use pattern that dates to the city's early days. Staff recommend consideration be given to how a perception of remnant industrial uses, when coupled with remnant Industrial zoning (potentially exacerbated by a general lack of knowledge and education pertaining to local zoning regulations) may have the potential to influence how properties are marketed or perceived from investment and business interests. Staff suggest such factors can impede the City's ability to implement the planned commercial corridor envisioned in the General Plan.

The Community Design Element of the General Plan addresses the key issue of community design. A key outcome of Vision 2025 was a desire on the part of the City and its residents to improve the quality of design for public and private development projects. That commitment to "raise the bar" and continually strive to improve the quality of Madera's built environment is reflected in the goals and policies in this Element.

A Community Design Goal (CD-3) of the General Plan pertains to Public Art and Entryway Treatments.

- General Plan Policy CD-10 provides Madera shall seek to establish a sense of entry and arrival to the City.
- General Plan Policy CD-11 provides the places where major roadways enter the City should provide a clear sense of arrival and set the tone for the overall design quality in Madera.

As its namesake suggests, an image of the existing entry statement on Gateway Drive is included within the General Plan as an example of an entry point as described in the Policy). It should also be noted that project site is located with frontage along a segment of Gateway Drive comprising State Route 145 through the City from South Madera Avenue to Yosemite Avenue (the corridor serves as a principal route to and through the City from two separate state routes).

With consideration to how best to implement the General Plan vision of the planned Gateway Drive commercial corridor, the City of Madera Design and Development Guidelines for Commercial Sites embrace six guiding principles:

- Enhance the aesthetic value of the community and build a sense of identity for Madera as a place where quality development prevails;
- Recognize the contribution of all projects, large and small, to the character of Madera and recognize that small details can have large impacts on each project's contribution;
- Create projects of positive architectural and visual interest, while recognizing the need to achieve a balance between form, function, and economic limitations;
- Create and support usable, active, and thriving spaces that add positively to the community's character without losing context with the community;
- Promote project designs that are attractive and safe for customers and pedestrians in general.
- Incorporate environmentally sustainable features into project design where feasible.

There is both positive and negative public perception associated with recycling centers and processing facilities. While it is difficult to dispute the benefits of recycling in general, negative public perception associated with recycling operations should not be ignored and is typically concerned with the operation of such facilities being linked to blight and nuisance issues. These may include contributing to littering, loitering or proximate camping, unsanitary or unsightly conditions, objectionable odors, and in some instances criminal activity. Additionally, negative perception has been generated in association with scrap metal purchasing operations due to perceived linkages as material theft outlets (e.g., copper, wire and catalytic converter theft).

Although a recycling processing facility may be located within any zone district subject to a use permit, the Ordinance requires that recycling facilities shall be evaluated for propriety of location and compatibility with surrounding land uses.

Based upon an evaluation of the proposed project's consistency with the goals, objectives and policies of General Plan as well as with the Guiding Principles of the Commercial Development Design Guidelines, which staff suggests should be given careful consideration respective to implementation of the vision of South Gateway Boulevard as an entry street contributing to a sense of identity for Madera, it is staff's opinion that the proposed operation of a Recycling Processing Facility, that will primarily consist of the delivery, purchase/collection, potential warehousing, outdoor storage (either in bins, stored shipping container stored on the site, or open-air, non-gated CMU "bunker" enclosures which allow for piled materials storage), heavy equipment operations, and distribution or movement of goods or materials which would likely include regular heavy truck trips is a use better-suited to lands either planned for industrial use in the General Plan; or for purposes of collection facilities for CRV eligible materials, where such use may be provided in conjunction or in close proximity or cooperative with a retailer(s) such as a supermarket, super drug store, or other retailers that commonly receive deliveries, sell and store a majority of the same CRV-type goods. Such locations are considered by staff to be more compatible with the urban form envisioned, planned and designated for Gateway Drive and more consistent with the goals, objectives and policies of the General Plan.

Service Convenience & Accessibility

The State of California has adopted legislation (the "Bottle Bill") aimed to ensure that Californians have convenient access to redeem their CRV beverage containers. All supermarkets are required to have a recycling center within a specified area (typically, a ½- to 1-mile radius) around the store, referred to as a "convenience zone." If a certified recycling collection facility is not located within the convenience zone, then retailers that sell beverage containers in that area must take containers in-store or participate in a cooperative, in accordance with California's Department of Resources Recycling and Recovery (CalRecycle) requirements. CalRecycle is responsible for regulating and enforcing California's Beverage Container Recycling program, including convenience zones.

The statuses of convenience zones are available on the CalRecycle webpage: <https://www2.calrecycle.ca.gov/BevContainer/ConvenienceZones>. A search for the City of Madera reveals all convenience zones to be either currently, "exempt," or "served" (Attachment 5). The listing of convenience zone statuses is not intended for identifying retailers that redeem in-store; a search using CalRecycle's In-Store CRV redemption lookup tool for the City of Madera yielded no results. CalRecycle also provides a lookup tool displaying physical locations of recycling centers on its webpage. (The webpage notes that the recycling center address displayed using the lookup tool on this page may not match with the recycling center's physical location as it may be their business address. However, the recycling center is associated with the correct convenience zone.) The nearest recycling center to the project site revealed on the CalRecycle lookup tool is A&S Metals located on the south side of East Olive Avenue between South Gateway Drive and South D Street at 644 East Olive Avenue; a comprehensive recycling processing facility, slightly more than one-half mile away (Attachment 6).

Site Plan Review

A site plan review is required for all projects which require a use permit.

As described herein above, the Site Plan which submitted by the applicant illustrates development of the project site with new ±2,100 square foot primary building along the southwest portion of the frontage of the project site, four 350 square foot storage (shipping) containers storage, seven CMU constructed outdoor storage bunkers, new solid waste enclosures and associated facilities for parking and a cardinal (heavy duty truck/recycling) scale.

The site plan depicts a proposed eight-foot high split face CMU wall along the Gateway Drive frontage and along the westerly property line which is shared with an existing training, education and physical therapy use (Barrows Physical Therapy) on the abutting parcel. A five-foot wide landscaped area is proposed between the sidewalk and the proposed eight-foot high wall along Gateway Drive and a three-foot wide landscape area is proposed along the outside of the eight-foot high wall along the southerly ±59 feet of the westerly property line.

Finally, an open portion of the Madera Irrigation District (MID) Main I Canal traverses the southern portion of the project site and to remain outside of the six-foot high chain link fence proposed along the southern boundary of the operations area. This is a final remaining portion of the MID Main I Canal through the City core area of the City and should be piped and undergrounded at the time new development is proposed on the project site.

In accordance with the provisions of CMC § 10-3.4.0106, before approving a proposed site plan, the Director (or Commission) shall determine that the proposed action is in compliance with all applicable provisions of the City Municipal Code, City General Plan, any applicable specific plans, all rules and regulations applicable to the proposed development, that facilities and improvements, vehicular and pedestrian ingress, egress, and internal circulation, location of structures, services, walls, landscaping, and drainage of the site are so arranged that traffic congestion is avoided, that pedestrian and vehicular safety and welfare are protected, that there will not be adverse effects on surrounding property, that proposed lighting is so arranged as to deflect the light away from adjoining properties or public streets and that adequate provision is made to reduce adverse or potentially adverse environmental impacts to acceptable levels. In making such determination the Director (or Commission) shall establish that approvals are consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality. In situations where a project could have adverse impacts on traffic or circulation outside the immediate project area, the Director (or Commission), with input from City Department Heads, may find that additional improvements are required.

It should also be noted that the project site is located within a commercial zone district and proposed development is therefore required to comply with the City of Madera Commercial Development Design Guidelines.

While it is acknowledged that the site has remained vacant for a long period of time, staff is unable to find or based upon the application materials submitted determine that the proposed project is in compliance with all applicable provisions of the General Plan or all rules and regulations applicable to the proposed development. Additionally, the project application, as proposed, does not demonstrate conformance or consistency with the goals, objectives and policies of the General Plan, the Community Development Design Guidelines and the City's Zoning Regulations.

For these and the reasons cited within the analysis of the CUP findings contained herein above staff does not support approval of SPR 2025-06.

