

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Mary Beatie

COMMISSIONERS: Marvin Hansen, Chris Tavarez, Bill Davis, Mary Beatie, Adam Peck

MONDAY, MAY 13, 2024
VISALIA COUNCIL CHAMBERS
LOCATED AT 707 W. ACEQUIA AVENUE, VISALIA, CA
MEETING TIME: 7:00 PM

1. CALL TO ORDER –
2. THE PLEDGE OF ALLEGIANCE –
3. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.

4. CHANGES OR COMMENTS TO THE AGENDA –
5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - a. Time Extension for Higgins Ranch Tentative Subdivision Map No. 5585
6. PUBLIC HEARING – Colleen Moreno, Assistant Planner

Conditional Use Permit No. 2024-06: A request by Tulare Office of Education to amend Conditional Use Permit No. 95-07 and 2003-44 by constructing a 6,000 square foot kitchen facility building and parking lot east of the existing campus located on the adjacent parcel. The site is located at 626 North Akers Street (APN:085-430-086). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorically Exemption No. 2024-08.

7. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2023-33: A request by Ellie Krantz to amend Conditional Use Permit No. 2020-30, to construct a new 68,800 square foot, four-story “Courtyard by Marriott” hotel with 109 rooms, a meeting room, fitness center, and a bistro & bar, on a 2.43-acre parcel within the Oaks Marketplace Shopping Center, in the C-R (Regional Commercial) zone. The site is located 270 feet north of West Mid Valley Avenue, and 290 feet east of South Mooney Boulevard (APN: 122-350-033). An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2021-42 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

8. PUBLIC HEARING – Paul Bernal, Director

Revocation of Conditional Use Permit No. 2012-14: A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2012-14, which allows the operation of a massage therapy business at 400 West Caldwell Avenue, located in the O-PA (Professional / Administrative Office) zone (APN 123-240-019).

9. PUBLIC HEARING – Paul Bernal, Director

Revocation of Conditional Use Permit No. 2019-16: A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2019-16, which allows the operation of a massage therapy business at 143 West Walnut Avenue, located in the C-N (Neighborhood Commercial) zone (APN: 123-260-010).

10. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- a. Planning Commission Updates
- b. Planning Commission Interviews set for Wednesday, May 29th.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MAY 23, 2024, BEFORE 5:00 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MAY 28, 2024

City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Principal Planner

Date: May 13, 2024

Re: Time Extension for Higgins Ranch Tentative Subdivision Map No. 5585

RECOMMENDATION:

Staff recommends that the Planning Commission approve a one-year time extension of Higgins Ranch Tentative Subdivision Map No. 5585, extending the expiration date to October 21, 2025, pursuant to Section §66452.6(e) of the Subdivision Map Act.

BACKGROUND:

On May 9, 2022, the Visalia Planning Commission approved Higgins Ranch Tentative Subdivision Map No. 5585 through adoption of Resolution No. 2021-66. The tentative subdivision map was a request to subdivide 32.35 acres into 174 lots for residential use and additional lots for landscaping and lighting districts in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone. The project site is located on the southeast corner of South Lovers Lane and East Cherry Avenue within the jurisdiction of the County of Tulare (APN: 127-030-018).

At the time of approval, the project site was located under County jurisdiction and was pending annexation into the City limits. The annexation and subsequently the tentative subdivision map became effective on October 21, 2022, when the Certificate of Completion associated with the annexation was recorded.

The original expiration date for the tentative subdivision map was October 21, 2024, two years from the effective date of the annexation.

REQUEST:

The proponents of the Tentative Subdivision Map have submitted a written request received by the City of Visalia, on April 23, 2024, for a time extension of an unspecified period of time. Tentative map approvals together with time extensions may be granted pursuant to Section §66452.6(e) of the Subdivision Map Act for a total period not exceeding six years. This would be the first-time extension applied to this Tentative Subdivision Map.

Staff recommends that a one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions. The extension request, if approved by the Planning Commission according to the staff recommendation, will extend the expiration date of the Tentative Subdivision Map from October 21, 2024, to October 21, 2025.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date, October 21, 2025, to record a final subdivision map. If the request is denied, the applicant would have to re-file a new tentative subdivision map.

ATTACHMENTS

- Letter of Request for the Time Extension
- Resolution No. 2021-66
- Tentative Subdivision Map
- Location Map

Brandon Smith

From: Ara Chekerdemian <Ara.Chekerdemian@Lennar.com>
Sent: Tuesday, April 23, 2024 4:21 PM
To: Brandon Smith
Cc: Rabie Mekideche
Subject: Higgins Ranch

You don't often get email from ara.chekerdemian@lennar.com. [Learn why this is important](#)

Hi Brandon,
Lennar Homes would like to pay the extension fee for Higgins Ranch tentative map. Please send me an invoice for this fee.
Thank you

Ara Chekerdemian

Entitlement Manager
Lennar Homes of California
Mobile: 559-348-3091
Off: 559-437-4207
www.lennar.com



Visit us <https://www.facebook.com/Lennar.CentralValleyCA>

Lennar Central Valley | 8080 N Palm, Suite 110 | Fresno, CA 93711
Direct Line: 559-437-4255 | Fax: 559-447-3404

If you would like to stop receiving email messages from us at any time, click on [Unsubscribe](#).

Nothing herein creates a legally binding obligation of any kind. If any information herein is important to you, you must ensure that it is written into your purchase and sale agreement. Any prior communications, agreements, representations, understandings and/or other written or verbal statements of any type (including those contained in emails between you and Lennar) not written into the purchase and sale agreement will not be binding on either



City of Visalia
315 E Acequia
PO Box 4002
Visalia CA 93278-4002

RECEIPT

DATE OF PAYMENT
4/24/2024 7:54:49AM

Receipt Number : 651824

Application: **PTE24-001** Time Extension

Address:

Parcel: 127030018

Subdivision:

Type: Time Extensions

Work Description: Time Extension (1st year) for Higgins Ranch Tentative Subdivision Map No. 5585

<u>INVOICE_NBR</u>	<u>FEE_CODE</u>	<u>FEE_DESCRIPTION</u>	<u>FEE_QITY</u>	<u>AMOUNT</u>	<u>PAYMENT_METHOD</u>
526150	1526-1	Time Extension	1	267.00	Counter Credit Card
	Acct. Code:	1821-46526			2170
	Comments:	034565			

PAYOR: ARA CHEKERDEMIAN - LENNAR

TOTAL PAID: 267.00

RESOLUTION NO 2021-66

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE SUBDIVISION MAP NO. 5585, A REQUEST TO SUBDIVIDE 32.35 ACRES INTO A 174-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION. THE 32.35 ACRES IS PROPOSED TO BE ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQUARE FOOT MINIMUM LOT SIZE) UPON ANNEXATION INTO THE CITY OF VISALIA. THE PROJECT SITE IS LOCATED ON THE SOUTHEAST CORNER OF SOUTH LOVERS LANE AND EAST CHERRY AVENUE (APN: 127-030-018).

WHEREAS, Higgins Ranch Tentative Subdivision Map No. 5585 is a request to subdivide 32.35 acres into a 174-lot single-family residential subdivision. The project is pre-zoned R-1-5 (Single Family Residential, 5,000 square foot minimum site area) and is located at the southeast corner of South Lovers Lane and East Cherry Avenue (APN: 127-030-018); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on May 9, 2022; and

WHEREAS, the Planning Commission of the City of Visalia finds the Higgins Ranch Tentative Subdivision Map No. 5585 in accordance with Chapter 16.16 of the Subdivision Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt Negative Declaration No. 2021-49 for Annexation No. 2021-03, Tentative Parcel Map No. 2022-01 and Higgins Ranch Tentative Subdivision Map No. 5585 that was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia approves the proposed tentative subdivision map based on the following specific findings and based on the evidence presented:

1. That the proposed location and layout of the Higgins Ranch Tentative Subdivision Map No. 5585, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance. The proposed 174-lot single-family residential subdivision is consistent with Land Use Policy LU-P-21 of the General Plan. Policy LU-P-21 states that the city shall "Allow annexation and development of residential, commercial, regional retail, and industrial land to occur within the Urban Development Boundary (Tier II) consistent with the City's Land Use Diagram".

2. That the proposed Higgins Ranch Tentative Subdivision Map No. 5585, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative subdivision map will be compatible with adjacent land uses. The project site is bordered by existing residential development and two major streets.
3. That the site is physically suitable for the proposed tentative subdivision map. The Higgins Ranch Tentative Subdivision Map No. 5585 is consistent with the intent of the General Plan and Zoning Ordinance and Subdivision Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. The project site is adjacent to land zoned for residential development, and the subdivision establishes a local street pattern that will serve the subject site and the future development of vacant parcels located to the west of the subject site.
4. That the site is physically suitable for the proposed tentative subdivision and tentative parcel maps and the project's density, which is consistent with the underlying Low Density Residential General Plan Land Use Designation. The proposed location and layout of the Higgins Ranch Tentative Subdivision Map No. 5585, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan and Zoning Ordinance and Subdivision Ordinance. The 32.35-acre project site, which is the site of the proposed 174-lot single-family residential subdivision, is consistent with Land Use Policy LU-P-21.
5. That the proposed Higgins Ranch Tentative Subdivision Map No. 5585, design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. The 174-lot subdivision is designed to comply with the City's Engineering Improvement Standards. The development of the site with a 174-lot single-family residential subdivision would extend local streets, infrastructure improvements, utilities, right-of-way improvements and a residential lot pattern consistent with existing residential development found in the surrounding area. The project will include the construction of local streets within the subdivision and frontage street improvements along both South Lovers Lane and East Cherry Avenue.
6. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant and that Negative Declaration No. 2021-49, is hereby adopted. Furthermore, the design of the subdivision or the proposed improvements is not likely to neither cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative subdivision map on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 16.16.030 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the subdivision map be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2021-157 and 2021-219 incorporated herein by reference.
2. That the Higgins Ranch Tentative Subdivision Map No. 5585 be prepared in substantial compliance with the subdivision map in Exhibit "A".
3. Approval of the Higgins Ranch Tentative Subdivision Map No. 5585 shall not become effective unless Annexation No. 2021-03, placing the project site within the corporate limits of the City of Visalia, is approved by the Tulare County Local Agency Formation Commission (LAFCO) and is fully executed to include all conditions contained in the Pre-Annexation Agreement for Annexation No. 2021-03.
4. That all lots that are a minimum of 5,000 square feet in area shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) zone district standards for the front, side, street side yard, and rear yard setbacks.
5. That all lots that are less than 5,000 square feet in area shall comply with the R-1-5 zoning district standards contained as part of Visalia Municipal Code Section 17.12.135.
6. That the block walls located within the Landscape and Lighting District lots shall transition to three-foot height within the 15-foot front yard setback areas of the adjoining residential identified as Lots 84 and 149 of the Higgins Ranch Tentative Subdivision Map No. 5585 (Exhibit "A").
7. That if, prior to development of the subdivision the determination of water availability letter lapses, then the applicant/developer shall obtain and provide the City with a valid Will Serve Letter from the California Water Service Company.
8. That Street "E" shall be designed as a "stub" street connection to facilitate future local street connectivity to the east per the City's Engineering Improvement Standards P-15 Super Block Connectivity. The street connection up to the ditch easement with temporary barricade shall be installed as part of Phase I of the development. The applicant shall also be required to submit a deposit of 50 percent of the cost associated with the required culvert crossing.
9. That all applicable federal, state, regional, and city policies and ordinances be met.

Commissioner Beatie offered the motion to this resolution. Commissioner Peck seconded the motion and it carried by the following vote:

AYES: Commissioners Beatie, Peck, Gomez, Tavarez, Hansen

NOES:

ABSTAINED:

ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Paul Bernal, Community Development Director

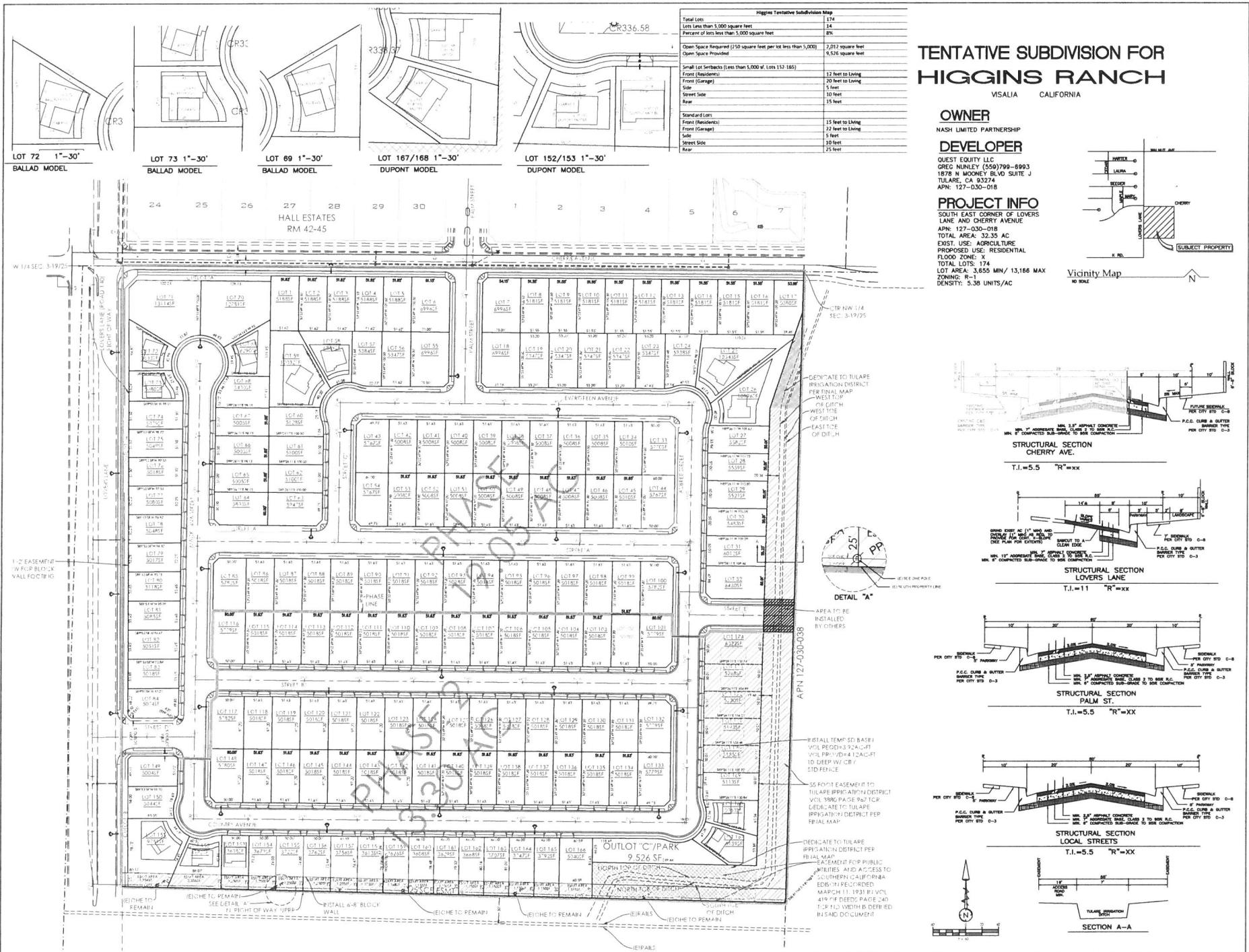
I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2022-66, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on May 9, 2022.



Paul Bernal, Community Development Director

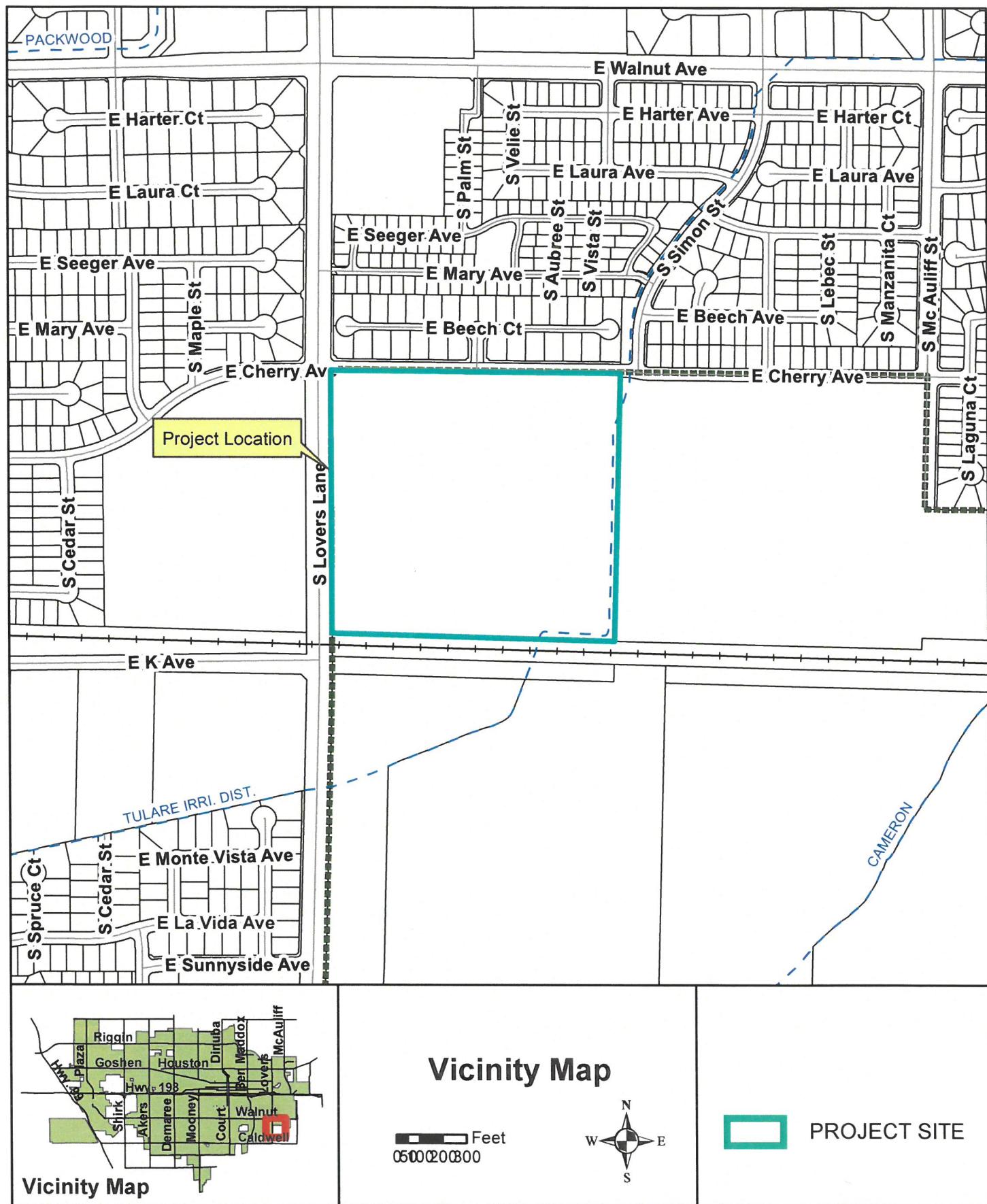


Marvin Hansen, Chairperson



Tentative Subdivision Map No. 5585, Tentative Parcel Map No. 2022-01 and Annexation No. 2021-03

The project site is located on the southeast corner of South Lovers Lane and East Cherry Avenue (APN: 127-030-018).



Vicinity Map



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 13, 2024

PROJECT PLANNER: Colleen A. Moreno, Assistant Planner
Phone: (559) 713-4031
Email: colleen.moreno@visalia.city

SUBJECT: **Conditional Use Permit No. 2024-06:** A request by Tulare County Office of Education to amend Conditional Use Permit No. 95-07 and 2003-44 by constructing a 6,000 square foot kitchen facility and parking lot east of the existing campus in the R-1-5 (Single Family Residential, minimum lot size 5,000 square feet) zone. The project site is located at 626 North Akers Street (APN: 085-430-086).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-06 based upon the findings and conditions in Resolution No. 2024-12. Staff's recommendation is based on the project's consistency with the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-06 based on the findings and conditions in Resolution No. 2024-12.

PROJECT DESCRIPTION

Conditional Use Permit (CUP) No. 2024-06 is a request by Tulare County Office of Education (TCOE) to amend CUP No. 95-07 and CUP No. 2003-44 to add a new kitchen facility to consolidate their current food service preparation of breakfast, lunch, and afternoon snack meals (Exhibit "A"). Currently the meals are prepared at four (4) separate kitchens located in Visalia, Tulare, Cutler, and London.

Per the Operational Statement (Exhibit "C") the proposed new kitchen facility will prepare meals for 10 Head Start/Preschool programs located throughout Visalia, Tulare, London, Cutler, Dinuba, and Ivanhoe. The total number of meals to be prepared are approximately 2,000 meals

per day in accordance with the California Child and Adult Food Program meal regulations serving TCOE's Head Start/Preschool programs for children ages 18 months to 5 years old.

The hours of operation for the new kitchen facility will be Monday through Friday, 6:00 a.m. to 3:00 p.m., excluding federal holidays and TCOE designated Winter Break which falls between the Christmas holiday and New Year's Day. The facility will have an estimated 20 employees on-site during operational hours.



The project site will be supported by the addition of 17 parking spaces on-site as well as a three-bin trash enclosure (Exhibit "D") located on the northeast side of the project site (Exhibit "A"). The site currently has a block wall located along the east and north property line between the project site and the residential homes to the north and east of the site.

Per the site plan, the applicant has indicated that there will be no development on the northern portion of the parcel at this time. Any additional development will require an amendment to the CUP.

BACKGROUND INFORMATION

General Plan Land Use Designation	Residential Light Density
Zoning	R-1-5 (Single-Family Residential, 5,000 square foot minimum site area)
Surrounding Zoning and Land Use	<p>North: R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) / Residential homes</p> <p>South: QP (Quasi - Public) / Willow Glen Park</p> <p>East: R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) / Residential homes</p> <p>West: O-PA (Office / Professional Administration) / Offices</p>
Environmental Review	Categorical Exemption No. 2024-08
Site Plan	SPR No. 2023-161

Related Projects

Conditional Use Permit No. 2003-44: A request by TCOE to amend CUP No. 95-07, to allow a high ropes course of the site of existing educational facility. The site is located on the northeast corner of Akers Street and Hurley Avenue. The project was denied by the Planning Commission on November 24, 2003.

Conditional Use Permit No. 9507: A request by TCOE to establish a teenage parenting program (TAPP) at the northeast corner of Hurley Avenue and Akers Street. Variance No. 9508 is a request to encroach into the 25-foot front yard setback along Akers, to allow one new classroom to be set back 15 feet and another new classroom to be set back 20 feet from the front property line. The project was approved in 1995 by the Planning Commission.

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2024-06, as conditioned, based on the project's consistency with the General Plan Land Use and Zoning Ordinance.

Land Use Compatibility

The site is zoned R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) and an amendment to the current conditional use permit is required for the expansion of TCOE use.

The current use of the facility on the site adjacent to the project site is the TCOE Services for Education and Employment (SEE) Workforce Development Program that offers workforce

services for job seekers through three programs: A Ticket to Success, which serves adults on Social Security Insurance (SSI) or Social Security Disability Insurance (SSDI); WorkFirst, serving adults on cash aid; and Youth@Work, serving young adults ages 16-24, and young adults with disabilities ages 16-22. The proposed expansion of the kitchen facility is compatible with the current use of the site.

Parking

The Zoning Ordinance does not have a parking requirement that is specific to the proposed commercial kitchen use. However, during the Site Plan Review process, staff concluded that applying the commercial service/wholesale establishments parking requirement of one parking space for each five hundred (500) square feet of building area was appropriate based on the use of the building as a commercial kitchen, the operational statement identifying the number of employees on-site, and how often the commercial kitchen would be used throughout the calendar year. Using the commercial service/wholesale parking requirement is supported under Section 17.34.020.G of the Zoning Ordinance, which states, *“for a use not specified in this section, the same number of off-street parking spaces shall be provided as are required for the most similar specified use”*.

Based on the proposed square footage of the proposed commercial kitchen building at 6,000 square feet, the one to 500 parking ratio results in 12 parking spaces being required. Per Exhibit “A”, 17 parking spaces are being provided in addition to the existing 30 parking stalls provided on-site.

Environmental Review

The project is Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) Categorical Exemption No. 2024-08.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) Categorical Exemption No. 2024-08.

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-161, incorporated herein by reference.
2. That the use be in substantial compliance with Exhibits “A”, “B”, “C” and “D”. Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.

4. That all other federal, state and city laws, codes and ordinances be complied with.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2024-12
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Exhibit "D" – Trash Enclosure site plan
- Site Plan Review Comments No. 2023-161
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Conditional Use Permit No. 2024-06

PROJECT TITLE

The site is located at 626 W. Hurley Avenue (APN: 085-430-070)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

Constructing a 6,000 square foot kitchen facility and parking lot east of the existing campus.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Tulare County Office of Education (TCOE), P.O. Box 5091, Visalia CA, 93278

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Jeff Ramsay, TCOE, address same as above

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15332**
- Statutory Exemptions- State code number:

Amend Conditional Use Permit No. 95-07 and 2003-44 by constructing a 6,000 square foot kitchen facility and parking lot east of the existing campus in the R-1-5 (Single Family Residential, minimum lot size 5,000 square feet) zone by the Tulare County Office of Education.

REASON FOR PROJECT EXEMPTION

Colleen A. Moreno, Assistant Planner

(559) 713-4031

CONTACT PERSON

AREA CODE/PHONE

April 26, 2024

DATE

Brandon Smith, AICP
Environmental Coordinator

RELATED PLANS AND POLICIES

General Plan and Zoning: The following General Plan and Zoning Ordinance policies apply to the proposed project:

General Plan Policy

LU-P-1 Work to capture emerging market sectors and technologies to enhance Visalia's economic base, through incentives and other business attraction strategies described in this Element. Focus on businesses that:

- Possess a high growth potential, such as agricultural processing, healthcare, recycling industries, technology, light manufacturing, warehousing and distribution and other businesses that benefit from a Central Valley location;
- Provide opportunities for skill training;
- Create higher-paying and/or higher quality jobs for Visalia residents;
- Complement or expand existing goods and services in Visalia;
- Have a minimal negative impact on the environment; and
- Require minimal public investment.

LU-P-11 Continue to coordinate planning, economic development, local workforce training, tourism, and other activities of regional significance with the Chamber of Commerce, Tulare County and other cities and organizations to foster the economic health of the area.

PSCU-P-39 Promote the location and development of vocational and trade schools and alternative and continuing education programs such as Visalia Charter Independent Study.

Zoning Ordinance

Chapter 17.38: Conditional Use Permits

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures.

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

RESOLUTION NO. 2024-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-06, A
REQUEST BY TULARE COUNTY OFFICE OF EDUCATION TO AMEND
CONDITIONAL USE PERMIT NO. 95-07 AND 2003-44 BY CONSTRUCTING A 6,000
SQUARE FOOT KITCHEN FACILITY AND PARKING LOT EAST OF THE EXISTING
CAMPUS IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQUARE FOOT
MINIMUM SITE AREA) ZONE. THE PROJECT IS LOCATED AT 626 NORTH AKERS
STREET (APN: 085-430-086).

WHEREAS, Conditional Use Permit No. 2024-06, is a request by Tulare County Office of Education to amend Conditional Use Permit No. 95-07 and 2003-44 by constructing a 6,000 square foot kitchen facility and parking lot east of the existing campus in the R-1-5 (single-family residential, 5,000 square foot minimum site area) zone. The project is located at 626 North Akers Street (APN: 085-430-086); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on May 13, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit, as conditioned, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15332.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-08).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2023-161, incorporated herein by reference.
2. That the use be in substantial compliance with Exhibits "A", "B" and "C". Any changes or intensification of the use are subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
3. All new building signage shall require a separate building permit and shall be designated consistent with the Sign Ordinance of the City of Visalia Chapter 17.48.
4. That all other federal, state and city laws, codes and ordinances be complied with.

17.38.110 Action by planning commission.

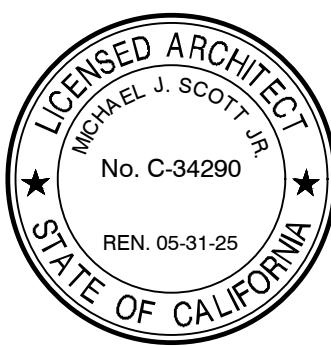
- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 - 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 - 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

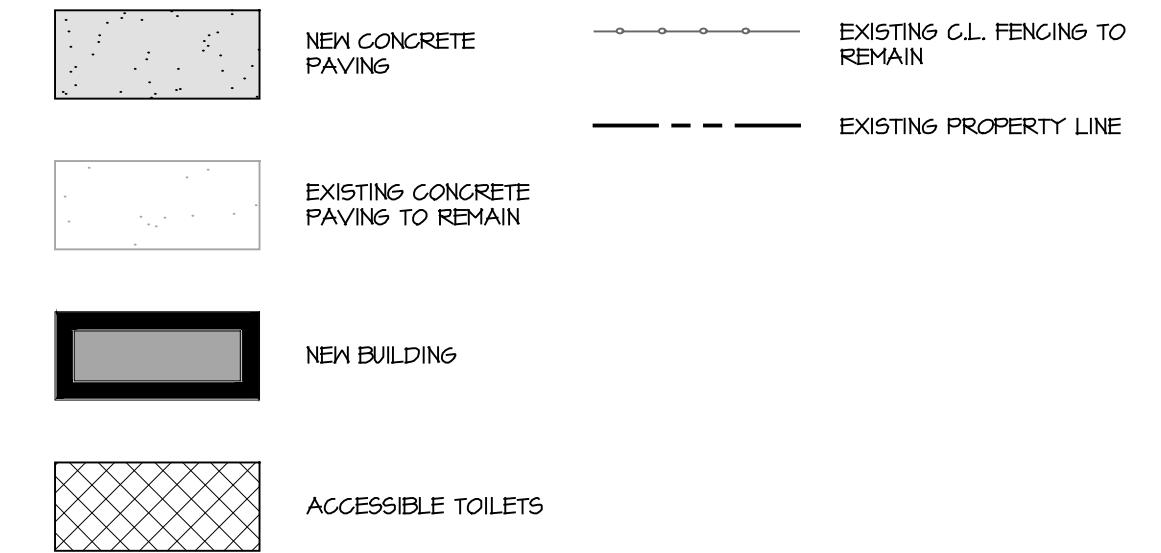
17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed.(Prior code § 7539)



DATE: MARCH 13, 2024

NEW SITE PLAN LEGEND:



SITE PLAN KEYNOTES:

- 1 (E) CONCRETE PAVING TO REMAIN, PROTECT
- 2 (E) CHAIN LINK FENCE TO REMAIN, PROTECT
- 3 (E) LANDSCAPING TO REMAIN, PROTECT
- 4 (E) PLANTER, SEE 2/SD6
- 5 (E) 6'-0" HIGH CHAIN LINK FENCING, SEE 7/SD5

NEW KITCHEN FACILITY AT HURLEY AVENUE

TULARE COUNTY OFFICE OF EDUCATION

MANGIN

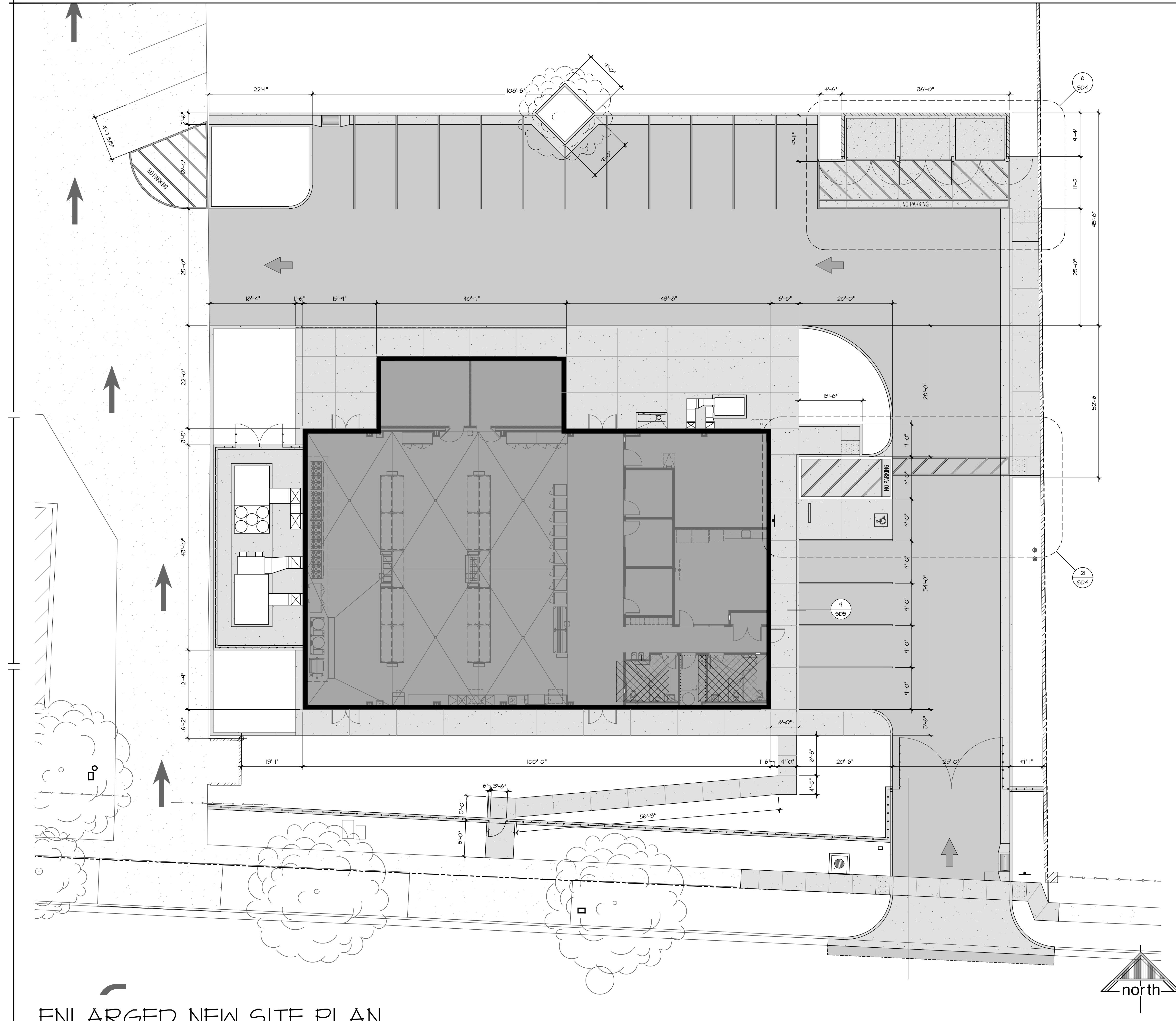
ARCHITECTURE
INGENUITY

MANGINI ASSOCIATES INC.
4320 West Mineral King Avenue
Visalia, California 93291
www.mangini.com
(559) 627.0100
(559) 627.1100

**TITLE
ENLARGED
NEW SITE PLAN**

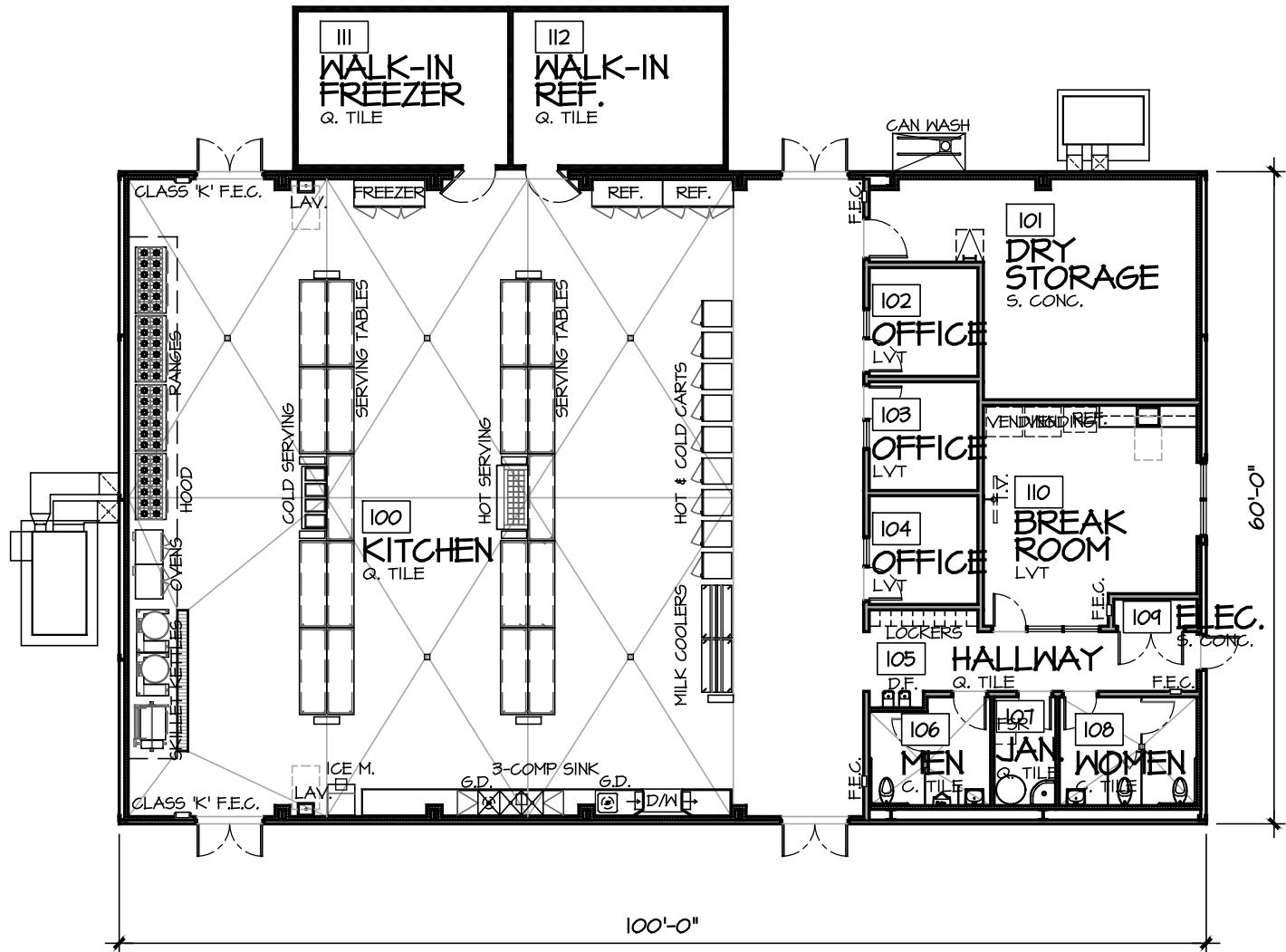
SD3

PROJECT 23110



ENLARGED NEW SITE PLAN

SCALE: 1" = 10'-0"

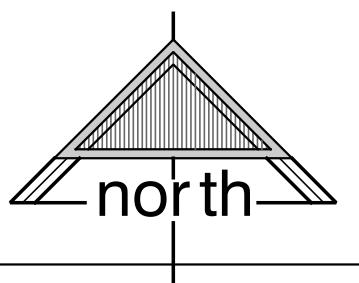


FLOOR PLAN LEGEND:

- 2x6 METAL STUDS AT 16" O.C.
- 2x4 METAL STUDS AT 16" O.C.

FLOOR PLAN

SCALE: 1/16" = 1'-0"



MANGINI

ARCHITECTURE
INGENUITY

MANGINI ASSOCIATES INC.
4320 West Mineral King Avenue
Visalia, California 93291

www.mangini.us
(559) 627.0530 Office
(559) 627.1926 Fax

**NEW KITCHEN FACILITY
AT HURLEY AVENUE**

TULARE COUNTY OFFICE OF EDUCATION

SHEET NO.

6

FLOOR PLAN

PROJECT **23110**

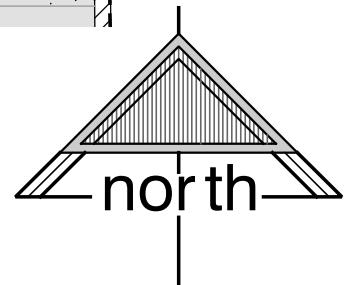
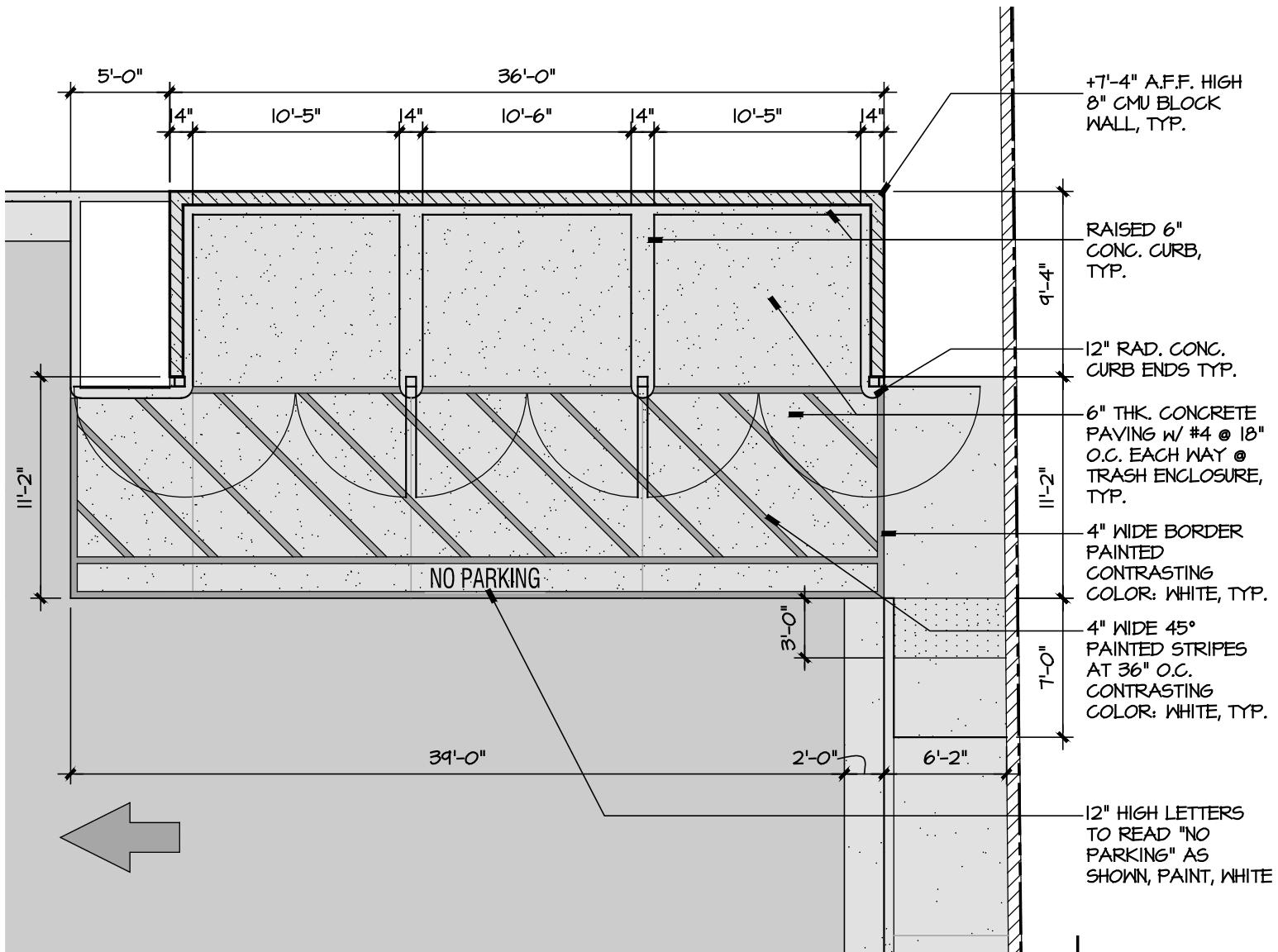
Operational Statement

CUP 2024-06 – TCOE Kitchen

The hours of operation are Monday through Friday 6 am until 3pm excluding federal holidays and winter break between Christmas and New Year's Day.

The primary purpose of the new kitchen is to consolidate food service preparation of breakfast, lunch and afternoon snack totaling 2,004 meals per day in accordance with California Child and Adult Food Program (CACFP) meal regulations serving TCOE's Head Start/Preschool programs for children ages 18 months to 5 years old. Currently meals are prepared at 4 separate kitchen locations in the city of Visalia, Tulare and the communities of Cutler and London. This new kitchen will prepare meals for the following Head Start/Preschool locations: Senaida Garcia (Visalia), Fairview Village (Visalia), Village Preschool (Visalia), Manuel Hernandez (Visalia) London, Cutler, Dinuba, Ivanhoe, Clinite (Tulare), and Maple (Tulare).

Estimated number of employees on site during operational hours is 20.



TRASH ENCLOSURE

SCALE: 1/8" = 1'-0"

MANGINI

ARCHITECTURE
INGENUITY

MANGINI ASSOCIATES INC.
4320 West Mineral King Avenue
Visalia, California 93291

www.mangini.us
(559) 627.0530 Office
(559) 627.1926 Fax

DATE : ####.##

SHEET NO.

NEW KITCHEN FACILITY AT HURLEY AVENUE

TULARE COUNTY OFFICE OF EDUCATION

DSA APPL. NO. ####-#####

FILE NO. ####-##

8

ENLARGED
SITE PLAN

PROJECT 23110



January 26, 2024

Site Plan Review No. 2023-161:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **October 11, 2023**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink that reads "Paul Bernal".

Paul Bernal
City Planner
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE October 11, 2023
SITE PLAN NO. 2023-161
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL REDEVELOPMENT

PLANNING COMMISSION PARK/RECREATION

CUP OTHER – Lot Line Adjustment

HISTORIC PRESERVATION ADDITIONAL COMMENTS:

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440
Site Plan Review Committee

SITE PLAN REVIEW COMMENTS

Josh Dan, Planning Division, (559) 713-4003

Date: October 11, 2023

SITE PLAN NO: 2023-161
PROJECT: ECE Central Kitchen
LOCATION: 626 N Akers St.
APN: 085-430-069

Planning Division Recommendation:

- Revise and Proceed
- Resubmit

Project Requirements

- Conditional Use Permit – Amendment
- Lot Line Adjustment

PROJECT SPECIFIC INFORMATION: October 11, 2023

1. The project sites are zoned Single Family Residential (R-1-5). A Conditional Use Permit Amendment shall be required to detail the expansion of the use.
2. A Lot Line Adjustment (LLA) shall be required to merge the parcels, otherwise setbacks will not be met.
3. The proposed trash enclosure shall comply with the 5-ft side yard setback.
4. Other information as needed.

NOTES:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required through the District.
2. Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.

Sections of the Municipal Code to review:

17.30 Development standards

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature:



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/> Lupe Garcia	713-4197
<input type="checkbox"/> Keyshawn Ford	713-4268
<input type="checkbox"/> Edelma Gonzalez	713-4364
<input type="checkbox"/> Sarah MacLennan	713-4271
<input checked="" type="checkbox"/> Luqman Ragabi	713-4362

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with radius;
 Install curb; gutter **ONSITE PER DESIGN**
 Drive approach size: Use radius return;
 Sidewalk: width; parkway width at
 Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
 Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
 Right-of-way dedication required. A title report is required for verification of ownership.
 Deed required prior to issuing building permit;
 City Encroachment Permit Required. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**
 Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
 CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
 Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
 Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
 Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance. **Direct storm to Hurley using under-sidewalk drain per city standards.**
 Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
 Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter =.20%, V-gutter = 0.25%)
 Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
 All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

ITEM NO: 4 DATE: OCTOBER 11, 2023

SITE PLAN NO.: 23-161
 PROJECT TITLE: ECE CENTRAL KITCHEN
 DESCRIPTION: BUILDING A CENTRAL KITCHEN TO PREPARE MEALS FOR OUR EARLY CHILDHOOD CENTERS AND CHARTER SCHOOLS.
 APPLICANT: JEFF RAMSAY
 PROP OWNER: TULARE COUNTY SUPERINTENDENT OF SCHOOLS
 LOCATION: 626 N AKERS ST
 APN: 085-430-069

- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

1. ***Proposed project will incur impact fees, see sheet 3 for applicable fees.***
2. ***A building permit is required, standard plan check and inspection fees will apply.***
3. ***Comply with City standards Pk-1 through Pk-4. 25' min back up space.***
4. ***Provide accessible route to the public Right of way.***
5. ***Project shall comply with CBC Section 11B-250: Circulation paths contiguous to vehicular traffic must be physically separated from vehicular traffic.***
6. ***Project is located in AE flood zone. comply with FEMA and local requirements.***
7. ***There is an existing manhole on Hurley just west, Project to extend existing sewer main on Hurely and install sewer lateral to serve proposed building.***
8. ***Proposed new drive approach on Hurley shall comply with city standards. Any alterations to the existing sidewalk will require an easement for any sidewalk that encroaches private property.***
9. ***Provide cross aces agreement/easement and shared parking agreement between both parcels.***
10. ***The proposed development plan will need to address existing lot lines. Parcel lines are to be merged with Lot Line Adjustment. If a parcel map is desired, a separate plan submittal for a "Tentative Map" will be required.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-161**

Date: **10/11/2023**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date: **08/19/2023**)

(Project type for fee rates:)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	TBD
<input checked="" type="checkbox"/> Transportation Impact Fee	TBD
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	TBD
TREATMENT PLANT:	
TBD	
<input type="checkbox"/> Sewer Front Foot Fee	
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	TBD
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	TBD
<input checked="" type="checkbox"/> Public Facility Impact Fee	TBD
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Luqman Ragabi

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- A building permit will be required. For information call (559) 713-4444
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. For information call (559) 713-4444
- Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- Project is located in flood zone AE * Hazardous materials report. MEET FEMA FLOOD REQUIREMENTS
- Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- School Development fees. COMMERCIAL: \$0.78 PER S.F.
- Park Development fee \$ _____ per unit collected with building permits.
- Additional address may be required for each structure located on the site. For information call (559) 713-4320
- Acceptable as submitted
- No comments at this time

Additional comments: PROVIDE ACCESSIBLE ROUTE TO THE TRASH ENCLOSURE AND THE PUBLIC WAY. BUILDING SHALL BE EQUIPPED WITH INGROUND GREASE INTERCEPTOR, TYPE I HOOD, AND TYPE 2 HOOD AS NEEDED. PROVIDE A MINIMUM OF 4 (EV) CAPABLE PARKING SPACES. ALL LANDSCAPING SHALL MEET THE MWELD REQUIREMENTS. PROVIDE BIKE RACK SYSTEM. PROVIDE (PV) SOLAR AND BATTERY STORAGE SYSTEM.

VAL GARCIA 10/10/23



City of Visalia
Police Department
303 S. Johnson St.
Visalia, CA 93292
(559) 713-4370

Date: 10/9/23
Item: 4
Site Plan: SPR23161
Name: Agent McBride

Site Plan Review Comments

- No Comment at this time.
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:
 - Territorial Reinforcement: Define property lines (private/public space).
 - Access Controlled/ Restricted etc.
- lighting Concerns:**
Ample exterior lighting to deter criminal activity.
- Traffic Concerns:**
- Surveillance Issues:**
Exterior surveillance cameras to deter/capture criminal activity.
- Line of Sight Issues:**
Low barrier shrubs to deter criminal activity.
- Other Concerns:**

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

October 11, 2023

ITEM NO: 4	Added to Agenda	MEETING TIME: 09:45
SITE PLAN NO:	SPR23161	ASSIGNED TO: Josh Dan <u>Josh.Dan@visalia.ci</u>
PROJECT TITLE:	ECE Central Kitchen	
DESCRIPTION:	Building a central kitchen to prepare meals for our Early Childhood Centers and charter schools.	
APPLICANT:	Jeff Ramsay - Applicant	
OWNER:	TULARE COUNTY SUPERINTENDENT OF SCHOOLS	
APN:	085430069	
ADDRESS:	626 N AKERS ST	

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards at time of development.
- Install Street Name Blades at Locations at time of development.
- Install Stop Signs at ***local road intersection with collector/arterial*** Locations.
- Construct parking per City Standards PK-1 through PK-4 at time of development.
- Construct drive approach per City Standards at time of development.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

Leslie Blair

Leslie Blair



WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 23161

PROJECT NAME: ECE CENTRAL KITCHEN

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE):

SUBMISSION OF WASTEWATER DISCHARGE PERMIT
APPLICATION/QUESTIONAIRRE/OTHER REGULATORY FORMS

- FORM REQUIRED FSE QUEST.
- FORM REQUIRED _____
- FORM REQUIRED _____

INSTALLATION OF SAND AND GREASE INTERCEPTOR

INSTALLATION GREASE INTERCEPTOR

OTHER GREASE TRAP

SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT
(559) 713-4529 OR JESSICA.SANDOVAL@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS:

FORMS attached

10/10/2023
DATE REVIEWED: _____



FOOD SERVICE ESTABLISHMENT WASTEWATER SURVEY

- This survey must be filled out completely. **Please write N/A (not applicable) if the requested information does not apply.**
- The survey must be signed by an official company representative, who is authorized to sign such documents.
- If assistance in completing this questionnaire is needed, please contact:

Jessica Sandoval
Pretreatment Program Coordinator
Email: Jessica.Sandoval@visalia.city
Phone: (559) 713-4529

- Please return survey via email to Jessica.sandoval@visalia.city, and hand deliver or mail original to:

City of Visalia, WCP
Attention: Jessica Sandoval
7579 Ave 288
Visalia, CA 93277

Contact Information:

- A. Applicant Name: _____
- B. Doing Business As: _____
- C. City of Visalia Business License Number: _____
- D. Owner Name(s): _____
- E. Business Address: _____
- F. Business Phone Number: _____
- G. Mailing Address: _____
- H. Alternate Phone Number: _____
- I. Email Address: _____
- J. Website: _____
- K. Designated Representative and Signatory at the facility that has been authorized and can sign for all correspondence and reports. All correspondence from the City will be sent to this person.

Name/Title: _____

Address: _____

Phone Number: _____

L. Facility Contact During Inspections

Name/Title: _____

Phone number: _____ Email: _____

Facility Information:

M. Please check all descriptions that apply to your facility.

Type of Food Service Establishment	Location
() Fast Food Restaurant	() Stand-Alone Restaurant
() Full Service Restaurant	() Strip Mall
() Doughnut Shop	() Mall/Food Court
() Coffee Shop	() School
() Supermarket/Grocery Store	() Religious Institution
() Convenience Store/Mini Mart	() Amusement Park
() Ice Cream/Smoothie Shop	() Hospital
() Deli/Sandwich shop	() Nursing home
() Meat Processor	() Hotel
() Bakery	() Supermarket
() Cafeteria	() Office Building
() Other:	() Other:

N. Please check all the equipment currently in your facility

Food Processing Equipment		Kitchen Equipment	
	QTY		QTY
() Deep Fryer		() Dishwasher	
() Char broiler		() Pre-rinse sink	
() Griddle		() Mop	
() Grill		() Floor drains	
() Oven		() Garbage disposal	
() Rotisserie		() Other	
() Stove			
() Other			

O. Number of employees/shift: _____ Number of shifts/day: _____

P. Outdoor seating capacity: _____ Indoor seating capacity: _____

Q. Please provide the following information for hours of operation.

Day	Hours of Operation	24 Hours	Approximate Number of Meals Served Daily
Monday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Tuesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Wednesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Thursday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Friday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Saturday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sunday		<input type="checkbox"/> Yes <input type="checkbox"/> No	

R. Grease Removal Device Information

Indoor Trap Outdoor Interceptor No grease removal device

S. What is the capacity of the grease interceptor/grease trap? _____

T. How frequently is the interceptor/grease trap cleaned? _____

U. Date of last cleaning? _____

V. Company or firm who performs grease interceptor maintenance and pumping:

Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

W. Do you have a waste oil container for recycling used cooking oil? () Yes () No

X. If yes, what is the frequency that it is pumped? _____

Y. If yes, name of company or firm that pumps and disposes of your used cooking oil:

Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

Z. Certification

By signing below, I certify that I have examined and am familiar with the information submitted in the attached document and under penalty of law; the submitted information is true, accurate, and complete. I am aware there are penalties for submitting false information, including the possibility of fine.

Name (Please Print)

Title

Signature

Date

City Use Only	
Survey Received Date	Received by

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

23161

October 11, 2023

No comments.

XX

See comments below

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

XX

Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers

ALL refuse enclosures must be R-3 OR R-4

XX

Customer must provide combination or keys for access to locked gates/bins

XX

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

XX

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.

XX

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

XX

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

XX

Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.

XX

Area in front of refuse enclosure must be marked off indicating no parking

XX

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.

Customer will be required to roll container out to curb for service.

