

REGULAR MEETING OF THE MADERA PLANNING COMMISSION

205 W. 4th Street, Madera, California 93637

NOTICE AND AGENDA

Tuesday, April 21, 2026
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: 85461566303# followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/85461566303>. 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-Maciel
Commissioner Tim Riche
Commissioner Abel Perez
Commissioner Balwinder Singh
Commissioner Saim Mohammad

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:

Public Hearing originally continued from March 17, 2026 and then continued from the April 14, 2026, Planning Commission meeting.

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

Subject: Consideration of an application for a Conditional Use Permit (CUP 2025-03) and Site Plan Review (SPR 2025-06), proposing the construction of a 2,100 sq. ft. building and four (4) recycling containers to operate a Recycling Facility. The Project site is a ±1.06-acre parcel located on the north side of S. Gateway Dr. and W. 8th St. (APN: 007-181-008). The project site is zoned C2 (Heavy Commercial) with a C (Commercial) General Plan land use designation.

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 15303 (New Construction or Conversion of Small Structures) and Section 15332 (In-Fill Development) of the California Environmental Quality Act (CEQA) Guidelines and approving Conditional Use Permit 2025-03 and Site Plan Review 2025-06 subject to the findings and conditions of approval.

Public Hearing continued from the April 14, 2026, Planning Commission meeting.

2. 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) to authorize modification of business hours for the existing massage business, Lucky Massage. The project site is located within the Olive Plaza Shopping Center on the northeast corner of the intersection of North Pine Street and Howard Road at 1301 West Olive Avenue, Suite D (APN: 010-061-001).

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, Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines and approving the modification of hours to Conditional Use Permit 2025-10 subject to the findings and conditions of approval.

Public Hearing continued from the April 14, 2026, Planning Commission meeting.

3. OTA 2026-01 – Ordinance Text Amendment (Title X: Planning and Zoning of the City Municipal Code)

Subject: Consideration of a proposal to amend Title X, Chapter 3, Planning and Zoning, of the Madera Municipal Code. Changes will include; Adoption of Permitted Color Palettes for new development in Commercial Zone Districts. Adoption of permitted color palettes for repainting existing structures in Commercial Zones and establishment of a ministerial review and approval process for repainting existing structures in Commercial Zone Districts.

Recommendation:

Conduct a public hearing and adopt:

- a. A Resolution of the City of Madera Planning Commission recommending the item for City Council action and determining the project is considered exempt under California Environmental Quality Act (CEQA) Guidelines, Section 15061(b)(3) (Common Sense Exemption) per the preliminary environmental assessment.

ADMINISTRATIVE REPORTS:

COMMISSIONER REPORTS:

ADJOURNMENT:

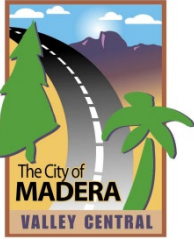
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- The meeting room is accessible to the physically disabled. Requests for accommodations for persons with disabilities such as signing services, assistive listening devices, or alternative format agendas and reports needed to assist participation in 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.



REPORT TO THE PLANNING COMMISSION

Prepared by:

Adileni Rueda, Associate Planner

Meeting of: April 21, 2026

Agenda Item: 1

SUBJECT:

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

RECOMMENDATION:

1. Conduct a Public Hearing; and,
 - a. Adopt a Resolution of the City of Madera Planning Commission denying the project subject to the findings; or,
 - 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 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).

SUMMARY:

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

Proposed operations include the on-site collection of California Refund Value (CRV) materials (e.g., plastic, glass and aluminum or bi-metal product containers) as well as the purchase of both ferrous and non-ferrous metals (which could include scrap iron, aluminum and/or copper materials) as components of the collection and processing services. The project proposes to construct a new ±2,100 square foot building, locate and store four 350 square foot storage (shipping) containers on the project site as well as construct seven new concrete masonry unit (CMU) bunkers for outdoor storage of recyclable materials and two CMU solid waste enclosures

on the project site. A cardinal (heavy-duty truck/recycling) scale is also proposed to be installed on the project site.

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

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

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

PREVIOUS ACTIONS:

Previously, staff presented the project to the Planning Commissioners during the November 4, 2025 meeting. The Planning Commissioners moved the item back to staff to address the existing Madera Irrigation District (MID) canal which traverses the project site.

Staff recommend denial of the project due to an inability to make the findings required to grant a use permit (CMC § 10-3.1307[B]) and those applicable specifically to Recycling Facilities (CMC § 10-3.405[I][3]).

ANALYSIS:

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

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

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

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

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

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

Conditional Use Permit

Pursuant to CMC § 10-3.405(1)(2)(b), a recycling processing facility may be permitted in any zone after first securing a use permit. A use permit may be granted by the Commission or Council and then only in accordance with the terms and conditions of the use permit granted (i.e., Conditional Use Permit). Use permits, revocable, conditional, or valid for a term period, may be issued for any of the uses or purposes for which such permits are required or permitted by the provisions of the Zoning Regulations (Ordinance).

Findings

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

- (1) The proposal is consistent with the General Plan and Zoning Ordinance.
- (2) The proposed use will be compatible with the surrounding properties.
- (3) The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or general welfare of the city.

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

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

Analysis of Findings

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

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

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

The Community Design Element of the General Plan addresses the key issue of community design. A key outcome of Vision 2025 was a desire on the part of the City and its residents to improve the quality of design for public and private development projects. That commitment to

“raise the bar” and continually strive to improve the quality of Madera’s built environment is reflected in the goals and policies in this Element.

Community Design Goals CD-3 (the General Plan pertains to Public Art and Entryway Treatments), Goal CD-4 (Attractive streetscapes in all areas of Madera), CD-5 and Goal CD-12 (Aesthetically pleasing commercial development), and Goal CD-13 (Well-designed industrial development) all relate to General Plan Policies listed below:

- Policy CD-5 – New development shall be approved only if it meets the design principles set forth in this Community Character Element and to any local, project specific, or citywide design guidelines.
- Policy CD-6 – In order to improve and protect the quality of neighborhoods and commercial districts, the City will enforce established building codes and community standards.
- Policy CD-10 – Madera will seek to transition the density and intensity of uses from an urban to rural character while maintaining a clear City edge and establishing a sense of entry and arrival to the City. To implement this policy, the City will:
 - Apply and implement land use designations and open space preservation techniques to create a clearly identifiable edge to the city.
- 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.
- Policy CD-17 – Where the use of security fencing, window barriers, or similar features are necessary to secure a building or site, these measures shall be incorporated into the visual/architectural design of the project and shall be complementary to surrounding uses. This policy is not intended to apply to security features which are not visible from public rights of way or adjacent properties.
- Policy CD-40 – The City shall encourage a combination of retail, office, civic, entertainment uses, (e.g. movie and performing arts theaters) in the downtown that serve the daily and occasional needs of all of Madera’s residents.
- Policy CD-43 – The following policies shall apply to all commercial development, and particularly in the Downtown:
 - Include human-scale details in the design of buildings such as windows on the street, awnings, and architectural features that create a visually interesting pedestrian environment.
 - Loading facilities shall be screened from public view and located away from residential uses.

- Policy CD-61 – All outdoor storage areas shall be visually screened with ornamental fencing or walls, and landscaping.
- Policy CD-62 – Development in industrial areas which are visible from public roadways and/or from adjacent properties shall incorporate high quality design principles, including:
 - Loading facilities and storage areas which are screened from public view along collectors and arterials.
- Policy CD-64 – Where industrial development abuts non-industrial uses, appropriate buffering techniques shall be employed such as, enhanced architecture, increased setbacks, screening landscaping, or some combination of these features.

