

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

**Tuesday, October 14, 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: 85940759009# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/85940759009>. 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 2025-01 & SPR 2025-04 – East Yosemite Food Truck Court (Report by Robert Smith)

Subject: Consideration of an application for a Conditional Use Permit and Site Plan Review proposing the development of a food truck court for the operation of mobile food preparation units on a ±0.21 acre parcel located on the easterly corner of East Yosemite Avenue and South Lake Street at 600 East Yosemite Avenue (APN: 007-173-019). The project site is planned for Commercial use by the City of Madera General Plan and is zoned C1 (Light Commercial).

Recommendation:

STAFF REQUESTS THIS ITEM BE REFERRED BACK TO STAFF.

2. 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 South Gateway Drive at it's intersection with West 8th Street at 300 South Gateway Drive (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.

THIS ITEM HAS BEEN CONTINUED TO THE NOVEMBER 4, 2025 PLANNING COMMISSION MEETING.

3. CUP 2025-04 & SPR 2025-07 – Large Recycling Collection Facility (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-04) and Site Plan Review (SPR 2025-07) requesting authorization to establish and operate a Large Recycling Collection Facility use and locate a storage container within the existing parking area of a ±0.82-acre parcel located on the northeastern side of South Gateway Drive between West 8th Street and West 10th Street at 509 South Gateway drive (APN: 011-042-008). The project site is located within the I (Industrial) Zone District but and is designated for Commercial land uses in the General Plan.

Recommendation:

- 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).

4. CUP 2025-09 & SPR 2025-13 – Eagle Tires and Wheels (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-09) and Site Plan Review (SPR 2025-13) requesting authorization to establish and operate a retail tire shop with automotive repair on a ±0.63-acre lot located on the north side of East Almond Avenue between South Madera Avenue and Emily Way at 177 East Almond Avenue (APN: 012-133-026). 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) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-09 and Site Plan Review 2025-13, subject to the findings and conditions of approval.

5. CUP 2025-10 & SPR 2025-17 – Olive Plaza Massage Parlor – Lucky Massage (Report by Adi Rueda)

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-10) and Site Plan Review (SPR 2025-17) to authorize the establishment of a massage parlor to operate within the Olive Plaza Shopping Center located on the northeast corner of the intersection of North Pine Street and Howard Road at 1301 West Olive Avenue in Suite D (APN: 010-061-001). 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 Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-10 and Site Plan Review 2025-17, subject to the findings and conditions of approval.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

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- 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.

CUP 2025-01 & SPR 2025-04

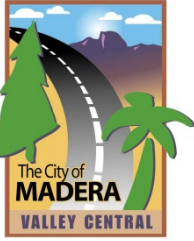
East Yosemite Food Truck Court

STAFF IS REQUESTING THIS ITEM BE REFERRED BACK TO STAFF

CUP 2025-03 & SPR 2025-06

El Toro Iron and Metal Recycling Processing Facility

**THIS ITEM HAS BEEN CONTINUED TO THE NOVEMBER 4, 2025 PLANNING
COMMISSION MEETING**



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Associate Planner

Meeting of: October 14, 2025

Agenda Number: 3

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-04) and Site Plan Review (SPR 2025-07) to authorize a large recycling collection center to operate on a portion of an existing ± 0.82 -acre lot located on the northeasterly side of South Gateway Drive between West 8th and West 10th Streets at 509 South Gateway Drive (APN: 011-042-008).

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, Eduardo Zamora, has filed an application for a Conditional Use Permit (CUP 2025-04) and Site Plan Review (SPR 2025-07) requesting authorization to utilize a portion of 509 South Gateway to operate a Large Recycling Collection Center (the "project site").

The project site comprises ± 0.82 acres of property located on the northeasterly side of South Gateway Drive between West 8th and West 10th Streets at 509 South Gateway Drive. Project site is a developed area with an existing 7,000 square foot Napa Auto Parts retail store with 37 parking spaces.

The applicant proposes utilizing a portion of the existing improved off-street parking area on southeasterly side of the project site for an area of operations. The applicant proposes to accept recycling material such as plastic, materials, glass, and bi-metal products (see Attachment 2).

The project site is located within the I (Industrial) zone district, and the property 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 2025-04 and SPR 2025-07
<i>Applicant:</i>	Eduardo Zamora
<i>Property Owner:</i>	Aftab Naz
<i>Location:</i>	509 South Gateway Drive / APN: 011-042-008
<i>Project Area:</i>	±0.82 acres
<i>Planned Land Use:</i>	Commercial
<i>Zoning District:</i>	I (Industrial)
<i>Site Characteristics:</i>	The project site is developed within a 7,000 square-foot automobile parts retail store (Napa Auto Parts) and is located between South Gateway Drive and the Southern Pacific Railway.

BACKGROUND

On February 10, 2015, the Planning Commission approved Determination of Use (DOU) 2014-01 and SPR 2014-34 authorizing the construction of a 7,000 square foot automobile parts retail store on the project site. A second construction phase was also illustrated to potentially include the construction of an additional approximately 4,200 square foot structure on a ±0.15-acre portion of the project site fronting S. Gateway Dr. The site was proposed to be developed to serve the two structures with a total of 37 off-street parking stalls. The ±0.15-acre Phase 2 portion of the project site remains vacant.

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 *COLLECTION FACILITY* shall not complete any processing except limited bailing, batching, and the sorting of materials and shall be classified as either *SMALL*, which occupies an area of not more than 100 square feet and includes bins, boxes, cans, kiosk-type units, bulk reverse vending machines, and/or other containers or receptacles, or *LARGE*, which occupies an area of more than 100 square feet and includes bins, boxes, cans, kiosktype units, bulk reverse vending machines, and/or other containers or

receptacles. Any and all motorized vehicles and trailers except those used to transfer recyclable materials to a collection or processing facility are deemed to be large collection facilities. 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. Recyclable materials are reusable material including aluminum, glass, plastic, paper, and used motor oil.

The Operational Statement which was prepared and submitted by the applicant describes a recycling facility where customers can bring recyclable materials that have or are eligible for a California Redemption Value (CRV). CRV materials include most plastic, glass, aluminum, and bi-metal beverage containers, plus wine and distilled spirit pouches and boxes. The operation proposes use of equipment which includes a digital scale, sorting bins, storage container, cash register, safety equipment and canopy.

While the sorting of materials is described as a component of operations, one delivery vehicle is proposed to be utilized for the transportation of recyclable materials to a processing facility on a once-per-week basis. The project Operational description does not describe other activities which are more-generally considered processing activities such as flattening, compacting, bailing, shredding, grinding or crushing and is therefore being considered and processed as a Collection Facility rather than Processing Facility. As the area of proposed operations exceeds 100 square feet, the use is being analyzed as a Large Recycling Collection Facility. CMC § 10-3.405(I)(2)(b) provides a large collection facility may be permitted in any zone after first securing a use permit.

Conditional Use Permit (CUP)

Pursuant to CMC § 10-3.405(I)(2)(b), a large collection 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 I (Industrial) which is not 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 (opposite the project site). Property planned for High Density Residential (15.1-50 dwelling units/acre) is designated between the Commercial planned properties 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), including the project site, 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).

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 collection 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. In response to notice of the public hearing, the City has received one letter from a resident living on the opposite corner of the project site intersection which, in summary, expresses the expectation that the proposed business will contribute to blight from garbage and nuisances with people on the street (Attachment 7).

Although a large recycling collection 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 Large Recycling Collection Facility, that will primarily consist and be limited to the delivery, collection, outdoor storage (either in bins or a stored shipping container stored outdoors) and distribution or movement of goods or materials for processing is a use better-suited to lands either planned for industrial use in the General Plan; or, 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 less than one-half mile away (Attachment 6).

