

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Mary Beatie



VICE CHAIRPERSON:

Chris Tavarez

COMMISSIONERS: Bill Davis, Charlie Norman, Adam Peck, Chris Tavarez, Mary Beatie

MONDAY, OCTOBER 28, 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. ROLL CALL –
4. 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.
5. CHANGES OR COMMENTS TO THE AGENDA –
6. 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.
 - None
7. PUBLIC HEARING – Josh Dan, Senior Planner

Tentative Parcel Map No. 2024-06: A request by Gabriel Correa to subdivide a 0.56-acre parcel into three parcels in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) zone. The project site is located at 2641 South Burke Street (APN: 123-110-026).

Conditional Use Permit No. 2024-39: A request by Gabriel Correa to create one residential parcel without direct street access in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) zone. The project site is located at 2641 South Burke Street (APN: 123-110-026).

Environmental Assessment Status: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15315, Categorical Exemption No. 2024-29.

8. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Conditional Use Permit No. 2024-36: A request by Lynzie Asuncion to establish a physical therapy office in the C-R (Regional Commercial) Zone. The site is located 2405 West Caldwell Avenue, at the southwest corner of West Caldwell Avenue and South Shady Street (APN: 121-480-071).

Environmental Assessment Status: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301, Categorical Exemption No. 2024-54.

9. PUBLIC HEARING – Cristobal Carrillo, Associate Planner

Revocation of Conditional Use Permit No. 2022-18: A request by the City of Visalia, pursuant to Visalia Municipal Code Section 17.38.040, to revoke Conditional Use Permit No. 2022-18, which established a foot and body massage spa within the C-MU (Mixed Use Commercial) Zone, located at 3537 West Noble Avenue (APN: 095-010-068).

10. PUBLIC HEARING – Colleen Moreno, Assistant Planner

Revocation of Conditional Use Permit No. 2023-28: A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2023-28, which allows foot and body massage therapy use within an existing tenant space located at 2015 West Tulare Ave, in the C-MU (Commercial Mixed Use) zone (APN: 095-120-040).

11. CITY PLANNER UPDATE

12. ADJOURNMENT

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, NOVEMBER 7, 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 North Santa Fe Street, 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 TUESDAY, NOVEMBER 12, 2024



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 28, 2024

PROJECT PLANNER: Josh Dan, Senior Planner
Phone No. (559) 713-4003
E-Mail: josh.dan@visalia.city

SUBJECT: Tentative Parcel Map No. 2024-06: A request by Gabriel Correa to divide a 0.56-acre parcel into three parcels in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) Zone.

Conditional Use Permit No. 2024-39: A request by Gabriel Correa to create one residential parcel without direct street access in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) Zone.

Project Location: The project site is located at 2641 South Burke Street (APN: 123-110-026).

STAFF RECOMMENDATION

Staff recommends approval of Tentative Parcel Map No. 2024-06 based on the findings and conditions in Resolution No. 2024-67. Staff's recommendation is based on the conclusion that the parcel map is consistent with the Zoning Ordinance.

Staff recommends approval of Conditional Use Permit No. 2024-39 based on the findings and conditions in Resolution No. 2024-68. Staff's recommendation is based on the conclusion that the project is consistent with the Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2024-06, based on the findings and conditions in Resolution No. 2024-67.

I move to approve Conditional Use Permit No. 2024-39 based on the findings and conditions in Resolution No. 2024-68.

PROJECT DESCRIPTION

Tentative Parcel Map No. 2024-06 is a request to subdivide a 0.56-acre parcel into three parcels sized 13,340 square feet, 6,331 square feet, and 5,013 square feet respectively, (see Exhibit A). The site is currently developed with a single-family home and some outbuildings in the rear yard area. Parcels 1 through 3 will be created to the west of South Bruke Street. Only Parcels 1 and 3 abut the roadway with Parcel 2 "land-locked" and only accessible via an 18-foot wide access easement along the southern portion of proposed Parcel 3. Each of the proposed parcels comply



with the R-1-5 development standards. The parcels size range from 5,013 square feet to 13,340 square feet which complies with the minimum 5,000 square foot lot size requirement in the R-1-5 zone. In addition, per Exhibit A, each lot will comply with all setback requirements of the R-1-5 zone.

BACKGROUND INFORMATION

General Plan:	Residential Low Density
Zoning:	R-1-5 Single-family Residential
Surrounding Zoning and Land Use:	North: R-1-5 / Single-family residential South: R-1-5 / Single-family residential East: R-1-5 / Single-family residential / S. Burke Street West: R-1-5 / Single-family residential / Undeveloped lot
Environmental Review:	Categorical Exemption No. 2024-29
Site Plan:	Site Plan Review No. 2024-060

PROJECT EVALUATION

Consistency with General Plan, Zoning and Subdivision Ordinances

Staff supports the proposed tentative parcel map based on the project's consistency with the intent of the Land Use Element of the General Plan and the Zoning Ordinance.

Policy LU-P-45 of the Land Use Element encourages the City to promote development of vacant, underdeveloped, and/or re-developable land within the City limits where urban services are available and adopt a bonus/incentive program to promote and facilitate infill development in order to reduce the need for annexation and conversion of prime agricultural land, while achieving objectives of compact development as established in the General Plan. Staff supports the project because it meets the overall intent of this policy.

The division of the site provides the potential for two additional residences on the project site, doubling the density of the existing single parcel. Exhibit “A” outlines two new residential structures to be built on Parcels 2 and 3, after recordation of the final parcel map. The proposed division and lot configuration is also consistent with the existing development pattern of the surrounding neighborhood, consisting of large residential properties with substantial setbacks from the public right of way.

Access and Circulation

The site is located along South Burke Street South of East K Avenue. South Burke Street is classified as a local roadway in the City of Visalia Circulation Element. The roadway provides direct street access to proposed Parcels 1 and 3. According to the circulation element, local streets are intended to provide direct access to the parcel and represent the largest part of the city's circulation system.

Staff is recommending Condition No. 3 be adopted for the Tentative Parcel Map and Condition No. 2 be adopted for the Conditional Use Permit. These conditions require the recordation of an agreement addressing shared vehicular access, utilities, and any other pertinent infrastructure or services for Parcel 2 which can only be accessible from the public right of way via the existing

shared access driveway. This agreement shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures.

Subdivision Map Act Findings

California Government Code Section §66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven "negative" findings have come to light through a recent California Court of Appeal decision (*Spring Valley Association v. City of Victorville*) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff's analysis are below. Recommended findings in response to this Government Code section are included in the recommended findings for the approval of the tentative parcel map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed map has not been found to conflict with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map. There are no specific plans applicable to the proposed map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the map has not been found to conflict with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map.
(c) That the site is not physically suitable for the type of development.	The site is not physically unsuitable for the proposed map and its affiliated development plan, which as of now includes only one extra residential structure. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is not physically unsuitable for the proposed density of development in the Low-Density Residential land use designation and R-1-5 zone. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the map has not been found cause substantial environmental damage or avoidable injury of fish wildlife or their habitat. This finding is further supported by Categorical Exemption No. 2024-29 and included as recommended

	Finding No. 4 of the Tentative Parcel Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 5 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.	The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 6 of the Tentative Parcel Map.

Environmental Review

The project is considered to be categorically exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for the subdivision of certain properties in urban areas into four or fewer parcels (Categorical Exemption No. 2024-29).

RECOMMENDED FINDINGS

Tentative Parcel Map No. 2024-06

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. The site is suitable for the proposed map and its affiliated development plan.
3. The site is suitable for the proposed density of development in the Low-Density Residential land use designation and R-1-5 zone.
4. The proposed design and improvement of the map has not been found cause substantial environmental damage or avoidable injury of fish wildlife or their habitat per Categorical Exemption 2024-29.
5. The proposed design of the map has not been found to cause serious public health problems.
6. The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.

Conditional Use Permit No. 2024-39

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. 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.
4. 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.

5. That the proposed parcel sizes resulting from the planned development are consistent with the Zoning Ordinance's Planned Development standards based on the creation of a master development plan.
6. That the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-29)

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 2024-06

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2024-060.
2. That Tentative Parcel Map No. 2024-06 be prepared in substantial compliance with Exhibit "A".
3. That the shared access of the labeled reciprocal access and utility easement be recorded to provide access to proposed Parcel 2.
4. That the setbacks for the single-family residential lots shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) standards for the front, side, and rear yard setbacks.
5. That all other federal, state and city codes, ordinances and laws be met.

Conditional Use Permit No. 2024-39

1. That the site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review Nos. 2024-060.
2. That the shared access of the labeled reciprocal access and utility easement be recoded to provide access to proposed Parcel 2.
3. That Conditional Use Permit No. 2024-39 shall be null and void unless Tentative Parcel Map No. 2024-06 is approved.

APPEAL INFORMATION

According to the City of Visalia Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten calendar days following the date of a decision by the Planning Commission on a tentative subdivision map or tentative parcel map application. 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 and Policies
- Resolution No. 2024-67
- Resolution No. 2024-68
- Exhibit “A” –Tentative Parcel Map No. 2024-06
- Site Plan Review Comments No. 2024-060
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

Zoning: The following Zoning Ordinance policies apply to the proposed project:

Section 17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7270)

In the R-1 single-family residential zone, the minimum site area shall be as follows:

ZONE	Permitted or Conditional Use
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

ZONE	Interior Lot	Corner Lot
R-1-6	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7274)

RESOLUTION NO. 2024-67

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2024-06, A REQUEST BY GABRIEL CORREA TO DIVIDE A 0.56-ACRE PARCEL INTO THREE PARCELS IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT AREA) ZONE. THE PROJECT SITE IS LOCATED AT 2641 SOUTH BURKE STREET (APN: 123-110-026).

WHEREAS, Tentative Parcel Map No. 2024-06, is a request by Gabriel Correa to divide a 0.56-acre parcel into three parcels in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) Zone. The project site is located at 2641 South Burke Street. (APN: 123-110-026); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on October 28, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2024-06, as conditioned, in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2024-29).

NOW, THEREFORE, BE IT RESOLVED, that Categorical Exemption No. 2024-29 was prepared finding the project exempt under CEQA Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended.

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

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. The site is suitable for the proposed map and its affiliated development plan.
3. The site is suitable for the proposed density of development in the Low-Density Residential land use designation and R-1-5 zone.
4. The proposed design and improvement of the map has not been found cause substantial environmental damage or avoidable injury of fish wildlife or their habitat per Categorical Exemption 2024-29.
5. The proposed design of the map has not been found to cause serious public health problems.
6. The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.

BE IT FURTHER RESOLVED that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.12.010 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. 2024-060.
2. That Tentative Parcel Map No. 2024-06 be prepared in substantial compliance with Exhibit "A".
3. That the shared access of the labeled reciprocal access and utility easement be recorded to provide access to proposed Parcel 2.
4. That the setbacks for the single-family residential lots shall comply with the R-1-5 (Single-Family Residential 5,000 sq. ft. min. site area) standards for the front, side, and rear yard setbacks.
5. That all other federal, state and city codes, ordinances and laws be met.

RESOLUTION NO. 2024-68

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-39, A REQUEST BY GABRIEL CORREA TO CREATE ONE RESIDENTIAL PARCEL WITHOUT DIRECT STREET ACCESS IN THE R-1-5 (SINGLE-FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM LOT AREA) ZONE. THE PROJECT SITE IS LOCATED AT 2641 SOUTH BURKE STREET (APN: 123-110-026).

WHEREAS, Conditional Use Permit No. 2024-39, is a request by Gabriel Correa to create one residential parcel without direct street access in the R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot area) Zone. The project is located at 2641 South Burke Street (APN: 123-110-026); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on October 28, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2024-39, 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 15315.

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 within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
3. 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.
4. 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.
5. That the proposed parcel sizes resulting from the planned development are consistent with the Zoning Ordinance's Planned Development standards based on the creation of a master development plan.

6. That the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-29)

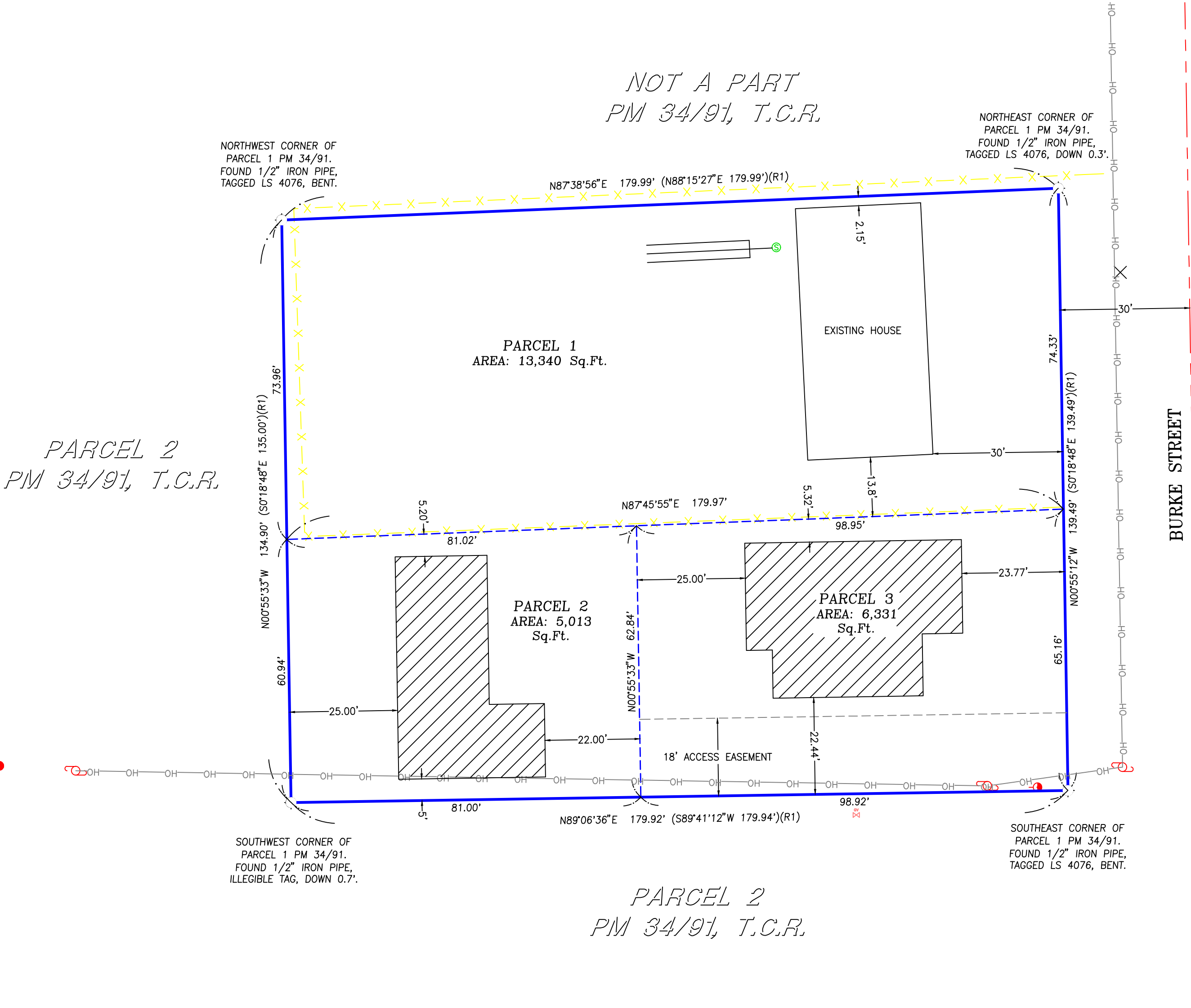
BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review Nos. 2024-060.
2. That the shared access of the labeled reciprocal access and utility easement be recoded to provide access to proposed Parcel 2.
3. That Conditional Use Permit No. 2024-39 shall be null and void unless Tentative Parcel Map No. 2024-06 is approved.

TENTATIVE PARCEL MAP

CITY OF VISALIA - COUNTY OF TULARE
STATE OF CALIFORNIA

A DIVISION OF PARCEL 1 OF PARCEL MAP No. 3389 RECORDED IN
BOOK 34 AT PAGE 91 OF PARCEL MAPS, TULARE COUNTY RECORDS.
BEING LOCATED IN THE SOUTH HALF OF THE NORTHEAST
QUARTER OF SECTION 5, TOWNSHIP 19 SOUTH, RANGE 25 EAST,
MOUNT DIABLO BASE AND MERIDIAN
(CONSISTING OF ONE SHEET)



BASIS OF BEARINGS:

THE NORTH LINE OF PARCEL 1 OF PARCEL MAP No. 3389 TAKEN TO BE N87°38'56"E AS
PER GNSS OBSERVATION.