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

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

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

There is both positive and negative public perception associated with recycling centers and processing facilities. While it is difficult to dispute the benefits of recycling in general, negative public perception associated with recycling operations should not be ignored and is typically concerned with the operation of such facilities being linked to blight and nuisance issues. These

may include contributing to littering, loitering or proximate camping, unsanitary or unsightly conditions, objectionable odors, and in some instances criminal activity. Additionally, negative perception has been generated in association with scrap metal purchasing operations due to perceived linkages as material theft outlets (e.g., copper, wire and catalytic converter theft).

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

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

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

The development standards contained within the Zoning Regulations (CMC § 10-3.412) provide no fence, wall, or screen planting of any kind shall be constructed or grown to exceed a maximum of six feet in height. The proposed eight-foot-high screen wall proposed along the Gateway Drive frontage exceeds this objective height standard, which may only be modified through approval of a Variance application (see Site Plan Review section included herein below for more information). The eight-foot-high wall is proposed due to the nature of the proposed use (e.g., facility screening, noise, odor and sanitation control for compatibility with surrounding uses).

Commercial property aesthetics and activity aren't just cosmetics, they directly influence whether a place attracts people and investment, as well as whether a place produces sustained

economic life. Cities that get this right tend to create and enjoy greater business success and long-term value.

Successful commercial corridors are active and vibrant. These corridors need to feel safe, be welcoming, and worth people's and patron's time. Active commercial uses that contribute to a sense of place become desirable destinations. Clean, well-designed storefronts, streetscapes and landscaping, lighting, and signage are all contributing factors to attractiveness. That perception translates into more people visiting, staying longer, spending more, and higher return (and lease) rates.

Active ground-floor uses create visible activity that attracts more people. Lighting, transparency (windows vs. blank walls), appealing streetscapes and maintenance all affect perception and how safe people feel. Quality design elements like façade articulation, architectural character and design themes define the attractiveness of an area and encourage a broader mix of businesses. That identity differentiates one commercial corridor from another and dictates regional competitiveness; commercial destinations are places to go, not just places to pass through. These features make cities more appealing, not just to visitors but to residents, business, employers and investment interests which factor quality of place into location decisions.

With consideration to the location of the proposed project site, it is not staff's opinion that the proposed Recycling Processing Facility, consisting primarily of the outdoor storage of used materials delivered and moved primarily from vehicular (including heavy truck) trips, and for which daily on-site operations involves heavy equipment, requiring an eight-foot-high screening wall along approximately 300 linear feet of street frontage along the Gateway Drive corridor through the core area of downtown Madera is consistent is appropriate for the project site or consistent with the goals, objectives and policies of the General Plan.

Service Convenience & Accessibility

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

The statuses of convenience zones are available on the CalRecycle webpage: <https://www2.calrecycle.ca.gov/BevContainer/ConvenienceZones>. A search for the City of Madera reveals all convenience zones to be either currently, "exempt," or "served" (Attachment 5). The listing of convenience zone statuses is not intended for identifying retailers that redeem

in-store; a search using CalRecycle's In-Store CRV redemption lookup tool for the City of Madera yielded no results. CalRecycle also provides a lookup tool displaying physical locations of recycling centers on its webpage. (The webpage notes that the recycling center address displayed using the lookup tool on this page may not match with the recycling center's physical location as it may be their business address. However, the recycling center is associated with the correct convenience zone.) The nearest recycling center to the project site revealed on the CalRecycle lookup tool is A&S Metals located on the south side of East Olive Avenue between South Gateway Drive and South D Street at 644 East Olive Avenue; a comprehensive recycling processing facility, slightly more than one-half mile away (Attachment 6).

Site Plan Review

Pursuant to the provisions of Section 10-3-4.0102 of the City Municipal Code, Site Plan Review shall apply to all new, expanded, or changed uses of property which involve the construction or placement of new structures or buildings on the site, new uses which necessitate on-site improvements to comply with the provisions of the City Municipal Code, uses subject to a use permit, precise plans, variance, or any other particular zoning permits applicable to the proposed development.

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

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

The development standards contained within the Zoning Regulations (CMC § 10-3.412) provide no fence, wall, or screen planting of any kind shall be constructed or grown to exceed a maximum of six feet in height. The proposed eight-foot-high screen wall proposed along the Gateway Drive frontage exceeds this objective height standard, which may only be modified through approval of a Variance application. At this time no Variance application has been submitted requesting authorization to exceed fence/wall height standards; such an application would be required to be submitted and approved by the Planning Commission prior to the proposed Site Plan being approved in its current form.

It should be noted that Variance applications are intended to provide relief from the strict and literal application of the code out of necessity (i.e., where practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of the Zoning Regulations may result

in special cases). In accordance with the provisions of Section 10-3.1402 of the CMC, 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.

It is staff's opinion that there is no justification to support approval of a Variance application to authorize an eight-foot-high wall to be constructed along the Gateway Drive street frontage. The eight-foot-high wall is proposed due to the nature of the proposed use (e.g., facility screening, noise, odor and sanitation control for compatibility with surrounding uses) and not due to practical difficulty or a special circumstance applicable to the property). For the reasons outlined in the Analysis of Findings section of this report included herein above, this calls into question whether the use is consistent with goals, objective and policies of the General Plan and appropriate at the project site.

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

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

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

Staff is unable to find or based upon the application materials submitted determine that the proposed project is in compliance with all applicable provisions of the General Plan or all rules

and regulations applicable to the proposed development. Additionally, the project application, as proposed, does not demonstrate conformance or consistency with the goals, objectives and policies of the General Plan, the Community Development Design Guidelines and the City's Zoning Regulations.

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

Madera Irrigation District (MID) Canal

As previously stated, undergrounding of open canals is a standard condition of approval for development or redevelopment within the City of Madera. As directed by the Planning Commission, staff have contacted and met with MID to discuss undergrounding of the existing open MID canal on the project site.

It is staff's recommendation that any application for development of the subject site (i.e., the requested entitlement application before the Commission or any other other requested entitlement application) be conditioned with undergrounding of the existing open canal, installed to MID's standards of two 54" reinforced concrete pipes with a maximum flow rate of 145 cfs. The relative conditions of approval will also include specific requirements or improvements to accommodate MID access and transition from the newly underground canal to the existing open canal to the east and adjacent property. Staff generated an estimate of approximately \$___ for the cost of the undergrounding.

ENVIRONMENTAL REVIEW:

The recommendation of staff is to deny CUP 2025-03 and SPR-2025-06. If 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.

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

It should be noted that completion of environmental analyses may require the conduct and reporting of special or technical studies evidencing the potential for significant impacts under the individual criteria and thresholds of the CEQA Guidelines.

PLANNING COMMISSION ACTION:

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

- a. Approve a Resolution of the City of Madera Planning Commission denying the project based on specified findings (Commission to articulate reasons for denial);
or,
- b. 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).