Site Plan Review (SPR)

On February 10, 2015, the Planning Commission approved SPR 2014-34 authorizing the development of the project site with a 7,000 square foot automobile parts retail store. A second construction phase was also illustrated to potentially include the construction of an additional approximately 4,200 square foot structure on a ± 0.15 -acre portion of the project site fronting S. Gateway Dr. The site was proposed to be developed to serve the two structures with a total of 37 off-street parking stalls. While the entirety of the off-street parking areas was developed with Phase 1 construction, the ± 0.15 -acre Phase 2 portion of the project site identified for a future detached retail pad remains vacant. The project proposes to utilize a section of the existing off-street parking lot as an area for operations. The project will involve bins for storage, a shipping container, and depending upon size of shipping container and final layout could require use of anywhere from six to 12 parking spaces for their operations. The business proposes to operate between the hours of 8:00 am to 4:00 pm, seven days a week.

Based upon the 7,000 square foot retail store (NAPA Auto Parts) and the potential 4,200 square foot retail building originally proposed, the project site was conditioned and developed to meet the general minimum retail parking requirement of one off-street parking space for each 300 square feet of gross floor area. This resulted in the requirement that the project site be developed with 37 off street parking spaces to serve the total 11,200 square feet of retail building area originally proposed. The NAPA Auto Parts retail store is required to maintain 23 parking spaces. This leaves a total of 14 parking spaces to meet the minimum requirements to serve future development. Any use of the existing parking area for purposes of the proposed Large Recycling Collection Facility therefore inhibits and/or may prevent the ability to feasibly develop the remaining and vacant ± 0.15 -acre portion of the project site, which abuts Gateway Drive, and which facilitates the proper urban form for the planned commercial corridor in a manner consistent with the Commercial Development Design Guidelines.

It must be noted that Code requirements may only be modified by Variance. Pursuant to the provisions of the Ordinance, Variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning regulations deprives such property of privileges enjoyed by other property in the vicinity under identical zoning classifications. Any variance granted shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. No variance shall be granted to authorize the use of land which is not in conformity with the use regulations specified for the district in which the land is located.

Approval of the proposed Large Recycling Collection Facility Use will either severely limit the square-footage of future retail floor area which may be developed on the project site or create a situation where additional future commercial development may not be viable without approval of a Variance (for which it may be difficult to support a claim of necessity borne out of an unnecessary hardship or which would not constitute a grant of special privilege).

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.

While it is acknowledged that the undeveloped portion of the site has remained vacant for approximately ten years, 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 compatibility with SPR 2014-34, which originally authorized the development of the project site and on which approval was predicated upon a representation of form determined consistent 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 2014-34.

Conditions of Approval

Contingent upon the direction of the Commission, if there is a desire to approve CUP 2025-04 and SPR 2025-07 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 collection 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 of shipping containers or other structures or equipment 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, restroom availability (for employees), 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 2025-04 and SPR-2025-07. 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 2025-04 and SPR 2025-07, a preliminary environmental assessment was performed for this project in accordance with the requirements of the California Environmental Quality Act (CEQA). The Planning Commission could determine that the project is Categorically Exempt pursuant to Section 15303/Class 3 (New Construction or Conversion of Small Structures) of the State CEQA Guidelines because the project will consist of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to commercial structures not exceeding 2,500 square feet in floor area not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding areas is not environmentally sensitive.

None 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.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-04 and SPR 2025-07. 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. Aerial Site Plan
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. Public Comments
8. Operational Statement

ATTACHMENT 1
Vicinity Map

ATTACHMENT 1: VICINITY MAP



ATTACHMENT 2
Aerial Site Plan

ATTACHMENT 2: AERIAL SITE PLAN



ATTACHMENT 3
General Plan Land Use Map

General Plan

Land Use Map

Legend

- Commercial
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Office
- Open Space
- Public & Semi-Public

Project Site

Google Earth

Image © 2025 Airbus

1000 ft



ATTACHMENT 4
Official Zoning Map

Official Zoning Map



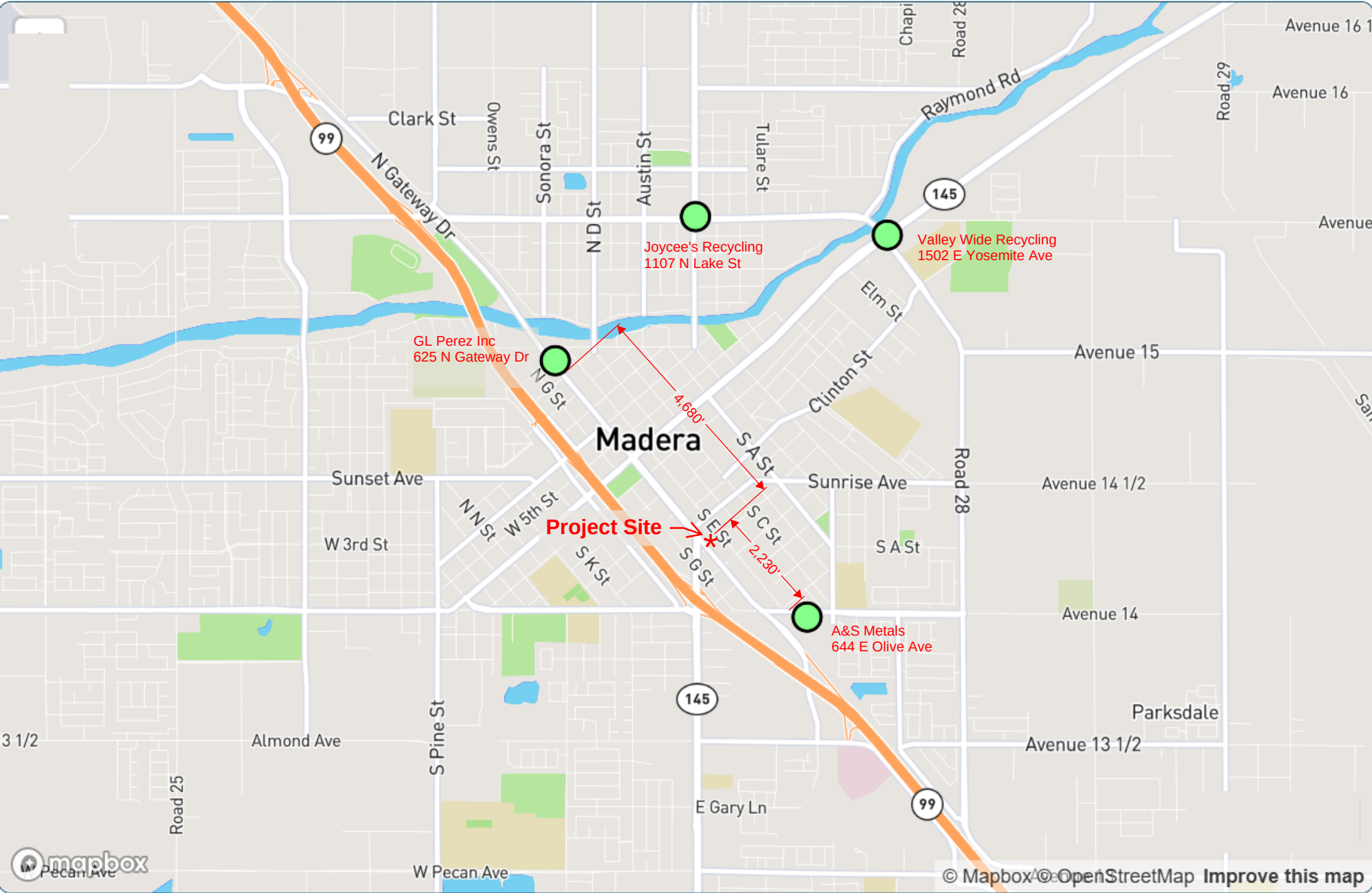
ATTACHMENT 5

City of Madera Convenience Zone Status List

ATTACHMENT 6: CITY OF MADERA CONVENIENCE ZONE STATUS LIST													
County	City	Zone Number	Zone Status	Zone Status			Certification			Facility Name	Facility Address	Operational Date	Decertification Date
				Change Date	Market Name	Market Address	Zip	Number					
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 Zone
Recycling Centers