Conditions of Approval

Contingent upon the direction of the Commission, if there is a desire to approve CUP 2025-03 and SPR 2025-06 staff can prepare draft conditions of approval for Commission consideration with the goal of ensuring compliance with all applicable development standards will be maintained for the establishment of and during all proposed recycling processing facility operations on the project site, in a manner which best promotes compatibility and adherence to the Community Development Design Guidelines and goals, objectives and policies of the General Plan. Such conditions could include but not be limited to the specific location, sizes or heights for storage structures, areas, bins or for equipment proposed to be utilized on the project site, limitations to maximum footprint to ensure site functionality or viability, vehicular and pedestrian circulation and accessible paths of travel, parking, loading, lighting, landscaping, identification and advertisement, site maintenance, structural design and architectural compatibility, screening, and/or other operational requirements including but not limited to implementation of a voucher-only system and/or the provision of video surveillance upon recommendation by the Madera Police Department.

ENVIRONMENTAL REVIEW:

The recommendation of staff is to deny CUP 2025-03 and SPR-2025-06. If so denied by the Planning Commission, the California Environmental Quality Act (CEQA) does not apply to activities or projects which a public agency rejects or disapproves.

On the other hand, if the Planning Commission is inclined to approve CUP 2025-03 and SPR 2025-06, a preliminary environmental assessment will need to be completed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA); including but not limited to consideration of whether the project may be eligible for any of the classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA in accordance with Section 15300 et seq. of the CEQA Guidelines as well as consideration as to whether any of the exceptions under Section 15300.2 of the CEQA Guidelines are considered applicable to this project and the project does not present any unusual circumstances. It should be noted that completion of environmental analyses may require the conduct and reporting of special or technical studies

evidencing the potential for significant impacts under the individual criteria and thresholds of the CEQA Guidelines.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-03 and SPR 2025-06. Staff recommends that the Commission:

1. Conduct a Public Hearing; and,
2. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to:
 - a. Return with a Resolution of the City of Madera Planning Commission, and conditions of approval for purposes of approving the project based on specified findings (Commission to articulate reasons for approval); or,
 - b. Return with a Resolution of the City of Madera Planning Commission denying the project based on specified findings (Commission to articulate reasons for denial); or,
 - c. Return with an updated staff report for final consideration by the Commission and consistent with the Commission's direction (Commission to specify date and reasons for continuance).

ALTERNATIVES:

As an alternative, the Commission may erect to:

1. Provide staff with other alternative directives.

ATTACHMENTS:

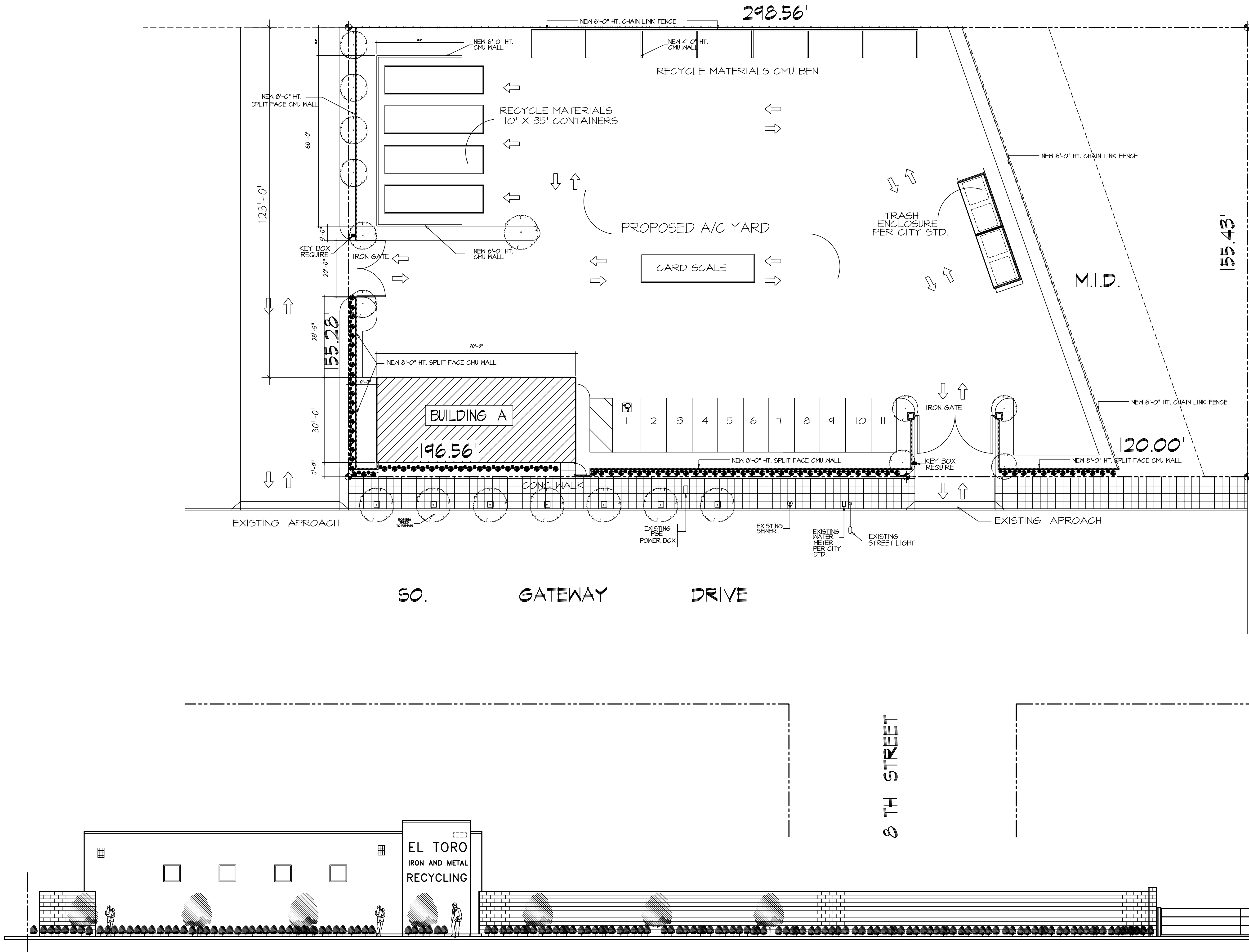
1. Vicinity Map
2. Site & Floor Plans
3. General Plan Land Use Map
4. Official Zoning Map
5. City of Madera Convenience Zone Status List
6. City of Madera Convenience Zone Recycling Centers
7. Operational Statement

ATTACHMENT 1
Vicinity Map/Aerial Image



ATTACHMENT 2

Site & Floor Plans



VICINITY MAP

PROJECT INFORMATION
Use: RECYCLE CENTER
OWNER: ANDREINA VARGAS URENA
Address: 14461 ROAD 24
MADERA, CA 93638
A.P.N.: 07-181-08
Number of Stories: 1
Building Occupancy: (OFFICE) B
Construction Type: V-B
Zone: C1
OCCUPANT LOAD: < 50'
LOT AREA: 1.06 AC.
BUILDING HEIGHT: < 30'
AUTO. SPRK. SYSTEM: NOT REQUIRE
FIRE ALARM: NOT REQUIRE
FIRE RT. ROOF: REQUIRE
BUILDING AREA:
BUILDING A 2100 SQFT
PARKING REQUIRE:
BUILDING A 2100 SQFT = 9 STALLS
PARKING PROVIDE = 11 STALLS

SHEET INDEX

Architectural Sheet	Description
A-1	SITE PLAN
A-2	BUILDING A FLOOR PLAN ELEVATIONS

Applicable Codes:
ALL CONSTRUCTION SHALL COMPLY WITH THE ADOPTED ORDINANCES AND POLICIES OF THE GOVERNING AGENCY, CITY OF MADERA, AND THE LATEST ADOPTED EDITIONS OF THE FOLLOWING:
Building: 2022 California Building Code
Plumbing: 2022 California Plumbing Code
Mechanical: 2022 California Mechanical Code (UMC)
Electrical: 2022 California Electrical Code
Fire: 2022 California Fire Code
Accessibility: 2022 California Building Code (Title 24, Part 2)
Energy: 2022 California Energy Code (Title 24, Part 6)

Pro Cad
L.L.C.
DESIGN - PLANNING
DEVELOPMENT SERVICES
PHONE: (884) 675-0677
CELL: (884) 706-0115
580 WEST OLIVE SUITE 106
MADERA CA 93637
JOSEPH PEREYRA
DESIGNER