ALTERNATIVES:

As an alternative, the Commission may erect to:

1. Provide staff with other alternative directives.

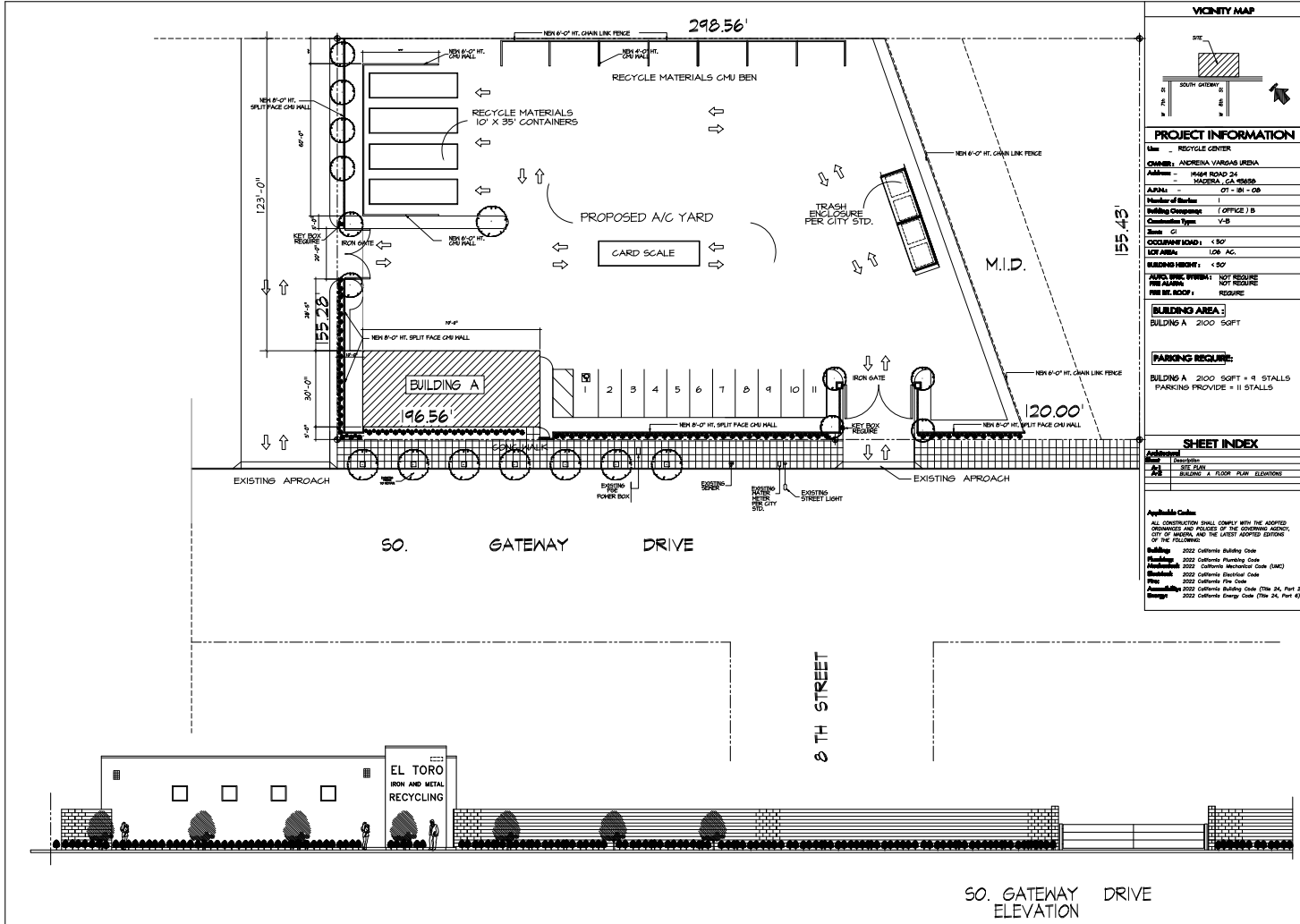
ATTACHMENTS:

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

ATTACHMENT 1
Vicinity Map/Aerial Image



ATTACHMENT 2
Site & Floor Plans



VICINITY MAP

PROJECT INFORMATION

Use: RECYCLE CENTER

OWNER: ANDREINA VARGAS UDEA

Address: 8424 ROAD 24
MADERA, CA 95355

APNs: 07-381-08

Number of Stories: 1

Building Occupancy: (OFFICE) B

Construction Type: V-B

Zone: G1

OCCUPANT LOAD: < 50

LOT AREA: 128 AC.

BUILDING HEIGHT: < 50'

FLOOD HAZARD: NOT REQUIRE

FIRE ALARM: NOT REQUIRE

FIRE EX. ESCAPE: REQUIRE

BUILDING AREA:
BUILDING A 2100 SQFT

PARKING REQUIRE:
BUILDING A 2100 SQFT + 4 STALLS
PARKING PROVIDED = 11 STALLS

SHEET INDEX

Sheet No.	Description
101	BUILDING A FLOOR PLAN ELEVATIONS

Applicable Codes:
ALL CONSTRUCTION SHALL COMPLY WITH THE ADOPTED ORDINANCES AND RULES OF THE GOVERNING AGENCY, CITY OF MADERA, AND THE LATEST ADOPTED EDITIONS OF ALL FOLLOWING:

Building: 2022 California Building Code
Fire: 2022 California Fire Code
Energy: 2022 California Energy Code (Title 24, Part 6)

ProCad
L.L.C.
DESIGN + PLANNING
DEVELOPMENT SERVICES
PHONE: 562-954-0077
CELL: 562-954-0170
1800 HERTZ DRIVE SUITE 100
MADERA, CA 95357
JOSEPH PEREZYKA
DESIGNER

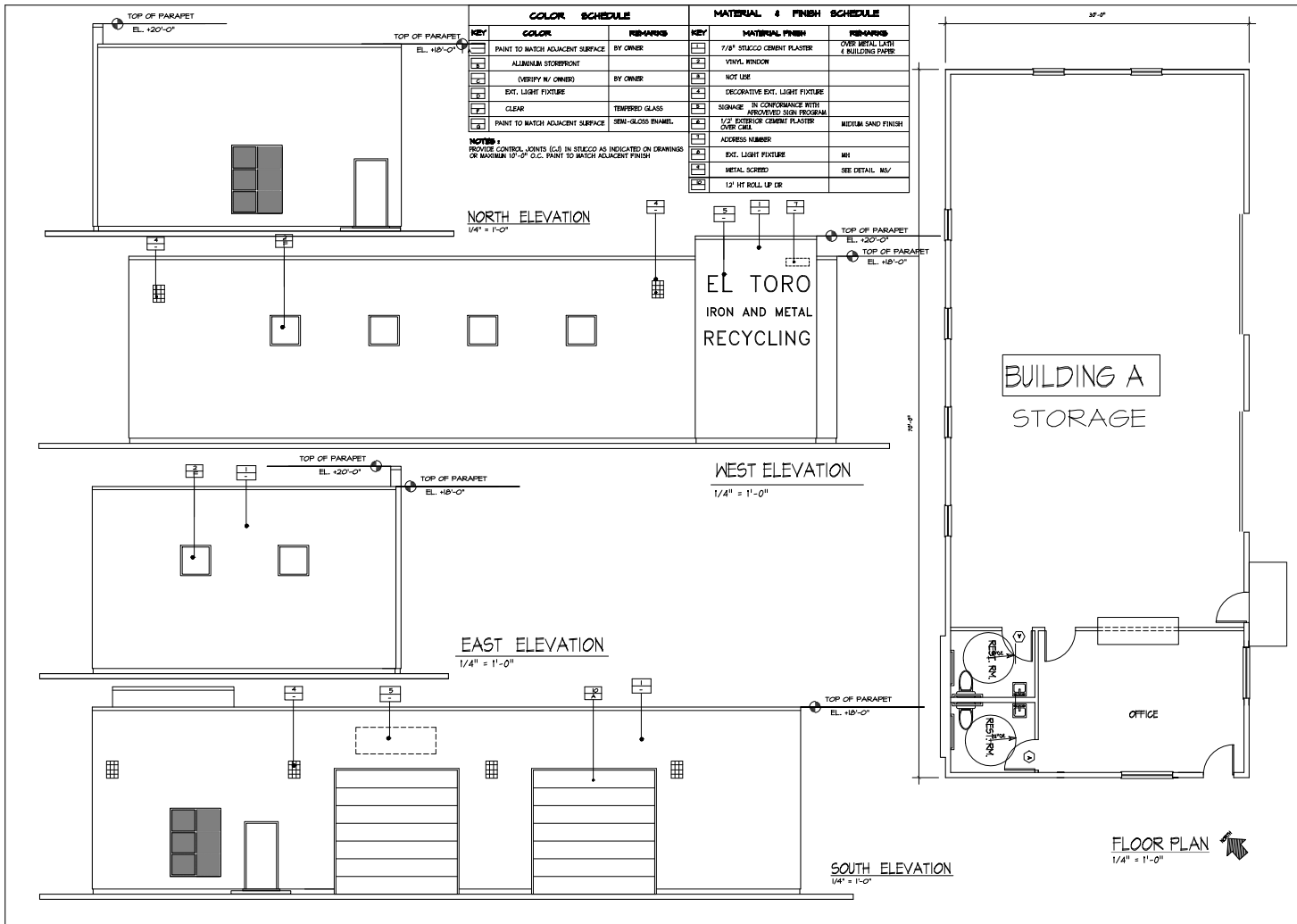
**PROPOSED BUILDING
EL TORO IRON AND METAL RECYCLING**
SOUTH GATEWAY
MADERA, CA 95355