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



ATTACHMENT 7
Public Comments

600 S. Gateway Drive
Madera, CA. 93637

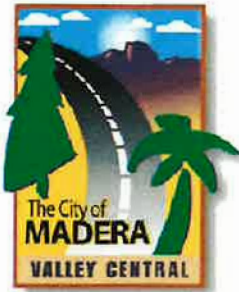
miss. and heni Rueda

me llamo David y vivo en 600
S. gateway Drive y no estoy de acuerdo
que pongan un negocio de res. clase al
cruzar la calle onde vivo ya
este tipo de negocio no deja mas
que Puras basura Arrededor ya
vbo uno que lo serraron ase
20 años eran Puros Problemas
con la Genta de la calle

muchas Gracias por

su atension a este reclamo.

ATTACHMENT 8
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.

Zamora's Recycling
Business Name

509 South Gateway Drive
Business Address Madera, CA 93637

APN: _____ **(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**

I Propose to operate a recycling center where
customers can bring recyclable materials that are
CRV. The accepted materials are plastic water bottles,
aluminum cans, glass beverages, and bi-metal beverages.

2. What products will be produced by the operation? None
3. What is the existing use of your property? Napa AutoParts Parking Lot
4. What are the surrounding land uses on the North, South, East and West? Railroad tracks,
Cvoc, Napa AutoParts

5. List the hours of operation: 8:00 AM - 4:00 PM Number of Days per Week: 7 days

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

6. Number of Customers or Visitors per day: 30 Maximum per Day: 125
- During what hours will customers visit your property? 8:00 AM - 4:00 PM

7. Number of current employees (including self): 2 Future employees (not counting current): 1

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

Items to be hauled away 1x per week by applicant.

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

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: 1 truck (for transportation of recyclable material)

10. What equipment is used? If appropriate, provide pictures or a brochure. Digital Scale, Sorting bins, Storage container, cash register, Safety equipment, canopy

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

If yes, explain _____

12. Describe the supplies or materials used and how they will be stored: The recyclable materials collected include aluminum cans, plastic bottles, glass containers, and bi-metals. Materials will be sorted, stored safely, and sent to a processor.

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

If yes, explain _____

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

None

15. Explain which building(s) or what portion of the building(s) will be used in your operation: _____

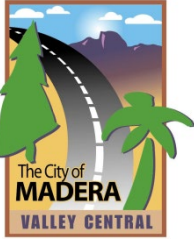
The parking site of Napa Auto Parts

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

This is a family-run recycling center, where customers drop off CRV materials. Operations will follow all local and state regulations.

Eduardo Zamora
Applicant's Signature

3-18-25
Date



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Associate Planner

Meeting of: October 14,

2025 Agenda Number: 4

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-09) and Site Plan Review (SPR 2025-13) requesting authorization to operate a retail tire shop with automotive repair service on a ± 0.63 -acre lot located on the north side of East Almond Avenue between South Madera Avenue and Emily Way at 177 East Almond Avenue (APN: 012-133-026).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) and 15311/Class 11 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-09 and Site Plan Review (SPR) 2025-13, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Habib Ahmad, has filed applications for a Conditional Use Permit (CUP 2025-09) and Site Plan Review (SPR 2025-13) requesting authorization to operate a retail tire shop with outdoor display and minor automotive repair service on a ± 0.63 -acre lot located on the north side of East Almond Avenue between South Madera Avenue and Emily Way at 177 East Almond Avenue (APN: 012-133-026) (the “project site”).

The project site is an existing development and has been improved with two buildings: (1) a $\pm 3,500$ square-foot building proposed for use for the retail tire and auto repair shop; (2) a $\pm 3,000$ square-foot convenience store (99 Cents N More); and, associated off-street parking facilities and public improvements.

The project site is located within the C1 (Light Commercial) zone district, and the property 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 2025-09 and SPR 2025-13
<i>Applicant:</i>	Habib Ahmad
<i>Property Owner:</i>	Mander Singh Dhaliwal
<i>Location:</i>	177 E. Almond Ave / APN: 012-133-026
<i>Project Area:</i>	±0.63 acres
<i>Planned Land Use:</i>	Commercial
<i>Zoning District:</i>	C1 (Light Commercial)
<i>Site Characteristics:</i>	Interior lot with two existing buildings located on the site.

ANALYSIS

Conditional Use Permit (CUP) 2025-08

Pursuant to the provisions of City Municipal Code (CMC) § 10-3.802(A)(21) & (31), Service Stations (not including auto engine and transmission overhauling, tire rebuilding) and Automobile Parts and Supply Stores are uses permissible in the C1 (Light Commercial) zone district. However, (CMC) § 10-3.802(C) provides automobile repair shops are permissible subject to securing a use permit.

The proposed business intends to focus the majority of operations on the retail tire shop but also intends to offer minor repairs as an extension of their business. Minor auto repairs are considered to include the replacement of small automotive parts and liquids as an accessory use to an automotive parts, accessory and supply store, and quick-service oil, tune-up, and brake and muffler shops, where repairs are made or service is provided in enclosed bays and no vehicles are stored overnight, including tire sales and installation. Minor auto repairs do not include disassembly, removal, or replacement of major components such as engines, drive trains, transmissions, axles or suspension components; automotive body and fender work; vehicle painting; or other operations that generate excessive noise, objectionable odors, or hazardous materials; and towing services. It also excludes repair of heavy trucks, limousines, or construction vehicles.

The proposed business proposes display products (tires) outside the building. CMC § 10-3.802(B)(4), provides temporary outdoor display of merchandise and sales activities are permissible subject to Administrative Approval. However, in accordance with the provisions of CMC § 10-3.416 et seq., the merchandising, display, exhibition, demonstration of any product or service outside of a fully enclosed structure on a semi-permanent basis is subject to a conditional use permit. Approval of CUP 2025-08 will permit this display of outdoor advertising, in a manner which limits display to operational hours, ensures consistency with the Commercial Development Design Guidelines and which interacts safely with on- and off-site pedestrians and motorists and the safety of the public.

While outdoor display may be permitted, it should be noted that in accordance with CMC § 10-3.402, the express enumeration and authorization in the Zoning Regulations of a particular class of building, structure, premises, or use in a designated zone shall be deemed a prohibition of such building, structure, premises, or use in all zones of a more restrictive classification, except as otherwise specified. Storage collection and exchange or sale of goods including but not limited to used tires is generally considered a salvage type of use. Automobile dismantling and used parts storage (including tires) is a class of use first listed and expressly enumerated as permissible in the I (Industrial) zone district; and then, provided such must be conducted wholly within a building. The outdoor storage of tires shall be prohibited on the project site (i.e., storage of all tires must be stored within a fully enclosed building). Likewise, no vehicles for repair shall be stored except within the enclosed building.

Site Plan Review (SPR) 2025-13

While the applicant is not proposing alterations to the site at this time, pursuant to Section 10.3.4.0102 of the CMC, a 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 verifies site conformance with City standards, affirms internal arrangement of facilities and how the use would function in conjunction with adjacent properties and other properties in the vicinity of the project site.