PROPOSED BUILDING
EL TORO IRON AND META RECYCLING
SOUTH GATEWAY
MADERA, CA 93638

Date: 7-1-25
Scale: AS NOTED
Drawn by: JOSEPH

Sheet
A-1



A-4

ATTACHMENT 3
General Plan Land Use Map

General Plan Land Use

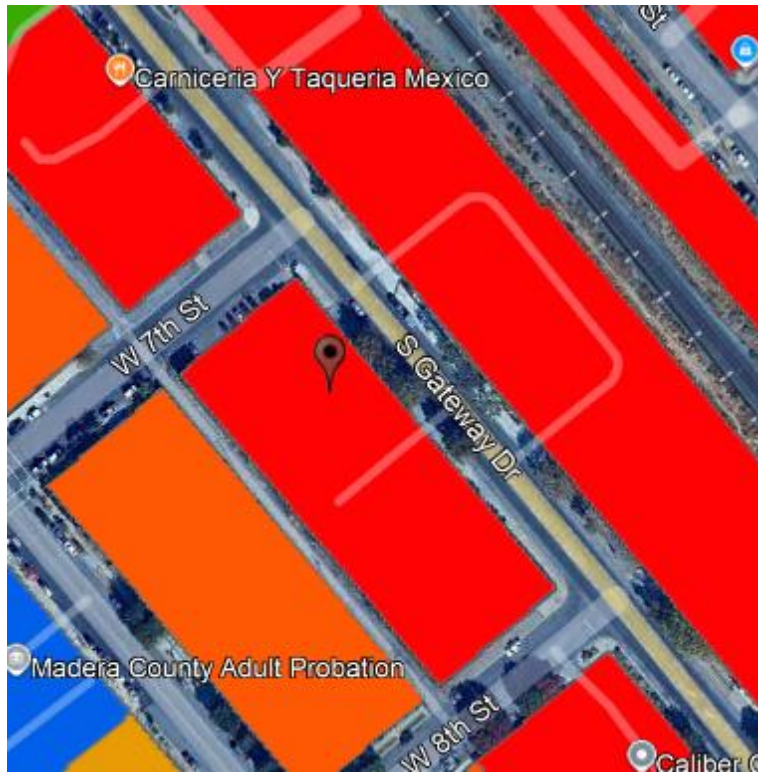


General Plan Land Use Designations

- C - Commercial
- O - Office
- I - Industrial
- VLD - Very Low Density Residential
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential

ATTACHMENT 4
Official Zoning Map

Zoning District



Commercial Districts

-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  R3 - (One unit per each 1,800 square feet)

ATTACHMENT 5

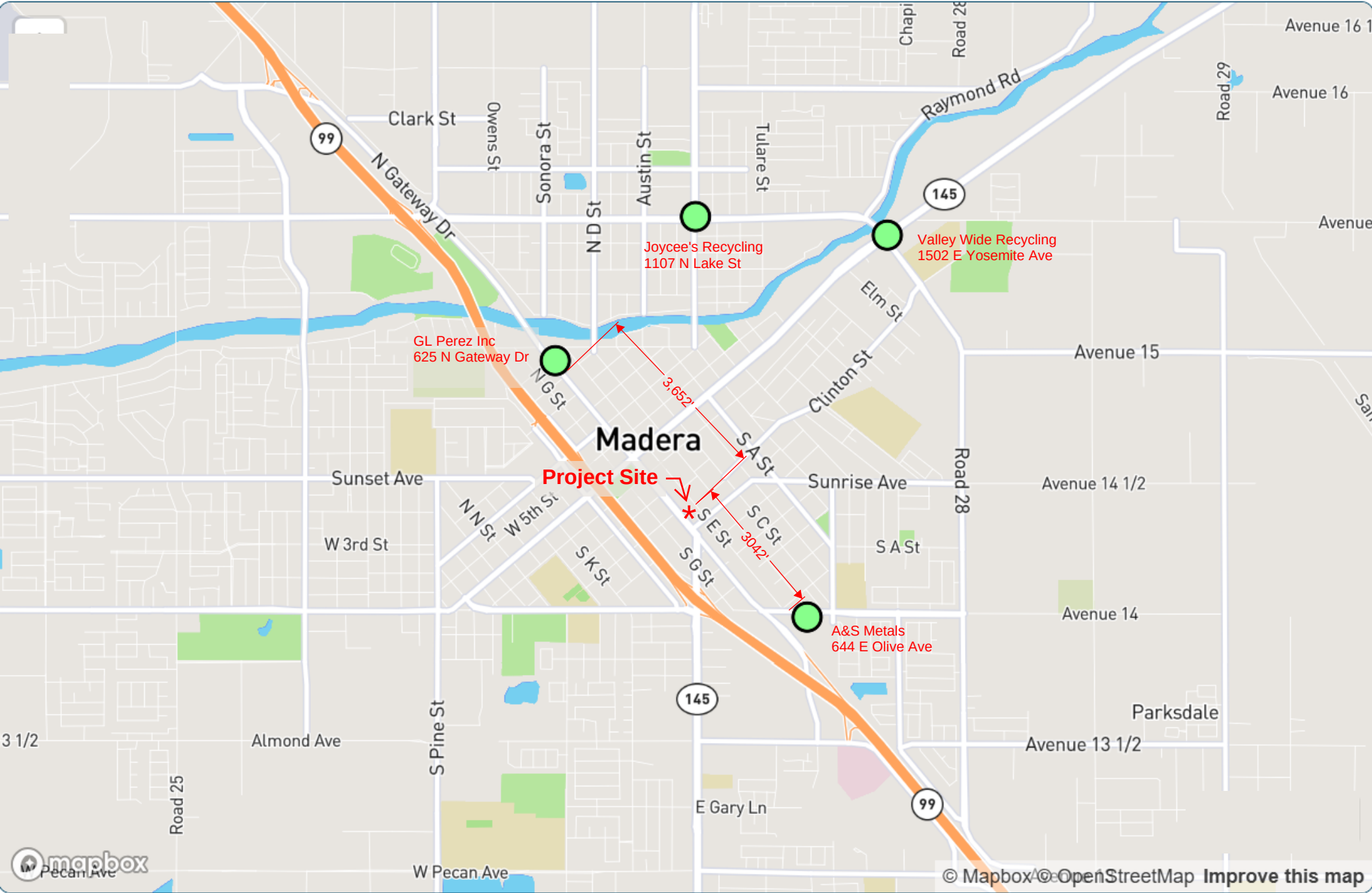
City of Madera Convenience Zone Status List

ATTACHMENT 6: CITY OF MADERA CONVENIENCE ZONE STATUS LIST												
County	City	Zone Number	Zone Status	Zone Status		Market Address	Zip	Certification Number	Facility Name	Facility Address	Operational Date	Decertification Date
				Change Date	Market Name							
Madera	Madera	10726	Exempt	5/28/2024	Smart & Final	2237 W Cleveland Ave	93637					
Madera	Madera	10727	Exempt	11/21/2012	Food 4 Less Madera	2360 W Cleveland Ave	93637-8710					
Madera	Madera	10951	Served	7/15/2019	La Esperanza Market	823 E Cleveland Ave	93638-2501	RC14169	GL Perez Inc	625 N Gateway Dr	1/3/2009	
Madera	Madera	10951	Served	7/15/2019	La Esperanza Market	823 E Cleveland Ave	93638-2501	RC290795.001	Joyee's Recycling	1107 N LAKE ST	7/15/2019	
Madera	Madera	10951	Served	7/15/2019	La Esperanza Market	823 E Cleveland Ave	93638-2501	RC319799.001	Garth Company Inc	1502 E YOSEMITE AVE	9/20/2023	
Madera	Madera	11057	Served	1/25/2016	State Foods Supermarket	37405 Ave 12	93638-8702	RC305462.001	Garth Company Inc	37357 AVENUE 12	6/30/2021	
Madera	Madera	11260	Served	5/28/2012	Rancho San Miguel	1410 E Yosemite Ave	93638	RC290795.001	Joyee's Recycling	1107 N LAKE ST	7/15/2019	
Madera	Madera	11260	Served	5/28/2012	Rancho San Miguel	1410 E Yosemite Ave	93638	RC319799.001	Garth Company Inc	1502 E YOSEMITE AVE	9/20/2023	
Madera	Madera	11444	Served	1/1/2019	Toro Loco	748 N D St	93638	RC14169	GL Perez Inc	625 N Gateway Dr	1/3/2009	
Madera	Madera	11444	Served	1/1/2019	Toro Loco	748 N D St	93638	RC290795.001	Joyee's Recycling	1107 N LAKE ST	7/15/2019	
Madera	Madera	12912	Exempt	1/20/2017	Save Mart	1504 Howard Rd	93637-5127					
Madera	Madera	124841	Served	1/1/2023	Grocery Outlet of Madera	1930 W Cleveland Ave	93637	RC14169	GL Perez Inc	625 N Gateway Dr	1/3/2009	