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

Address: _____
 No. Date: _____ Revision: _____

**PROPOSED BUILDING
 EL TORO IRON AND METAL RECYCLING**
 SOUTH GATEWAY
 MADERA, CA 95369

Date: 7-1-20
 Scale: AS NOTED
 Drawn by: JOSEPH
 Sheet:



COLOR SCHEDULE			MATERIAL & FINISH SCHEDULE		
KEY	COLOR	REMARKS	KEY	MATERIAL FINISH	REMARKS
1	PANT TO MATCH ADJACENT SURFACE	BY OWNER	1	7/8" STUCCO CEMENT PLASTER	ONP METAL LATH & BUILDING PAPER
2	ALUMINUM STOREFRONT	BY OWNER	2	VINYL WINDOW	
3	(VERIFY W/ OWNER)	BY OWNER	3	NOT USE	
4	EXT. LIGHT FIXTURE		4	DECORATIVE EXT. LIGHT FIXTURE	
5	CLEAR	TEMPERED GLASS	5	SIGNAGE IN CONFORMANCE WITH APPROVED SIGN PROGRAM	
6	PANT TO MATCH ADJACENT SURFACE	SEMI-GLOSS ENAMEL	6	1/2" EXTERIOR CEMENT PLASTER OVER GIB	MEDIUM SAND FINISH
NOTES:					
PROVIDE CONTROL JOINTS (C.J.) IN STUCCO AS INDICATED ON DRAWINGS OR MAXIMUM 10'-0" O.C. PANT TO MATCH ADJACENT FINISH					
				ADDRESS NUMBER	
				EXT. LIGHT FIXTURE	SEE DETAIL 16/1
				METAL SCREEN	SEE DETAIL 16/1
				12' HT ROLL UP DR	

NORTH ELEVATION
 1/4" = 1'-0"

WEST ELEVATION
 1/4" = 1'-0"

EAST ELEVATION
 1/4" = 1'-0"

SOUTH ELEVATION
 1/4" = 1'-0"

FLOOR PLAN
 1/4" = 1'-0"

