

**REGULAR MEETING AGENDA
CITY OF MADERA
ZONING ADMINISTRATOR PERMIT**

**CITY HALL CONFERENCE ROOM
TUESDAY
April 2, 2024
1:00 pm**

This meeting will be available to public viewing and participation through zoom. Members of the public may participate in the meeting remotely through an electronic meeting in the following ways: via phone by dialing (669) 900-6833 enter ID: [89661017765](https://www.zoom.us/j/89661017765) followed by *9 on your phone when prompted to signal you would like to speak, or by computer at <https://www.zoom.us/j/89661017765>. Public comment will also be accepted via email at zap@madera.gov.

CALL TO ORDER

PUBLIC COMMENT

The first fifteen minutes of the meeting are reserved for members of the public to address the Zoning Administrator on items which are within the subject matter jurisdiction of the Commission. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. 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 Zoning Administrator 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 Zoning Administrator does not respond to public comment at this time.

PUBLIC HEARING ITEMS

1. ZAP 2024-02 – The Dojo

A noticed public hearing to consider a request for a zoning administrator permit and minor modifications to Conditional Use Permit 2008-20 and Site Plan Review 2008-20 to allow for an established Karate and Fitness Dojo to relocate from 1600 Howard Rd. to 1608 Howard Rd (APN 009-170-011). The subject property is in the C1 (Light Commercial) zone district with a C (Commercial) General Plan land use designation.

COMMITTEE MEMBER COMMENTS/REPORTS

ADJOURNMENT

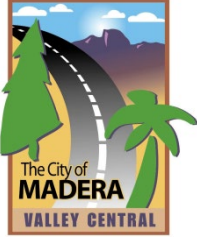
In compliance with the Americans with Disabilities Act, the meeting room is accessible to the physically disabled and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices or translators needed to assist participation in the public meeting should be made at least seventy-two (72) hours before the meeting. If you need special assistance to participate in a City meeting or other services offered by this City, please contact the Planning Department office at (559) 661-5430. Those who are hearing impaired, may call 711 or 1-800-735-2929 for TTY Relay Services. Any and all persons interested in this matter may provide comments.

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 ZONING ADMINISTRATOR

Prepared by:

Adileni Rueda, Assistant Planner

Meeting of: April 2, 2024

Agenda Item: 1

SUBJECT:

Consideration of Zoning Administrator Permit (ZAP) No. 2024-02, Minor Modification to Conditional Use Permit (CUP) No. 2008-20 to relocate to 1608 Howard Road, in the Howard Park Plaza shopping center.

RECOMMENDATION:

Hold a public hearing and adopt:

1. A resolution of the Zoning Administrator of the City of Madera adopting a Finding of Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301/Class 1 (Existing Facilities) and approving Zoning Administrator permit 2024-02, subject to the conditions of approval.

SUMMARY:

Pete Valdez, on behalf of the owner Howard Plaza LLC., has filed Zoning Administrator Permit ZAP 2024-02 requesting a minor modification to Conditional Use Permit CUP 2008-02 to relocate from the previously approved location of 1600 Howard Road to 1608 Howard Road.

Table 1: Project Overview	
<i>Project Number:</i>	Zoning Administrator Permit No. ZAP 2024-02
<i>Applicant:</i>	Pete Valdez
<i>Property Owner:</i>	Howard Plaza LLC
<i>Location:</i>	1608 Howard Road (APN: 009-170-011)
<i>Plan Land Use:</i>	Commercial
<i>Zoning District:</i>	C-1 Light Commercial
<i>Project Description:</i>	Minor modification to Conditional Use Permit CUP 2008-02 to authorize the relocation of an established martial arts studio.

ANALYSIS:

Zoning Administrator Permit No. 2024-02 proposes for an existing martial arts studio to relocate to a different suite number within the Howard Park Plaza shopping center. The martial arts studio proposes no construction to the new location of 1608 Howard Road and does not propose any new uses to their established business. The business was formerly approved under Conditional Use Permit 2008-20 in which it authorized the approval of a martial arts studio in a Light Commercial zone. ZAP No. 2024-02 does not propose any major changes therefore they will continue to operate under the existing conditions of CUP 2008-20.

Section 10-3.417 of the City of Madera Municipal Code (CMC) creates the authority of the Zoning Administrator, including but not limited to, authority to decide matters pertaining to minor modifications of lawfully issued and effective Use Permits when no change in development conditions are necessary, i.e., adequate parking, loading zone and landscaping conditions exist per Chapter 3, Title X of the CMC.