LEGEND:

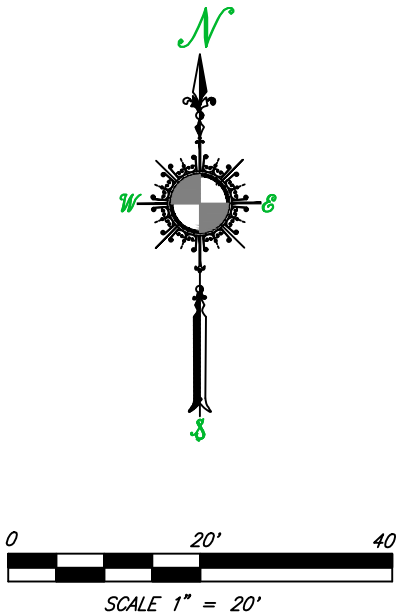
- SET 3/4" X 30" IRON PIPE TAGGED "L.S. 7773", DOWN 6" UNLESS OTHERWISE NOTED.
- MONUMENTS FOUND AND ACCEPTED UNLESS OTHERWISE NOTED.
- () RECORD DATA PER PARCEL MAP No. 3389 RECORDED IN BOOK 34 AT PAGE 91 OF PARCEL MAPS, TULARE COUNTY RECORDS.
- T.F. TIES ON FILE WITH THE TULARE COUNTY SURVEYOR.
- INDICATES SUBJECT PARCEL BOUNDARY.
- DISTANCES NOT MONUMENTED ARE CALCULATED.

PARCEL No.	1	2	3
PROPOSED USE:	SFR	SFR	SFR
PRESENT USE:	SFR	VACANT	VACANT
ZONING:	R-1-5	R-1-5	R-1-5
WATER:	CITY	PROPOSED CITY	PROPOSED CITY
SEWER:	SEPTIC	PROPOSED CITY	PROPOSED CITY

FEMA FLOOD ZONE: SHADED ZONE X PER FIRM 06107C0945E WITH AN
EFFECTIVE DATE OF 6/16/2009.

ADDITIONAL NOTES:

PROPOSED METHOD OF SOLID WASTE WITH BE THE CITY OF VISALIA.
THERE ARE NO PROPOSED PUBLIC BUS STOPS OR TURNOUTS.



LAND

M & L

SURVEYING

M & L

LAND SURVEYING

3949 N. CONDOR CT.

SANGER, CA 93657

Tel. (559) 531-9673

Email: MLWEYANT@ICLOUD.COM

DATE OF SURVEY	03/11/2024
JOB No.	24818 BUENO PM
DRAWN BY	M.R. WEYANT
DRAWING NAME	2418 BUENO PM
REVISION DATE	



June 4, 2024

Site Plan Review No. 2024-060:

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 **April 03, 2024**. 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 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE April 3, 2024
SITE PLAN NO. 2024-060
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

<input type="checkbox"/> Planning	<input type="checkbox"/> Engineering prior to resubmittal plans for Site Plan Review.
<input type="checkbox"/> Solid Waste	<input type="checkbox"/> Parks and Recreation
	<input type="checkbox"/> 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 7:30 a.m. and 5:00 p.m., Monday through Thursday, **offices closed on Fridays.**

☒ 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"/> Tentative Parcel Map (TPM)	
<input type="checkbox"/> HISTORIC PRESERVATION	<input type="checkbox"/> OTHER:

☐ **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

Colleen A Moreno, Planning Division (559) 713-4031

Date: April 3, 2024

SITE PLAN NO: 2024-060
PROJECT TITLE: 2641 S Burke St.
DESCRIPTION: Lot Split located at 2641 S. Burke St
APPLICANT: Gabriel Correa
LOCATION: 2641 S Burke St
APN TITLE 123-110-026
GENERAL PLAN: Low Density Residential
ZONING: R-1-5 (Single Family Residential, 5,000 sq. ft. Minimum Site Area)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Tentative Parcel Map (TPM)

PROJECT SPECIFIC INFORMATION: April 3, 2023

1. The applicant will need to follow all the development standards listed in VMC 17.12 Single-Family Residential Zone.
2. The applicant shall submit a Tentative Parcel Map application.
3. An operational statement shall be provided with information on the type of development proposed on site with the submittal.
4. A development plan shall be submitted indicating all required setbacks and drive approach. Only one drive approach is permitted, parcel 3 and 1 shall share one drive approach.
5. Frontage improvements required on parcels 1 and 3.
6. The applicant shall reach out to Southern California Edison regarding overhead power lines and possible undergrounding.
7. The applicant shall record a Final Map once Site Plan Review processes are completed.
8. Comply with all other required comments, codes, laws, and ordinances.

Note:

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.

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

- 17.12 Single-Family Residential Zone

Accessible at <https://codelibrary.amlegal.com/codes/visalia/latest/overview>

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: _____



**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 2 DATE: APRIL 3RD, 2024

SITE PLAN NO.:	24-060
PROJECT TITLE:	LOT SPLIT
DESCRIPTION:	LOT SPLIT LOCATED AT 2641 S. BURKE ST.
APPLICANT:	GABRIEL CORREA
PROP. OWNER:	MIKE DELACUEVA
LOCATION:	2641 S BURKE ST
APN:	123-110-026

SITE PLAN REVIEW COMMENTS

- ☒ REQUIREMENTS (Indicated by checked boxes)
- ☐ Submit improvements plans detailing all proposed work; ☐ Subdivision Agreement will detail fees & bonding requirements
- ☐ Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- ☐ The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- ☐ A preconstruction conference is required prior to the start of any construction.
- ☐ Right-of-way dedication required. A title report is required for verification of ownership. ☐ by map ☐ by deed
- ☒ City Encroachment Permit Required which shall include an approved traffic control plan.
- ☐ CalTrans Encroachment Permit Required. ☐ CalTrans comments required prior to tentative parcel map approval. CalTrans 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.
- ☐ Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- ☐ Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- ☐ Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- ☐ Final Map & Improvements shall conform to the City's Waterways Policy. ☐ Access required on ditch bank, 12' minimum. ☐ Provide wide riparian dedication from top of bank.
- ☒ Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system. **INSTALL NEW SS LATERAL TO SERVICE NEW PARCEL AT TIME OF PARCEL DEVELOPMENT**
- ☒ 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. **AT TIME OF PARCEL DEVELOPMENT**

- ☐ 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 (559)713-4428 for a Valley Oak tree evaluation or permit to remove. ☐ Valley Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. ☐ A pre-construction conference is required.
- ☒ Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- ☒ 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. **UTILITY EASEMENT MAY BE REQUIRED. PROVIDE LETTER FROM UTILITY COMPANY**
- ☐ Provide "R" value tests: each at
- ☐ Traffic indexes per city standards:
- ☒ 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. **S. BURKE ST. BUILD-OUT AT TIME OF PARCEL DEVELOPMENT**
- ☒ All lots shall have separate drive approaches constructed to City Standards.
- ☐ Install street striping as required by the City Engineer.
- ☒ Install sidewalk: 5' ft. wide, with 5' ft. wide parkway on **FOR S. BURKE STREET FRONTAGE.**
- ☐ Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
- ☐ Subject to existing Reimbursement Agreement to reimburse prior developer:
- ☒ Abandon existing wells per City of Visalia Code. A building permit is required.
- ☒ Remove existing irrigation lines & dispose off-site. ☒ Remove existing leach fields and septic tanks.
- ☒ 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. **Coordinate with city staff for City parcel map requirements and processing fees.**
2. **Provide access and easements over and across parcels as necessary for utilities.**
3. **There is adequate right of way on Burke St. No additional dedication is required.**
4. **There appear to be SCE poles along the south property line boundary. Coordinate with the utility company if existing poles need to be relocated or underground. Provide the appropriate rights with TPM.**
5. **Proposed access easement needs to be shifted to the north to allow for an 18" minimum residential drive approach and a 4' minimum separation from the adjacent property line to comply with City Std. C-32.**
6. **Frontage improvements are required along all parcel frontages with the development of either parcel 2 or parcel 3. Frontage improvements along Burke St. shall include, but may not be limited to, pavement, curb, gutter, 5' sidewalk, 5' parkway landscaping with street tree, drive approach, sewer lateral, street light, and utility relocation/undergrounding. Public improvements deferment to be noted on the parcel map.**

- 7. At time of development, install a new sewer lateral to service new parcels.*
- 8. When the existing septic system fails for existing SF residence, parcel 1 will be required to connect to existing city sewer lateral that was installed with Capital Improvement Project to serve the parcel.*
- 9. Any backflow or fire devices required shall be installed on private property and not in the public right-of-ways. Coordinate with CalWater for any additional easements that may be needed to service these parcels.*
- 10. Proposed TPM will incur development impact fees for parcel 1/existing SFD. Impact fees for undeveloped parcels will be deferred at this time until the development of each parcel.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **24-060**

Date: **04/03/2024**

Summary of applicable Development Impact Fees to be collected at the time of final/parcel map recordation:

(Preliminary estimate only! Final fees will be based on approved subdivision map & improvements plans and the fee schedule in effect at the time of recordation.)

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

(Project type for fee rates: **(TPM)**)

☐ Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	EXISTING SFD: \$960/UNIT X 1 UNIT TREATMENT: \$953/UNIT X 1 UNIT *VACANT LOTS, FEES DEFERRED UNTIL TIME OF DEVELOPMENT*
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$52/LF X 75LF (EXISTING SFD)
<input checked="" type="checkbox"/> Storm Drainage Acquisition Fee	NO STORM FEES CHARGED TO EXISTING SFD. GROUNDWATER OVERDRAFT FOR EXISTING SFD: \$1,568/AC X 0.36AC
<input checked="" type="checkbox"/> Park Acquisition Fee	NO FEE CHARGE TO EXISTING SFD.
<input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$3,112/AC X 0.36AC

Additional Development Impact Fees will be collected at the time of issuance of building permits.

City 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 planned 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

Edelma Gonzalez

City of Visalia
Building: Site Plan
Review Comments

SPR 24060
2641 S BURKE ST.
LOT SPLIT

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 _____ * ☐ 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: _____

VAL CARCIA 4/2/24
Signature

**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 April 2, 2024
Item # 2
Site Plan # 24060
APN: 123110026

- 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.
- Fire protection items are not required to be installed for **parcel map or lot line adjustment** at this time; however, any developments taking place on these parcels will be subject to fire & life safety requirements including fire protection systems and fire hydrants in accordance with all applicable sections of the California Fire Code.
- 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. The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. VMC 16.36.120(5); 2022 CFC §507, App B and C
- 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

Corbin Reed
Fire Marshal



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

Date: 04/02/24
Item: 2
Site Plan: SPR24060
Name: Austin Huerta

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 of 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:
- ☐ Traffic Concerns:
- ☐ Surveillance Issues:
- ☐ Line of Sight Issues:
- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 3, 2024

ITEM NO: 2 **Added to Agenda** **MEETING TIME: 09:15**
SITE PLAN NO: [SPR24060](#) **ASSIGNED TO:** Colleen Moreno Colleen.Moreno@visalia.ci
PROJECT TITLE: 2641 S Burke St
DESCRIPTION: Lot split located at 2641 S. Burke Visalia, Ca 93292
APPLICANT: Gabriel Correa - Applicant
APN: 123-110-026

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:

- Drive approach required to be a minimum of 4-ft away from property line. Driveway access easement needs to be relocated.
- Drive approach cannot be more than 50% of property frontage. Only one joint driveway permitted for parcels 2 & 3.

Leslie Blair

Leslie Blair

Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Tuesday, April 2, 2024 11:25 AM
To: Susan Currier
Cc: Duran, Braden@DOT
Subject: Caltrans response to Visalia SPR Agenda 040324

Hi Susan,

I hope this email finds you well.

I have reviewed the Visalia SPR Agenda for April 3, 2024, and here are my findings:

1. SPR 24059 – Orchard Walk West Retail Building #3: **Routed for review.**
2. **SPR 24060** – Lot Split: No comments.
3. SPR 24061 – Spectrum Pride: No comments.
4. SPR 24062 – Remodel Sequoia Mall: No comments.
5. SPR 24063 – Visalia Christian Reformed Church: No comments.
6. SPR 24064 – Qargo Coffee: No comments.

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](#)