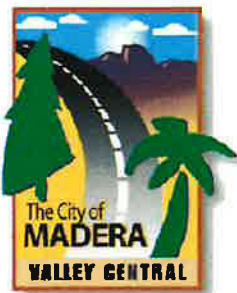
ATTACHMENT 6

City of Madera Convenience Recycling Centers

ATTACHMENT 6: City of Madera Convenience Zone Recycling Centers (CalRecycle)



ATTACHMENT 7
Operational Statement



PLANNING DEPARTMENT OPERATIONAL STATEMENT CHECKLIST

It is important that the operational statement provides for a complete understanding of your proposal. The statements that you submit **must address all** of the following **that apply** to your proposal.

Your operational statement **must be** typed or written in a **legible** manner in the spaces provided. Answer all statements that apply to your business. **Those that do not apply, enter "N/A"**. Use additional sheets if necessary.

300 S. Gateway Dr.

El Toro Iron & Metal

Business Name

Business Address

APN: ~~029-210-010-011~~

(For your APN, Please call the Madera County Assessor's Office at (559) 675-7710.)

1. Nature of the operation – What do you propose to do? **PLEASE DESCRIBE IN DETAIL**

Ferrous and Non-Ferrous recycling. Purchasing from the public. As well as CRV redemption location for the public.

2. What products will be produced by the operation? N/A

3. What is the existing use of your property? Vacant land

4. What are the surrounding land uses on the North, South, East and West? Commercial & Industrial businesses

5. List the hours of operation: 8am to 5pm Number of Days per Week: 7

If Seasonal, list the months of operation: N/A

6. Number of Customers or Visitors per day: 50 Maximum per Day: 70

During what hours will customers visit your property? 8am to 5pm

7. Number of current employees (including self): 3 Future employees (not counting current): 5

Will any live on site (including self)? YES [] NO [X]

8. Are any goods to be sold on site? YES [] NO [X]

If yes, are these goods grown or produced on site or at some other location? N/A

Describe products being offered for sale: N/A

9. Number and type of service or delivery vehicles: N/A

10. What equipment is used? If appropriate, provide pictures or a brochure. Forklift, Excavator, Scales, & skid steer

11. Will the operation or equipment used generate noise above existing levels in the area? YES [] NO [X]

If yes, explain _____

12. Describe the supplies or materials used and how they will be stored: Scrap metal will be stored in roll-off bins. CRV will be stored within proposed building.

13. Will hazardous materials or waste be produced as part of this business? YES [] NO [X]

If yes, explain N/A

14. Will the existing buildings be used or will a new building be constructed? New building will be constructed.

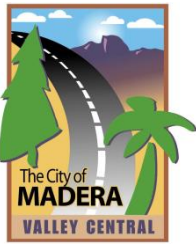
15. Explain which building(s) or what portion of the building(s) will be used in your operation: 1500 ft² and 700 ft² will be used for storage.

16. Please include any other information that will provide a clear understanding of your business or operation:

Provide a scrap metal and CRV recycling center to help eliminate pollution as well as a way for the public to make extra money.


Applicant's Signature

3/10/25
Date



REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Associate Planner

Meeting of: November 04, 2025

Agenda Number: 2

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-12) and Site Plan Review (SPR 2025-20) requesting authorization to establish a massage parlor at 1930 Howard Road, Suite 119, in the 47th Place West shopping center located on the southeast corner of Howard Road and South Schnoor Avenue (APN: 009-361-031).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the Planning Commission of the City of Madera determining the project is Categorical Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-12 and Site Plan Review (SPR) 2025-20, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Kristina Gamiz, has filed an application for a Conditional Use Permit (CUP) 2025-12 and Site Plan Review (SPR) 2025-20 requesting authorization to establish a massage parlor use within an existing tenant space, 1930 Howard Road, Suite 119, within the 47th Place West shopping center located on the southeast corner of Howard Road and South Schnoor Avenue (APN: 009-361-031). The site is zoned C1 (Light commercial) and is designated for Commercial land uses by the Madera General Plan.

The 47th Place West shopping center is an existing integrated commercial development which has been fully improved and is made up of existing businesses permissible in C1 (Light Commercial) zone districts; including but not limited to a mixture of restaurants, beauty and barber services, professional offices, a credit union, karate and dance studios, as well as another massage parlor business .

The subject applications propose no physical changes to the subject property. Any future site modifications would be subject to additional site plan review and/or permit plan check. Tenant improvements are subject to acquisition of building permits as may be required in accordance with the California Building Codes.

Table 1 below provides a brief overview of the entitlement request, project applicant, project location and site characteristics.

Table 1: Project Overview	
<i>Project Number:</i>	CUP 2025-12 and SPR 2025-20
<i>Applicant:</i>	Kristina Gamiz
<i>Property Owner:</i>	Berry & Berry Inc
<i>Location:</i>	1930 Howard Rd, Suite 119 Located on the southeast corner of Howard Road and South Schnoor Avenue (APN: 009-361-031)
<i>Project Area:</i>	Approximately 1,676 sq ft
<i>Land Use:</i>	C (Commercial)
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics</i>	The site is within the existing shopping center composed of 1.65 acres. The project site is located on the southeasterly corner of Howard Road and South Schnoor Avenue.

BACKGROUND:

A Determination of Use (DOU) is necessary whenever the use schedule of the Zoning Ordinance does not provide either an exact classification within the schedule of a proposed use as permitted or a similar classification sufficient to allow for a proposed use based on close similarities and/or compatibility with uses that are specifically identified within the schedule.

No specific classification or combination of uses listed in the City Municipal Code (CMC) closely resemble body massage or sculpting as a permitted use, with only medical and dental offices being similar. Accordingly, on March 14, 2024, the City of Madera Planning Commission adopted a resolution approving a Determination of Use (DOU 2023-01) for the establishment of body massage and sculpting businesses, allowing for various forms of related services, in the C1 (Light Commercial) and C2 (Heavy Commercial) zone districts subject to obtaining a Conditional Use Permit. Services may include, but not be limited to, body massage, massage therapy, manual lymphatic treatment, body sculpting, and other similar types of services.

ANALYSIS:

Use Permit

City Municipal Code (CMC) Section 10.3.802 (C)(20) requires a use permit for all establishments which, in the opinion of the Planning Commission, are of a similar nature to those listed as permitted with a use permit. Pursuant to the Commission's prior Determination of Use (DOU 2023-01) and the provisions of the CMC, a massage therapy use is required to obtain a CUP prior to the issuance of a business tax license. The business has been conditionally approved to meet the typical requirements of a massage parlor and to meet commercial standards.

The use permit will authorize the leasing space to offer massage therapy services within the interior of the tenant suite and will define requirements and regulations for operations. Body massage businesses are otherwise subject to the provisions and requirements of CMC § 6-1.67, Physical Therapy. These provisions require payment of an annual licensing fee or tax; as well as the filing of licensing application to substantiate the good character and business responsibility of the licensee, including disclosure of criminal convictions and presentation of valid State licensing as may be required. License applications shall be referred to the Chief of Police, who shall determine the granting of the permit or the conduct or activity will be contrary to the public peace, health, safety, morals, or welfare of the City or its inhabitants.

Site Plan Review

Pursuant to Section 10.3.4.0102 of the City Municipal Code (CMC), site plan review is required for all projects which require a use permit, including a change in use where no on-site construction is proposed. Site Plan Review has verified the massage parlor proposal and how the use would function in conjunction with the existing integrated commercial center.