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. The project site is within city limits, proposes no expansion to the existing building, and is served by city services. The project involves negligible or no expansion of use. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

ATTACHMENTS:

1. Zoning Administrator Resolution
Exhibit "A" – Conditions of Approval

RESOLUTION NO. 003

RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF MADERA ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND APPROVING ZONING ADMINISTRATOR PERMIT 2024-02

WHEREAS, Howard Plaza, LLC (“Owner”) owns 1608 Howard Road located within the Howard Park Plaza shopping center in the City of Madera (APN: 009-170-011); and

WHEREAS, Pete Valdez (“Applicant”) submitted an application for Zoning Administrator Permit No. ZAP 2024-02; and

WHEREAS, the site is zoned C-1 (Light Commercial) and has a General Plan designation of Commercial land uses; and

WHEREAS, Zoning Administrator Permit (ZAP) Application No. 2024-02 proposes to relocate an established martial arts studio from 1600 Howard Road to 1608 Howard Road and the two locations are within the Howard Park Plaza existing shopping center; and

WHEREAS, based on a preliminary environmental assessment, the project is subject to a Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, pursuant to the provisions of the City’s Municipal Code (CMC), the Zoning Administrator is authorized to decide matters pertaining to minor modifications of lawfully issued and effective Use Permits when no change in development conditions are necessary; and

WHEREAS, the City provided notice of the public hearing as required by law; and

WHEREAS, the Zoning Administrator received and reviewed ZAP 2024-02 at a duly noticed meeting on April 2, 2024; 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 Zoning Administrator; and

WHEREAS, the Zoning Administrator now desires to adopt a Categorical Exemption for the project, and approve ZAP 2024-02, subject to conditions of approval.

NOW THEREFORE, be it resolved by the Development Review Committee of the City of Madera as follows:

1. Recitals: The above recitals are true and correct and are incorporated herein.
2. CEQA: The Zoning Administrator finds and determines that the project is exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines. The project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private structures, facilities, mechanical equipment, involving a negligible expansion of the existing and former use. None of the exceptions under Section 15300.2 of the CEQA Guidelines are applicable to this project.

3. Approval of ZAP 2024-02: The Zoning Administrator finds and determines that there is substantial evidence in the administrative record to support the approval of ZAP 2024-02; and hereby approves ZAP. The project is proposed within an existing building on an existing developed and improved site and no change in development (or operational) conditions are necessary. The change of location is within the previously approved shopping center location. Considering that it will remain in the same area, this change will not propose any change in traffic or noise.

4. Approval of ZAP 2024-02: Given that all findings can be made, the Zoning Administrator hereby approves ZAP 2024-02 as conditioned and set forth in the Conditions of Approval attached as Exhibit "A."

5. Effective Date: This resolution is effective immediately.

* * * * *

Passed and adopted by the Zoning Administrator of the City of Madera this 2nd day of April, 2024, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

Will Tackett

Zoning Administrator

Attest:

Brandi Garcia

Recording Secretary

Exhibit "A": Conditions of Approval for ZAP 2024-02 based on CUP 2008-20

Exhibit "A"
ZAP 2024-02
The Dojo
Conditions of Approval
April 02, 2024

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 ZAP 2024-02 will ultimately be deemed mandatory unless appealed. In the event you wish to appeal, you may do so by filing a written appeal with the Planning Commission. The appeal shall state the grounds for the appeal and wherein the Planning Department 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.

The conditions listed below are based on Conditional Use Permit No. 2008-20. 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 Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant’s and owners’ signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for this use permit.
2. The applicant’s failure to utilize this use permit within one year following the date of this approval shall render the conditional use permit null and void unless a written request for extension has been submitted to and approved by the Planning Commission.
3. This conditional use permit will expire if the use is discontinued for a six-month period.

Planning Department

4. The applicant shall operate in a manner that does not generate noise, odor, blight or vibration that adversely affects any adjacent properties.
5. All conditions applicable to approval of site plan review SPR 1991-21 and Conditional Use Permits in 1990, 1991, 1992 and 1996 shall remain effective and are not revised in any way by this approval except as modified herein.
6. The applicant shall operate consistent with the approved floor plan and statement of operations.
7. There shall be no more than forty-seven (47) and two (2) instructors within the facility at any one time. Any request for change in capacity shall require Fire Department approval and an amendment of this conditional use permit.
8. Hours of operation shall be restricted to between the hours of 5:30 am and 12:00 midnight.

9. No less than seventeen (17) parking stalls shall be allotted to the Karate and Fitness Dojo use.
10. To alleviate parking congestion within the main parking area, patrons and instructors shall be encouraged to park in the underutilized parking area that is located immediately behind the Karate and Fitness Dojo.
11. The use shall be subject to periodic reviews and inspection by the City to determine compliance with the conditions of approval and applicable codes. If at any time, the use is determined by Staff to be in violation of the conditions, Staff shall schedule a public hearing before the Planning Commission within 45 days of the violation to consider revocation of the permit or modification of the conditions of approval.

Police Department

12. "No loitering" signs shall be posted at the front and rear exteriors of the business.
13. Signs stating that no alcoholic beverages or tobacco are allowed inside the business shall be posted on the front and rear building fascia of the business.
14. During all hours of operation, there shall always be at least one adult employee/manager (eighteen years of age or older) on duty. At no time shall the business be left unattended while open to the public.

Fire Department (Regulatory Comments)

15. Portable fire extinguishers are required. A minimum of one 2A10BC-rated fire extinguisher is required for each 3,000 square feet of or fraction thereof for the suite. A maximum 75 feet of travel distance is permitted. The fire extinguisher must be mounted in a visible and accessible location.
16. Exit signs and emergency lighting are required.
17. A maximum occupant load sign must be posted if the occupant load exceeds 49.
18. Any wall pads must meet the flame spread and smoke generation as approved by the California Building Code and the California Fire Code.
19. If the established occupant load exceeds 49 then two (2) means for egress are required.

- END OF CONDITIONS -