XX

Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

XX

City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

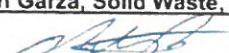
Customer confirmed the existing enclosure to be removed. Solid waste services to include trash, recycling, and organic collection per the State of California's mandatory recycling laws (AB-341 & AB-1826). The proposed R3/R4 double enclosure looks good for STAB load collections. Customer to identify placement of a city standard R1/R2 single bin enclosure set for STAB load to house the required organics recycling bin. The customer is aware all paved areas must be engineered to withstand 55,000 lb. + solid waste refuse trucks multiple times per week. Enclosure gates are required, and must swing 180 degrees, clearing all curbing. Cane bolts must be included to secure gates when opened. Customer is encouraged to contact solid waste at 559-713-4532 to discuss/review preferred enclosure placement.

Comment

Jason Serpa, Solid Waste Manager, 559-713-4533

Edward Zuniga, Solid Waste Supervisor, 559-713-4321

Nathan Garza, Solid Waste, 559-713-4532



Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Tuesday, October 31, 2023 2:39 PM
To: Susan Currier
Cc: lorena.mendibles@dot.ca.gov; Deel, David@DOT
Subject: Caltrans response to Visalia SPR 101123

Hi,

I have reviewed Visalia's SPR Agenda for October 11, 2023:

1. SPR 23150-1 – Industrial Development: No comments.
2. SPR 23110-1 – Home2 Suites by Hilton: No comments.
3. SPR 23160 – Proposed Cemetery Business Office: No comments.
4. SPR 23161 – ECE Central Kitchen: No comments.
5. SPR 23162 – Kaweah Equipment Co Storage Building: No comments.
6. SPR 23163 – First Waves 1 Inc Smoke Shop: No comments.
7. SPR 23164 – Linwood Apartment Complex: No comments.
8. SPR 23166 – Packwood Grove North Master Plan: **Routed for review.**

Respectfully,



Scott Lau

Associate Transportation Planner
California Department of Transportation
1352 West Olive Avenue
Fresno, CA 93778
Cell: (559) 981-7341

W Nicholas Ave

Project Site

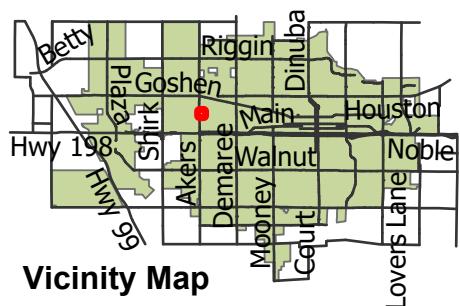
N Parkwood Ct

W Hurley Ave

General Plan Land Use Map

0 0.01 0.01 0.02 Miles

- Parks/Recreation
- Residential Low Density
- Residential Very Low Density



W Nicholas Ave

Project Site

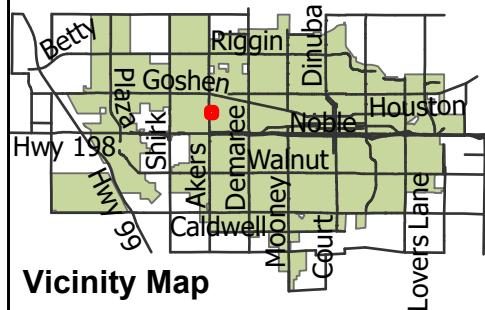
N Parkwood Ct

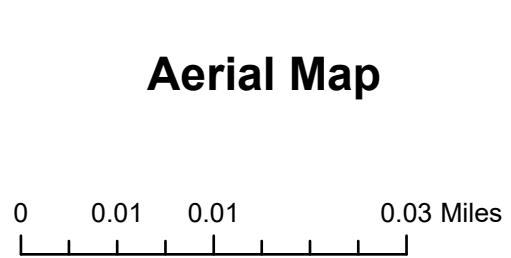
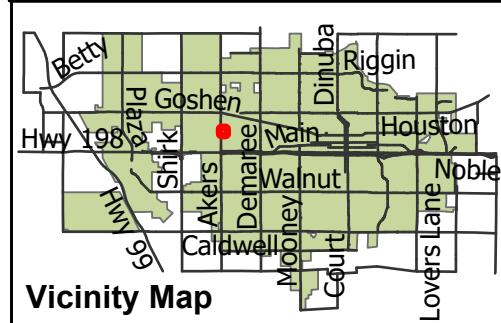
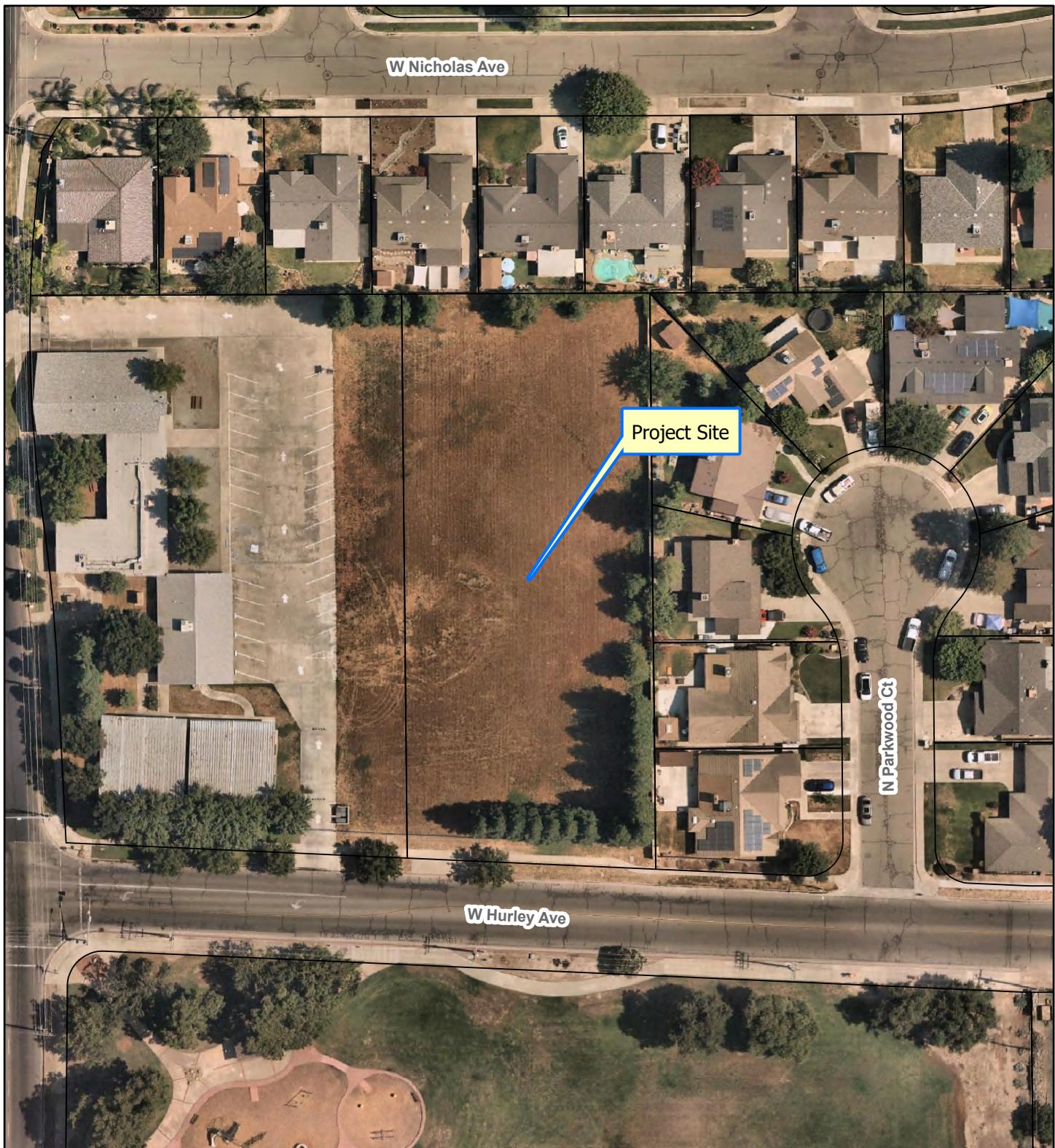
W Hurley Ave

Zoning Map

0 0.01 0.01 0.02 Miles

- QP Quasi-Public
- R-1-20 Single-family Residential
- R-1-5 Single-family Residential



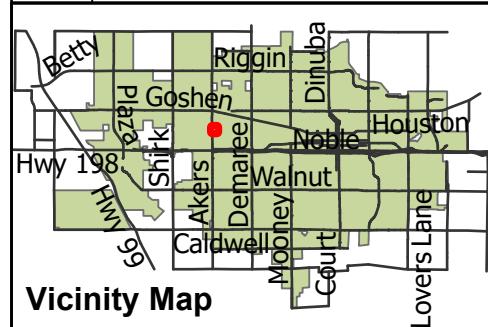


W Nicholas Ave

Project Site

N Parkwood Ct

W Hurley Ave



Vicinity

0 0.01 0.01 0.03 Miles





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 13, 2024

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone: (559) 713-4443
Email: cristobal.carrillo@visalia.city

SUBJECT: **Conditional Use Permit No. 2023-33:** A request by Ellie Krantz to amend Conditional Use Permit No. 2020-30, to construct a new 68,800 square foot, four-story "Courtyard by Marriott" hotel with 109 rooms, a meeting room, fitness center, and a bistro and bar, on a 2.43-acre parcel within the Oaks Marketplace Shopping Center, in the C-R (Regional Commercial) zone. The site is located 270 feet north of West Mid Valley Avenue, and 290 feet east of South Mooney Boulevard (APN: 122-350-033).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2023-33, as conditioned, based upon the findings and conditions in Resolution No. 2023-60. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance and the Oaks Marketplace Shopping Center Master Plan.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2023-33, based on the findings and conditions in Resolution No. 2023-60.

PROJECT DESCRIPTION

The applicant has filed a Conditional Use Permit amendment request to develop a "Courtyard by Marriott" hotel on a 2.43-acre parcel within the master planned development referred to as the "Oaks Marketplace Shopping Center". Per Exhibits "A" through "I" the hotel will contain the following:

- A 68,800 square foot, four-story, 109-room hotel;
- A 400 square foot bistro and bar;
- A 700 square foot meeting room;
- Outdoor swimming pool;
- A sundry shop;
- A fitness center;
- A laundry room for guest use;
- 114 onsite parking stalls; and
- On-site landscaping;

The hotel will be designed in a modern style, with flat roofs and a mix of cement, metal, and wood exteriors that are broken up with yellow accent panels. Per the operational statement the facility will operate 24 hours a day, seven days a week, and will be crewed by a staff of approximately 18 people. Per information provided, during the highest shift (morning) there may be as many as 10 employees onsite.

The hotel is proposed to be located on Parcel 12 of the Oaks Marketplace master planned development. The Oaks Marketplace is a phased master-planned development (see Exhibit "B") that was approved in 2021 via Conditional Use Permit No. 2020-30 and Tentative Parcel Map

No. 2020-09. The master plan created 22 parcels with shared vehicular cross-access, shared parking, drainage, and maintenance agreements, and entitled approximately 215,284 square feet of commercial shopping center space to be developed in four phases, consisting of a specialty grocery store, seven drive-thru restaurants, a gas station/convenience store with drive-thru facility, a carwash facility, two sit-down restaurants, and 25 retail pads. The hotel will be developed in place of a 15,500 square foot retail store as originally depicted on Parcel 12. The boundary lines for Parcel 12 will be modified through the Lot Line Adjustment process to accommodate the proposed hotel development. Per recommended Condition of Approval No. 5, the Lot Line Adjustment shall be completed and recorded prior to occupancy of the hotel.

Public Hearing Notice

The above project description corrects errors discovered in the public hearing notice published and mailed to adjacent property owners within 300 feet of the project site. The notice incorrectly identified the hotel as containing 125 rooms, on a 2.6-acre parcel. Staff notes that the discrepancy represents a decrease in potential impacts from the hotel as the guest room count is smaller, resulting in a reduced parking demand.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Regional
Zoning:	C-R (Regional Commercial)
Surrounding Land Use and Zoning:	<p>North: C-R / Vacant commercial land, Aldi</p> <p>South: C-R / Vacant commercial land, West Midvalley Avenue</p> <p>East: C-R / Vacant commercial land</p> <p>West: C-R / Vacant commercial land, South Mooney Boulevard/State Highway 63</p>
Environmental Review:	Addendum to Adopted Mitigated Negative Declaration No. 2021-42
Special Districts:	Area is part of the adopted "Oaks Marketplace Shopping Center" Master Plan
Site Plan Review No:	2023-107

RELATED ACTIONS

Annexation No. 2020-02: A request by TMT, LLC to annex a 38.5-acre portion of a 99.27-acre parcel into the City Limits of Visalia, and to detach from Tulare County Service Area No. 1. Upon annexation, the 38.5-acre site will be zoned C-R (Regional Commercial), which is consistent with the General Plan Land Use Designation of Regional Commercial. The associated **Tentative Parcel Map No. 2020-08** was a request by TMT, LLC to subdivide a 99.27-acre parcel into one parcel and a remainder for commercial and right-of-way use, located within the C-R (Regional Commercial) zone. The project site is located on the southeast corner of W. Visalia Parkway and S. Mooney Boulevard (APN: 126-080-025, 056). The Visalia Planning Commission reviewed the proposal on January 25, 2021, and recommended approval of the annexation to the Visalia City Council by a vote of 5-0. The City Council reviewed the annexation on February 16, 2021, and approved the annexation initiation request, also by a vote of 5-0. The annexation was filed with Tulare County Local Agency Formation Commission

(LAFCo) staff and was approved May 5, 2021. The annexation resolution was recorded June 16, 2021, with the Tulare County Recorder. Annexation No. 2020-02 annexed into City Limits the parcel on which the Oaks Marketplace shopping center is located.

Conditional Use Permit No. 2020-30 was a request by TMT, LLC to allow a master-planned commercial shopping center development on a 38.5-acre parcel in the C-R (Regional Commercial) Zone, for the development of approximately 215,284 square feet of commercial shopping center space in four phases, consisting of a specialty grocery store, seven drive-thru restaurants, a gas station/convenience store with drive-thru facility, a carwash facility, two sit-down restaurants, and 25 retail pads, collectively referred to as the Oaks Marketplace Shopping Center. The associated **Tentative Parcel Map No. 2020-09** was a request by TMT, LLC to subdivide 38.5 acres into 22 parcels for commercial and right-of-way use, in the C-R (Regional Commercial) Zone. The project site is located on the southeast corner of West Visalia Parkway and South Mooney Boulevard (APN: 126-080-025, 056). The Planning Commission approved both the Conditional Use Permit and Tentative Parcel on November 8, 2021, by a 5-0 vote.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2032-33, as conditioned, based on the project's consistency with the General Plan, the Zoning Ordinance, and the Oaks Marketplace master plan.

Land Use Compatibility

Hotels are considered compatible uses in the C-R zone where potential impacts can be addressed through the CUP process. The site is located within the Oaks Marketplace master-planned development, which has been approved for a mix of retail, restaurant, and service commercial uses. The hotel is considered compatible and complimentary with these uses as a service commercial use containing occupants that will make use of the nearby commercial services during their stays.

A hotel site was not initially identified in the master site plan. However, master plans are conceptual in nature and can be modified through the Conditional Use Permit process. Additional documentation, such as the photometric plan and trip generation analysis indicate potential impacts from the proposed hotel will not exceed what was initially identified with the Oaks Marketplace master plan approval. In particular, nearby residential uses south of Midvalley Avenue will be screened from impacts upon development of Parcel 13, which is planned for 15,700 square feet of retail space just south of the hotel.

There are inconsistencies between the proposed building elevations of the hotel and the design guidelines approved for the Oaks Marketplace master plan. These discrepancies are recommended to be addressed through conditions of approval and are discussed in further detail under the "Building Elevations" section of this report. Given the above, staff concludes that the proposed hotel is consistent, subject to the conditions as recommended, with the approved master plan and surrounding uses.

Building Elevations

The Oaks Marketplace master plan contains design guidelines to ensure architecturally compatible development within the shopping center. Design guidelines promote a "modern market theme" with a mix of parapet roofing, large windows, mixed articulated facades containing fiber cement panels, concrete masonry, and anodized metal, and lofted spaces. The building elevations proposed in Exhibit "D" incorporate most aspects of the design guidelines. A large bank of windows is proposed on the bottom floor, and exterior facades match the materials called out in the guidelines. However, the hotel design solely employs flat roofing with no accentuation, such as differing roof heights and/or roof shapes. This is in contrast to the only

other developed parcel within the shopping center (Parcel 2, containing an Aldi grocery store), which features a flat roof broken up by a prominent elevated sloped roof. As such, in order to improve the architectural compatibility of the structure and increase compliance with the design guidelines, staff recommends the inclusion of Condition of Approval No. 4, requiring the applicant to incorporate a variety of roof types, at varying heights, into the building elevations provided in "Exhibit D".

Staff also notes that per the elevations and information provided by the applicant, the hotel will exceed the 50 foot height limitation of the C-R Zone, reaching a height between 53 to 60 feet. However, Article 2 of Visalia Municipal Code Chapter 17.02 (General Provisions – Administrative Adjustments), permits the City Planner to approve minor adjustments to development standards, at a range of no more than 20% of the original standard. Rather than requiring the applicant to undergo the Administrative Adjustment application process, staff recommends the Planning Commission consider approving the additional building height request as part of the Conditional Use Permit proposal. Please note, approval of the additional building height will facilitate staffs recommended Condition of Approval No. 4, which requires the applicant to incorporate a variety of roof types, at varying heights, into the building elevations.

Parking

Hotels are required to provide one parking space for each guest room and one parking space for each two employees per shift regularly employed by the hotel. In addition, if a hotel provides an area for the consumption of food and/or provides assembly space, additional parking shall be provided based on square footage. Parking demand breaks down as follows:

Use	Sq. Ft.	Parking Rate	# of Stalls Required
109 guest rooms	N/A	1 per room	109
10 employees at max shift	N/A	1 per 2 employees	5
Bistro & bar	400 sq. ft.	1 per 400 sq. ft.	1
Assembly space	700 sq. ft.	1 per 300 sq. ft.	3

Total Parking Demand – 118 stalls

Based on the above, a total of 118 parking spaces are required. The site is proposing to construct a parking field that can accommodate 114 parking spaces, leaving a deficit of four stalls. However, additional parking will be available offsite to make up for the deficit as a result of existing shared use agreements. Condition of Approval No. 10 is recommended requiring the applicant to provide a minimum 118 parking stalls for use by the hotel, either onsite and/or on adjacent parcels through the use of shared parking and access agreements. Use of off-site parking shall be subject to a requirement that sufficient parking remain for any uses present on the adjacent parcels.

Revised Traffic Impact Analysis

As part of the proposal the applicant provided a Technical Memorandum prepared by TJKM (*Trip Generation Comparison for Oaks Marketplace, Visalia, California, March 18, 2024*) summarizing the changes to the development program and trip generation of the Oaks Marketplace shopping center. The memorandum identifies whether the changes proposed affect prior impact findings made during the original approval of the Oaks Marketplace shopping center master planned development. The memorandum notes that the development has undergone a number of changes that affect trip generation, including reduction of the total amount of retail space proposed, and the addition of a 109-room hotel.

After analyzing the trips generated under the original and proposed development plans, the memorandum determines that the revised development plan will reduce the total daily trips generated by the Oaks Marketplace from 14,343 daily trips to 13,359 daily trips, with a small increase in the a.m. peak hour and large decrease in the p.m. peak hour. Based on the level of service results with existing mitigation, it is unlikely that the small increase in a.m. peak hour traffic would produce any new impacts that would not already be fully mitigated. The p.m. peak hour impacts would generally be less due to reduced p.m. trips. Furthermore, VMT (Vehicle Miles Traveled) generated by the proposed project would also be reduced due to a reduction in both trips and the total number of employees on the site.

Given this analysis, no additional mitigation is required to address the revised development plan. The Technical Memorandum and related correspondence from the applicant and Caltrans are provided in the attachments below.

Landscaping

As shown in the landscape plan in Exhibit "E", the project will comply with the common landscape theme of the Oaks Marketplace shopping center. All landscaping installed is required to comply with the Model Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this State law will be accomplished by self-certification of the final landscape and irrigation plans by the applicant's landscape architect and/or contractor. This is included as Condition of Approval No. 7.

Environmental Review

An addendum to Initial Study/Mitigated Negative Declaration Document No. 2021-42 originally prepared for the development of the Oaks Marketplace Shopping Center has been prepared to include Conditional Use Permit No. 2023-33 into the project description.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Zoning Ordinance and guidelines for the Oaks Marketplace Shopping Center. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Hotels are considered compatible uses in commercial areas where potential impacts can be addressed through the CUP process. The site is located within the Oaks Marketplace Shopping Center, which will be developed with commercial uses such as retail shops, a carwash, and fast-food restaurants.
 - b. The proposed location of the conditional use and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for the Oaks Marketplace Shopping Center master planned development consistent with CEQA. The Initial Study, resulting in Mitigated Negative Declaration No. 2021-42, disclosed that environmental impacts are determined to not be significant with mitigation. The addition of the hotel development has no new effects that could occur, or new mitigation measures that would be required that have not been

addressed within the scope of the previously approved Mitigated Negative Declaration No. 2021-42. The Mitigated Negative Declaration prepared for the Oaks Marketplace Shopping Center master planned development was approved by the Visalia Planning Commission on November 8, 2024, via Resolution Nos. 2020-61 and 2020-62. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2021-42 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

RECOMMENDED CONDITIONS OF APPROVAL

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2023-107 incorporated herein by reference.
2. That the project shall be developed in substantial compliance with the site and master plans in Exhibits "A" and "B", floor plans in Exhibit "C", building elevations in Exhibit "D", landscape plan in Exhibit "E", phasing plan in Exhibit "F", photometric plan in Exhibit "G", pedestrian connectivity plan in Exhibit "H", and operational statement in Exhibit "I".
3. That the project shall be developed in compliance with all requirements and conditions of the Oaks Marketplace Shopping Center (Conditional Use Permit No. 2020-30 and Tentative Parcel Map No. 2020-09), unless superseded by the conditions of Conditional Use Permit No. 2023-33.
4. That the project shall incorporate a variety of roof types, at varying heights, into the building elevations provided in Exhibit D", in compliance with the design guidelines for the Oaks Marketplace Shopping Center.
5. That a Lot Line Adjustment shall be recorded with the Tulare County Recorder prior to Building Permit final of the proposed development.
6. That CC&R's and/or shared use and access agreements, including vehicular access, landscaping, and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, and all similar infrastructure agreements shall be revised to reflect the new hotel development. The CC&R's and/or use and access agreements shall address property owners' responsibility for repair and maintenance of any easements, repair and maintenance of shared public or private utilities, and obligation to keep such areas free and clear of any obstructions and structures.
7. That landscape and irrigation plans be submitted with the building permit, designed by a professional landscape architect. Landscape and irrigation plans shall comply with the State Model Water Efficient Landscape Ordinance by submittal of Landscape Documentation Packages and Certificates of Compliance certified by a California licensed landscape architect with sections signed by appropriately licensed or certified persons as required by ordinance.
8. That all signage shall comply with the Oaks Marketplace Shopping Center master plan document and shall require a separate building permit.
9. That development across the Oaks Marketplace Shopping Center master planned development complies with the Mitigation Monitoring Program of the previously accepted Initial Study Mitigated Negative Declaration No. 2021-42.
10. That the applicant shall provide a minimum 118 parking stalls for use by the hotel. Said parking may be installed on adjacent vacant parcels if shared use and parking agreements are in place for the adjacent parcels, and if adequate parking is still available for any other uses onsite.
11. That all applicable federal, state, and city laws and codes and ordinances shall be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the city clerk.

Attachments:

- Related Plans & Policies
- Resolution No. 2023-60
- Exhibit "A" – Revised Oaks Marketplace Master Plan and Site Plan
- Exhibit "B" – Original Oaks Marketplace Master Plan
- Exhibit "C" – Courtyard by Marriott Brochure with Floor Plans
- Exhibit "D" – Proposed Building Elevations and Oaks Marketplace Design Guidelines
- Exhibit "E" – Landscape Plan
- Exhibit "F" – Phasing Plan
- Exhibit "G" – Photometric Plan
- Exhibit "H" – Pedestrian Connectivity Plan
- Exhibit "I" – Operational Statement
- Addendum to Adopted Mitigated Negative Declaration No. 2021-42
- Revised Traffic Impact Analysis and Related Correspondence
- Site Plan Review No. 2023-107 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

VISALIA MUNICIPAL CODE

TITLE 17 – ZONING

Chapter 17.18 Commercial Zones

17.18.010 Purpose and intent.

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
6. Ensure compatibility with adjacent land uses.

B. The purposes of the individual commercial zones are as follows:

1. Neighborhood Commercial Zone (C-N). The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.
2. Regional Commercial Zone (C-R). The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.
3. Service Commercial Zone (C-S). The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7310)

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts. (Ord. 2017-01 (part), 2017)

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.040 Required conditions.

- A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in [Chapter 17.28](#).
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;
- D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee. (Ord. 2017-01 (part), 2017: prior code § 7319)

17.18.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: prior code § 7325)

17.18.070 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;

4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet. (Ord. 2017-01 (part), 2017)

Chapter 17.38 Conditional Use Permits

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission.

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

RESOLUTION NO. 2023-60

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-33, A REQUEST BY ELLIE KRANTZ TO AMEND CONDITIONAL USE PERMIT NO. 2020-30, TO CONSTRUCT A NEW 68,800 SQUARE FOOT, FOUR-STORY "COURTYARD BY MARRIOTT" HOTEL WITH 109 ROOMS, A MEETING ROOM, FITNESS CENTER, AND A BISTRO & BAR, ON A 2.43-ACRE PARCEL WITHIN THE OAKS MARKETPLACE SHOPPING CENTER, IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE SITE IS LOCATED 270 FEET NORTH OF WEST MID VALLEY AVENUE, AND 290 FEET EAST OF SOUTH MOONEY BOULEVARD (APN: 122-350-033)

WHEREAS, Conditional Use Permit No. 2023-33 is a request by Ellie Krantz to amend Conditional Use Permit No. 2020-30, to construct a new 68,800 square foot, four-story "Courtyard by Marriott" hotel with 109 rooms, a meeting room, fitness center, and a bistro & bar, on a 2.43-acre parcel within the Oaks Marketplace Shopping Center, in the C-R (Regional Commercial) zone. The site is located 270 feet north of West Mid Valley Avenue, and 290 feet east of South Mooney Boulevard (APN: 122-350-033); and

WHEREAS, after published notice, a public hearing was held before the Planning Commission on May 13, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, an addendum to Mitigated Negative Declaration No. 2021-42 was prepared which disclosed that, with incorporation of the existing mitigation measures for the Oaks Marketplace Shopping Center, no significant environmental impacts would result from this project.

NOW, THEREFORE, BE IT RESOLVED, that Mitigated Negative Declaration Document No. 2021-42 was prepared in accordance with the California Environmental Quality Act and City of Visalia Environmental Guidelines, including consistency with CEQA Guidelines Section 15162, and that the environmental setting in which this project will be built has not changed since the Mitigated Negative Declaration for the original project was adopted, and as such Mitigated Negative Declaration No. 2021-42 is incorporated in the project approval.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, Zoning Ordinance and guidelines for the Oaks Marketplace Shopping Center. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Hotels are considered compatible uses in commercial areas where potential impacts can be addressed through the CUP process. The site is located within the Oaks Marketplace Shopping Center, which will be developed with commercial uses such as retail shops, a carwash, and fast-food restaurants.
 - b. The proposed location of the conditional use and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That an Initial Study was prepared for the Oaks Marketplace Shopping Center master planned development consistent with CEQA. The Initial Study, resulting in Mitigated Negative Declaration No. 2021-42, disclosed that environmental impacts are determined to not be significant with mitigation. The addition of the hotel development has no new effects that could occur, or new mitigation measures that would be required that have not been addressed within the scope of the previously approved Mitigated Negative Declaration No. 2021-42. The Mitigated Negative Declaration prepared for the Oaks Marketplace Shopping Center master planned development was approved by the Visalia Planning Commission on November 8, 2024, via Resolution Nos. 2020-61 and 2020-62. An Addendum to approved Initial Study / Mitigated Negative Declaration No. 2021-42 has been prepared for this project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2023-107 incorporated herein by reference.
2. That the project shall be developed in substantial compliance with the site and master plans in Exhibits "A" and "B", floor plans in Exhibit "C", building elevations in Exhibit "D", landscape plan in Exhibit "E", phasing plan in Exhibit "F", photometric plan in Exhibit "G", pedestrian connectivity plan in Exhibit "H", and operational statement in Exhibit "I".
3. That the project shall be developed in compliance with all requirements and conditions of the Oaks Marketplace Shopping Center (Conditional Use Permit No. 2020-30 and Tentative Parcel Map No. 2020-09), unless superseded by the conditions of Conditional Use Permit No. 2023-33.

4. That the project shall incorporate a variety of roof types, at varying heights, into the building elevations provided in Exhibit D", in compliance with the design guidelines for the Oaks Marketplace Shopping Center.
5. That a Lot Line Adjustment shall be recorded with the Tulare County Recorder prior to Building Permit final of the proposed development.
6. That CC&R's and/or shared use and access agreements, including vehicular access, landscaping, and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, and all similar infrastructure agreements shall be revised to reflect the new hotel development. The CC&R's and/or use and access agreements shall address property owners' responsibility for repair and maintenance of any easements, repair and maintenance of shared public or private utilities, and obligation to keep such areas free and clear of any obstructions and structures.
7. That landscape and irrigation plans be submitted with the building permit, designed by a professional landscape architect. Landscape and irrigation plans shall comply with the State Model Water Efficient Landscape Ordinance by submittal of Landscape Documentation Packages and Certificates of Compliance certified by a California licensed landscape architect with sections signed by appropriately licensed or certified persons as required by ordinance.
8. That all signage shall comply with the Oaks Marketplace Shopping Center master plan document and shall require a separate building permit.
9. That development across the Oaks Marketplace Shopping Center master planned development complies with the Mitigation Monitoring Program of the previously accepted Initial Study Mitigated Negative Declaration No. 2021-42.
10. That the applicant shall provide a minimum 118 parking stalls for use by the hotel. Said parking may be installed on adjacent vacant parcels if shared use and parking agreements are in place for the adjacent parcels, and if adequate parking is still available for any other uses onsite.
11. That all applicable federal, state, and city laws and codes and ordinances shall be met.

OAKS MARKETPLACE PARCEL 12 DEVELOPMENT

A PORTION OF LOT 2 OF SHANNON RANCH CENTRAL SUBDIVISION, RECORDED IN VOL. 40
OF MAPS, AT PAGE 99, TCR, LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 18
SOUTH, 24 EAST, MDB&M, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF
CALIFORNIA

SITE DATA:

APN: 126-080-025, 056

ZONING (EXISTING): C-R REGIONAL COMMERCIAL

ZONING (PROPOSED): C-R REGIONAL COMMERCIAL

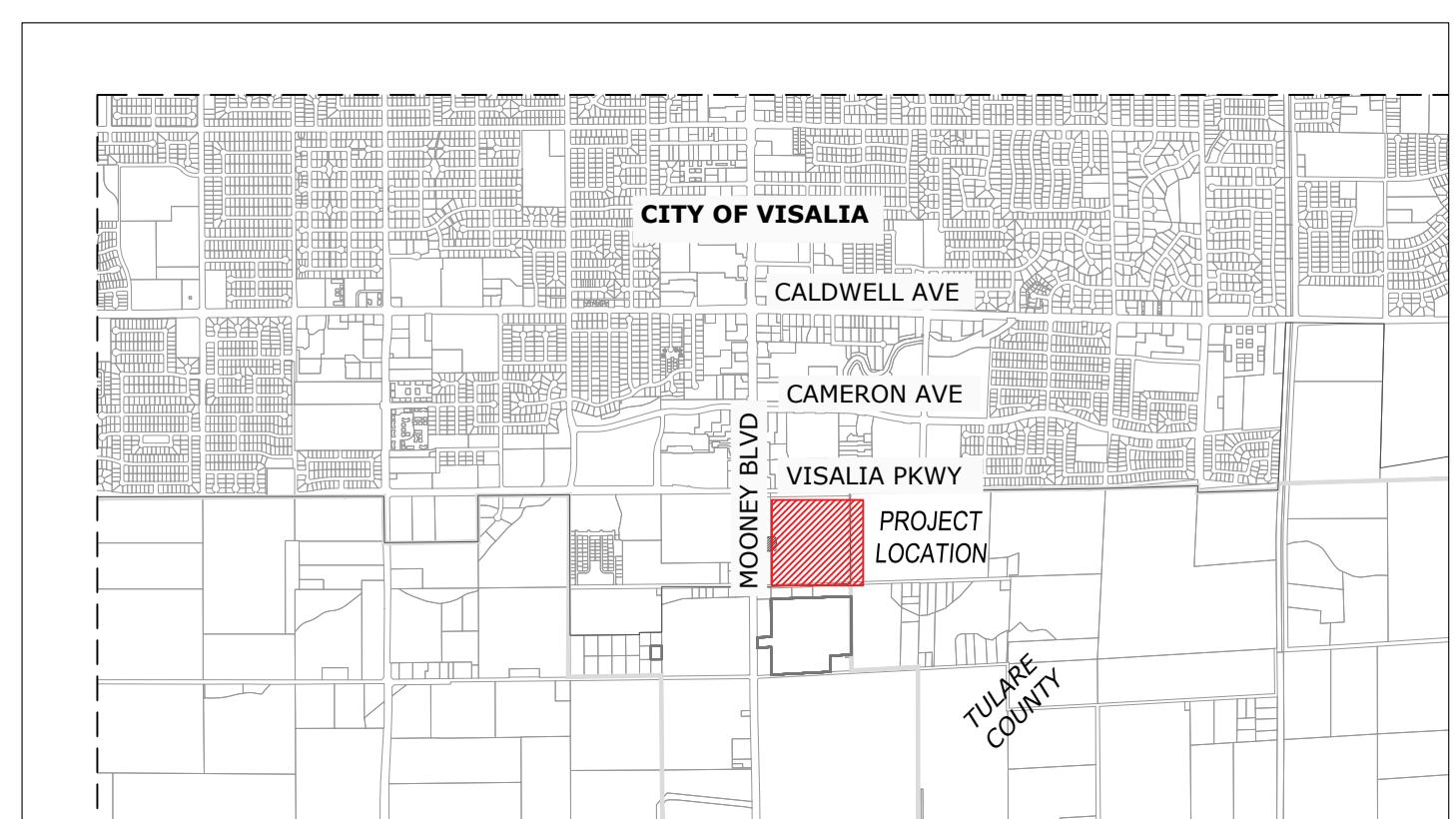
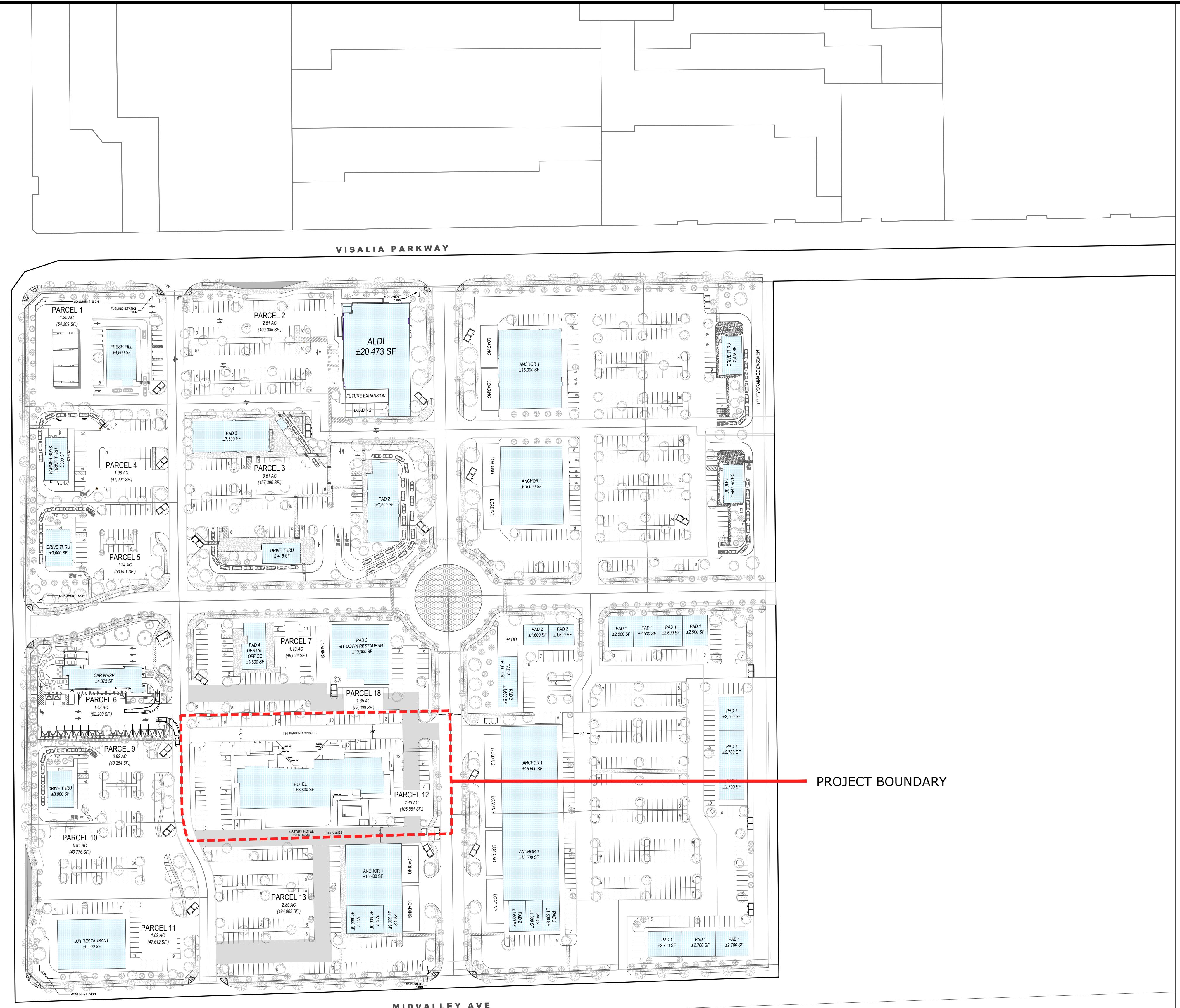
GENERAL PLAN (EXISTING): REGIONAL COMMERCIAL

GENERAL PLAN (PROPOSED): REGIONAL COMMERCIAL

<u>UTILITIES</u>	
SEWER SERVICE:	CITY OF VISALIA
WATER SERVICE:	CITY OF VISALIA
STORM SERVICE:	CITY OF VISALIA
GAS SERVICE:	SOUTHERN CALIFORNIA GAS COMPANY
ELEC. SERVICE:	SOUTHERN CALIFORNIA EDISON
REFUSE SERVICE:	CITY OF VISALIA
TELEPHONE:	SBC
FLOOD ZONE:	X

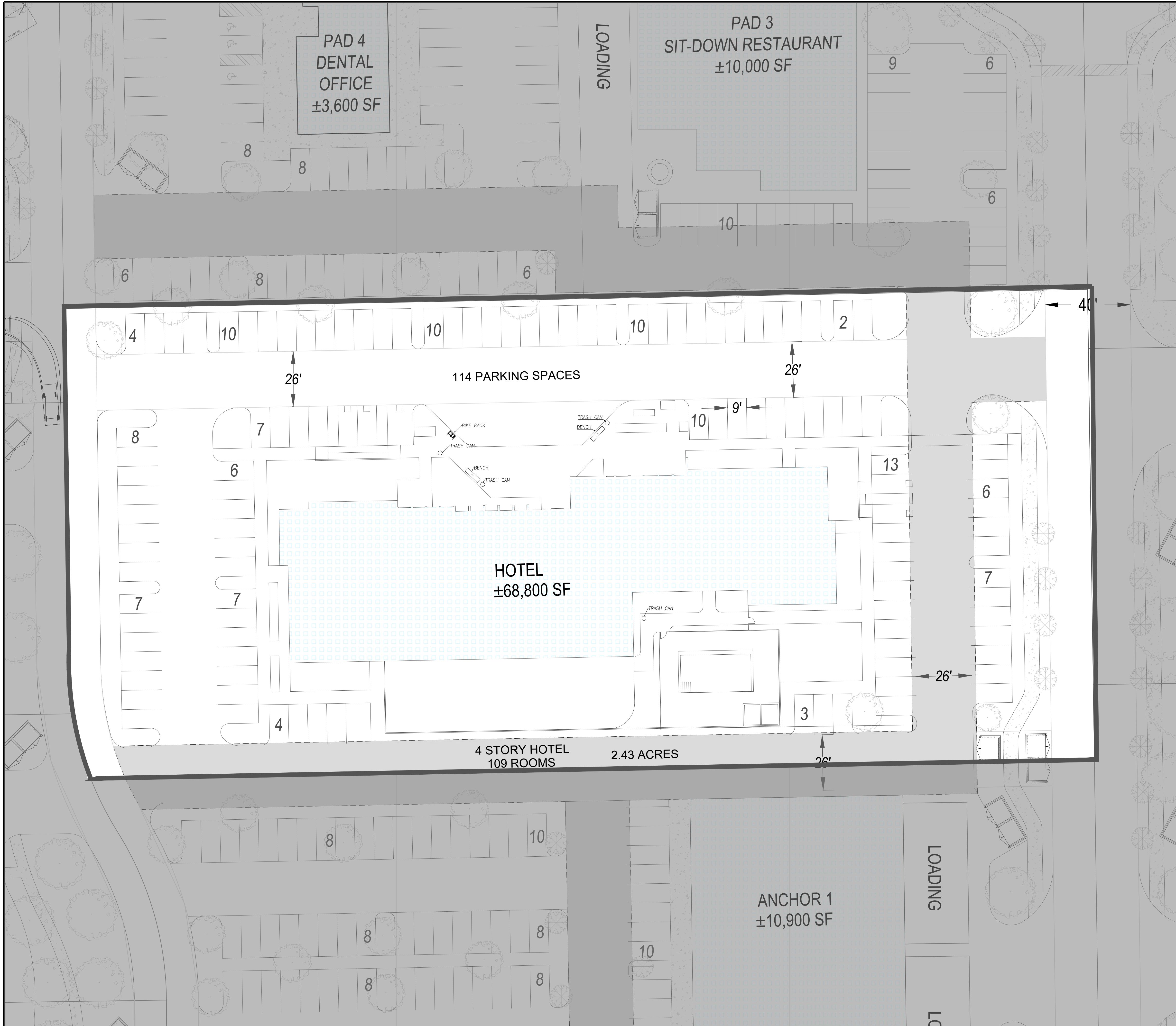
SETBACKS

FRONT (MOONEY BLVD): 20'
SIDE (VISALIA PKWY & MIDVALLEY AVE): 10'
REAR (EASTERN PROPERTY BOUNDARY): 15'



VICINITY MAP

The logo is a circular emblem with a thick black border. Inside the circle, there is a stylized, wavy, upward-pointing shape that resembles both a 'W' and an 'M'. The logo is centered on the page, above the company name and address.



JANUARY 2024

OAKS MARKETPLACE PARCEL 12 DEVELOPMENT

A PORTION OF LOT 2 OF SHANNON RANCH CENTRAL SUBDIVISION, RECORDED IN VOL. 40
OF MAPS, AT PAGE 99, TCR, LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 18
SOUTH, 24 EAST, MDB&M, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF
CALIFORNIA

SITE DATA

APN:	126-080-025, 056
PARCEL ACREAGE:	2.43 ACRES
ZONING (EXISTING):	C-R REGIONAL COMMERCIAL
ZONING (PROPOSED):	C-R REGIONAL COMMERCIAL
GENERAL PLAN (EXISTING):	REGIONAL COMMERCIAL
GENERAL PLAN (PROPOSED):	REGIONAL COMMERCIAL
UTILITIES	
SEWER SERVICE:	CITY OF VISALIA
WATER SERVICE:	CITY OF VISALIA
STORM SERVICE:	CITY OF VISALIA
GAS SERVICE:	SOUTHERN CALIFORNIA GAS COMPANY
ELEC. SERVICE:	SOUTHERN CALIFORNIA EDISON
REFUSE SERVICE:	CITY OF VISALIA
TELEPHONE:	SBC
FLOOD ZONE:	X

HOTEL - PARCEL 12

TOTAL BUILDING AREA	68,800 SQ FT	TOTAL HOTEL
TOTAL LANDSCAPED AREA	13,068 SQ FT	
CONSTRUCTION TYPE	IIIA	
NUMBER OF STORIES	FOUR	
BUILDING HEIGHT	50'-0"	

BUILDING AND PARKING

COURTYARD MARRIOTT HOTEL: 109 ROOMS
SPACES REQUIRED (1/ROOM): 109
SPACES PROVIDED: 114
ADJU SPACES PROVIDED: 5

PREPARED BY:



324 S. SANTA FE ST., STE. A
P.O. BOX 7593
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

OAKS MARKETPLACE MASTER CONDITIONAL USE PERMIT SITE PLAN

A PORTION OF LOT 2 OF SHANNON RANCH CENTRAL SUBDIVISION, RECORDED IN VOL. 40 OF MAPS, AT PAGE 99, TCR, LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 18 SOUTH, 24 EAST, MDB&M, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA

SITE DATA:

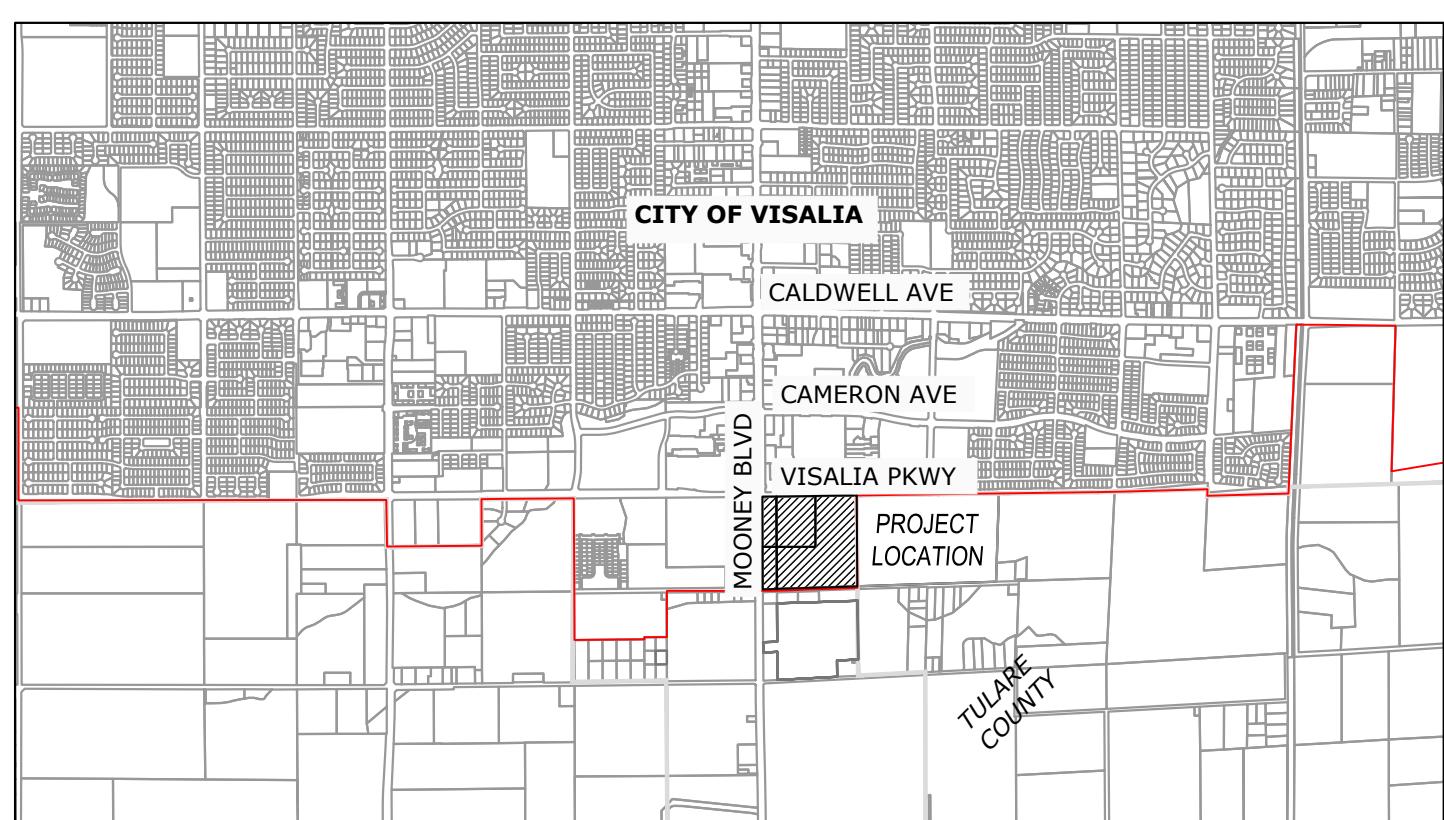
APN:	126-080-025, 056	C-R REGIONAL COMMERCIAL
ZONING (EXISTING):	C-R REGIONAL COMMERCIAL	
ZONING (PROPOSED):	C-R REGIONAL COMMERCIAL	
GENERAL PLAN (EXISTING):	REGIONAL COMMERCIAL	
GENERAL PLAN (PROPOSED):	REGIONAL COMMERCIAL	
UTILITIES		
SEWER SERVICE:	CITY OF VISALIA	
WATER SERVICE:	CITY OF VISALIA	
STORM SERVICE:	CITY OF VISALIA	
GAS SERVICE:	SOUTHERN CALIFORNIA GAS COMPANY	
ELEC. SERVICE:	SOUTHERN CALIFORNIA EDISON	
REFUSE SERVICE:	CITY OF VISALIA	
TELEPHONE:	SBC	
FLOOD ZONE:	X	

SETBACKS

FRONT (MOONEY BLVD): 20'
SIDE (VISALIA PKWY & MIDVALLEY AVE): 10'
REAR (EASTERN PROPERTY BOUNDARY): 15'

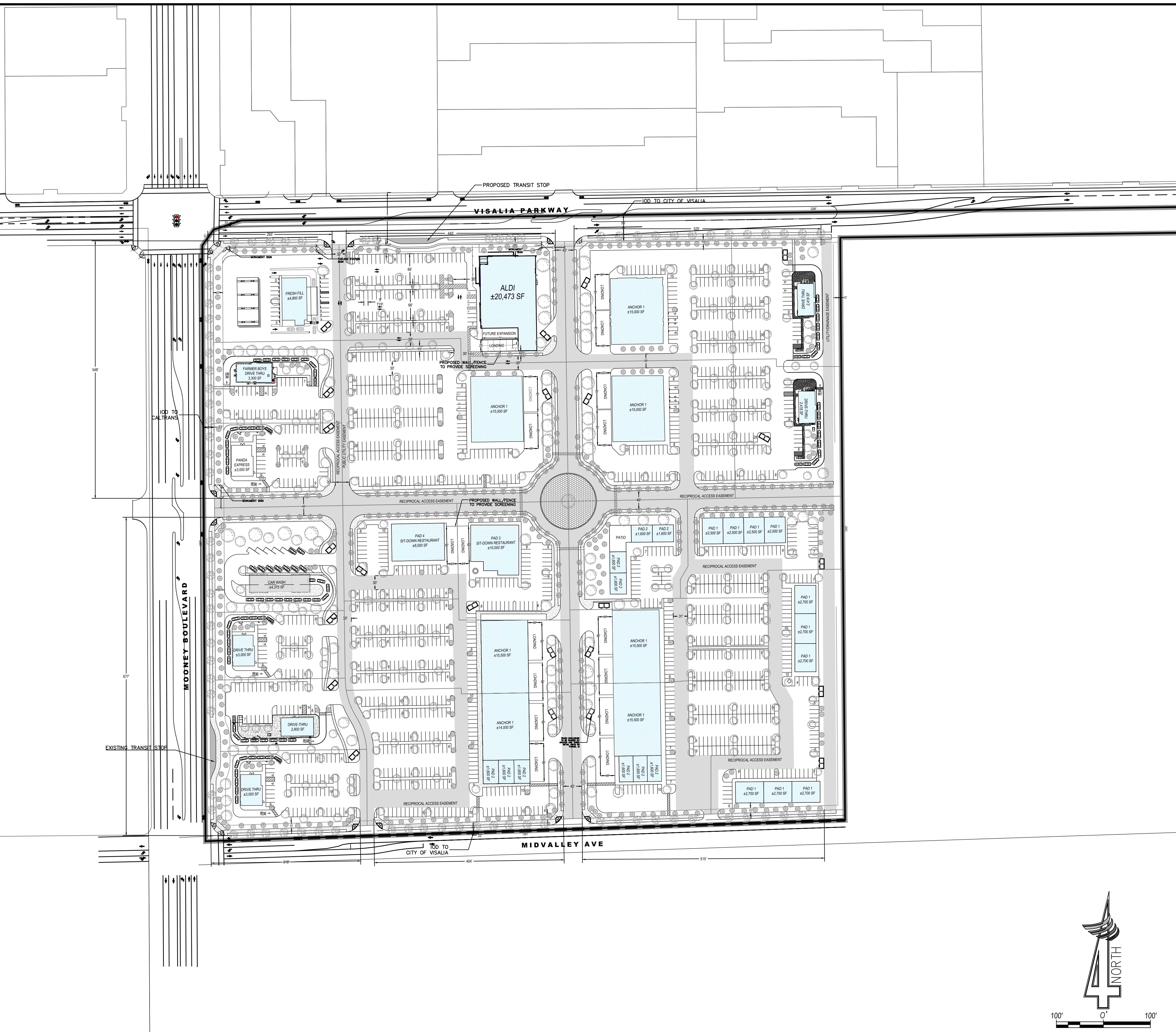
BUILDING AND PARKING

BUILDING TYPE	BUILDING SF	PARKING PROPOSED
GROCERY STORE	20,473 SF	111 SPACES
DRIVE-THRU RESTAURANT	19,354 SF	313 SPACES
SIT-DOWN RESTAURANT	18,000 SF	93 SPACES
CONVENIENCE STORE	4,800 SF	19 SPACES
CAR WASH	4,375 SF	14 SPACES
ANCHOR	105,500 SF	856 SPACES
PAD	42,200 SF	159 SPACES
TOTAL	214,702 SF	1,565 SPACES



VICINITY MAP

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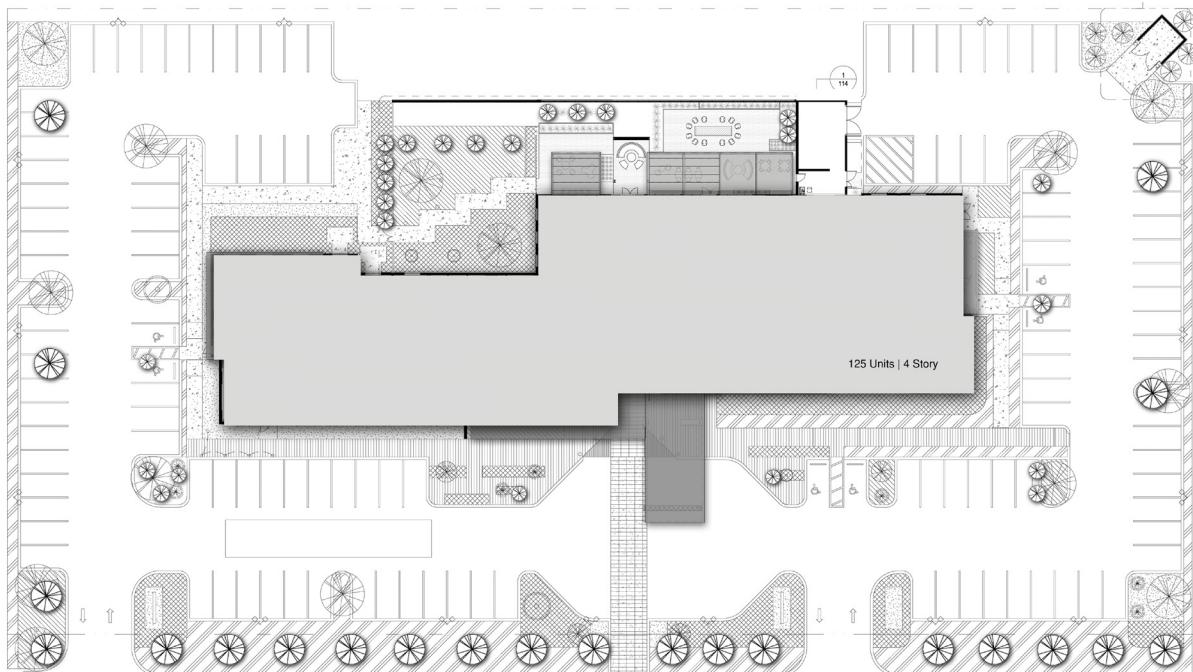