SPR 2025-13 proposes utilizing most of the building for retail operations but to also utilizing a portion of the building to allow vehicles to station themselves for a tire replacement and minor auto repair. The business proposes operating between the hours of 8:00 am to 7:00 pm, seven days a week. The proposed business does not propose interior or exterior construction other than installation of a series of tire racks for the retail portion and associated tire installation and auto repair equipment.

ENVIRONMENTAL REVIEW:

Staff performed a preliminary environmental assessment and determined that the project is Categorically Exempt pursuant to Sections 15301/Class 1 (Existing Facilities) and 15303/Class 3 (New Construction or Conversion of Small Structures) of the State of California Environmental Quality Act (CEQA) Guidelines because the project proposes to utilize existing facilities and conduct minor alterations involving negligible or no expansion of a former use; and, the installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The existing facilities and structures are commercial in nature, located within an urbanized area, and do not exceed 10,000 cumulative square feet in floor area and will not use significant amounts of hazardous substances. All necessary public services and facilities are available. While sensitive uses about the project site, conditions of approval ensure that all operations will occur wholly inside the enclosed building.

No physical changes to the property, structure or facilities are proposed and the proposed operational changes are considered to constitute negligible or no expansion of the prior use. The proposed project is consistent with the applicable Commercial General Plan land use designation, goals, objectives and policies. 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.

PLANNING COMMISSION ACTION:

The Planning Commission (Commission) will be acting on CUP 2025-09 and SPR 2025-13. Staff recommend that the Commission:

1. Adopt a Resolution of the City of Madera Planning Commission determining the project is Categorically Exempt pursuant to Section 15301/Class 1 (Existing Facilities) and 15311/Class 11 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit (CUP) 2025-09 and Site Plan Review (SPR) 2025-13, subject to the findings and conditions of approval.

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 (Commission to specify date and reasons for continuance).
2. Move to deny one or more requests based on specified findings: (Commission to articulate reasons for denial).
3. Provide staff with other alternative directives.

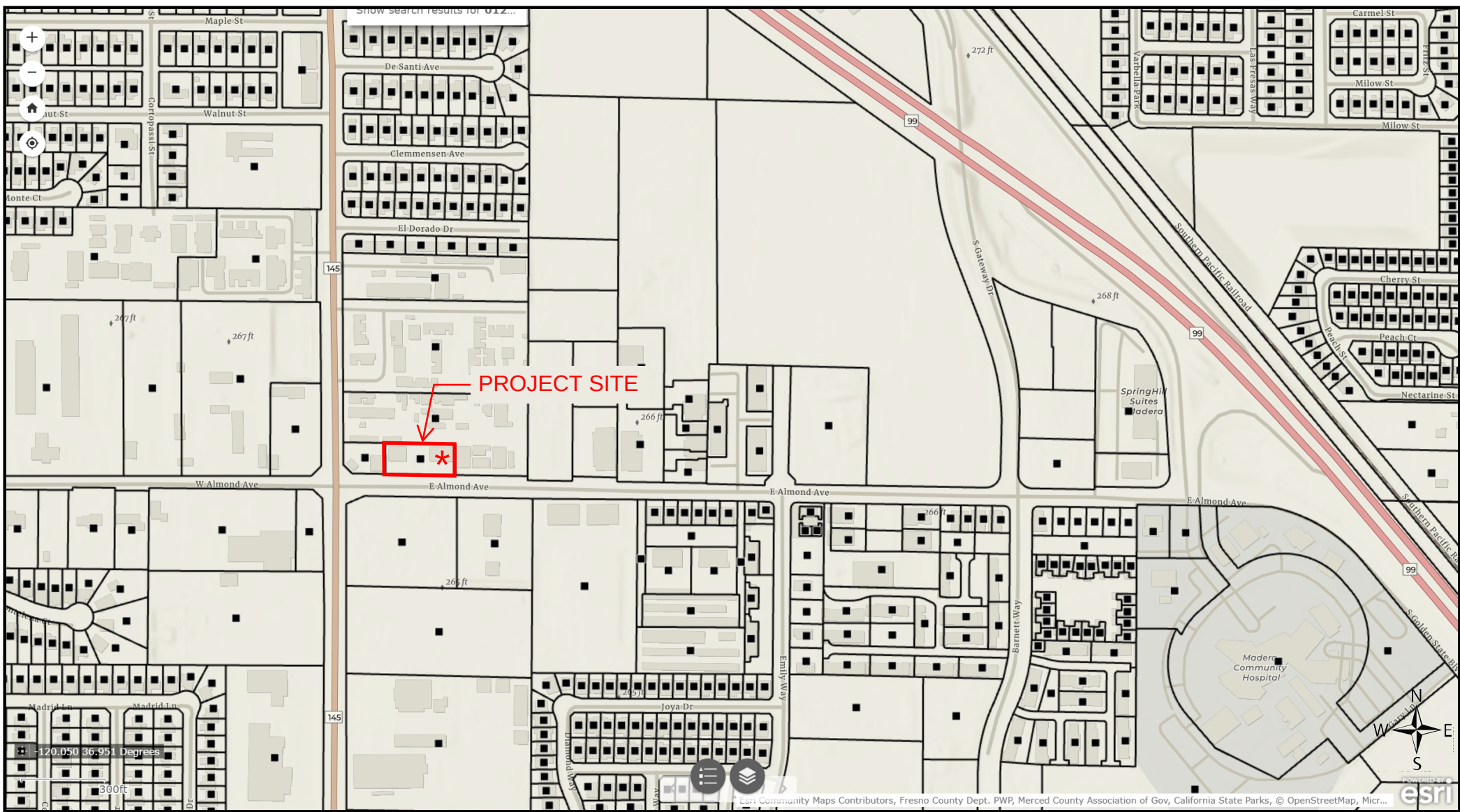
ATTACHMENTS:

1. Vicinity Map
2. Aerial Site Map
3. Operational Statement and Floor Plan
4. General Plan Land Use & Zoning Maps
5. Planning Commission Resolution
Exhibit A: Conditions of Approval