The proposed business a licensed massage therapist to offer therapeutic services but not limited to Swedish, deep tissue, and sports therapy massage. The business shall operate four days out of the week and during the hours of 10:00 am to 6:00 pm.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines because the project would result in the licensing of a use within an existing structure and does not propose any physical changes to the project site or environs and will therefore not result in any potential environmental impacts under CEQA. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

ALTERNATIVES:

As an alternative, the Commission may elect to:

1. Move to refer the item back to staff and/or continue the public hearing to a future Commission meeting at a date certain with direction to staff to return with an updated staff report and/or resolution(s): (Commission to specify date and reasons for continuance).
2. Move to deny one more request based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

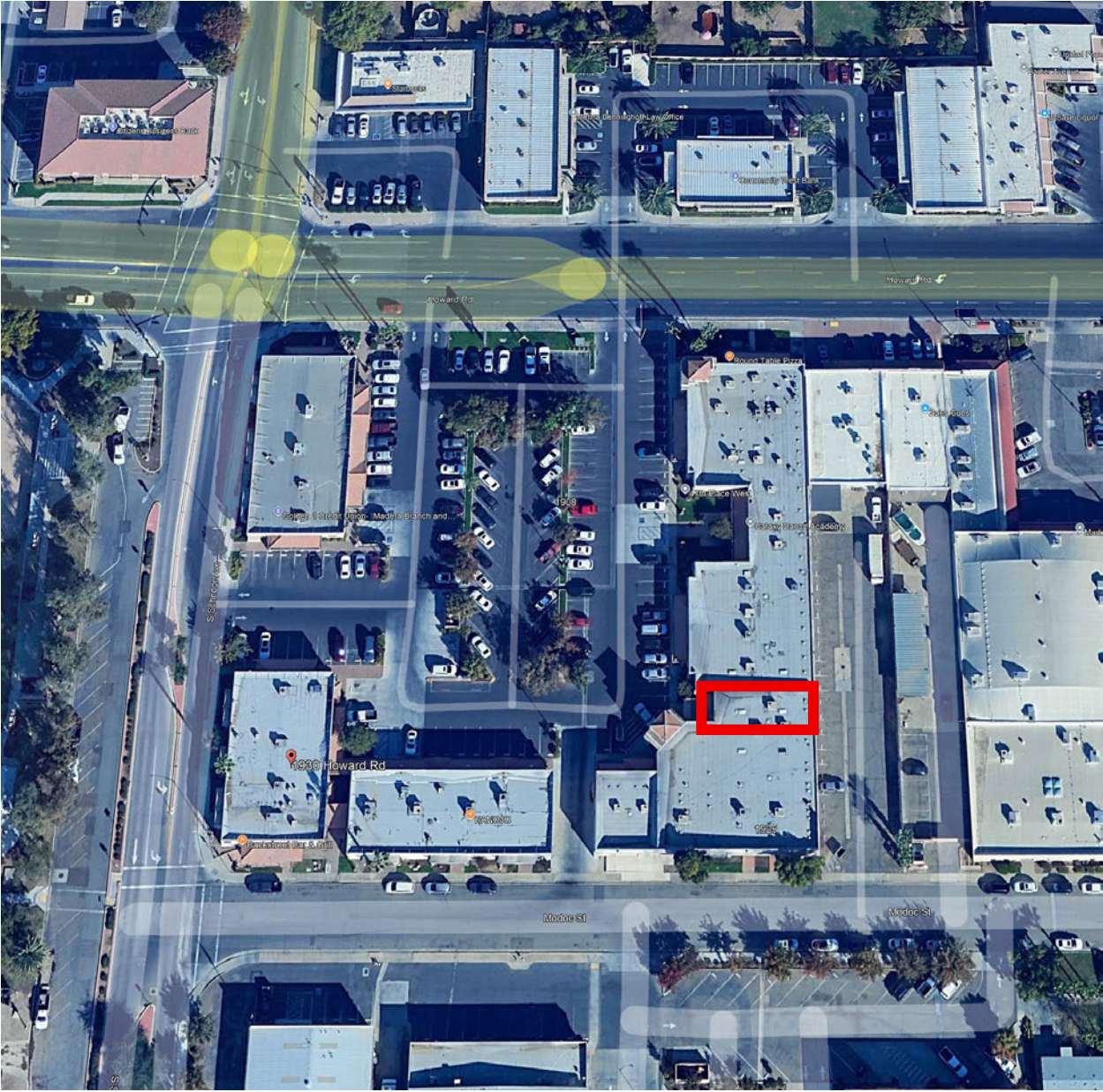
ATTACHMENTS:

1. Vicinity Map
2. General Plan Land Use Map
3. Official Zoning Map

4. Site Plan
5. Site Photos
6. Planning Commission Resolution
Exhibit "A" - Conditions of Approval

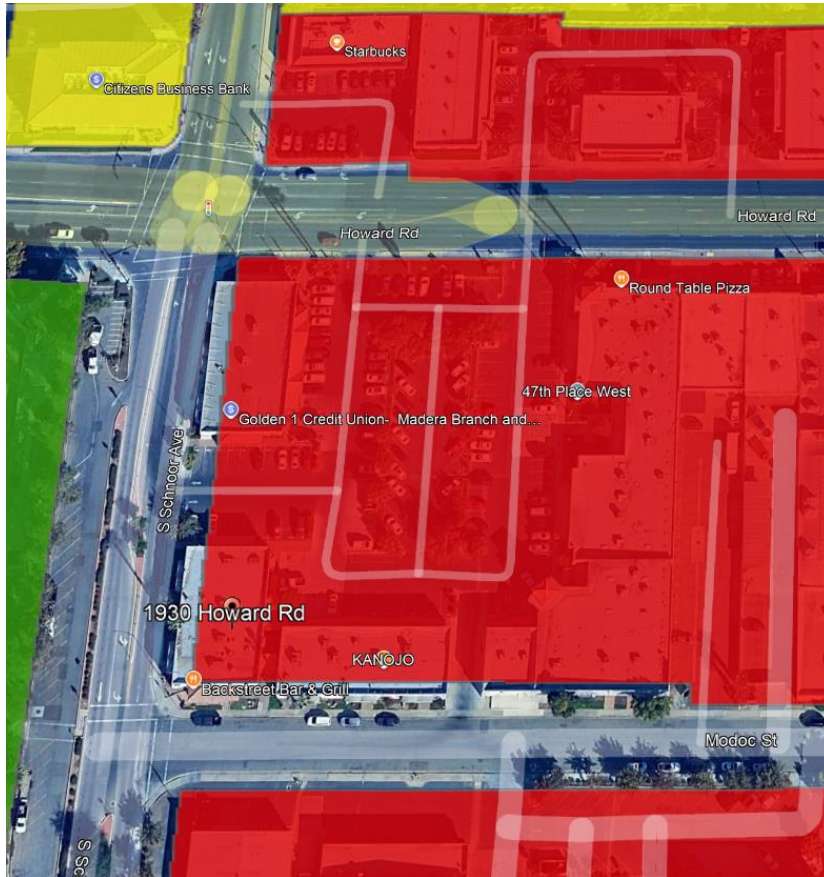
ATTACHMENT 1

Vicinity Map



ATTACHMENT 2
General Plan Land Use Map

GENERAL PLAN



General Plan Land Use Designations

- C - Commercial
- O - Office
- I - Industrial
- OS - Open Space
- RC - Resource Conservation/Agriculture