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

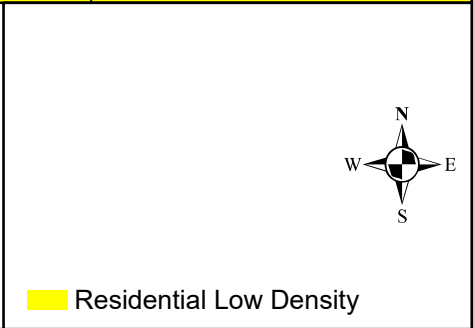
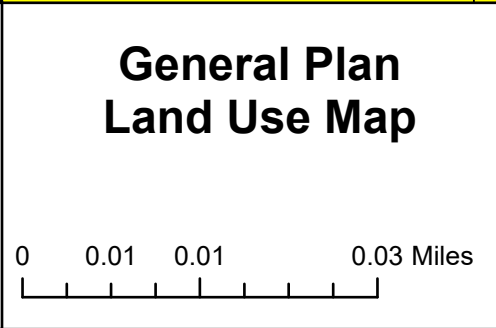
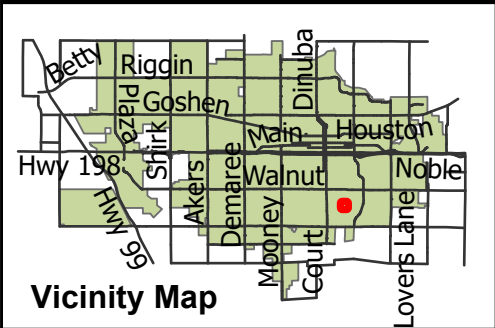
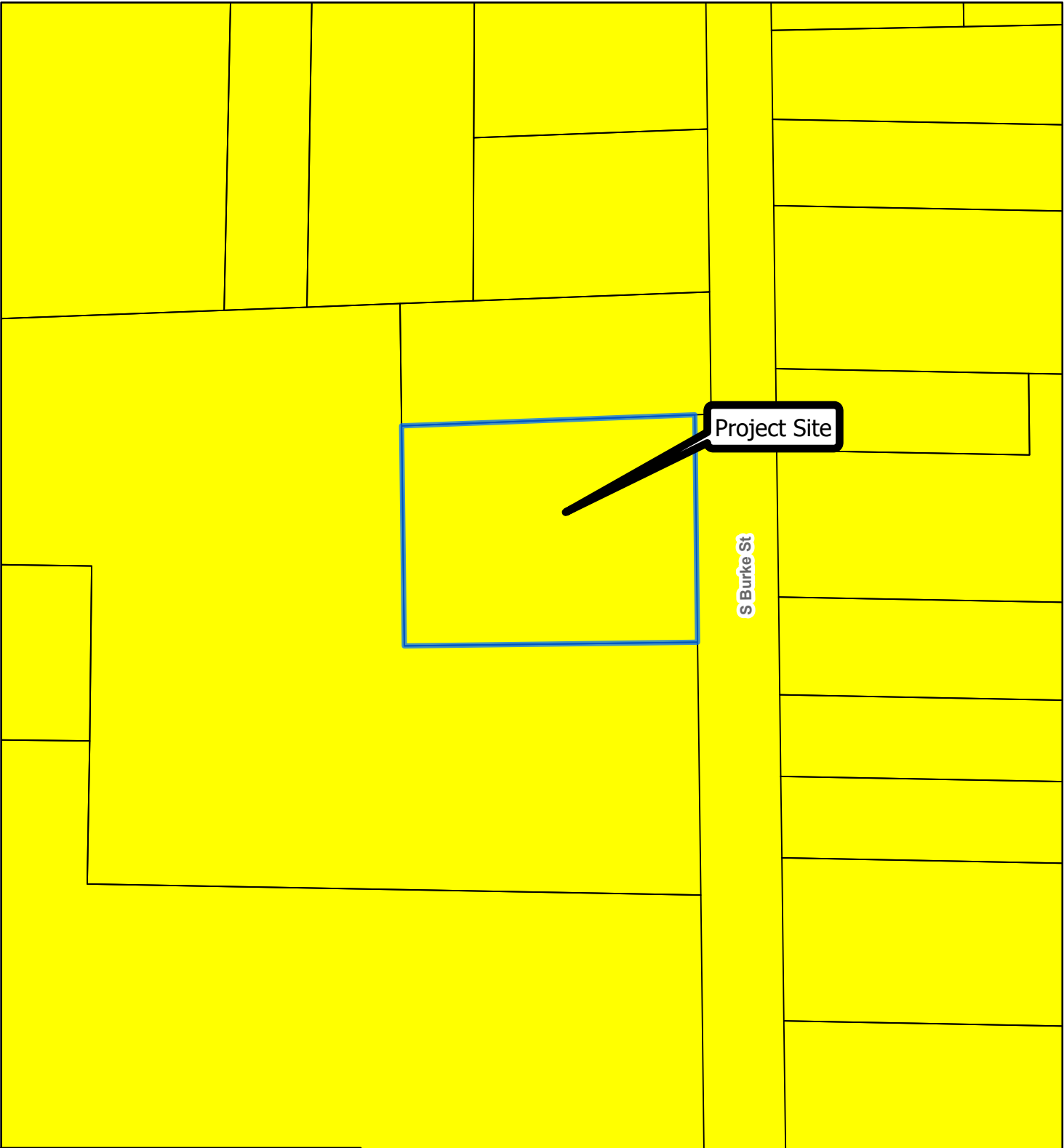
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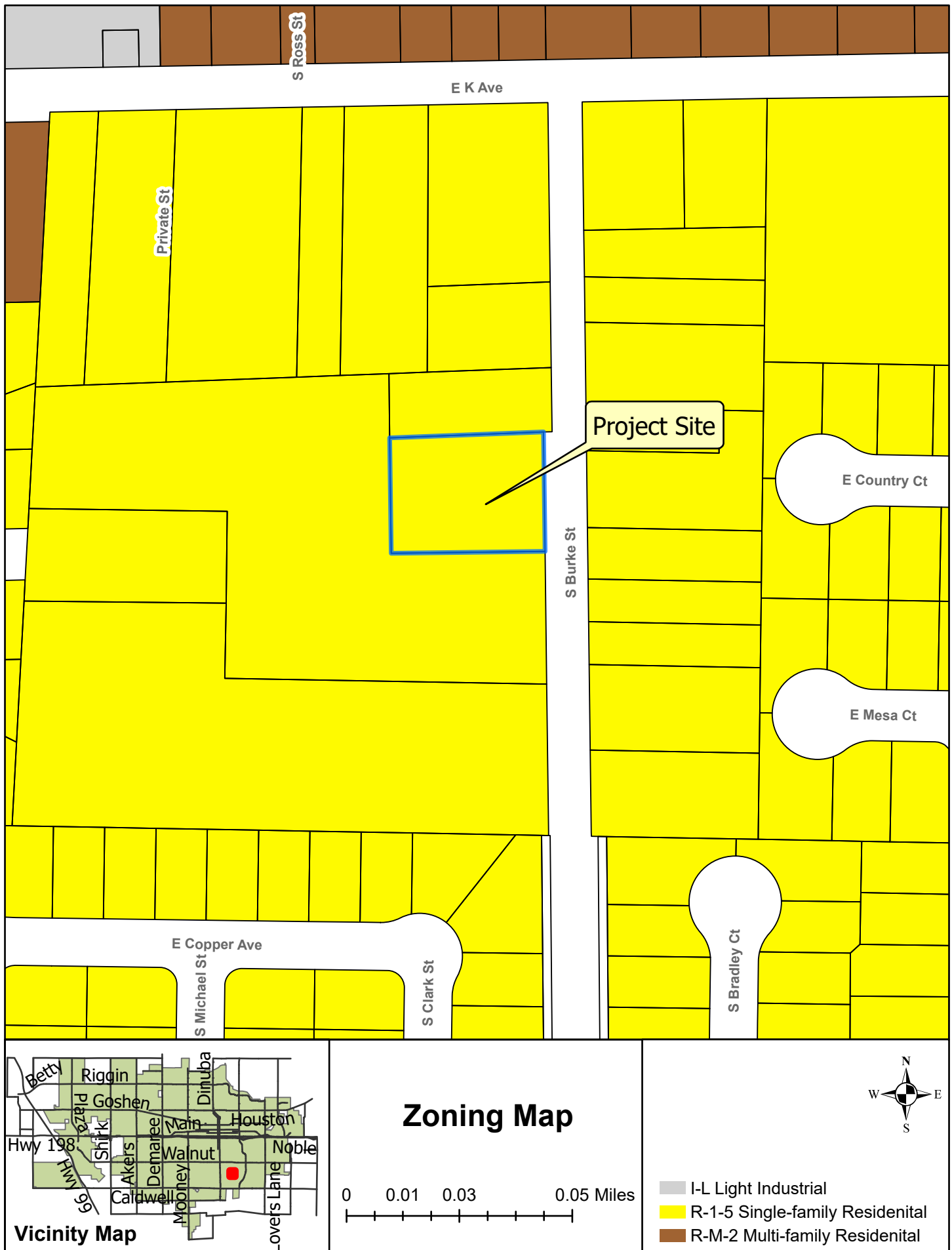
April 3, 2024

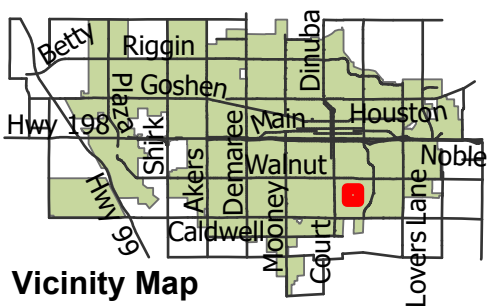
<input type="checkbox"/>	No comments.
<input checked="" type="checkbox"/>	See comments below
<input type="checkbox"/>	Revisions required prior to submitting final plans. See comments below.
<input type="checkbox"/>	Resubmittal required. See comments below.
<input checked="" type="checkbox"/>	Customer responsible for all cardboard and other bulky recyclables to be broken down before disposing of in recycle containers
<input type="checkbox"/>	ALL refuse enclosures must be city standard R-1 OR R-2 & R-3 OR R-4
<input type="checkbox"/>	Customer must provide combination or keys for access to locked gates/bins
<input type="checkbox"/>	Type of refuse service not indicated.
<input type="checkbox"/>	Location of bin enclosure not acceptable. See comments below.
<input type="checkbox"/>	Bin enclosure insufficient to comply with state recycling mandates. See comments for suggestions.
<input type="checkbox"/>	Inadequate number of bins to provide sufficient service. See comments below.
<input type="checkbox"/>	Drive approach too narrow for refuse trucks access. See comments below.
<input type="checkbox"/>	Area not adequate for allowing refuse truck turning radius of : Commercial 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
<input checked="" type="checkbox"/>	Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
<input type="checkbox"/>	Bin enclosure gates are required
<input type="checkbox"/>	Hammerhead turnaround must be built per city standards.
<input type="checkbox"/>	Cul - de - sac must be built per city standards.
<input checked="" type="checkbox"/>	Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
<input type="checkbox"/>	Area in front of refuse enclosure must be marked off indicating no parking
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	Customer will be required to roll container out to curb for service.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	Solid Waste has no comments regarding the proposed parcel split, however the customer is to be aware that parcel 2 and 3 will be required to roll cans out to N. Burke St. for their scheduled collections.
Comment	

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



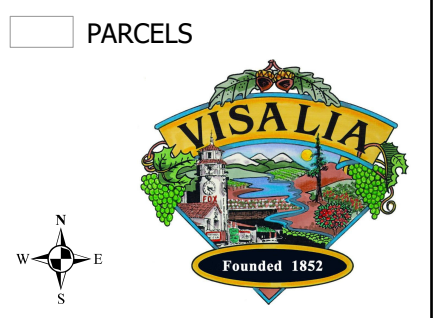
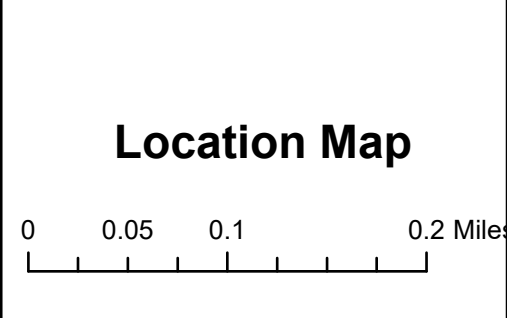
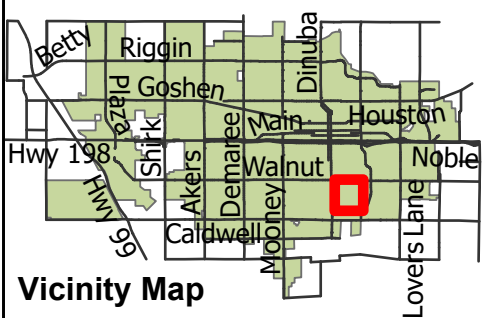
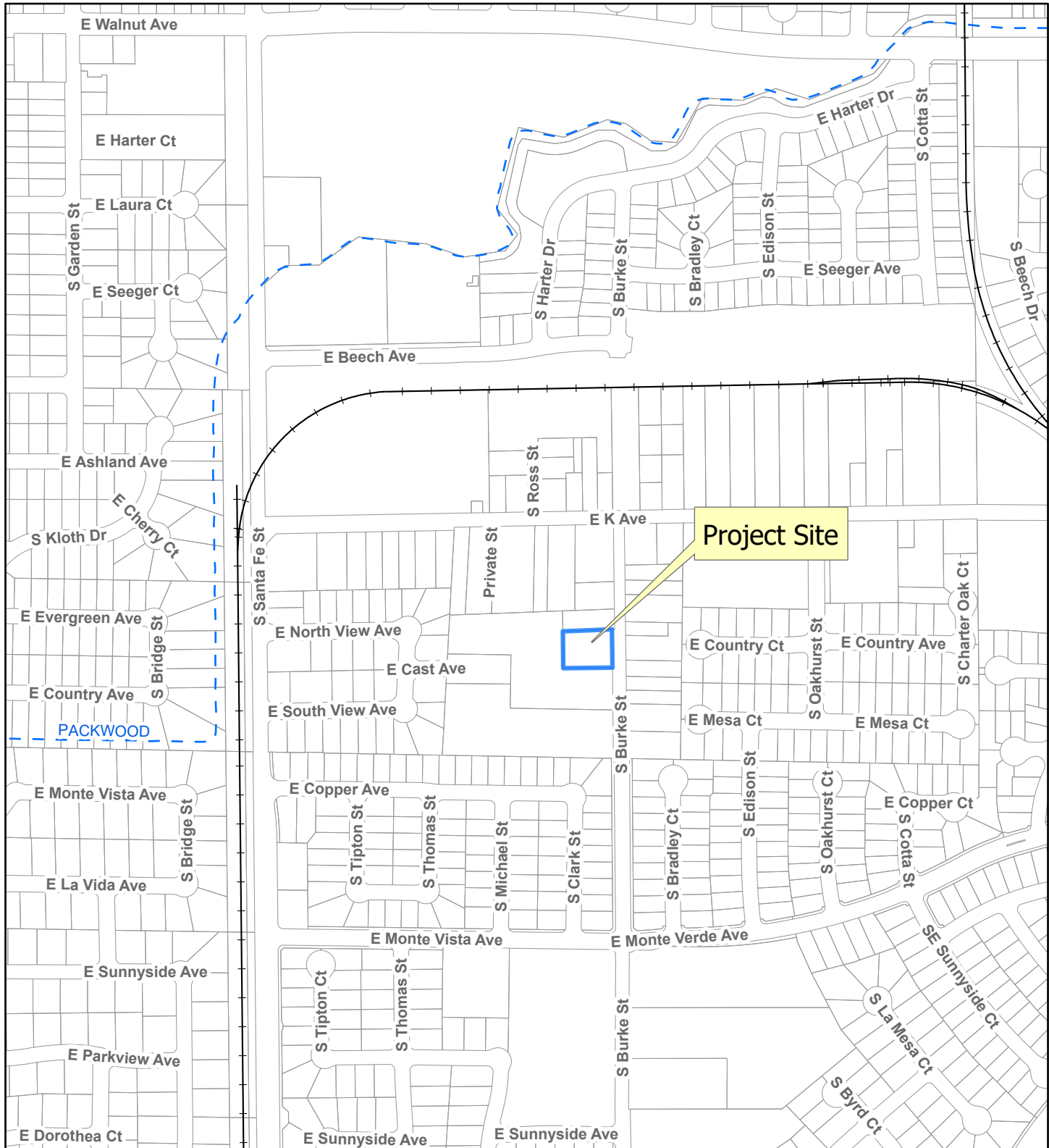




Aerial Map

0 0.02 0.04 0.09 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 28, 2024

PROJECT PLANNER: Cristobal Carrillo, Planner
Phone No.: (559) 713-4443
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2024-36: A request by Lynzie Asuncion to establish a physical therapy office in the C-R (Regional Commercial) Zone. The site is located 2405 West Caldwell Avenue, at the southwest corner of West Caldwell Avenue and South Shady Street (APN: 121-480-071).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2024-36 based on the findings and conditions in Resolution No. 2024-62. Staff's recommendation is based on the on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2024-36 based on the findings and conditions in Resolution No. 2024-62.

PROJECT DESCRIPTION

Conditional Use Permit No. 2024-36 is a request to establish a physical therapy office specializing in the care of children between the ages of 0 to 18. The use will occupy an 820 square foot space within an existing two-unit commercial building which also contains a restaurant. The Floor Plan in Exhibit "A" shows that the unit will contain a waiting room, a "sensory gym" and treatment area, a private treatment room, and space for administrative work.

Per the Operational Statement in Exhibit "A", the use will provide physical therapy services, supplemented with incidental wellness services such as support groups, parenting/professional classes, and hosting small children's playdates by reservation. The use will include between three to six employees, operating Tuesday through Saturday, as follows:

- Sunday/Monday – Closed
- Tuesday through Friday – 8:30 a.m. to 5:00 p.m.
- Saturday – 8:30 a.m. to 12:00 p.m.

Building Elevations are provided in Exhibit "B", indicating that no physical changes will occur to the existing structure. Per the Site Plan in Exhibit "A", parking will be provided via onsite parking and shared use of an existing parking field to the west.

BACKGROUND INFORMATION

General Plan Land Use Designation: Commercial Regional

Zoning: C-R (Regional Commercial) Zone

Surrounding Zoning and Land Use: North: C-R / Sequoia Mall, mixed commercial uses.
South: R-M-2 (Multifamily Residential, 3,000 square foot minimum site area per dwelling), R-1-5 (Single Family Residential, 5,000 square foot

minimum site area) / Single and multifamily residences.
 East: O-PA (Professional Administrative Office), R-M-3 (Multifamily Residential, 1,200 square foot minimum site area per dwelling), C-R, / Multifamily residences, Gateway Plaza shopping center, mixed commercial uses.
 West: C-R, R-1-5, O-PA / Mixed commercial uses, medical office, single-family residences.

Environmental Document
 Special Districts
 Site Plan Review

Categorical Exemption No. 2024-54
 None.
 2024-178

RELATED PROJECTS

Not applicable.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2024-36, as conditioned, based on the project's consistency with the General Plan Land Use and the Zoning Ordinance.

Land Use Compatibility

The Visalia Zoning Matrix identifies medical uses such as physical therapists as conditionally permitted within the C-R Zone, requiring submittal and approval of a Conditional Use Permit (CUP). Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses.

A mixture of retail, service, office, and residential uses are currently located within the vicinity of the project site. The proposed use is not expected to produce noise or lighting impacts that would negatively affect adjacent areas. Parking needs for the use will be largely satisfied by onsite parking and shared use of an off-site parking field to the west. As such, staff concludes that the proposed use will be compatible with the project site and surrounding area.

Parking

Per aerial photographs the site contains five parking stalls, to be shared between the proposed use and an existing restaurant. The parking requirement for a physical therapy/medical use is one stall per 200 square feet of building area, or four parking spaces for each physician, whichever is greater (VMC Sec. 17.34.020.B.1). The Development Plan in Exhibit "A" notes that the unit will be approximately 820 square feet in size, with at most a lead pediatric physical therapist and one licensed physical therapist (i.e. two physicians), requiring a total of 8 parking stalls.

Although onsite parking is not sufficient to support the restaurant and proposed physical therapist use, pursuant to Assembly Bill 2097, which went into effect January 1, 2023, public agencies are prohibited from imposing minimum parking requirements on sites that are located within a half-mile radius of a major transit stop. *(Please note a major transit stop is defined as major transit stop" to include an existing or planned (1) rail or bus rapid transit station, (2) ferry terminal served by bus or rail transit, or (3) intersection of two or more major bus routes with service every 15 minutes or less during peak commute periods.)*. Visalia Transit operates bus service along Route 1 with bus stops located on Main Street and Mooney Boulevard. Route 1 meets the definition of a "major transit stop" and the project site is within a half mile of multiple Route 1 bus stops.