ATTACHMENT 1

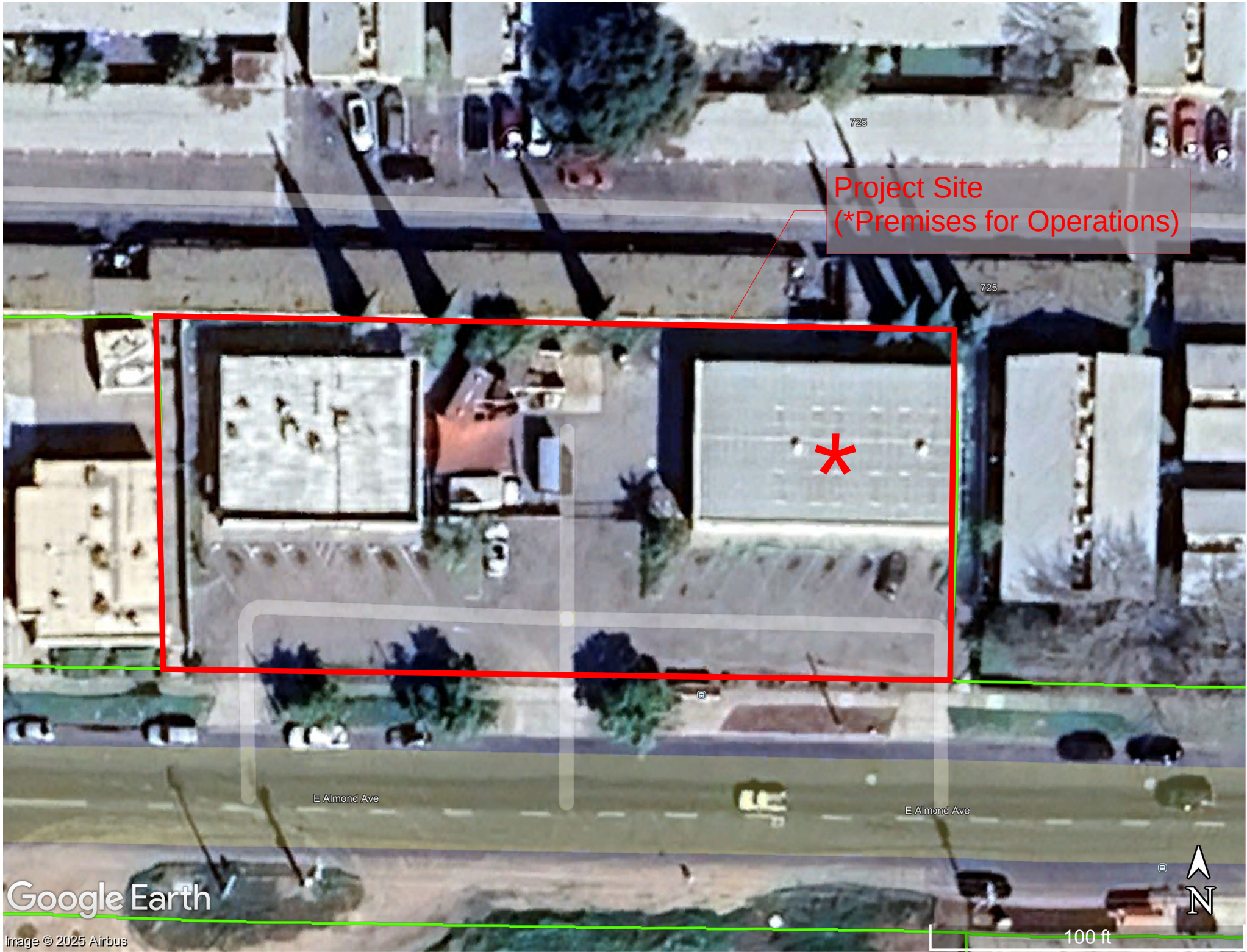
Vicinity Map

ATTACHMENT 1: VICINITY MAP



ATTACHMENT 2

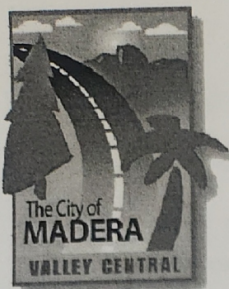
Aerial Site Map



Project Site
(*Premises for Operations)

ATTACHMENT 3

Operational Statement and Floor Plan



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.

Eagle tires and Wheels

Business Name

177 E Almond Ave Madera, CA 93637

Business Address

APN: _____ **(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**

retail tire shop want to sell new and used tires

2. What products will be produced by the operation? new and used tires, tire mounting, balancing

3. What is the existing use of your property? N/A

4. What are the surrounding land uses on the North, South, East and West? There is a parking lot, and a grocery store on the left side.

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

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

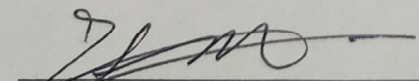
6. Number of Customers or Visitors per day: 10 Maximum per Day: 15 to 20

During what hours will customers visit your property? 8am to 7pm

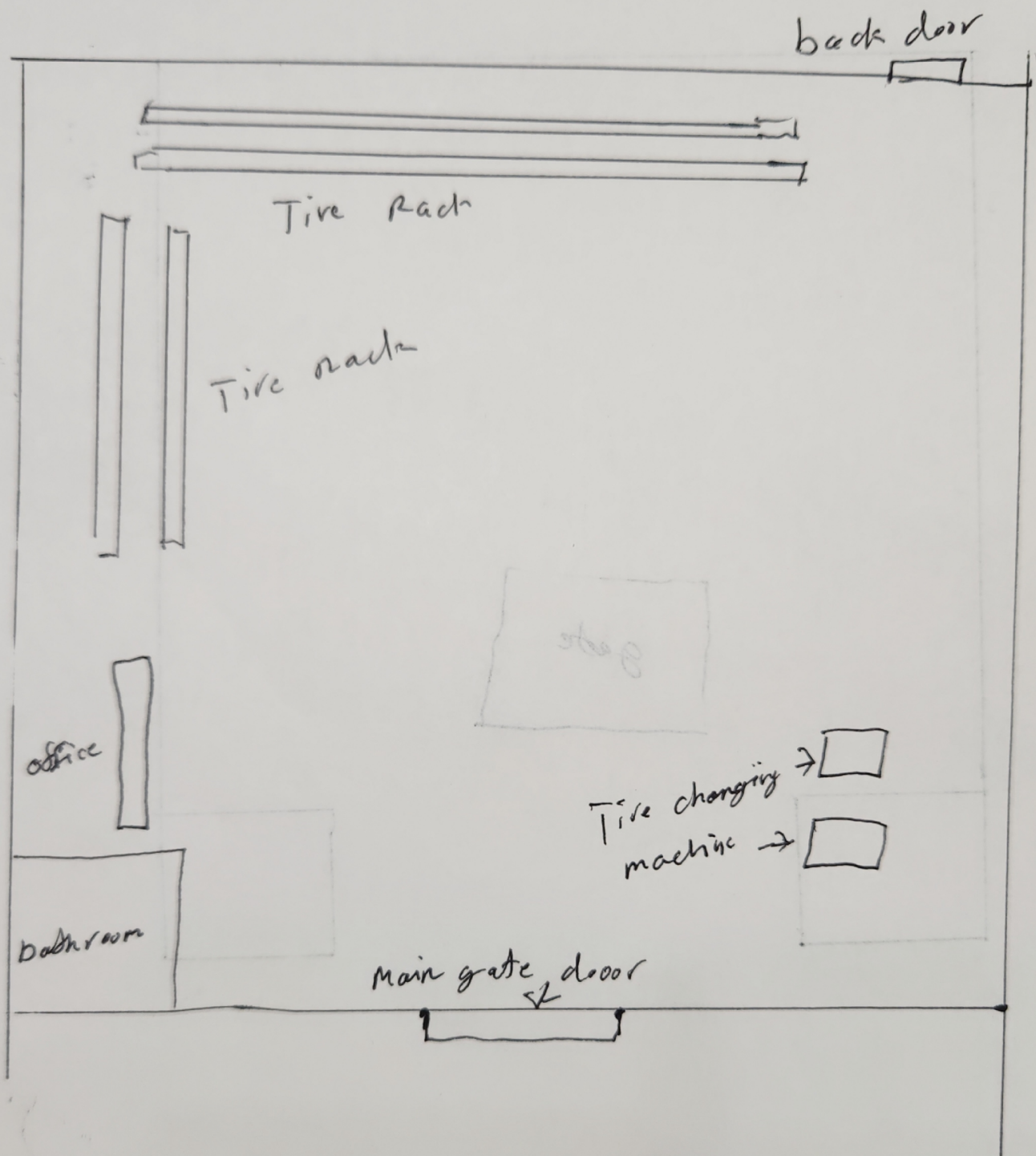
7. Number of current employees (including self): 2 Future employees (not counting current): N/A

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

8. Are any goods to be sold on site? YES [] NO [✓]
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. in the email
11. Will the operation or equipment used generate noise above existing levels in the area? YES [] NO [✓]
If yes, explain _____
12. Describe the supplies or materials used and how they will be stored: all the tires will be stored inside the store. there will be tire racks.
13. Will hazardous materials or waste be produced as part of this business? YES [] NO [✓]
If yes, explain _____
14. Will the existing buildings be used or will a new building be constructed? N/A
15. Explain which building(s) or what portion of the building(s) will be used in your operation: The map that i emailed will be used (building)
16. Please include any other information that will provide a clear understanding of your business or operation:
we will be selling new and used tires , Installation, tire balancing
Tire Rotation, Tire repair, Tire Inspection, Wheel Alignment


Applicant's Signature

06/10/2025
Date



ATTACHMENT 4

General Plan Land Use & Official Zoning Map

General Plan

Land Use Map

Legend

- Commercial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Office

Project Site

177 E Almond Ave

Google Earth

Image © 2025 Airbus



1000 ft

City of Madera

Official Zoning Map

Legend

- C1 (Light Commercial)
- C2 (Heavy Commercial)
- PD (Planned Development)
- PO (Professional Office)
- R1 (Residential, 1 unit/6,000 sq. ft.)
- R2 (Residential, 1 unit/3,000 sq. ft.)
- R3 (Residential, 1 unit/1,800 sq. ft.)