ATTACHMENT 3
Official Zoning Map

ZONING DISTRICT

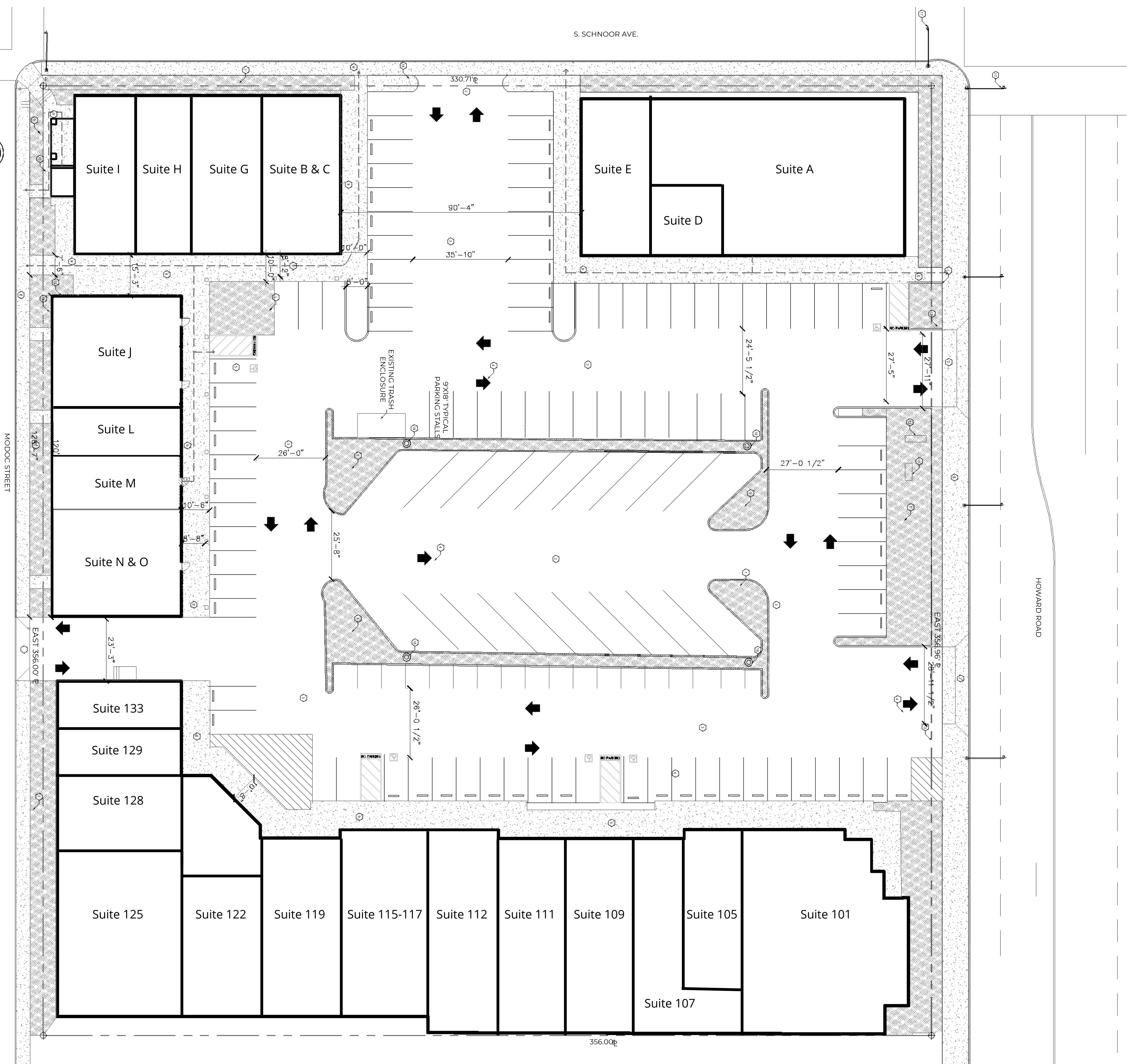
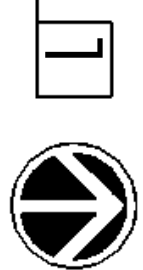


Commercial Districts

-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  RCO - Resource Conservation and Open Space

ATTACHMENT 4
Site Plan

Scale: 1" = 20'-0"

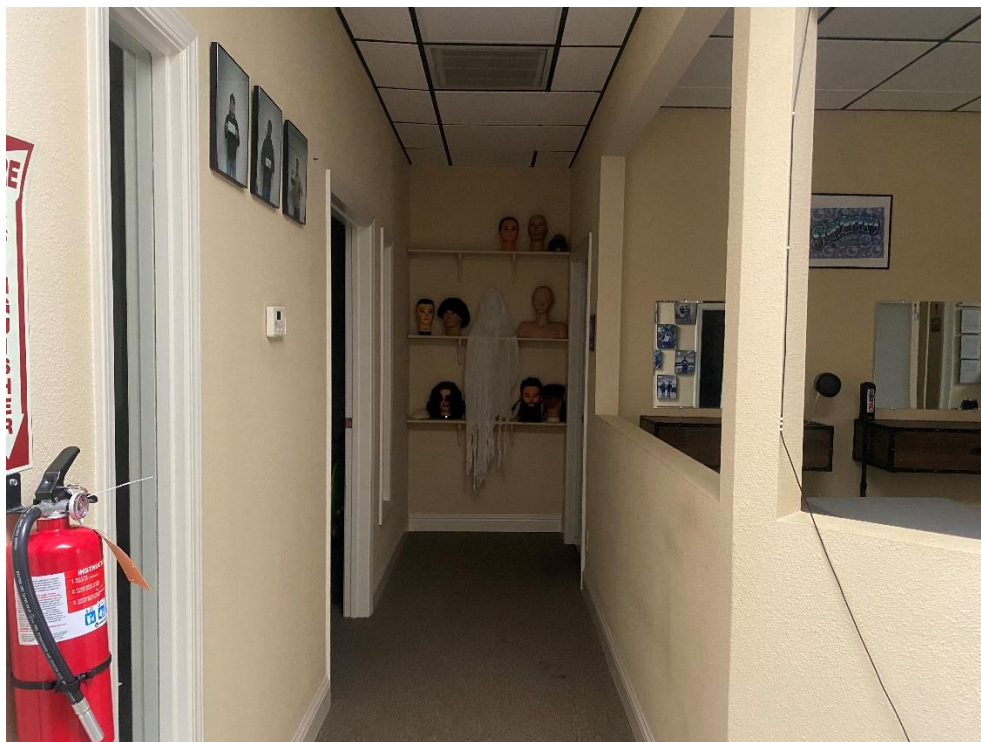


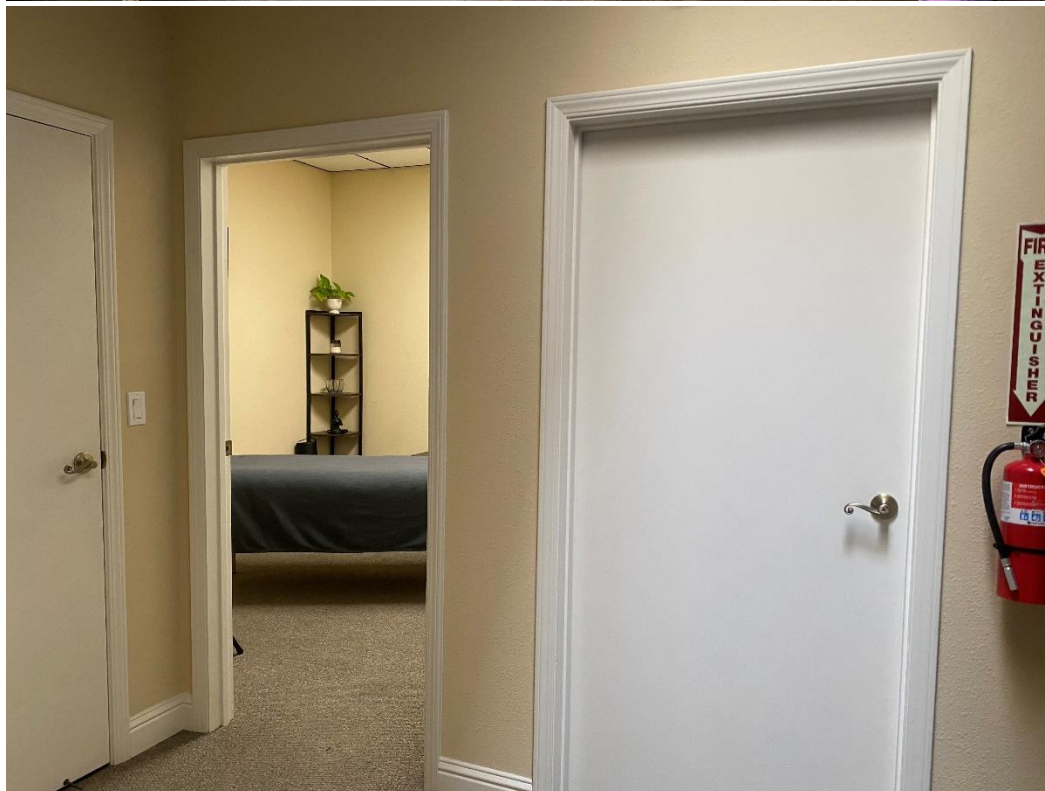
KEYED NOTES	
1	EXISTING LANDSCAPE AREA TO REMAIN.
2	EXISTING CONCRETE DRIVE APPROACH TO REMAIN.
3	EXISTING ASPHALT CONCRETE PAVING TO REMAIN.
4	EXISTING WHITE PAINTED DIRECTIONAL ARROW TO REMAIN.
5	EXISTING ACCESSIBLE PARKING STALL, SIGNAGE AND STRIPING TO REMAIN.
6	4" WIDE PAINTED STRIPE [TRAFFIC WHITE] PER CITY S.D.S., TO REMAIN.
7	EXISTING CONCRETE CURB AND CUTTER TO REMAIN.
8	EXISTING SIDEWALK TO REMAIN.
9	ACCESSIBLE PATH OF TRAVEL, ROUTES SHALL HAVE A 5% MAX. SLOPE IN DIRECTION OF TRAVEL, 2% MAX. CROSS SLOPE AND THERE SHALL BE NO VERTICAL OFFSET GREATER THAN 1/2" PER 1' OF TRAVEL. THE PATH OF TRAVEL SHALL BE ACCESSIBLE PARKING STALL INTO THE BUILDING OR RESTROOMS.
10	EXISTING PUMP TO REMAIN
11	EXISTING ELECTRICAL TRANSFORMER
12	EXISTING SIGN TO REMAIN.
13	EXISTING TOW-AWAY SIGNAGE AT SITE ENTRY.
14	EXISTING CONCRETE FLATWORK TO REMAIN.
15	EXISTING ELECTRICAL METER TO REMAIN.
16	EXISTING GAS METERS TO REMAIN
17	EXISTING STREET SIGNAL LIGHTS TO REMAIN.
18	EXISTING LIGHTS TO REMAIN.