Therefore, the site meets parking provisions per AB 2097. Should the applicant wish to add additional employees or serve additional clients in the future, no additional onsite parking shall be required.

Please note, per property owner Hang Yan Fou, who owns the project site and the parcel immediately to the west (2417 West Caldwell Avenue), the applicant will be able to conduct shared use of a 26-stall parking field located on the adjacent property. This will assist in providing additional parking for future clients of the physical therapy use.

Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-54). Projects determined to meet this classification consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the Class 1 are not intended to be all-inclusive of the types of projects.

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 project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-54).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-178, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the development plan and building elevations in Exhibits "A" and "B".
3. That substantial changes to the site plan and/or operational plan, or an intensification of the use, may require evaluation by the Site Plan Review committee and/or an amendment to this Conditional Use Permit.
4. That all building signage shall require a separate building permit.
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 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:

- Related Plans and Policies
- Resolution No. 2024-62
- Exhibit "A" – Development Plan
- Exhibit "B" – Building Elevations
- Categorical Exemption No. 2024-54
- Site Plan Review No. 2024-178 Comments
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

VISALIA MUNICIPAL CODE

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.

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 that 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 that 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 that 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 that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

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.

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.

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)

RESOLUTION NO. 2024-62

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2024-36, A REQUEST BY LYNZIE ASUNCION TO ESTABLISH A PHYSICAL THERAPY OFFICE IN THE C-R (REGIONAL COMMERCIAL) ZONE. THE SITE IS LOCATED 2405 WEST CALDWELL AVENUE, AT THE SOUTHWEST CORNER OF WEST CALDWELL AVENUE AND SOUTH SHADY STREET (APN: 121-480-071).

WHEREAS, Conditional Use Permit No. 2024-36 is a request by Lynzie Asuncion to establish a physical therapy office in the C-R (Regional Commercial) Zone. The site is located 2405 West Caldwell Avenue, at the southwest corner of West Caldwell Avenue and South Shady Street (APN: 121-480-071); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on October 28, 2024; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Section 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.

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:
 - 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 the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2024-54).

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 shall be developed consistent with the comments and conditions of Site Plan Review No. 2024-178, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the development plan and building elevations in Exhibits "A" and "B".
3. That substantial changes to the site plan and/or operational plan, or an intensification of the use, may require evaluation by the Site Plan Review committee and/or an amendment to this Conditional Use Permit.
4. That all building signage shall require a separate building permit.
5. That all applicable federal, state and city laws, codes and ordinances be met.

OPERATIONAL STATEMENT

Business Description

More About You Physical Therapy & Wellness will operate from a private suite within a commercial leased property, serving as both an outpatient clinic location and administrative center. Children ages 0-18 yrs both developmentally and chronologically are the target population of this pediatric physical therapy clinic and sensory gym. This setup allows us to offer a comfortable, private environment for clinic-based treatments while facilitating the coordination of in-home therapy sessions throughout Visalia and surrounding areas. Wellness services include but are not limited to hosting mom's support group, parent and baby classes, playdates, home exercise programs, parent's workshops and professional/practitioner workshops.

Services Offered

In-Home Pediatric Physical Therapy:

- Customized treatment plans delivered in the comfort of the patient's home
- Assessment of home environments to optimize therapeutic outcomes
- Flexible scheduling to accommodate families' needs

Clinic-Based Treatments:

- Private suite equipped for pediatric physical therapy sessions and consultations
- Sensory gym designed clinic to provide play-based sense during sessions as appropriate
- Child-friendly environment designed to promote comfort and engagement
- Accessible location with ample parking for families

1.Initial Physical Therapy Evaluation

- This is an in person comprehensive assessment conducted by a licensed pediatric physical therapist to gather information about a child's motor development, movement patterns, and overall physical function. This consists of a combination of history taking, observation, physical assessment and standardized testings.The evaluation is the first step in designing an individualized treatment plan to address any developmental delays, impairments, or functional limitations that a child may be experiencing.

2. Physical Therapy Treatment Session

- Physical Therapist provides manual therapy techniques, therapeutic exercises, neuro-re education etc. to address problems related to posture, balance, movement and coordination. Home Exercise Programs are also an integral part of these sessions as the parent learns how to implement the exercises on non-therapy days.

Intensive Therapy Programs:

- Comprehensive treatment plans structured over condensed timeframes
- Goal-oriented sessions focusing on functional improvements
- Regular progress assessments and adjustments to ensure effectiveness

Home Exercise Programs:

- Guidance on therapeutic exercises and techniques for home reinforcement
- Education on developmental milestones and strategies for supporting progress
- Ongoing communication to empower families in their child's therapy journey
- Continuity of care through access to sensory gym on non treatment days providing indirect supervision.

Wellness Services

1. Mom's support group (Max of 6-8 participants)
 - Typically once a month gathering of moms discussing parenting journeys and concerns. Professionals working closely with moms, parents, and newborns are invited to share knowledge and expertise on a chosen topic.
2. Parent and baby classes
 - Specifically designed activities to support health and wellness of parent and child. Both parent and child are present during the class. Real time feedback on handling and proper technique is expected. Examples are baby massage class, tummy time class, mommy and me class. One to two classes will be offered per month.
3. Playdates
 - Small group (3-5) of parents and babies can reserve a class.
 - This will be offered 1-2 times per month.
4. Parent's workshops
 - This is a group activity where a specific topic is discussed and taught to reinforce a parent's knowledge base encouraging consistent application at home. Examples are stretching techniques, tone management techniques, and positioning techniques etc.
 - This will be offered quarterly.
5. Professional/practitioner workshops. (Max of 6-8 participants)
 - The clinic may host continuing education courses or classes that will help enhance a professional/clinician's skill.
 - This can be expected 1-2 times per year.

Planned Operational Hours: (may vary in the next 6-12 months as client demand changes)

- Sunday and Monday- closed
- Tuesday, Wednesday, Friday - 8:30-5:00 (patient care/physical therapy)
- Thursday- 9:00-12:00 (wellness programs)
- Thursday- 1:00-5:00 (patient care/physical therapy)
- Saturday- 8:30-12:00 noon (patient care/physical therapy)

In 3 months, all visits will be converted to:

*Clinic based sessions will be ~90% of the caseload.

*In-home service will be ~10% of the caseload.(Special cases only: if home visits is best for the patient)

Staffing:

Current: (First 3-6 months of clinic operation)

- Founder as lead pediatric physical therapist with specialized training and experience
- Hiring of (1) rehab aide to assist before, during and after treatment/gym sessions
- Hiring of (1) client relations/administrative support for scheduling, billing, and client communications (Virtual OR In-person)

Projected: (1-3 years of operation)

- Founder as lead pediatric physical therapist with specialized training and experience
- Hiring of (1) licensed physical therapist, (1-2) physical therapist assistants
- Hiring of (1) rehab aide to assist before, during and after treatment/gym sessions
- Hiring of (1) client relations/administrative support for scheduling, billing, and client communications (Virtual AND In person)

Technology and Equipment:

- Electronic medical records (EMR) system for secure documentation and communication. Online booking is available.
- Portable therapy equipment for in-home sessions, ensuring flexibility and quality care delivery
- Sensory gym installment establishing a play-based environment to deliver service as part of holistic approach specific to child's needs.
- An app for reimbursement (Reimbursify) is an available option to claim out of network therapy service.

Regulatory Compliance:

- Adherence to state licensing requirements and professional standards
 - Licensed Physical Therapist, Physical Therapy Assistants
 - BLS trained staff
- Insurance credentialing with select agencies for seamless billing and reimbursement processes
- Primarily private pay
 - **Superbill** - a detailed list of service codes and corresponding charges will be provided upon request. Patients can be reimbursed for out of network service upon submission to their insurance company.
 - In compliance with the No Surprise Act, a **good faith estimate** (GFE) will be provided typically during the initial evaluation visit or prior to commencing services.

OWNER/APPLICANT:

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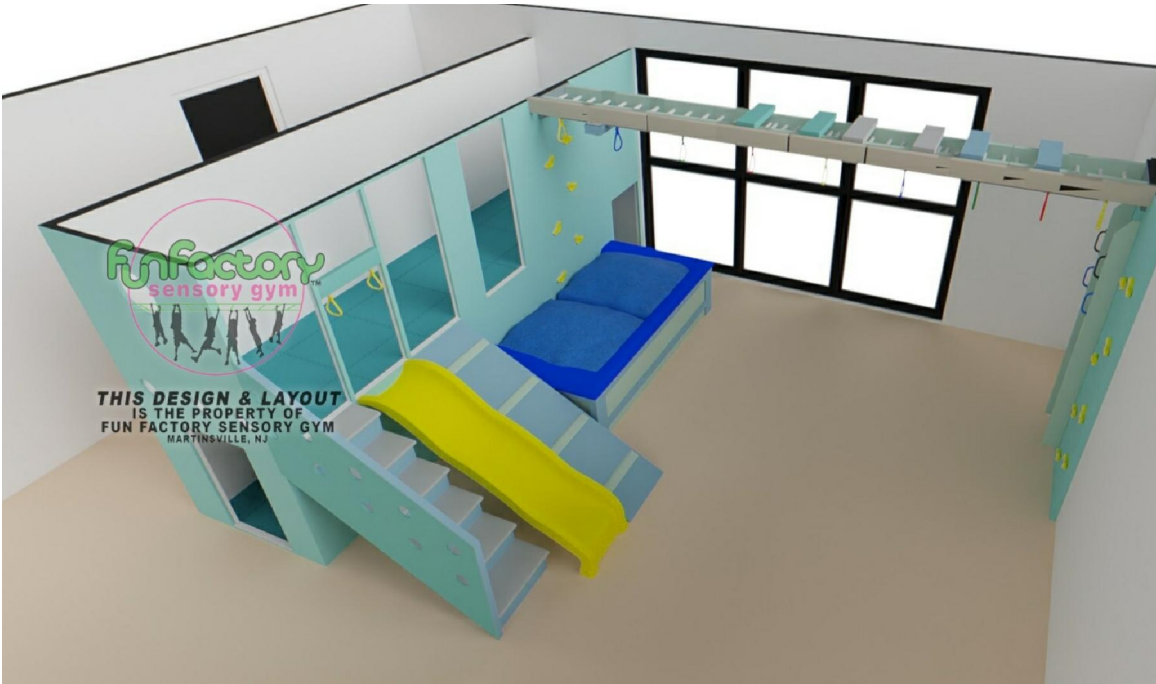
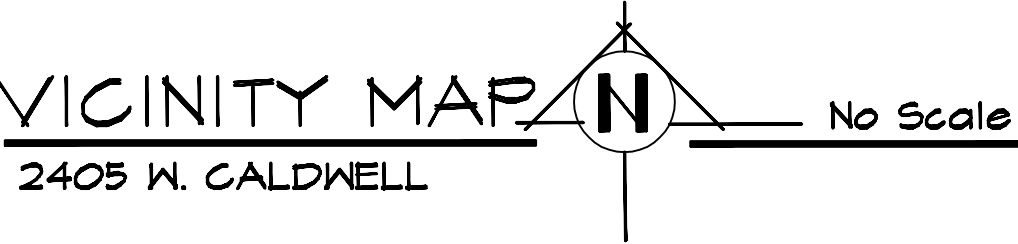
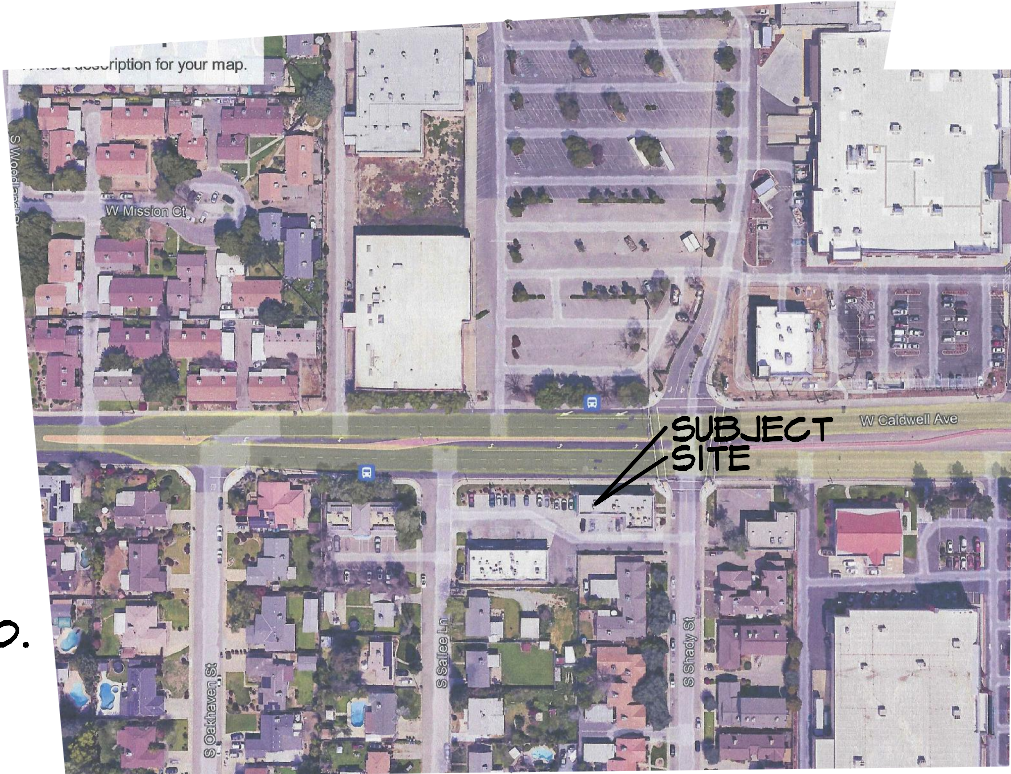
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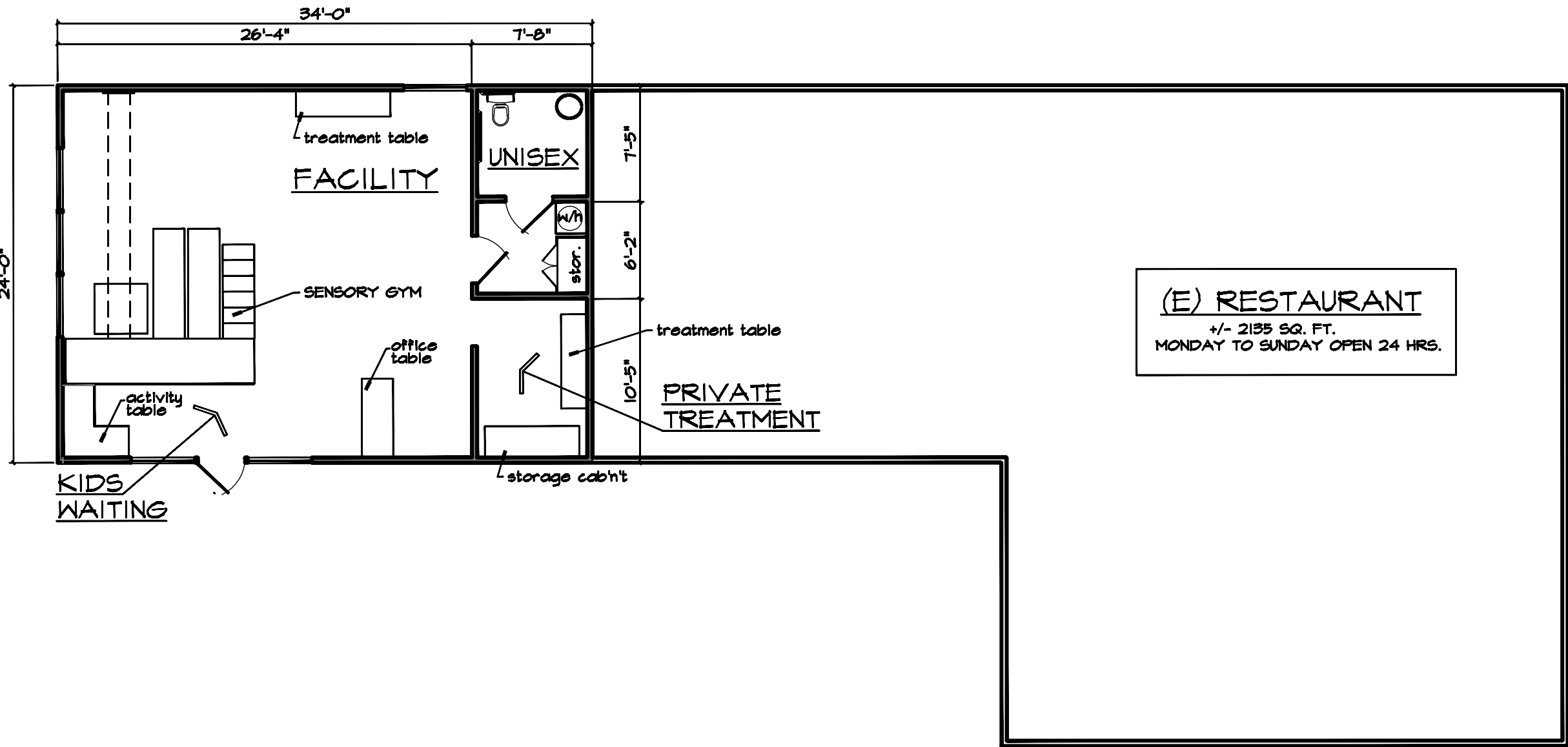
PROPOSED: CHILDRENS THERAPY

SPR: 24-178
ZONING: CR
APN 121-480-071
SITE AREA: +/- .27 ACRE

TELEPHONE: SBC TELEPHONE CO.
WATER: CALIFORNIA WATER SERVICE CO.
REFUSE: CITY OF VISALIA
SEWER: CITY OF VISALIA
STORM: CITY OF VISALIA
GAS: THE GAS CO.
POWER: SOUTHERN CALIF. EDISON CO.