Project Site

177 E Almond Ave

Google Earth

Image © 2025 Airbus



1000 ft

ATTACHMENT 5

Planning Commission Resolution

Including:

Exhibit A: Conditions of Approval

RESOLUTION NO. 2032

RESOLUTION OF THE CITY OF MADERA PLANNING COMMISSION DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO SECTION 15301/CLASS 1 (EXISTING FACILITIES) AND 15311/CLASS 11 (ACCESSORY STRUCTURES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND APPROVING CONDITIONAL USE PERMIT (CUP) 2025-09 AND SITE PLAN REVIEW (SPR) 2025-13, SUBJECT TO THE FINDINGS AND CONDITIONS OF APPROVAL.

WHEREAS, Habib Ahmad (“Applicant”) submitted applications for a Conditional Use Permit (CUP 2025-09) and Site Plan Review (SPR 2025-13) pertaining to ±0.63 acres of land located on the north side of East Almond Avenue between South Madera Avenue and Emily Way at 177 E. Almond Avenue (APN: 012-133-026) (the “Project Site”); and

WHEREAS, the Project Site is designated for Commercial planned land uses on the General Plan Land Use Map and is zoned C1 (Light Commercial); and

WHEREAS, pursuant to City Municipal Code (CMC) § 10-3.802, automobile repair shops shall be permitted in the C1 (Light Commercial) zone district subject to obtaining a Conditional Use Permit (CUP); and

WHEREAS, CUP 2025-06 and SPR 2025-10 have been filed requesting authorization to operate a retail tire shop with outdoor display and minor automotive repair service within a ±3,500 square foot building, and

WHEREAS, operations proposed in accordance with the conditions of approval for CUP 2025-09 have been determined to be able to occur on the project 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 Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines;; and

WHEREAS, under the City’s Municipal Code, the Planning Commission is authorized to review and approve conditional use permits and environmental assessments for associated projects on behalf of the City; and

WHEREAS, the City provided notice of the Planning Commission hearing on October 14, 2025, as required by law; and

WHEREAS, the Planning Commission received and independently reviewed CUP 2025-09 and SPR 2025-13 at the duly noticed meeting on October 14, 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 this Resolution determining the project is Categorical Exempt pursuant to

Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines and approving CUP 2025-09 and SPR 2025-13.

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 Determination: 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 pursuant to Sections 15301/Class 1 (Existing Facilities) and 15303/Class 3 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act (CEQA) Guidelines because the project proposes to utilize existing facilities and conduct minor alterations involving negligible or no expansion of a former use; and, the installation of small new equipment and facilities in small structures and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The existing facilities and structures are commercial in nature, located within an urbanized area, and do not exceed 10,000 cumulative square feet in floor area and will not use significant amounts of hazardous substances. All necessary public services and facilities are available. While sensitive uses abut the project site, conditions of approval ensure that all operations will occur wholly inside the enclosed building.

No physical changes to the property, structure or facilities are proposed and the proposed operational changes are considered to constitute negligible or no expansion of the prior use. The proposed project is consistent with the applicable Commercial General Plan land use designation, goals, objectives and policies. 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 2025-06: Pursuant to CMC § 10-3.1307 the Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of CUP 2025-09, 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 and Zoning Ordinance.

The General Plan designates the subject site for commercial uses and is consistent with its zoning district of Light Commercial (C1). Proposed project is consistent with the City's commercial regulations with the approval of a conditional use permit through the Planning Commission.

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

The C1 uses authorized subject to CUP 2025-09 will be compatible with the surrounding properties as a light commercial uses subject to compliance with the project conditions of approval. The proposed project proposes a retail tire shop that complies with the permitted by-right uses of the Light Commercial zone district. The proposal of minor automotive repairs will be conditioned under CUP 2025-09 to operate in a manner that will be compatible with surrounding properties. Only minor automotive repair is allowed. Surrounding properties consist of other commercial properties located south and west of the project site with multifamily located on the north and east side.

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.

CUP 2025-09 is considered compatible with surrounding properties and will not have a significant, adverse environmental impact. Project site will not result in a detriment to the health, safety, peace, morals, comfort, or general welfare of surrounding uses. The project has been conditioned to meet the City's requirements and standards for commercial uses.

4. Findings to Approve SPR 2025-10: Pursuant to MMC § 10-3.4.0107, the Planning Commission finds and determines that there is substantial evidence in the administrative record to support the approval of SPR 2025-10, 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 and Zoning Ordinance.

SPR 2025-09 memorializes the existing development of the site and respective conditions of approval will ensure the project is in accordance with General Plan Policies and City standards.

Finding b: The proposal is consistent with any applicable specific plans.

The property is not located within the boundary of a specific plan.

Finding c: 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 compatible with the surrounding uses and conditioned for compliance with all applicable City requirements and standards. The project site is an existing improved property. Review of the site determined that the project would not result in a significant generation of noise, light, and/or traffic.

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

SPR 2025-10 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 2025-09 and SPR 2025-13: Given that all findings can be made, the Planning Commission hereby approves CUP 2025-09 and SPR 2025-13 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 14th day of October 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 2025-09 and SPR 2025-13

EXHIBIT A
CUP 2025-09 & SPR 2025-13
EAGLE TIRES AND WHEELS
CONDITIONS OF APPROVAL
OCTOBER 14, 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.

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 2025-09 and SPR 2025-13 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.

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 and/or operations are not commenced 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.

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. 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 2025-09 and SPR 2025-13.**
2. Approval of CUP 2025-09 and SPR 2025-13 will expire 24 months from the date of issuance, unless the rights granted by approval are exercised or required action is taken to extend the approval prior to the expiration date and in accordance with the provisions of the Zoning Regulations of the City Municipal Code.
3. Approval of a Conditional Use Permit and/or Site Plan Review does not constitute approval or authorization to commence activities or construction. On- and off-site improvements, building construction, sign erection or occupancy shall not be permitted without prior approval of the City through issuance of any required grading, encroachment, or building permits.
4. Compliance with conditions of approval shall be demonstrated to the satisfaction of the City of Madera prior to issuance of building permits, final inspections, occupancy of the premises, and/or issuance of a business license and/or commencement of operations, except as may be otherwise or specifically noted within these conditions of approval.