PROJECT DATA:	
BUILDING USE	RETAIL
APN	009-361-048
SITE ADDRESS	18910 HAWAII DR, MURRAY, CA
ZONE	COMMERCIAL
CONSTRUCTION TYPE	V-B
OCCUPANCY	B
SITE AREA	96,423 SQ. FT. (0.716 ACRE)
BUILDING AREA	5,935 SQ. FT.
BUILDING HEIGHT	19'-0"
NUMBER OF STORIES	1
FIRE SPRINKLER SYSTEM	NO

ATTACHMENT 5
Site Photos

Suite Layout







ATTACHMENT 6

Planning Commission Resolution

Including:

Exhibit "A" – Conditions of Approval

RESOLUTION NO. 2035

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301 (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2025-12 AND SITE PLAN REVIEW (SPR) 2025-20

WHEREAS, Kristina Gamiz (“Applicant”) has filed CUP 2025-12 and SPR 2025-20 to request authorization to establish a massage therapy business use within the existing 47th Place West shopping center located at 1930 Howard Rd, Suite 119 (APN: 009-361-031); and

WHEREAS, the site is designated for Commercial planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial) by the Zoning Ordinance; and

WHEREAS, in accordance with Determination of Use (DOU) 2023-01, the Planning Commission determined body massage and sculpting businesses are uses permissible subject to a conditional use permit in the C1 (Light Commercial) zone districts; and

WHEREAS, operations proposed in accordance with CUP 2025-12 and SPR 2025-20 have been determined to be able to occur on the site in a manner that is not detrimental to the welfare and well-being of the surrounding uses and the City at large; and

WHEREAS, a preliminary environmental assessment was performed and the proposed project was found to be Categorically Exempt pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines, Section 15301 (Existing Facilities); and

WHEREAS, pursuant to the provisions of the City Municipal Code (CMC), the Planning Commission is authorized to review and approve conditional use permits, site plan reviews and environmental assessments for associated projects on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing on November 04, 2025, as required by law; and

WHEREAS, the Planning Commission received and independently reviewed and considered CUP 2025-12 and SPR 2025-20 at the duly noticed meeting on November 04, 2025; and

WHEREAS, a public hearing was held, the public was provided an opportunity to comment, and evidence, both written and oral, was considered by the Planning Commission; and

WHEREAS, after due consideration of the items before it, the Planning Commission now desires to adopt a Categorical Exemption for the project pursuant to CEQA and approve CUP 2025-12 and SPR 2025-20.

NOW THEREFORE, be it resolved by the Planning Commission of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: A preliminary environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission determines that the project is exempt under Section 15301/Class I (Existing Facilities) of the State CEQA Guidelines because the project is operational only proposing a new use (massage business), within an existing tenant space within an existing building on an existing improved lot with existing services and utilities. The existing tenant space proposed for use was previously utilized for commercial uses. The applicant does not propose any interior improvements or expansions of the site. The proposed project is consistent with applicable general plan designations and policies and is served by all required services and utilities. Further, none of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project and the project does not present any unusual circumstances.
3. Findings to Approve CUP 2025-12: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the use permit and site plan, as conditioned. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a: The proposal is consistent with the General Plan. operative plans and Zoning Ordinance.

The General Plan designates the subject site for commercial uses and the site is zoned C1 (Light Commercial), which is consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan.

The massage business use is considered permissible in the C1 zone district subject to obtaining a conditional use permit. The proposed use supports Madera General Plan Goal SUS-1, and Policy SUS-11 by encouraging diverse economic opportunities, and contributes to fulfilling the Vision 2025 statements through the provision of facilities which serve all ages and cultures, promoting community and personal wellness.

Finding b: The proposed use will be compatible with the surrounding properties.

The project site is an existing integrated commercial shopping center suited for light commercial uses. The proposal is for an existing tenant space within an existing building on the commercially zoned property. As conditioned, the use will be compatible with surrounding properties and is consistent with applicable requirements regulating such use.

Finding c: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, 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.

The proposed use will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of persons or property in the surrounding area. The operations of this proposal have been conditioned by staff. Subject to operational compliance with the project conditions of approval, the general welfare and safety of the surrounding uses and the City at large will not be negatively impacted.

4. Findings to Approve SPR 2025-20: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of the Site Plan Review, as conditioned. With conditions, the project is consistent with the requirements of the Municipal Code, including Section 10-3.4.0106. The Planning Commission further approves, accepts as its own, incorporates as if set forth in full herein, and makes each and every one of the findings, based on the evidence in the record, as follows:

Finding a: The proposal is consistent with the General Plan, operative plans and Zoning Ordinance.

In allowing this establishment of a new business (massage parlor) use, these entitlements support Vision Madera 2025 and encourage, “economic opportunities and underscores the need to attract commercial and retail businesses and to encourage residents to buy locally” (City of Madera General Plan, p. 1-2).

The massage business use is considered permissible in the C1 zone district subject to obtaining a conditional use permit. The proposed use supports Madera General Plan Goal SUS-1, and Policy SUS-11 by encouraging diverse economic opportunities, and contributes to fulfilling the Vision 2025 statements through the provision of facilities which serve all ages and cultures, promoting community and personal wellness.

Finding b: The proposed project includes facilities and improvements; vehicular and pedestrian ingress, egress, and internal circulation; and location of structures, services, walls, landscaping, and drainage that are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, there will be no adverse effects on surrounding property, light is deflected away from adjoining properties and public streets, and environmental impacts are reduced to acceptable levels.

The project has been reviewed and is consistent with the surrounding uses and with all applicable requirements for development in a C1 (Light Commercial) zone district. There are no public improvements required and on-site improvements are

consistent with City standards. Review of the site determined that the project would not result in a significant generation of noise, light, and traffic.

Finding c: The proposed project is consistent with established legislative policies relating to traffic safety, street dedications, street improvements, and environmental quality.

The Site Plan Review will not have a significant impact on traffic or the environment. With the conditions imposed, the project will not be detrimental or injurious to property and improvements in the neighborhood or general welfare of the City.

- 5. Approval of CUP 2025-12 and SPR 2025-20: Given that all findings can be made, the Planning Commission hereby approves the use permit and site plan review as conditioned and set forth in the Conditions of Approval attached as Exhibit "A".
- 6. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 4th day of November 2025, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

Will Tackett
Community Development Director

Exhibit "A" - Conditions of Approval for CUP 2025-12 and SPR 2025-20

EXHIBIT "A"
CUP 2025-12 & SPR 2025-20
MASSAGE THERAPY
CONDITIONS OF APPROVAL
November 04, 2025

NOTICE TO APPLICANT

Pursuant to Government Codes Section 66020(d)(1) and/or Section 66499.37, any protest related to the imposition of fees, dedications, reservations, or exactions for this project, or any proceedings undertaken regarding the City's actions taken or determinations made regarding the project, including but not limited to validity of conditions of approval must occur within ninety (90) calendar days after the date of decision. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

This project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies; those determined through plan review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community; and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Approval of this permit shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or designer to disclose and delineate all facts and information relating to the subject property and the proposed development.