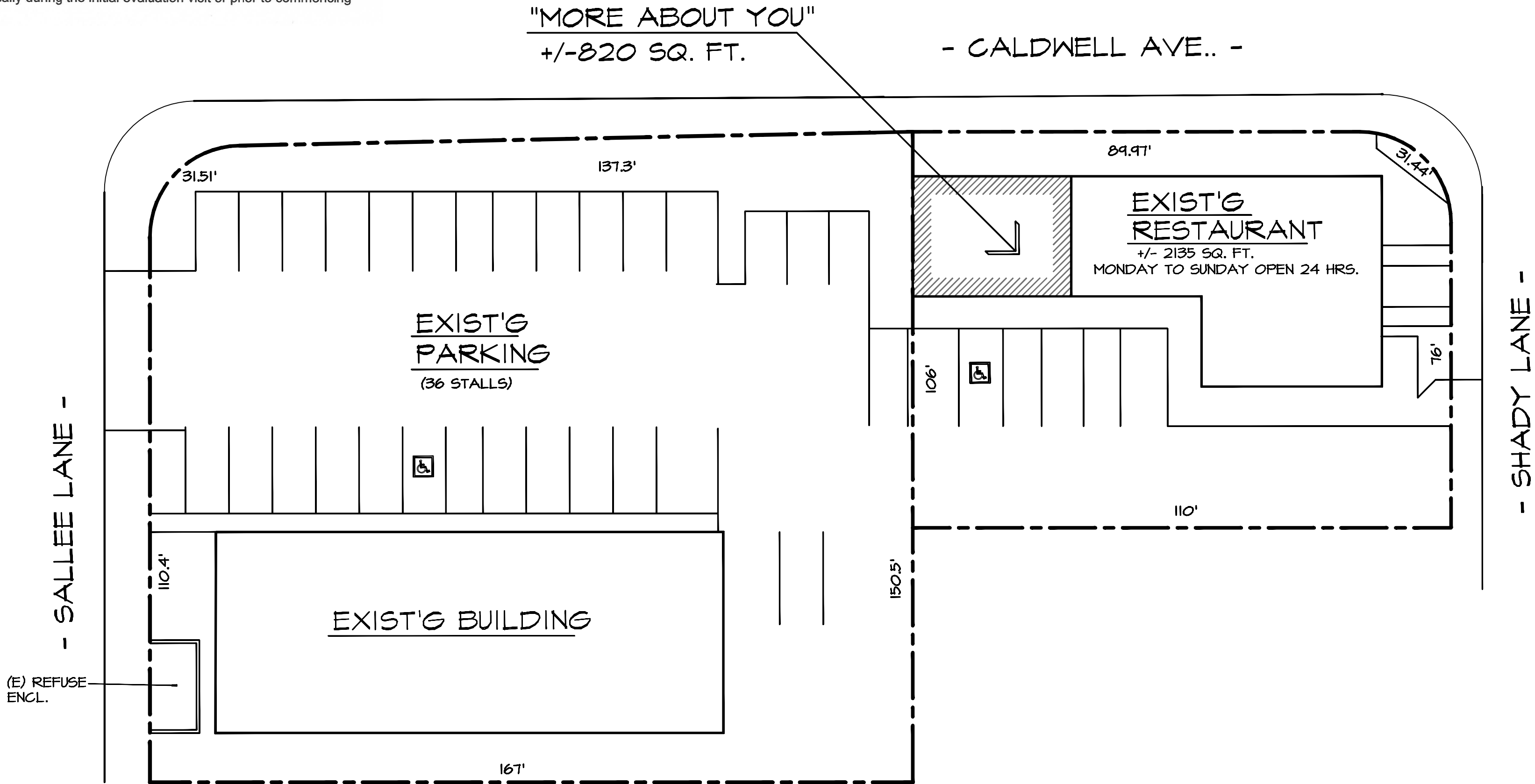
SENSORY GYM



FLOOR PLAN

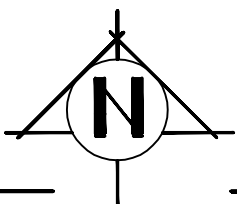
FICILITY FLOOR AREA: +/- 816 SQ. FT.

SCALE 1/8" =1'-0"



S I T E P L A N

APN 121-480-071
2405 W. CALDWELL
VISALIA, CA.



Scale:1"= 20'-0"

STEPHEN O. SPARSHOTT
1206 W. EVANS
VISALIA, CALIF. 93271
559-679-1565

A NEW FACILITY FOR:
MORE ABOUT YOU PHYSICAL THERAPY
2405 W. CALDWELL VISALIA CA.

SHEET
OF

EXHIBIT "B"



Environmental Document # 2024-54

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. 2024-36

PROJECT TITLE

2405 West Caldwell Avenue, Visalia CA 93277 (APN: 121-480-071)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to establish a physical therapy office in the C-R (Regional Commercial) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, Attn: Cristobal Carrillo, Associate Planner, 315 E. Acequia Avenue, Visalia, CA 93291, Email: cristobal.carrillo@visalia.city, (559) 713-4443

NAME OF PUBLIC AGENCY APPROVING PROJECT

Lynzie Asuncion, 1134 East Country Avenue, Visalia CA 93292, 559-731-1585,
moreaboutyouptw@gmail.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Steve Sparshott, 1206 West Evans, Visalia CA 93277, 559-679-7565, fourshott2@yahoo.com

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15268
☐ Emergency Project - Section 15269
☒ Categorical Exemption - State type and Section number: **Section 15301**
☐ Statutory Exemptions- State code number:

A request to use an existing building as a children's physical therapy office. Additionally, there are no proposed alterations or changes to the project site.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo

CONTACT PERSON

(559) 713-4443

AREA CODE/PHONE

DATE

ENVIRONMENTAL COORDINATOR
Brandon Smith, AICP



September 30, 2024

Site Plan Review No. 2024-178:

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 **August 21, 2024**. 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 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE August 21, 2024
SITE PLAN NO. 2024-178
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 7:30 a.m. and 5:00 p.m., Monday through Thursday, offices closed on Fridays.

☒ Your plans must be reviewed by:

☐ CITY COUNCIL

☐ REDEVELOPMENT

☒ PLANNING COMMISSION

☐ PARK/RECREATION

☒ CUP

☐ HISTORIC PRESERVATION

☐ OTHER:

☐ 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: August 21, 2024

SITE PLAN NO: 2024-178
PROJECT: More about you physical therapy
APPLICANT: Steve Sparshott
DESCRIPTION: Children's physical therapy office
ADDRESS: 2405 W. CALDWELL
APN: 121-480-071
ZONING: C-R (REGIONAL COMMERCIAL)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit

PROJECT SPECIFIC INFORMATION: August 21, 2024

1. VMC Use Table 17.25.030, Line O6 lists Physical Therapists as requiring a conditional use permit.
2. A complete CUP application will include detailed exhibits of the following:
 - a. Operational Statement
 - b. Site Plan – indicating unit number and surrounding businesses
 - c. Floor Plan
 - d. Building elevations, if alterations to the exterior are being proposed.
3. All signage shall be through a separate Building Permit submittal.
4. Meet all other codes and ordinances.

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.

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

- 17.18 Commercial Zones
- 17.30 Development Standards
- 17.34 Off-street parking and loading facilities

Accessible at <https://codelibrary.amlegal.com/codes/visalia/latest/overview>

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**

☒ Edelman Gonzalez 713-4364
☐ Luqman Ragabi 713-4362
☐ Sarah MacLennan 713-4271

ITEM NO: 8 DATE: AUGUST 21ST, 2024

SITE PLAN NO.: 24-178
PROJECT TITLE: MORE ABOUT YOUR PHYSICAL THERAPY
DESCRIPTION: CHILDRENS PHYSICAL THERAPY OFFICE
APPLICANT: STEVEN SPARSHOTT
PROP OWNER: DOUCETTE CHARLES D
LOCATION: 2405 W CALDWELL AVE
APN: 121-480-071

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. **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.
- ☐ 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.
- ☐ 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 building will incur development impact fees. Refer to page 3 for applicable fees and summary.**
- 2. If there are improvements, 20% of improvement cost will need to go towards "Path Of Travel" upgrades.**
- 3. If there are improvements, building permit is required, standard plan check and inspection fees will apply.**
- 4. Comply with solid waste comment for trash enclosure requirements.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **24-178**

Date: **08/21/2024**

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: **08/17/2024**)

(Project type for fee rates: **MEDICAL OFFICE (THERAPY)**)

☒ Existing uses may qualify for credits on Development Impact Fees. **GEN OFFICE**

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	[\$20,416-\$8,373]/1KSF X 0.82KSF
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Treatment Plant 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 checked="" type="checkbox"/> Public Facility Impact Fee	[\$868-\$713]/1KSF X 0.82KSF
<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

City of Visalia

Building: Site Plan

Review Comments

SPR 24178
MORE ABOUT YOU PHYSICAL THERAPY
121480071

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 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. **20% OF PERMIT VALUE SHALL BE USED FOR 'PATH OF TRAVEL'**
- ☐ 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 _____ * ☐ 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: _____

VAL GARCIA 3/21/24
Signature

**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	August 20, 2024
Item #	8
Site Plan #	24178
APN:	121480071

- 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.
- **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

Corbin Reed
Fire Marshal



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

Date: 08/21/24
Item: 8
Site Plan: SPR24178
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 of 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:
- ☐ Traffic Concerns:
- ☐ Surveillance Issues:
- ☐ Line of Sight Issues:
- ☐ Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

August 21, 2024

ITEM NO: 8 Added to Agenda MEETING TIME: 10:45
SITE PLAN NO: [SPR24178](#) ASSIGNED TO: Josh Dan Josh.Dan@visalia.city
PROJECT TITLE: more about you physical therapy
DESCRIPTION: childrens physical therapy office
APPLICANT: Steve Sparshott - Applicant
APN: 121-480-071
LOCATION: same

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

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

24178

August 21, 2024

- ☐ 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 city standard R-1 OR R-2 & 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 insufficient to comply with state recycling mandates. See comments for suggestions.
- ☒ 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.

Comment

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 (R1/R2) single, and a city standard (R3/R4) double enclosure set for STAB load collections at the restaurant/clinic parcel. Customer to complete a City of Visalia "Concrete/Driveway Release of Liability Waiver Agreement". Customer is encouraged to contact solid waste at 559-713-4532 to discuss/review preferred enclosure placements.

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4538

Nathan Garza, Solid Waste, 559-713-4532



Susan Currier

From: Rajput, Rosy@DOT <Rosy.Rajput@dot.ca.gov>
Sent: Thursday, August 22, 2024 12:06 PM
To: Josh Dan; Susan Currier
Cc: Deel, David@DOT; Padilla, Dave@DOT; lorena.mendibles@dot.ca.gov
Subject: Response from D6 Caltrans : SITE PLAN REVIEW for 08-21-2024
Attachments: TUL-216-0.00 - SPR 24130 - (Commercial Development - The Hub).pdf; TUL-63-10.208 (SPR 24119 Orchard Walk West Shopping Center - Phase 3- APN 078120055).pdf; SPR Agenda - August 21 2024.pdf