COURTYARD®
BY MARRIOTT

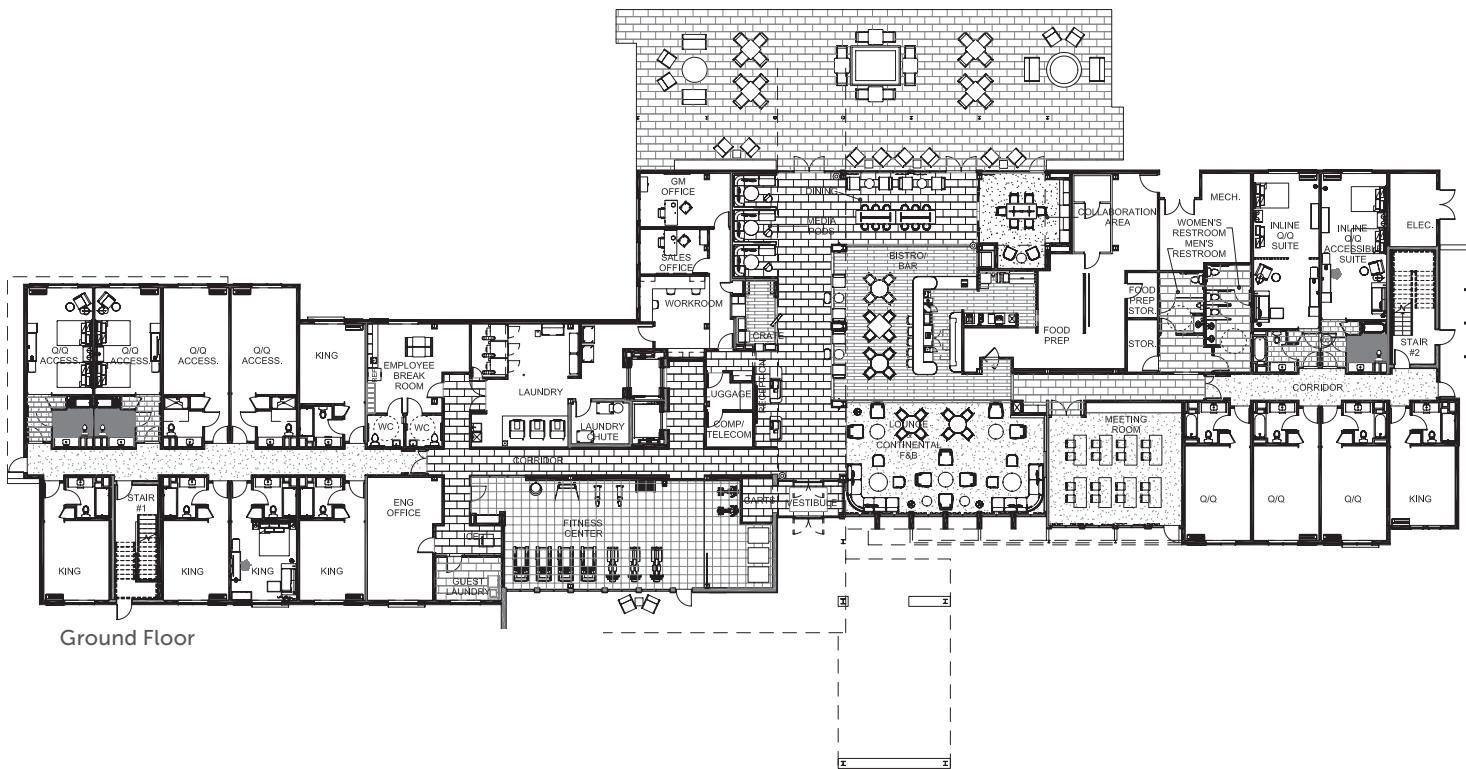


Front Elevation

SITE SUMMARY				Data is based on a Gen 6.5, 125-room proto-model.
Building Length 288 feet	Building Depth 87 feet	Land 2.19 acres	Parking 126 spaces	



Site Plan

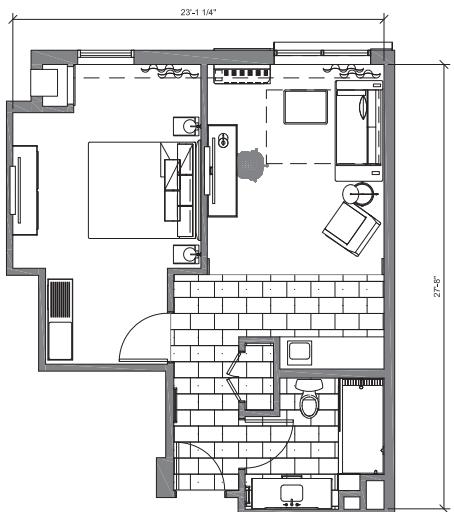


Typical Floor

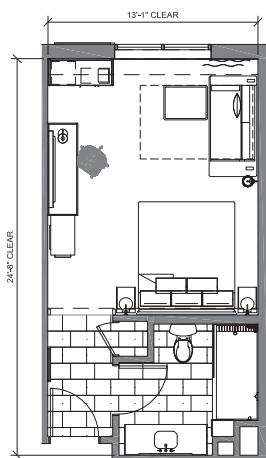
TYPICAL UNIT MIX

King	70-75%
Queen/Queen Suites	25-30%
Suites	3-5%

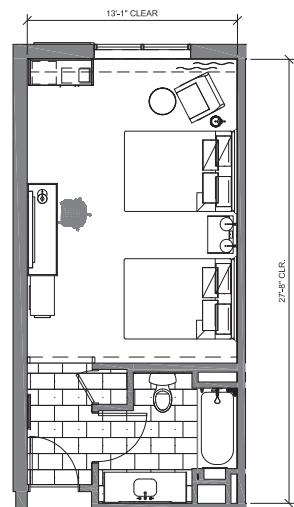
Data is based on a Gen 6.5, 125-room proto-model



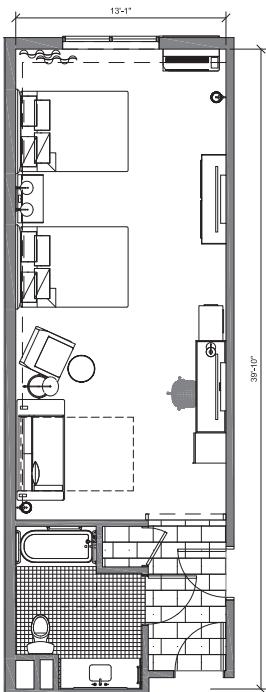
King Suite



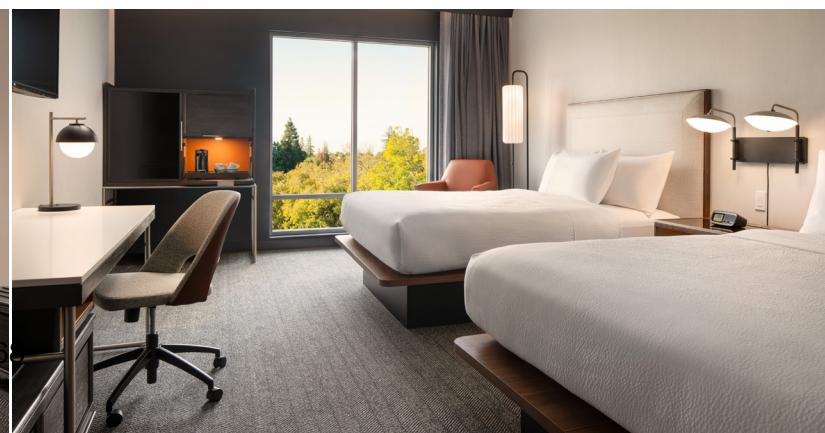
King



Queen/Queen



Inline Queen/Queen Suite
Inline King Suite similar



AREA PROGRAM

GUEST SPACES	QUANTITY	PERCENTAGE	UNIT AREA	TOTAL NET (SF)	BACK-OF-HOUSE	TOTAL NET (SF)	
Lobby Areas					Administration		
Entrance Vestibule					General Manager Office		
Reception					Sales Office		
Quick Print					Work Room		
Lounge					Luggage		
Dining					Employee Areas		
Media Pods					Break Room		
Public Circulation					Employee Restrooms		
Public Restrooms					Engineering & Maintenance		
Total Lobby Areas	4,666				Engineer Maintenance Office		
Food & Beverage Front-of-House					Food & Beverage Back-of-House		
Bistro + Bar	380				Food Preparation		
Grab N Go	25				Food Preparation Storage		
Total Food & Beverage Front-of-House	405				Laundry		
Recreation Facilities					Laundry Room		
Fitness Center	1,166				Housekeeping		
Swimming Pool (Outdoor - Not Included)					Linen and Linen Chute Rooms		
Retail					Storage		
The CRATE	108				Elevators		
Meeting Spaces					Elevators		
Meeting Room	656				Elevator Equipment Room		
Meeting Room Storage	63				Property Technology		
Meeting Spaces Total	719				Computer/Telecom		
Guestrooms					Mechanical, Plumbing & Electrical		
Standard King	86	70-75%	323	27,778	Mechanical		
*Accessible King	3		417	1,251	Electrical		
Standard Queen/Queen	28	25-30%	362	10,136	TOTAL BACK-OF-HOUSE SPACES	5,460	
*Accessible Queen/Queen	4		418	1,672	SUMMARY	QUANTITY	TOTAL (SF)
King Suite	2		525	1,050	Total Number of Guestroom Room Floors	4	
Inline Queen/Queen Suite	1	3-5%	521	521	Total Number of Floors	4	
Accessible Inline Queen/Queen Suites*	1		521	521	Guest Spaces	57,895	
Total Guestrooms	125			42,929	Back-of-House	5,460	
Guestroom Corridors & Support					Total Net Building Area	63,355	
Corridors/Elevator Lobby					Walls and Shafts (Estimated)	5,445	
Stairs					Total Gross Building Area	68,800	
Guest Laundry					Total Square Feet per Room	550	
Ice Machine							
Total Guestroom Corridors & Support	7,902						
TOTAL GUEST SPACES	57,895						

The information released by Marriott® International in this communication with respect to the Courtyard by Marriott project is provided to the owner and franchise community merely as a guide and all information and supporting documentation serves solely as guidelines and is not, and should not be considered final. All plans regarding this project are routinely updated and remain subject to revision and clarification. *Comply with all governing regulations for size, percentage and quantity of accessible guestrooms. February 2022



The Courtyard prototype is inspired by the modern definition of success. Inviting spaces help guests shift gears to reenergize and be their most creative and successful selves.

KEY FEATURES

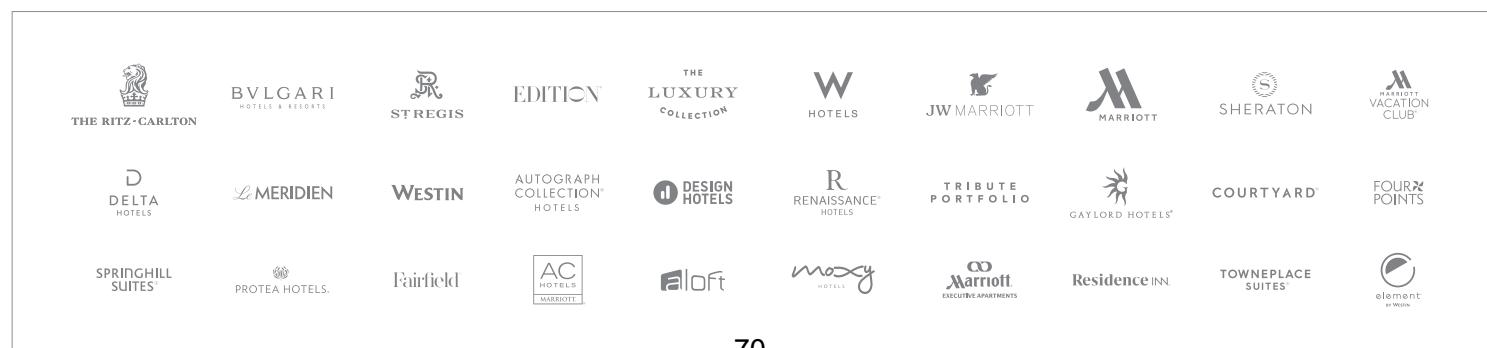
- EXTERIOR: modern with color and material options adaptable to your location
- ARRIVAL: optional porte-cochere and enhanced lighting
- NATURAL LIGHT: connections to the outdoors with front patio and Bistro Terrace featuring expanded windows
- INSPIRED CLASSIC LOBBY DÉCOR: classic style and elevated spaces
- LOBBY LOUNGE: design focuses on elevated evening experience and special seating options
- BISTRO BREAKFAST: Breakfast available (for pay) with enhanced grab'n'go options.
- BISTRO BAR: Bistro programming with wine and cocktail program.
- BISTRO TERRACE: provides an open-air connection to the bar and lounge, featuring community fire pit and upgraded seating
- CRATE: new signature market with curated retail items, premium food and beverages, including fresh Starbucks® coffee and prepared grab-and-go items
- GUEST ROOM: smartly designed rooms with the Inspired Classic decor offering two color options and modern furniture

DEVELOPING WITH MARRIOTT

Marriott's largest brand by distribution leads the way in evolving to meet the needs of the modern business traveler. The brand has had a legacy of impressive performance with solid RevPAR and high returns to owners. By developing with Marriott International, owners and franchisees harness the power of our industry leading sales, marketing, and loyalty engines.

MORE POWER TODAY. MORE VALUE TOMORROW. OWN THE FUTURE.

VISIT MARRIOTTEVELOPMENT.COM OR CALL 301.380.3200



REFERENCE NOTES

GENERAL NOTES

A. REFER TO DESIGN STANDARDS, "SITE & BUILDING EXTERIOR" CHAPTER FOR MAIN REQUIREMENTS RELATED TO THIS SHEET. ARCHITECT IS RESPONSIBLE FOR DESIGNING PROJECT IN ACCORDANCE WITH THE ENTIRE DESIGN STANDARDS.

- BUILDING ELEVATIONS ARE APPROXIMATE AND WILL VARY BASED UPON STRUCTURAL SYSTEM.
- REFER TO BUILDING PRODUCT MANUAL FOR MATERIALS AND COLORS.
- REVEALS VARY IN DEPTH AND WIDTH ACROSS BUILDING ELEVATION.
- PROVIDE INTERNAL DOWNSPOUTS, GUTTERS, ROOF DRAINS, AND OVERFLOWS AS REQUIRED FOR LOCAL RAINFALL. PROVIDE SECONDARY OVERFLOWS TO DAYLIGHT IN AREAS THAT WILL NOT DRAIN ACROSS WALKING SURFACES.
- IF EQUIPMENT IS LOCATED ON THE ROOF, SCREEN EQUIPMENT SO THAT IT IS NOT VISIBLE TO THE GUEST AT GRADE LEVEL.

CRITERIA NOTES

CRITERIA NOTES ARE SHOWN CATEGORIZED BY DISCIPLINE AND COULD BE INTERPRETED TO APPLY TO MORE THAN ONE DISCIPLINE. FOR EFFICIENCY, NOTES ARE ONLY SHOWN UNDER ONE PREDOMINANT DISCIPLINE. CONSULTANTS SHOULD FAMILIARIZE THEMSELVES WITH ALL CRITERIA NOTES.

ARCHITECTURAL

A5 WINDOW CONFIGURATION VARIES BY PROJECT & LOCATION OF HVAC SYSTEM.

A11 HOTEL SIGNAGE PER SIGNAGE PACKAGE. PROVIDE REQUIRED BACKING, LOCATE POWER CUTOFF FOR EASY ACCESS.

A59 PAINT LOUVERS SIMILAR TO ADJACENT WALL SURFACE.

A65 (6) EXTERIOR ACCENT LINEAR LIGHT FIXTURES, ARRANGED IN RANDOM PATTERN. DESIGNER TO COORDINATE EXACT LOCATIONS WITH EXTERIOR CLADDING SYSTEM.

A67 PREFINISHED BREAK METAL SHADOW-BOX TYPICAL AT ALL LOCATIONS WHERE EIFS ACCENT COLOR IS ADJACENT TO GUESTROOM WINDOWS.

A70 MARRIOTT SIGN TO BE SURFACE MOUNTED, INTERNALLY ILLUMINATED CHANNEL LETTERS. SEE SIGNAGE PACKAGE FOR SPECIFICATION. PROVIDE REQUIRED BLOCKING BEHIND WALL FOR SIGNAGE. PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MAKING FINAL ELECTRICAL CONNECTIONS.

A80 OPTIONAL HOTEL SIGNAGE PER SIGNAGE PACKAGE. PROVIDE REQUIRED BLOCKING, LOCATE POWER CUTOFF FOR EASY ACCESS. PROVIDE ACCESS FOR MOUNTING ELECTRICAL COMPONENTS AND MAKING FINAL CONNECTIONS.

A81 OPTIONAL MARRIOTT SIGN TO BE SURFACE MOUNTED INTERNALLY ILLUMINATED CHANNEL LETTERS. SEE SIGNAGE PACKAGE FOR SPECIFICATION.

ENGINEERING

E93 PROVIDE DEDICATED CIRCUITRY BROUGHT TO SIGN FROM ELECTRICAL PANEL.

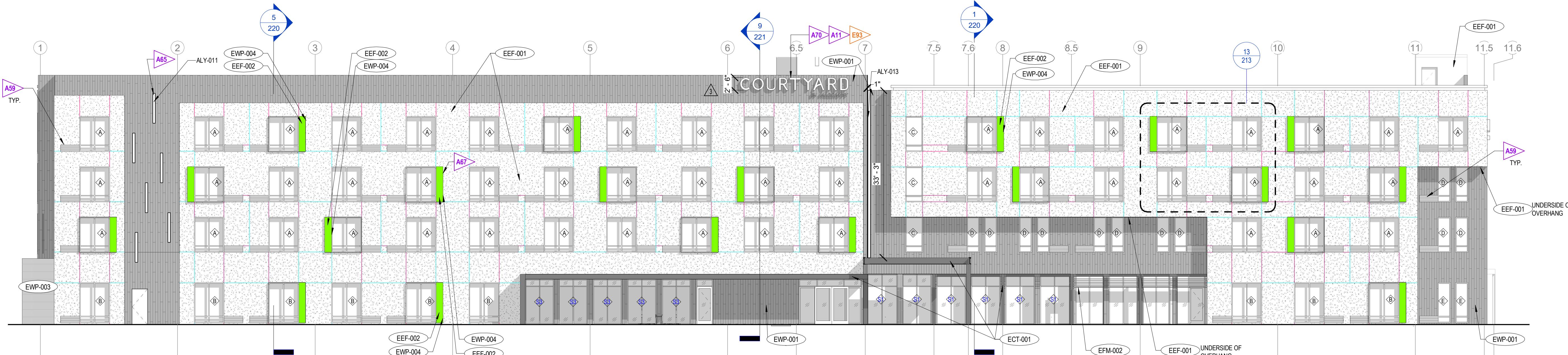
EXTERIOR FINISH KEY

EEF-001	EIFS 1	EWP-004	METAL COLOR 2
EEF-002	EIFS 2	EWP-003	METAL COLOR 3
EEF-003	EIFS 3	CP-002	METAL COLOR 4
EWP-001	FIBER-CEMENT SLIDING PANELS	CP-001	WOOD
ECT-001	INTUMESCENT PAINT	EFM-002	WOOD

SYMBOLS LEGEND

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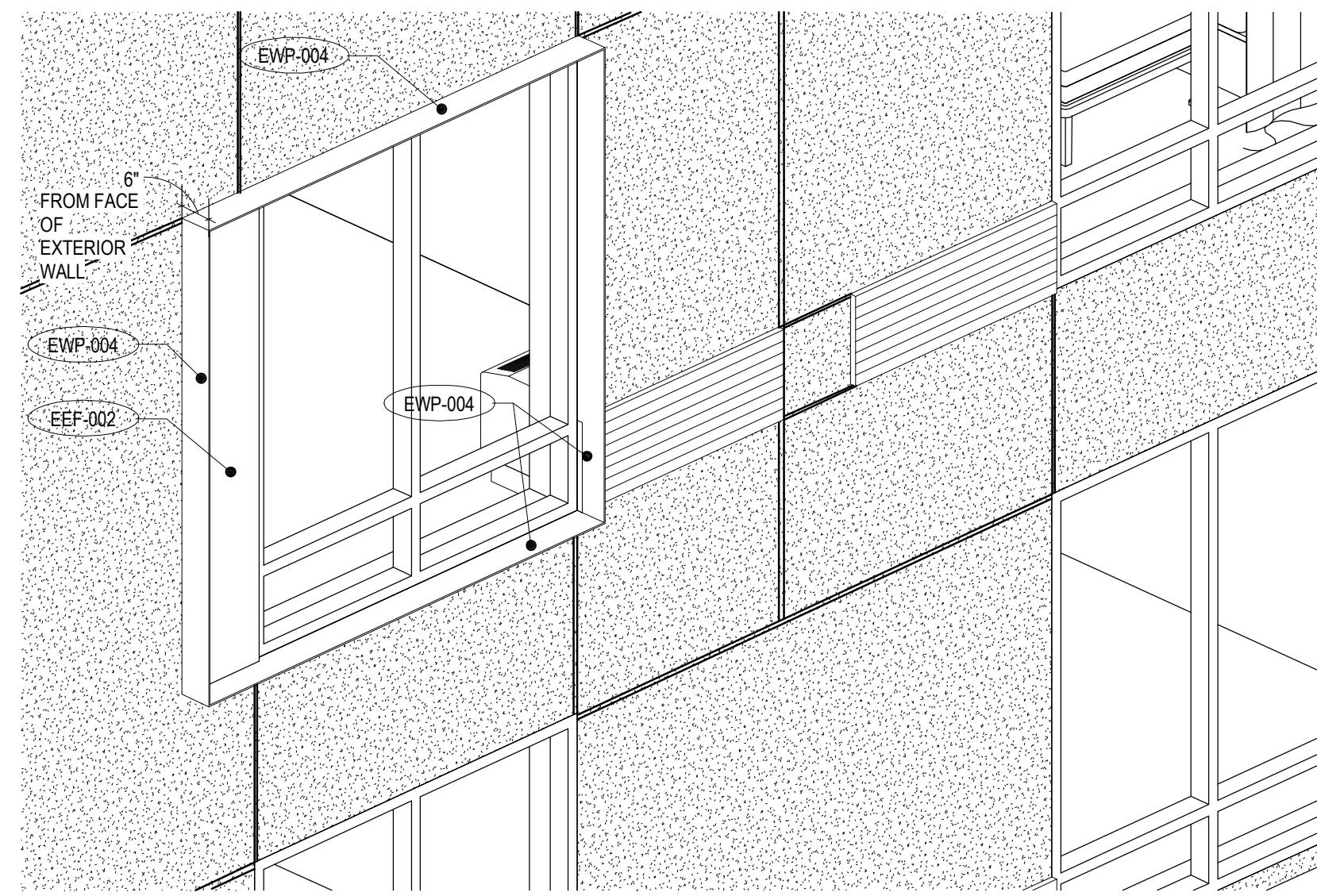


REFERENCE NOTES	GENERAL NOTES	CRITERIA NOTES	EXTERIOR FINISH KEY
<p>A. REFER TO DESIGN STANDARDS "SITE & BUILDING EXTERIOR" CHAPTER FOR MAIN REQUIREMENTS RELATED TO THIS SHEET. ARCHITECT IS RESPONSIBLE FOR DESIGNING PROJECT IN ACCORDANCE WITH THE ENTIRE DESIGN STANDARDS.</p>	<p>1. BUILDING ELEVATIONS ARE APPROXIMATE AND WILL VARY BASED UPON STRUCTURAL SYSTEM. 2. REFER TO BUILDING PRODUCT MANUAL FOR MATERIALS AND COLORS. 3. REVEALS VARY IN DEPTH AND WIDTH ACROSS BUILDING ELEVATION. 4. PROVIDE INTERNAL DOWNSPOUTS, GUTTERS, ROOF DRAINS, AND OVERFLOWS AS REQUIRED FOR LOCAL RAINFALL. PROVIDE SECONDARY OVERFLOWS TO DAYLIGHT IN AREAS THAT WILL NOT DRAIN ACROSS WALKING SURFACES.</p> <p>5. IF EQUIPMENT IS LOCATED ON THE ROOF, SCREEN EQUIPMENT SO THAT IT IS NOT VISIBLE TO THE GUEST AT GRADE LEVEL.</p>	<p>CRITERIA NOTES ARE SHOWN CATEGORIZED BY DISCIPLINE AND COULD BE INTERPRETED TO APPLY TO MORE THAN ONE DISCIPLINE FOR EFFICIENCY. NOTES ARE ONLY SHOWN UNDER ONE PREDOMINANT DISCIPLINE. CONSULTANTS SHOULD FAMILIARIZE THEMSELVES WITH ALL CRITERIA NOTES.</p> <p>AA > ARCHITECTURAL A59 PAINT LOUVERS SIMILAR TO ADJACENT WALL SURFACE. A66 (5) EXTERIOR ACCENT LINEAR LIGHT FIXTURES, ARRANGED IN RANDOM PATTERN. DESIGNER TO COORDINATE EXACT LOCATIONS WITH EXTERIOR CLADDING SYSTEM. A67 PREFINISHED BREAK METAL SHADOW BOX TYPICAL AT ALL LOCATIONS WHERE EIFS ACCENT COLOR IS ADJACENT TO GUESTROOM WINDOWS.</p> <p>ED > ENGINEERING E93 PROVIDE DEDICATED CIRCUITRY BROUGHT TO SIGN FROM ELECTRICAL PANEL.</p>	<p>EEF-001 EIFS 1 EEF-002 EIFS 2 EEF-003 EIFS 3 EWP-001 FIBER-CEMENT SLIDING PANELS EWP-002 EIFS 4 EWP-003 METAL COLOR 3 EWP-004 METAL COLOR 2 CP-001 WOOD CP-002 METAL COLOR 4 ECT-001 INTUMESCENT PAINT EFM-002 WOOD</p>

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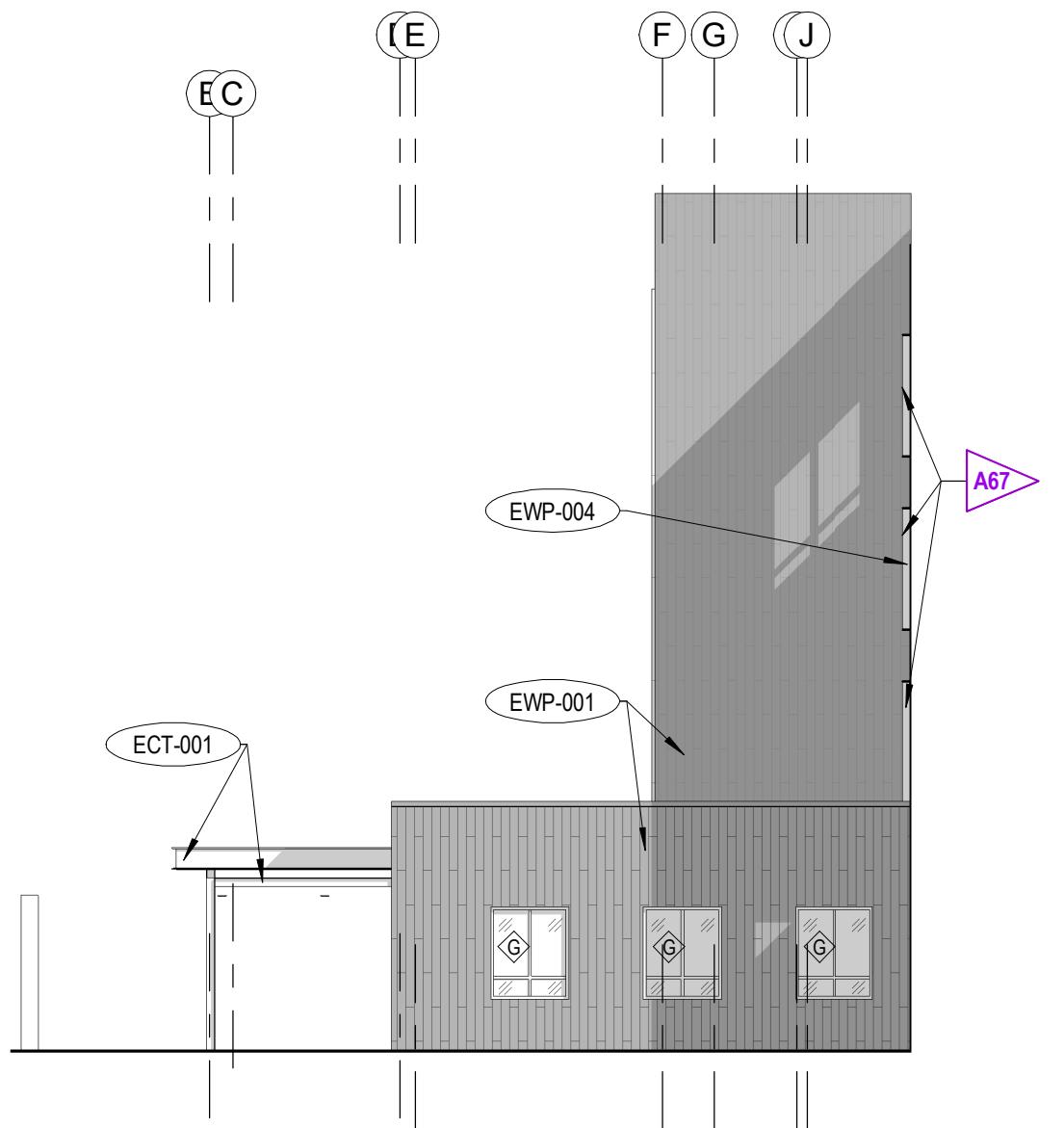
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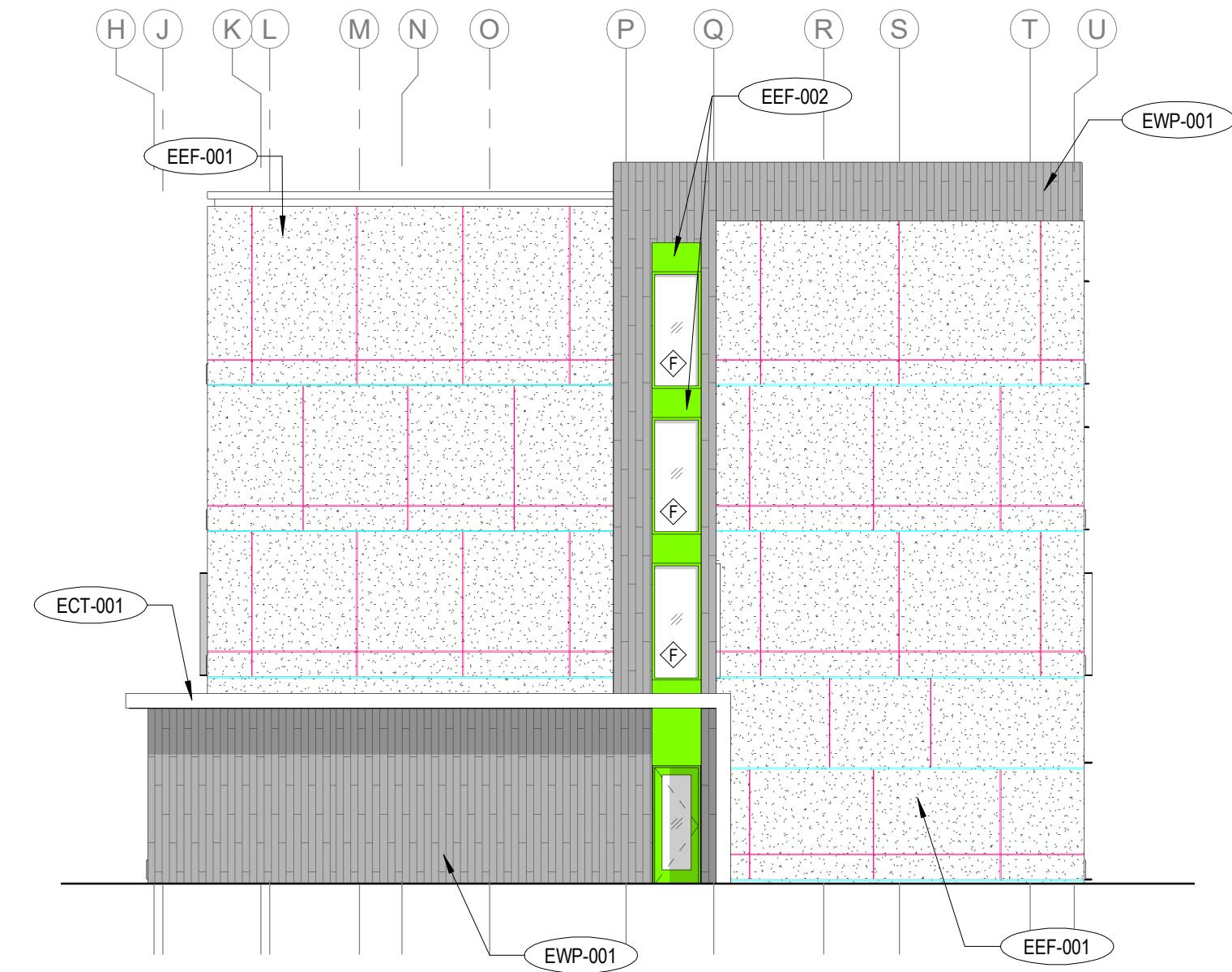
14 DETAIL PERSPECTIVE AT WINDOW SHADOW BOX

SCALE: 1/2" = 1'-0"



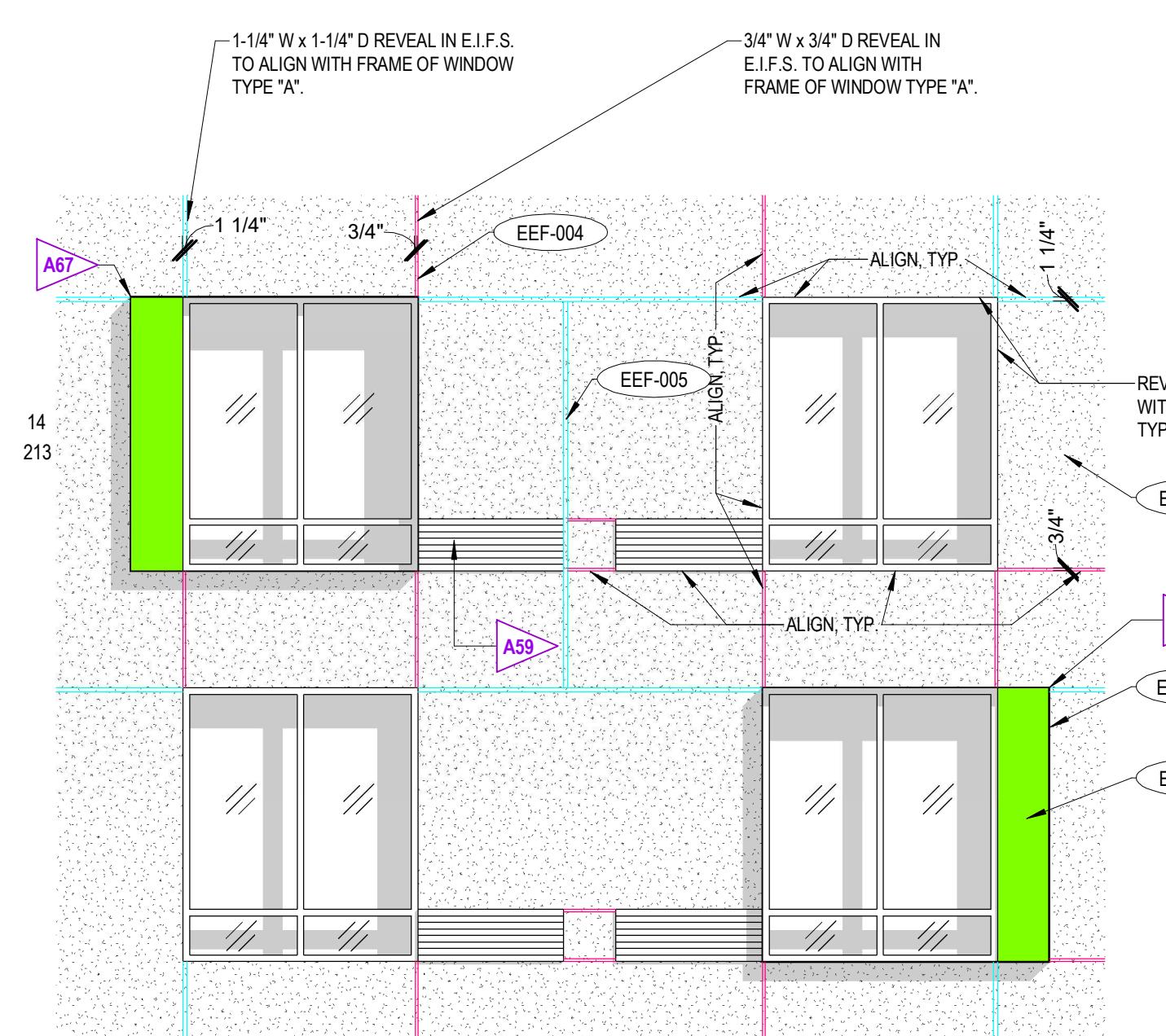
3 SIDE ELEVATION

SCALE: 3/32" = 1'-0" referenced from: 200



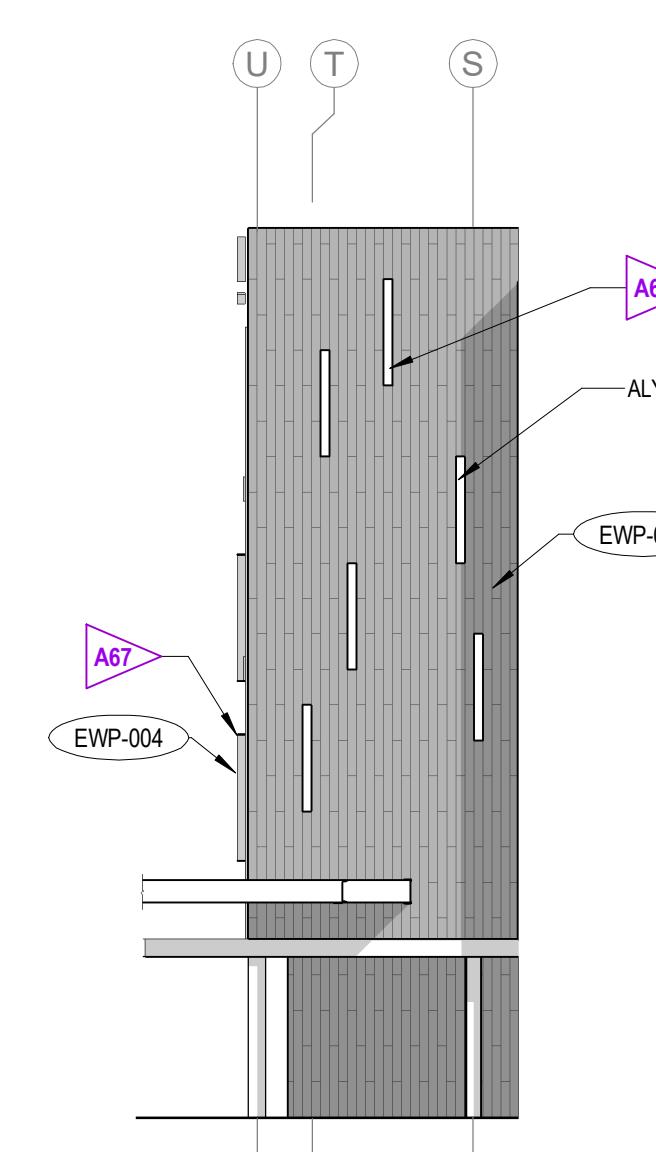
2 SIDE ELEVATION

SCALE: 3/32" = 1'-0" referenced from: 200



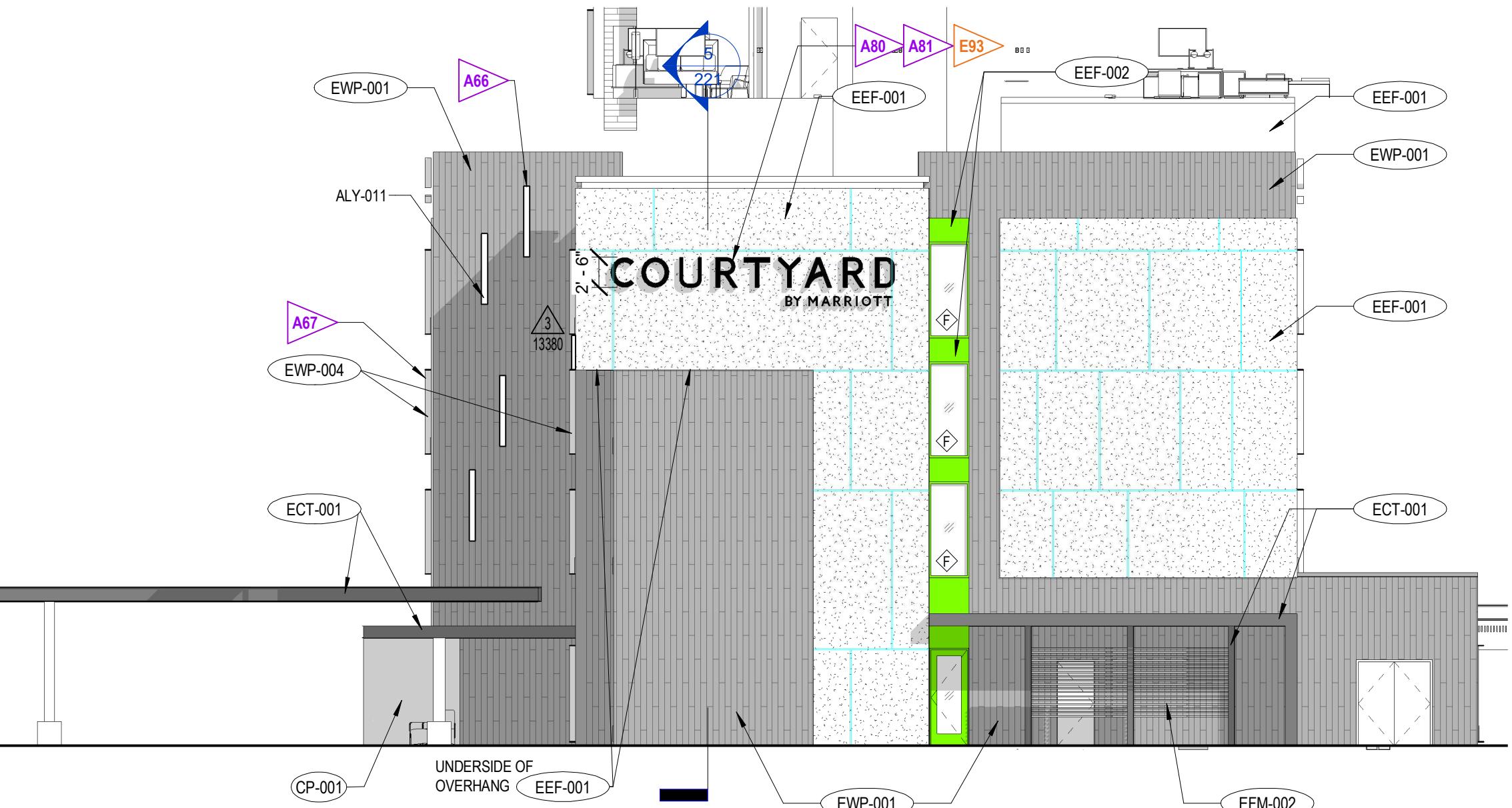
13 DETAIL AT WALL REVEALS

SCALE: 1/4" = 1'-0" referenced from: 212



5 SIDE ELEVATION

SCALE: 3/32" = 1'-0" referenced from: 200



1 SIDE ELEVATION - OPT BUILDING SIGNAGE

SCALE: 3/32" = 1'-0" referenced from: 200

COURTYARD
BY MARRIOTT

Design Guideline Drawings

ISSUE DATE: 09/18/19
REVISION DATE: 11/20/23
GENERATION: GEN 6.5
DECOR: INSPIRED CLASSIC

EXTERIOR
ELEVATIONS

213

NOT FOR CONSTRUCTION

FILE NAME: 04-C-G6_5-213-Exterior Elevs



COURTYARD
BY MARRIOTT

COURTYARD by MARRIOTT

Design Guideline Drawings

ISSUE DATE: 09/18/19

REVISION DATE: 11/20/23

GENERATION: GEN 6.5

DECOR: INSPIRED CLASSIC

EXTERIOR
PERSPECTIVES

1 FRONT PERSPECTIVE - DAY
SCALE: NTS

210

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COURTYARD[®]
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COURTYARD by MARRIOTT

Design Guideline Drawings

ISSUE DATE: 09/18/19

REVISION DATE: 11/20/23

GENERATION: GEN 6.5

DECOR: INSPIRED CLASSIC

EXTERIOR
PERSPECTIVES

1 FRONT PERSPECTIVE - NIGHT
SCALE: NTS

211

NOT FOR CONSTRUCTION

FIGURE A

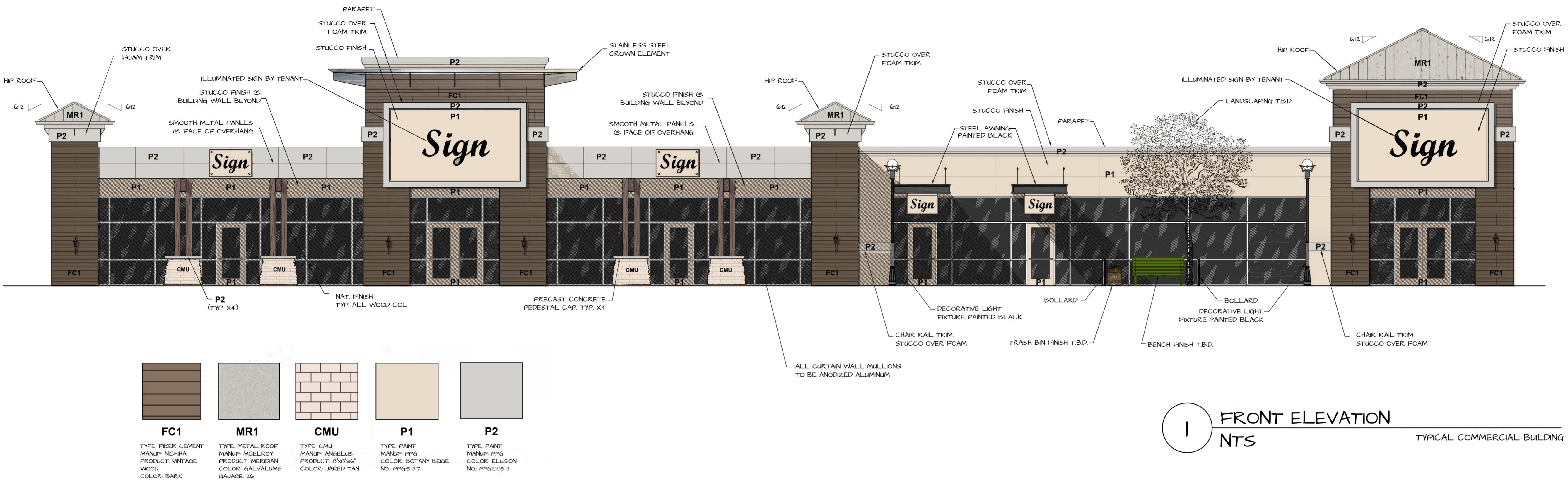


FIGURE B



FIGURE C



MASTER PLAN GUIDELINES: MODERN MARKET THEME

*EXTERIOR MATERIALS MAY CHANGE BUT SHOULD MATCH THE THEME OF THE MASTER SCHEMATIC DESIGN GUIDELINES. SIMILAR COLOR SCHEMES CONSISTENT WITH OVERALL THEME ARE ALLOWED.

FIGURE A: ARCHITECTURAL THEME AND EXT. BUILDING MATERIALS

- THEME: MODERN MARKET WITH MIX OF PARAPET ROOFING, ARTICULATED FACADES AND LOFTED SPACES.
- EXTERIOR MATERIALS: MIX OF FIBER CEMENT PANELS, CONCRETE MASONRY UNITS, RAW OR ANODIZED METAL, AND LOW/FLAT METAL ROOFING.
- EXTERIOR PAINT TO REINFORCE A NATURAL LOOK CONSISTENT WITH SURROUNDING NEIGHBORHOOD, WITH ALLOWANCES FOR BRIGHTER ACCENT COLORS.

FIGURE B: BUILDING FEATURES

- BUILDINGS TO UTILIZE DIRECT LIGHTING TO LIMIT LIGHT POLLUTION. UP-LIGHTING, DOWN-LIGHTING, OR A MIX OF BOTH IS ENCOURAGED.
- BUILDING DESIGN TO UTILIZE LARGE BANKS OF WINDOWS FOR NATURAL LIGHTING.
- LOUVERED OR SHEET METAL AWNINGS TO PROVIDE WINDOW SHADING AS NEEDED. CLOTH OR VINYL MATERIALS ARE DISCOURAGED.

FIGURE C: SIGN PROGRAM

- GATEWAY SIGN: SIGNATURE SIGNAGE TO ESTABLISH SENSE OF PLACE. SIGN TO USE COLORS AND MATERIALS THAT MATCH BUILDING STYLES.
- MONUMENT SIGNAGE: THE SIGN STRUCTURE IS DESIGNED TO MATCH THE PRIMARY STRUCTURE ON THE SITE IN ARCHITECTURAL STYLE AND GENERAL APPEARANCE.

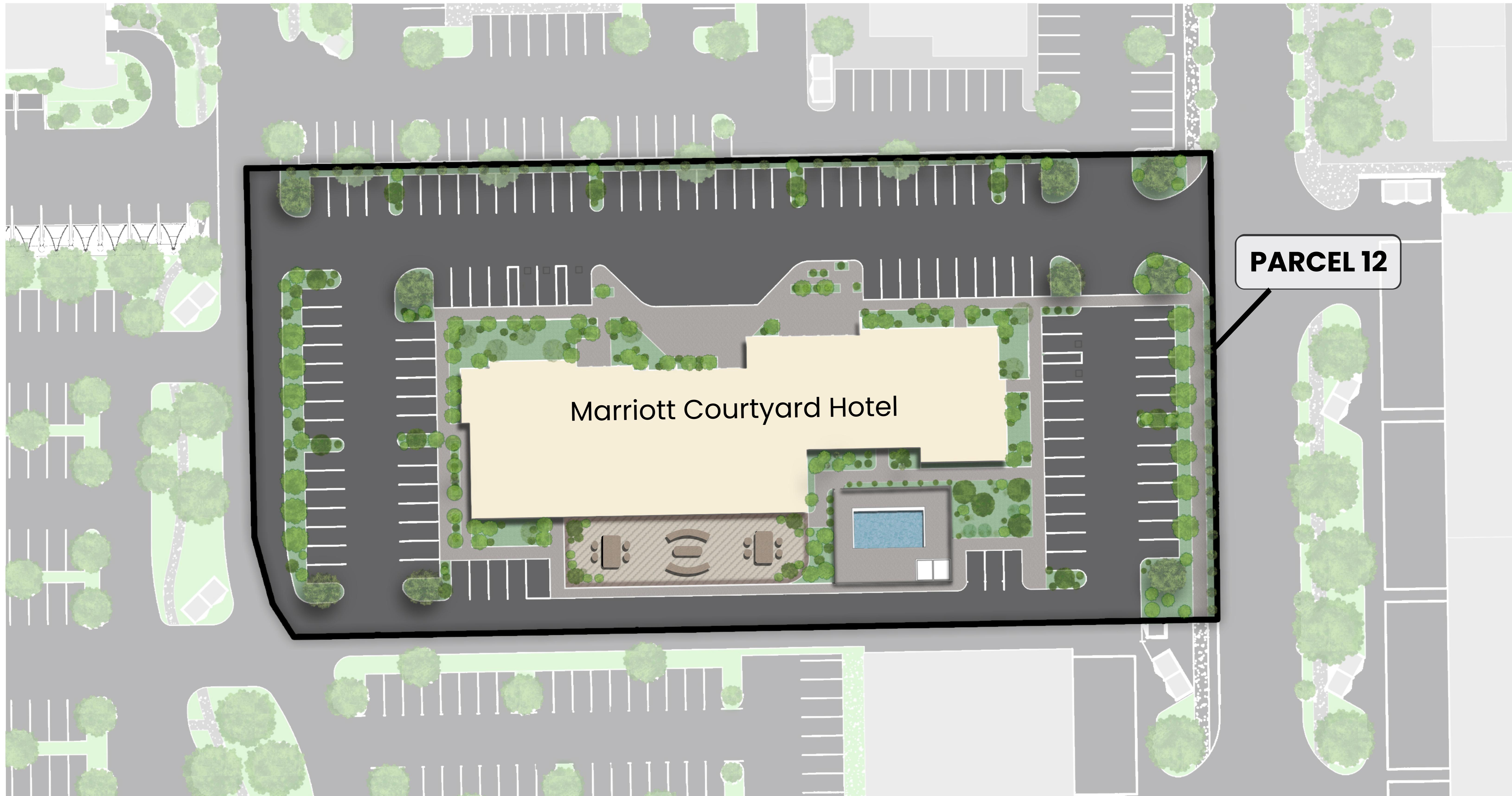
*INDIVIDUAL TENANTS ARE RESPONSIBLE FOR SUBMITTING SIGN PERMITS AND MUST MEET CITY OF VISALIA SIGN STANDARDS.