ATTACHMENT 3
General Plan Land Use Map

General Plan Land Use

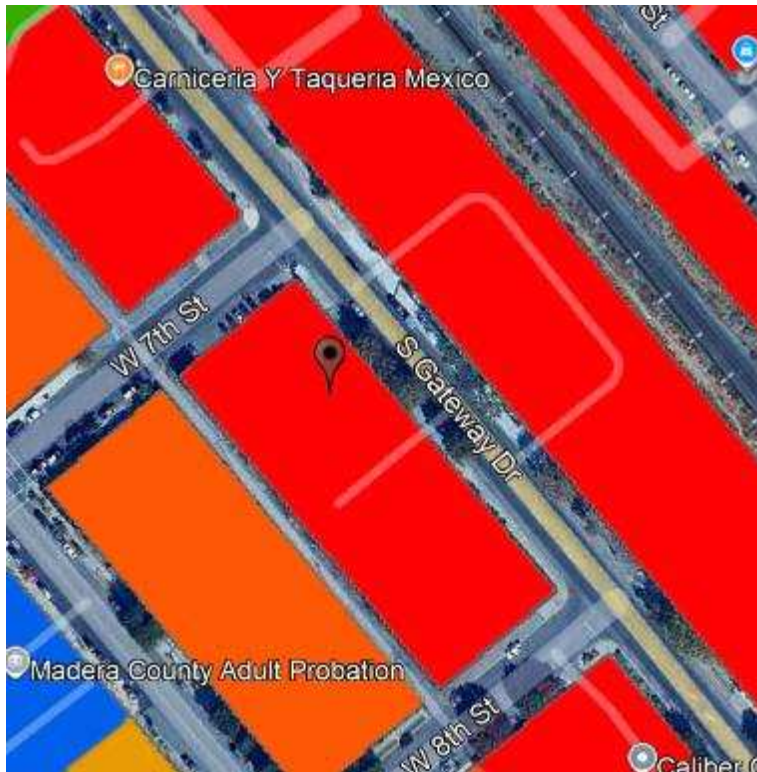


General Plan Land Use Designations





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

ATTACHMENT 4
Official Zoning Map

Zoning District



Commercial Districts

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

ATTACHMENT 5

City of Madera Convenience Zone Status List

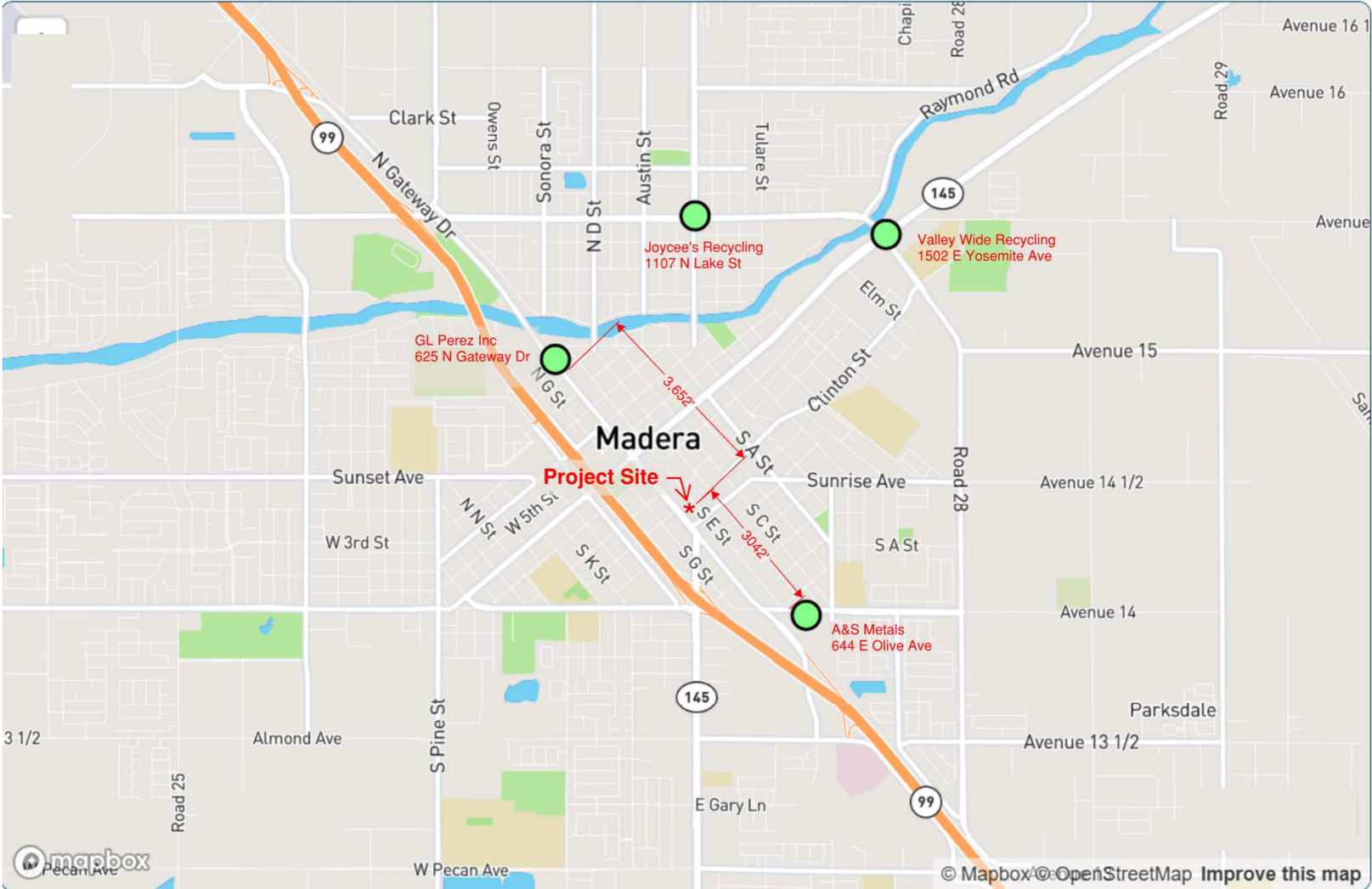
ATTACHMENT 6: CITY OF MADERA CONVENIENCE ZONE STATUS LIST

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

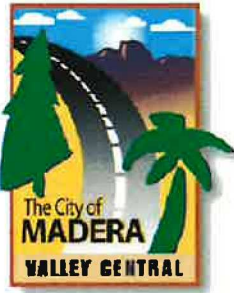
ATTACHMENT 6

City of Madera Convenience Recycling Centers

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



ATTACHMENT 7
Operational Statement



PLANNING DEPARTMENT OPERATIONAL STATEMENT CHECKLIST

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

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

300 S. Gateway Dr.

El Toro Iron & Metal

Business Name

~~19469 Road 24, Madera CA.~~

Business Address

APN: ~~029-210-010-011~~ (For your APN, Please call the Madera County Assessor's Office at (559) 675-7710.)

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

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

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

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

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

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

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

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

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

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

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

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

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

Describe products being offered for sale: N/A

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

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

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

If yes, explain _____

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

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

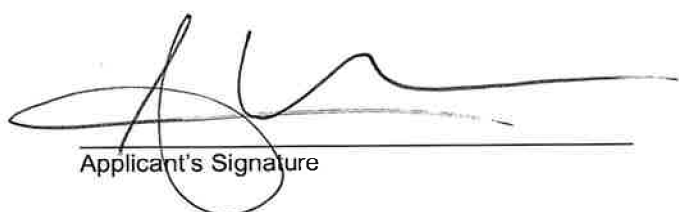
If yes, explain N/A

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

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

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

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


Applicant's Signature

3/10/25
Date

ATTACHMENT 8
Resolution

RESOLUTION NO. 2041

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA DENYING
CONDITIONAL USE PERMIT 2025-03 AND SITE PLAN REVIEW 2025-06**

WHEREAS, Andreina Vargas (“Owner”), submitted for a Conditional Use Permit No. 2025-03 and Site Plan Review No. 2025-06 to construct a large processing facility on a currently vacant lot located on near South Gateway and East 9th Street (APN: 007-181-008) (“Site”); and

WHEREAS, pursuant to City Municipal Code (CMC), the proposal of a recycling facility that exceeds 100 square feet in area within a commercial zone district shall require a Conditional Use Permit, and

WHEREAS, the proposed project consists of the construction of a a new ±2,100 square foot building, location and storage of four 350 square foot storage (shipping) containers, construct of seven concrete masonry unit (CMU) bunkers, two CMU solid waste enclosures, a heavy-duty truck/recycling scale, and other site improvements; and

WHEREAS, the project site is located within an interior lot within the South Gateway Drive corridors which is designated for Commercial land use by the Madera General Plan and zoned C2 (Heavy Commercial); and

WHEREAS, on November 04, 2025, the City of Madera Planning Commission considered Conditional Use Permit 2025-03 and Site Plan Review 2025-06; and

WHEREAS, the Planning Commission referred CUP 2025-03 and SPR 2025-06 back to staff; and

WHEREAS, under the City’s Municipal Code, 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 as required by law; and

WHEREAS, the Planning Commission received and reviewed CUP 2025-06 and SPR 2025-11 at a duly noticed meeting on April 21, 2026; 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 all the items before it, the Planning Commission now denies CUP 2025-03 and SPR 2025-06.

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: California Environmental Quality Act (CEQA) does not apply to activities or projects which a public agency rejects or disapproves.
3. Findings to Deny CUP 2025-06: The Planning Commission finds and determines that there is substantial evidence in the administrative record to support the denial of the use permit and site plan, as conditioned. The Planning Commission further denies, 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.
This finding cannot be met.*

The General Plan designates the subject site for commercial uses and the site is zoned C2 (Heavy Commercial), consistent with the Commercial land use category pursuant to Table LU-A: General Plan/Zoning Consistency of the Madera General Plan. While the zone and land use are consistent, the City's General Plan refers to Gateway Drive as an entry point into downtown Madera. Pursuant to the General Plan's goals, the City shall implement the following goals CD-3 (the General Plan pertains to Public Art and Entryway Treatments), Goal CD-4 (Attractive streetscapes in all areas of Madera), CD-5 and Goal CD-12 (Aesthetically pleasing commercial development), and Goal CD-13 (Well-designed industrial development). To meet the presented goals, the City shall follow the following policies:

- Policy CD-5 – New development shall be approved only if it meets the design principles set forth in this Community Character Element and to any local, project specific, or citywide design guidelines.
- Policy CD-6 – In order to improve and protect the quality of neighborhoods and commercial districts, the City will enforce established building codes and community standards.

- Policy CD-10 – Madera will seek to transition the density and intensity of uses from an urban to rural character while maintaining a clear City edge and establishing a sense of entry and arrival to the City.

The incompatibility of the use, a Processing Facility, is amplified with the proposal of an eight-foot fence to the project site. The proposed eight-foot-high screen wall proposed along the Gateway Drive frontage exceeds this objective height standard. With the nature of the use, a fence to screen the operation is needed to meet screening policies. However, the screening along the frontage of Gateway Drive does not meet the General Plan's goals of a vibrant and walkable corridor. Therefore, it is staff's opinion that the proposed operation of a Recycling Processing Facility is compatible in an industrial zone district.

*Finding b: The proposed use will be compatible with the surrounding properties.
This finding cannot be met.*

The project will not be compatible with the surrounding uses. The use of a processing facility within City's downtown does not align with the existing commercial uses. The General Plan references downtown to serve as a vibrant mixed used area and to promote a diverse business, dining, and entertainment opportunities.

The General Plan promotes active ground-floor uses create visible activity that attracts more people. This will include uses such as retail, barber and salon services, and dine-in restaurants. The proposed location of the project does not meet the goals as presented in the City's General Plan. The use of a processing facility relates to industrial type use. Industrial zone districts accommodate heavier uses that can impede noise levels and large machinery.

*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.
This finding cannot be met.*

The vicinity of the project site includes an existing residential neighborhood to the west, including residential uses along the west side of Gateway Drive (to the north opposite the project site). Properties planned for High Density Residential (15.1-

50 dwelling units/acre) are designated between the Commercial planned properties along the corridor and State Route 99. An industrial type use near residential properties proposes issues such as dust, odor, and noise to the residents. The surrounding neighborhood is best compatible with light commercial and/ or mixed-use development.