5. It shall be the responsibility of the property owner, operator, and/or management to ensure that any required permits, inspections, and approvals from any regulatory agency be obtained from the applicable agency prior to issuance of a building permit and/or the issuance of a certificate of completion, and commencement of operations.
6. 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.
7. Approval of CUP 2025-09 and SPR 2025-13 is for the benefit of the applicant. The submittal of site plan review application 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

8. All prior conditions pertaining to the development, use and/or operations on the subject property are included herein by reference and shall be complied with at all times; except, as may be modified herein these conditions of approval.
9. Vandalism and graffiti on the property shall be corrected in accordance with the provisions of the City Municipal Code (CMC).
10. The property owner, operator and/or manager shall operate in a manner that does not generate unlawful noise, odor, blight, or vibration that adversely affects adjacent properties (this includes but is not limited to operating, at all times, in compliance with

all performance standards of the Zoning Regulations and noise standards and policies of the City Municipal Code and General Plan); or, in a manner which creates or is cause for the creation of a public nuisance.

Conditional Use Permit

11. CUP 2025-09 authorizes use of the property for Minor Auto Repair which shall be limited to the replacement of small automotive parts and liquids as an accessory use to an automotive parts, accessory and supply store, and quick-service oil, tune-up, and brake and muffler shops, including tire sales and installation, where repairs are made or service is provided in enclosed bays and no vehicles are stored on a consecutive overnight basis or outdoors.
 - a. Minor auto repairs do not include disassembly, removal, or replacement of major components such as engines, drive trains, transmissions, axles or suspension components; automotive body and fender work; vehicle painting; or other operations that generate excessive noise, objectionable odors, or hazardous materials; and towing services. It also excludes repair of heavy trucks, limousines, or construction vehicles. Such repairs shall be prohibited.
 - b. Automobile repairs shall only occur during the businesses hours authorized herein.
12. No outdoor storage of vehicles, tires, equipment, materials or merchandise is permitted at any time on the subject property.
13. Business shall be allowed one (1) outdoor display that promotes or advertises their inventory. The following shall be enforced:
 - a. Outdoor merchandise shall be displayed outside in neat fashion and on project's private property. Displays on city right of way is prohibited.
 - b. Outdoor displays shall be placed where the public right of way and/or ADA pathway is not obstructed.
 - c. Outdoor display shall be reviewed and approved prior to final inspection and issuance of a business license.
14. Business hours shall be between 8:00 am through 7:00 pm, seven days a week.
15. It shall be unlawful to transport used and waste tires to facilities which are not legally authorized by State or local regulations to accept tires for resale, recapping, recycling, processing, transformation, or disposal. Tire dealers and waste tire haulers shall retain copies of manifests and receipts or other appropriate documentation to verify that used or waste tires were transported to authorized facilities.
16. Changes to CUP 2025-09 shall require an amendment application with the Planning Department and shall be subject to review and processing in accordance with the provisions of the City Municipal Code.

Site Plan Review

17. Prior to the issuance of a business license, parking spaces shall be painted and restriped.

18. Prior to the issuance of a business license, all landscaping located on-site and within parkstrip within the rights-of-way along the project frontage shall be restored to a healthy and manicured condition.

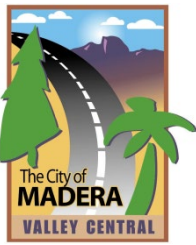
Signage:

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 City 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.

BUILDING DEPARTMENT

21. All storage on the premises shall comply with all requirements of the California Building and/or Fire Codes including but not limited to Miscellaneous Combustible and/or Hazardous Waste Materials Storage within the building.

END OF CONDITIONS



REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Associate Planner

Meeting of: October 14, 2025

Agenda Number: 5

SUBJECT:

Consideration of an application for a Conditional Use Permit (CUP 2025-10) and Site Plan Review (SPR 2025-17) requesting authorization to establish a massage parlor at 1301 West Olive Avenue, Suite D, in the Olive Plaza Shopping Center located on the northeast corner of Howard Avenue and North Pine Street (APN: 010-061-001).

RECOMMENDATION:

Conduct a public hearing and adopt:

1. A 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) 2025-10 and Site Plan Review (SPR) 2025-17, subject to the findings and conditions of approval.

SUMMARY:

The applicant, Jine Fan, has filed an application for a Conditional Use Permit (CUP) 2025-10 and Site Plan Review (SPR) 2025-17 requesting authorization to establish a massage parlor use to be established within an existing tenant space at 1301 W. Olive, Suite D, within the Olive Plaza shopping center located on the northeasterly corner of Howard Avenue and North Pine Street (APN: 010-061-001). The site is zoned C1 (Light commercial) and is designated for Commercial land uses by the Madera General Plan.

The subject applications propose no physical changes to the subject property. Any future site modifications would be subject to additional site plan review; any tenant improvements are subject to acquisition of building permits as may be required in accordance with the California Building Code.

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

Table 1: Project Overview	
Project Number:	CUP 2025-10 and SPR 2025-17

<i>Applicant:</i>	Jine Fan
<i>Property Owner:</i>	Pasquale De Santis
<i>Location:</i>	1301 W. Olive, suite D (APN: 010-061-001)
<i>Project Area:</i>	Approximately
<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 0.45 acres. The project site is located on the northeasterly corner of Howard Avenue and North Pine Street.

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, the use of a massage parlor business is required to obtain a CUP prior to the issuance of a business tax license. The business has been conditionally approved to meet the requirements of a massage parlor and to meet commercial standards.

The use permit will authorize the establishment of a massage business and 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 business, Lucky Massage, proposes to operate between the hours of 10:00 am through 4:00 pm, seven days a week. The business application indicates that at least a total of four (4) employees will be employed at the time of the opening or near future. At this time, the massage parlor, Lucky Massage, proposes no construction to the tenant space.

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. Floor Plan
3. General Plan Land Use Map
4. Official Zoning Map
5. Planning Commission Resolution
Exhibit "A" - Conditions of Approval

ATTACHMENT 1

Vicinity Map



Project Site
(Olive Plaza
Shopping Center)