PREPARED BY:

OAKS MARKETPLACE - PARCEL 12

CITY OF VISALIA, CALIFORNIA

CONCEPTUAL LANDSCAPE PLAN



TOTAL AREA

2.43 acres (gross)

LANDSCAPED AREA

0.30 acres (12%)



4CREEKS

Concept Plant Legend



Koelreuteria bipinnata



*Pistacia chinensis
'Keith Davey'*



*Ulmus carpinifolia x parvifolia
'Frontier'*



*Zelkova serrata
'Green Vase'*



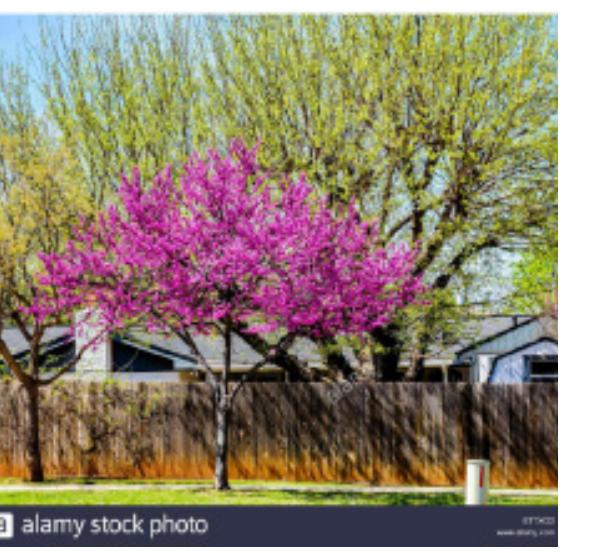
Cercidium x 'Desert Museum'



SHADE TREES

Koelreuteria bipinnata / Chinese Flame Tree Multi-Trunk
Pislacia chinensis 'Keith Davey' / Keith Davey Chinese Pislache
Ulmus carpinifolia x parvifolia 'Frontier' / Frontier Elm
Zelkova serrata 'Green Vase' / Green Vase Sawleaf Zelkova

Minimum Size
15 gal
15 gal
15 gal
15 gal



*Cercis canadensis
'Oklahoma'*



*Lagerstroemia indica
'Muskogee'*



Lagerstroemia indica 'Natchez'



Arbutus x 'Marina'



Gleditsia triacanthos inermis



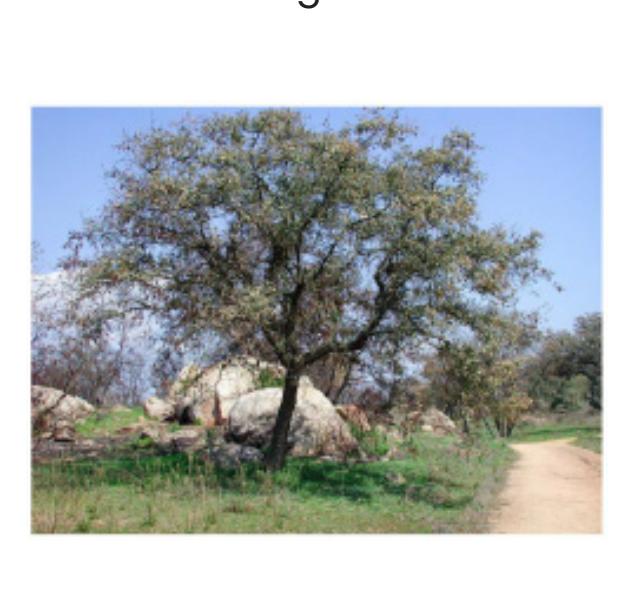
SMALL ACCENT TREES

Cercidium x 'Desert Museum' / Thornless Palo Verde
Cercis canadensis 'Oklahoma' / Oklahoma Redbud
Lagerstroemia indica x fauriei 'Muskogee' / Muskogee Crape Myrtle
Lagerstroemia indica x fauriei 'Natchez' / Natchez Crape Myrtle

15 gal
15 gal
15 gal
15 gal



Laurus nobilis 'Saratoga'



Quercus engelmannii



Quercus lobata



Quercus suber



*Arctostaphylos
'Pacific Mist'*



LARGE ACCENT TREES

Arbutus x 'Marina' / Marina Strawberry Tree Standard
Gleditsia triacanthos inermis 'Skycole' / Skyline Thornless Honey Locust
Laurus x 'Saratoga' / Saratoga Hybrid Laurel
Quercus engelmannii / Engelmann Oak
Quercus lobata / Valley Oak
Quercus suber / Cork Oak

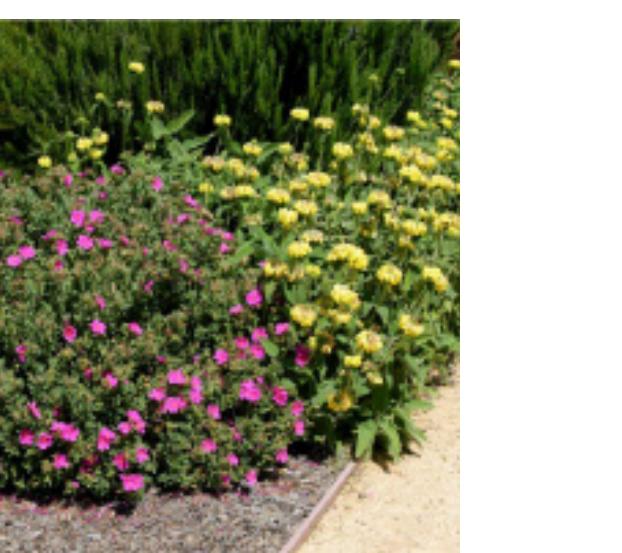
15 gal
15 gal
15 gal
15 gal
15 gal
15 gal



*Baccharis pilularis
'Pigeon Point'*



*Callistemon viminalis 'Little
John'*



Cistus x pulverulentus 'Sunset'



Festuca mairei



Hesperaloe parviflora



SHRUB AND GROUNDCOVER

Achillea spp. / Yarrow
Agave spp. / Agave
Aloe spp. / Aloe
Arctostaphylos spp. / Manzanita
Artemisia x 'Powis Castle' / Powis Castle Artemisia
Baccharis pilularis 'Pigeon Point' / Pigeon Point Coyote Brush
Calamagrostis x acutiflora 'Karl Foerster' / Karl Foerster Feather Reed Grass
Callistemon viminalis 'Little John' / Little John Weeping Bottlebrush
Carex spp. / Sedge
Carpenteria californica 'Elizabeth' / Bush Anemone
Ceanothus spp. / Wild Lilac
Chondropetalum tectorum / Cape Rush
Cistus x pulverulentus 'sunset' / Sunset Rockrose
Cotoneaster dammeri 'Coral Beauty' / Coral Beauty Cotoneaster
Dasyllirion spp. / Desert Spoon
Eriogonum spp. / Buckwheat
Festuca spp. / Fescue
Hesperaloe parviflora / Red Yucca
Kniphofia spp. / Red Hot Poker
Lavandula spp. / Lavender
Leucophyllum spp. / Texas Ranger
Leymus condensatus 'canyon Prince' / Canyon Prince Blue Rye
Ligustrum japonicum 'Texanum' / Waxleaf Privet
Mahonia repens / Creeping Mahonia
Muhlenbergia spp. / Muhly Grass
Olea europaea 'Little Ollie' TM / Little Ollie Olive
Penstemon spp. / Penstemon
Rhamnus alaternus / Italian Buckthorn
Rhamnus californica / California Coffeeberry
Rhus integrifolia / Lemonade Berry
Salvia spp. / Sage
Teucrium spp. / Germander
Xylosma congestum 'Compacta' / Compact Shiny Xylosma
Zauschneria californica varieties / California Fuchsia



Hesperaloe parviflora



Leucophyllum frutescens



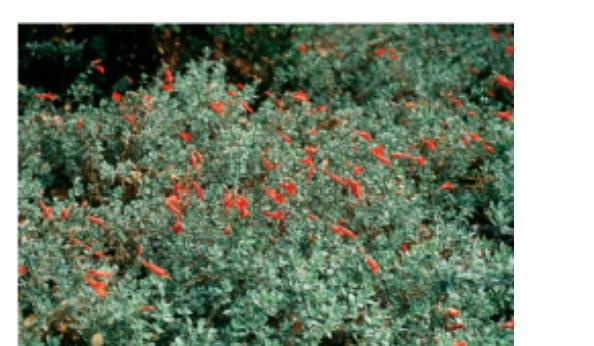
*Olea europaea
'Little Ollie'*



*Penstemon eatonii 'Fire-
cracker'*



Salvia leucantha 'Midnight'



*Zauschneria californica 'Si-
erra Salmon'*

OAKS MARKETPLACE PHASING PLAN

A PORTION OF LOT 2 OF SHANNON RANCH CENTRAL SUBDIVISION, RECORDED IN VOL. 40
OF MAPS, AT PAGE 99, TCR, LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 18
SOUTH, 24 EAST, MDB&M, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF
CALIFORNIA

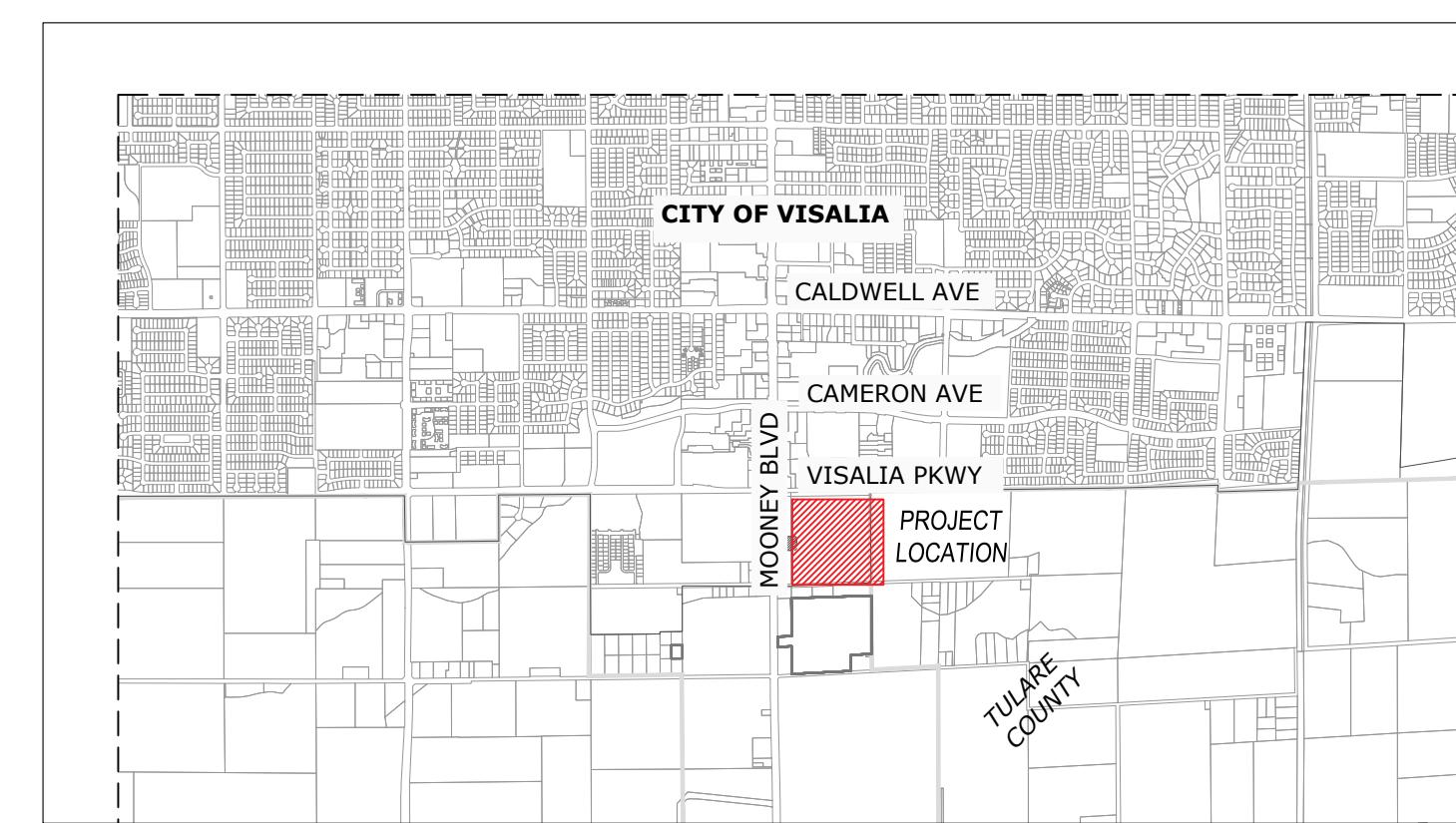
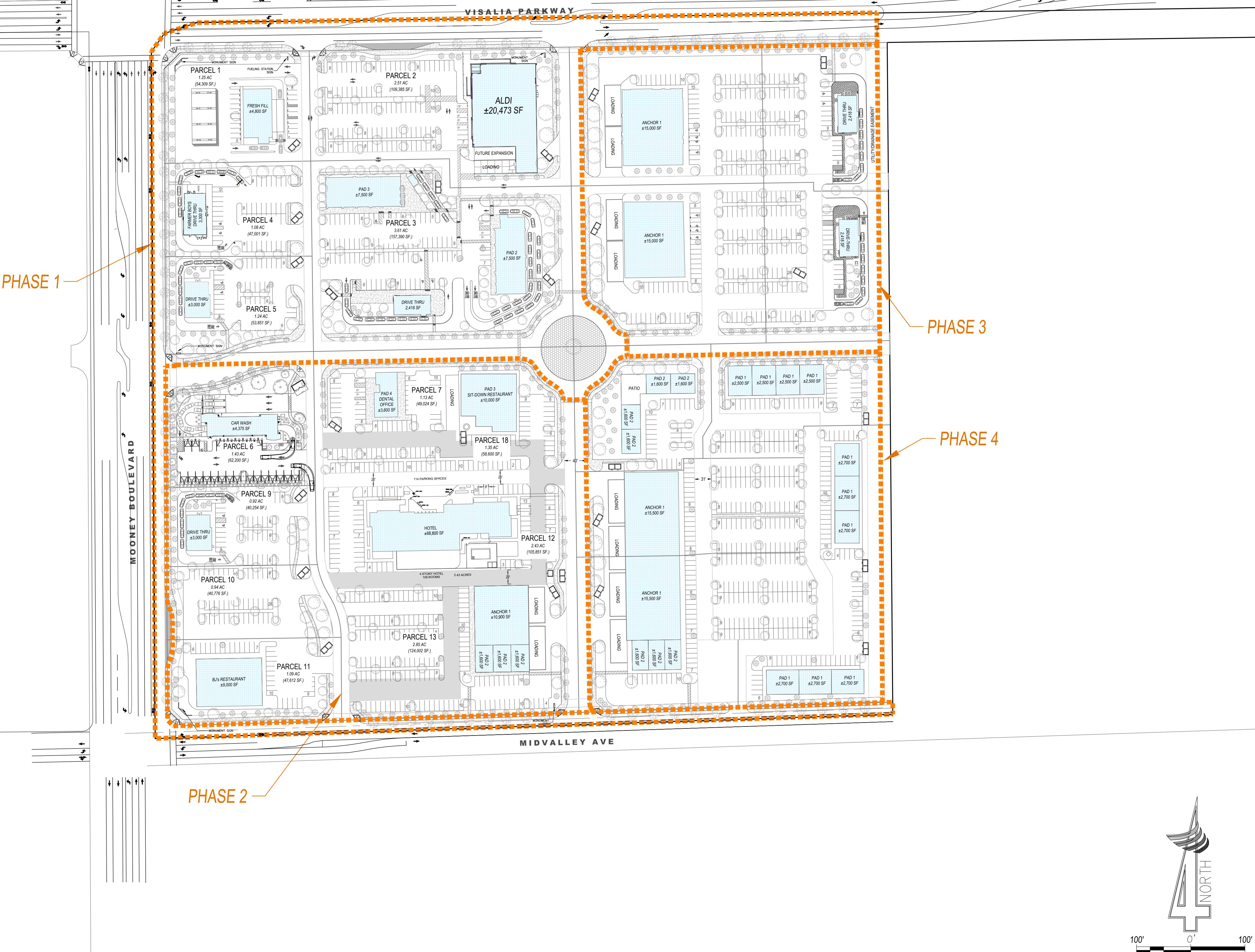
PHASING PLAN

PHASE 1: PARCELS 1-5 & OFFSITE IMPROVEMENTS ON
MOONEY BLVD, VISALIA PARKWAY, AND
MIDVALLEY AVE

PHASE 2: PARCELS 6-13

PHASE 3: PARCELS 14-17

PHASE 4: PARCELS 18-22



VICINITY MAP

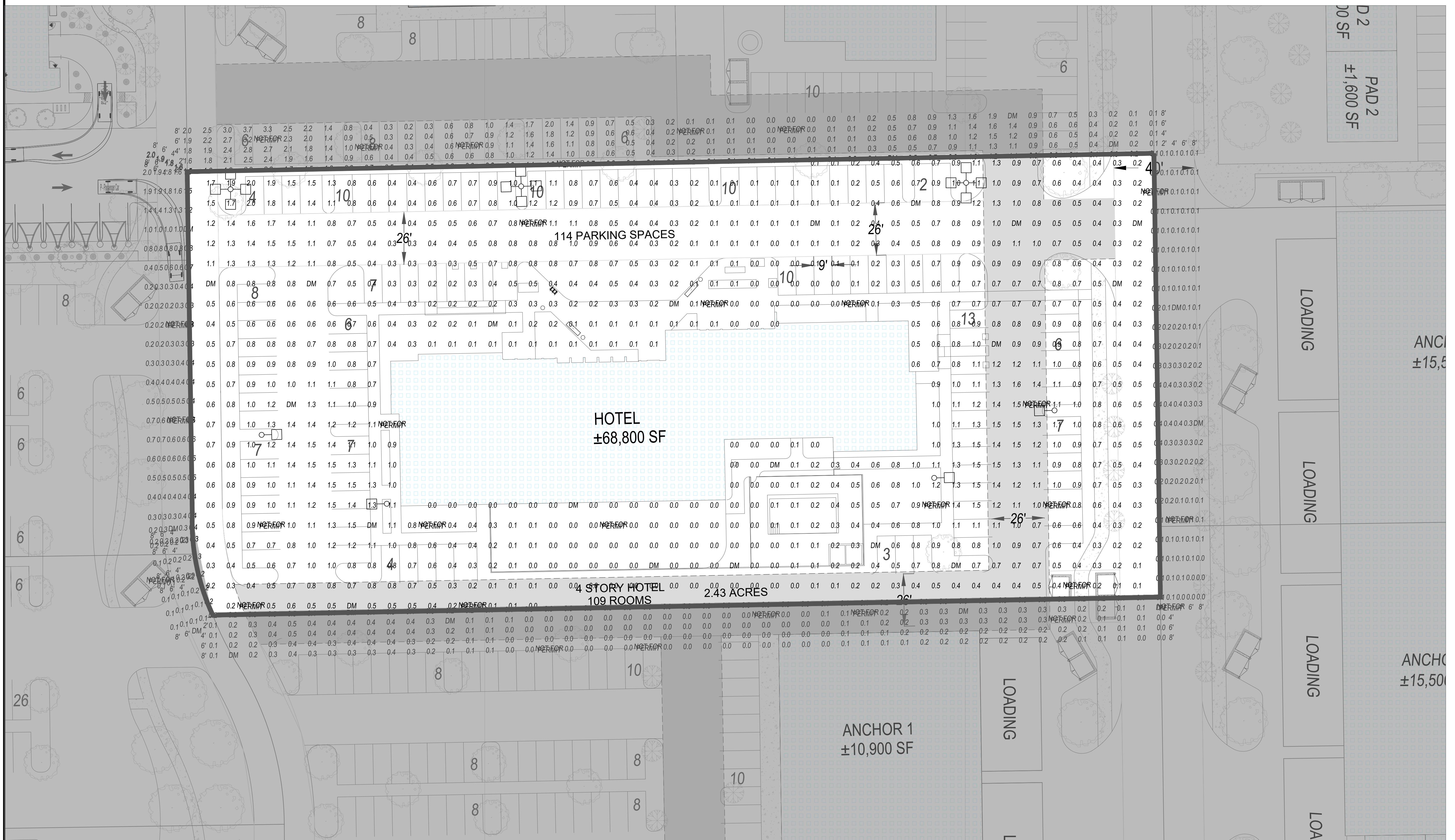
PREPARED BY:

324 S. SANTA FE ST., STE. A
P.O. BOX 7593
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

OAKS MARKETPLACE

PARCEL 12 PHOTOMETRIC PLAN

LUMINAIRE SCHEDULE												
CALLOUT	SYMBOL	LAMP	DESCRIPTION	BALLAST	MOUNTING	MODEL	VOLTS	NOTE 3	QUANTITY	DEFAULT ELEVATION	LUMENS / LAMP	
OSQ Standard			Cree OSQ Series Area Luminaire, Type IV Medium Distribution, B Input Power Designator, 3000K	ELECTRONIC	POLE	Cree Inc , OSQ-A-xx-4ME-B-30K-ULxxxxx	120V 1P 2W	ree-RESTL 8/2/2016 Measurement orientation: base up Serial Number: PL08878-001 120.08 Vac, 0.716 A, 85.67 W TEST PROCEDURE: IESNA-LM-79-08 TEST DISTANCE = 29.36 Feet Philips X1150C105V140CNF1 10230.2	176	35'	1073	



PREPARED BY:

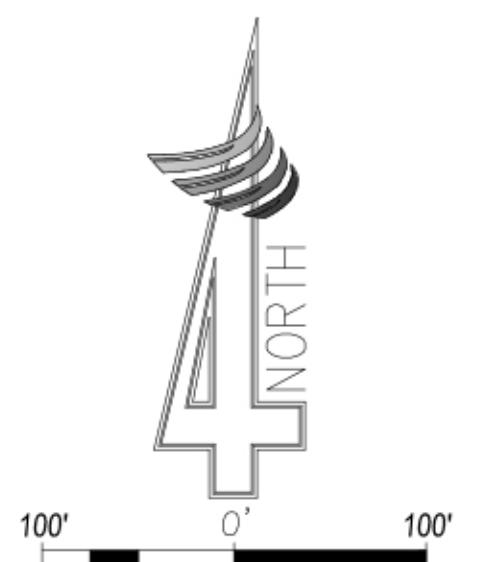
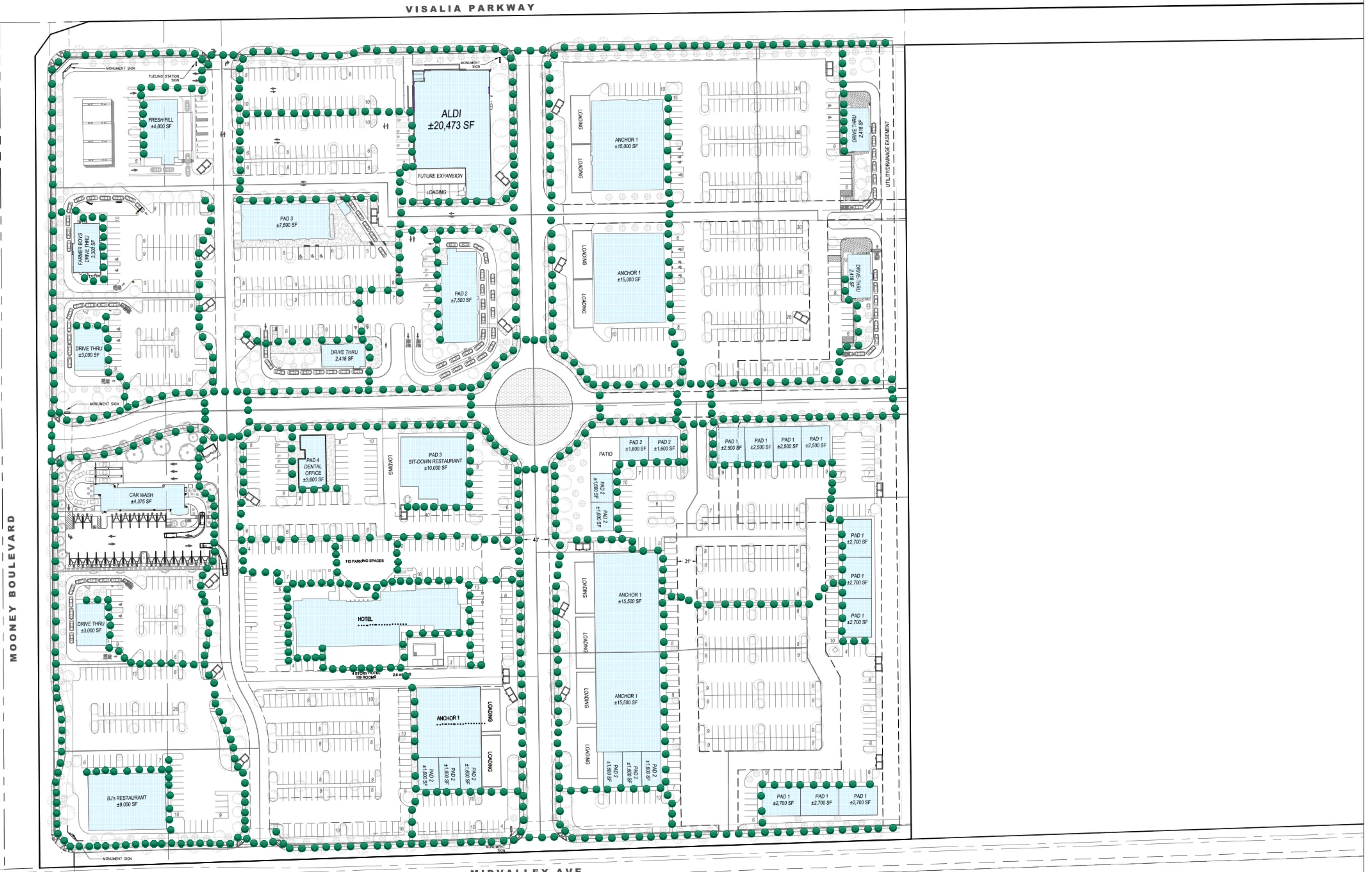


324 S. SANTA FE ST., STE. A
P.O. BOX 7593
VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

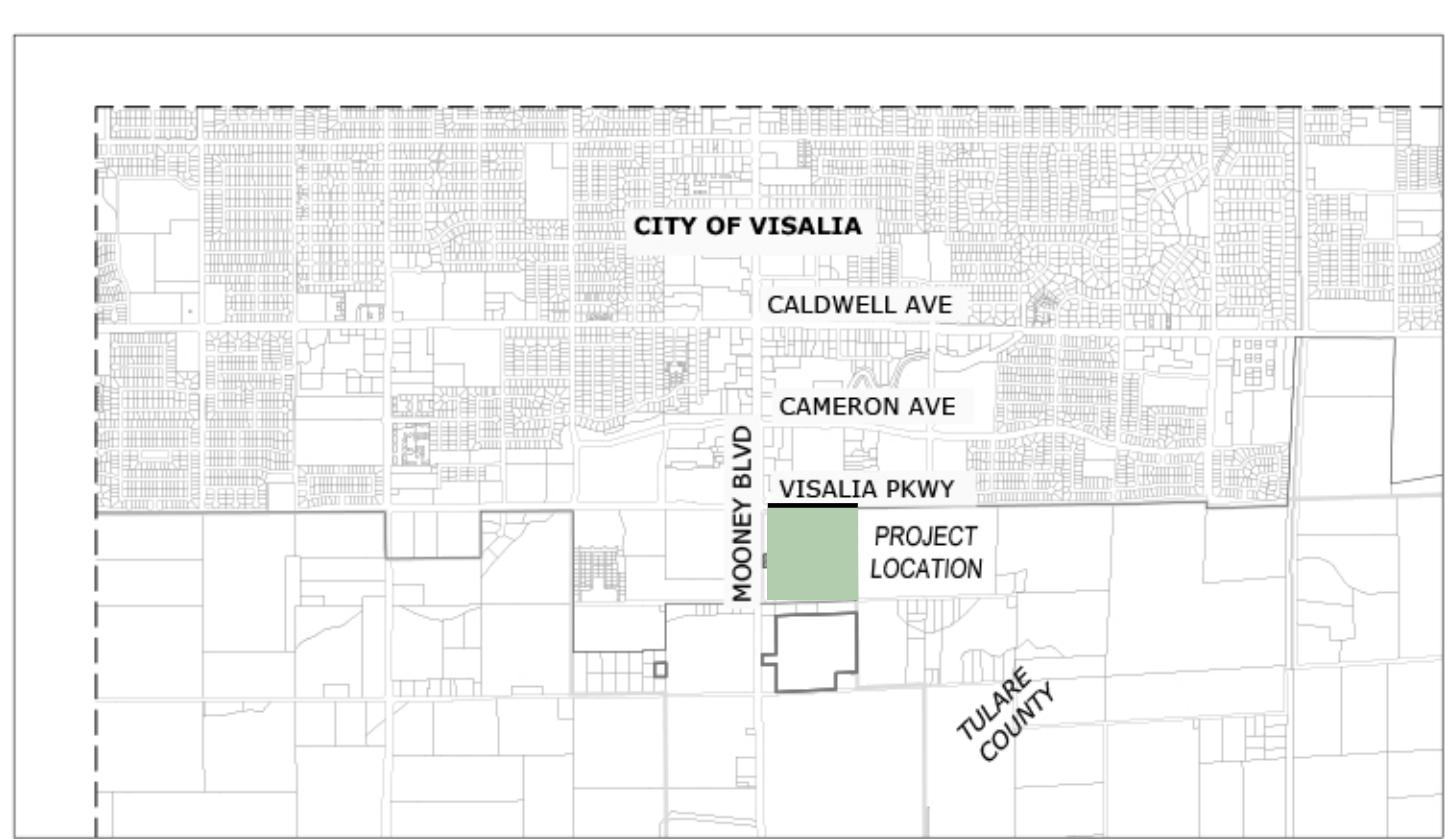
OAKS MARKETPLACE MASTER CONDITIONAL USE PERMIT PEDESTRIAN CONNECTIVITY PLAN

LEGEND:

● PEDESTRIAN TRAVEL ROUTE



100' 0' 100'



VICINITY MAP

PREPARED BY:



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VISALIA, CA 93292
TEL: 559.802.3052
FAX: 559.802.3215

4CREEKS

OAKS MARKETPLACE

COURTYARD BY MARRIOT

Operational Statement

PROJECT OBJECTIVE:

The proposed hotel project seeks to offer lodging services and amenities within the City of Visalia. The development complements the existing commercial uses in the area and aligns with the city's land use plan. Additionally, the project's amenities and size cater to potential business travelers and visitors attending local events, contributing to the city's economic growth, and enhancing its tourism infrastructure.

TYPE OF USE AND IMPROVEMENTS PROPOSED:

The proposed project entails the development of a 109-room hotel on a 2.43 gross acre parcel within the City of Visalia. The zoning is regional commercial, and the hotel is a conditionally allowed use within this zone. The primary use of the hotel would be to provide accommodation for tourists and travelers visiting the City of Visalia.

Apart from the hotel rooms, the project proposes several amenities to enhance the guest experience. These amenities include 700 square feet meeting room, providing a venue for corporate events and meetings. Furthermore, the addition of a 400 square feet bistro + bar with alcoholic beverage service within the hotel complex would offer guests a convenient and comfortable dining option. These features are likely to attract business travelers, contributing to the city's hospitality/tourism industry. Additionally, the hotel will include a sundry shop, fitness center, swimming pool, and laundry room for guest use.

INTEGRATION WITH ADJACENT PROPERTIES AND NEIGHBORHOOD:

The proposed hotel's location is within the Oaks Marketplace Master Plan. To the south of the site, the Master Plan proposes commercial retail. To the north, a dental office and sit-down restaurant are proposed. To the west, the Master Plan proposes a drive-thru restaurant. To the east, there will be additional commercial retail uses such as a grocery store. Additionally, the proposed hotel bistro + bar could attract patrons from nearby commercial establishments, as well as allow guests to conveniently shop and dine at nearby establishments. The overall Oaks Marketplace Master Plan includes two primary drive aisles, connected by a central roundabout. These drive aisles connect to four quadrants of the project site that include shared parking areas for land uses within each quadrant.

REASONS FOR THE NEED OF SUCH USE:

The proposed hotel project supports the Regional Commercial General Plan land use designation. This land use designation is intended to accommodate retail establishments that serve residents and businesses of the region. Mooney Boulevard acts as the primary community and regional commercial core in the city. The General Plan responds to a general community desire to maintain and strengthen Mooney Boulevard and allow for it to be a priority location for retail development. As such, the proposed hotel fulfills the city's vision for retail development in the area. Moreover, with the inclusion of a meeting room and bistro + bar, the hotel aims to attract business travelers and meeting

attendees. The proximity to State Route 99 and the availability of 114 parking stalls indicate a capacity to accommodate travelers during peak times.

PARKING REQUIREMENTS – PARCEL 12

Original Master Plan Parking Stalls Provided	117
Amended Master Plan Parking Stalls Provided	114 (109 required per City standards)

CHANGE IN BUILDING AREA

Building Type	Original Masterplan	Amended Master Plan
Grocery Store	20,473 SF	20,473 SF
Drive-Thru Restaurant	19,354 SF	16,554 SF
Sit-Down Restaurant	18,000 SF	19,000 SF
Convenience Store	4,800 SF	4,800 SF
Car Wash	4,375 SF	4,375 SF
Anchor	105,500 SF	71,900 SF
Pad	42,200 SF	57,200 SF
Hotel	-	68,800 SF
Total	214,702 SF	263,102 SF

PROJECT STAFFING REQUIREMENTS

Front Desk:

- Morning Shift (7 am – 3 pm): 1 front desk agents
- Afternoon Shift (3 pm – 11 pm): 1 front desk agents
- Night Shift (11 pm – 7 am): 1 night auditor

Housekeeping:

- Morning Shift (8 am – 4 pm): 4 room attendants
- Afternoon Shift (12 pm – 8 pm): 1 housekeeping supervisor (for inspections and turnover)

Maintenance:

- Day Shift (8 am – 4 pm): 1 maintenance technician
- On-call (24 hours): 1 maintenance technicians (for emergencies)

Food and Beverage:

- Morning Shift (7 am – 3 pm): 2-3 servers/cooks
- Afternoon/Evening Shift (3 pm – 11 pm): 3-4 servers/cooks/bartenders

Management:

- Hotel Manager: 1 (typically works during regular business hours but may have on-call responsibilities). Assistant Manager to supervise when hotel manager is absent.

OPERATIONAL EQUIPMENT

Front Desk and Reservations:

- Computer systems and software for managing bookings and check-ins
- Point of Sale (POS) system for handling payments and transactions

- Key card encoders and card readers for room access control
- Telephone systems for guest inquiries and reservations

Housekeeping and Cleaning:

- Cleaning supplies (vacuum/carpet cleaners, mops, brooms, dusters, etc.)
- Cleaning carts and trolleys
- Laundry machines and dryers for guest laundry and hotel linens
- Steam cleaners for deep cleaning

Maintenance and Repairs:

- General maintenance tools (screwdrivers, wrenches, pliers, etc.)
- Power tools for repairs/maintenance work
- Heating, Ventilation, and Air Conditioning (HVAC) systems for climate control
- Electrical systems and equipment for managing power supply

Food and Beverage:

- Commercial kitchen equipment (ovens, stovetops, fryers, grills, etc.)
- Refrigerators and freezers for food storage
- Dishwashing machines
- Coffee makers and espresso machines
- POS systems for bistro and bar billing

Guest Services and Entertainment:

- Bell carts and luggage trolleys for guest luggage handling
- Meeting room equipment (television, monitor, connectors, etc.)
- Fitness center equipment (treadmills, ellipticals, weights, etc.)
- Televisions and cable/satellite systems in guest rooms
- Wi-Fi /internet connectivity equipment

Security and Safety:

- Surveillance cameras and monitoring systems for security
- Fire alarm systems and extinguishers
- Emergency generators for backup power

City of Visalia - First Addendum to Initial Study/Mitigated Negative Declaration
Document No. 2021-42

DESCRIPTION OF PROJECT:

Conditional Use Permit No. 2023-33: A request by Ellie Krantz to amend Conditional Use Permit No. 2020-30, to construct a new 68,800 square foot, four-story “Courtyard by Marriott” hotel with 109 rooms, a meeting room, fitness center, and a bistro and bar, on a 2.43-acre parcel within the Oaks Marketplace Shopping Center, in the C-R (Regional Commercial) zone.

PROJECT LOCATION:

The site is located 270 feet north of West Mid Valley Avenue, and 290 feet east of South Mooney Boulevard (APN: 122-350-033).

SUMMARY

This document is an addendum to Initial Study/Mitigated Negative Declaration Document No. 2021-42 originally prepared for the development of the Oaks Marketplace Shopping Center master plan (Conditional Use Permit No. 2020-30 and Tentative Parcel Map No. 2020-09). The decision to prepare an addendum was based on the original document's adequate analysis with regard to the revised project description. In accordance with CEQA Guidelines Section 15164(a), none of the conditions described in CEQA Guidelines Section 15162 which would require the preparation of a Subsequent EIR, Negative Declaration, or Supplemental EIR have been met.

This addendum is being prepared to include Conditional Use Permit No. 2023-33 into the project description. This entitlement will allow the development of a new 68,800 square foot, four-story “Courtyard by Marriott” hotel with 109 rooms, a meeting room, fitness center, and a bistro & bar, on a 2.43-acre parcel within the Oaks Marketplace Shopping Center. No changes will be made to the zoning or land use designation associated with the development plan. The change to the Initial Study/Mitigated Negative Declaration's project description is minor and is supported by evidence in the record.

This addendum shall be attached to and considered with Initial Study/Mitigated Negative Declaration No. 2021-42, which was prepared for the Oaks Marketplace Shopping Center master plan, and was adopted by the Visalia Planning Commission on November 8, 2021. The Initial Study / Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA), and disclosed that environmental impacts are determined to be not significant for the project if mitigation specified in the document is carried out.

DECISION TO PREPARE AN ADDENDUM PURSUANT TO CEQA GUIDELINES, SECTION 15162

According to CEQA Guidelines Section 15162, a subsequent Negative Declaration is required if one or more of three criteria have occurred. These criteria generally involve substantial changes proposed in the project or occurring with respect to the circumstances under which the project is taken that warrant major revisions to the Mitigated Negative Declaration due to new or increased significant environmental

City of Visalia - First Addendum to Initial Study/Mitigated Negative Declaration
Document No. 2021-42

effects, or the revealing of new information of substantial importance that was not and could not have reasonably been known previously that show an increased significant impact from the project.

The City's evaluation of the proposed project has determined that the development of a hotel in place of the originally planned retail space is not a substantial change that brings about a new significant environmental impact or significantly increases the severity of an environmental impact. Also, no new information has arisen since the approval of Mitigated Negative Declaration No. 2021-42 regarding the project or its site conditions that warrant a change in environmental effects.

FINDINGS

Staff is making the following findings for the First Addendum to Initial Study/Mitigated Negative Declaration Document No. 2021-42:

1. That the inclusion of (a) Conditional Use Permit No. 2023-33, a request by Ellie Krantz to amend Conditional Use Permit No. 2020-30, to construct a new 68,800 square foot, four-story "Courtyard by Marriott" hotel with 109 rooms, a meeting room, fitness center, and a bistro & bar, on a 2.43-acre parcel within the Oaks Marketplace Shopping Center, constitutes a minor change to the project description and none of the conditions which would require the preparation of a Subsequent Mitigated Negative Declaration have occurred, Guidelines Section 15164(a).
2. That no changes have occurred since Initial Study/Negative Declaration No. 2021-42 was approved that would change the outcome of the previous Initial Study.

Addendum to Initial Study/Mitigated Negative Declaration No. 2021-42 prepared by:



Cristobal Carrillo
Associate Planner
City of Visalia Planning Division

May 8, 2024

Date

SUPPORTING DOCUMENTATION

The following documents are hereby incorporated into this Addendum by reference:

- Visalia General Plan Update. Dyett & Bhatia, October 2014.
- Visalia City Council Resolution No. 2014-38 (Certifying the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia General Plan Update Final Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, June 2014.
- Visalia General Plan Update Draft Environmental Impact Report (SCH No. 2010041078). Dyett & Bhatia, March 2014.
- Visalia City Council Resolution No. 2014-37 (Certifying the EIR for the Visalia General Plan Update) passed and adopted October 14, 2014.
- Visalia Municipal Code, including Title 17 (Zoning Ordinance).
- California Environmental Quality Act Guidelines.
- City of Visalia, California, Climate Action Plan, Draft Final. Strategic Energy Innovations, December 2013.
- Visalia City Council Resolution No. 2014-36 (Certifying the Visalia Climate Action Plan) passed and adopted October 14, 2014.
- City of Visalia Storm Water Master Plan. Boyle Engineering Corporation, September 1994.
- City of Visalia Sewer System Master Plan. City of Visalia, 1994.
- City of Visalia Zoning Ordinance Update. City of Visalia, March 2017.
- Traffic Impact Analysis Report: TMT Shopping Center Development, Southeast Corner of Visalia Parkway & Mooney Boulevard, September 30, 2021). TJKM
- Cultural Resources Assessment for the Oaks Marketplace Master Conditional Use Permit Project, City of Visalia, Tulare County, California, January 2021. Taylored Archaeology

California Department of Transportation

DISTRICT 6 OFFICE
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(559) 840-6066 | FAX (559) 488-4195 | TTY 711
www.dot.ca.gov



August 18, 2023

TUL-63-5.84
SPR #23107
OAKS MARKETPLACE PARCEL 12
GTS: [02741](#)

SENT VIA EMAIL

Ms. Susan Currier – Senior Administrative Assistant
City of Visalia
315 East Acequia Avenue
Visalia, CA 93291

Dear Ms. Currier:

Thank you for the opportunity to review the Site Plan Review #23107 proposing to build a hotel with 109 rooms (Project). The Project site is located on the southeast corner of SR 63 and Visalia Parkway intersection, in the City of Visalia.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Upon reviewing the new site plan, Caltrans has identified several site changes that have occurred since the previously submitted Traffic Impact Study dated September 30, 2021. While these changes appear relatively minor, **Caltrans requests that the developer provide an Analysis of the Trip Generation resulting from these adjustments**, specifically focusing on the potential impacts on the nearby intersections, at SR 63 at Midvalley Avenue and SR 63 at Visalia Parkway.
2. Comments from our previous letter dated September 9, 2021, still apply.

If you have any other questions, please contact Scott Lau at (559) 981-7341 or scott.lau@dot.ca.gov.

Sincerely,

Lorena Mendibles

LORENA MENDIBLES, Chief
Transportation Planning – South

C: Attachment

January 2, 2024

California Department of Transportation
District 6 Office
Attn: Lorena Mendibles, Chief Transportation Planning – South
1352 W. Olive Ave.
Fresno, CA 93778

Re: TUL-63-5.84, SPR #23107, Oaks Marketplace Parcel 12, GTS: 02741

Hi Lorena,

We reviewed the letter dated August 18, 2023 in regards to this project.
We have updated our Trip Generation Analysis for the overall project due to minor site revisions from purchasers, including this parcel.

The approved Site Plan that was adopted with the original CEQA document and the Traffic Impact Analysis had 11,614 total daily trips. The current site plan with the proposed hotel has 10,920 total daily trips. We have determined that the updated site plan has equal or less impact to the trip generation numbers and will not have a change or impact to the currently planned expansion of the intersections of SR 63 / Visalia Parkway and SR 63 / Midvalley Ave.

The two charts are included on the following page.

Thank you for your time in reviewing this.

Best Regards,



Matthew Ainley, PE #66233



Trip Generation - Oaks Marketplace
Approved Site Plan
Phase 1

Proposed Use	Size (Ksf=1,000sf)	Daily		PM Peak	
		Rate	Trips	Rate	Trips
Shopping Center (820)	67.30	66.87	4,500	5.93	399
Internal Capture (4%)		-4%	(180)	-4%	(16)
Subtotal			4,320		383
Pass-by trip reduction (34%)		-34%	(1,469)	-34%	(130)
Subtotal:			2,851		253
Fast Food Restaurant with Drive-Through Window (934)	15.40	470.95	7,253	32.67	503
Internal Capture (4%)		-4%	(290)	-4%	(20)
Subtotal			6,963		483
Pass-by trip reduction (50%)		-50%	(3,481)	-50%	(241)
Subtotal:			3,481		241
Supermarket (850)	20.47	128.63	2,633	11.57	237
Internal Capture (4%)		-4%	(105)	-4%	(9)
Subtotal			2,528		227
Pass-by trip reduction (25%)		-25%	(632)	-25%	(57)
Subtotal:			1,896		171
Gasoline/Service Station (944)	4.80	1,202.83	5,774	109.27	524
Internal Capture (4%)		-4%	(231)	-4%	(21)
Subtotal			5,543		504
Pass-by trip reduction (50%)		-50%	(2,771)	-50%	(252)
Subtotal:			2,771		252
Car Wash (948)	4.38	195.00	853	77.50	339
Internal Capture (10%)		-10%	(85)	-10%	(34)
Subtotal			768		305
Pass-by trip reduction (20%)		-20%	(154)	-20%	(61)
Subtotal:			614		244
Subtotal:	112.35		11,614		1,161
			7.04%		

Current Site Plan with Proposed Hotel
Phase 1

Proposed Use	Size (Ksf=1,000 Osf)	Daily		PM Peak	
		Rate	Trips	Rate	Trips
Shopping Center (820)	55.68	66.87	3,723	5.93	330
Internal Capture (4%)		-4%	(149)	-4%	(13)
Subtotal			3,574		317
Pass-by trip reduction (34%)		-34%	(1,215)	-34%	(108)
Subtotal:			2,359		209
Fast Food Restaurant with Drive-Through Window (934)	12.85	470.95	6,052	32.67	420
Internal Capture (4%)		-4%	(242)	-4%	(17)
Subtotal			5,810		403
Pass-by trip reduction (50%)		-50%	(2,905)	-50%	(202)
Subtotal:			2,905		202
Supermarket (850)	20.47	128.63	2,633	11.57	237
Internal Capture (4%)		-4%	(105)	-4%	(9)
Subtotal			2,528		227
Pass-by trip reduction (25%)		-25%	(632)	-25%	(57)
Subtotal:			1,896		171
Gasoline/Service Station (944)	4.80	1,202.83	5,774	109.27	524
Internal Capture (4%)		-4%	(231)	-4%	(21)
Subtotal			5,543		504
Pass-by trip reduction (50%)		-50%	(2,771)	-50%	(252)
Subtotal:			2,771		252
Car Wash (948)	4.38	195.00	853	77.50	339
Internal Capture (10%)		-10%	(85)	-10%	(34)
Subtotal			768		305
Pass-by trip reduction (20%)		-20%	(154)	-20%	(61)
Subtotal:			614		244
Hotel (312)	109.00	4.02	438	0.32	35
Internal Capture (5%)		-5%	(22)	-5%	(2)
Subtotal			416		33
Pass-by trip reduction (10%)		-10%	(42)	-10%	(3)
Subtotal:			375		30
Subtotal:	98.18		10,920		1,107

California Department of Transportation

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January 12, 2024

TUL-63-5.84
SPR #23107
OAKS MARKETPLACE
PARCEL 12 – HOTEL
GTS: 02803

SENT VIA EMAIL

Cristobal Carrillo – Planner
City of Visalia
315 East Acequia Avenue
Visalia, CA 93291

Dear Cristobal Carrillo:

Thank you for the opportunity to review the Trip Generation for the proposed hotel in the Oaks Marketplace Parcel 12 (Project). The Project site is located on the southeast corner of State Route (SR) 63 and Visalia Parkway intersection, in the City of Visalia.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. There are several site modifications that have resulted in additional trips in the trip generations compared to the previously submitted site plan's TIS. **Caltrans requests the Project to revise and update the TIS to accurately reflect these alterations.**
2. For the proposed inbound left-turn to the driveway from SR 63, the previously submitted analysis indicated that 150 feet of storage length is required. Should the modifications to the development necessitate extended storage, or if any traffic safety concerns arise when implemented, this left-turn movement to the driveway will not be allowed and instead be restricted into a right-in and right-out driveway only.

If you have any other questions, please contact Scott Lau at (559) 981-7341 or scott.lau@dot.ca.gov.

Sincerely,

Braden Duran

BRADEN DURAN, Acting Chief
Transportation Planning – South



TECHNICAL MEMORANDUM

Date: March 18, 2024

To: Matthew Graham Graham & Associates

From: Renee Reavis TJKM

Subject: Trip Generation Comparison for Oaks Marketplace, Visalia, California

The purpose of this memorandum is to summarize changes to the development program and trip generation of the proposed Oaks Marketplace, between 2021 and 2024, and to identify whether these changes affect prior impact findings. TJKM previously prepared the *TMT Shopping Center Traffic Impact Analysis* (TIA), dated September 30, 2021, for the proposed shopping center, now known as the Oaks Marketplace. Since that time, the proposed development program has changed to reduce the total amount of retail, add a 109-room hotel, and slightly change the sizes of the proposed gas station and drive-through restaurants. In addition to the changes to the development program, the Institute of Transportation Engineers (ITE) released a new edition of their Trip Generation Manual on September 20, 2021, after analysis for the 2021 TIA was complete. This memorandum compares the trip generation analyzed in 2021 to the trips generated by the new development program using updated trip generation rates. Although the 2021 TIA analyzed both partial (phase 1) and full buildout (phase 1 and 2) of the shopping center, this memorandum compares trip generation of full buildout for both development programs.

2021 Trip Generation

In 2021, project trips were developed using the then-current Trip Generation Manual, 10th Edition (TGM 10th Ed.). This edition provided a single category for retail and a separate land use for supermarkets. Of note, the automated car wash was considered as an accessory to the gas station and was not separately accounted for. The development program was broken down as the following:

- Aldi's supermarket – 21,000 square feet (sq. ft.)
- Gas Station – 4,250 sq. ft. (convenience market)
- Drive-Through Restaurants – 20,100 sq. ft.
- Retail/Commercial – 167,100 sq. ft.

As shown in **Table 1**, the 2021 development program was expected to generate approximately 14,343 daily trips, including 767 a.m. peak hour trips (410 in, 357 out) and 1,216 p.m. peak hour trips (606 in, 610 out).

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Corporate Office 4305 Hacienda Drive, Suite 550, Pleasanton, CA 94588 925.463.0611 www.TJKM.com

Table 1: Trip Generation, 2021 Development Program

Land Use (ITE Code)	Size	Daily		A.M. Peak					P.M. Peak					
		Rate	Trips	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total	
Proposed Uses														
Shopping Center (820)	167.10	ksf	EQ	8,524	EQ	62:38	146	89	235	EQ	48:52	382	413	795
Internal Capture (4%)			-4%	-341	-4%		-6	-3	-9	-4%		-15	-17	-32
Subtotal				8,183			140	86	226			367	396	763
Pass-by trip reduction (34%)			-34%	-2,782	-34%		-48	-29	-77	-34%		-125	-134	-259
Subtotal (A)				5,401			92	57	149			242	262	504
Fast Food Restaurant with Drive-Through Window (934)	20.10	ksf	470.95	9,466	40.19	51:49	412	396	808	32.67	52:48	342	315	657
Internal Capture (4%)			-4%	-379	-4%		-16	-16	-32	-4%		-14	-12	-26
Subtotal				9,087			396	380	776			328	303	631
Pass-by trip reduction (50%)			-50%	-4,544	-50%		-198	-190	-388	-50%		-164	-152	-316
Subtotal (B)				4,544			198	190	388			164	151	315
Supermarket (850)	21.00	ksf	EQ	2,701	3.82	60:40	48	32	80	EQ	51:49	124	119	243
Internal Capture (4%)			-4%	-108	-4%		-2	-1	-3	-4%		-5	-5	-10
Subtotal				2,593			46	31	77			119	114	233
Pass-by trip reduction (25%)			-25%	-648	-25%		-12	-7	-19	-25%		-30	-28	-58
Subtotal (C)				1,945			34	24	58			89	86	175
Gasoline/Service Station (944)	4.25	ksf	1,202.83	5,112	84.55	50:50	180	179	359	109.27	50:50	232	232	464
Internal Capture (4%)			-4%	-204	-4%		-7	-7	-14	-4%		-9	-10	-19
Subtotal				4,908			173	172	345			223	222	445
Pass-by trip reduction (50%)			-50%	-2,454	-50%		-87	-86	-173	-50%		-112	-111	-223
Subtotal (D)				2,454			86	86	172			111	111	222
Proposed Subtotal with Internal Capture Reduction and Pass-By Reduction (A+B+C+D)				14,343			410	357	767			606	610	1,216
Net New Trips				14,343			410	357	767			606	610	1,216

Notes:

General: Multiple ITE land use codes (LUC) have fitted curve equations (EQ) for various analysis periods in addition to rates. The methodology in the ITE's Trip Generation Handbook (3rd Ed.) was utilized to determine which was used.

Revised Trip Generation

The trip generation table developed for the 2021 analysis were largely left intact with the exception of two key changes: trip generation and pass-by rates were updated from the TGM 10th Ed. to the 11th Edition (TGM 11th Ed.), and key land use changes were implemented to reflect the new development program. The TGM 11th Ed. reorganized retail and service uses, and slightly revised trip generation and pass-by rates for other land uses applicable to the shopping center. The following notable changes are included:

- The automated car wash was not originally counted as a separate use from the gas station, but the TGM 11th edition now provides the p.m. peak hour trip generation rate for this use. Daily and a.m. peak hour rates were estimated based on the p.m. peak hour rate.
- Retail land uses were reorganized based on shopping center size. The new retail land use for shopping centers greater than 150,000 square feet now includes supermarkets as part of the land use, and so the Aldi's supermarket was not separated out.
- The gas station land uses have been reorganized, and Convenience Store/Gas Station now provides subcategories based on the number of vehicle fueling positions.

The revised development program was broken down as the following:

- Retail/Commercial (including supermarket) – 163,573 sq. ft.
- Gas Station – 3,924 sq. ft. (convenience market), 16 vehicle fueling positions
- Drive-Through Restaurants – 22,842 sq. ft.
- Automated Car Wash – 1 tunnel

As shown in **Table 2**, the 2024 development program is expected to generate approximately 13,359 daily trips, including 784 a.m. peak hour trips (418 in, 366 out) and 1,022 p.m. peak hour trips (508 in, 514 out).

Trip Generation Comparison for Oaks Marketplace (Visalia, CA)
 March 6, 2023

Table 2: Trip Generation, 2024 Development Program

Land Use (ITE Code)	Size	Daily		A.M. Peak			P.M. Peak							
		Rate	Trips	Rate	In:Out	In	Out	Total	Rate	In:Out	In	Out	Total	
Proposed Uses														
Shopping Center (> 150 ksf) (820)	163.57	ksf	EQ	10,135	EQ	62:38	143	87	230		48:52	386	418	804
Internal Capture (4%)			-4%	-405	-4%		-6	-3	-9	-4%		-15	-17	-32
Subtotal				9,730			137	84	221			371	401	772
Pass-by trip reduction (29%)			-29%	-2,822	-29%		-40	-24	-64	-29%		-108	-116	-224
Subtotal (A)				6,908			97	60	157			263	285	548
Fast Food Restaurant with Drive-Through Window (934)	22.84	ksf	467.48	10,678	44.61	51:49	520	499	1,019	33.03	52:48	392	362	754
Internal Capture (4%)			-4%	-427	-4%		-21	-20	-41	-4%		-16	-14	-30
Subtotal				10,251			499	479	978			376	348	724
Pass-by trip reduction (50-55%)			-50%	-5,126	-50%		-250	-239	-489	-55%		-207	-191	-398
Subtotal (B)				5,126			249	240	489			169	157	326
Automated Car Wash (948)	1.00	Tunnel	142.00	142	3.55	50:50	2	2	4	14.20	50:50	7	7	14
Internal Capture (4%)			-4%	-6	-4%		0	0	0	-4%		0	-1	-1
Subtotal				136			2	2	4			7	6	13
Pass-by trip reduction (0%)			0%	0	0%		0	0	0	0%		0	0	0
Subtotal (C)				136			2	2	4			7	6	13
Convenience Store/Gas Station (16-24 VFP)	3.92	ksf	EQ	1,471	91.35	50:50	179	179	358	78.95	50:50	155	155	310
Internal Capture (4%)			-4%	-59	-4%		-7	-7	-14	-4%		-6	-6	-12
Subtotal				1,412			172	172	344			149	149	298
Pass-by trip reduction (75%)			-75%	-1,059	-75%		-129	-129	-258	-75%		-112	-112	-224
Subtotal (D)				353			43	43	86			37	37	74
Hotel (310)	109	rooms	7.99	871	0.46	56:44	28	22	50	0.59	51:49	33	31	64
Internal Capture (4%)			-4%	-35	-4%		-1	-1	-2	-4%		-1	-2	-3
Subtotal				836			27	21	48			32	29	61
Pass-by trip reduction (0%)			0%	0	0%		0	0	0	0%		0	0	0
Subtotal (E)				836			27	21	48			32	29	61
Proposed Subtotal with Internal Capture Reduction and Pass-By Reduction (A+B+C+D+E)				13,359			418	366	784			508	514	1,022
Net New Trips				13,359			418	366	784			508	514	1,022

Notes:

General: Multiple ITE land use codes (LUC) have fitted curve equations (EQ) for various analysis periods in addition to rates. The methodology in the ITE's [Trip Generation Handbook](#) (3rd Ed.) was utilized to determine which was used.

LUC 948: Daily and AM rates estimated based on PM peak hour rate

Summary of Changes

TRIP GENERATION CHANGES

As shown in **Table 3**, the change in development program and update to trip generation rates results in a moderate reduction of 984 daily trips (7%), including a small increase in a.m. peak hour trips (2%) and a large decrease in p.m. peak hour trips (16%).

Table 3: Trip Generation Comparison

Comparison	Daily	A.M. Peak			P.M. Peak		
	Total	In	Out	Total	In	Out	Total
2021 Net New Trips	14,343	410	357	767	606	610	1,216
2024 Net New Trips	13,359	418	366	784	508	514	1,022
Change in Trips	-984	8	9	17	-98	-96	-194
% Change	-7%	2%	3%	2%	-16%	-16%	-16%

ESTIMATED EFFECT ON TRAFFIC IMPACTS

The 2021 TIA found that the most significant impacts to the surrounding roadway network occurred during the p.m. peak hour, requiring mitigation for both level of service and queuing impacts at 13 of 36 study intersections under Cumulative plus Project Conditions (full buildout). With mitigation, intersection level of service consistently improved to LOS C or better in the a.m. peak hour. No other intersections were close to meeting significance thresholds with the addition of project traffic. Thus a small increase in a.m. peak hour trips is unlikely to result in any new impacts that would not already be fully mitigated. The decrease in p.m. trips is expected to slightly improve operations at all intersections and would not result in new impacts.

ESTIMATED EFFECT ON VMT

The change in development program would reduce the overall size of the retail component of the shopping center by approximately 24,500 sq. ft., and replace that with a 109 room hotel. The total trips generated is reduced as shown above, and the number of employees at the hotel would be substantially less than the retail employees being eliminated. As such, the total VMT generated by the shopping center is expected to decrease to some degree.