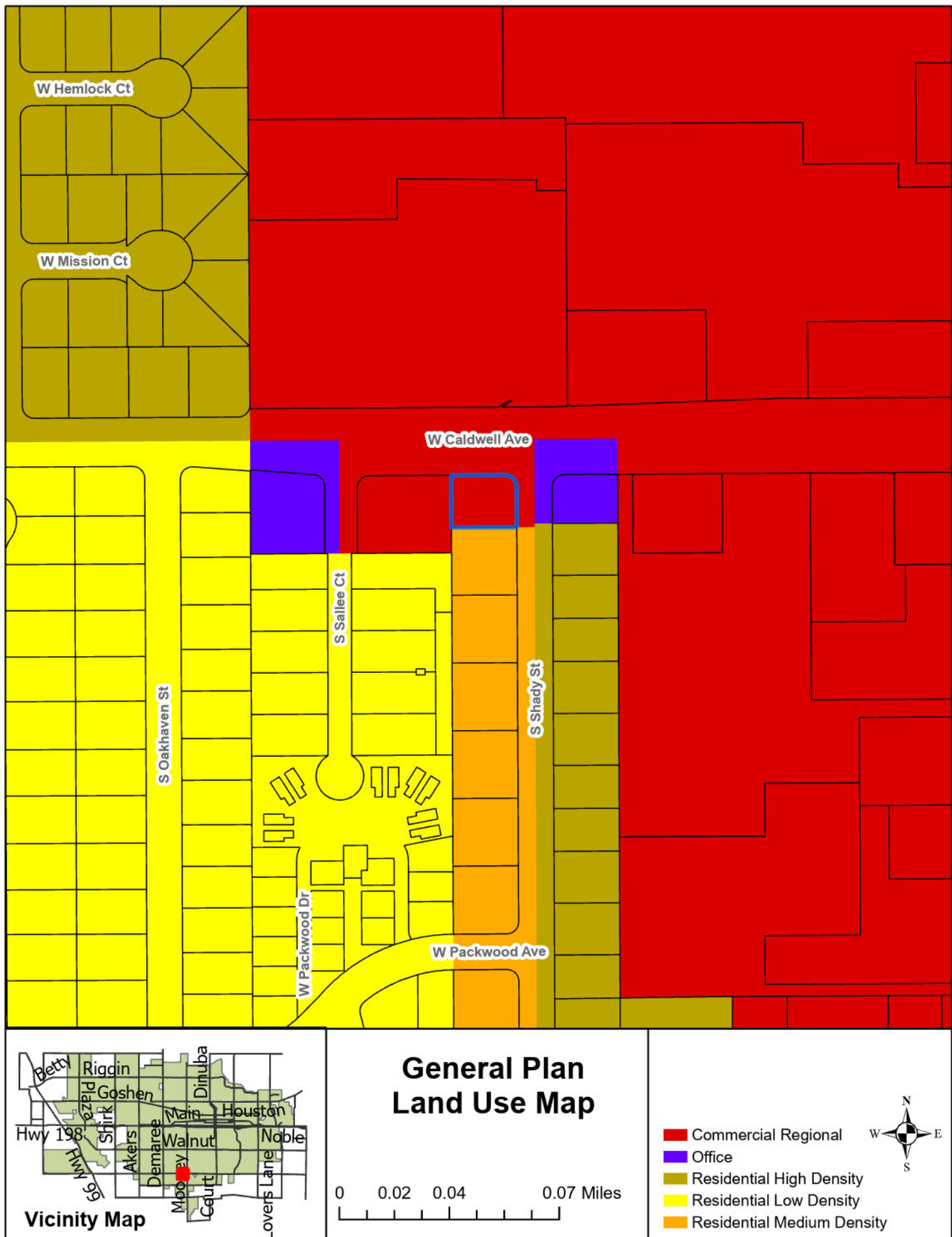
Hi Josh and Susan,

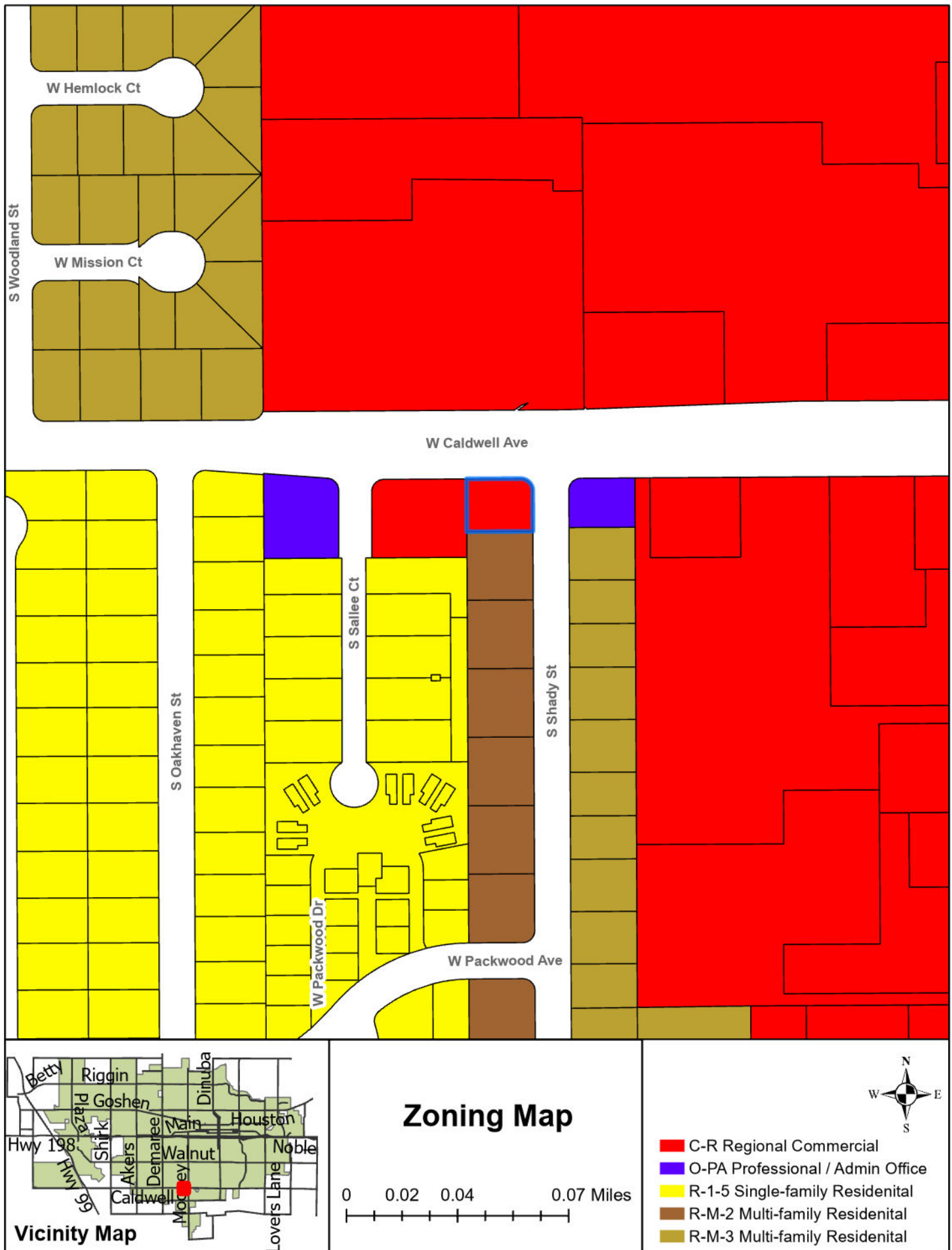
This email summarizes our response to the following site plans:

- **SPR24090-1-1 – Jack in the Box – Demaree** - No comment
- **SPR24130-1-1-1-1-1 – Commercial Development** – Caltrans comments are still valid, please see the attached letter.
- **SPR24119-1 – Site plan for Burlington Coat Factory, Ulta Beauty, Five-Below and another tenants** - Caltrans comments are still valid, please see the attached letter.
- **SPR24172 – 24 single family lots on 5 acres with new home sizes varying from 1000-1800 sq ft** - No comment
- **SPR24175 – Opening nail salon** – No comment
- **SPR24176 – New construction of a one story professional medical building** - Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way, apart from that no comment
- **SPR24177 – Blankenship** - No comment
- **SPR24178 – Childrens physical therapy office** - No comment
- **SPR24179 – Carleton Acres Medium Density** - No comment
- **SPR24180 – PRIVATE STORAGE AND WORKSHOP** - No comment
- **SPR24181 – Mill Creek Master Plan** – Routed for comments

Please let me know if you have any questions or require further clarification on any of these plans.

Thank you,



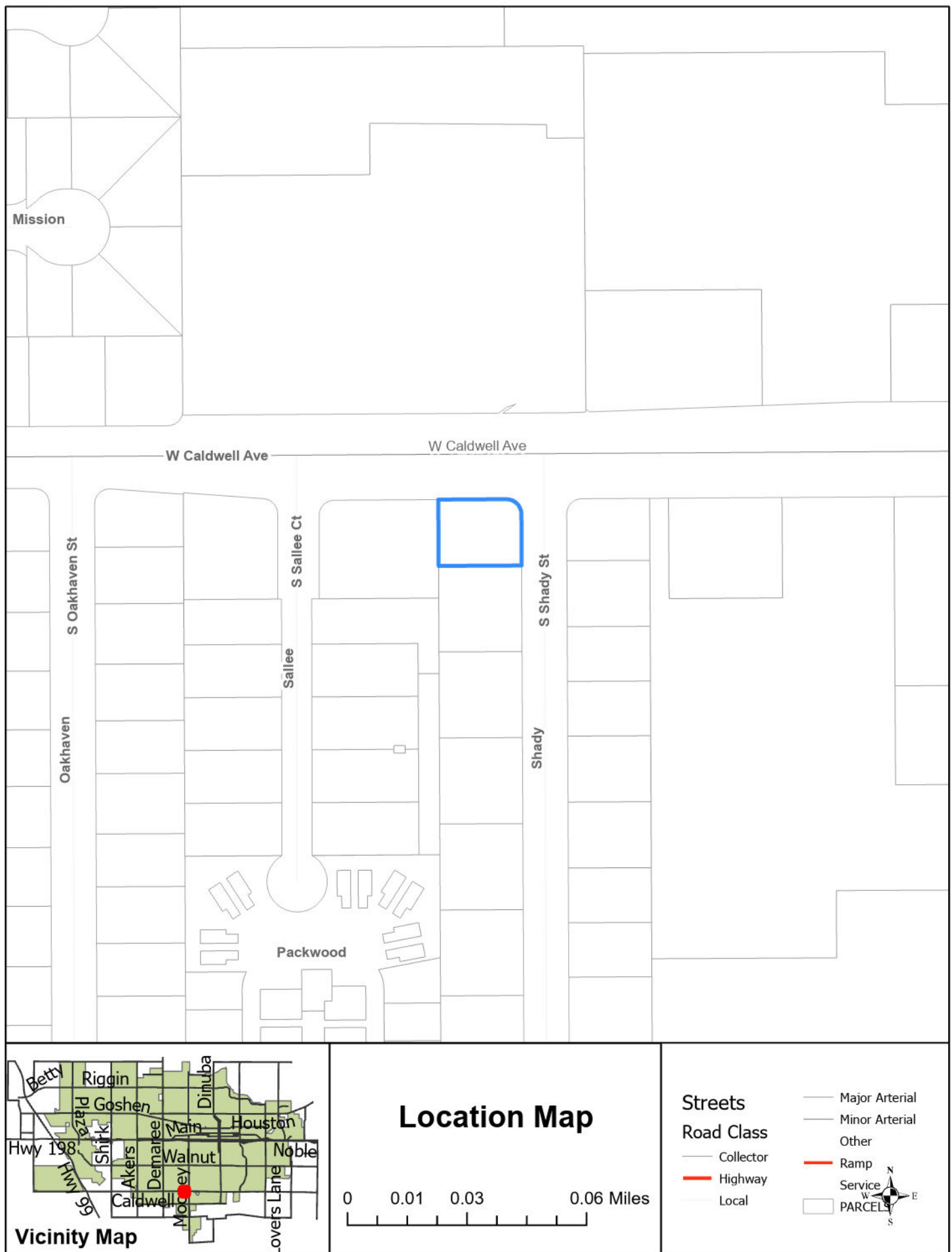




Aerial Map

0 0.01 0.03 0.06 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 28, 2024

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: (559) 713-4443
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Revocation of Conditional Use Permit No. 2022-18: A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2022-18, which allows the operation of a foot and body massage business at 3537 West Noble Avenue, located in the C-MU (Commercial Mixed Use) Zone (APN: 095-010-068).

STAFF RECOMMENDATION

Staff recommends revoking Conditional Use Permit No. 2022-18. Staff's recommendation is based on the conclusion that the owner/operator has failed to comply with the 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. 2022-18 based on the findings and conditions in Resolution No. 2024-66.

BACKGROUND

The request to revoke Conditional Use Permit (CUP) No. 2022-18 is in response to violations of the terms and conditions of the conditional use permit and Municipal Code (VMC) provisions for the massage therapy establishment located at 3537 West Noble Avenue. On September 9, 2024, a Notice of Conditional Use Permit Suspension letter was sent via 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 August 21, 2024, Code Enforcement Officers with the Neighborhood Preservation Division conducted a site inspection of the subject massage establishment. The inspection was conducted as part of the Neighborhood Preservation Division's efforts to enforce VMC/CUP compliance through regular inspections of massage-based businesses. During the inspection, staff found evidence of several violations of VMC and CUP provisions. The violations are listed below. Applicable sections of the VMC are also cited, with the full text of available to view in Attachment "D".

- Zoning/CUP Violations (VMC Title 17, CUP No. 2022-18):
 - Failure to operate in compliance with all requirements of VMC Chapter 5.68 (CUP Condition No. 4 required, *"That the use shall operate in compliance with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments)."*).
 - Failure to comply with all applicable federal, state, and city laws, codes and ordinances (CUP Condition No. 6 required, *"That all applicable federal, state, and city laws, codes and ordinances be met."*).
 - Use of a commercial building for residential purposes without issuance of a CUP, which was required at the time of the original CUP's approval on September 26, 2022 (VMC 17.25.030, Line R27).

- Building and Fire Code Violations (VMC Title 15):
 - Use of a commercial building for residential purposes without proper permits for its conversion (VMC 15.08.010, 15.20.010, 15.24.010, 15.28.010).
 - Lack of smoke and carbon monoxide detectors on the premises (VMC 8.20.010, 15.080.010).
- Business Regulation Violations (VMC Title 5):
 - Noncompliance with all applicable City codes (VMC 5.68.060).

As a result of the above violations, the business was posted with a Cease and Desist and Unsafe to Occupy order which was posted on the business door. The business was ordered to cease operations until it came into compliance with applicable legal requirements. A copy of the Cease-and-Desist order is provided as Attachment “B”. Please note, prior to the issuance of the Cease-and-Desist order, the owner of the massage business submitted a closure request for their Business License to the City on August 20, 2024, effective August 24, 2024. The business was shut down by Neighborhood Preservation staff via the Cease-and-Desist order on August 21, 2024, due to the CUP and code violations cited above.

Pursuant to Section 17.38.040 of the Zoning Ordinance, violation of any applicable provisions 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 permit on the same or substantially the same site shall be filed within one year from the date of the 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	Commercial Mixed Use
Zoning	C-MU – Mixed Use Commercial
Surrounding Zoning and Land Use	North: C-MU / Mixed commercial uses, West Noble Ave, State Highway 198 South: C-MU, R-M-3 (Multi-Family Residential, 1,200 square foot minimum site area per unit) / Mixed commercial uses, multifamily residential. East: C-MU / Mixed commercial uses West: C-MU / Mixed commercial uses

Related Projects

On September 26, 2022, Conditional Use Permit No. 2022-18 was approved by the Visalia Planning Commission allowing a foot and body massage spa to operate in an existing 1,140 square foot commercial unit within the Visalia Marketplace Shopping Center, in the C-MU Zone. A copy of the staff report and resolution are attached to this report as Attachment “C”.

PROJECT ANALYSIS

Revocation Request

Staff recommends the revocation of Conditional Use Permit No. 2022-18 based on the operator/owner's failure to comply with the terms and conditions of the CUP and the VMC. Upon issuing the Cease-and-Desist order, staff conducted a review of the CUP and site address and noted the following violation, which is noted in Attachment "A" as follows:

1. Case No. CE241437: During an inspection of the site conducted August 21, 2024, by Neighborhood Preservation staff, it was observed that the massage establishment owner or employee had converted one of the rooms into a bedroom for residential purposes, with bedding, personal affects, and adjacent nightstands for personal item storage. As a result of the inspection, City staff concluded the owner, or employees were also living in the commercial suite where the massage establishment is located. The commercial suite is not intended for human habitation and did not meet housing requirements. Unsafe conditions were also observed onsite. Specifically, staff noted that the commercial unit did not contain smoke detectors or carbon monoxide alarms. Lastly, staff observed that the front windows for the facility were completely covered with curtains and signage, in opposition to the requirements of Massage Urgency Ordinance No. 2024-05. Photographs taken during the inspection depicting the above conditions are provided in Attachment "E".

The City Council adopted an 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 results 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 establishment at this location was found to be 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 areas. As such, staff is requesting the Planning Commission revoke CUP No. 2022-18 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 contains a commercial building within a retail shopping center with a unit that was permitted in 2022 for use as a massage establishment through the CUP process. City staff consider a massage establishment use to present different property management issues compared to other types of retail 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 for ensuring that the requirements of the CUP are met for the CUP to continue "running with the land". City staff is recommending the CUP be revoked based on the failure of the CUP requirements to be met, specifically that the applicant comply with all applicable federal, state, and city laws, codes and ordinances. In addition, City staff noted multiple code violations that raise concerns over how the building is being managed. As noted above, persons living in the commercial unit is a serious violation. The violations indicate a lack of oversight over operations conducted on the subject property, which creates the potential for conditions to occur that are detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. The massage establishment owner appears to have difficulty enforcing CUP requirements and making sure that tenants comply with VMC requirements. Staff therefore recommends the CUP be revoked.

Massage Establishment Business Owners

The subject massage establishment has not changed business owners (Ling Ling Burros) since the conditional use permit was approved in 2022. The owner of the property has also remained consistent.

As noted previously, prior to the issuance of the Cease-and-Desist order, the owner of the massage business submitted a closure request for their Business License to the City on August 20, 2024, which would go into effect on August 24, 2024. Per communications with the business owner at that time, the closure was requested as the owner intended to leave the country. The business was subsequently shut down by Neighborhood Preservation staff on August 21, 2024, due to the code and CUP violations found onsite during its site inspection. Following issuance of the Cease-and-Desist letter, the owner attempted to transfer the Business License to a relative, but was denied by City staff due to the Cease-and-Desist order and previously submitted closure request.

Please note all code enforcement actions are sent to the property owner when dealing with issues related to the site.

Property History

The subject property contains a commercial building consisting of seven separate units, including a nail salon, barber shop, laundromat, and office. Staff researched the property record for the subject site to determine if there are any other active conditionally permitted uses associated with the subject site. Staff's review 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 none.

Current City of Visalia Regulations

VMC Chapter 5.68 (Massage Establishments) delineates permitting standards intended to comply with California law and establish health and safety guidelines for massage establishments. The recent adoption of Ordinance No. 2024-05 expands on the provisions of VMC Chapter 5.68 as well as 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 Conditional Use Permit No. 2022-18, Title 5 Business Regulations Chapter 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 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 September 9, 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. 2024-66
- Attachment “A” – Notice of Conditional Use Permit Suspension
- Attachment “B” – Cease and Desist Letter
- Attachment “C” – Conditional Use Permit No. 2022-18 Planning Commission Staff Report and Resolution No. 2022-40
- Attachment “D” – Visalia Municipal Code Applicable Chapters, Massage Urgency Ordinance, and Conditional Use Permit No. 2022-18 Conditions of Approval
 - Chapter 5.68 (Massage Establishments)
 - Chapter 8.20 (California Fire Code)
 - Chapter 15.08 (California Building Code)
 - Chapter 15.20 (California Plumbing Code)
 - Chapter 15.24 (California Mechanical Code)
 - Chapter 15.28 (California Electric Code)
 - Chapter 17.25 (Uses In The Commercial, Mixed Use, Office, and Industrial Zones) – 2017
 - Chapter 17.38 (Conditional Use Permits)
 - City Council Urgency Ordinance No. 2024-05
 - Conditional Use Permit No. 2022-18 Conditions of Approval
- Attachment “E” – August 21, 2024, Site Pictures
- Aerial Map
- Location Map

RESOLUTION NO. 2024-66

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A REQUEST BY THIS CITY OF VISALIA, PURSUANT TO MUNICIPAL CODE SECTION 17.38.040, TO REVOKE CONDITIONAL USE PERMIT NO. 2022-18, WHICH ALLOWS THE OPERATION OF A FOOT AND BODY MASSAGE BUSINESS AT 3537 WEST NOBLE AVENUE, LOCATED IN THE C-MU (COMMERCIAL MIXED USE) ZONE (APN: 095-010-068).