- 4. Denial of CUP 2025-03: Given that all findings cannot be made, the Planning Commission hereby denies the use permit and site plan review.
- 5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 21st day of April 2026, by the following vote:

AYES:

NOES:

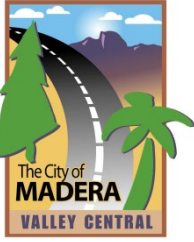
ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

David Brletic
Planning Manager



REPORT TO THE PLANNING COMMISSION

Prepared by: Adileni Rueda, Associate Planner

Meeting of: April 21, 2026

Agenda Number: 2

SUBJECT:

Consideration of an application for a modification to Conditional Use Permit (CUP) 2025-10 and Site Plan Review (SPR) 2025-17 for an existing massage parlor at 1301 West Olive Avenue, Suite D, in the Olive Plaza Shopping Center located on the northeast corner of Howard Road 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 Categorical 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 requested a modification to an existing massage parlor under existing Conditional Use Permit (CUP) 2025-10 and Site Plan Review (SPR) 2025-17. The applicant requests authorization to amend their previously approved hours of operation from 10:00 am to 4:00 pm to 10:00 am to 9:00 pm.

The applicant is located at the existing tenant space at 1301 W. Olive, Suite D, within the Olive Plaza shopping center located on the northeasterly corner of Howard Road 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*

<i>Project Number:</i>	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 Ave., Suite D (APN: 010-061-001)
<i>Project Area:</i>	Approximately 0.45-acre lot
<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 Road 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.

The entitlements of CUP 2025-10 and SPR 2025-17 were previously approved at Planning Commission during the October 14, 2025 meeting.

ANALYSIS:

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.

To modify an existing conditional use permit, the entitlement must be reapproved by the Planning Commission. The applicant is requesting an extension of operational hours that will allow the existing massage parlor to operate from 10:00 am to 9:00 pm.

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.

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

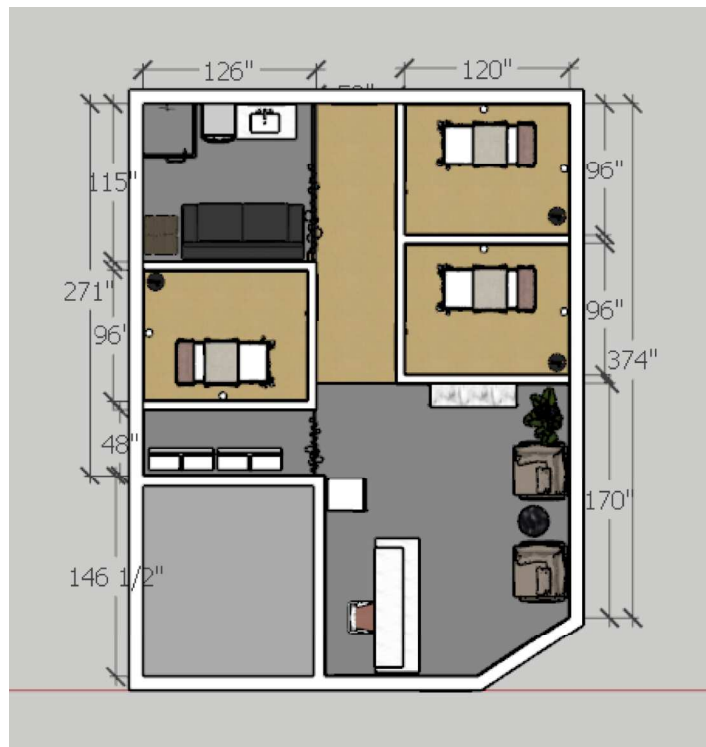
Image © 2025 Airbus

300 ft



ATTACHMENT 2

Floor Plan



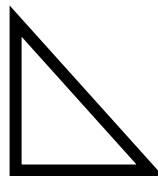
ATTACHMENT 3
General Plan Land Use Map

General Plan Land Use Designation



General Plan Land Use Designations

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

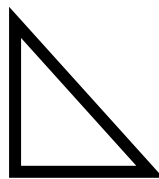
-  C1 - Light Commercial
-  C2 - Heavy Commercial
-  CH - Highway Commercial
-  CN - Neighborhood Commercial
-  CR - Restricted Commercial
-  PO - Professional Office
-  POWYO - Professional Office
West Yosemite Avenue Overlay

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. 2050

**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 for a modification to Conditional Use Permit (CUP) 2025-10 and Site Plan Review (SPR) 2025-17 for an existing massage parlor at 1301 West Olive Avenue, Suite D, in the Olive Plaza Shopping Center located on the northeast corner of Howard Road and North Pine Street (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, the massage parlor was previously approved at the October 14, 2025, Planning Commission meeting; and

WHEREAS, the massage parlor shall modify the business hours from 10:00 am to 4:00 pm to the new hours of 10:00 am to 9:00 pm; 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 continued CUP 2025-10 and SPR 2025-17 from the April 14, 2026 Planning Commission; and

WHEREAS, the City provided notice of the Planning Commission hearing on April 21, 2026 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 April 21, 2026; 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 21st day of April 2026, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

David Brletic
Planning Manager

EXHIBIT "A"
CUP 2025-10 & SPR 2025-17
MASSAGE PARLOR
CONDITIONS OF APPROVAL

AMENDED

April 21, 2026

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~~ 9:00 pm daily. **Operation shall occur seven days a week.**
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.

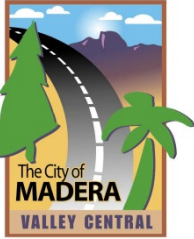
FIRE

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



REPORT TO THE PLANNING COMMISSION

Prepared by:

David Brletic, Planning Manager

Meeting of: April 21, 2026

Agenda Item: 3

SUBJECT:

Ordinance Text Amendment (OTA) 2006-01, Exterior Paint Color and Exterior Trim Paint Color in Commercial Districts.

RECOMMENDATION:

Adopt resolution recommending City Council approve Ordinance Text Amendment 2006-1, approving Commercial Paint Color Palette for exterior paint color and exterior trim paint color for construction of new buildings and repainting of existing buildings, within Commercial Zone districts.

SUMMARY:

In accordance with the provisions of Sections 10-3.1507 and 10-3.1508 of the City Municipal Code (CMC) an amendment to the Zoning Regulations requires a public hearing be held before the Planning Commission and for the Planning Commission to provide a recommendation to the City Council on the proposed amendment.

At their meeting on February 18, 2026, the Madera City Council, during the Administrative Reports section of its agenda, directed staff to bring forward a Resolution of Intention to Initiate Procedure for consideration of a text amendment to the Zoning Regulations (Chapter 3, Title X) of the City Municipal Code (CMC) regarding permitted color palettes for new development and repainting of existing structures in Commercial Zones.

Pursuant to Section 10-3.1502 of the City Municipal Code, an amendment to the Zoning Regulations may be initiated by the Council by Resolution of Intention and referred to the Planning Commission for public hearing and recommendations to the Council.

At their meeting on March 18, 2026, the Madera City Council adopted Resolution No. 26-45, a Resolution of Intention to Initiate Procedure for consideration of a text amendment to the Zoning Regulations (Chapter 3, Title X) of the City Municipal Code (CMC) regarding permitted color palettes for new development and repainting of existing structures in Commercial Zones.