Conclusion

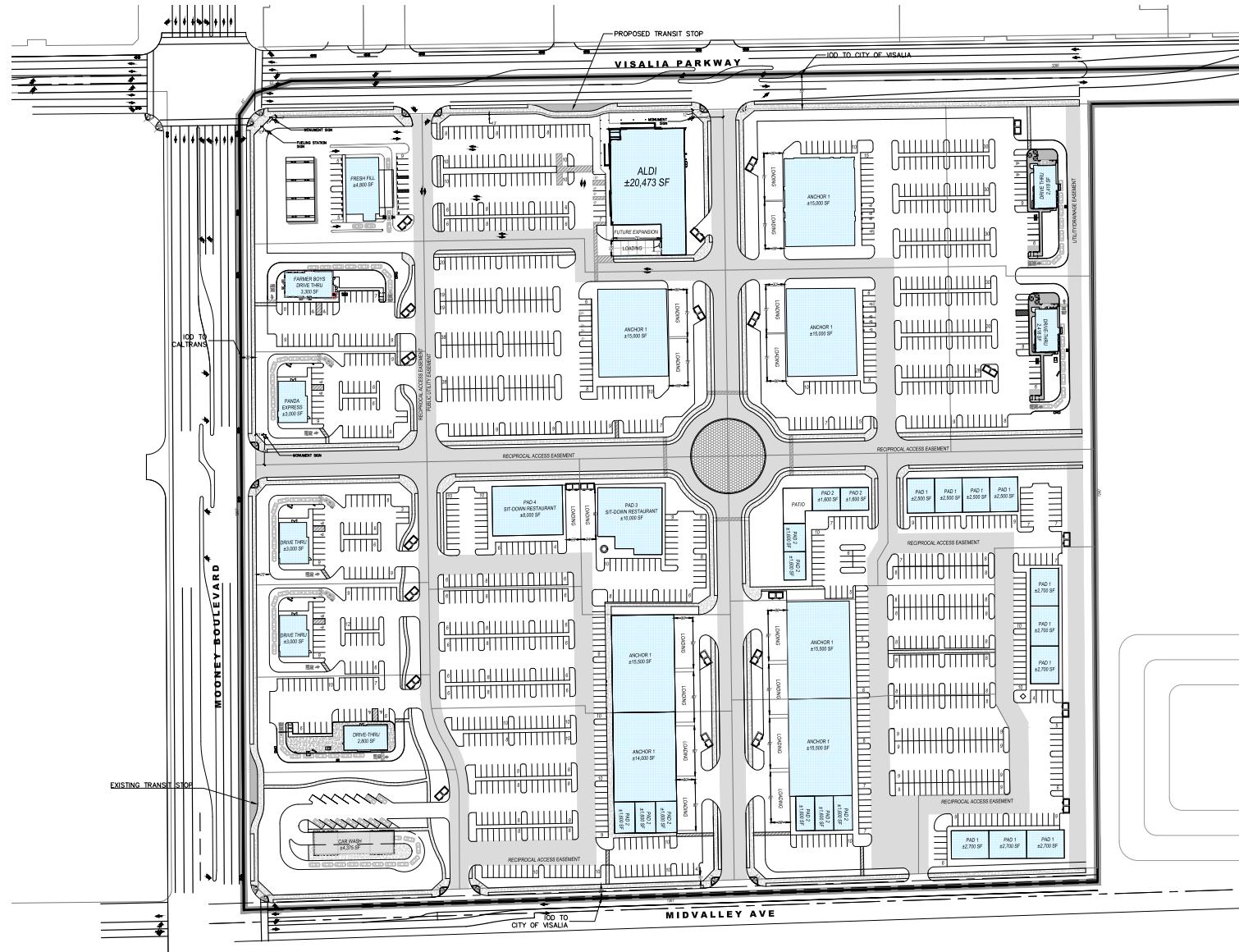
The revised development plan would reduce the total daily trips generated by the Oaks Marketplace shopping center from 14,343 daily trips to 13,359 daily trips, with a small increase in the a.m. peak hour and large decrease in the p.m. peak hour. Based on the level of service results with mitigation, it is unlikely that the small increase in a.m. peak hour traffic would produce any new impacts that would not already be fully mitigated. The p.m. peak hour impacts would generally be less due to reduced p.m. trips. VMT generated by the proposed project would also be reduced due to a reduction in both trips and the total number of employees on the site.

Appendix

2021 Site Plan

2024 Site Plan

Figure 2: Site Plan



OAKS MARKETPLACE SITE PLAN

A PORTION OF LOT 2 OF SHANNON RANCH CENTRAL SUBDIVISION, RECORDED IN VOL. 40 OF MAPS, AT PAGE 99, TCR, LOCATED IN THE SE 1/4 OF SECTION 13, TOWNSHIP 18 SOUTH, 24 EAST, MDB&M, IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA

SITE DATA:

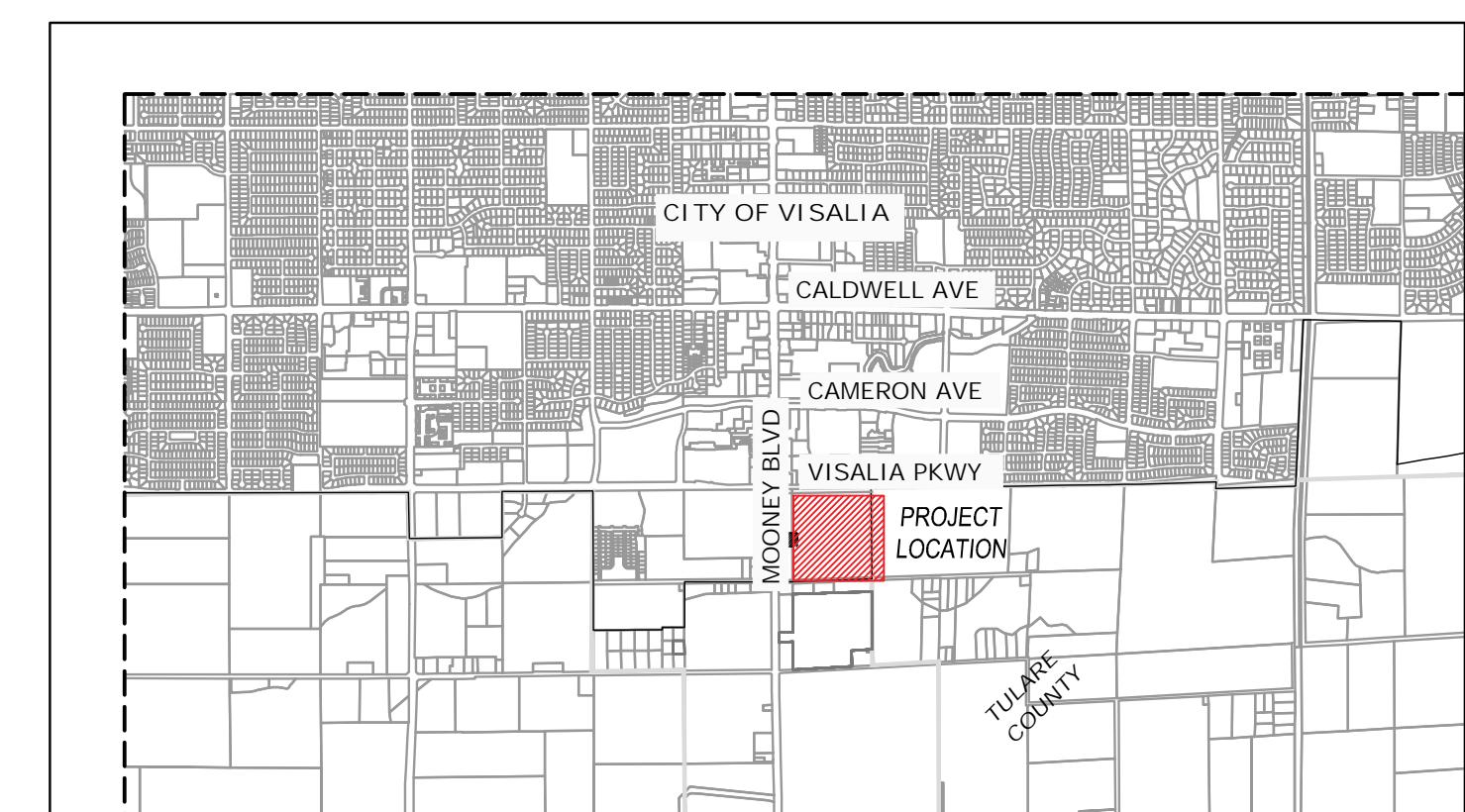
APN:	126-080-025, 056
ZONING (EXISTING):	C-R REGIONAL COMMERCIAL
ZONING (PROPOSED):	C-R REGIONAL COMMERCIAL
GENERAL PLAN (EXISTING):	REGIONAL COMMERCIAL
GENERAL PLAN (PROPOSED):	REGIONAL COMMERCIAL
UTILITIES	
SEWER SERVICE:	CITY OF VISALIA
WATER SERVICE:	CITY OF VISALIA
STORM SERVICE:	CITY OF VISALIA
GAS SERVICE:	SOUTHERN CALIFORNIA GAS COMPANY
ELEC. SERVICE:	SOUTHERN CALIFORNIA EDISON
REFUSE SERVICE:	CITY OF VISALIA
TELEPHONE:	SBC
FLOOD ZONE:	X

SETBACKS

FRONT (MOONEY BLVD): 20'
SIDE (VISALIA PKWY & MIDVALLEY AVE): 10'
REAR (EASTERN PROPERTY BOUNDARY): 15'

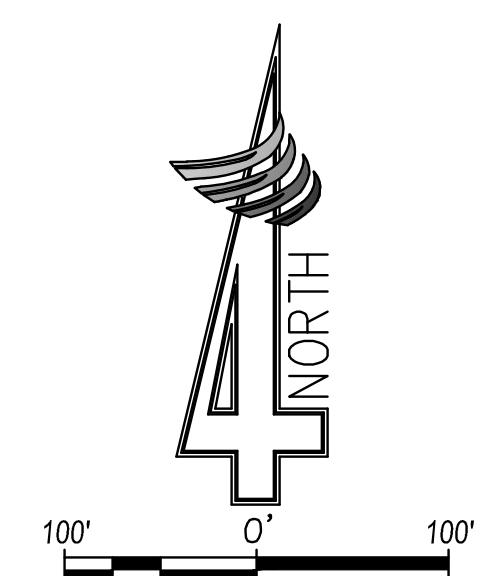
BUILDING AND PARKING

BUILDING TYPE	BUILDING SF	PARKING PROPOSED
GROCERY STORE	20,473 SF	111 SPACES
DRIVE-THRU RESTAURANT	21,342 SF	337 SPACES
SIT-DOWN RESTAURANT	10,000 SF	69 SPACES
CONVENIENCE STORE	3,924 SF	20 SPACES
CAR WASH	4,375 SF	10 SPACES
ANCHOR	71,900 SF	563 SPACES
PAD	63,700 SF	381 SPACES
HOTEL	68,800 SF	114 SPACES
TOTAL	264,514 SF	1,605 SPACES



VICINITY MAP

PREPARED BY:
 324 S. SANTA FE ST., STE. A
 P.O. BOX 7593
 VISALIA, CA 93292
 TEL: 559.802.3052
 FAX: 559.802.3215

From: Lau, Scott@DOT
To: [Cristobal Carrillo](#)
Cc: Deel, David@DOT; [lorena.mendibles@dot.ca.gov](#); Duran, Braden@DOT
Subject: RE: Revised TIS - CUP No. 2023-33 Oaks Marketplace Hotel
Date: Friday, March 29, 2024 9:29:18 AM
Attachments: [_WRD2509.jpg](#)
[image002.png](#)
[image003.png](#)

Hi,

Caltrans acknowledges the applicant's submission with **no concerns**.

The updated travel estimates indicate a reduced impact on our facility, as the expected amount of travel is now lower than initially anticipated. Additionally, we note that it was an impact fee study.

Respectfully,

Scott Lau
Associate Transportation Planner
California Department of Transportation
District 6 Transportation Planning – Regional
1352 West Olive Ave, Fresno, CA 93728
Phone: 559.981.7341
Web: [Caltrans District 6](#)



From: Cristobal Carrillo <Cristobal.Carrillo@visalia.city>
Sent: Thursday, March 28, 2024 9:17 AM
To: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Cc: Deel, David@DOT <david.deel@dot.ca.gov>; Mendibles, Lorena@DOT <lorena.mendibles@dot.ca.gov>
Subject: RE: Revised TIS - CUP No. 2023-33 Oaks Marketplace Hotel

EXTERNAL EMAIL. Links/attachments may not be safe.
Just checking on the status of this review. Please let me know when you can, thanks!

Cristobal Carrillo, Associate Planner
City of Visalia
Planning and Community Preservation Dept., Planning Division
(559) 713-4443
Cristobal.Carrillo@visalia.city



From: Cristobal Carrillo
Sent: Monday, March 18, 2024 3:41 PM
To: scott.lau@dot.ca.gov
Cc: David Deel <david.deel@dot.ca.gov>; lorena.mendibles@dot.ca.gov
Subject: FW: Revised TIS - CUP No. 2023-33 Oaks Marketplace Hotel

Attached please find the Traffic Impact Analysis for the CUP No. 2023-33 (Oaks Marketplace Hotel. This was requested by Caltrans back on January 12, 2024. Please review and provide any comments you may have, hopefully by April 1, 2024. Please let me know if you have any questions, thanks.

Cristobal Carrillo, Associate Planner
City of Visalia
Planning and Community Preservation Dept., Planning Division
(559) 713-4443
Cristobal.Carrillo@visalia.city



From: Ellie Krantz <elliek@4-creeks.com>
Sent: Monday, March 18, 2024 11:25 AM
To: Cristobal Carrillo <Cristobal.Carrillo@visalia.city>; Paul Bernal <Paul.Bernal@visalia.city>
Cc: Matt Ainley <matta@4-creeks.com>; David Duda <david.duda@4-creeks.com>; Molly Baumeister <mollyb@4-creeks.com>; Matt Graham <matt@mdgre.com>; Lindsey Te Velde <lindsey@mdgre.com>
Subject: Revised TIS - CUP No. 2023-33 Oaks Marketplace Hotel

Hello Cristobal,

See attached for the revised TIS of Oaks Marketplace Parcel 12. Could you confirm whether we are ready to set a Planning Commission date for this project? If any additional items are required to schedule that hearing, please advise.

Thank you,

[Image removed by sender.](#)



Ellie Krantz

Associate Planner
t (559) 802-3052
e elliek@4-creeks.com
w www.4-creeks.com





August 8, 2023

elliek@4-creeks.com
mollyb@4-creeks.com

Site Plan Review No. 2023-107:

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city. A copy of each Departments/Divisions comments that were discussed with you at the Site Plan Review meeting are attached to this document.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **July 19, 2023**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal".

Paul Bernal
Community Development Director
315 East Acequia Avenue
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments

City of Visalia

315 E. Acequia Ave., Visalia, CA 93291



Planning Division

Tel: (559) 713-4359; Fax: (559) 713-4814

MEETING DATE July 19, 2023
SITE PLAN NO. 2023-107
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.
 Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL REDEVELOPMENT
 PLANNING COMMISSION PARK/RECREATION
 CUP OTHER –
 HISTORIC PRESERVATION
 ADDITIONAL COMMENTS:

If you have any questions or comments, please call the Site Plan Review Hotline at (559) 713-4440
Site Plan Review Committee

SITE PLAN REVIEW COMMENTS

Cristobal Carrillo, Planning Division, 559-713-4443

Date: July 19, 2023

SITE PLAN NO: 2023-107
PROJECT TITLE: Oaks Marketplace Parcel 12
DESCRIPTION: New proposed 68,800 SF Courtyard Marriot hotel on Parcel 12 of Oaks Marketplace
APPLICANT: 4Creeks, Inc.
PROP. OWNER: Mouw Lance D. & Jaime Lee (CO TRS)
LOCATION TITLE: SE Corner of Visalia Parkway and S Mooney
APN TITLE: 122-350-033
GENERAL PLAN: Regional Commercial
ZONING: C-R (Regional Commercial)

Planning Division Recommendation:

Revise and Proceed
 Resubmit

Project Requirements

- Compliance with Oaks Marketplace Master Plan
- Conditional Use Permit
- Building Permit

PROJECT SPECIFIC INFORMATION: July 19, 2023

1. The applicant shall comply with all requirements of the Oaks Marketplace Master Plan.
2. A Conditional Use Permit shall be required. Note that revised environmental analysis and traffic study may be required as part of this project.
3. Provide parking calculations for the proposed use. Project shall verify that sufficient parking is available within the boundaries of the project site, or lacking that, that sufficient parking is provided within the shopping center to support all uses within the complex.
4. Provide a revised master plan site plan showing the hotel, and all other previously approved and/or proposed uses.
5. The applicant shall provide traffic and vehicle miles traveled (VMT) analysis to the satisfaction of the Traffic Engineer, verifying compliance with the Traffic Impact Analysis report for the Oaks Marketplace Shopping Center.
6. The applicant will not be permitted to open until all 1st Phase street and right of way improvements have been completed.
7. A revised Phasing Plan shall be provided if the phasing of the project site is to be altered.
8. Provide the following detailed exhibits with the Conditional Use Permit submittal:
 - a. Site plan. Note that the site plan shall identify the existing property boundaries in relation to the proposed hotel. If boundaries are proposed to be altered a Lot Line Adjustment shall be required and must be completed prior to Building Permit final.
 - b. Floor plan.
 - c. Building elevations verifying compliance with Oaks Marketplace design guidelines. Note that per the master plan, the hotel shall incorporate a mix of roof types, and metal awnings.
 - d. Operational statement.
 - e. Landscape and irrigation plan. The plan shall verify that a minimum 10% of the project site is landscaped.
 - f. Revised circulation exhibit.
 - g. Revised pedestrian connectivity exhibit.
9. Caltrans has stated that they will provide written comment to City Staff for this project. The project shall not proceed to public hearing until Caltrans comments have been received.

10. All signage shall comply with the Oaks Marketplace master sign program.
11. Tree wells shall be provided for every 10 contiguous parking stalls.
12. Note that a Travel Demand Management Program shall be required to be submitted and approved prior to occupancy.
13. Comply with Solid Waste Division requirements for the location of a trash enclosure. Ideally the enclosure shall be located along a main drive aisle.

Notes:

1. The applicant shall contact the San Joaquin Valley Air Pollution Control District to verify whether additional permits are required to conduct the proposed use.
2. Prior to completion of a final building inspection for a project, a signed MWELO Certificate of Compliance shall be submitted indicating that all landscaping has been installed to MWELO standards.

Applicable sections of the Visalia Municipal Code, Title 17 (Zoning):

17.18 Commercial Zones

17.32.080 Maintenance of landscaped areas

17.34 Off-street parking and loading facilities

17.36 Fences Walls and Hedges

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature: _____





**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

<input type="checkbox"/> Adrian Rubalcaba	713-4271
<input type="checkbox"/> Ather Razaq	713-4268
<input checked="" type="checkbox"/> Edelma Gonzalez	713-4364
<input type="checkbox"/> Jaklin Rowley	713-4369
<input type="checkbox"/> Luqman Ragabi	713-4362

ITEM NO: 3 DATE: JULY 19TH , 2023

SITE PLAN NO.: 23-107
PROJECT TITLE: OAKS MARKETPLACE PARCEL 12
DESCRIPTION: NEW PROPOSED 68,800SF COURTYARD
MARRIOT HOTEL ON PARCEL 12 OF OAKS
MARKETPLACE
APPLICANT: ELLIE KRANTZ
PROP OWNER: MOUW LANCE D & JAIME LEE (CO TRS)
LOCATION: SEC Visalia Pkwy and Mooney Blvd.
APN: 000-015-060

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with radius;

Install curb; gutter

Drive approach size: Use radius return;

Sidewalk: width; parkway width at **ONSITE, COMPLY WITH ACCESSIBILITY**

Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.

Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.

Right-of-way dedication required. A title report is required for verification of ownership.

Deed required prior to issuing building permit;

City Encroachment Permit Required. **FOR ANY WORK NEEDED WITHIN PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.

CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;

Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.

Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance. **PROJECT TO DRAIN TO EXISTING ONSITE INFRASTRUCTURE**

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)

Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

- 1. A building permit is required, standard plan check and inspection fees will apply.**
- 2. Provide accessible pedestrian connectivity to future surrounding parcels and development within parcel site.**
- 3. Provide dimensions of parking lot and proposed internal drive aisle. Comply with City parking lot standards and state accessibility requirements.**
- 4. Offsite Improvements on Mooney Blvd, Visalia Parkway, and MidValley would need to be complete prior to building occupancy. Improvements are currently under a separate building permit.**
- 5. A Shared Access and Parking Agreement to be established for the entire site prior to the finalization of any building permit within the first phase of the Development.**
- 6. Connect to onsite private SD and SS infrastructure.**
- 7. Install grease interceptors as required. Interceptors cannot be installed within accessible parking stalls and access aisles areas.**
- 8. Show and call-out drop-off zone on site plan if one is desired. Note, drop-off zone needs to be accessible.**
- 9. Site plan to indicate if phasing is desired with proposed development of parcel 12. City staff will need to further review a phased-focus approach to determine the necessary on-site improvements.**
- 10. Impact fees will be due with proposed site and new buildings, refer to page 4 for applicable fees.**

11. Project does not matching existing on-site circulation. Proposed building footprint conflicts with existing reciprocal access and utility easements (RAUE). RAUE in favor of all parcel will need to be modified per new proposed layout.

12. Project shall comply with CBC section 11B-250: Circulation paths contiguous to vehicular traffic must be physically separated from vehicular traffic.

13. Per SPR meeting with applicant, there is a desire to modify existing on-site parcel lines. Modifications to parcel lines may be achieved with LLA or TPM.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-107**
Date: **07/19/2023**

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date:**07/01/2023**)
(Project type for fee rates:**HOTEL**)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input checked="" type="checkbox"/> Groundwater Overdraft Mitigation Fee	\$1,555/AC X TBD
<input checked="" type="checkbox"/> Transportation Impact Fee	\$3,105/ROOM X 125 ROOMS
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$89.00/ROOM X 125 ROOMS
TREATMENT PLANT	
\$508/ROOM X 125 ROOM	
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$52/LF X TBD
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	REGIONAL CENTER
	\$8,794/AC X TBD
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	REGIONAL CENTER
	\$6,456/AC X TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$10,419/AC X TBD
<input checked="" type="checkbox"/> Public Safety Impact Fee: Fire	\$2,279/AC X TBD
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$140/ROOM X 125 ROOMS
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Edelma Gonzalez

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- A building permit will be required. For information call (559) 713-4444
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.

You are responsible to ensure compliance with the following checked items:

- Meet State and Federal requirements for accessibility for persons with disabilities.

- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.

- All accessible units required to be adaptable for persons with disabilities.

- Maintain sound transmission control between units minimum of 50 STC.

- Maintain fire-resistive requirements

1 HR MIN. BETWEEN UNITS (VERT & HORIZ.)

- A demolition permit & deposit is required.

For information call (559) 713-4444

- Obtain required permits from San Joaquin Valley Air Pollution Board.

For information call (661) 392-5500

- Plans must be approved by the Tulare County Health Department.

For information call (559) 624-8011

- Project is located in flood zone _____ * Hazardous materials report.

- Arrange for an on-site inspection. (Fee for inspection \$157.00)

For information call (559) 713-4444

- School Development fees.

- Park Development fee \$ _____, per unit collected with building permits.

- Additional address may be required for each structure located on the site.

For information call (559) 713-4320

- Acceptable as submitted

- No comments at this time

Additional comments: **BUILDING SHALL BE PROTECTED WITH TYPE B/R SPRINKLER SYSTEM AND FIRE ALARM. PROVIDE TYPE 1 HOOD AND IN-GROUND GREASE INTERCEPTOR. BUILDING SHALL BE EQUIPPED WITH (EV) CAPABLE SPACES, BIKE RACK, (PV) SOLAR SYSTEM AND BATTERY STORAGE. LANDSCAPING SHALL MEET THE MWELD REQUIREMENTS.**

VAL CORCIA 7/18/23



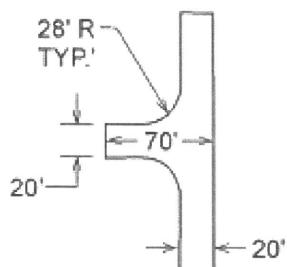
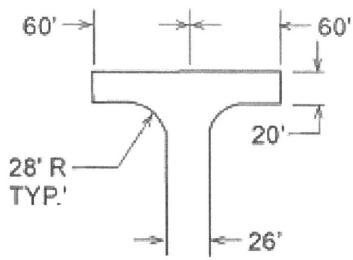
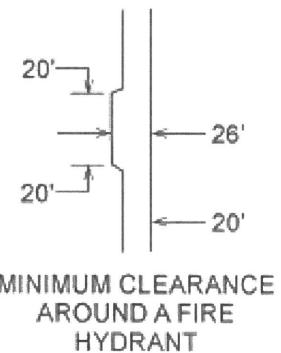
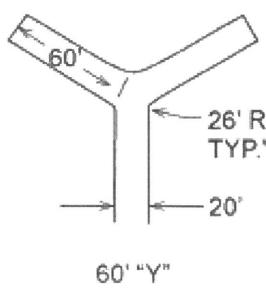
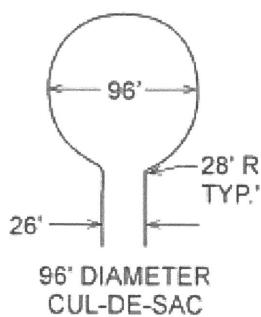
Site Plan Comments
Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

Date July 19, 2023
Item # 3
Site Plan # 23107
APN: 000015060

- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2022 California Fire Code (CFC), 2022 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2022 CFC §3312
 - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2022 CFC §3310
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2022 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2022 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2022 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 506.1
- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2022 CFC 507.5.1, App B and C
- Due to insufficient building information, the number and distance between **fire hydrants** cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with 2022 CFC §507, App B and C.

To determine **fire hydrant** location(s) and distribution the following information should be provided to the Site Plan Review committee: Type of construction _____ Square footage _____

- A **fire apparatus access road(s)** shall be provided and extend within 150 feet of all portions of the building and all portions of the exterior walls of the first story as measured by an approved route around the exterior. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. Fire apparatus access roads shall have an unobstructed width of not less than the following (2022 CFC 503.1.1)
 - 20 feet width, exclusive of shoulders (No Parking)
 - More than 26 feet width, exclusive of shoulders (No Parking one side)
 - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
- Buildings or portions of buildings with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved **fire apparatus access road** capable of accommodating fire department aerial apparatus.
 - Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
 - Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
 - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.
- Fire apparatus access roads in excess of 150 feet that dead end shall be provided with a **turnaround**. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. 2022 CFC Table D103.4



- Approved **No PARKING – FIRE LANE** signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. 2022 CFC 503.3/ D103.6

SIGN TYPE "A"



SIGN TYPE "C"



SIGN TYPE "D"



- An **automatic fire sprinkler system** will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2022 CFC §912 and VMC 8.20.010 subsection C103.4
- Locking fire department connection (FDC) caps** are required. The caps shall be ordered using an approved Knox Authorization Order Form. Go to knoxbox.com to order and please allow adequate time for shipping and installation. 2022 CFC 912.4.1

- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2022 CFC 904.12 & 609.2
- Comply with Section 510 of the California Fire Code for emergency responder radio coverage.
- All exterior risers, drain/test valves and backflow devices shall be protected from unauthorized tampering by approved means. Protection method shall be indicated on building plans. 2022 CFC 903.3.8.4.1



Corbin Reed
Fire Marshal



City of Visalia
Police Department
303 S. Johnson St.
Visalia, CA 93292
(559) 713-4370

Date: 07/18/23
Item: 3
Site Plan: SPR23107
Name: Robert Avalos

Site Plan Review Comments

- No Comment at this time.
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001.
- Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:
 - Territorial Reinforcement: Define property lines (private/public space).
 - Access Controlled/ Restricted etc.
- lighting Concerns:
ample lighting around property to help deter crime
- Traffic Concerns:
- Surveillance Issues:
interior and exterior surveillance cameras to help deter crime
- Line of Sight Issues:
low perimeter shrubs to help deter transients from loitering or setting up camp
- Other Concerns:
Enroll and participation in the Trespass Enforcement Program (T.E.P.)

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

July 19, 2023

ITEM NO: 3 Added to Agenda
SITE PLAN NO: SPR23107

MEETING TIME: 09:30

ASSIGNED TO: Cristobal Carrillo Cristobal.Carrillo@visalia.city

PROJECT TITLE: Oaks Marketplace Parcel 12

DESCRIPTION: New proposed 68,800 SF Courtyard Marriott hotel on Parcel 12 of Oaks Marketplace

APPLICANT: Ellie Krantz - Applicant

APN: 000015060

LOCATION:

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards at time of development.
- Install Street Name Blades at Locations at time of development.
- Install Stop Signs at ***local road intersection with collector/arterial*** Locations.
- Construct parking per City Standards PK-1 through PK-4 at time of development.
- Construct drive approach per City Standards at time of development.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

- Noted - From previously approved master plan of site, trip generation provided with this submittal shows a decrease from 1,161 PM peak hour trips to 1,107 PM peak hour trips. Shopping Center (ITE Land Use 820) was decreased from 74.28 ksf to 55.68 ksf and Hotel (ITE Land Use 312) was added for 109 ksf. Trip generation shows conformance with TIA previously performed for master plan of site.

- How is phasing impacted with revised use from shopping center to hotel? Onsite circulation?

Leslie Blair
Leslie Blair



07/19/2023

SITE PLAN REVIEW DATE: _____

WASTEWATER COLLECTIONS AND PRETREATMENT DIVISION (QUALITY ASSURANCE)
SITE PLAN REVIEW COMMENTS

SITE PLAN REVIEW NO: 23107

OAKS PLACE MRKT PLACE-COURTYARD MARRIOT

PROJECT NAME: _____

THE PROJECT IS SUBJECT TO THE FOLLOWING REQUIREMENTS FROM WASTEWATER
PRETREATMENT DIVISION (QUALITY ASSURANCE):

SUBMISSION OF WASTEWATER DISCHARGE PERMIT
APPLICATION/QUESTIONAIRRE/OTHER REGULATORY FORMS

FSE QUEST.

- FORM REQUIRED _____
- FORM REQUIRED _____
- FORM REQUIRED _____

INSTALLATION OF SAND AND GREASE INTERCEPTOR

INSTALLATION GREASE INTERCEPTOR

OTHER _____

SITE PLAN REVIEWED-NO COMMENTS

CONTACT THE WASTEWATER PRETREATMENT DIVISION (QUALITY ASSURANCE) AT
(559) 713-4529 OR JESSICA.SANDOVAL@VISALIA.CITY, IF YOU HAVE ANY QUESTIONS.

COMMENTS:

FORMS attached

07/18/2023

DATE REVIEWED: _____



FOOD SERVICE ESTABLISHMENT WASTEWATER SURVEY

- This survey must be filled out completely. **Please write N/A (not applicable) if the requested information does not apply.**
- The survey must be signed by an official company representative, who is authorized to sign such documents.
- If assistance in completing this questionnaire is needed, please contact:

Jessica Sandoval
Pretreatment Program Coordinator
Email: Jessica.Sandoval@visalia.city
Phone: (559) 713-4529

- Please return survey via email to Jessica.sandoval@visalia.city, and hand deliver or mail original to:

City of Visalia, WCP
Attention: Jessica Sandoval
7579 Ave 288
Visalia, CA 93277

Contact Information:

- A. Applicant Name: _____
- B. Doing Business As: _____
- C. City of Visalia Business License Number: _____
- D. Owner Name(s): _____
- E. Business Address: _____
- F. Business Phone Number: _____
- G. Mailing Address: _____
- H. Alternate Phone Number: _____
- I. Email Address: _____
- J. Website: _____
- K. Designated Representative and Signatory at the facility that has been authorized and can sign for all correspondence and reports. All correspondence from the City will be sent to this person.

Name/Title: _____

Address: _____

Phone Number: _____

L. Facility Contact During Inspections

Name/Title: _____

Phone number: _____ Email: _____

Facility Information:

M. Please check all descriptions that apply to your facility.

Type of Food Service Establishment	Location
() Fast Food Restaurant	() Stand-Alone Restaurant
() Full Service Restaurant	() Strip Mall
() Doughnut Shop	() Mall/Food Court
() Coffee Shop	() School
() Supermarket/Grocery Store	() Religious Institution
() Convenience Store/Mini Mart	() Amusement Park
() Ice Cream/Smoothie Shop	() Hospital
() Deli/Sandwich shop	() Nursing home
() Meat Processor	() Hotel
() Bakery	() Supermarket
() Cafeteria	() Office Building
() Other:	() Other:

N. Please check all the equipment currently in your facility

Food Processing Equipment		Kitchen Equipment	
	QTY		QTY
() Deep Fryer		() Dishwasher	
() Char broiler		() Pre-rinse sink	
() Griddle		() Mop	
() Grill		() Floor drains	
() Oven		() Garbage disposal	
() Rotisserie		() Other	
() Stove			
() Other			

O. Number of employees/shift: _____ Number of shifts/day: _____

P. Outdoor seating capacity: _____ Indoor seating capacity: _____

Q. Please provide the following information for hours of operation.

Day	Hours of Operation	24 Hours	Approximate Number of Meals Served Daily
Monday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Tuesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Wednesday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Thursday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Friday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Saturday		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Sunday		<input type="checkbox"/> Yes <input type="checkbox"/> No	

R. Grease Removal Device Information

Indoor Trap Outdoor Interceptor No grease removal device

S. What is the capacity of the grease interceptor/grease trap? _____

T. How frequently is the interceptor/grease trap cleaned? _____

U. Date of last cleaning? _____

V. Company or firm who performs grease interceptor maintenance and pumping:

Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

W. Do you have a waste oil container for recycling used cooking oil? () Yes () No

X. If yes, what is the frequency that it is pumped? _____

Y. If yes, name of company or firm that pumps and disposes of your used cooking oil:

Name: _____

Address: _____

Telephone Number: _____ Email Address: _____

Z. Certification

By signing below, I certify that I have examined and am familiar with the information submitted in the attached document and under penalty of law; the submitted information is true, accurate, and complete. I am aware there are penalties for submitting false information, including the possibility of fine.

Name (Please Print)

Title

Signature

Date

City Use Only	
Survey Received Date	Received by

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4532
COMMERCIAL BIN SERVICE

23107

July 19, 2023

No comments.

See comments below

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers

ALL refuse enclosures must be R-3 OR R-4

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.

Area in front of refuse enclosure must be marked off indicating no parking

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.

Customer will be required to roll container out to curb for service.

Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.

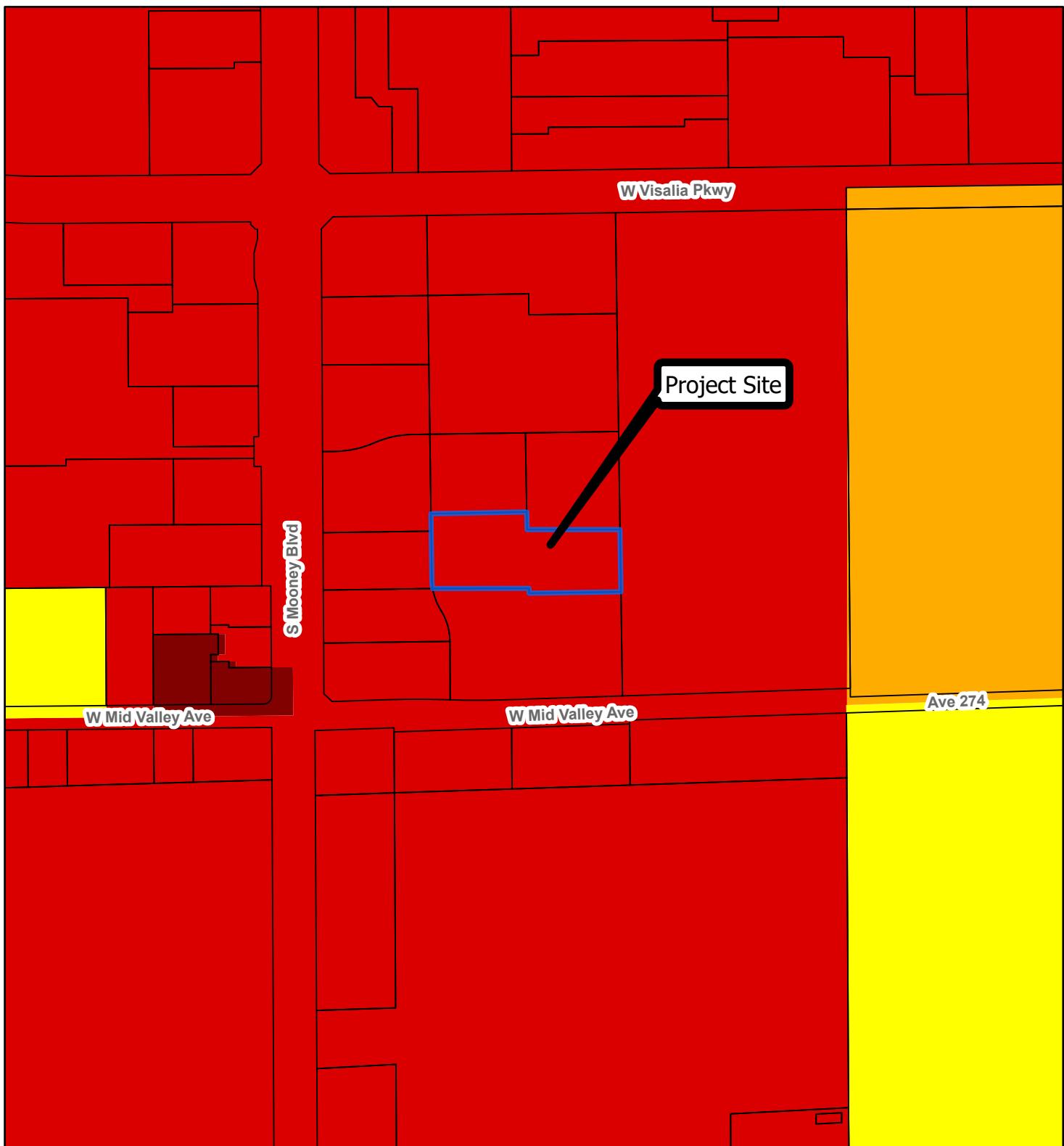
Solid waste services to include trash, recycling, and organics recycling, per the State of California's mandatory recycling laws (AB-341 & AB-1826). Customer to identify placement of a city standard (R3/R4) double enclosure on their parcel, set for STAB load collections. Customer to include one city standard (R1/R2) single bin enclosure, also set for STAB load collections to house the required organics recycling bin. Enclosure gates are required and must swing 180 degrees, clearing all curbing. Customer to call out the required 38' of clear space in front of each enclosure. Cane bolts must be included to secure the gates when opened. Customer is encouraged to contact Solid Waste at 559-713-4532 to discuss/review preferred enclosure placement.

Jason Serpa, Solid Waste Manager, 559-713-4533

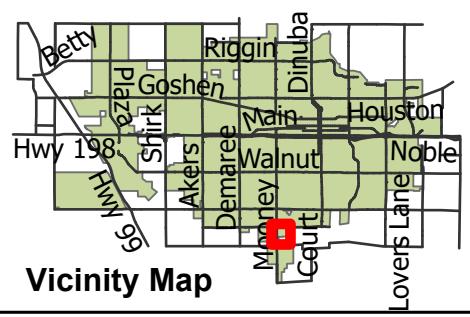
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532





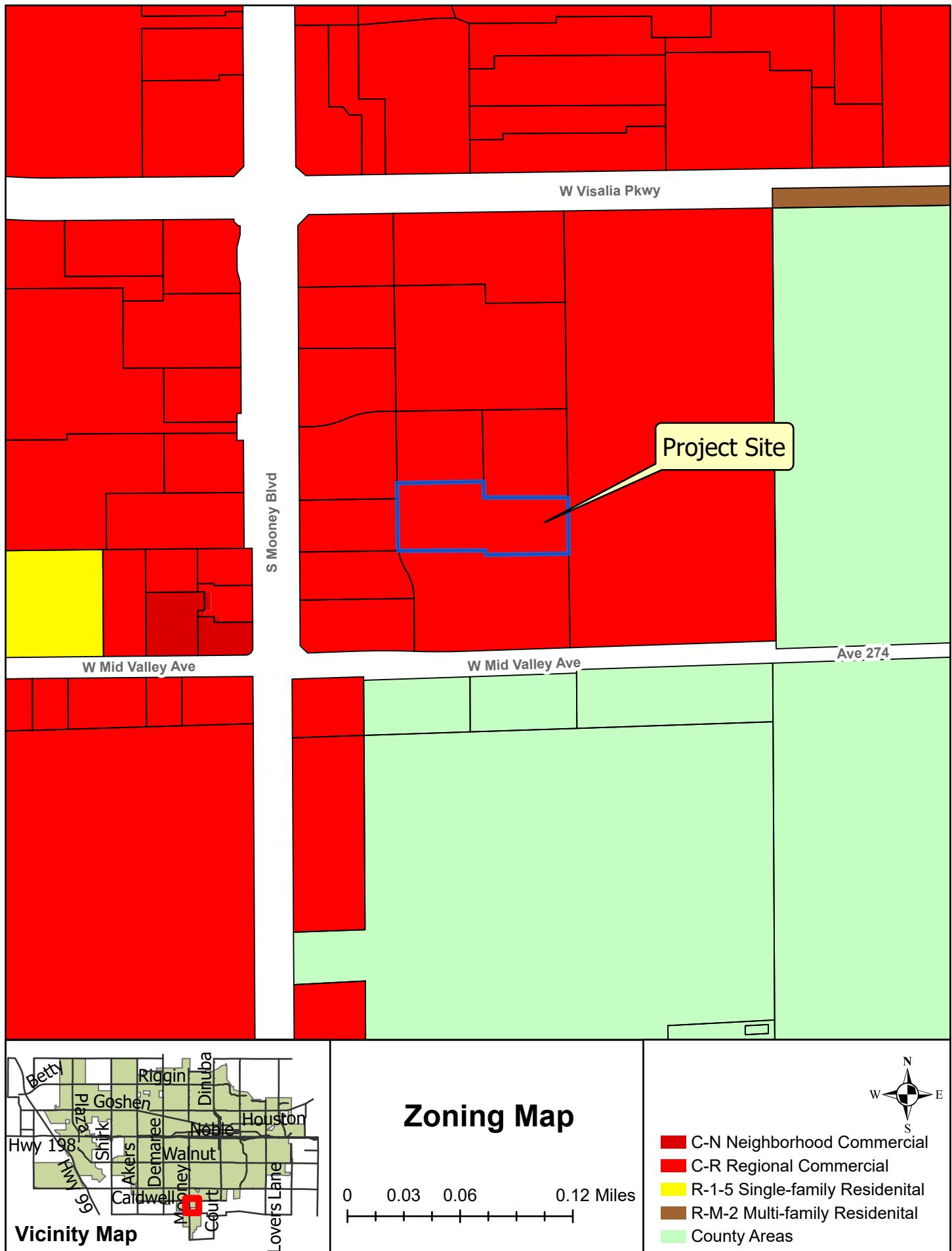
General Plan Land Use Map

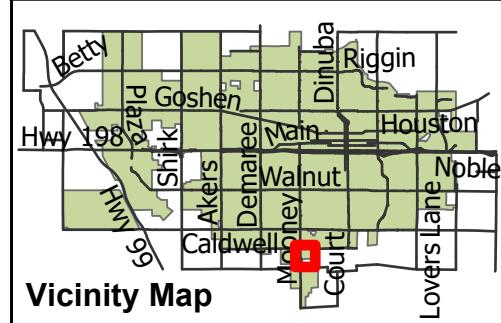
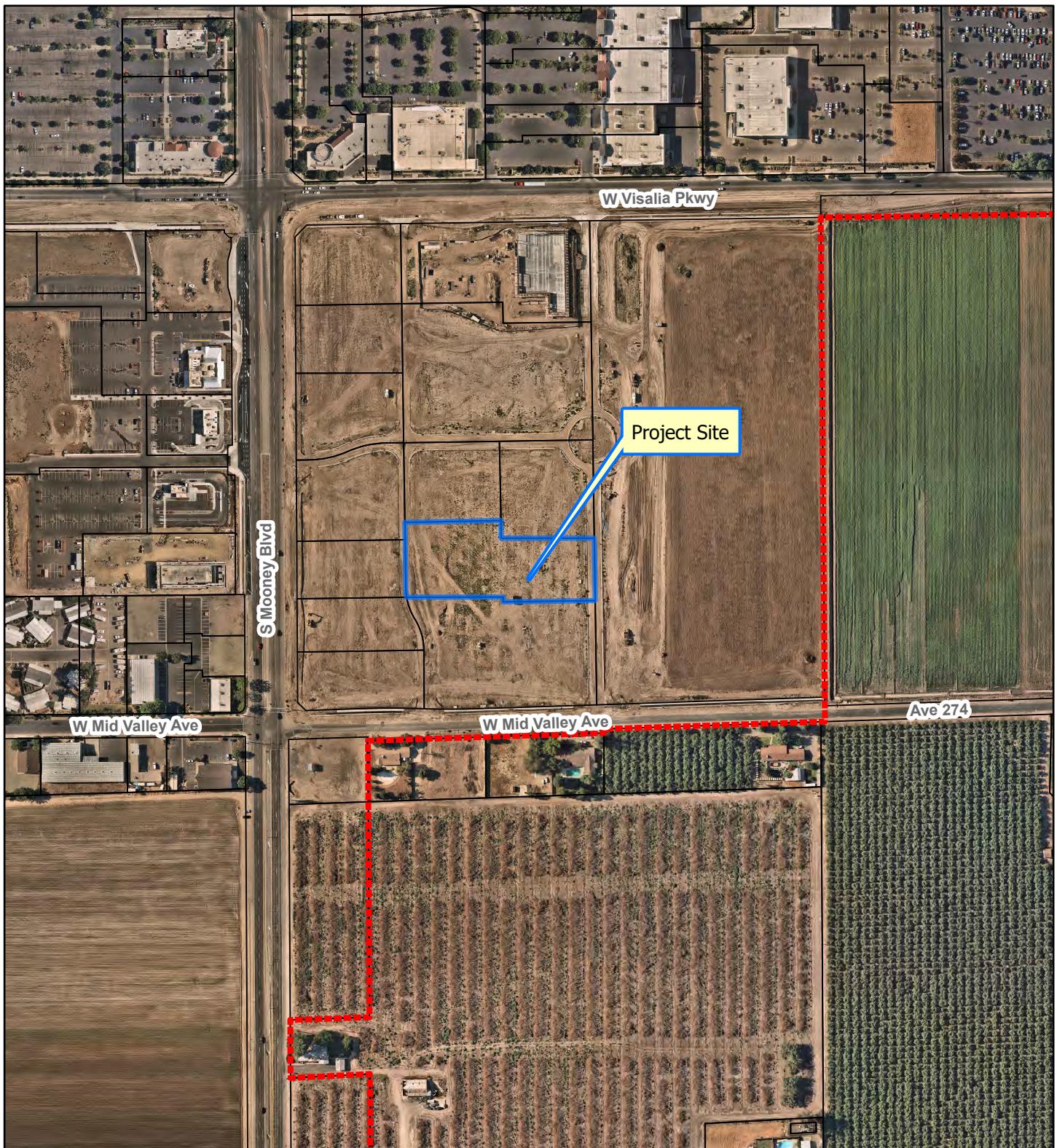


0 0.03 0.07 0.13 Miles

- Commercial Neighborhood
- Commercial Regional
- Residential Low Density
- Residential Medium Density

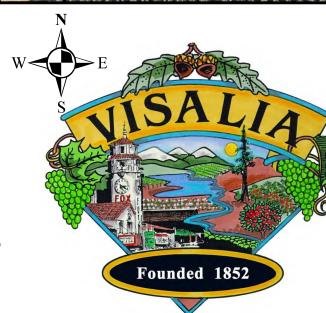


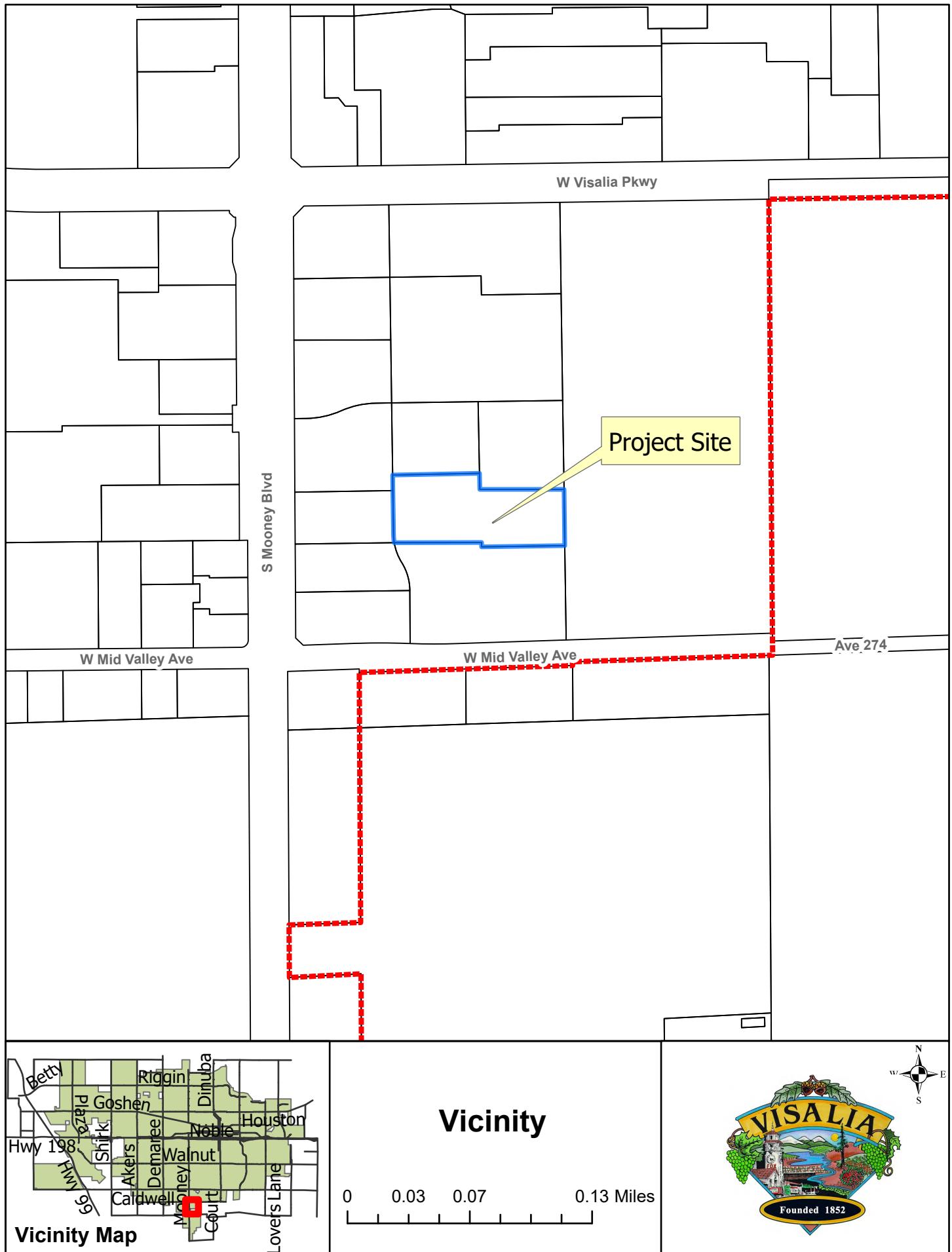




0 0.04 0.07 0.15 Miles

Aerial Map





REPORT TO CITY OF VISALIA PLANNING COMMISSION



HEARING DATE: May 13, 2024

PROJECT PLANNER: Paul Bernal, Director
Phone No.: (559) 713-4025
E-mail: paul.bernal@visalia.city

SUBJECT: **Revocation of Conditional Use Permit No. 2012-14:** A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2012-14, which allows the operation of a massage therapy business at 400 West Caldwell Avenue, located in the O-PA (Professional / Administrative Office) zone.

STAFF RECOMMENDATION

Staff recommends revoking Conditional Use Permit No. 2012-14. Staff's recommendation is based on the conclusion that the owner/operator has failed to comply with terms and conditions of the Conditional Use Permit and the Visalia Municipal Code.

RECOMMENDED MOTION

I move to approve revocation of Conditional Use Permit No. 2012-14 based on the findings and conditions in Resolution No. 2024-29.

BACKGROUND

The request to revoke Conditional Use Permit (CUP) No. 2012-14 is in response to violations of the terms and conditions of the conditional use permit and Municipal Code provisions for the massage therapy establishment located at 400 West Caldwell Avenue. On April 18, 2024, A Notice of Conditional Use Permit Suspension letter was sent by certified mail to both the property owner and business operator informing them that the conditional use permit was being suspended and a public hearing was being set to determine if the conditional use permit should be revoked. A copy of that letter is provided as Attachment "A" to this staff report.

On March 21, 2024, Code Enforcement Officers with the Neighborhood Preservation Division were contacted by the Visalia Police Department to conduct an inspection of the massage establishment located at 400 West Caldwell Avenue due to an undercover officer being solicited for sex by an employee of the massage establishment during business hours, which is in violation of the conditions of project approval for the CUP and Municipal Code Title 5, Chapter 5.68, Section 5.68.090 "Prohibited Conduct". As a result of this violation, the business was posted with a Cease and Desist order which was posted on the business door. The business was ordered to cease operations until further notice. A copy of the Cease and Desist is provided as Attachment "B".

On April 10, 2024, a Code Enforcement officer noticed that the business was open and operating without proper authorization. Upon walking into the massage establishment and witnessing a customer leaving the facility, the Code Enforcement officer contacted the City's boarding contractor who installed a lock on the front door of the massage establishment.

Pursuant to Section 17.38.040 of the Zoning Ordinance, violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The Planning Commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Appeals of the decision of the Planning Commission may be made to the City Council as provided in Section 17.38.120 of the Zoning Ordinance. Please

note, pursuant to Section 17.38.050, following the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

BACKGROUND INFORMATION

General Plan Land Use Designation: Office

Zoning: O-PA (Administrative Professional / Office)

Surrounding Zoning and Land Use: North: R-1-5 (Single-Family Residential) / Westwood Village subdivision
South: Caldwell Avenue & C-MU (Commercial Mixed Use) / Four lane divided arterial street and commercial shopping center
East: O-PA (Professional / Admin. Office) / Office uses
West: C-N (Neighborhood Commercial) / Dance Studio

Related Project:

On April 23, 2012, Conditional Use Permit No. 2012-14 was approved allowing a massage therapy business to operate in an existing 1,320 square foot tenant space in the P-A (Professional / Administrative Office) zone. A copy of the staff report and resolution is attached to this report as Attachment "C".

REVOCATION REQUEST

Staff recommends the revocation of Conditional Use Permit No. 2012-14 based on the operator/owner failure to comply with the terms and conditions of the conditional use permit and the Visalia Municipal Code. Upon issuing the Cease and Desist order, staff conducted a review of the Conditional Use Permit (CUP) and site address and noted several violations which are noted in Attachment "A" as follows:

1. Case No. CE140885: The massage establishment owner or employee were living in the commercial suite where the massage establishment is located. The commercial suite is not intended for human habitation and does not meet housing requirements.
2. Case No. CE210390: Inspections of the massage establishment found two employees on the site did not have Business Tax Certificates, one did not have a valid California Massage Therapy Council certification.
3. Case No. CE240378: Cease and Desist Order issued on March 21, 2024, as the result of a sole employee of the Golden Massage business solicited an undercover law enforcement officer for sex during business hours. In addition, an inspection of the premises by code enforcement staff showed the windows and door coverings of the business violated Ordinance No. 2024-03 and 2024-05.

It should be noted that notices of these violations were sent to both the current business owner (as noted in this report the ownership of the massage establishment has changed since the CUP was issued) and the property owner in each instance.

As provided in the Urgency Ordinance City Council staff report, an article published in the Human Trafficking Institute website identifies that *illicit massage businesses thrive largely with impunity because these operators exploit vulnerabilities in regulatory framework and lack of enforcement oversight*¹. There is evidence to support that some massage establishments serve as fronts for prostitution or human sex trafficking and the potential for crime and unsafe activity at these establishments is particularly concerning given that some of these establishments are located within close proximity to places where families congregate, such as restaurants and shopping center areas or in this case, a dance studio for children.

The City Council adopted the urgency ordinance to further ensure the City of Visalia properly regulates massage establishments in compliance with adopted state statutes, while also imposing reasonable conditions on the operation of massage establishments, in the interim, until more specific regulatory changes to the Visalia Municipal Code are further considered. These efforts, along with the existing Municipal Code requirements, are intended to avoid the potential threat this type of establishment may have if massage businesses operate in a manner that result in negative impacts to the public's peace, health, safety, and welfare. In addition to adopting these measures, the City Council expressed zero tolerance for businesses caught operating in a manner resulting in illicit and/or nuisance activities.

As noted above, the massage establishments at this location have demonstrated a pattern of operating in a manner of non-compliance with both state and local codes and regulations and conditions adopted for the CUP resulting in the massage establishment being a threat to the public health, safety, or welfare of the surrounding residential and commercial areas. Based on the holder of the CUP consistently failing to comply with adopted regulations and allowing multiple non-compliant massage establishments on the site, staff is requesting the Planning Commission revoke CUP No. 2012-14 due to the owner/operator failing to comply with the conditions adopted for this CUP and for violating Municipal Code requirements for massage establishments.