Approval of this permit may become null and void in the event that development is not completed in accordance with all the conditions and requirements imposed on this permit, the zoning ordinance, and all City standards and specifications. This permit is granted, and the conditions imposed, based upon the application submittal provided by the applicant, including any operational statement. The application is material to the issuance of this permit. Unless the conditions of approval specifically require operation inconsistent with the application, a new or revised permit is required if the operation of this establishment changes or becomes inconsistent with the application. Failure to operate in accordance with the conditions and requirements imposed may result in revocation of the permit or any other enforcement remedy available under the law. The City shall not assume responsibility for any deletions or omissions resulting from the review process or for additions or alterations to any construction or building plans not specifically submitted and reviewed and approved pursuant to this permit or subsequent amendments or revisions. These conditions are conditions imposed solely upon the permit as delineated herein

and are not conditions imposed on the City or any third party. Likewise, imposition of conditions to ensure compliance with federal, state, or local laws and regulations does not preclude any other type of compliance enforcement.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made. All discretionary conditions of approval for CUP 2025-12 and SPR 2025-20 will ultimately be deemed mandatory unless appealed by the applicant to the City Council within 15 days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this permit, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, lessee, operator, or any other person or entity making use of this permit.

CONDITIONS OF APPROVAL

General

1. Approval of this conditional use permit and site plan review shall be considered null and void in the event of failure by the applicant and/or the authorized representative, architect, engineer, or the designer to disclose and delineate all facts and information relating to the subject property and the proposed development.
2. Approval of CUP 2025-12 and SPR 2025-20 will expire two years (24 months) from date of issuance unless rights and privileges granted by the use permit are exercised/utilized or required action is taken to extend the approval before the expiration date as provided in City Municipal Code (CMC).
3. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
4. The applicant shall submit to the City of Madera Planning Department a check in the amount necessary to file a Notice of Exemption at the Madera County Clerk. This amount shall equal the Madera County filing fee in effect at the time of filing. **Such check shall be made payable to the Madera County Clerk and submitted to the City of Madera Planning Department no later than three (3) days following action on CUP 2025-12 and SPR 2025-20**
5. Approval of CUP 2025-12 and SPR 2025-20 is for the benefit of the applicant. The submittal of applications by the applicant for this project was a voluntary act on the part of the applicant not required by the City. Therefore, as a condition of approval of this

project, the applicant agrees to defend, indemnify, and hold harmless the City of Madera and its agents, officers, consultants, independent contractors, and employees ("City") from any and all claims, actions, or proceedings against the City to attack, set aside, void, or annul an approval by the City concerning the project, including any challenges to associated environmental review, and for any and all costs, attorneys fees, and damages arising therefrom (collectively "claim").

The City shall promptly notify the applicant of any claim and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Should the City decide to independently defend any claim, the applicant shall not be required to pay or perform any settlement arising from any such claim unless the applicant approves the settlement.

PLANNING DEPARTMENT

6. Approval of CUP 2025-12 and SPR 2025-20 pertains only to the leasing space located at 1930 Howard Road, Suite 119.
7. Alterations to the site, business use, leasing space or operations shall require an amendment to the conditional use permit.
8. All employees shall undergo a background check with the Police Department prior to issuing a business tax license.

Conditional Use Permit

9. Business hours shall be limited to between 10:00 am and 6:00 pm daily.
10. Clients of the Massage Business shall be limited to adults 18 years of age and older and minors only when accompanied by a parent or legal guardian.
11. The body massage business is subject to the provisions and requirements of CMC § 6-1.67, Physical Therapy. These provisions require payment of an annual licensing fee or tax; as well as the filing of licensing application to substantiate the good character and business responsibility of the licensee, including disclosure of criminal convictions and presentation of valid State licensing as may be required. License applications shall be referred to the Chief of Police, who shall determine the granting of the permit or the conduct or activity will be contrary to the public peace, health, safety, morals, or welfare of the City or its inhabitants.

12. Massage services shall only be performed by Certified Massage Practitioners, which shall mean any individual certified by the California Massage Therapy Council (CAMTC) as a massage therapist or massage practitioner pursuant to California Business and Professions Code Section 4600 et seq.
 - a. It shall be unlawful for any Certified Massage Practitioner to be present on the premises of a Massage Business or perform Massage on a Client without having prominently displayed his or her CAMTC certification card issued by CAMTC. The identification card shall be in good and readable condition. At minimum, a copy of the CAMTC certificate of each Certified Massage Practitioner employed by the Massage Business shall be displayed in the reception area or similar open public space on the premises.
 - b. A Certified Massage Practitioner shall operate only under the name specified in his or her CAMTC certificate.
13. The Massage Business and practitioners shall at all times comply with the following sanitary operational conditions:
 - a. The Massage Business shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Towels and linens shall not be used on more than one Client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one Client. Soiled linens and paper towels shall be deposited in separate receptacles.
 - b. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, or whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the Massage Business is open, with disinfectant. Bathtubs shall be thoroughly cleaned after each use with disinfectant. All walls, ceilings, floors, and other physical facilities for the Massage Business must be in good repair, and maintained in a clean and sanitary condition.
 - c. Instruments utilized in performing Massage shall not be used on more than one Client unless they have been sterilized using approved sterilization methods.
 - d. All Massage Business Operators and their Employees, including Certified Massage Practitioners, shall wear clean, nontransparent outer garments. Garments shall not expose their genitals, pubic areas, buttocks, or chest.
 - e. Patrons must be fully draped while an employee is in the massage room.
 - f. A minimum of one wash basin for Employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of Massage Services. Sanitary towels shall also be provided at each basin.
14. Minimum lighting consisting of at least one artificial light of not less than forty watts shall be provided and shall be operating in each room or enclosure where Massage Services are being performed on Clients, and in all areas where Clients are present.

15. No Massage shall be given unless the Client's genitals are, at all times, fully covered. A Certified Massage Practitioner shall not, in the course of administering any Massage, make physical contact with the genitals of any other person, nor shall a Certified Massage Practitioner expose to a Client or allow physical contact with his or her genitals. No sexual aids, including but not limited to condoms, may be kept on site.
16. The property owner, operator, and/or manager shall operate the site in a manner that does not generate noise, odor, blight, or vibration that adversely affects adjacent properties.
17. On-site vandalism and graffiti shall be corrected per the Municipal Code.
18. This conditional use permit shall be subject to periodic reviews and inspections by the City to determine compliance with the conditions of approval and applicable codes. If, at any time, the uses permitted by the use permit are determined by staff to be in violation of the conditions of approval or applicable codes and regulations the City reserves the right to corrective action and enforcement through all legal means available, including but not limited to revocation of the use permit.
 - a. It shall be the responsibility of the business owner who employs or allows any person to provide Massage Services, to ensure such person complies with the requirements of this Article and all laws. The Owner shall be held responsible for the conduct of all Employees and all persons on the premises who engage in providing Massage Services. Any act or omission of any person providing Massage Services shall be deemed the act or omission of the owner for the purpose of determining whether the City license or use permit may be revoked, suspended, or denied. Proof of knowledge of any violation of this section shall not be required for purposes of suspension, revocation, or denial of a City license.

Signage:

19. No signs are approved as part of this site plan review. Signs shall be reviewed and approved under a separate permit in accordance with the Madera Municipal Code.
20. No window signs shall be permitted, and windows shall not contain any covering, obstruction or treatment to prevent a clear view into the property from the exterior.
21. The property/applicant and/or benefactors of the site plan review shall post a "No Smoking" signage to the extent required by law.

FIRE

22. Any proposed construction or alteration will require the appropriate building permits be obtained prior to commencement of any such work.
23. A Knox Box is required for access. If an existing Knox Box is there then a new key must be provided if the space is re-keyed.
24. Provide 1, 2A10BC rated fire extinguisher.

END OF CONDITIONS