BACKGROUND:

The Madera City Council's direction to staff to bring forward an item for consideration regarding permitted color palettes for new development and repainting of existing structures in Commercial zones followed an Administrative Report presented by Staff at the same regularly scheduled meeting held on

February 18, 2026, pertaining to discussion and direction regarding the regulation of paint color for commercial structures. The Administrative Report was presented as a follow up to concerns expressed by the City Council regarding the repainting of commercial structures with colors that distract from the character of the established commercial zones during the Councilmember Reports/Announcement/Future Agenda Items portion of the Council Agenda for the regularly scheduled meeting of the Council held on February 4, 2026.

The City Council discussed the City's authority under Government Code Section 65850 to adopt regulations, by ordinance, to protect the community's "scenic beauty" and general welfare, including regulation of paint color. The Council direction was to establish standards for Commercial zone districts through pre-approved palettes of colors for new development and to require administrative approval when repainting existing buildings in Commercial zones with an emphasis on prohibition of certain "nuisance" colors that are garishly bright or psychedelic colors.

March 18, 2026, the City Council adopted Resolution No. 26-45, an Initiation of a Text Amendment to the Zoning Regulations of the City Municipal Code to Establish Permitted Color Palettes for New Development and Repainting of Existing Structures in the Commercial Zones. This resolution is attached to your report.

In accordance with the provisions of Sections 10-3.1507 and 10-3.1508 of the City Municipal Code (CMC), staff prepared proposed amendments to the Zoning Regulations in the form of a draft ordinance. This draft is being presented before this public hearing for review by the Planning Commission and recommendation to the City Council. Following Planning Commission's review and recommendation, Resolution No. 2049 if adopted, will be forwarded to the City Council at a noticed public hearing to consider the draft ordinance for adoption in order to amend the Zoning Regulations accordingly.

ENVIRONMENTAL REVIEW:

In accordance with the provisions of the California Environmental Quality Act (CEQA), a preliminary environmental assessment determined the project to be exempt pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA) Guidelines.

ALTERNATIVES:

The Commission may choose to:

1. Recommended addition or modification to the proposed draft text amendment to the Zoning Ordinance.
2. Recommendation not to change the Zoning Ordinance.
3. Provide staff with other alternative directives.

ATTACHMENTS:

1. City Council Resolution No. 26-45
2. Draft Commercial Color Application
3. Planning Commission Resolution No. 2049

ATTACHMENT 1

City Council Initiation

Resolution No. 26-45

RESOLUTION NO. 26-45

**RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MADERA
TO INITIATE PROCEDURE TO AMEND CHAPTER 3, TITLE X OF THE CITY
MUNICIPAL CODE RELATING TO COMMERCIAL ZONES IN ACCORDANCE
WITH THE PROVISIONS OF SECTION 10-3.1500 ET SEQ. OF THE CITY
MUNICIPAL CODE**

WHEREAS, on February 18, 2026, City of Madera City Council (Council), during the Administrative Reports section of its regularly scheduled meeting, directed staff to bring forward an item regarding Permitted Color Palettes for New Development and Repainting of Existing Structures in Commercial Zones; and

WHEREAS, Government Code Section 65850 provides cities with e authority to adopt regulations to protect the community’s “Scenic beauty” and general welfare, including regulation of paint color; and

WHEREAS, Section 10-3.1500 et seq. of the City Municipal Code contains provisions for amending or changing the Zoning Regulations contained in Chapter 3, Title X of the City Municipal Code whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, City staff is requesting an Initiation of Procedure to amend the text of the Zoning Regulations in accordance with direction provided by Council; and

WHEREAS, pursuant to City Municipal Code Section 10-3.1502, initiation of amendments to the Zoning Regulations in Chapter 3, Title X may be made by the Council by resolution and referred to the Planning Commission for public hearing and recommendations to the Council.

NOW, THEREFORE, the City Council of the City of Madera does hereby resolve, find and order as follows:

1. The recitals listed above are true and correct.
2. The Council hereby initiates a zoning text amendment (“ordinance”) to the City Municipal Code relating to Permitted Color Palettes for New Development and Repainting of Existing Structures in Commercial Zones
3. The Resolution is effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Madera on this 18th day of March 2026 by the following vote:

AYES: Mayor Gallegos and Councilmembers Zacharia, Rodriguez, Montes, Evans, Mejia and Villegas.

NOES: None.

ABSTENTIONS: None.


ABSENT: None.

APPROVED:



CECELIA K. GALLEGOS, Mayor

ATTEST:



ALICIA GONZALES, City Clerk



ATTACHMENT 2

Draft Commercial Color Application

CITY OF MADERA

EXTERIOR COLOR APPLICATION for COMMERCIAL BUILDINGS

NO FEE

Assessor Parcel Number(s): _____

Business Name: _____

Business Address: _____

Proposed Color Scheme: Exterior Base Color # _____ Trim Color # _____

Paint manufacturer, color name and numbers that match color palette options. Submit sample chips.