The subject property is an office development consisting of six separate units. There are no other CUPs on the property. A review of this property shows that only the massage establishment has been cited for code enforcement violations. The only other issues found involving the property were unpaid sewer accounts, which were resolved shortly after notice was sent. City staff would consider a massage establishment to present different property management issues compared to other types of professional/administrative office uses. The CUP requires that massage establishments comply with applicable laws and regulations, while failure to comply with these rules can result in fines/penalties to the massage establishment operator and potentially the property owner, the property owner, as the holder of the CUP, is also responsible to make sure that the requirements of the CUP are met in order to continue holding the CUP. City staff is recommending the CUP be revoked based on the history of code violations, and the types of code violations that have occurred. As noted above, persons living in the commercial unit is a serious violation, as is allowing unlicensed/unpermitted employees, and while the recent alleged criminal matters have not been fully resolved, the police department did make an arrest for solicitation. The history of allowing persons to live on-site and allowing unlicensed/unpermitted employees shows issues with the oversight of the property and lack of oversight has been linked with criminal enterprises. The massage establishment owner appears to have difficulty enforcing the CUP requirements and City staff therefore recommend the CUP be revoked.

¹<https://traffickinginstitute.org/illicit-massage-businesses-the-pervasive-insidious-form-of-trafficking-happening-across-the-united-states/>

Massage Establishment Business Owners:

The massage establishment located at 400 West Caldwell Avenue has changed business owners four times since the conditional use permit was approved. The initial applicant for Conditional Use Permit No. 2012-14 applied for a business tax certificate on February 11, 2012, and obtained approval of their Business Tax Certificate on May 10, 2012. Subsequently, the following Change in Ownership Business Tax Certificates were issued as follows:

- Change of Ownership Business Tax Certificate issued December 20, 2013.
- Change in Ownership Business Tax Certificate issued September 9, 2019.
- Change in Ownership Business Tax Certificate issued October 15, 2020.

However, the owner of the property has remained consistent. Please note all code enforcement actions are sent to the property owner when dealing with issues related to the site.

Property History:

Staff researched to see if there are any other conditionally permitted uses located at 400 West Caldwell Avenue and found no other conditionally permitted uses operating at this location. In addition, staff researched if other code violations have been issued against this property and found two violations in 2016 for non-payment of a sewer account. The sewer account issue was resolved once the notices were issued.

Current City of Visalia Regulations:

The City of Visalia Municipal Code Title 5 Business Regulations Section 5.68 "Massage Establishments" confirms permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments. In addition, the recent adoption of Ordinance No. 2024-05 expands on the provisions of Title 5 and Title 17 (Zoning). A copy of Section 5.68 and Ordinance No. 2024-05 are attached to this report as Attachment "D".

RECOMMENDED FINDINGS

1. That the massage establishment is in violation of the existing Conditional Use Permit No. 2012-14, Title 5 Business Regulations Section 5.68 "Massage Establishments" of the Visalia Municipal Code, and state and local regulations.
2. That continuing to allow a massage establishment under the current Conditional Use Permit may have a negative impact on the surrounding businesses and neighborhood due to the repeated failures of massage establishments at this location to meet applicable requirements.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on April 18, 2024, pursuant to Section 17.38.040 of the Zoning Ordinance.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia California. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Resolution No. 2024-29
- Attachment “A” – Notice of Conditional Use Permit Suspension letter
- Attachment “B” – Cease and Desist
- Attachment “C” – Conditional Use Permit No. 2012-14 Staff Report
- Attachment “D” – Section 5.68, Ordinance No. 2024-05, and Conditional Use Permit Section
- Aerial Map
- Location Map

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A REQUEST BY THE CITY OF VISALIA, PURSUANT TO MUNICIPAL CODE SECTION 17.38.040, TO REVOKE CONDITIONAL USE PERMIT NO. 2012-14, WHICH ALLOWED THE OPERATION OF A MASSAGE THERAPY BUSINESS LOCATED AT 400 WEST CALDWELL AVENUE, LOCATED IN THE O-PA (PROFESSIONAL / ADMINISTRATIVE OFFICE) ZONE (APN: 123-240-019)

WHEREAS, Conditional Use Permit No. 2012-14, was a request to allow massage therapy establishment in the Professional Administrative Office (PA) zone located at 400 West Caldwell Avenue; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 23, 2012, and found the Conditional Use Permit No. 2012-14, as conditioned, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, on March 21, 2024, the Neighborhood Preservation Division was contacted by the Visalia Police Department to conduct an inspection of the massage therapy establishment located at 400 West Caldwell Avenue due to illicit activity, specifically an undercover police officer was solicited for sex by an employee at the massage establishment, and upon the inspection of the business additional violations of the Visalia Municipal Code Chapter 5.68 were found, a Cease and Desist order was issued and posted on the business door and the business was ordered to cease operations until further notice; and

WHEREAS, a review of the massage establishment was conducted by City staff after the Cease and Desist Order was issued, which found other code violations had occurred on the site, in 2014 persons were found to be living in the commercial suite, which violates health and safety codes for building occupancy, and in 2021 inspections found employees working without required business certifications, which violated requirements of Visalia Municipal Code Chapter 5.68; and

WHEREAS, notices of these past violations were sent to the business operator and property owner; and

WHEREAS, based on the history of violations on the site, on April 18, 2024, a Notice of Conditional Use Permit Suspension letter, pursuant to Section 17.38.040 of the Zoning Ordinance, was sent by certified mail to both the property owner and business operator informing them that the conditional use permit is being suspended and a public hearing was being set to determine if the conditional use permit should be revoked; and

WHEREAS, in violation of the Cease and Desist Order the business was reopened and was subsequently closed and locked by the Neighborhood Preservation Department; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on May 13, 2024; and

WHEREAS, the Planning Commission of the City of Visalia has considered the request for revocation of the Conditional Use Permit in accordance with Sections 17.38.040, 17.38.080, 17.38.090, 17.38.100 and 17.38.110 of the Zoning Ordinance of the City of Visalia; and

WHEREAS, the Planning Commission of the City of Visalia finds the owner/operator of said massage therapy establishment to be in violation of the terms and conditions of approval of the Conditional Use Permit based on the evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the massage establishment has on multiple occasions been in violation of state and local law which does not meet the required terms and conditions of Conditional Use Permit No. 2012-14.
2. That continuing to allow a massage establishment under the current Conditional Use Permit may have a negative impact on the surrounding businesses and neighborhood due to the repeated failures of massage establishments at this location to meet applicable requirements.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on April 18, 2024, pursuant to Section 17.38.040 of the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the revocation of Conditional Use Permit No. 2012-14 on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia.



**Attachment "A"
Notice of
Conditional Use Permit Suspension**

April 18, 2024

OLDENBOURG JOSEPH (TR) (OLDENBOURG REVOC)
PO BOX 325
IVANHOE CA 93235-0325

Case Number: CE240378

Conditional Use Permit: 2012-14

RE: Golden Massage, 400 W Caldwell Ave. Suite A. Visalia CA 93277

Dear Oldenbourg Trust,

The subject property was issued Conditional Use Permit 2012-14, which allows a massage establishment on the site. This letter is to inform you that the Conditional Use Permit is being suspended by the City of Visalia due to the numerous code violations by the massage establishment on the site. A public hearing by the Visalia Planning Commission will be set within the next sixty days to determine if this Conditional Use Permit should be permanently revoked or if the suspension should be lifted and the business allowed to resume under the prior conditions or with additional conditions.

On March 21, 2024, the Visalia Police Department contacted the Neighborhood Preservation Division to conduct an inspection of the property located at 400 West Caldwell Avenue (APN: 123-240-019) after the sole employee of the Golden Massage business located at the above noted address solicited an undercover law enforcement officer for sex during business hours. The employee was arrested and charged with solicitation. As a result of this criminal violation, and pursuant to Visalia Municipal Code section 5.04.130 Code Enforcement issued and posted a Cease and Desist Order, informing the business owner that the City was ordering the business to cease operations until it came into compliance with applicable legal requirements. A copy of the Cease and Desist order is enclose with this letter.

City staff reviewed the Conditional Use Permit (i.e., Conditional Use Permit No. 2012-14) that was approved allowing massage establishments to operate at the above noted location along with the site address. This review identified a history of violations at this site:

1. 2014 - Case# CE140885: The massage establishment owner or employee were living in the commercial suite where the massage establishment is located. The commercial suite is not intended for human habitation and does not meet housing requirements, meaning the owner or employee were living in substandard housing. In addition, construction work had been done on the site without permits. These were violations of the Conditional Use Permit (Visalia Municipal Code Chapter 17.38), Visalia Municipal Code (Section 5.68.060), California Health & Safety Code 17920.3, and California Building Code section 105.1.
2. 2021 - Case# CE210390: Inspections of the massage establishment found two employees on the site that did not have Business Tax Certificates, one did not have a valid California Massage Therapy Council certification, and a Fire Code violation of improper storage of a required fire extinguisher. These are violations of the Conditional Use Permit (Visalia Municipal Code Chapter 17.38) and the following Visalia Municipal Codes, Section : 5.04, and 5.68.040.
3. 2024 - Case#: CE240378 – The matter cited above that is also the subject of the Cease and Desist Order. On March 21, 2024, the Visalia Police Department contacted the Neighborhood Preservation Division to conduct an inspection of the property located at 400 West Caldwell Avenue (APN: 123-240-019) after the sole employee of the Golden Massage business located at the above noted address solicited an undercover law enforcement officer for sex during business hours. In addition, an inspection of the premises by code enforcement staff showed the windows and door coverings of the business violated Ordinance 2024-03, and the business had an unauthorized illuminated sign. These are violations of the Conditional Use Permit (Visalia Municipal Code Chapter 17.38) and the Visalia Municipal Code Ordinance 2024-03.

Due to continual violations of the Visalia Municipal Code at this massage establishment you are hereby issued this Notice of Conditional Use Permit Suspension. The Conditional Use Permit is hereby suspended, and massage establishments are not permitted to operate on this site unless the Conditional Use Permit is reestablished by the Visalia Planning Commission or the Visalia City Council. This suspension is effective as of the date of this letter and is issued pursuant to Section 17.38.040 of the Visalia Municipal Code which states:

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Ord. 2017-01 (part), 2017: prior code § 7528)

A copy of Section 17.38.120 is also enclosed with this letter. A public hearing by the planning commission shall be held within the next sixty days. Notice of the public hearing shall be mailed to you, the current business owner, all property owners within three hundred feet of the subject property and published at least ten days in advance of the hearing.

Please be aware that any further violation of the provisions shall be punishable as a misdemeanor. Pursuant to Visalia Municipal Code Section 1.12.010 no person shall violate any provision of this code or fail to comply with the mandatory requirements of the ordinances of the City. Any person convicted of a misdemeanor shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in County Jail not to exceed 6 months or by both such fine and imprisonment.

Sincerely,

Tommy Contreras
Code Enforcement Officer, CCEO
(559) 713-4194
Tommy.contreras@visalia.city

Enclosures:

1. Copy of Cease and Desist
2. Sections 17.02.145 and 17.38.110 of the Visalia Municipal Code

Cc: Leslie Caviglia, City Manager
John Lollis, Assistant City Manager
Ken Richardson, City Attorney
James Koontz, City Attorney
Paul Bernal, Planning and Community Preservation Director
Tracy Robertshaw, Neighborhood Preservation Manager

17.02.145 Appeal to city council

Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.

- A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.*
- B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than 10 days before the hearing.*
- C. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 3, 2007)*

17.38.110 Action by planning commission.

- A. *The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:*
 - 1. *That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;*
 - 2. *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
- B. *A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.*
- C. *The commission may deny an application for a conditional use permit.*
(Ord. 2017-01 (part), 2017: prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145.
(Ord. 2017-01 (part), 2017: Ord. 2006-18 § 6, 2007: prior code § 7537)



Attachment "B"

CEASE AND DESIST ORDER

Pursuant to Visalia Municipal Code Section 5.04.130 (E), *Cease and Desist Orders* shall be issued to any entity which:

Is in non-compliance with any city ordinance or regulatory agency.

Additionally, Visalia Municipal Code Section 8.40.030 (I) 2 states that any condition on a property that affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Under the Visalia Municipal Code Section 5.68.040 Massage Establishments

5.68.060 Additional requirements

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

5.68.070 Display of permit.

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and display it to customers upon request. Any persons operating under the limited exception described in Section 5.68.040(D) must display the statement from the city documenting their exemption from the CAMTC certification prominently in a conspicuous place capable of being viewed by customers or city representatives, or carry it with them for off-premise massage services.

5.68.090 Prohibited conduct.

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an out-call massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

The business, Golden Massage, located at 400 W CALDWELL AVE #A is in noncompliance with this and other City Ordinances or regulatory agencies and as such is directed to immediately Cease and Desist conducting any further business until such time that the business is brought into compliance with all local, state and federal laws.

You are hereby ordered to immediately cease and desist any and all operations for this business until all required Municipal Code requirements are met.

For information regarding this order contact the City of Visalia Neighborhood Preservation Division at (559)713-4534.

Date: 3/21/24

By Order of: M. O. D. L.

**Code Enforcement Officer,
CCEO**



CEASE AND DESIST ORDER

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Is in non-compliance with any city ordinance or regulatory agency.

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Date: 3/21/24

By Order of: 

**Code Enforcement Officer,
CCEO**

315 East Acequia Ave., Visalia, CA 93291



Tel: (559) 713-4359 Fax: (559) 713-4814

May 16, 2012

XIN JIN
1167 N. LYNORA ST
TULARE, CA 93274

RE: Conditional Use Permit No. 2012-14

On April 23, 2012, the Visalia City Planning Commission passed and adopted Resolution No. 2012-29 approving, of Conditional Use Permit No. 2012-14: Conditional Use Permit No. 2012-14: A request by Xin Jin to allow massage therapy in the Professional Administrative Office (PA) zone. The site is located at 400 W. Caldwell Avenue (APN 123-240-019, 022).

This Conditional Use Permit became effective April 23, 2012, and shall expire April 23, 2014 unless a building permit is issued by the City of Visalia and construction is commenced and diligently pursued toward completion on the site.

Attached is an acceptance letter which needs to be signed by the property owner and applicant, and then returned. A return envelope is enclosed for your convenience.

YOU ARE HEREWITHE NOTIFIED that the City of Visalia, pursuant to Resolution No. 85-136, has specifically made the provision of Code of Civil Procedure, Section 1094.6 applicable to all final administrative orders or decisions of the City of Visalia. Pursuant to said Code Section, you have ninety days within which to seek judicial review of the validity of this decision by the City of Visalia.

If you have any questions regarding this action, please call the Planning Division at 713-4359.

Susan Currier
Planning Assistant

Attachments

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2012-14, A REQUEST BY XIN JIN TO ALLOW MASSAGE THERAPY IN THE PROFESSIONAL ADMINISTRATIVE OFFICE (PA) ZONE. THE SITE IS LOCATED AT 400 WEST CALDWELL AVENUE. (APN: 123-240-019 & 123-240-022)

WHEREAS, Conditional Use Permit No. 2012-14, is a request by Xin Jin to allow massage therapy in the Professional Administrative Office (PA) zone. The site is located at 400 West Caldwell Avenue (APN: 123-240-019 & 123-240-022); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 23, 2012; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2012-14, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located because the site provides for ample parking and is in close proximity to other medical/office uses.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2012-28).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2012-047.
2. That the site be developed in substantial compliance with the site plan (Exhibit "A"), floor plan (Exhibit "A"), and the operational statement (Exhibit "A"), attached herein.
3. That all signs require a separate building permit.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2012-14, prior to the issuance of any building permits for this project.
5. That all applicable federal, state and city laws, codes and ordinances be met.

Commissioner Lane offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:

AYES: Commissioners Salinas, Lane, Peck

NOES:

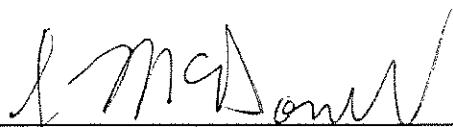
ABSTAINED:

ABSENT: Commissioners Segre, Soltesz

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2012-29, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 23, 2012.



Josh McDonnell, Assistant Director / City Planner



Adam Peck, Vice Chairperson

<p>PROJECT: MASSAGE THERAPY PRACTICE IN EXISTING PROFESSIONAL BUILDING 1600 WEST CALDWELL AVENUE VISALIA, CALIFORNIA 93291</p> <p>PROJECT ADDRESS: 1600 WEST CALDWELL AVENUE VISALIA, CALIFORNIA 93291</p> <p>LEGAL DESCRIPTION & APN: ASSESSOR'S PARCEL NUMBER 18 OF PARCEL 22 LOCATED IN COURTYARD PROFESSIONAL SUBDIVISION PARCEL MAP 265, PLAT 3, SECTION 10, IN THE CITY OF VISALIA, COUNTY OF TULARE, ZONING 123-240-010</p> <p>SITE AREA: 71,000 SQ FT OR 0.4321 ACRES</p> <p>PROJECT BUILDING SQUARE FOOTAGE: 1320 SQ FT</p> <p>PROPERTY OWNER: C & J COMMERCIAL PROPERTY MANAGEMENT P.O. BOX 44084 LEMON COVE, CA 93244</p> <p>SANITARY DISPOSAL: CITY SEWER SYSTEM</p>		<p>HOURS & DAYS OF OPERATION: 10:00 AM TO 10:00 PM SEVEN DAYS PER WEEK</p> <p>NUMBER OF EMPLOYEES: THREE</p>																																																																																
<p>ROOM SCHEDULE:</p> <ul style="list-style-type: none"> (1) MASSAGE THERAPY (2) MASSAGE THERAPY (3) MASSAGE THERAPY (4) STORAGE (5) SOFA ROOM (6) BREAK ROOM (7) RESTROOM (8) SOFA ROOM (9) SOFA ROOM (10) RECEPTION (11) WAITING ROOM (12) CORRIDOR (13) JANITOR'S CLOSET <p>FLOOR PLAN: SCALE: 1/4" = 10'</p> <p>NOTE: ALL ITEMS SHOWN ON THIS FLOOR PLAN ARE EXISTING</p>																																																																																		
<p>SITE PLAN: SCALE: 1" = 50'</p> <p>SITE PLAN KEY:</p> <ul style="list-style-type: none"> PC - PORTLAND CONCRETE CONCRETE FR - FIRE HYDRANT RP - REAR PLATE CL - CHAIN LINK WI - WROUGHT IRON PL - PROPERTY LINE DR - DRIVEWAY, 6' 6" IN DIAMETER ETC. DC - DECORATIVE TERRACINA IN DIAMETER FL - FLOORING <p>PARKING SPACE DIMENSIONS:</p> <table border="1"> <tr><td>10' x 10'</td><td>10' x 11'</td></tr> <tr><td>10' x 12'</td><td>10' x 12'</td></tr> <tr><td>10' x 13'</td><td>10' x 13'</td></tr> <tr><td>10' x 14'</td><td>10' x 14'</td></tr> <tr><td>10' x 15'</td><td>10' x 15'</td></tr> <tr><td>10' x 16'</td><td>10' x 16'</td></tr> <tr><td>10' x 17'</td><td>10' x 17'</td></tr> <tr><td>10' x 18'</td><td>10' x 18'</td></tr> <tr><td>10' x 19'</td><td>10' x 19'</td></tr> <tr><td>10' x 20'</td><td>10' x 20'</td></tr> <tr><td>10' x 21'</td><td>10' x 21'</td></tr> <tr><td>10' x 22'</td><td>10' x 22'</td></tr> <tr><td>10' x 23'</td><td>10' x 23'</td></tr> <tr><td>10' x 24'</td><td>10' x 24'</td></tr> <tr><td>10' x 25'</td><td>10' x 25'</td></tr> <tr><td>10' x 26'</td><td>10' x 26'</td></tr> <tr><td>10' x 27'</td><td>10' x 27'</td></tr> <tr><td>10' x 28'</td><td>10' x 28'</td></tr> <tr><td>10' x 29'</td><td>10' x 29'</td></tr> <tr><td>10' x 30'</td><td>10' x 30'</td></tr> <tr><td>10' x 31'</td><td>10' x 31'</td></tr> <tr><td>10' x 32'</td><td>10' x 32'</td></tr> <tr><td>10' x 33'</td><td>10' x 33'</td></tr> <tr><td>10' x 34'</td><td>10' x 34'</td></tr> <tr><td>10' x 35'</td><td>10' x 35'</td></tr> <tr><td>10' x 36'</td><td>10' x 36'</td></tr> <tr><td>10' x 37'</td><td>10' x 37'</td></tr> <tr><td>10' x 38'</td><td>10' x 38'</td></tr> <tr><td>10' x 39'</td><td>10' x 39'</td></tr> <tr><td>10' x 40'</td><td>10' x 40'</td></tr> <tr><td>10' x 41'</td><td>10' x 41'</td></tr> <tr><td>10' x 42'</td><td>10' x 42'</td></tr> <tr><td>10' x 43'</td><td>10' x 43'</td></tr> <tr><td>10' x 44'</td><td>10' x 44'</td></tr> <tr><td>10' x 45'</td><td>10' x 45'</td></tr> <tr><td>10' x 46'</td><td>10' x 46'</td></tr> <tr><td>10' x 47'</td><td>10' x 47'</td></tr> <tr><td>10' x 48'</td><td>10' x 48'</td></tr> <tr><td>10' x 49'</td><td>10' x 49'</td></tr> <tr><td>10' x 50'</td><td>10' x 50'</td></tr> </table> <p>NOTE: ALL ITEMS SHOWN ON THIS SITE PLAN ARE EXISTING</p> <p>CALDWELL AVENUE</p> <p>SITE PLAN: SCALE: 1" = 50'</p> <p>SITE</p> <p>VICINITY MAP: NO SCALE</p>			10' x 10'	10' x 11'	10' x 12'	10' x 12'	10' x 13'	10' x 13'	10' x 14'	10' x 14'	10' x 15'	10' x 15'	10' x 16'	10' x 16'	10' x 17'	10' x 17'	10' x 18'	10' x 18'	10' x 19'	10' x 19'	10' x 20'	10' x 20'	10' x 21'	10' x 21'	10' x 22'	10' x 22'	10' x 23'	10' x 23'	10' x 24'	10' x 24'	10' x 25'	10' x 25'	10' x 26'	10' x 26'	10' x 27'	10' x 27'	10' x 28'	10' x 28'	10' x 29'	10' x 29'	10' x 30'	10' x 30'	10' x 31'	10' x 31'	10' x 32'	10' x 32'	10' x 33'	10' x 33'	10' x 34'	10' x 34'	10' x 35'	10' x 35'	10' x 36'	10' x 36'	10' x 37'	10' x 37'	10' x 38'	10' x 38'	10' x 39'	10' x 39'	10' x 40'	10' x 40'	10' x 41'	10' x 41'	10' x 42'	10' x 42'	10' x 43'	10' x 43'	10' x 44'	10' x 44'	10' x 45'	10' x 45'	10' x 46'	10' x 46'	10' x 47'	10' x 47'	10' x 48'	10' x 48'	10' x 49'	10' x 49'	10' x 50'	10' x 50'
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<p>LEWIS AND ASSOCIATES • ARCHITECTURE 1717 WEST OAKWOOD AVENUE • VISALIA, CALIFORNIA • TEL. 559-739-1717 FAX 559-739-7113</p> <p>SHEET</p> <p>12 MARCH 2012</p> <p>HAB205 SITE PLAN</p>																																																																																		

Exhibit "A"



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 23, 2012

PROJECT PLANNER: Paul Bernal, Senior Planner
Phone No.: (559) 713-4025

SUBJECT: **Conditional Use Permit No. 2012-14:** A request by Xin Jin to allow a massage therapy business in the Professional Administrative Office (P-A) zone. The site is located at 400 West Caldwell Avenue. (APN: 123-240-019 & 123-240-022)

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2012-29 for Conditional Use Permit No. 2012-14 based on the project's consistency with the policies of the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2012-14 based on the findings and conditions in Resolution No. 2012-29.

PROJECT DESCRIPTION

The Conditional Use Permit is a request to allow a massage therapy business in an existing 1,320 square foot tenant space in the P-A (Professional / Administrative Office) zone. The applicant is proposing to locate the massage therapy office into a tenant space located at the south end of a 6,170 square foot building as depicted on Exhibit "A". The applicant has also provided a floor plan on Exhibit "A" depicting the tenant improvements associated with this project.

According to the lessee's Operational Statement, this facility will have three full-time employees. The massage therapy business operates Monday through Sunday from 10:00 a.m. to 10:00 p.m.

BACKGROUND INFORMATION

General Plan Land Use Designation: Professional / Administrative Office

Zoning: P-A (Professional / Administrative Office)

Surrounding Zoning and Land Use: North: R-1-12.5 (Single-Family Residential, 12,500 square foot minimum site area) – Westwood Village Subdivision
South: Caldwell Avenue – Arterial road
East: P-A (Professional / Admin. Office) – Chiropractor Office & Offices
West: C-C (Convenience Commercial) & P-A (Professional / Admin. Office) – Dance Studio & Offices

Environmental Document

Categorical Exemption No. 2012-28

Site Plan:

Site Plan Review No. 2012-047

Related Plans and Policies

Please see attached summary of related plans and policies.

PROJECT EVALUATION

Staff supports the requested conditional use permit based on project consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

The purpose and intent of the P-A office zone is to provide areas for professional and administrative offices where they can be effectively integrated into surrounding areas. The Visalia Zoning Matrix identifies massage therapy as a conditional use in the P-A zone and requires the submittal and approval of a CUP application. Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses.

The building is separated into multiple tenant spaces, which are occupied with office related businesses. Staff has concluded that the proposed massage therapy will not have a negative impact on surrounding uses given the fact that ample on-site parking is provided as well as the site's proximity to the major street and other office and commercial uses within close proximity to this use.

Parking

The parking requirement for a massage therapy office is one parking space for each 200 square feet of floor area. Based on this requirement, a total of six parking spaces are required. The entire office building was assigned a general office parking requirement of one space per 250 square feet, which requires a total of 24 parking spaces. However, the entire site provides a total of 33 parking spaces for all business located on-site, which meets the parking requirements as identified in Section 17.34.020.B and 17.34.020.F.4 of the Zoning Ordinance.

Environmental Review

The requested action is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2012-28).

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for minor alterations in land use limitations. (Categorical Exemption No. 2012-28).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2012-047.
2. That the site be developed in substantial compliance with the site plan (Exhibit "A"), floor plan (Exhibit "A"), and the operational statement (Exhibit "A"), attached herein.
3. That all signs require a separate building permit.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2012-14, prior to the issuance of any building permits for this project.
5. That all applicable federal, state and city laws, codes and ordinances be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the city clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2010-29
- Exhibit "A" – Site Plan, Floor Plan & Operational Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

Related Plans & Policies
Conditional Use Permits
(Section 17.38)

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

RESOLUTION NO. 2012-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2012-14, A REQUEST BY XIN JIN TO ALLOW MASSAGE THERAPY IN THE PROFESSIONAL ADMINISTRATIVE OFFICE (PA) ZONE. THE SITE IS LOCATED AT 400 WEST CALDWELL AVENUE. (APN: 123-240-019 & 123-240-022)

WHEREAS, Conditional Use Permit No. 2012-10, is a request by Xin Jin to allow massage therapy in the Professional Administrative Office (PA) zone. The site is located at 400 West Caldwell Avenue (APN: 123-240-019 & 123-240-022); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 23, 2012; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2012-14, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located because the site provides for ample parking and is in close proximity to other medical/office uses.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2012-28).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2012-047.
2. That the site be developed in substantial compliance with the site plan (Exhibit "A"), floor plan (Exhibit "A"), and the operational statement (Exhibit "A"), attached herein.
3. That all signs require a separate building permit.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2012-14, prior to the issuance of any building permits for this project.
5. That all applicable federal, state and city laws, codes and ordinances be met.

Exhibit "A"



MEETING DATE March 7, 2012
SITE PLAN NO. 12-047
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL REDEVELOPMENT

PLANNING COMMISSION PARK/RECREATION

HISTORIC PRESERVATION OTHER _____

 ADDITIONAL COMMENTS This project requires a Conditional Use Permit.

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



MEETING DATE *3-7-12*

SITE PLAN NO. *12-047*

PARCEL MAP NO.

SUBDIVISION

LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.



REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.



Your plans must be reviewed by:

CITY COUNCIL REDEVELOPMENT

PLANNING COMMISSION *CUR* PARK/RECREATION

HISTORIC PRESERVATION OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee

Building Site Plan Review Comments

ITEM NO: 3

DATE: Ma 07.2012

SITE PLAN NO:

SPR12047

PROJECT TITLE:

CONDITIONAL USE PERMIT FOR MASSAGE SALON

DESCRIPTION:

CONDITIONAL USE PERMIT FOR MASSAGE SALON
IN EXISTING 1320 SF BUILDING (STRIP MALL
COMMERCIAL)

APPLICANT:

XIN JIN

PROP OWNER:

OLDENBOURG JOSEPH (TR) (OLDENBOURG RE'

LOCATION:

400 W CALDWELL AVE

APN(S):

123-240-019

NOTE:

These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- Submit 3 sets of engineered plans and 2 sets of calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- Meet city and state requirements for accessibility for persons with disabilities.
- Submit 3 sets of plans signed by an architect or engineer. Must comply with 2010 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- Obtain required permits from San Joaquin Valley Air Pollution Board.
- Location of cashier must provide clear view of gas pump island
- Calculations of free-standing carport.
- Treatment connection charge to be assessed based on use. Credits For Existing Use
- Must comply with state energy requirements.
- Plans must be approved by the Tulare County Health Department.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- Project is located in flood zone _____ * A building permit will be required
- All accessible units required to be adaptable for the physically handicapped.
- Acceptable as submitted Arrange for an on-site inspection.
- Hazardous materials report. A demolition permit & deposit is required.
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$_____, per unit collected with building permits.
- Existing address must be changed to be consistent with city address policy.

G. PEREZ
Signature

Site Plan Review Comments For:

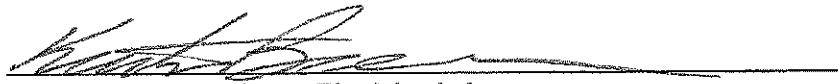
Visalia Fire Department
Kurtis Brown, Assistant Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 *office*
559-713-4808 *fax*

ITEM NO: 2	DATE: <u>March 07, 2012</u>
SITE PLAN NO:	SPR12047
PROJECT TITLE:	CONDITIONAL USE PERMIT FOR MASSAGE SALON
DESCRIPTION:	CONDITIONAL USE PERMIT FOR MASSAGE SALON IN EXISTING 1320 SF BUILDING (STRIP MALL COMMERCIAL)
APPLICANT:	XIN JIN
PROP OWNER:	OLDENBOURG JOSEPH (TR) (OLDENBOURG RE
LOCATION:	400 W CALDWELL AVE
APN(S):	123-240-019

The following comments are applicable when checked:

- Refer to previous comments dated .
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail.
- The Site Plan Review comments in this document are not all encompassing, but a general overview of the California Fire Code, and City of Visalia Municipal Codes. Additional requirements may come during the plan review process.
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire protection requirements.
- Address numbers must be placed on the exterior of the building in such a position as to clearly and plainly visible from the street. Numbers will be at least six inches (6") high and shall be of a color to contrast with their background. If multiple addresses served by a common driveway, the range of numbers shall be posted at the roadway/driveway.
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- The turning radius for emergency fire apparatus is 20 feet inside radius and 43 feet outside radius. Ensure that the turns identified to you during site plan comply with the requirements. An option is a hammer-head constructed to City standards.
- An access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction.
- Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

- A fire lane is required for this project. The location will be given to you during the site plan meeting.
- A Knox Box key lock system is required. Applications are available at the Fire Department Administrative Office.
- The security gates, if to be locked, shall be locked with a typical chain and lock that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system. Applications are available at the Fire Department Administrative Office.
- That portion of the building that is built upon a property line shall be constructed as to comply with Section 503.4 and Table 5-A of the California Building Code.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system.
- If you handle hazardous material in amounts that exceed the exempt amounts listed on Table 3-D of the California Building Code, you are required to submit an emergency response plan to the Tulare County Health Department. Prior to the building final inspection, we will want a copy of the plan and any Material Safety Data Sheets.
- An automatic fire sprinkler system will be required for this building. A fire hydrant is required within 50 feet of the fire department connection. The fire hydrant, fire department connection and the PIV valve should be located together and minimum 25' from the building, if possible. The caps on the FDC shall be Knox locking caps.
- All hardware on exit doors shall comply with Chapter 10 of the California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting though-out building.
- All Fire and Life Safety systems located within the building shall be maintained.
- An automatic fire extinguishing system for protection of the kitchen grease hood and ducts is required.
- Fire Department Impact Fee - \$1601.01 per acre.
- Fire Department Permit Fee - complete application during Building Department permit process.
- Special comments:



Kurtis Brown, Assistant Fire Marshal

**City of Visalia
Police Department**
303 S. Johnson St.
Visalia, Ca. 93292
(559) 713-4573

ITEM NO: 3 DATE: March 6, 2012
SITE PLAN NO: SPR12047
PROJECT TITLE: CONDITIONAL USE PERMIT FOR MASSAGE SALON
DESCRIPTION: CONDITIONAL USE PERMIT FOR MASSAGE SALON
IN EXISTING 1320 SF BUILDING (STRIP MALL
COMMERCIAL)
APPLICANT: XIN JIN
PROP OWNER: OLDENBOURG JOSEPH (TR) (OLDENBOURG RE
LOCATION: 400 W CALDWELL AVE
APN(S): 123-240-019

Site Plan Review Comments

- No Comment at this time.
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact fee:

Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.

- Not enough information provided. Please provide additional information pertaining to:

Territorial Reinforcement: Define property lines (private/public space).

Access Controlled / Restricted etc:

Lighting Concerns:

Landscaping Concerns:

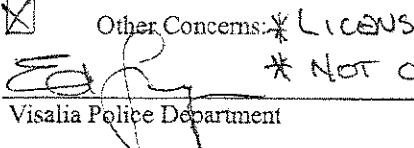
Traffic Concerns:

Surveillance Issues:

Line of Sight Issues:

Other Concerns: * LICENSED THERAPISTS

* NOT OPENED AFTER 10 PM


Visalia Police Department

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: March 7, 2012

SITE PLAN NO: 12-047
PROJECT TITLE: CONDITIONAL USE PERMIT FOR MASSAGE SALON
DESCRIPTION: CONDITIONAL USE PERMIT FOR MASSAGE SALON IN EXISTING
1,320 SF BUILDING (STRIP MALL COMMERCIAL)
APPLICANT TITLE: XIN JIN
PROP. OWNER: OLDENBOURG JOSEPH (TR) (OLDERNBOURG REVOC)
LOCATION TITLE: 400 W CALDWELL AVE
APN TITLE: 123-240-019

General Plan: PAO – Professional / Admin. Office
Existing Zoning: PA – Professional / Admin. Office

Planning Division Recommendation:

Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit for Massage Therapy

PROJECT SPECIFIC INFORMATION: 03/07/2012

1. A CUP is required for the massage therapy business.
2. Provide an operational plan with the CUP application submittal. Operation Plan should include the number of employees, hours of operation, number of patients seen in a day and the overall daily operations of this business.
3. Parking for this office space was calculated at one parking stall per 250 sq. ft. of gross building area.
4. Any interior work done in the building requires a building permit. Comply with all Site Plan Review comments from all other divisions.

CITY GENERAL PLAN CONSISTENCY

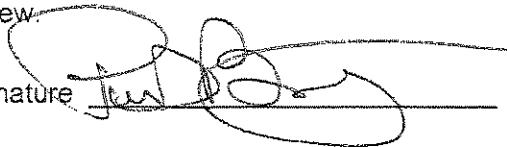
Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

Parking:

1. Provide two parking spaces per massage therapist (see Zoning Ordinance Section 17.34.020).

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.

The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature 

QUALITY ASSURANCE DIVISION SITE PLAN REVIEW COMMENTS

ITEM NO: 3 DATE: March 07, 2012
SITE PLAN NO: SPR12047
PROJECT TITLE: CONDITIONAL USE PERMIT FOR MASSAGE SALON
DESCRIPTION: CONDITIONAL USE PERMIT FOR MASSAGE SALON
IN EXISTING 1320 SF BUILDING (STRIP MALL
COMMERCIAL)
APPLICANT: XIN JIN
PROP OWNER: OLDENBURG JOSEPH (TR) (OLDENBURG RE
LOCATION: 400 W CALDWELL AVE
APN(S): 123-240-019

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR - 3 COMPARTMENT _____
- GREASE INTERCEPTOR _____ min. 1000 GAL _____
- GARBAGE GRINDER - $\frac{3}{4}$ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED - NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277

Dr. R. Wright

AUTHORIZED SIGNATURE

3-2-12

DATE

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

Jason Huckleberry 713-4259
 Ken McSheehy 713-4447
 Adrian Rubalcaba 713-4271

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with radius;
 Install curb; gutter
 Drive approach size: Use radius return;
 Sidewalk: width; parkway width at
 Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
 Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
 Right-of-way dedication required. A title report is required for verification of ownership.
 Deed required prior to issuing building permit;
 City Encroachment Permit Required.

Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit.

CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit.

Contacts: David Deel (planning) 488-4088;

Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.

Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
 Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)

Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

ITEM NO: 3 DATE: MARCH 07, 2012

SITE PLAN NO.: 12-047
PROJECT TITLE: CONDITIONAL USE PERMIT FOR MASSAGE SALON
DESCRIPTION: CONDITIONAL USE PERMIT FOR MASSAGE SALON IN EXISTING 1320 SF BLDG(STRIPL MALL COMMERCIAL)
APPLICANT: XIN JIN
PROP OWNER: OLDENBOURG JOSEPH (TR)(OLDENBOURG REVOC)
LOCATION: 400 W CALDWELL AVE
APN: 123-240-019

- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact David Pendergraft at 713-4295 for an Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 12-047

Date: 3/07/12

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date:)

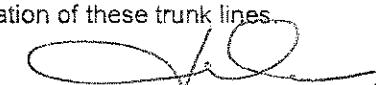
(Project type for fee rates:)

Existing uses may qualify for credits on Development Impact Fees.

FEE ITEM	FEE RATE
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Jason Huckleberry

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

ITEM NO:	3
SITE PLAN NO:	SPR12047
PROJECT TITLE:	CONDITIONAL USE PERMIT FOR MASSAGE SALON
DESCRIPTION:	CONDITIONAL USE PERMIT FOR MASSAGE SALON IN EXISTING 1320 SF BUILDING (STRIP MALL COMMERCIAL)
APPLICANT:	XIN JIN
PROP. OWNER:	OLDENBOURG JOSEPH (TR) (OLDENBOURG REVOC)
LOCATION:	400 W CALDWELL AVE
APN(S):	123-240-019

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Study required.
-

Additional Comments:



Eric Bons

Conditional Use Permit No. 2012-14

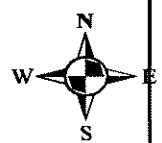
APN: 123-240-019 & 022



General Plan Land Use Map

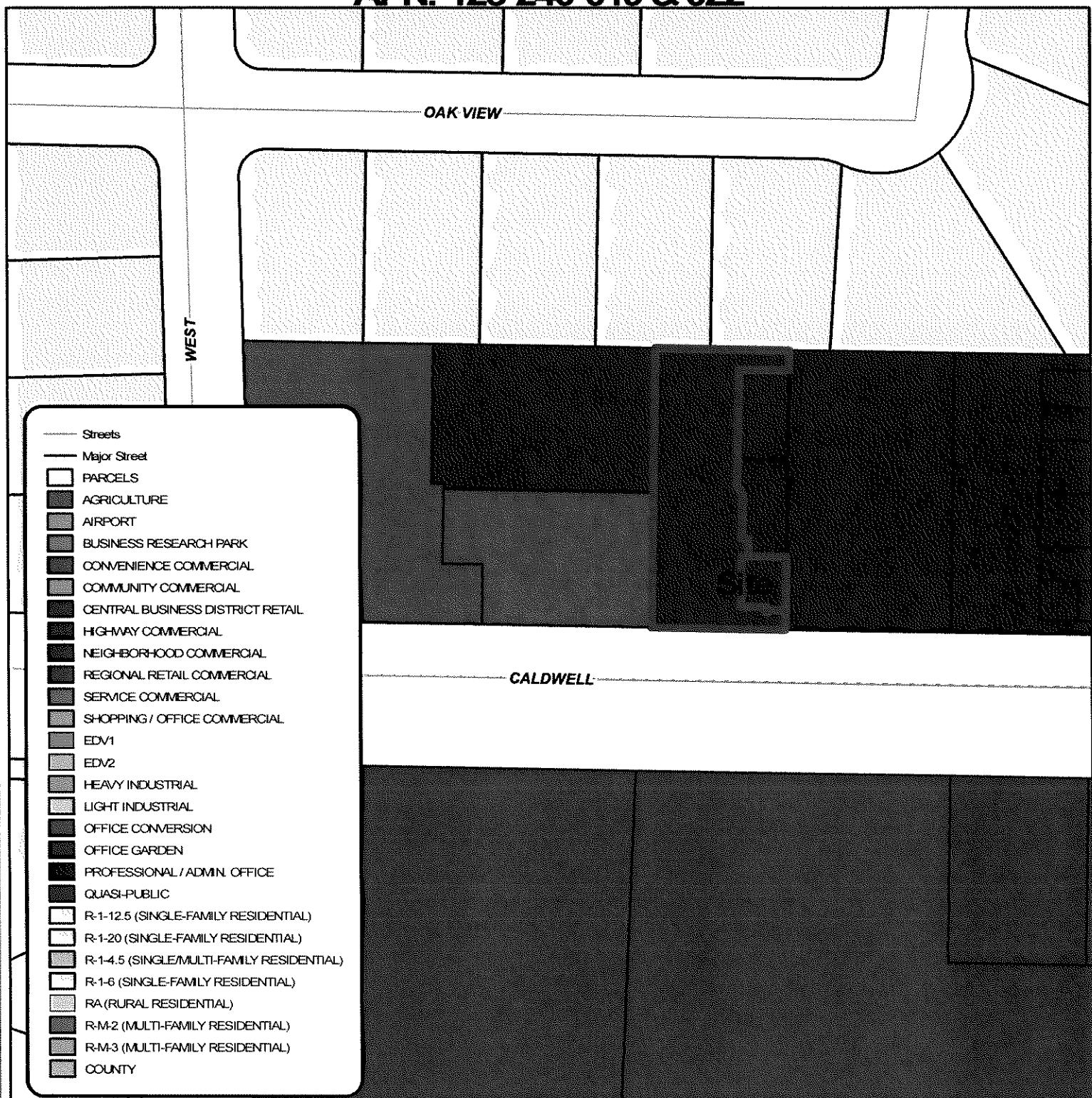
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Feet



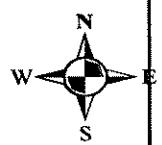
Conditional Use Permit No. 2012-14

APN: 123-240-019 & 022



Zoning Map

100 50 0 100 200 Feet



Conditional Use Permit No. 2012-14

APN: 123-240-019 & 022



Aerial Photo



100 50 0 100 200 Feet

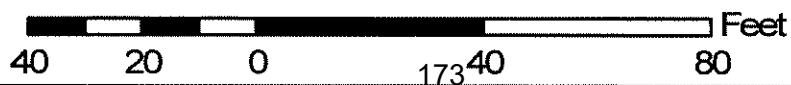


Conditional Use Permit No. 2012-14

APN: 123-240-019 & 022



Aerial Photo



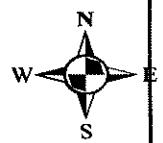
Conditional Use Permit No. 2012-14

APN: 123-240-019 & 022



Vicinity Map

200 100 0 200 400
17½ Feet





Acceptance of Conditions

May 16, 2012

XIN JIN
1167 N. LYNORA ST
TULARE, CA 93274

RE: Conditional Use Permit No. 2012-14

Conditional Use Permit No. 2012-14: Conditional Use Permit No. 2012-14: A request by Xin Jin to allow massage therapy in the Professional Administrative Office (PA) zone. The site is located at 400 W. Caldwell Avenue (APN 123-240-019, 022).

Xin Jin acknowledges and accepts the conditions of approval specified in Planning Commission Resolution Nos. 2012-29 approving, Conditional Use Permit No. 2012-14.

Catherine Doe
Signature of Property Owner

5/18/12
Date

Catherine Doe
Printed Name

Xin Jin
Signature of Applicant

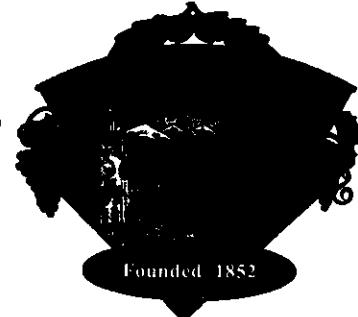
05/18/12
Date

Xin Jin
Printed Name

Note: Please mail this acceptance to: 315 East Acequia, Visalia, CA 93291 within 5 working days of the date received.

For Department Use Only
Acceptance received on:





Acceptance of Conditions

May 16, 2012

XIN JIN
1167 N. LYNORA ST
TULARE, CA 93274

RE: Conditional Use Permit No. 2012-14

Conditional Use Permit No. 2012-14: Conditional Use Permit No. 2012-14: A request by Xin Jin to allow massage therapy in the Professional Administrative Office (PA) zone. The site is located at 400 W. Caldwell Avenue (APN 123-240-019, 022).

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Catherine Doe
Signature of Property Owner

5/18/12
Date

Catherine Doe
Printed Name

Xin Jin
Signature of Applicant

05/18/12
Date

Xin Jin
Printed Name

Note: Please mail this acceptance to: 315 East Acequia, Visalia, CA 93291 within 5 working days of the date received.

For Department Use Only
Acceptance received on:



Attachment "D"

Related Ordinances

Chapter 5.68

MASSAGE ESTABLISHMENTS

Sections:

- [5.68.010](#) Declaration of purpose and intent.
- [5.68.020](#) Definitions.
- [5.68.030](#) Administration.
- [5.68.040](#) Certifications required.
- [5.68.050](#) Massage establishment owner background check required.
- [5.68.060](#) Additional requirements.
- [5.68.070](#) Display of permit.
- [5.68.080](#) Massage establishment—Massage technician certificates required.
- [5.68.090](#) Prohibited conduct.
- [5.68.100](#) Facilities and operations.
- [5.68.110](#) Exceptions.
- [5.68.120](#) Public nuisance abatement.
- [5.68.130](#) Revocation.
- [5.68.140](#) Enforcement and penalties.
- [5.68.150](#) Appeal.

5.68.010 Declaration of purpose and intent.

A. This chapter establishes permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments.

B. This chapter is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses including, without limitation, all zoning applications; business license regulations; building, fire, electrical, and plumbing codes; and health and safety code laws and regulations applicable to professional or personal services businesses.

C. This chapter establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the city. This chapter is not intended to regulate massages that are not part of a business occupation. This chapter is also intended to allow a transitional period for certain existing massage practitioners to continue practicing while they obtain state certification before December 31, 2013, and to coordinate the timing of the city's business license renewals with the state massage certification process.
(Ord. 2012-05 § 2 (part), 2012)

5.68.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in the Visalia Municipal Code, the California Business and Professions Code, or the California Government Code.

"California Massage Therapy Council (CAMTC)" means the California Massage Therapy Council created pursuant to California Business and Professions Code § 4500.5(a).

"Certified massage practitioner" means a person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

"Certified massage therapist" means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

"City" means the city of Visalia.

"Police chief" means the police chief of the city of Visalia or the authorized representatives thereof.

"Massage" means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations. (Exclusions to this chapter are also described in Section [5.68.110](#). This chapter is not intended to regulate massages that not part of a business occupation.)

"Massage establishment" means and includes any business enterprise or establishment, parlor, or any room, place or institution within a business establishment where massage is given or administered by a massage technician as a paid service.

"Massage technician" means any person, who gives, performs or administers to another person a massage for any form of consideration.

"Out-call massage service" means any business that provides, refers or otherwise facilitates massage for any consideration at a nonfixed location.

"Person" means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

"Recognized school" means a school of massage, recognized by the state of California which: (i) teaches the theory, ethics, practice, profession and work of massage; and (ii) requires a residence course of study to be given and completed before the student is furnished with a diploma or certificate of learning or completion; and (iii) has been approved by the state of California Consumer Affairs Bureau pursuant to Education Code § 94915, or, if said school is not located in California, has complied with the standards commensurate with those specified in said § 94915, or a school of equal or greater training that is approved by the corresponding agency in another state, or accredited by an agency recognized by the United States Department of Education.

"Specified anatomical areas" means and includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

"Specified sexual activities" means and includes all of the following:

- A. Fondling or other erotic touching of specified anatomical areas;
- B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy;
- C. Masturbation; or
- D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

"Unrecognized school" means any school of massage that does not meet the definition of "recognized school" but teaches or purports to teach the theory, ethics, practice, profession or work of massage.

(Ord. 2012-05 § 2 (part), 2012)

5.68.030 Administration.

The chief of police is authorized to administer this chapter and to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter.

(Ord. 2012-05 § 2 (part), 2012)

5.68.040 Certifications required.

A. Massage establishment. It is unlawful for any person to own, operate or maintain a massage establishment unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist or qualify under the limited exceptions described in this chapter.

B. Massage technician. It is unlawful for any person to engage in, or carry on, the business or activities of a massage technician without a certification from the CAMTC as a massage practitioner or massage therapist or qualify under the limited exceptions described in this chapter.

C. Out-call massage service. It is unlawful for any person to own, operate, or maintain, an off-premise massage service in the city unless all massage technicians employed by the off-premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist or qualify under the limited exceptions described in this chapter.

D. The city recognizes that some massage therapists and massage practitioners currently practicing in Visalia may not meet the current requirements set forth by the CAMTC due to changes in educational or other requirements particularly changes in requirements concerning hours of schooling although the person has been in practice for a significant period. The city will therefore allow such persons that were working within Visalia prior to the passage of this chapter under this "grandfather exception" without certification from the CAMTC if the requirements stated below are met.

The person seeking this exemption must show to the satisfaction of the city police department that he or she worked as a massage therapist or massage practitioner in the city prior to July 1, 2012, which is after the effective date of this chapter. The person must also provide evidence to the city that he or she has certification or proof of training in the field from a school or another entity comparable to the CAMTC and has been working as a massage therapist or massage practitioner for a period of at least five (5) years. Finally, the person must provide evidence that they attempted to obtain certification from the CAMTC but were denied and provide the reasons for the denial to show despite their existing training and experience they were not able to qualify for certification from CAMTC.

Persons that are granted an exemption from the CAMTC certification requirement by the city will still be required to meet all other terms of this chapter including but not limited to the background check required of massage establishment owners that are not certified by the CAMTC. All persons under this exemption will be required to display, in the same manner this chapter requires the display of CAMTC certification, a separate statement from the city to show that the person has met the requirements of this exemption. This exemption must be renewed annually and the city may establish a non-refundable fee to recover costs associated with such annual renewals.

(Ord. 2012-05 § 2 (part), 2012)

5.68.050 Massage establishment owner background check required.

A. Any person, association, partnership, or corporation desiring to operate a massage establishment, that will own five percent (5%) or more of the massage establishment, and that is not a certified massage practitioner or certified massage therapist, (meaning certified by the CAMTC) must make an application to the chief of police for an investigation of the applicant's background and history. A fee to recover costs of the background check must accompany the submission of each application. An annual nonrefundable renewal fee may also be charged to defray associated costs of investigation, inspection and enforcement.

B. Each applicant for a background check must submit the following information:

1. The full true name and any other names used by the applicant.
2. The present address and telephone number of the applicant.
3. Driver's license number and Social Security number.
4. The proposed address of the massage establishment.
5. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates for such address.
6. Written proof that the applicant is at least eighteen (18) years of age.
7. Applicant's height, weight, and color of eyes and hair.
8. Two (2) photographs of the applicant at least two (2) inches by two (2) inches taken within four (4) months preceding the date of the application.
9. Applicant's business, occupation and employment history for the five (5) years immediately preceding the date of application.
10. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation.
11. All criminal convictions for any of the offenses set forth in this chapter, and a statement of the dates and places of such convictions.

12. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one (1) or more partners is a corporation, the provisions of this section pertaining to corporate applicants will apply. The applicant corporation or partnership must designate one (1) of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this chapter, but only one (1) application fee will be charged.

13. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be operated, and a copy of the lease or rental agreement. If the applicant is not the legal owner of the property, a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property is required for each massage establishment permit location.

14. The full true names and other names used, the present addresses and telephone numbers, driver's license numbers, and Social Security numbers, and state certificates from the CAMTC or transitional licenses for all massage technicians who will be working as employees or independent contractors at each massage establishment permit location. The applicant must provide the chief of police with any changes in the massage technicians that work at the massage establishment during the permit period within ten (10) working days of each change.

15. The chief of police may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.

16. Such other identification and information as may be required by the chief of police in order to verify the information to be included in the application.

C. The city is allowed a reasonable time, not to exceed sixty (60) days, in which to investigate the information on the application. During the investigation of the background information, a city representative including, without limitation, a member of the police department, fire department, building and safety division, planning division, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this chapter. Upon completion of the inspection, the city representative must inform the chief of police in writing of the findings of the inspection. Background clearance will be issued, within sixty (60) days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided all of the following apply:

1. The applicant has not made a material false statement in the application and that all massage technicians who will be working as employees or independent contractors at each massage establishment permit location possesses certification from the CAMTC as a massage practitioner or massage therapist;

2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, or holders of five percent (5%) or more of the corporation's stock, has not, within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Penal Code §§ 243.4; 261; 266a through 266j; 267; 314 to 316; 318; or 647(a, b, d); any offense requiring registration under Penal Code § 290 or Health and Safety Code § 11590; or any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health and Safety Code §§ 11054 to 11058, as amended; or any offense in another state which, if committed in California, would have been punishable as one (1) or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude;

3. The applicant, if an individual, is at least eighteen (18) years of age;

4. The applicant has not had a massage technician, massage establishment, escort service, nude entertainment, nude photo studio or similar type of license or permit suspended within one (1) year or revoked within three (3) years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension.

(Ord. 2012-05 § 2 (part), 2012)

5.68.060 Additional requirements.

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

Hours of operation. Massage establishments shall only offer massage services between the hours of 7:00 a.m. and 10:00 p.m. and no patrons for massage services shall be allowed on the premises after 10:00 p.m. or before 7:00 a.m. Pacific Standard Time.

(Ord. 2012-05 § 2 (part), 2012)

5.68.070 Display of permit.

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted.

For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and display it to customers upon request.

Any persons operating under the limited exception described in Section 5.68.040(D) must display the statement from the city documenting their exemption from the CAMTC certification prominently in a conspicuous place capable of being viewed by customers or city representatives, or carry it with them for off-premise massage services.

(Ord. 2012-05 § 2 (part), 2012)

5.68.080 Massage technician certificates required.

It is unlawful for owners of massage establishments or off-site massage services to allow any person to perform massage that is not a certified massage therapist, a certified massage practitioner, or has obtained one (1) of exceptions described in this chapter.

(Ord. 2012-05 § 2 (part), 2012)

5.68.090 Prohibited conduct.

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an out-call massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

(Ord. 2012-05 § 2 (part), 2012)

5.68.100 Facilities and operations.

A. It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum requirements:

1. Signs. A readable sign must be posted at the main entrance identifying the establishment as a massage establishment, provided, however, that all such signs must otherwise comply with the sign requirements of this code.

2. Disinfection of instruments. Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.

3. Water. Hot and cold running water must be provided at all times.

4. Linen storage. Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.

5. Sanitary conditions. All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition.

6. Clean linen. Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.

7. Compliance with laws. The premises to be used must at all times comply with all applicable state and local laws and regulations.

B. A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications and massage technician business licenses, must be maintained and available for inspection at all times during regular business hours.

C. Each person present in any area of the massage establishment outside the waiting area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist or the massage establishment owner.

D. The permits and certifications required by this chapter must be displayed in an open and conspicuous public place on the premises.

5.68.110 Exceptions.

This chapter does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

1. Acupuncturists who are duly certified to practice their profession in the state of California.
2. Barbers, beauticians, and cosmetologists with respect to scalp massage, who are duly permitted pursuant to Business and Professions Code §§ 7301, et seq., in accordance with the limitations of their permits.
3. Persons employed or working at a licensed athletic facility.
4. Medical facilities in which massage is performed as prescribed treatment only on patients of the medical facility.
5. Nurses who are registered or certified as such under the laws of the state of California.
6. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code § 13401(a).
7. Recognized schools of massage.
8. Businesses where a massage is performed while the person sits in a chair, such as head and neck massage, foot massage, or as part of a manicure or pedicure, and performed in public view or in a open common room.
9. Massage establishments or out-call massage services that are operating pursuant to a duly issued city business license that is issued prior to the effective date of this chapter shall have until December 31, 2013 to meet the state certification requirement described in Section 5.68.040 and any posting of such requirements detailed in other provisions.
10. This chapter is not intended to regulate massages that are not part of a business occupation.

(Ord. 2012-05 § 2 (part), 2012)

5.68.120 Public nuisance abatement.

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance. The city attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinder of such massage establishment in the manner provided by law. The city attorney may seek a court order to grant such relief to abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter.