WHEREAS, Conditional Use Permit No. 2022-18 was a request to allow a foot and body massage business at 3537 West Noble Avenue, located in the C-MU (Commercial Mixed Use) Zone (APN: 095-010-068); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on September 26, 2022, and found the Conditional Use Permit No. 2022-18, 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 August 21, 2024, Code Enforcement Officers with the Neighborhood Preservation Division conducted a site inspection of the foot and body massage establishment located at 3537 West Noble Avenue as part of its program of compliance inspections for massage therapy uses, and upon inspection of the business found violations of Visalia Municipal Code Chapters 5.68, 8.20, 15.08, 15.20, 15.24, 15.28, 17.25, 17.38, violations of City Council Urgency Ordinance No. 2024-05, and violations of Conditional Use Permit No. 2022-18 conditions of approval. 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, on September 9, 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, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on October 28, 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 foot and body 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 is in violation of Conditional Use Permit No. 2022-18, Title 5 Business Regulations Chapter 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 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 September 9, 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. 2022-18 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.



Notice of Conditional Use Permit Suspension

September 9, 2024

C/O Northstar Management Inc.
Attn: Kim Jay Kyon
7108 N. Fresno St. Suite 370
Fresno, CA 93720-2961

Case Number: CE241437
Conditional Use Permit No.: 2022-18
RE: Zane SPA, 3537 W. Noble Ave. Visalia, CA 93277

Dear Kim Jay Kyon,

The subject property was issued Conditional Use Permit No. 2022-18, which permitted a massage establishment at the above referenced address. 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. 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 August 21, 2024, Code Enforcement Officer(s) with the Neighborhood Preservation Division conducted an inspection of the property located at 3537 West Noble Avenue (APN: 095-010-068). The inspection of this commercial tenant space identified the following violations:

1. Front windows covered with curtains and signs that cover the glass door, which is a violation of the requirements for massage establishments under City of Visalia Ordinance 2024-03, which forbids obstructing the view into the interior reception or waiting area of a massage establishment.
2. One of the rooms within the tenant space was converted into a bedroom for residential use which is a violation of the requirements for massage establishments under City of Visalia Ordinance 2024-05, which forbids living quarters in massage establishments.
3. It is unsafe to reside in a commercial building with no smoke detector or carbon monoxide alarm. This is in violation of the California Building Code, and the requirements for massage establishments under City of Visalia Ordinance 2024-05.

As a result of these violations, and pursuant to Visalia Municipal Code section 5.04.130, Code Enforcement Officer(s) 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 enclosed with this letter.

City staff reviewed the Conditional Use Permit (i.e., Conditional Use Permit No. 2022-18) that was approved allowing massage establishments to operate at this location. The business is in violation of Condition of Approval No. 4 of Conditional Use Permit No. 2022-18 and Resolution No. 2022-40 which states, *"That the use shall operate in compliance with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments)."*

Due to the 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,



Paul Bernal, Director
Planning and Community Preservation Dept.
(559) 713-4359
paul.bernal@visalia.city

Enclosures:

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

Cc: James Koontz, City Attorney – via e-mail
Paul Bernal, Planning and Community Preservation Director – via e-mail
Tracy Robertshaw, Neighborhood Preservation Manager – via e-mail
Martha Zavala, Code Enforcement Officer – via e-mail
Cristobal Carrillo, Associate Planner – via e-mail

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)

City of Visalia

315 East Acequia Ave., Visalia, CA 93291



*Neighborhood
Preservation*

Tel: (559) 713-4534 Fax: (559) 713-4811

CEASE & DESIST

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

AUGUST 26, 2024

C/O NORTHSTAR MANAGEMENT INC
KIM JAY KYON
7108 N FRESNO ST STE 370
FRESNO, CA 93720-2961

PROPERTY ADDRESS: 3537 W. NOBLE AVE.
VISALIA, CA 93277
BUSINESS: (ZANE SPA)
CASE NO. REFERENCE: CE241437

On August 21, 2024, Code Enforcement Officer(s) with the City's Neighborhood Preservation Division conducted an inspection at the massage establishment listed at the above address. Upon entering the tenant space, there were two female subjects inside the massage establishment. Both females had their California Massage Therapy Council (CAMTC) certificates posted on the wall. They also had the CAMTC License on them, which is a requirement of the City of Visalia's Massage Establishment regulations.

During the course of my inspection of this establishment, the following violations were documented:

Front windows covered with curtains and signs that cover the glass door, which is violation of Urgency Ordinance.

One of the rooms within the tenant space has been converted into a bedroom set up for residential personal use which is in violation.

Unsafe living in a commercial building with no smoke detector or carbon monoxide alarm.,

After completing my inspection, I posted the location Unsafe to Occupy and posted a Cease & Desist order on both the front and back doors. Copies of the posted notices are enclosed for your records.

Because of unsafe living conditions, and other violations found, your property is in violation of the Visalia Municipal Code.

CORRECTION ACTION REQUIRED: In order to resolve these violations, you are required to complete the following required corrections:

1. Cease & Desist order posted, the business may NOT continue business.
2. Unsafe to occupy Notice has been posted.
3. Cease living in a commercial unit immediately, the bedding, and personal belongings must be removed.
4. Remove all personal items not pertaining to the massage business.
5. The business has been referred to the city of Visalia Business Tax for possible revocation of the business tax.
6. The property has been referred to the Planning Division for possible revocation of the Conditional Use Permit.

Visalia Municipal Code Section 15.44.090 Account and record of cost.

The enforcement officer shall keep an account of the cost of abating such nuisance and shall embody such account in the report and assessment list which shall be filed with the city clerk and presented to the city council. The allowable cost of abating such nuisance shall include a charge sufficient to cover the cost of administering this chapter. The report and assessment list shall refer to each separate lot or parcel of land by description sufficient to be assessed against each such separate lot or parcel. Due to the violations the following fees have been assessed against the property:

1. Pay 1 hour cost recovery fee of \$142.00, as required within 30 days of this notice. The 1-hour cost recovery fee is for inspection time and this fee has been applied to this case. In addition, \$.85 in property background research fee will be added. Other fees will be applied if further action is necessary.

APPLICABLE VISALIA MUNICIPAL CODE

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.

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.

ORDINANCE 2024-03

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 being 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 not of 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

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.

5.68.130 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
 1. 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.
 2. 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.

17.25.010 Purpose and intent.

No structure, or any part thereof, shall be erected, enlarged, or reduced, nor shall any site or structure be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses listed in the land use tables in this chapter as permitted, administratively permitted, or conditionally permitted in the zone district in which such structure, land, or site is located, except as otherwise authorized by this title. (Ord. 2017-01 (part), 2017)

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)

17.48.130 Temporary Signs.

A. General Requirements.

3. Illumination. Temporary signs cannot be illuminated or constructed with reflective materials.

FAILURE TO COMPLY:

If the violations are not resolved by the specified dates, you will be charged additional inspection fees to cover the cost of staff time. Fines in the amount of \$100.00 for the first day the violation remains, \$200.00 for the second day, and \$500.00 for each day thereafter may also be assessed. This fee, and any other costs necessary to remove the violation, will be assessed against the land as a tax assessment which will be placed on the tax rolls to be collected if left unpaid.

Declaration of Substandard Building and Notice of Pendency of Action/Proceedings may be filed on the title of the property with the County of Tulare Recorder's Office. Full compliance will be required for removal of this Pendency.

Additionally, a Notice of Non-Compliance may be filed with the State Franchise Tax Board, which may prevent you from claiming state tax deductions for taxes, depreciation, amortization, or interest expenses connected with the property, if it remains sub-standard. This includes buildings that are unoccupied, vacated or abandoned for at least 90 days. (Taxation & Revenue Code 17274 and 24436.5)

ADMINISTRATIVE APPEAL:

You may appeal this notice or the imposition of administrative penalties within ten (10) working days from the date of this notice by filing a Notice to Appeal with the City of Visalia Neighborhood Preservation Division located at City Hall, 315 East Acequia Avenue, Visalia, CA 93291. At the time the appeal is filed, a non-refundable appeal fee of \$100.00 is due and payable to City of Visalia, or evidence provided that a hardship waiver along with supporting documents has been filed with the City of Visalia Finance Division. If you prevail in your hearing the fee is refunded to you. If your appeal is unsuccessful, the fee is not refunded nor is it applied to the amount owed.

At the hearing you may call witnesses to testify on your behalf, present documentary evidence, cross-examine witnesses, and otherwise show why this notice was issued in error. You may be represented by legal counsel at your own expense.

When this order becomes final, you may seek review of the order pursuant to California Code of Civil Procedure Section 1094.6. There are no appeals to city council.

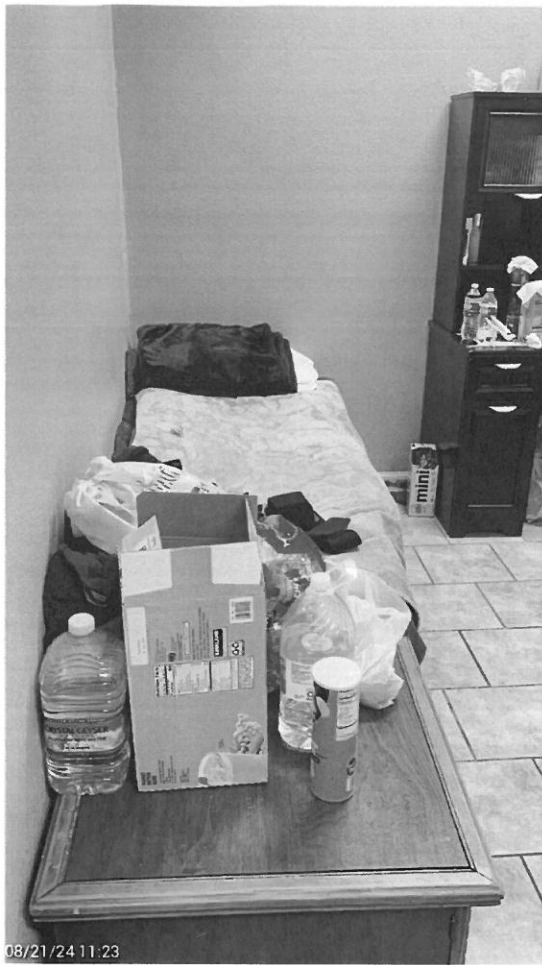
If you have any questions, please contact me. Your cooperation and assistance will be greatly appreciated.

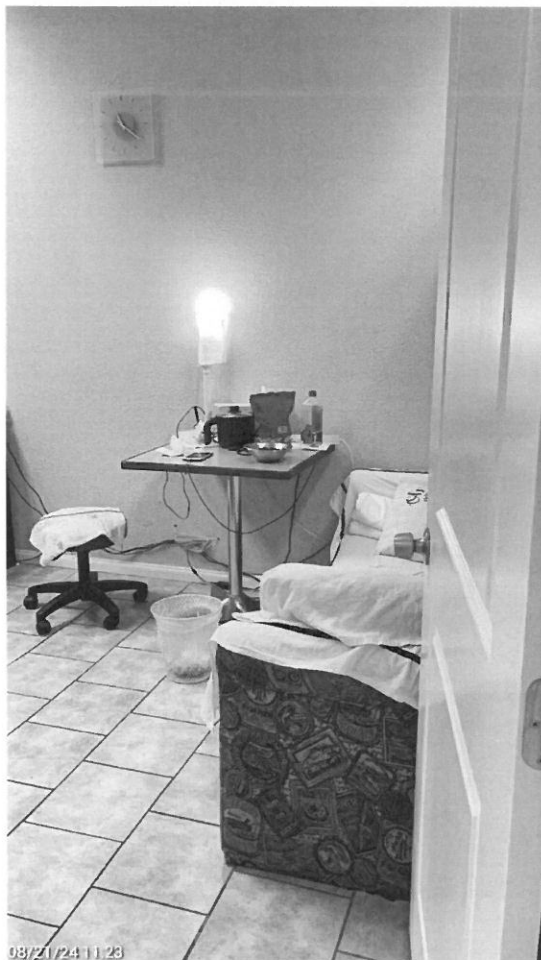
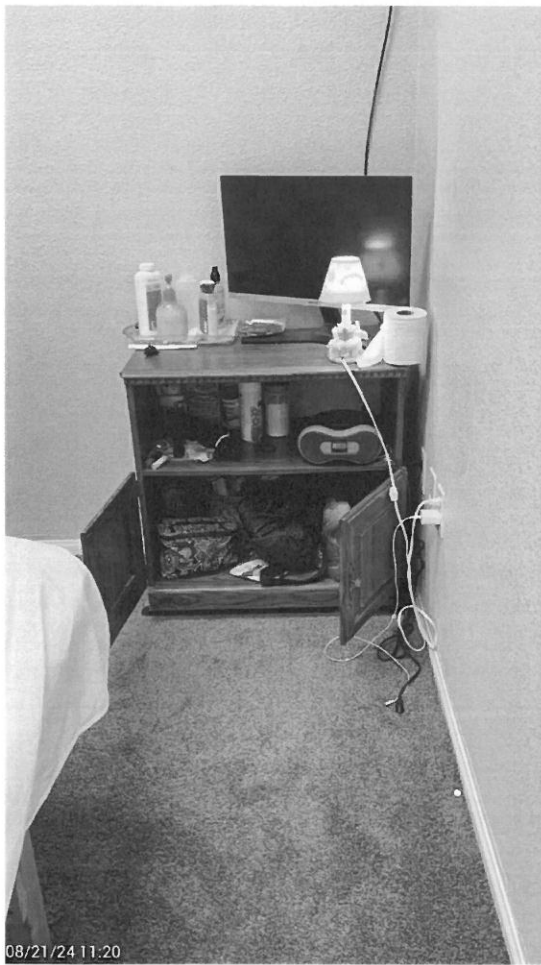
Sincerely,

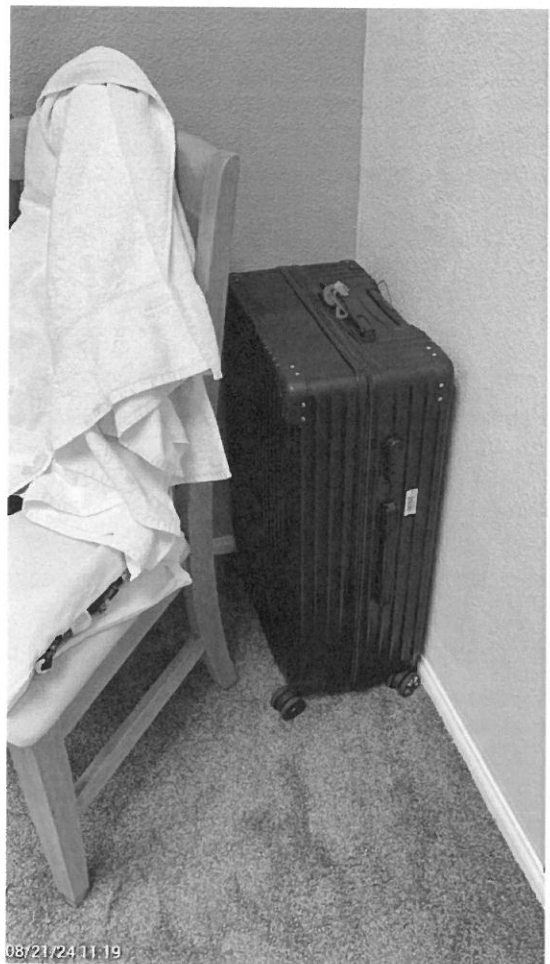


Martha Zavala
Code Enforcement Officer CACEO
City of Visalia
(559) 713-4192
martha.zavala@visalia.city

cc: Paul Bernal, Planning and Community Preservation Director
Tracy Robertshaw, Neighborhood Preservation Manager
Jim Koontz, City Attorney









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.

☒ **CA Building Code Chapter 100 Permit Required (excerpts)**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Parking lots shall not be paved, improved, striped, or restriped unless a separate permit for each parking lot has first been obtained from the building official.

☒ **Ordinance No. 2024-03**

Inspections. The operator and/or responsible employee must consent to an inspection by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for purposes 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.