Exterior Base: _____

Trim: _____

Property Owner/Tenant: _____

Address: _____ City: _____ State: _____ Zip Code: _____

Phone: _____ Email: _____

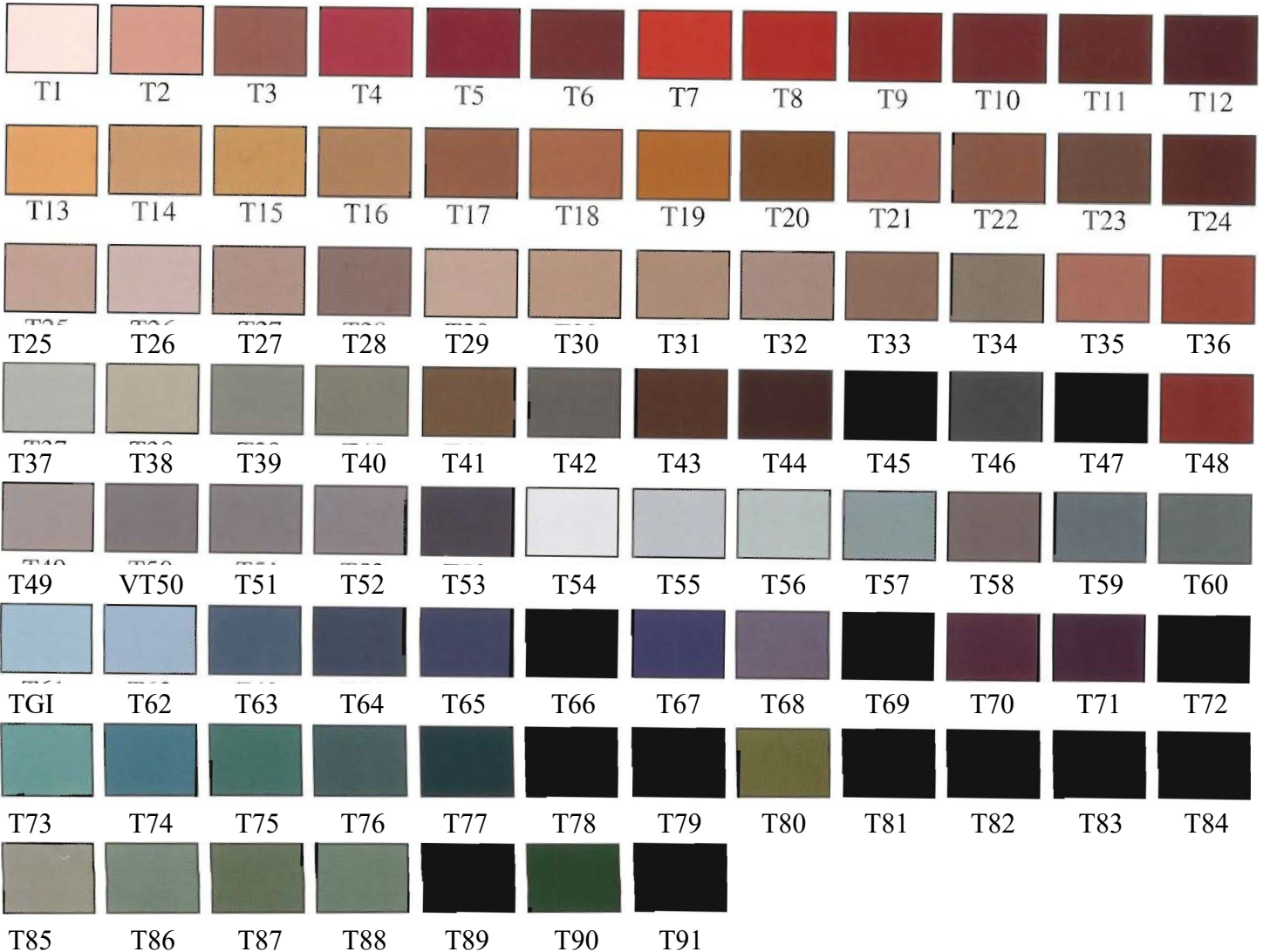
Signature: _____

Office Use Only

Project No: _____ Date Filed: _____

Related Cases: _____ Planner: _____

TRIM COLOR PALETTE



ATTACHMENT 3

Resolution of the Planning Commission
of the City of Madera
Including: "Exhibit A"
OTA 2026-01 Draft Ordinance

RESOLUTION NO. 2049

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MADERA
RECOMMENDING THE CITY COUNCIL OF THE CITY OF MADERA ADOPT AN
ORDINANCE AMENDING TITLE X OF CHAPTER 3: PLANNING AND ZONING OF
THE CITY MUNICIPAL CODE (CMC) REGARDING COMMERCIAL ZONE
EXTERIOR PAINT COLOR (CMC § 10-3.4.415.1)**

WHEREAS, pursuant to the authority granted to the City of Madera (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to adopt regulations designed to promote public health, public morals, or public safety; and

WHEREAS, comprehensive zoning regulations and regulations upon the use of land and property within the City lie within the City’s police power; and

WHEREAS, Section 10-3.1500 et seq. of the CMC contain provisions for amending or changing the Zoning Regulations contained in Title X, Chapter 3 of the CMC whenever the public necessity, convenience, general welfare, or good zoning practices require; and

WHEREAS, Section 10-3.415.1, is currently reserved; and

WHEREAS, pursuant to Section 10-3.1502 of the City Municipal Code, an amendment to the Zoning Regulations contained in Title X, Chapter 3 of the City Municipal Code, may be initiated by the Council by Resolution of Intention and referred to the Planning Commission for public hearing and recommendations to the Council; and

WHEREAS, at the regularly scheduled meeting of the City of Madera City Council held on March 18, 2026, the City Council adopted Resolution No. 2049, a Resolution of Intention to initiate procedure to amend Title X, Chapter 3 of the City Municipal Code (CMC) relating to: Commercial Zone Exterior Paint Color (CMC § 10-3.4.415.1); and

WHEREAS, the City has determined that the project is exempt under the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3) and that no additional environmental analysis is required; and

WHEREAS, under the CMC, the Planning Commission (Commission) is a recommending body for Ordinance Text Amendments and will forward a recommendation to the Madera City Council (Council) on OTA 2026-01; and

WHEREAS, the City provided notice of the Commission meeting on April 14, 2026, as required by law; and

WHEREAS, the Planning Commission hearing of April 14, 2026, was continued to April 21, 2026; and

WHEREAS, the Commission received and independently reviewed OTA 2026-01 at the duly noticed meeting on April 21, 2026; and

WHEREAS, at the April 21, 2026, Commission meeting, a public hearing was held, the public was provided with an opportunity to comment, and evidence, both written and oral, was considered by the Commission; and

WHEREAS, the Commission has independently completed its review of the staff report and documents submitted for OTA 2026-01, evaluated the information contained within the report and documents submitted, and considered testimony received as part of the public hearing process; and

WHEREAS, after due consideration of the items before it, the Commission now desires to adopt this Resolution recommending that the Council determine the project to be exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines and adopt an ordinance approving OTA 2026-01.

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 recommends the City Council determine the project is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines. The activity is covered by the “Common Sense” exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Here, OTA 2026-01 does not authorize any particular activity beyond what will already been evaluated for purposes of CEQA and proposes amendments to local ordinance only for the purpose of implementing local policy. Any proposed future development or requests for discretionary extensions would be subject to CEQA analysis as mandated for project discretionary approvals. No further environmental analysis is required.

3. Recommendation: The Commission hereby recommends that the Council approve OTA 2026-01, amending the sections of Title X of Chapter 3 of the CMC enumerated herein and in substantially the form contained in Exhibit “A” attached hereto with addition of text as shown.

The following sections have been proposed for amendment:

- Reserved (CMC § 10-3.4.415.1);

4. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Planning Commission of the City of Madera this 21st day of April 2026, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Robert Gran Jr.
Planning Commission Chairperson

Attest:

David Brletic
Planning Manager

Exhibit "A" – OTA 2026-01 Draft Ordinance

**OTA 2026-01
DRAFT TEXT**

~~10-3.415.1 (RESERVED)~~

10-3.415.1 EXTERIOR COLORS IN COMMERCIAL ZONE DISTRICTS

This section sets standards for approval of exterior paint color for structures within Commercial Zones.

(A) *Applicability.* The standards of this section apply to:

- (1) New buildings;
- (2) Additions to existing buildings;
- (3) Reconstruction of existing buildings caused by a natural disaster or other catastrophic event;
- (4) Repainting of existing buildings.
- (5) Exception: This section shall not apply to remediation of vandalism, such as graffiti, provided the paint color substantially matches the existing building color.

(B) *Color selection.*

- (1) Exterior façade colors of structures within commercial zones shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity or fluorescent colors is prohibited. The City-approved color palette as adopted by resolution of the City Council.
- (2) Trim and accent areas up to a maximum of 10 percent of the building façade may feature brighter, more intense colors, including primary colors.
- (3) The transition between base and accent colors shall relate to changes in building materials or the change of building surface planes. Colors shall not meet or change without some physical change or definition to the surface plane.

(C) *Approval required.* Except as specifically provided in this article, no person shall paint the exterior of any commercially zoned building, without having first obtained an approval from the City regarding the color selected.

(D) *Application.* An application for an exterior paint permit shall be made to the Planning Department.

(E) *Fee.* There shall be no fee required for the exterior paint permit.

(F) *Compliance*. The provisions of this section shall apply to all new construction and repainting proposed after the adopted ordinance.

10-3.415.2 APPEALS

(A) The applicant or any aggrieved person may appeal, in writing, setting forth his reasons for such appeal, to the Planning Commission. Such appeal shall be filed with the Community Development Director within 15 days after the receipt of the notice of such decision. The appeal shall be placed on the agenda of the Commission's next available regular meeting after the appeal is filed. The Commission shall review the sign review permit and shall approve, approve with conditions, or disapprove, based on the criteria set forth in § 10-3.415.1 (B). The decision of the Commission shall be final unless appealed to the Council.

(B) The applicant or any aggrieved person may appeal, in writing, setting forth his reasons for such appeal, to the Council within 15 days after the Commission's decision. The appeal shall be filed with the City Clerk and shall be placed on the agenda of the Council's next available regular meeting after the appeal is filed. The Council shall review the sign review permit and shall approve, approve with conditions, or disapprove, based on the criteria set forth in §10-3.415.1 (B). The decision of the Council shall be final.

(C) The appellant or his authorized representative shall appear in person at the appropriate Planning Commission hearing and/or the Council hearing. If no such appearance is made by the appellant or his or her authorized representative, and no continuance of such hearing has been sought, the appeal shall be automatically denied.