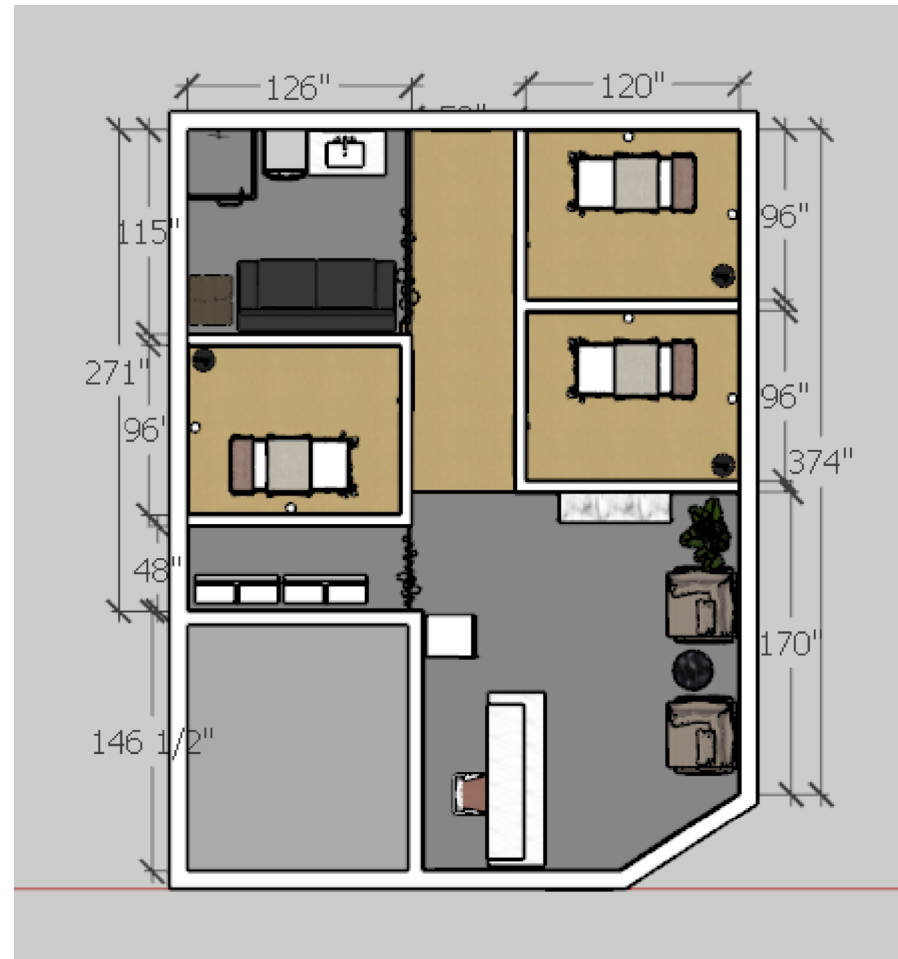
Google Earth

Image © 2025 Airbus

300 ft

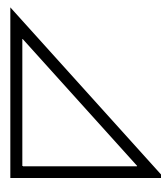


ATTACHMENT 2
Floor Plan



ATTACHMENT 3
General Plan Land Use Map

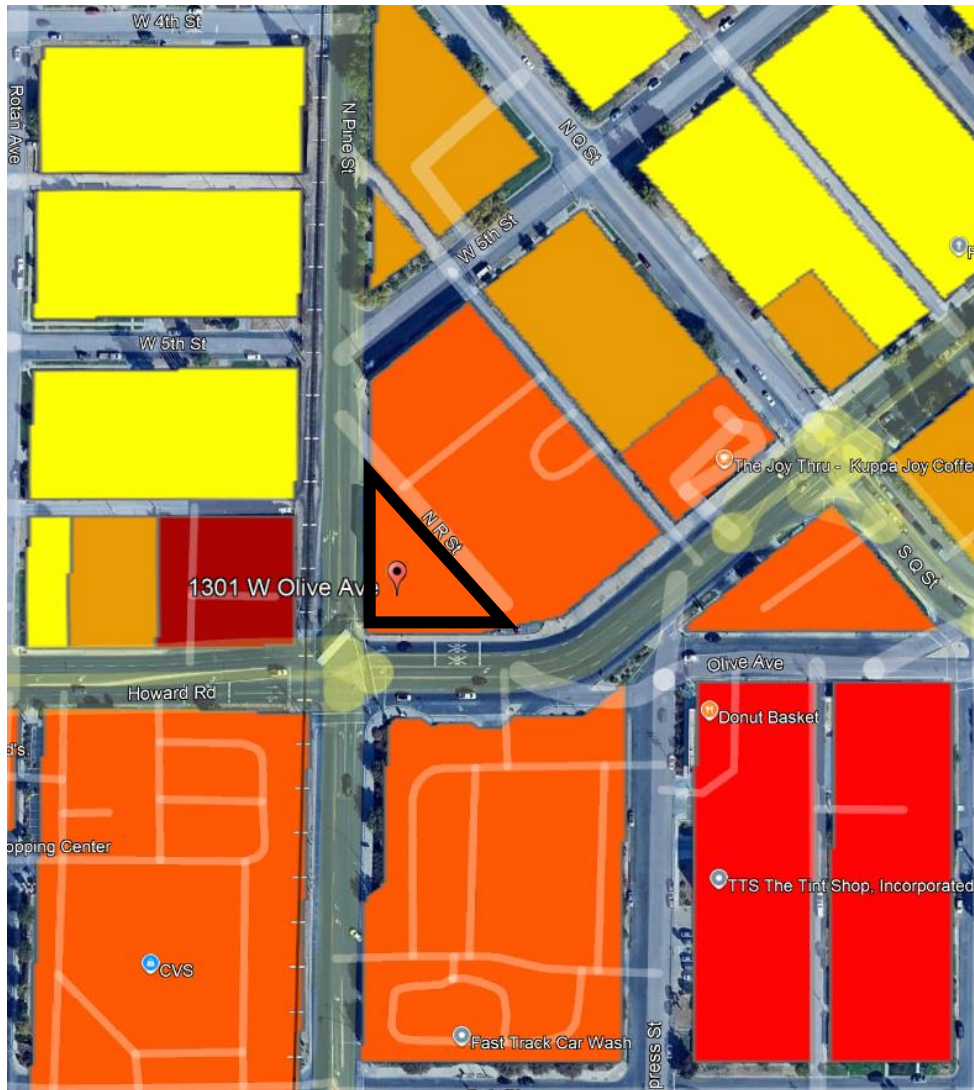
- C - Commercial
- O - Office
- I - Industrial
- VLD - Very Low Density Residential
- LD - Low Density Residential
- MD - Medium Density Residential
- HD - High Density Residential
- NMU - Neighborhood Mixed Use
- VMU - Village Mixed Use
- VR - Village Reserve
- OS - Open Space
- RC - Resource Conservation/Agriculture
- P&SP - Other Public and Semi-Public Uses



Project Site

ATTACHMENT 4
Official Zoning Map

Zone District



Commercial Districts

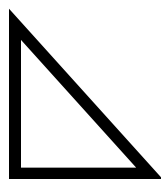
- C1 - Light Commercial
- C2 - Heavy Commercial
- CH - Highway Commercial
- CN - Neighborhood Commercial
- CR - Restricted Commercial
- PO - Professional Office
- POWYO - Professional Office
West Yosemite Avenue Overlay

Industrial Districts

- I - Industrial
- IP - Industrial Park

Other Districts

- PF - Public Facilities
- RCO - Resource Conservation and Open Space
- U - Unclassified
- S - Special Provisions Applicable



Project Site

ATTACHMENT 5

Planning Commission Resolution

Including:

Exhibit "A" – Conditions of Approval

RESOLUTION NO. 2033

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) 2025-10 AND SITE PLAN REVIEW (SPR) 2025-17

WHEREAS, Jine Fan (“Applicant”) has filed CUP 2025-10 and SPR 2025-17 to request authorization to establish a massage business (Lucky Massage) use within the existing Olive Plaza shopping center located at 1301 W. Olive Avenue, Suite D (APN: 010-061-001); 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 2025-10 and SPR 2025-17 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 October 14, 2025 as required by law; and

WHEREAS, the Planning Commission received and independently reviewed and considered CUP 2025-10 and SPR 2025-17 at the duly noticed meeting on October 14, 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 2025-10 and SPR 2025-17.

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 2025-10: 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 strip commercial shopping center suited for commercial uses. The proposal is for an existing tenant space within an existing building on 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 2025-17: 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).

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 2025-10 and SPR 2025-17: 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 14th day of October 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 2025-10 and SPR 2025-17

EXHIBIT A
CUP 2025-10 & SPR 2025-17
MASSAGE PARLOR
CONDITIONS OF APPROVAL
October 14, 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 2025-10 and SPR 2025-15 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 2025-10 and SPR 2025-17 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 2025-10 and SPR 2025-17**
5. Approval of CUP 2025-10 and SPR 2025-17 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 2025-10 and SPR 2025-15 pertains only to the leasing space located at 1301 W. Olive Avenue, Suite D.
7. Alterations to the site, business use, or leasing space shall require a modification 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 10:00am and 4:00pm 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.

BUILDING DEPARTMENT

22. Any proposed construction or alteration will require the appropriate building permits be obtained prior to commencement of any such work.
23. The property owner or business operator shall clarify if tenant improvements will require a change of occupancy.

FIRE

24. Any proposed construction or alteration will require the appropriate building permits be obtained prior to commencement of any such work.
25. 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.
26. Provide 1, 2A10BC rated fire extinguisher.

END OF CONDITIONS