(Ord. 2012-05 § 2 (part), 2012)

5.68.130 Revocation.

A. Grounds for revocation. The police chief or city attorney may revoke approvals issued under this chapter for one (1) or more of the following grounds:

1. Fraud or deceit. That the applicant practiced fraud or deceit in obtaining an approval under this chapter;
2. Violation of chapter. That the massage establishment owner, operator, massage technician, or its employee violated a provision or provisions of this chapter;
3. Criminal conviction. That the massage establishment owner, operator, massage technician, or its employee has been convicted in a court of competent jurisdiction of any offense described in this chapter;
4. Improperly maintained facilities. That the facilities and operations of the massage establishment are not kept in compliance with this chapter and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, "notice" means notice given personally, or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage technician or establishment in accordance with this chapter;
5. Employment of uncertified technicians. That the massage establishment has employed, allowed or permitted an uncertified person to perform massage in the massage establishment;
6. Error. That the approval was issued in error;
7. Civil penalties. Assessment of three (3) or more civil penalties as provided by this chapter during any six (6) month period; or
8. Prohibited conduct. A massage establishment owner, operator, massage technician, or its employee or agent has been found to have engaged in prohibited conduct in violation of this chapter.

9. Notice of revocation. Upon a determination on the grounds to revoke an approval under this chapter, the police chief or city attorney must cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage technician or establishment pursuant to this chapter.
(Ord. 2012-05 § 2 (part), 2012)

5.68.140 Enforcement and penalties.

A. Any person violating any provision of this chapter is liable in a civil action brought by the city attorney for an amount up to \$500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the city attorney in any civil proceeding filed to enforce this chapter. Each day that a violation continues may be considered a new and subsequent offense.

B. Alternatively the city may choose to enforce violations through the administrative code enforcement process described in [Chapter 1.13](#) of the Visalia Municipal Code, with violations being punishable with a \$100 fine for the first violation, a \$200 fine for the second violation, and a \$500 fine for the third and subsequent violations. Each day that a violation continues may be considered a new and subsequent offense.

C. Enforcing this chapter through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil or administrative action cannot be filed if the person is being criminally prosecuted.

D. The city attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys' fees, set forth in this section. If such civil penalty is paid in full, the city attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.

(Ord. 2012-05 § 2 (part), 2012)

5.68.150 Appeal.

After denial of an application for a massage establishment regulatory permit (the term permit includes the "grandfather exception" to CAMTC certification described in Section [5.68.040](#)), or after denial of renewal of a permit, or suspension or revocation of a permit, the applicant or person to whom the permit was granted may appeal the decision to the city manager, or designee, by filing a written notice with the city clerk within ten (10) business days from the receipt of the notice of denial. The city manager or representative shall hold a hearing on the appeal within thirty (30) business days from the receipt of the notice by the city clerk. The decision of the city manager, or designee, following the hearing shall be final and conclusive. There is no appeal to the City Council. If the denial, suspension or revocation is affirmed on review the applicant or permittee may seek judicial review of such administrative action pursuant to California Code of Civil Procedure § 1094.5. The time for filing such action is governed by California Code of Civil Procedure § 1.

(Ord. 2012-05 § 2 (part), 2012)

Ordinance No. 2024-05
Massage Establishments – Urgency Ordinance

**AN INTERIM ORDINANCE TO FURTHER REGULATE
MASSAGE ESTABLISHMENTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

- A. The City of Visalia Municipal Code Title 5 defines "Massage establishment" as follows: "*means and includes any business enterprise or establishment, parlor, or any room, place or institution within a business establishment where massage is given or administered by a massage technician as a paid service*" and in addition, the City of Visalia Municipal Code Title 17 defines, "*Massage Therapy Establishment*" as follows: "*means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body by a Certified Massage Therapist.*"
- B. The City of Visalia Municipal Code Title 17 currently permits Massage Therapists under the current City of Visalia Zoning Ordinance in the Neighborhood Commercial (C-N), Commercial Mixed Use (C-MU), Downtown Mixed Use (D-MU), Professional / Administrative Office (O-PA), and Office Conversion (O-C) zones within the City of Visalia with a Conditional Use Permit (CUP) issued under Visalia Municipal Code Chapter 17.38.
- C. Recently the City of Visalia has seen an increase in requests for CUPs to operate Massage Establishments. In recent instances, such usages are proposed within close proximity to residential neighborhoods, junior college, and within shopping centers.
- D. Although these recent instances of this proposed use near residential neighborhoods resulted in comments received that stated property owners concerns this type of use should not be placed in close proximity to schools and residential neighborhoods, the usage was allowed because the current City of Visalia Zoning Ordinance does not require buffering distance requirements regarding this type of commercial activity near schools and residential neighborhoods. The City Council has since considered whether a specific policy should be adopted and has determined that it would be in the interest of the public health, safety, or welfare to consider changes to the municipal code on how this type of business should be further regulated.
- E. In 2008, the Legislature adopted Senate Bill 731, which created the California Massage Therapy Council, a state-organized nonprofit organization with regulatory authority over the certification of massage technicians and practitioners throughout the State of California which also limited the City's regulatory authority over massage establishments that exclusively hire State-certified massage technicians, preempting most local licensure and permitting requirements and land use regulations and has been widely criticized by local agencies as providing massage businesses with almost unprecedented protection from local zoning and land use authority, and interfering with local law enforcement efforts to close massage businesses that allow prostitution and other illegal activities.
- F. In response to the criticism against Senate Bill 731, Assembly Bill 1147 was enacted which allows local agencies to impose reasonable zoning, business licensing, and health and safety requirements on massage establishments, and the City of Visalia seeks to amend the Visalia Municipal Code to ensure that the City regulates massage establishments in compliance with the provisions of enacted State statutes.
- G. The increase in requests for the operation of Massage Establishments that has occurred in recent years does not appear to be slowing, which has raised concerns of whether illicit uses are trying to create a business front for illicit activity and a proliferation of such types of uses could result in negative impacts to the public's peace, health, safety, and welfare.

H. The potential for criminal and unsafe activity at massage establishments is particularly concerning given that some massage establishments in the City are located within proximity to places where families congregate, such as restaurants and shopping areas.

I. Code enforcement and policing efforts have found that illegal massage operations that are shut down are often replaced by similar illegal massage operations in the same location. There are significant adverse impacts from allowing illegal massage operations to remain at a given site. Impacts include decreased consumer confidence in the legal operation of future massage establishments at a site, decreased consumer confidence in the neighboring businesses, and confusion among customers regarding any connection between the closed illegal operation and a new legal operation, and detrimental effects on all surrounding businesses.

J. The City Council finds and declares the illicit and illegal activities disguising as legitimate massage establishments in the City pose health and safety threats to operators, employees, patrons, surrounding businesses, and the public, in order to address this threat to public health and safety the City Council hereby finds the adoption of the proposed urgency interim zoning ordinance to be necessary while a more specific amendment to the Municipal Code is reviewed in the normal process by the City.

K. Further the City Council finds and declares that approving additional conditional use permits to allow additional Massage Establishments within close proximity of an existing Massage Establishment would potentially be in conflict with the stated goals of the City of Visalia General Plan and Zoning Ordinance to preserve and promote the public health, safety, and welfare of the city by creating conditions that would adversely impact the public's interest.

L. The City Council finds and declares that the ordinance regulations on Massage Business shall be adopted on an interim and immediate basis to protect the public health, safety, and welfare of the community while the more permanent regulations are reviewed in additional detail.

SECTION 2. While this interim ordinance is in effect the following regulatory standards shall apply as additional limitations and requirements under the Visalia Zoning Ordinance on a Massage Establishment and/or Massage Therapy Establishment as those terms are defined in Visalia Municipal Code. Businesses that are already operating under conditional use permits in areas that would be prohibited under these regulations may continue to operate as they would constitute legal non-conforming use.

A. In addition to Conditional Use Permit being required in the Neighborhood Commercial (C-N), Commercial Mixed Use (C-MU), Downtown Mixed Use (D-MU), Professional / Administrative Office (O-PA), and Office Conversion (O-C) zones, a Conditional Use Permit shall be required for Massage Establishments/Therapist in the Regional Commercial (C-R) zone.

B. No Massage Establishment may be located within a radius of 750 feet of another Massage Establishment, as measured in a straight line, from the nearest point of the premises where said massage establishment is conducted to the nearest property line of any lot or legal parcel upon which a massage establishment is proposed to be located. Existing businesses operating a Massage Establishment that are already conducting business and in possession of all previously required licenses and/or permits for such business in the City of Visalia on the effective date of this emergency ordinance are considered existing non-conforming related to separation from all required sources as long as the permit is not revoked, or the business does not cease operation.

C. No Massage Establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

D. Doors. All front, reception, hallway, or front exterior doors except back or rear exterior doors used for employee entrance to and exit from the massage establishment) shall be kept unlocked during business hours. A massage establishment may lock its exterior doors during business hours if the establishment is owned by one individual with one or no employees. No massage may be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.

E. 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.

F. Living Quarters Prohibited. No person or persons shall be allowed to reside, dwell, occupy or live inside a Massage Establishment at any time. Beds and floor mattresses shall not be permitted on the premises.

G. Inspections. The operator and/ or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met. The City' s Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State law or other applicable laws or regulations are met.

H. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs. The Owner, Operator, or responsible managing Employee, shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.

I. No Massage Establishment shall operate a school of massage or use the same facilities as that of a school of massage.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION 4. This Ordinance shall take effect immediately as an interim zoning ordinance under the provisions of California Government Code section 65858. It shall be of no further force and effect forty-five (45) days from its adoption unless it is extended pursuant to Government Code section 65858.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

Conditional Use Permits (Section 17.38)

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits.

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
 7. Additional technical studies or reports, as required by the Site Plan Review Committee.
 8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.38.030 Lapse of conditional use permit

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120.

17.38.050 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

17.38.060 Conditional use permit to run with the land

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065.

17.38.065 Abandonment of conditional use permit

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with

the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission.

17.38.100 Public hearing--Procedure

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary.

17.38.110 Action by planning commission

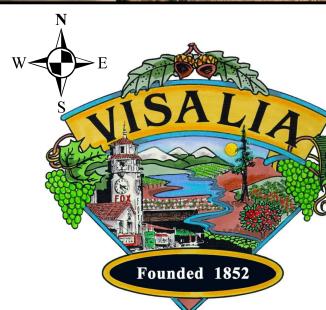
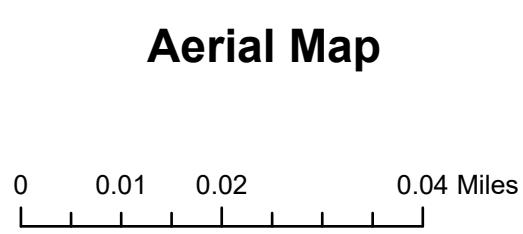
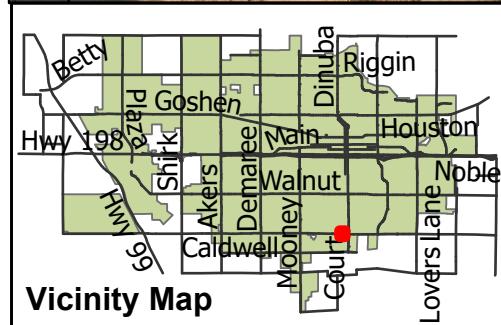
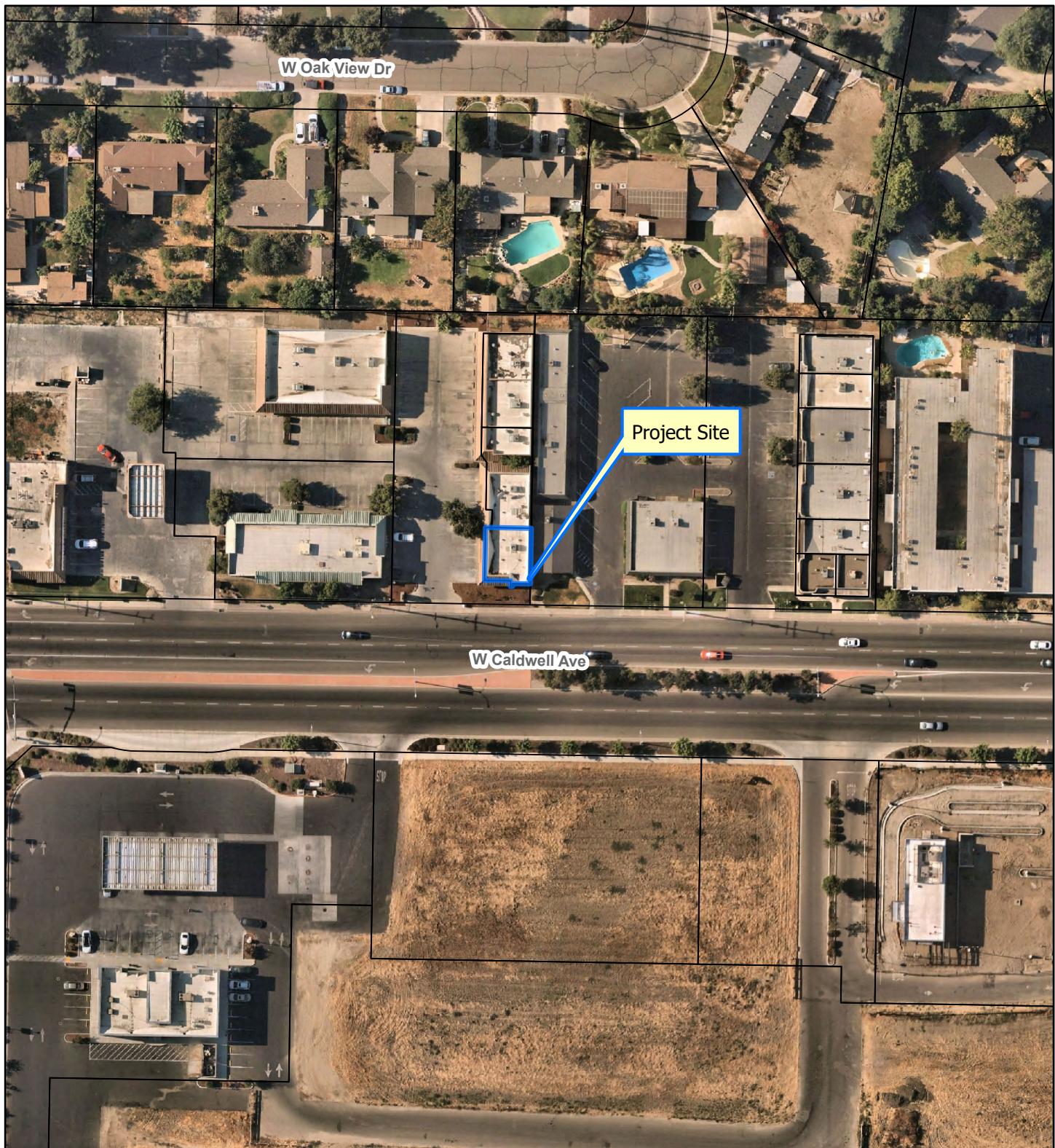
- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

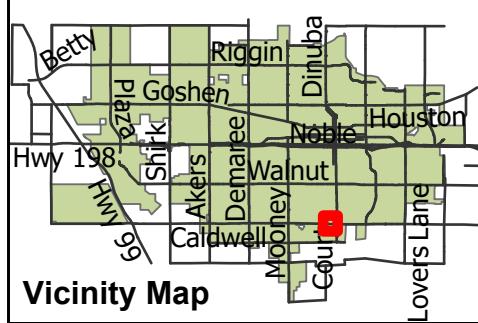
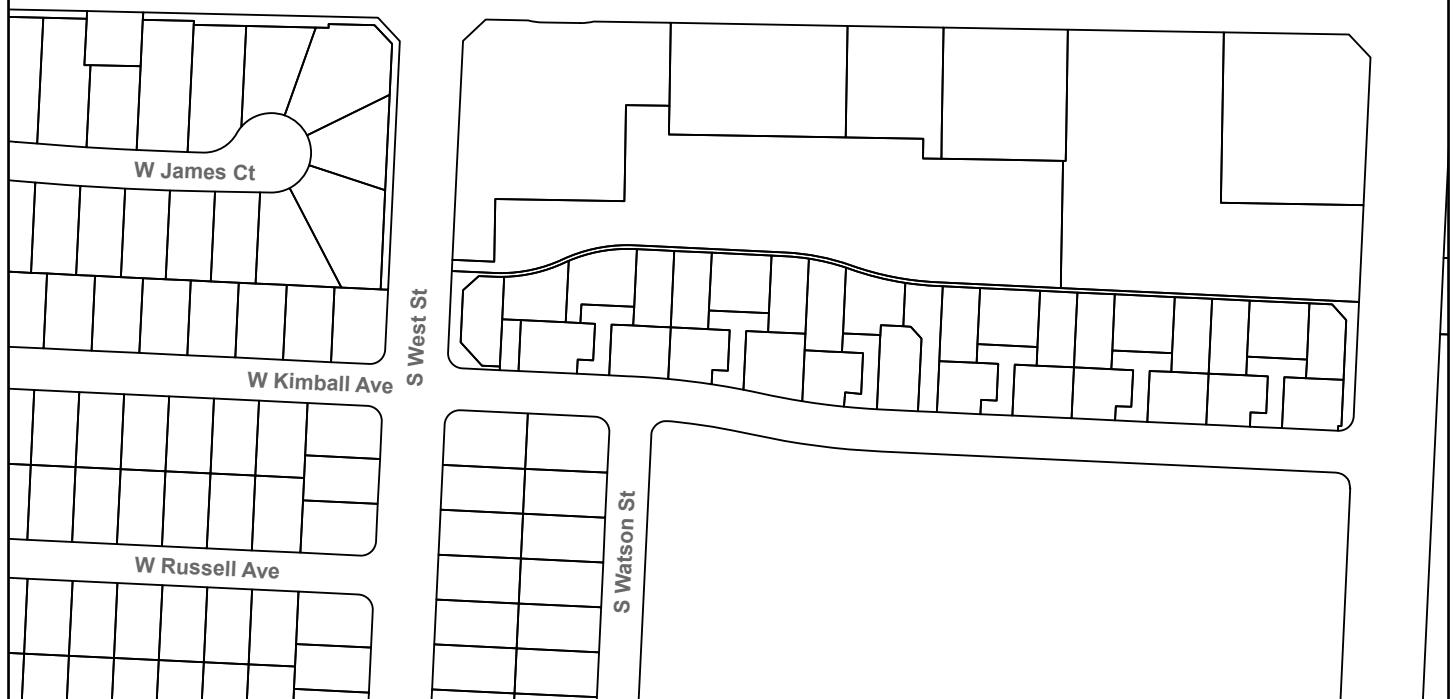
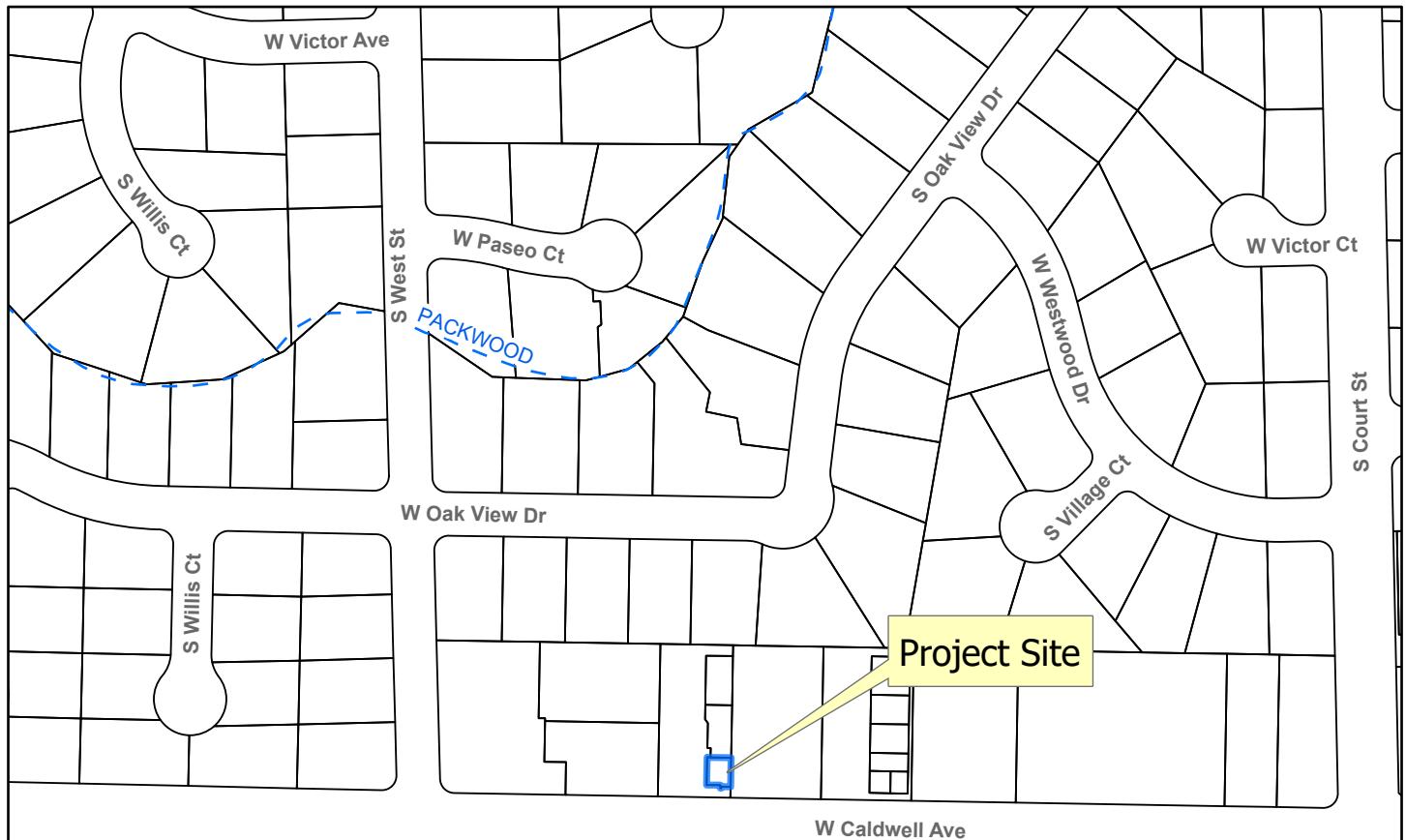
17.38.120 Appeal to city council

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145.

17.38.130 Effective date of conditional use permit

A conditional use permit shall become effective immediately when granted or affirmed by the council, or ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.





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REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: May 13, 2024

PROJECT PLANNER: Paul Bernal, Director
Phone No.: (559) 713-4025
E-mail: paul.ernal@visalia.city

SUBJECT: **Revocation of Conditional Use Permit No. 2019-16:** A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2019-16, which allows the operation of a massage therapy business at 143 West Walnut Avenue, located in the C-N (Neighborhood Commercial) zone (APN: 123-260-010).

STAFF RECOMMENDATION

Staff recommends revoking Conditional Use Permit No. 2019-16. Staff's recommendation is based on the conclusion that the owner/operator has failed to comply with terms and conditions of the Conditional Use Permit and the Visalia Municipal Code.

RECOMMENDED MOTION

I move to approve revocation of Conditional Use Permit No. 2019-16 based on the findings and conditions in Resolution No. 2024-30.

BACKGROUND

The request to revoke Conditional Use Permit (CUP) No. 2019-16 is in response to violations of the terms and conditions of the conditional use permit and Municipal Code provisions for the massage therapy establishment located at 143 West Walnut Avenue. On April 18, 2024, A Notice of Conditional Use Permit Suspension letter was sent by certified mail to both the property owner and business operator informing them that the conditional use permit was being suspended and a public hearing was being set to determine if the conditional use permit should be revoked. A copy of that letter is provided as Attachment "A" to this staff report.

On March 21, 2024, Code Enforcement Officers with the Neighborhood Preservation Division were contacted by the Visalia Police Department to conduct an inspection of the massage establishment located at 143 West Walnut Avenue due to an undercover officer being solicited for sex by an employee of the massage establishment during business hours, which is in violation of the conditions of project approval for the CUP and Municipal Code Title 5, Chapter 5.68, Section 5.68.090 "Prohibited Conduct". As a result of this violation, the business was posted with a Cease and Desist order which was posted on the business door. The business was ordered to cease operations until further notice. A copy of the Cease and Desist is provided as Attachment "B".

On May 4, 2024, a Code Enforcement Officer passed by the massage establishment to verify that the business remained closed. During their inspection, the Code Enforcement Officer noticed that the lock the City's boarding contractor installed had been removed from the front door. Upon inspecting the premises, the Code Enforcement Officer could not confirm if anyone was in the building. The Code Enforcement Officer re-posted the front door with a Cease and Desist order.

Pursuant to Section 17.38.040 of the Zoning Ordinance, violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The Planning Commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Appeals of the decision of the Planning Commission

may be made to the City Council as provided in Section 17.38.120 of the Zoning Ordinance. Please note, pursuant to Section 17.38.050, following the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

BACKGROUND INFORMATION

General Plan Land Use Designation: Neighborhood Commercial
Zoning: C-N (Neighborhood Commercial)
Surrounding Zoning and Land Use: North: Walnut Avenue & C-MU (Commercial Mixed Use) / Arterial street and drug store (Walgreens)
South: R-1-5 (Single-Family Residential) / Single-family home
East: C-N (Neighborhood Commercial) / Convenience store (7-Eleven) and office uses
West: R-1-5 (Single-Family Residential) / Single-family homes

Related Project:

On June 24, 2019, Conditional Use Permit No. 2019-16 was approved allowing a massage therapy business to operate in an existing 1,100 square foot tenant space in the C-N (Neighborhood Commercial) zone. A copy of the staff report and resolution is attached to this report as Attachment "C".

REVOCATION REQUEST

Staff recommends the revocation of Conditional Use Permit No. 2019-16 based on the operator/owner failure to comply with the terms and conditions of the conditional use permit and the Visalia Municipal Code. Upon issuing the Cease and Desist order, staff conducted a review of the Conditional Use Permit (CUP) and site address and noted several violations which are noted in Attachment "A" as follows:

1. Case No. CE190658: The massage establishment owner or employee were living in the commercial suite where the massage establishment is located. The commercial suite is not intended for human habitation and does not meet housing requirements. In addition, three massage therapist employees were found to be working without a valid California Massage Therapy Council certificate or a valid business license and construction work had also been done inside the tenant space without permit approvals.
2. Case No. CE240380: Cease and Desist Order issued on March 21, 2024, as the result of a sole employee of the Apple Massage business solicited an undercover law enforcement officer for sex during business hours. In addition, an inspection of the premises by code enforcement staff showed the windows and door coverings of the business violated Ordinance No. 2024-03 and 2024-05.

It should be noted that notices of these violations were sent to both the current business owner (as noted in this report the ownership of the massage establishment has changed since the CUP was issued) and the property owner in each instance.

As provided in the Urgency Ordinance City Council staff report, an article published in the Human Trafficking Institute website identifies that *illicit massage businesses thrive largely with impunity because these operators exploit vulnerabilities in regulatory framework and lack of enforcement oversight*¹. There is evidence to support that some massage establishments serve as fronts for prostitution or human sex trafficking and the potential for crime and unsafe activity at these establishments is particularly concerning given that some of these establishments are located within close proximity to places where families congregate, such as restaurants and shopping center areas.

The City Council adopted the urgency ordinance to further ensure the City of Visalia properly regulates massage establishments in compliance with adopted state statutes, while also imposing reasonable conditions on the operation of massage establishments, in the interim, until more specific regulatory changes to the Visalia Municipal Code are further considered. These efforts, along with the existing Municipal Code requirements, are intended to avoid the potential threat this type of establishment may have if massage businesses operate in a manner that result in negative impacts to the public's peace, health, safety, and welfare. In addition to adopting these measures, the City Council expressed zero tolerance for businesses caught operating in a manner resulting in illicit and/or nuisance activities.

As noted above, the massage establishments at this location have demonstrated a pattern of operating in a manner of non-compliance with both state and local codes and regulations and conditions adopted for the CUP resulting in the massage establishment being a threat to the public health, safety, or welfare of the surrounding residential and commercial areas. Based on the holder of the CUP consistently failing to comply with adopted regulations and allowing multiple non-compliant massage establishments on the site, staff is requesting the Planning Commission revoke CUP No. 2019-16 due to the owner/operator failing to comply with the conditions adopted for this CUP and for violating Municipal Code requirements for massage establishments.

The subject property is a commercial building consisting of multiple units. There are no other CUPs on the property. A review of this property shows that only the massage establishment has been cited for code enforcement violations. The only other issues found involving the property was a 15-day Notice In Order to remove graffiti from the building. City staff would consider a massage establishment to present different property management issues compared to other types of retail commercial uses. The CUP requires that massage establishments comply with applicable laws and regulations, while failure to comply with these rules can result in fines/penalties to the massage establishment operator and potentially the property owner, the property owner, as the holder of the CUP, is also responsible to make sure that the requirements of the CUP are met in order to continue holding the CUP. City staff is recommending the CUP be revoked based on the history of code violations, and the types of code violations that have occurred. As noted above, persons living in the commercial unit is a serious violation, as is allowing unlicensed/unpermitted employees, and while the recent alleged criminal matters have not been fully resolved, the police department did make an arrest for solicitation. The history of allowing persons to live on-site and allowing unlicensed/unpermitted employees shows issues with the oversight of the property and lack of oversight has been linked with criminal enterprises. The massage establishment owner appears to have difficulty enforcing the CUP requirements and City staff therefore recommend the CUP be revoked.

Massage Establishment Business Owners:

The massage establishment located at 143 West Walnut Avenue has changed business owners two times since the conditional use permit was approved. The initial applicant for Conditional Use Permit No. 2019-16 applied for a business tax certificate on May 1, 2019, and obtained approval of their Business Tax Certificate on July 10, 2019. Subsequently, the following Change in Ownership Business Tax Certificates were issued as follows:

- Change of Ownership Business Tax Certificate issued June 6, 2023.

¹<https://traffickinginstitute.org/illicit-massage-businesses-the-pervasive-insidious-form-of-trafficking-happening-across-the-united-states/>

However, the owner of the property has remained consistent. Please note all code enforcement actions are sent to the property owner when dealing with issues related to the site.

Property History:

Staff researched to see if there are any other conditionally permitted uses located at 143 West Walnut Avenue and all other address assigned to this parcel including 125, 133, 137, and 145 found no other conditionally permitted uses operating at this location. In addition, staff researched if other code violations have been issued against this property and found a 15-day Notice In Order to remove graffiti from the building issued on April 19, 2024.

Current City of Visalia Regulations:

The City of Visalia Municipal Code Title 5 Business Regulations Section 5.68 "Massage Establishments" confirms permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments. In addition, the recent adoption of Ordinance No. 2024-05 expands on the provisions of Title 5 and Title 17 (Zoning). A copy of Section 5.68 and Ordinance No. 2024-05 are attached to this report as Attachments "D".

RECOMMENDED FINDINGS

1. That the massage establishment is in violation of the existing Conditional Use Permit No. 2019-16, Title 5 Business Regulations Section 5.68 "Massage Establishments" of the Visalia Municipal Code, and state and local regulations.
2. That continuing to allow a massage establishment under the current Conditional Use Permit may have a negative impact on the surrounding businesses and neighborhood due to the repeated failures of massage establishments at this location to meet applicable requirements.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on April 18, 2024, pursuant to Section 17.38.040 of the Zoning Ordinance.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 North Santa Fe Street, Visalia California. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Resolution No. 2024-30
- Attachment "A" – Notice of Conditional Use Permit Suspension letter
- Attachment "B" – Cease and Desist
- Attachment "C" – Conditional Use Permit No. 2019-16 Staff Report
- Attachment "D" – Section 5.68, Ordinance No. 2024-05, and Conditional Use Permits Section
- Aerial Map
- Location Map

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A REQUEST BY THE CITY OF VISALIA, PURSUANT TO MUNICIPAL CODE SECTION 17.38.040, TO REVOKE CONDITIONAL USE PERMIT NO. 2019-16, WHICH ALLOWED THE OPERATION OF A MASSAGE THERAPY BUSINESS LOCATED AT 143 WEST AVENUE, LOCATED IN THE C-N (NEIGHBORHOOD COMMERCIAL) ZONE (APN: APN: 123-260-010)

WHEREAS, Conditional Use Permit No. 2019-16, was a request to allow massage therapy establishment in the Neighborhood Commercial (C-N) zone located at 143 West Walnut Avenue (APN: 123-260-010); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 24, 2019, and found the Conditional Use Permit No. 2019-16, as conditioned, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, on March 21, 2024, the Neighborhood Preservation Division was contacted by the Visalia Police Department to conduct an inspection of the massage therapy establishment located at 143 West Walnut Avenue due to illicit activity, specifically an undercover police officer was solicited for sex by an employee at the massage establishment, and upon the inspection of the business additional violations of the Visalia Municipal Code Chapter 5.68 were found, a Cease and Desist order was issued and posted on the business door and the business was ordered to cease operations until further notice; and

WHEREAS, a review of the massage establishment was conducted by City staff after the Cease and Desist Order was issued, which found other code violations had occurred on the site, in 2019 persons were found to be living in the commercial suite, which violates health and safety codes for building occupancy and found employees working without required business certifications, which violated requirements of Visalia Municipal Code Chapter 5.68; and

WHEREAS, notices of these past violations were sent to the business operator and property owner; and

WHEREAS, based on the history of violations on the site, on April 18, 2024, a Notice of Conditional Use Permit Suspension letter, pursuant to Section 17.38.040 of the Zoning Ordinance, was sent by certified mail to both the property owner and business operator informing them that the conditional use permit is being suspended and a public hearing was being set to determine if the conditional use permit should be revoked; and

WHEREAS, in violation of the Cease and Desist Order the business was reopened and was subsequently closed and locked by the Neighborhood Preservation Department; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on May 13, 2024; and

WHEREAS, the Planning Commission of the City of Visalia has considered the request for revocation of the Conditional Use Permit in accordance with Sections 17.38.040, 17.38.080, 17.38.090, 17.38.100 and 17.38.110 of the Zoning Ordinance of the City of Visalia; and

WHEREAS, the Planning Commission of the City of Visalia finds the owner/operator of said massage therapy establishment to be in violation of the terms and conditions of approval of the Conditional Use Permit based on the evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the massage establishment has on multiple occasions been in violation of state and local law which does not meet the required terms and conditions of Conditional Use Permit No. 2019-16.
2. That continuing to allow a massage establishment under the current Conditional Use Permit may have a negative impact on the surrounding businesses and neighborhood due to the repeated failures of massage establishments at this location to meet applicable requirements.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on April 18, 2024, pursuant to Section 17.38.040 of the Zoning Ordinance.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the revocation of Conditional Use Permit No. 2019-16 on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia.



Attachment "A" Notice of Conditional Use Permit Suspension

April 18, 2024

HUDA-CAL PROPERTIES LLC
11190 GATES TER
JOHNS CREEK GA 30097-1832

Case Number: CE240380
Conditional Use Permit: 2019-16
RE: Apple Massage, 143 W Walnut Ave. Visalia CA 93277

Dear property owner,

The subject property was issued Conditional Use Permit 2019-16, which allows a massage establishment on the site. This letter is to inform you that the Conditional Use Permit is being suspended by the City of Visalia due to the numerous code violations by the massage establishment on the site. A public hearing by the Visalia Planning Commission will be set within the next sixty days to determine if this Conditional Use Permit should be permanently revoked or if the suspension should be lifted and the business allowed to resume under the prior conditions or with additional conditions.

On March 21, 2024, the Visalia Police Department contacted the Neighborhood Preservation Division to conduct an inspection of the property located at 143 W Walnut Ave. (APN: 123-260-010) after the one of the two employees of the Apple Massage business located at the above noted address solicited an undercover law enforcement officer for sex during business hours. The employee was arrested and charged with solicitation. As a result of this criminal violation, and pursuant to Visalia Municipal Code section 5.04.130 Code Enforcement issued and posted a Cease and Desist Order, informing the business owner that the City was ordering the business to cease operations until it came into compliance with applicable legal requirements. A copy of the Cease and Desist order is enclose with this letter.

City staff reviewed the Conditional Use Permit (i.e., Conditional Use Permit No. 2012-14) that was approved allowing massage establishments to operate at the above noted location along with the site address. This review identified a history of violations at this site:

1. 2019 - CE190658: The massage establishment owner or employee were living in the commercial suite where the massage establishment is located. The commercial suite is not intended for human habitation and does not meet housing requirements, meaning the owner or employee were living in substandard housing. In addition, construction work had been done on the site without permits. At the time of inspection, it was found that none of the three massage therapist employees on site had valid California Massage Therapy Council certification nor did any of the employees have a valid business tax certificate, as required to conduct any business within the City of Visalia Municipal Code 5.04. These were violations of the Conditional Use Permit (Visalia Municipal Code Chapter 17.38), Visalia Municipal Code (Section 5.68.060), California Health & Safety Code 17920.3, and California Building Code section 105.1.

2. 2024 - Case#: CE240378 – The matter cited above that is also the subject of the Cease and Desist Order. On March 21, 2024, the Visalia Police Department contacted the Neighborhood Preservation Division to conduct an inspection of the property located at 143 W. Walnut Avenue (APN: 123-260-010) after the sole employee of the Apple Massage business located at the above noted address solicited an undercover law enforcement officer for sex during business hours. In addition, an inspection of the premises by code enforcement staff showed the windows and door coverings of the business violated Ordinance 2024-03, and the business had an unauthorized illuminated sign. These are violations of the Conditional Use Permit (Visalia Municipal Code Chapter 17.38) and the Visalia Municipal Code Ordinance 2024-03.

Due to continual violations of the Visalia Municipal Code at this massage establishment you are hereby issued this Notice of Conditional Use Permit Suspension. The Conditional Use Permit is hereby suspended, and massage establishments are not permitted to operate on this site unless the Conditional Use Permit is reestablished by the Visalia Planning Commission or the Visalia City Council. This suspension is effective as of the date of this letter and is issued pursuant to Section 17.38.040 of the Visalia Municipal Code which states:

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to ensure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Ord. 2017-01 (part), 2017: prior code § 7528)

A copy of Section 17.38.120 is also enclosed with this letter. A public hearing by the planning commission shall be held within the next sixty days. Notice of the public hearing shall be mailed to you, the current business owner, all property

owners within three hundred feet of the subject property and published at least ten days in advance of the hearing.

Please be aware that any further violation of the provisions shall be punishable as a misdemeanor. Pursuant to Visalia Municipal Code Section 1.12.010 no person shall violate any provision of this code or fail to comply with the mandatory requirements of the ordinances of the City. Any person convicted of a misdemeanor shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in County Jail not to exceed 6 months or by both such fine and imprisonment.

Sincerely,

Tommy Contreras
Code Enforcement Officer, CCEO
(559) 713-4194
Tommy.contreras@visalia.city

Enclosures:

1. Copy of Cease and Desist
2. Sections 17.02.145 and 17.38.110 of the Visalia Municipal Code

Cc: Leslie Caviglia, City Manager
John Lollis, Assistant City Manager
Ken Richardson, City Attorney
James Koontz, City Attorney
Paul Bernal, Planning and Community Preservation Director
Tracy Robertshaw, Neighborhood Preservation Manager

17.02.145 Appeal to city council

Where the planning commission is authorized to make any decision pursuant to the provisions of Title 17 of the Visalia Municipal Code and that decision is to be subject to appeal to the city council, the following procedure shall apply.

- A. The subdivider or any interested person adversely affected may, upon payment of an appeal fee as may be established by resolution of the Council, appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten (10) days after the action that is the subject of the appeal. Such notice shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.*
- B. Upon the filing of an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal or receipt of council member requests. The city clerk shall give notice of the hearing according to the procedure required for the initial action by the Planning Commission, except that the timing of such notice shall be not less than 10 days before the hearing.*
- C. In holding the hearing on the matter, the Council may receive any and all information pertinent to the matter, regardless of whether such information was first presented to the planning commission. In the case of decisions by the planning commission that followed a public hearing, the city council shall hold a new public hearing on the matter. Upon the close of the hearing, the Council shall vote to either confirm the decision of the planning commission, overturn the decision, or confirm the decision with modifications, and the Council may continue the item to the next meeting if necessary to direct staff to prepare a conforming resolution with findings, which shall be considered by the Council at the next scheduled Council meeting. In the case of a tie vote, the planning commission decision shall stand, and shall be considered final as of the date of the Council vote. (Ord. 2017-01 (part), 2017: Ord. 2006-18 § 3, 2007)*

17.38.110 Action by planning commission.

- A. *The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:*
 - 1. *That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;*
 - 2. *That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*
- B. *A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.*
- C. *The commission may deny an application for a conditional use permit.*
(Ord. 2017-01 (part), 2017: prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145.
(Ord. 2017-01 (part), 2017: Ord. 2006-18 § 6, 2007: prior code § 7537)



Attachment "B"

CEASE AND DESIST ORDER

Pursuant to Visalia Municipal Code Section 5.04.130 (E), *Cease and Desist Orders shall be issued to any entity which:*

Is in non-compliance with any city ordinance or regulatory agency.

Additionally, Visalia Municipal Code Section 8.40.030 (I) 2 states that any condition on a property that affects an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Under the Visalia Municipal Code Section 5.68.040 Massage Establishments

5.68.060 Additional requirements

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

5.68.070 Display of permit.

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted. For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and display it to customers upon request. Any persons operating under the limited exception described in Section 5.68.040(D) must display the statement from the city documenting their exemption from the CAMTC certification prominently in a conspicuous place capable of being viewed by customers or city representatives, or carry it with them for off-premise massage services.

5.68.090 Prohibited conduct.

A. *It is unlawful for any massage technician or any other employee working in a massage establishment or for an out-call massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.*

B. *It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.*

C. *In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.*

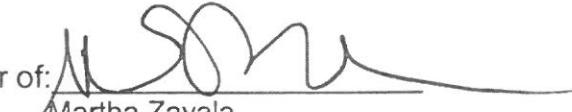
The business, **Apple Massage**, located at 143 W Walnut, Visalia is in noncompliance with this and other City Ordinances or regulatory agencies and as such is directed to immediately Cease and Desist conducting any further business until such time that the business is brought into compliance with all local, state and federal laws.

You are hereby ordered to immediately cease and desist any and all operations for this business until all required Municipal Code requirements are met.

For information regarding this order contact the City of Visalia Neighborhood Preservation Division at (559)713-4194.

Date: 3/21/24

By Order of:



Martha Zavala
Code Enforcement Officer,
CCEO



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: June 24, 2019

Attachment "C"

PROJECT PLANNER: Cristobal Carrillo
Associate Planner, (559) 713-4443
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2019-16: A request to allow a massage therapy facility within an existing building in the C-N (Neighborhood Commercial) Zone. The site is located at 143 W. Walnut Avenue. (APN: 123-260-010).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2019-16 based on the findings and conditions in Resolution No. 2019-28. Staff's recommendation is based on the project's consistency with the policies of the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2019-16, based on the findings and conditions in Resolution No. 2019-28.

PROJECT DESCRIPTION

The request is to allow a massage therapy facility in a 1,100 sq. ft. tenant space at the south end of an existing shopping center (see Exhibit "A"). Eight tenant spaces are located on site, five of which are vacant and three that are occupied by the Prince Market convenience store, Scotty's Donuts, and a hair salon respectively. The massage therapy facility will provide general massage services for pain relief as listed on the operational statement in Exhibit "D".

As shown in Exhibit "B", the facility will include three rooms for massage services, a customer waiting area, employee break rooms, and an office. Though a shower is shown on the floor plan it will not be employed as part of the massage use. Per Exhibit "C" no exterior changes are planned.

Proposed hours of operation for the use are 10:00am to 9:00pm, Monday through Sunday. The project application states that a total of three employees will work onsite.

BACKGROUND INFORMATION

General Plan Land Use Designation: Neighborhood Commercial

Zoning: C-N (Neighborhood Commercial)

Surrounding Zoning and Land Use: North: C-N, R-1-5 (Single-Family Residential, 5,000 square foot minimum site area) – Walgreens, Single-family residences
South: R-1-5 – Single family residences
East: C-N – 7-Eleven, offices
West: R-1-5 – Single-family residences

Environmental Document: Categorical Exemption No. 2019-36

Site Plan: Site Plan Review No. 2018-202

RELATED PROJECTS

None.

PROJECT EVALUATION

Land Use Compatibility

The massage therapy facility will be situated in a shopping center within an urbanized area. The facility will not conflict with surrounding uses given sufficient on-site parking and lack of activity resulting in excessive noise or environmental hazards. Adjacent uses are either commercial in nature or, when residential, oriented away from the use or separated by existing block walls and City arterial streets. No exterior improvements are proposed in conjunction with the proposed use.

Operational Compatibility with Surrounding Area

The proposed massage therapy facility will operate in concert with surrounding commercial uses. Hours of operation, which are limited by ordinance for massage establishments, are similar to the existing convenience store and bakery. Conditions included through Site Plan Review will require that any proposed illuminated signage not be oriented towards residential areas.

Parking and Access

The parking requirement for a massage therapy office is two parking spaces per work station. Based on this requirement and the three work stations proposed, a total of six parking spaces are required. The entire shopping center contains 22 striped parking spaces, with additional area available per historic aerials dating back to 2008. Based on the approximate square footage of the occupied tenant spaces, the 22 striped parking spaces are sufficient to serve the existing and proposed uses.

Environmental Review

The requested action is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2019-36).

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the requested action is Categorically Exempt under Section 15301c of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2019-36).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2018-202.
2. That the site be developed in substantial compliance with the approved site plan, floor plan, and elevations as shown in Exhibits "A", "B", and "C".
3. That the site shall operate in substantial compliance with the operational statement as stated in Exhibit "D".
4. That substantial changes to the site plan, floor plan, elevations, or operational statement may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
5. That all building signage shall require a separate building permit.
6. That all other federal, state and city codes, ordinances and laws be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans & Policies
- Resolution No. 2019-28
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Elevations
- Exhibit "D" – Operational Statement
- Categorical Exemption No. 2019-36
- Site Plan Review Comments No. 2018-202
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

Conditional Use Permits (Section 17.38)

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission.

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)\

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

RESOLUTION NO. 2019-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2019-16, A REQUEST BY LI YONG ZHENG TO ALLOW A MASSAGE THERAPY FACILITY WITHIN AN EXISTING BUILDING IN THE C-N (NEIGHBORHOOD COMMERCIAL) ZONE. THE SITE IS LOCATED AT 143 W. WALNUT AVENUE. (APN: 123-260-010)

WHEREAS, Conditional Use Permit No. 2019-16, is a request by Li Yong Zheng to allow a massage therapy facility within an existing building in the C-N (Neighborhood Commercial) Zone. The site is located at 143 W. Walnut Avenue. (APN: 123-260-010); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 24, 2019; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of CEQA. (Categorical Exemption No. 2019-36).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2018-202.
2. That the site be developed in substantial compliance with the approved site plan, floor plan, and elevations as shown in Exhibits "A", "B", and "C".
3. That the site shall operate in substantial compliance with the operational statement as stated in Exhibit "D".
4. That substantial changes to the site plan, floor plan, elevations, or operational statement may require an amendment to this Conditional Use Permit as determined through the Site Plan Review process.
5. That all building signage shall require a separate building permit.
6. That all other federal, state and city codes, ordinances and laws be met.

Commissioner Gomez offered the motion to this resolution. Commissioner Taylor seconded the motion and it carried by the following vote:

AYES: Commissioners Gomez, Taylor, Hansen

NOES: Commissioners Wynn, Peariso

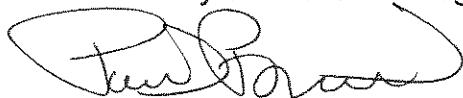
ABSTAINED:

ABSENT:

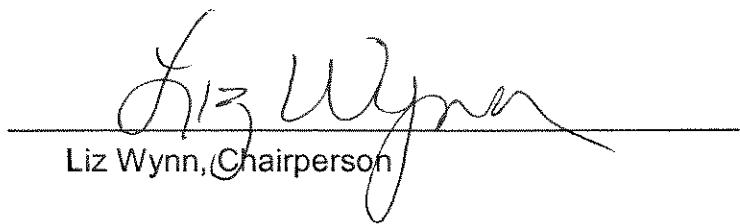
STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Paul Bernal, City Planner

I, Paul Bernal, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2019-28, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on May 24, 2019.

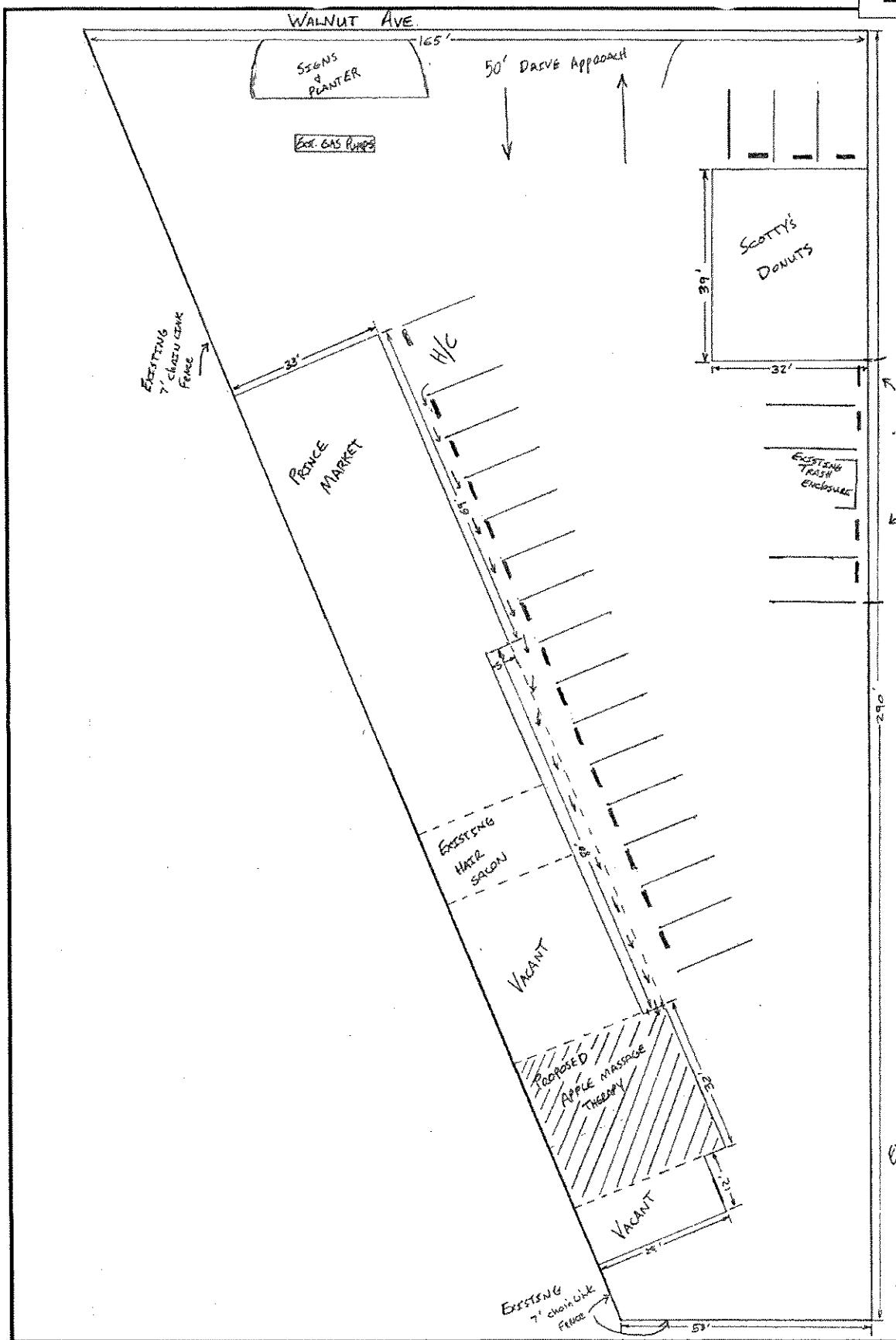


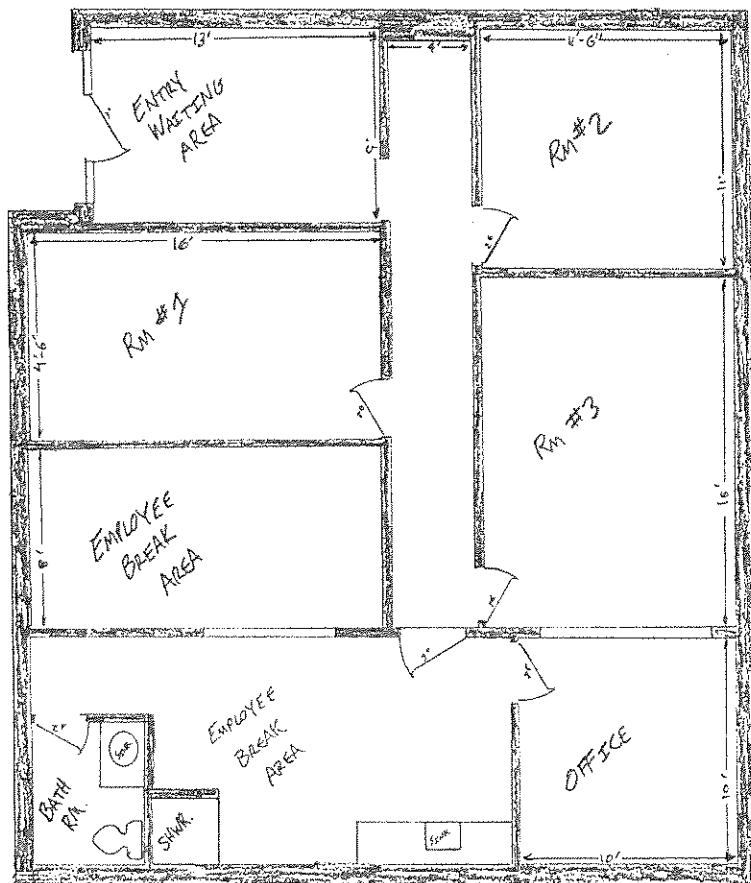
Paul Bernal, City Planner

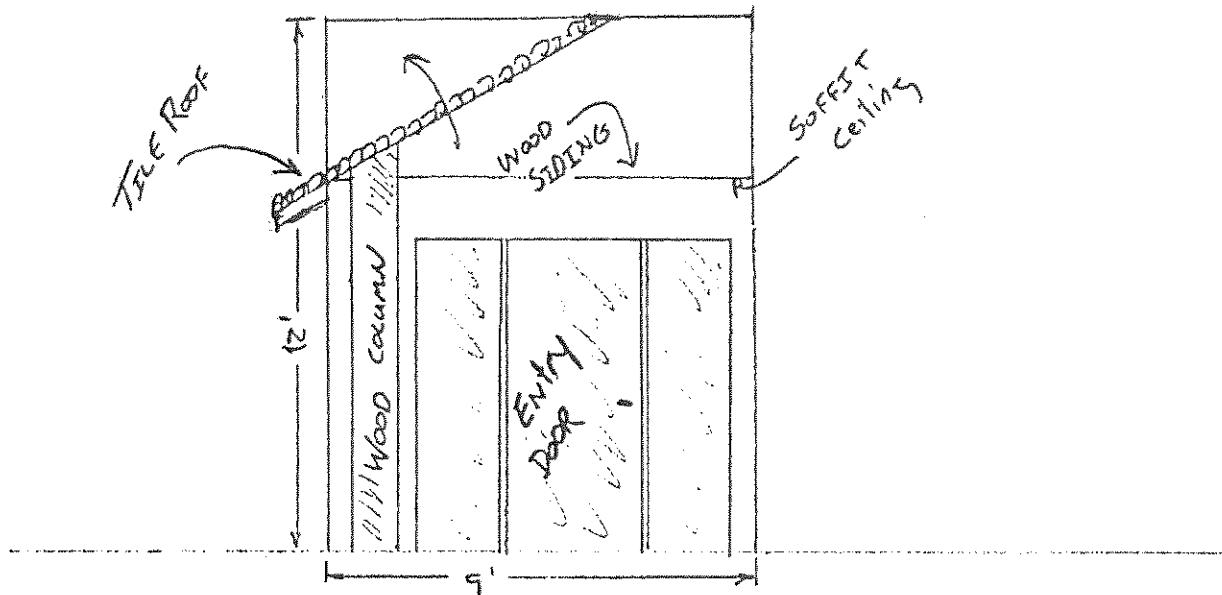


Liz Wynn, Chairperson

EXHIBIT "A"







OPERATIONAL STATEMENT

Apple Massage therapy will perform Massage therapy on customers for $\frac{1}{2}$ hr. - 1 hr. For Muscle Spasms, Soreness, back Soreness, stress Relief, Scalp tension Release. There are many different areas of the body that can be focused on from the feet to the Head. our hrs. of operation will be From 10:00 A.M. to 9:00 P.M. Daily. We focus on having a clean Healthy Premises.

Le Yez Zhang

Environmental Document No. 2019-36

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Conditional Use Permit No. 2019-16

PROJECT TITLE

143 W. Walnut Avenue

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to allow a massage therapy business within an existing building in the C-N (Neighborhood Commercial) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4443,
Email: Cristobal.Carrillo@visalia.city

NAME OF LEAD/PUBLIC AGENCY APPROVING PROJECT

Li Yong Zheng, 4125 W. Noble Avenue, Visalia CA 93277

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Scott DeBlauw, 4125 W. Noble Avenue, Visalia CA 93277

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15301**
- Statutory Exemptions- State code number:

A request to establish an after school tutoring center within an existing shopping center.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

CONTACT PERSON

(559) 713-4443

AREA CODE/PHONE

DATE

**Paul Scheibel, AICP
ENVIRONMENTAL COORDINATOR**

11/30/18

#4

MEETING DATE: 11/21/18

SITE PLAN NO. 18-202

PARCEL MAP NO.

SUBDIVISION:

LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

RESUBMIT Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

During site plan design/policy concerns were identified, schedule a meeting with

Planning Engineering prior to resubmittal plans for Site Plan Review.

Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

<input type="checkbox"/> CITY COUNCIL	<input type="checkbox"/> REDEVELOPMENT
<input checked="" type="checkbox"/> PLANNING COMMISSION	<input type="checkbox"/> PARK/RECREATION
<input checked="" type="checkbox"/> CUP	
<input type="checkbox"/> HISTORIC PRESERVATION	<input type="checkbox"/> OTHER: _____

ADDITIONAL COMMENTS :

If you have any questions or comments, please call Diego Corrao at (559) 713-4209

Site Plan Review Committee



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

Jason Huckleberry 713-4259
 Adrian Rubalcaba 713-4271
 Diego Corvera 713-4209

ITEM NO: 4 DATE: NOVEMBER 21, 2018

SITE PLAN NO.: 18-202
PROJECT TITLE: APPLE MASSAGE THERAPY
DESCRIPTION: MASSAGE THERAPY
APPLICANT: LI YONG ZHENG & AKBAR HUDA
PROP OWNER: HUDA-CAL PROPERTIES LLC
LOCATION: 143 W WALNUT AVENUE
APN: 123-260-010

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)
 Install curb return with ramp, with radius;
 Install curb; gutter
 Drive approach size: Use radius return;
 Sidewalk: width; parkway width at
 Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
 Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
 Right-of-way dedication required. A title report is required for verification of ownership.
 Deed required prior to issuing building permit;
 City Encroachment Permit Required.

Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.

CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
 Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
 Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
 Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
 Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
 Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
 All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
 Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.

Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

1. Engineering has no comments

2. This development will not incur an impact fees.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 18-202

Date: 11/21/2018

Summary of applicable Development Impact Fees to be collected at the time of building permit:

(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

(Fee Schedule Date: 8/3/2018)

(Project type for fee rates: RETAIL)

Existing uses may qualify for credits on Development Impact Fees. RETAIL

<u>Fee Item</u>	<u>Fee Rate</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Diego Corvera

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: November 21, 2018

SITE PLAN NO: 2018-202
PROJECT: MASSAGE THERAPY
DESCRIPTION: MASSAGE THERAPY (CN - ZONED)
APPLICANT: LI & AKBAR
PROP. OWNER: HUDA-CAL
LOCATION TITLE: 143 W. WALNUT
APN TITLE: 123-260-010

General Plan: CN – (Neighborhood Commercial)
Existing Zoning: CN – (Neighborhood Commercial)

Planning Division Recommendation:

Revise and Proceed
 Resubmit

Project Requirements

- Massage Therapy requires a Conditional Use Permit in the CN zone
- Building Permit for any changes to interior

PROJECT SPECIFIC INFORMATION:

1. Therapy requires a Conditional Use Permit (CUP) in the CN zone
2. Provide a floor plan with CUP application – describe all portions of the occupancy area
3. Provide a detailed Operational Statement with the CUP application – Note that the operational statement (as may be amended through the public hearing process) becomes the operational requirements for the site and is subject to code compliance.
4. Identify number of work stations.
5. Hours of operation may be subject to limitations
6. No sleeping or overnight accommodations are allowed for this use/location
7. No illuminated signage is allowed to be oriented to or visible from the adjacent residential areas.
8. Shield all security and other lighting so as to not have any direct or indirect light or glare fall upon an adjacent residential property.
9. Meet Community Noise Standards
10. On-site parking is sufficient for a three-work station massage therapy facility – parking is two stalls per work station minimum.
11. Meet all other codes and ordinances.

CITY GENERAL PLAN CONSISTENCY

Staff initial finding is that the proposed walk-up food service window site plan IS CONSISTENT with the City General Plan. However, the removal of required landscaping is NOT CONSISTENT with the City's General Plan and Zoning Ordinance.

17.18.060 Development standards in the C-N zone.

The following development standards shall apply to property located in the C-N zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):

1. Front: fifteen (15) feet;
2. Rear: zero (0) feet;
3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
4. Side: zero (0) feet;
5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
6. Street side yard on corner lot: ten (10) feet.

D. Minimum required landscaped yard (setback) areas:

1. Front: fifteen (15) feet;
2. Rear: five (5) feet (except where a building is located on side property line);
3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet.

Parking:

1. No additional parking would be required for an individual vending machine,

Landscaping:

Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

1. All lighting is to be designed and installed so as to prevent any significant direct or indirect light or glare from falling upon any adjacent residential property. This will need to be demonstrated in the building plans and prior to final on the site.
2. In no case shall more than 0.5 lumens be exceeded at any property line, and in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable.

The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.

Signature



City of Visalia

Building: Site Plan

Review Comments

SPR 18202
APPLE MASSAGE
143W. WALNUT AVE

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project
Please refer to the applicable California Code & local ordinance for additional requirements.

- A building permit will be required. **FOR ANY IMPROVEMENTS** *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. *(Small Tenant Improvements)*
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Code Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems, and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
 - Meet State and Federal requirements for accessibility for persons with disabilities.
 - 20% of construction costs toward access compliance when the project is under the valuation threshold for full accessibility requirements.
 - A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
 - All accessible units required to be adaptable for persons with disabilities.
 - Maintain sound transmission control between units minimum of 50 STC.
 - Maintain fire-resistive requirements at property lines.
 - A demolition permit & deposit is required. (Deposit by Cashier's check only) *For information call (559) 713-4444*
 - Obtain required clearance permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
 - Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
 - Project is located in flood zone _____ * Hazardous materials report.
 - Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
 - School Development fees: Commercial \$0.61 per square foot & Residential \$3.79 per square foot.
 - Park Development fee \$_____ per unit collected with building permits.
 - Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
 - Acceptable as submitted
 - No comments at this time

Additional comments: _____

VAL GARCIA 11/21/18
Signature



Site Plan Review Comments For:
Visalia Fire Department
Danny Wristen, Interim Fire Marshal
420 N. Burke
Visalia, CA 93292
559-713-4056 Office
559-713-4808 Fax

Date: 11/21/2016
Item # 4
Site Plan # 18202
Project: APPLE MESSAGE
Description: MESSAGE THERAPY
Applicant: Li Young Zheng & ALBae HUDA
Location: 143 W. WALNUT AVE
APN: 123-260-010

The following comments are applicable when checked:

The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 California Building Codes (CBC) and City of Visalia Municipal Codes.

All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2016 CFC 901.6*

No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.

Construction and demolition sites prior to and during construction shall comply with the following:

- Water Supply for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. *2016 CFC 3312*
- An all-weather, 20 feet width Construction Access Road capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. *2016 CFC 3310*

More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

General:

Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2016 CFC 505.1*

All hardware on exit doors, illuminated exit signs and emergency lighting shall comply with the 2016 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.

Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2016 CFC 304.3.3*

- A Knox Box key lock system is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation. *2016 CFC 506.1*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2016 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

Water Supply for Residential, Commercial & Industrial:

Residential

- Fire hydrant spacing and location shall comply with the following requirements:
The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120(5)*
 - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial & Industrial

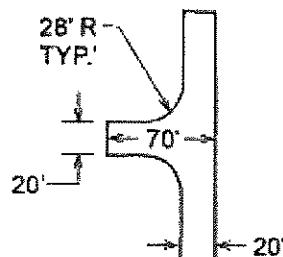
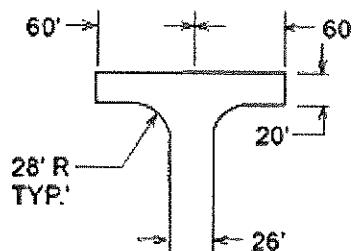
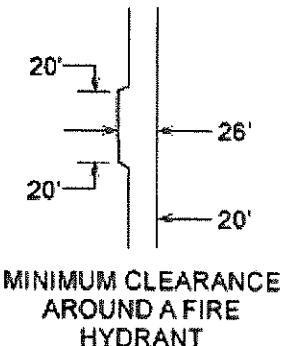
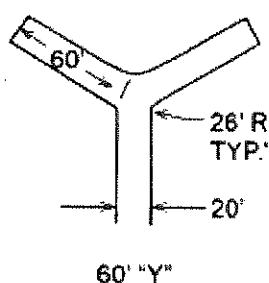
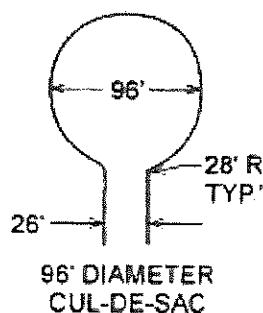
- Where a portion of the facility or building is more than 400 feet from a hydrant on a fire apparatus access road, on-site fire hydrant(s) shall be provided. *2016 CFC 507.5.1*
- Due to insufficient building information, the number and distance between fire hydrants cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with *CFC 2016 Appendix C102 & C103 & CFC 507.5.1*
- To determine fire hydrant location(s) and distribution the following information was provided to the Site Plan Review committee: **Type of construction** _____ **Square footage** _____

Emergency Access

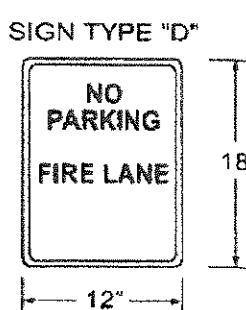
- A fire apparatus access roads shall be provided and must comply with the 2016 CFC and extend within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire apparatus access

roads shall have an unobstructed width of not less than 20 feet. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2016 CFC 503.1.1*

- Buildings or portions of buildings or facilities with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus.
 - Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
 - Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
 - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.
- Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. *2016 CFC Table D103.4*



- Approved No PARKING – FIRE LANE signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. *2013 CFC 503.3/D103.6*



- On site Fire Apparatus Access Roads shall be provided and have an unobstructed width of not less than the following:
 - 20 feet width, exclusive of shoulders (No Parking)
 - More than 26 feet width, exclusive of shoulders (No Parking one side)
 - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
- Marking- approved signs, other approved notices or marking that include the words "NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. *CFC 503.3*
- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2016 CFC D103.5
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person (power outages).
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation.)
- Streets shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.

Fire Protection Systems

- An automatic fire sprinkler system will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. *2016 CFC 912 and Visalia Municipal Code 8.20.010 subsection C103.4*
- Locking fire department connection (FDC) caps are required. The caps shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. *2016 CFC 912.4.1*
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2016 CFC 904.12 & 609.2*

Special Comments:

-

 11/19/18

Danny Wristen
Interim Fire Marshal

SPR

18-202

**City of Visalia
Police Department**
303 S. Johnson St.
Visalia, Ca. 93292
(559) 713-4370

Site Plan Review Comments

- No Comment at this time.
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.

- Public Safety Impact fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure or improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.

- Not enough information provided. Please provide additional information pertaining to:

- Territorial Reinforcement: Define property lines (private/public space).

- Access Controlled / Restricted etc:

- Lighting Concerns:

- Landscaping Concerns:

- Traffic Concerns:

Surveillance Issues: SECURITY / RECORDING EQUIPMENT
WOULD BE REQUIRED

Line of Sight Issues: - RESTRICTED VIEWS TO THE REAR.
LOCATION HAS POOR VIEWS

Other Concerns: HISTORICAL PROBLEMS WITH LOCATION.
TRESPASSING, NARCOTICS, LEO BEHAVIOR ETC.

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 21, 2018

ITEM NO.4

SITE PLAN NO:	SPR18202
PROJECT TITLE:	Apple Massage
DESCRIPTION:	Massage Therapy
APPLICANT:	Li Yong Zheng & Akbar Huda
OWNER:	Huda-cal Properties, LLC
APN:	123-280-010
LOCATION:	143 W. Walnut Avenue

THE TRAFFIC DIVISION WILL PROHIBIT ON-STREET PARKING AS DEEMED NECESSARY

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required.
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.

Additional Comments:

-



Leslie Blair

Site Plan Review Comments For:
California Water Service Co.
Mike Morton, Superintendent
216 N. Valley Oaks Dr.
Visalia, CA 93292
559-624-1663 Office
559-735-3189 Fax

Date: 11/21/2018
Item # Choose an item.
Site Plan # 18-202
Project: Apple Massage
Description:
Applicant:
Location: 143 W. Walnut
APN:

The following comments are applicable when checked:

No Comments at this time

Fire Hydrants
Comments-

Service's
Comments-

Main's
Comments-

Back flow requirements
Comments-

Additional Comments:

Mike Morton
Superintendent

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4338

COMMERCIAL BIN SERVICE

18-202

No comments.

Same comments as as

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers.

ALL refuse enclosures must be R-3 or R-4

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of :

Commercial (X) 50 ft. outside 36 ft. inside; Residential () 35 ft. outside, 20 ft. inside.

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.

Area in front of refuse enclosure must be marked off indicating no parking

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)

Customer will be required to roll container out to curb for service.

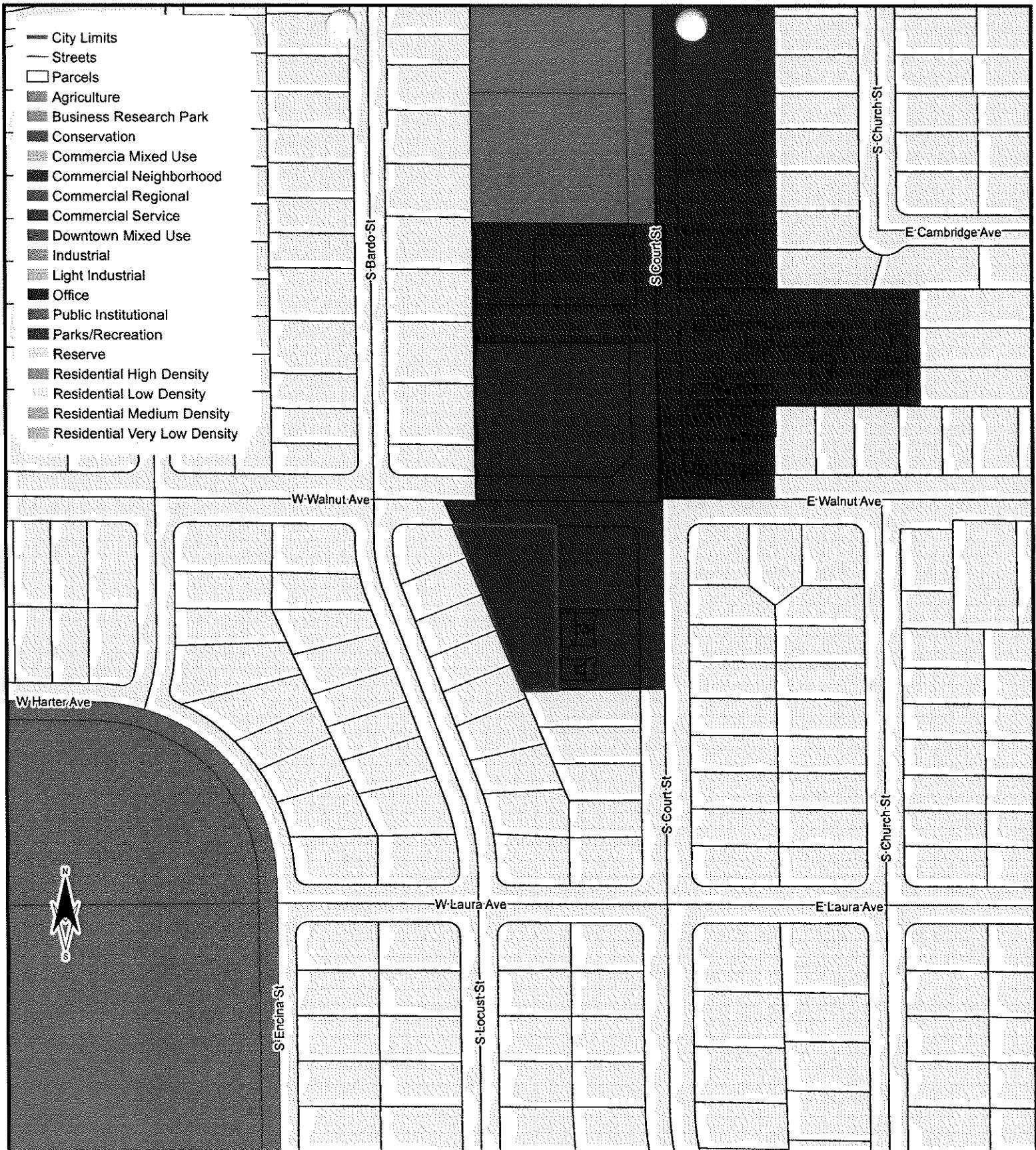
Must be a concrete slab in front of enclosure as per city standards

The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's lift arms have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

Edward Zuniga Solid Waste Supervisor 713-4338

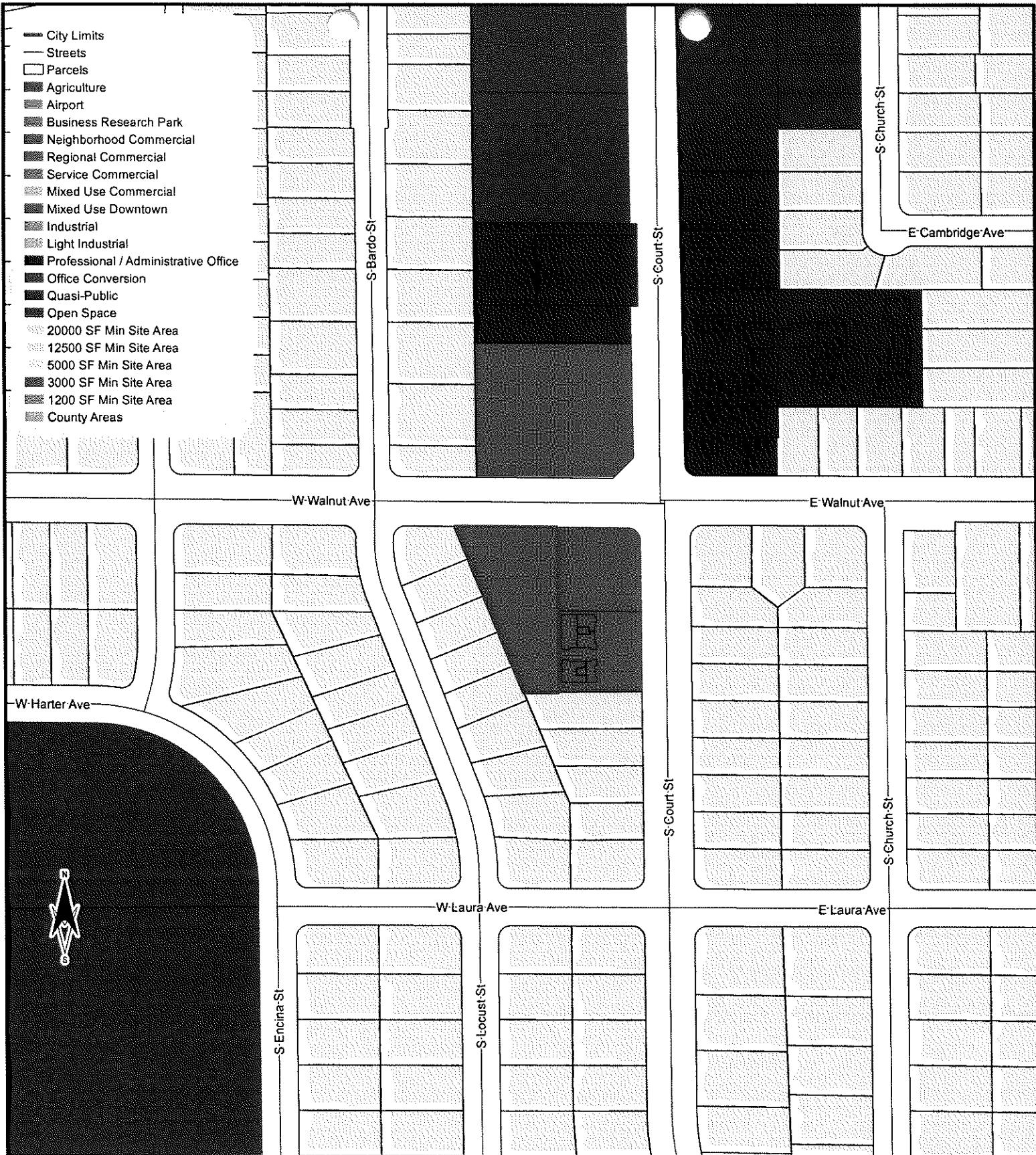
- City Limits**
- Streets**
- Parcels**
- Agriculture**
- Business Research Park**
- Conservation**
- Commercial Mixed Use**
- Commercial Neighborhood**
- Commercial Regional**
- Commercial Service**
- Downtown Mixed Use**
- Industrial**
- Light Industrial**
- Office**
- Public Institutional**
- Parks/Recreation**
- Reserve**
- Residential High Density**
- Residential Low Density**
- Residential Medium Density**
- Residential Very Low Density**



General Plan

Map





Zoning Map

235

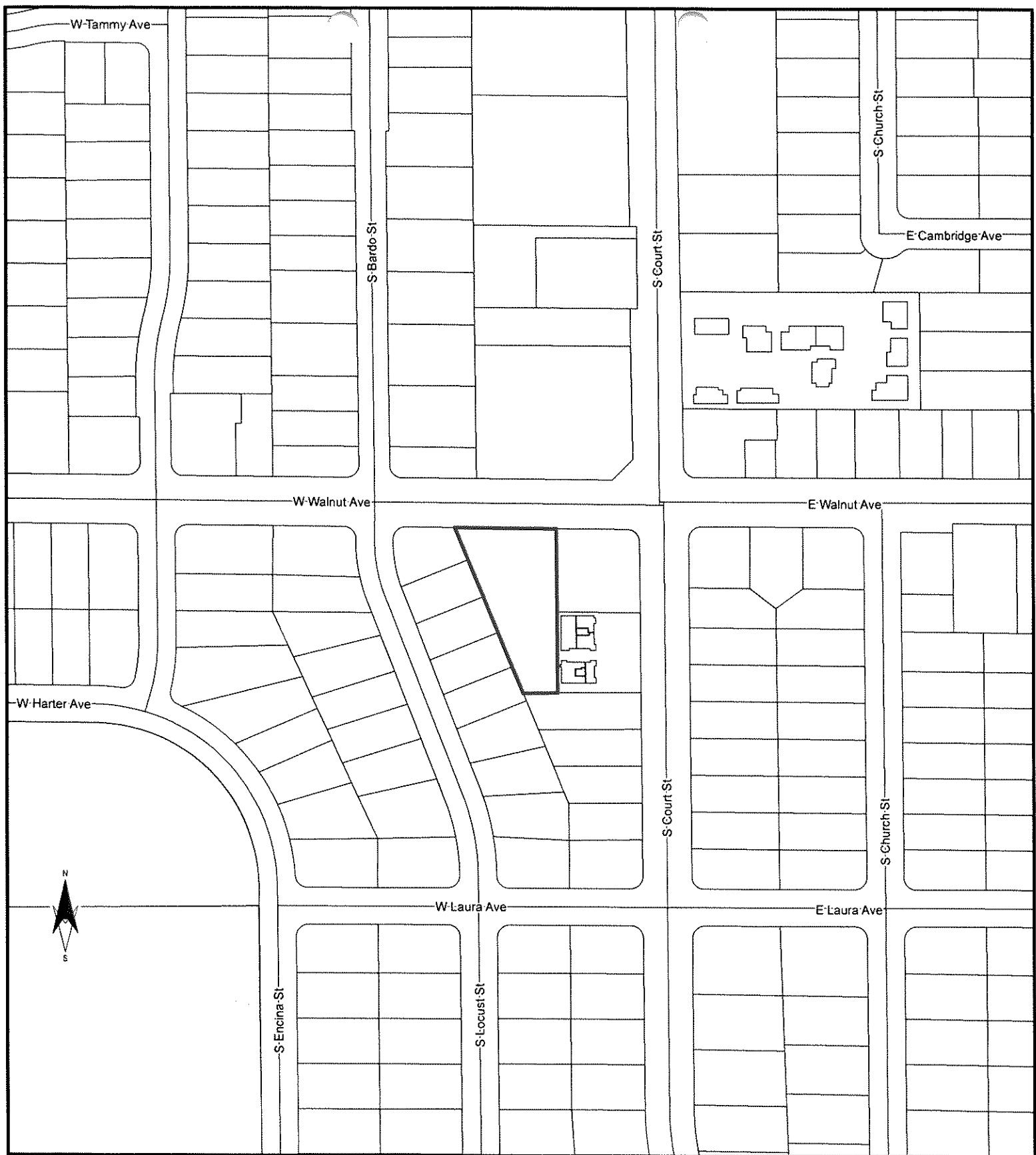




0 1530 60 90 120
Feet

Aerial Photo





- City Limits
- Streets
- Parcels

Location Map



Attachment "D"

Related Ordinances

Chapter 5.68

MASSAGE ESTABLISHMENTS

Sections:

- [5.68.010](#) Declaration of purpose and intent.
- [5.68.020](#) Definitions.
- [5.68.030](#) Administration.
- [5.68.040](#) Certifications required.
- [5.68.050](#) Massage establishment owner background check required.
- [5.68.060](#) Additional requirements.
- [5.68.070](#) Display of permit.
- [5.68.080](#) Massage establishment—Massage technician certificates required.
- [5.68.090](#) Prohibited conduct.
- [5.68.100](#) Facilities and operations.
- [5.68.110](#) Exceptions.
- [5.68.120](#) Public nuisance abatement.
- [5.68.130](#) Revocation.
- [5.68.140](#) Enforcement and penalties.
- [5.68.150](#) Appeal.

5.68.010 Declaration of purpose and intent.

A. This chapter establishes permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments.

B. This chapter is not intended to be exclusive and compliance will not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal services businesses including, without limitation, all zoning applications; business license regulations; building, fire, electrical, and plumbing codes; and health and safety code laws and regulations applicable to professional or personal services businesses.

C. This chapter establishes a local regulatory system that allows only state certified massage therapists and massage practitioners to operate within the city. This chapter is not intended to regulate massages that are not part of a business occupation. This chapter is also intended to allow a transitional period for certain existing massage practitioners to continue practicing while they obtain state certification before December 31, 2013, and to coordinate the timing of the city's business license renewals with the state massage certification process.
(Ord. 2012-05 § 2 (part), 2012)

5.68.020 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in the Visalia Municipal Code, the California Business and Professions Code, or the California Government Code.

"California Massage Therapy Council (CAMTC)" means the California Massage Therapy Council created pursuant to California Business and Professions Code § 4500.5(a).

"Certified massage practitioner" means a person who is currently certified as a massage practitioner by the CAMTC, and who administers massage for compensation.

"Certified massage therapist" means a person who is currently certified as a massage therapist by the CAMTC, and who administers massage for compensation.

"City" means the city of Visalia.

"Police chief" means the police chief of the city of Visalia or the authorized representatives thereof.

"Massage" means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations. (Exclusions to this chapter are also described in Section [5.68.110](#). This chapter is not intended to regulate massages that not part of a business occupation.)

"Massage establishment" means and includes any business enterprise or establishment, parlor, or any room, place or institution within a business establishment where massage is given or administered by a massage technician as a paid service.

"Massage technician" means any person, who gives, performs or administers to another person a massage for any form of consideration.

"Out-call massage service" means any business that provides, refers or otherwise facilitates massage for any consideration at a nonfixed location.

"Person" means and includes person(s), firms, corporations, partnerships, associations or other forms of business organization or group.

"Recognized school" means a school of massage, recognized by the state of California which: (i) teaches the theory, ethics, practice, profession and work of massage; and (ii) requires a residence course of study to be given and completed before the student is furnished with a diploma or certificate of learning or completion; and (iii) has been approved by the state of California Consumer Affairs Bureau pursuant to Education Code § 94915, or, if said school is not located in California, has complied with the standards commensurate with those specified in said § 94915, or a school of equal or greater training that is approved by the corresponding agency in another state, or accredited by an agency recognized by the United States Department of Education.

"Specified anatomical areas" means and includes any of the following human anatomical areas: genitals, pubic regions, anuses or female breasts below a point immediately above the top of the areola.

"Specified sexual activities" means and includes all of the following:

- A. Fondling or other erotic touching of specified anatomical areas;
- B. Sex acts including, without limitation, intercourse, oral copulation, or sodomy;
- C. Masturbation; or
- D. Excretory functions as part of or in connection with any specified sexual activity listed in this definition.

"Unrecognized school" means any school of massage that does not meet the definition of "recognized school" but teaches or purports to teach the theory, ethics, practice, profession or work of massage.

(Ord. 2012-05 § 2 (part), 2012)

5.68.030 Administration.

The chief of police is authorized to administer this chapter and to promulgate administrative policies and procedures required to implement the regulations set forth in this chapter.

(Ord. 2012-05 § 2 (part), 2012)

5.68.040 Certifications required.

A. Massage establishment. It is unlawful for any person to own, operate or maintain a massage establishment unless all massage technicians employed by the massage establishment hold a current, valid certification from the CAMTC as a massage practitioner or massage therapist or qualify under the limited exceptions described in this chapter.

B. Massage technician. It is unlawful for any person to engage in, or carry on, the business or activities of a massage technician without a certification from the CAMTC as a massage practitioner or massage therapist or qualify under the limited exceptions described in this chapter.

C. Out-call massage service. It is unlawful for any person to own, operate, or maintain, an off-premise massage service in the city unless all massage technicians employed by the off-premises massage service hold a current, valid certification from the CAMTC as a certified massage practitioner or certified massage therapist or qualify under the limited exceptions described in this chapter.

D. The city recognizes that some massage therapists and massage practitioners currently practicing in Visalia may not meet the current requirements set forth by the CAMTC due to changes in educational or other requirements particularly changes in requirements concerning hours of schooling although the person has been in practice for a significant period. The city will therefore allow such persons that were working within Visalia prior to the passage of this chapter under this "grandfather exception" without certification from the CAMTC if the requirements stated below are met.

The person seeking this exemption must show to the satisfaction of the city police department that he or she worked as a massage therapist or massage practitioner in the city prior to July 1, 2012, which is after the effective date of this chapter. The person must also provide evidence to the city that he or she has certification or proof of training in the field from a school or another entity comparable to the CAMTC and has been working as a massage therapist or massage practitioner for a period of at least five (5) years. Finally, the person must provide evidence that they attempted to obtain certification from the CAMTC but were denied and provide the reasons for the denial to show despite their existing training and experience they were not able to qualify for certification from CAMTC.

Persons that are granted an exemption from the CAMTC certification requirement by the city will still be required to meet all other terms of this chapter including but not limited to the background check required of massage establishment owners that are not certified by the CAMTC. All persons under this exemption will be required to display, in the same manner this chapter requires the display of CAMTC certification, a separate statement from the city to show that the person has met the requirements of this exemption. This exemption must be renewed annually and the city may establish a non-refundable fee to recover costs associated with such annual renewals.

(Ord. 2012-05 § 2 (part), 2012)

5.68.050 Massage establishment owner background check required.

A. Any person, association, partnership, or corporation desiring to operate a massage establishment, that will own five percent (5%) or more of the massage establishment, and that is not a certified massage practitioner or certified massage therapist, (meaning certified by the CAMTC) must make an application to the chief of police for an investigation of the applicant's background and history. A fee to recover costs of the background check must accompany the submission of each application. An annual nonrefundable renewal fee may also be charged to defray associated costs of investigation, inspection and enforcement.

B. Each applicant for a background check must submit the following information:

1. The full true name and any other names used by the applicant.
2. The present address and telephone number of the applicant.
3. Driver's license number and Social Security number.
4. The proposed address of the massage establishment.
5. Each residence and business address of the applicant for the three (3) years immediately preceding the date of the application, and the inclusive dates for such address.
6. Written proof that the applicant is at least eighteen (18) years of age.
7. Applicant's height, weight, and color of eyes and hair.
8. Two (2) photographs of the applicant at least two (2) inches by two (2) inches taken within four (4) months preceding the date of the application.
9. Applicant's business, occupation and employment history for the five (5) years immediately preceding the date of application.
10. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation.
11. All criminal convictions for any of the offenses set forth in this chapter, and a statement of the dates and places of such convictions.
12. If the applicant is a corporation, the name of the corporation must be set forth exactly as shown in the articles of incorporation or charter, together with the state and date of incorporation and names and residence addresses of each of its current officers and directors, and each stockholder holding more than five percent (5%) of the stock of the corporation. If the applicant is a partnership, the application must set forth the names and residence addresses of each of the partners, including the limited partners. If the applicant is a limited partnership, it must furnish a copy of its certificate of limited partnership filed with the county clerk. If one (1) or more partners is a corporation, the provisions of this section pertaining to corporate applicants will apply. The applicant corporation or partnership must designate one (1) of its officers or general partners to act as its responsible managing officer. Such person must complete and sign all application forms required of any individual applicant under this chapter, but only one (1) application fee will be charged.

13. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be operated, and a copy of the lease or rental agreement. If the applicant is not the legal owner of the property, a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property is required for each massage establishment permit location.

14. The full true names and other names used, the present addresses and telephone numbers, driver's license numbers, and Social Security numbers, and state certificates from the CAMTC or transitional licenses for all massage technicians who will be working as employees or independent contractors at each massage establishment permit location. The applicant must provide the chief of police with any changes in the massage technicians that work at the massage establishment during the permit period within ten (10) working days of each change.

15. The chief of police may require the applicant to furnish fingerprints when needed for the purpose of verifying identification.

16. Such other identification and information as may be required by the chief of police in order to verify the information to be included in the application.

C. The city is allowed a reasonable time, not to exceed sixty (60) days, in which to investigate the information on the application. During the investigation of the background information, a city representative including, without limitation, a member of the police department, fire department, building and safety division, planning division, or any authorized representative thereof, may inspect, with or without notice during regular business hours, the proposed place of business to determine whether it conforms to the requirements of this chapter. Upon completion of the inspection, the city representative must inform the chief of police in writing of the findings of the inspection. Background clearance will be issued, within sixty (60) days of receipt of the application, to any applicant who has furnished all of the information required by this section in the application for such license, provided all of the following apply:

1. The applicant has not made a material false statement in the application and that all massage technicians who will be working as employees or independent contractors at each massage establishment permit location possesses certification from the CAMTC as a massage practitioner or massage therapist;

2. The applicant, if an individual, or in the case of an applicant which is a corporation or partnership, any of its officers, directors, or holders of five percent (5%) or more of the corporation's stock, has not, within five (5) years immediately preceding the date of the filing of the application been convicted in a court of competent jurisdiction of any of the following offenses: Penal Code §§ 243.4; 261; 266a through 266j; 267; 314 to 316; 318; or 647(a, b, d); any offense requiring registration under Penal Code § 290 or Health and Safety Code § 11590; or any felony offense involving the possession, possession for sale, sale, transportation, furnishing, or giving away of a controlled substance specified in Health and Safety Code §§ 11054 to 11058, as amended; or any offense in another state which, if committed in California, would have been punishable as one (1) or more of the heretofore mentioned offenses; or any offense involving the use of force or violence upon the person of another; or any offense involving theft, embezzlement or moral turpitude;

3. The applicant, if an individual, is at least eighteen (18) years of age;

4. The applicant has not had a massage technician, massage establishment, escort service, nude entertainment, nude photo studio or similar type of license or permit suspended within one (1) year or revoked within three (3) years immediately preceding the date of the filing of the application, unless the applicant can show a material change in circumstances or that mitigating circumstances exist since the revocation or suspension.

(Ord. 2012-05 § 2 (part), 2012)

5.68.060 Additional requirements.

Before operating a massage establishment in the city, massage establishment owners must comply with all applicable codes adopted by the city, including, without limitation, the building, electrical, and plumbing codes.

Hours of operation. Massage establishments shall only offer massage services between the hours of 7:00 a.m. and 10:00 p.m. and no patrons for massage services shall be allowed on the premises after 10:00 p.m. or before 7:00 a.m. Pacific Standard Time.

(Ord. 2012-05 § 2 (part), 2012)

5.68.070 Display of permit.

Any owner of a massage establishment or off-premise massage service must display the CAMTC certificates for all massage technicians prominently in a conspicuous place, capable of being viewed by customers or city representatives, at every location where massage is performed or conducted.

For off-premise massage services, massage workers must also carry a copy of their CAMTC certificate and display it to customers upon request.

Any persons operating under the limited exception described in Section 5.68.040(D) must display the statement from the city documenting their exemption from the CAMTC certification prominently in a conspicuous place capable of being viewed by customers or city representatives, or carry it with them for off-premise massage services.

(Ord. 2012-05 § 2 (part), 2012)

5.68.080 Massage technician certificates required.

It is unlawful for owners of massage establishments or off-site massage services to allow any person to perform massage that is not a certified massage therapist, a certified massage practitioner, or has obtained one (1) of exceptions described in this chapter.

(Ord. 2012-05 § 2 (part), 2012)

5.68.090 Prohibited conduct.

A. It is unlawful for any massage technician or any other employee working in a massage establishment or for an out-call massage service, or customers, patrons, or guests of the establishment or service, to engage in any specified sexual activities upon the premises of the massage establishment or the off-premise massage location.

B. It is unlawful for any massage technician or other employee of a massage establishment to expose specified anatomical areas in the presence of any patron, customer, or guest.

C. In the course of administering the massage, it is unlawful for any massage technician or other massage establishment employee to make intentional physical contact with the specified anatomical areas of any customer, patron or guest.

(Ord. 2012-05 § 2 (part), 2012)

5.68.100 Facilities and operations.

A. It is unlawful for any massage establishment to operate unless the massage establishment premises and operation comply with the following minimum requirements:

1. Signs. A readable sign must be posted at the main entrance identifying the establishment as a massage establishment, provided, however, that all such signs must otherwise comply with the sign requirements of this code.

2. Disinfection of instruments. Instruments used for massage must be disinfected before each use. Where instruments for massage are employed, adequate quantities of supplies for disinfection must be available during all hours of operation.

3. Water. Hot and cold running water must be provided at all times.

4. Linen storage. Closed cabinets must be utilized for the storage of clean towels and linen. After use, towels and linen must be removed and stored in a separate container until laundered.

5. Sanitary conditions. All walls, ceilings, floors, steam and vapor rooms, and all other physical facilities for the massage establishment must be kept in good repair and be maintained in a clean and sanitary condition.

6. Clean linen. Clean and sanitary towels and linens must be provided for patrons receiving massage services. No common use of towels or linens is permitted.

7. Compliance with laws. The premises to be used must at all times comply with all applicable state and local laws and regulations.

B. A register of all individuals employed as massage technicians, and copies of their current CAMTC certifications and massage technician business licenses, must be maintained and available for inspection at all times during regular business hours.

C. Each person present in any area of the massage establishment outside the waiting area or other areas open to any member of the public must be a certified massage practitioner or certified massage therapist or the massage establishment owner.

D. The permits and certifications required by this chapter must be displayed in an open and conspicuous public place on the premises.

(Ord. 2012-05 § 2 (part), 2012)

5.68.110 Exceptions.

This chapter does not apply to the following classes of individuals, and no CAMTC certification is required of such persons, while engaged in the performance of the duties of their respective professions:

1. Acupuncturists who are duly certified to practice their profession in the state of California.
2. Barbers, beauticians, and cosmetologists with respect to scalp massage, who are duly permitted pursuant to Business and Professions Code §§ 7301, et seq., in accordance with the limitations of their permits.
3. Persons employed or working at a licensed athletic facility.
4. Medical facilities in which massage is performed as prescribed treatment only on patients of the medical facility.
5. Nurses who are registered or certified as such under the laws of the state of California.
6. Physicians, surgeons, chiropractors, osteopaths, or physical therapists who are duly permitted to practice their respective professions in the state of California, or provide professional services in lawful compliance with Corporations Code § 13401(a).
7. Recognized schools of massage.
8. Businesses where a massage is performed while the person sits in a chair, such as head and neck massage, foot massage, or as part of a manicure or pedicure, and performed in public view or in a open common room.
9. Massage establishments or out-call massage services that are operating pursuant to a duly issued city business license that is issued prior to the effective date of this chapter shall have until December 31, 2013 to meet the state certification requirement described in Section 5.68.040 and any posting of such requirements detailed in other provisions.
10. This chapter is not intended to regulate massages that are not part of a business occupation.

(Ord. 2012-05 § 2 (part), 2012)

5.68.120 Public nuisance abatement.

Any massage establishment operated, conducted or maintained contrary to the provisions of this chapter is unlawful and a public nuisance. The city attorney is authorized, in addition to or in lieu of any other legal or criminal proceedings, to commence an action or proceeding for abatement, removal or enjoinder of such massage establishment in the manner provided by law. The city attorney may seek a court order to grant such relief to abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining such an establishment contrary to the provisions of this chapter.

(Ord. 2012-05 § 2 (part), 2012)

5.68.130 Revocation.

A. Grounds for revocation. The police chief or city attorney may revoke approvals issued under this chapter for one (1) or more of the following grounds:

1. Fraud or deceit. That the applicant practiced fraud or deceit in obtaining an approval under this chapter;
2. Violation of chapter. That the massage establishment owner, operator, massage technician, or its employee violated a provision or provisions of this chapter;
3. Criminal conviction. That the massage establishment owner, operator, massage technician, or its employee has been convicted in a court of competent jurisdiction of any offense described in this chapter;
4. Improperly maintained facilities. That the facilities and operations of the massage establishment are not kept in compliance with this chapter and that the owner or operator has failed to promptly remedy any deficiency of which they have been notified. For purposes of this subsection, "notice" means notice given personally, or by leaving notice at the massage establishment premises, or by first class mail, postage prepaid, to the address designated by the massage technician or establishment in accordance with this chapter;
5. Employment of uncertified technicians. That the massage establishment has employed, allowed or permitted an uncertified person to perform massage in the massage establishment;
6. Error. That the approval was issued in error;
7. Civil penalties. Assessment of three (3) or more civil penalties as provided by this chapter during any six (6) month period; or
8. Prohibited conduct. A massage establishment owner, operator, massage technician, or its employee or agent has been found to have engaged in prohibited conduct in violation of this chapter.

9. Notice of revocation. Upon a determination on the grounds to revoke an approval under this chapter, the police chief or city attorney must cause a notice of revocation to be mailed by first class, postage prepaid mail, to the address designated by the massage technician or establishment pursuant to this chapter.
(Ord. 2012-05 § 2 (part), 2012)

5.68.140 Enforcement and penalties.

A. Any person violating any provision of this chapter is liable in a civil action brought by the city attorney for an amount up to \$500 per violation. Such person is also liable for reasonable attorneys' fees and costs incurred by the city attorney in any civil proceeding filed to enforce this chapter. Each day that a violation continues may be considered a new and subsequent offense.

B. Alternatively the city may choose to enforce violations through the administrative code enforcement process described in [Chapter 1.13](#) of the Visalia Municipal Code, with violations being punishable with a \$100 fine for the first violation, a \$200 fine for the second violation, and a \$500 fine for the third and subsequent violations. Each day that a violation continues may be considered a new and subsequent offense.

C. Enforcing this chapter through civil action may be filed as an alternative to criminal enforcement. Civil enforcement does not require the violation to be knowing or willful. A civil or administrative action cannot be filed if the person is being criminally prosecuted.

D. The city attorney may settle any civil enforcement before or after to the filing of a civil action by imposing a civil penalty in an amount not exceeding the potential civil liability, including attorneys' fees, set forth in this section. If such civil penalty is paid in full, the city attorney can agree not to file civil or criminal actions or, if action has already been filed, may dismiss such action. Imposition of all civil penalties is public record.

(Ord. 2012-05 § 2 (part), 2012)

5.68.150 Appeal.

After denial of an application for a massage establishment regulatory permit (the term permit includes the "grandfather exception" to CAMTC certification described in Section [5.68.040](#)), or after denial of renewal of a permit, or suspension or revocation of a permit, the applicant or person to whom the permit was granted may appeal the decision to the city manager, or designee, by filing a written notice with the city clerk within ten (10) business days from the receipt of the notice of denial. The city manager or representative shall hold a hearing on the appeal within thirty (30) business days from the receipt of the notice by the city clerk. The decision of the city manager, or designee, following the hearing shall be final and conclusive. There is no appeal to the City Council. If the denial, suspension or revocation is affirmed on review the applicant or permittee may seek judicial review of such administrative action pursuant to California Code of Civil Procedure § 1094.5. The time for filing such action is governed by California Code of Civil Procedure § 1.

(Ord. 2012-05 § 2 (part), 2012)

Ordinance No. 2024-05
Massage Establishments – Urgency Ordinance

**AN INTERIM ORDINANCE TO FURTHER REGULATE
MASSAGE ESTABLISHMENTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

SECTION 1. Consistent with its control over municipal affairs as a charter city and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety, and welfare of its citizenry. The City of Council of the City of Visalia hereby makes the followings findings:

A. The City of Visalia Municipal Code Title 5 defines "Massage establishment" as follows: "*means and includes any business enterprise or establishment, parlor, or any room, place or institution within a business establishment where massage is given or administered by a massage technician as a paid service*" and in addition, the City of Visalia Municipal Code Title 17 defines, "*Massage Therapy Establishment*" as follows: "*means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body by a Certified Massage Therapist.*"

B. The City of Visalia Municipal Code Title 17 currently permits Massage Therapists under the current City of Visalia Zoning Ordinance in the Neighborhood Commercial (C-N), Commercial Mixed Use (C-MU), Downtown Mixed Use (D-MU), Professional / Administrative Office (O-PA), and Office Conversion (O-C) zones within the City of Visalia with a Conditional Use Permit (CUP) issued under Visalia Municipal Code Chapter 17.38.

C. Recently the City of Visalia has seen an increase in requests for CUPs to operate Massage Establishments. In recent instances, such usages are proposed within close proximity to residential neighborhoods, junior college, and within shopping centers.

D. Although these recent instances of this proposed use near residential neighborhoods resulted in comments received that stated property owners concerns this type of use should not be placed in close proximity to schools and residential neighborhoods, the usage was allowed because the current City of Visalia Zoning Ordinance does not require buffering distance requirements regarding this type of commercial activity near schools and residential neighborhoods. The City Council has since considered whether a specific policy should be adopted and has determined that it would be in the interest of the public health, safety, or welfare to consider changes to the municipal code on how this type of business should be further regulated.

E. In 2008, the Legislature adopted Senate Bill 731, which created the California Massage Therapy Council, a state-organized nonprofit organization with regulatory authority over the certification of massage technicians and practitioners throughout the State of California which also limited the City's regulatory authority over massage establishments that exclusively hire State-certified massage technicians, preempting most local licensure and permitting requirements and land use regulations and has been widely criticized by local agencies as providing massage businesses with almost unprecedented protection from local zoning and land use authority, and interfering with local law enforcement efforts to close massage businesses that allow prostitution and other illegal activities.

F. In response to the criticism against Senate Bill 731, Assembly Bill 1147 was enacted which allows local agencies to impose reasonable zoning, business licensing, and health and safety requirements on massage establishments, and the City of Visalia seeks to amend the Visalia Municipal Code to ensure that the City regulates massage establishments in compliance with the provisions of enacted State statutes.

G. The increase in requests for the operation of Massage Establishments that has occurred in recent years does not appear to be slowing, which has raised concerns of whether illicit uses are trying to create a business front for illicit activity and a proliferation of such types of uses could result in negative impacts to the public's peace, health, safety, and welfare.

H. The potential for criminal and unsafe activity at massage establishments is particularly concerning given that some massage establishments in the City are located within proximity to places where families congregate, such as restaurants and shopping areas.

I. Code enforcement and policing efforts have found that illegal massage operations that are shut down are often replaced by similar illegal massage operations in the same location. There are significant adverse impacts from allowing illegal massage operations to remain at a given site. Impacts include decreased consumer confidence in the legal operation of future massage establishments at a site, decreased consumer confidence in the neighboring businesses, and confusion among customers regarding any connection between the closed illegal operation and a new legal operation, and detrimental effects on all surrounding businesses.

J. The City Council finds and declares the illicit and illegal activities disguising as legitimate massage establishments in the City pose health and safety threats to operators, employees, patrons, surrounding businesses, and the public, in order to address this threat to public health and safety the City Council hereby finds the adoption of the proposed urgency interim zoning ordinance to be necessary while a more specific amendment to the Municipal Code is reviewed in the normal process by the City.

K. Further the City Council finds and declares that approving additional conditional use permits to allow additional Massage Establishments within close proximity of an existing Massage Establishment would potentially be in conflict with the stated goals of the City of Visalia General Plan and Zoning Ordinance to preserve and promote the public health, safety, and welfare of the city by creating conditions that would adversely impact the public's interest.

L. The City Council finds and declares that the ordinance regulations on Massage Business shall be adopted on an interim and immediate basis to protect the public health, safety, and welfare of the community while the more permanent regulations are reviewed in additional detail.

SECTION 2. While this interim ordinance is in effect the following regulatory standards shall apply as additional limitations and requirements under the Visalia Zoning Ordinance on a Massage Establishment and/or Massage Therapy Establishment as those terms are defined in Visalia Municipal Code. Businesses that are already operating under conditional use permits in areas that would be prohibited under these regulations may continue to operate as they would constitute legal non-conforming use.

A. In addition to Conditional Use Permit being required in the Neighborhood Commercial (C-N), Commercial Mixed Use (C-MU), Downtown Mixed Use (D-MU), Professional / Administrative Office (O-PA), and Office Conversion (O-C) zones, a Conditional Use Permit shall be required for Massage Establishments/Therapist in the Regional Commercial (C-R) zone.

B. No Massage Establishment may be located within a radius of 750 feet of another Massage Establishment, as measured in a straight line, from the nearest point of the premises where said massage establishment is conducted to the nearest property line of any lot or legal parcel upon which a massage establishment is proposed to be located. Existing businesses operating a Massage Establishment that are already conducting business and in possession of all previously required licenses and/or permits for such business in the City of Visalia on the effective date of this emergency ordinance are considered existing non-conforming related to separation from all required sources as long as the permit is not revoked, or the business does not cease operation.

C. No Massage Establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

D. Doors. All front, reception, hallway, or front exterior doors except back or rear exterior doors used for employee entrance to and exit from the massage establishment) shall be kept unlocked during business hours. A massage establishment may lock its exterior doors during business hours if the establishment is owned by one individual with one or no employees. No massage may be given within any cubicle, room, booth, or any area within a massage establishment which is fitted with a door capable of being locked, unless the only door is an exterior door.

E. 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.

F. Living Quarters Prohibited. No person or persons shall be allowed to reside, dwell, occupy or live inside a Massage Establishment at any time. Beds and floor mattresses shall not be permitted on the premises.

G. Inspections. The operator and/ or on duty Responsible Employee consents to the inspection of the massage establishment by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for the purpose of determining that the provisions of this ordinance or other applicable laws or regulations are met. The City' s Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department may, from time to time, make unannounced inspections of each massage establishment for the purpose of determining that the provisions of this chapter, State law or other applicable laws or regulations are met.

H. No person shall enter, be or remain in any part of a Massage Establishment while in possession of an open container of alcohol, or consuming or using any alcoholic beverages or controlled drugs except pursuant to a prescription for such drugs. The Owner, Operator, or responsible managing Employee, shall not permit any such person, or any person who is clearly intoxicated, to enter or remain upon the premises.

I. No Massage Establishment shall operate a school of massage or use the same facilities as that of a school of massage.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

SECTION 4. This Ordinance shall take effect immediately as an interim zoning ordinance under the provisions of California Government Code section 65858. It shall be of no further force and effect forty-five (45) days from its adoption unless it is extended pursuant to Government Code section 65858.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

Conditional Use Permits (Section 17.38)

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits.

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
 7. Additional technical studies or reports, as required by the Site Plan Review Committee.
 8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application.

17.38.030 Lapse of conditional use permit

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120.

17.38.050 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council.

17.38.060 Conditional use permit to run with the land

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065.

17.38.065 Abandonment of conditional use permit

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
 9. Fruit/Vegetable stands shall be subject to site plan review.
- C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.
- D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with

the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission.

17.38.100 Public hearing--Procedure

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary.

17.38.110 Action by planning commission

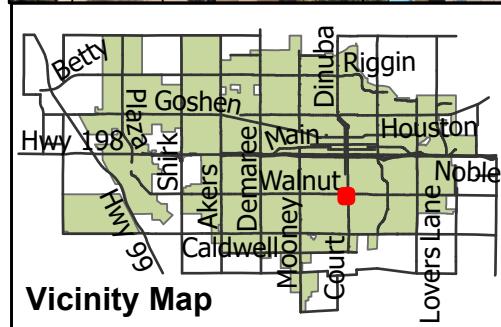
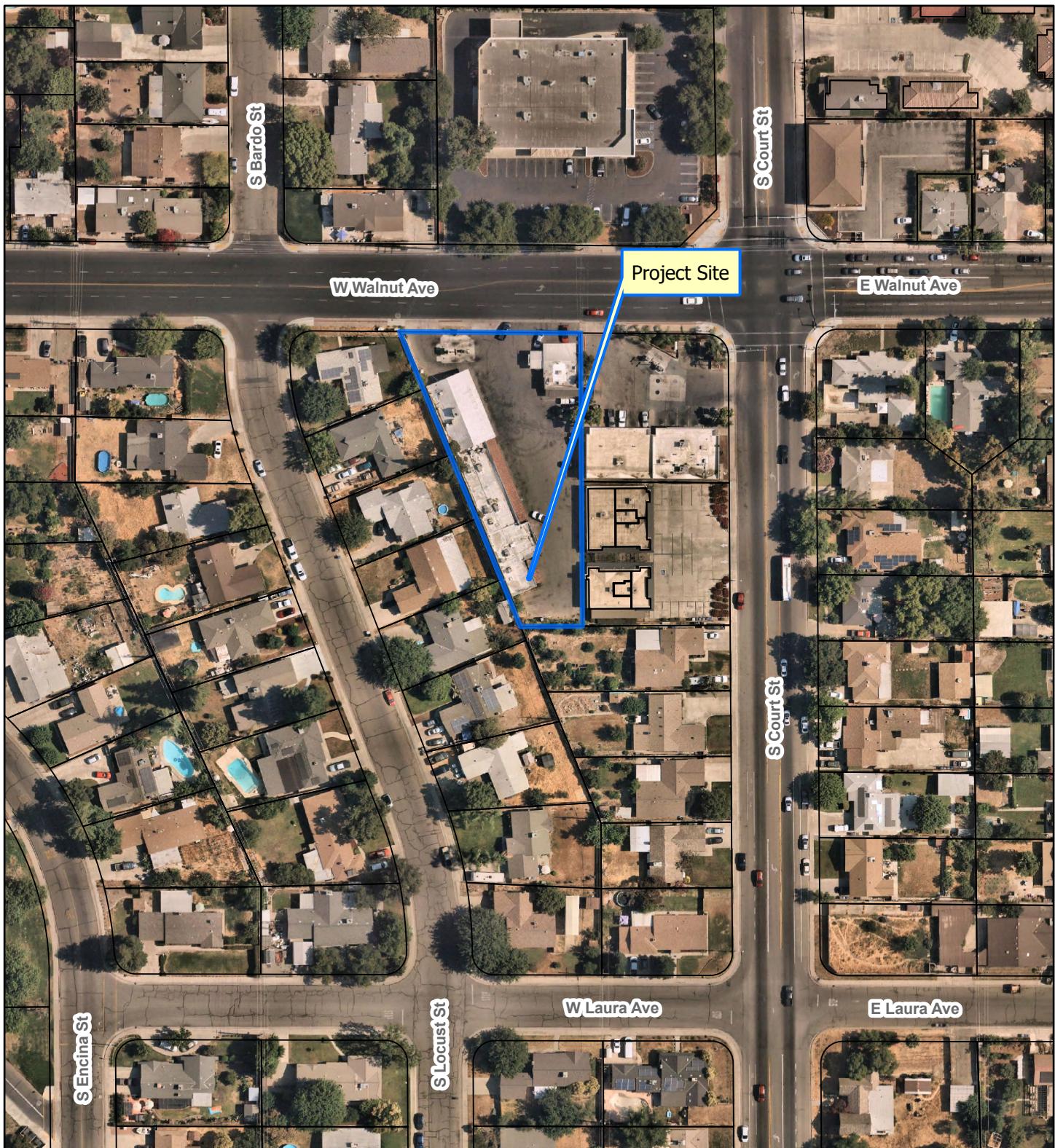
- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145.

17.38.130 Effective date of conditional use permit

A conditional use permit shall become effective immediately when granted or affirmed by the council, or ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.



0 0.01 0.03 0.05 Miles

Aerial Map