Zane Spa

The business, _____, located at 3537 W Noble Ave 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: 8/21/24

By Order of: 
Code Enforcement Officer, CCEO

Affidavit of Posting and/ or Hand Delivery

I solemnly swear under penalty of perjury that on 8/21/24, I personally posted a copy of this Violation Notice to the front of the address indicated above and/or hand delivered this Violation Notice to _____.


Code Enforcement Officer

559)713-4534
Phone Number

CERTIFIED



RESOLUTION NO. 2022-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2022-18, A REQUEST BY LING LING BURROS TO ESTABLISH A FOOT AND BODY MASSAGE SPA WITHIN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE SITE IS LOCATED AT 3537 WEST NOBLE AVENUE (APN: 095-010-068).

WHEREAS, Conditional Use Permit No. 2022-18, is a request by Ling Ling Burros to establish a foot and body massage spa within the C-MU (Mixed Use Commercial) Zone. The site is located at 3537 West Noble Avenue (APN: 095-010-068); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 26, 2022; 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 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 the California Environmental Quality Act (CEQA) for minor alterations in land use limitations. (Categorical Exemption No. 2022-40).

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 shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-103, incorporated herein by reference.
2. That the site shall be developed in substantial compliance with the approved site plan and floor plan as shown in Exhibits "A" and "B".
3. That the site shall operate in substantial compliance with the operational statement as stated in Exhibit "C". Any changes to the operation shall be subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. That the use shall operate in compliance with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).
5. All new building signage shall require a separate building permit and shall be designed consistent with Visalia Municipal Code Chapter 17.48 (Sign Ordinance).
6. That all other federal and state laws and city codes and ordinances be complied with.

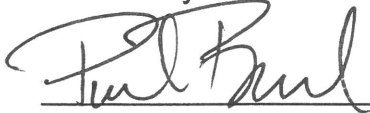
Commissioner Beatie offered the motion to this resolution. Commissioner Tavaréz seconded the motion and it carried by the following vote:

AYES: Commissioners Beatie, Tavaréz, Peck, Hansen
NOES:
ABSTAINED:
ABSENT: Commissioner Gomez

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. 2022-02, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 26, 2022.



Paul Bernal, Community Development Director



Marvin Hansen, Chairperson



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 26, 2022

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: (559) 713-4443
E-Mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2022-18: A request by Ling Ling Burros to establish a foot and body massage spa within the C-MU (Mixed Use Commercial) Zone. The site is located at 3537 West Noble Avenue (APN: 095-010-068).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2022-18, as conditioned, based upon the findings and conditions in Resolution No. 2022-40. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2022-18, based on the findings and conditions in Resolution No. 2022-40.

PROJECT DESCRIPTION

Conditional Use Permit No. 2022-18 is a request by Ling Ling Burros to establish a foot and body massage spa within an approximately 1,140 square foot commercial unit within the Visalia Marketplace Shopping Center (see Exhibit "A"). The unit is located within an approximately 18,000 square foot building within the shopping center that contains other commercial uses. Per the Floor Plan in Exhibit "B", the unit will contain three massage stations, along with a customer lobby, a break room for staff, and a bathroom facility. No exterior modifications are proposed as part of the submittal.

According to the Operational Statement in Exhibit "C", the facility will provide foot and body massage services, with one employee working onsite while the business establishes itself. Additional employees will be added as the operation grows. Operating hours will be Monday through Sunday, 9:00 a.m. to 10:00 p.m. The applicant is certified massage practitioner through the California Massage Therapy Council (Certificate #49342).

The proposed foot and body massage use will occupy a tenant space that was previously occupied by a retail clothing store as recently as 2021.

BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Mixed Use
Zoning	C-MU – Mixed Use Commercial
Surrounding Zoning and Land Use	North: C-MU / Mixed commercial uses, West Noble Ave, State Highway 198 South: C-MU, R-M-3 (Multi-Family Residential, 1,200 square foot minimum site area per unit) / Mixed commercial uses, multifamily residential. East: C-MU / Mixed commercial uses

RELATED PROJECTS

None.

PROJECT EVALUATION**Land Use Compatibility**

The Visalia Zoning Matrix identifies a “massage therapist” as a conditionally permitted use within the C-MU Zone, requiring submittal and approval of a Conditional Use Permit (CUP). A mixture of retail, service, and restaurant commercial uses are currently located throughout the Visalia Marketplace complex. Within the immediate vicinity of the unit to be occupied by the applicant, there are several similar service-related uses, including the Great Clips barber shop and Rockstar Nail Spa (see Figure 1).

Parking needs for the use will be satisfied by the existing parking field depicted in Exhibit “A”. the parking field contains approximately 97 parking stalls, sufficient to address the needs of all commercial uses within the property boundaries.

Given the above, staff has concluded that the proposed massage use will not have a negative impact on surrounding uses given the availability of ample on-site parking and similarity to other commercial uses in the shopping center. Furthermore, to ensure compatibility with the surrounding uses, staff recommends inclusion of Condition of Approval No. 4, requiring the applicant to comply with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).



Parking

The parking requirement for a massage therapy use is two parking stalls per workstation provided. Based on this requirement and the three massage stations proposed, a total of six parking spaces shall be required for the use. However, when a use is part of a larger shopping center complex, Visalia Municipal Code Section 17.34.020.F.14 allows for calculation of the parking requirement at a rate of one stall per 225 square feet of building area. This reduces the required parking number to five parking stalls. In either case, the existing parking field depicted in Exhibit "A" more than meets the demand. Approximately 97 parking stalls are provided onsite, exceeding the 80 stalls required based on the size of the building in which the massage use will be located.

As it stands, the overall Visalia Marketplace shopping center provides ample parking near the proposed use. The shopping center itself is not fully built out, contain three vacant commercial pads. As such the existing parking field is not being used at full capacity.

Environmental Review

The requested action is considered Categorically Exempt under Section 15301(a) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2022-40). The exemption is appropriate as the use will occupy an existing structure, with minimal alterations only to the building interior proposed. All public utilities and infrastructure are already in place.

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 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. 2022-40).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-103, incorporated herein by reference.
2. That the site shall be developed in substantial compliance with the approved site plan and floor plan as shown in Exhibits "A" and "B".
3. That the site shall operate in substantial compliance with the operational statement as stated in Exhibit "C". Any changes to the operation shall be subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.

4. That the use shall operate in compliance with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).
5. All new building signage shall require a separate building permit and shall be designed consistent with Visalia Municipal Code Chapter 17.48 (Sign Ordinance).
6. That all other federal and state laws and city 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 with applicable fees shall be in writing and 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. 2022-40
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Categorical Exemption No. 2022-40
- Site Plan Review No. 2022-103 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

VISALIA MUNICIPAL CODE Chapter 17.38 CONDITIONAL USE PERMITS

Sections:

- 17.38.010 Purposes and powers.
- 17.38.020 Application procedures.
- 17.38.030 Lapse of conditional use permit.
- 17.38.040 Revocation.
- 17.38.050 New application.
- 17.38.060 Conditional use permit to run with the land.
- 17.38.065 Abandonment of conditional use permit.
- 17.38.070 Temporary uses or structures.
- 17.38.080 Public hearing—Notice.
- 17.38.090 Investigation and report.
- 17.38.100 Public hearing—Procedure.
- 17.38.110 Action by planning commission.
- 17.38.120 Appeal to city council.
- 17.38.130 Effective date of conditional use permit.
- 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 that 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 that 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 that 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 that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

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.

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.

**Chapter 17.19
MIXED USE ZONES**

Sections:

- 17.19.010 Purpose and intent.
- 17.19.015 Applicability.
- 17.19.020 Permitted uses.
- 17.19.030 Conditional and temporary uses.
- 17.19.040 Required conditions.
- 17.19.050 Off-street parking and loading facilities.
- 17.19.060 Development standards in the C-MU zones outside the downtown area.
- 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area.

17.19.10 Purpose and intent.

- A. The several types of mixed zones included in this chapter are designed to achieve the following:
 - 1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
 - 2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
 - 3. Provide zone districts that encourage and maintain vibrant, walkable environments.
- B. The purposes of the individual mixed use zones are as follows:

1. **Mixed Use Commercial Zone—(C-MU).** The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
2. **Mixed Use Downtown Zone—(D-MU).** The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city. (Ord. 2017-01 (part), 2017)

17.19.015 Applicability.

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

17.19.020 Permitted uses.

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

17.19.030 Conditional and temporary uses.

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

17.19.040 Required conditions.

- A. A site plan review permit must be obtained for any development in any C-MU and D-MU 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. (Ord. 2017-01 (part), 2017)

17.19.050 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)

17.19.060 Development standards in the C-MU zones outside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- 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;
 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.
- E. The provisions of Chapter 17.58 shall also be met, if applicable. (Ord. 2017-01 (part), 2017)

RESOLUTION NO. 2022-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2022-18, A REQUEST BY LING LING BURROS TO ESTABLISH A FOOT AND BODY MASSAGE SPA WITHIN THE C-MU (MIXED USE COMMERCIAL) ZONE. THE SITE IS LOCATED AT 3537 WEST NOBLE AVENUE (APN: 095-010-068).

WHEREAS, Conditional Use Permit No. 2022-18, is a request by Ling Ling Burros to establish a foot and body massage spa within the C-MU (Mixed Use Commercial) Zone. The site is located at 3537 West Noble Avenue (APN: 095-010-068); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 26, 2022; 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 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 the California Environmental Quality Act (CEQA) for minor alterations in land use limitations. (Categorical Exemption No. 2022-40).

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:

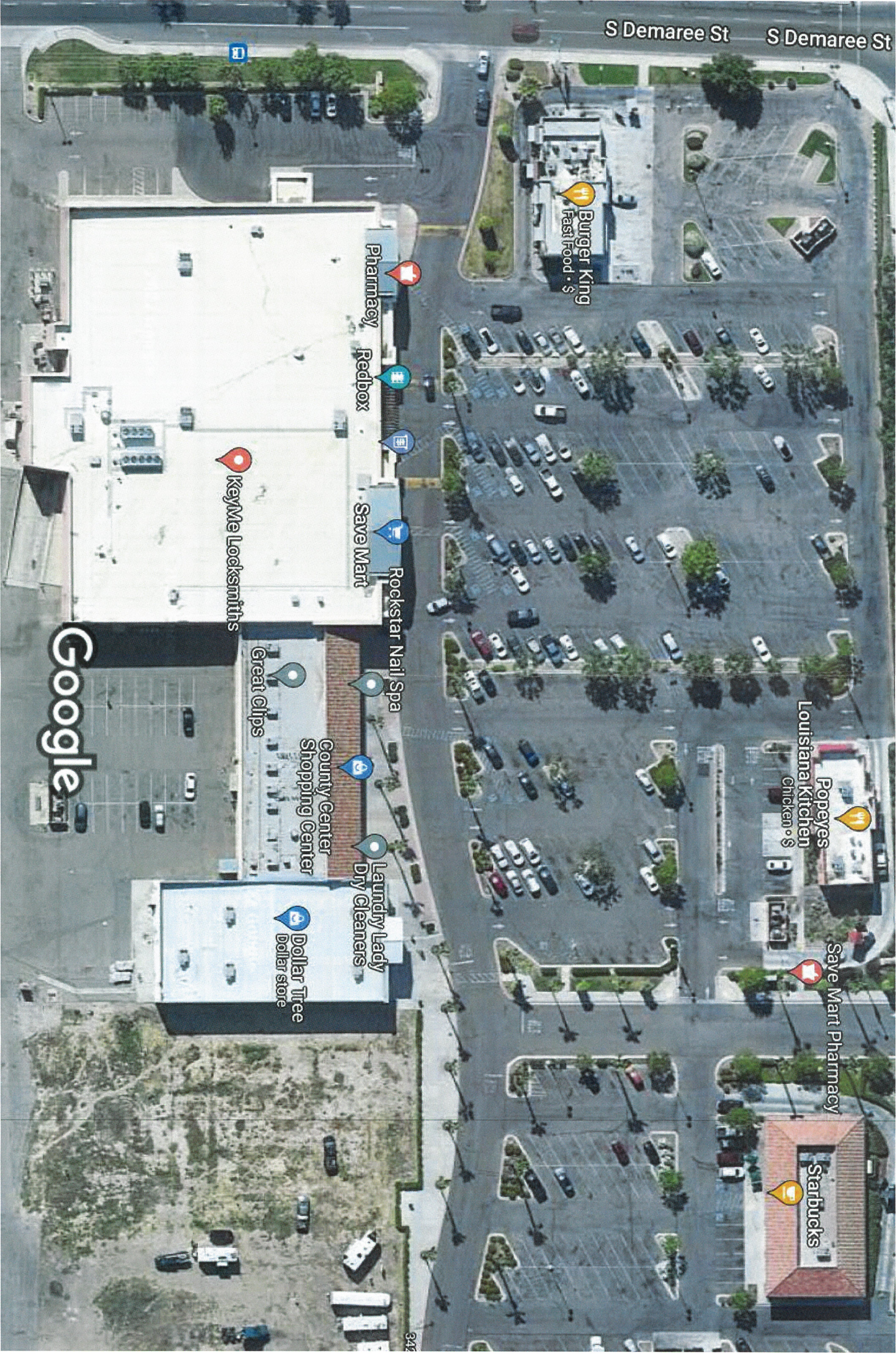
1. That the project shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-103, incorporated herein by reference.
2. That the site shall be developed in substantial compliance with the approved site plan and floor plan as shown in Exhibits "A" and "B".
3. That the site shall operate in substantial compliance with the operational statement as stated in Exhibit "C". Any changes to the operation shall be subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. That the use shall operate in compliance with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).
5. All new building signage shall require a separate building permit and shall be designed consistent with Visalia Municipal Code Chapter 17.48 (Sign Ordinance).
6. That all other federal and state laws and city codes and ordinances be complied with.

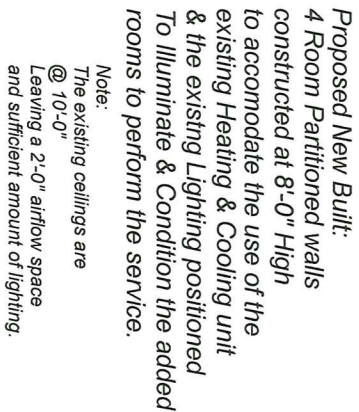


New Business For: Ling Ling Burros
Zane Spa
Foot & Body Massage
3537 West Noble Ave
Visalia, Ca 93277

Drawn By:
Ray T. Guillen
RG Roofing &
General Building
4433 east Sycamore ct
Visalia, Ca 93292
Lic# 671388
559-786-7581
rgroot0461@gmail.com

Site Plan
Page 4 of 4





<p>Drawn By: Ray T. Guillen RG Roofing & General Building 4433 east Sycamore ct Visalia, Ca 93292 Lic# 671388</p>
<p>559-786-7581</p>
<p>rgroofsd461@gmail.com</p>

Site plan for Zane spa

I Lingling Burns plan for do the Foot & Body massage

Business at 3537 West Noble Ave Vernalis CA 93277

1 Employee work per day for start, store will be open 7 days a week. 9:00am - 10:00pm.

My massage certified #49342



08-19-2022

Cristobal Carrillo

From: kathy7818@yahoo.com
Sent: Friday, August 19, 2022 8:46 PM
To: Cristobal Carrillo
Subject: Re: Zane spa

Hi Cristobal the operation statement I have inside of these paper work, just one employee work for right now we all have the certified massage therapist license from California massage therapy council that's the number from .thank you !



Please note: If an individual's status is showing as "suspended" or "revoked," then the date listed under the "expires" column is actually the date of suspension or revocation.

Name	Cert #	Certificate Type	Expires	City	Status
Ling Ling Burros	49342	Certified Massage Practitioner	09/29/2023	VISALIA	Active

Disclaimer

Please note that California Massage Therapy Council ("CAMTC") certificate holders may have the same or similar names and may also reside in the same city, so please be sure to use a full CAMTC certificate number when conducting a search to ensure that the information you are viewing is for the same person you are looking for.

All information provided by CAMTC on this web page, and on its other web pages and internet sites, is made available merely to provide immediate access for the convenience of interested persons. While CAMTC believes that the information listed here is reliable, human or mechanical error remains a possibility, as does delay in the posting or updating of information. Therefore, CAMTC makes no guarantee as to the accuracy, completeness, timeliness, or correct sequencing of the information. Neither CAMTC, nor any of the sources of the information relied upon, shall be responsible for any errors or omissions, failure to post or update in a timely manner, or for the use or results obtained from the use of this information.

California Massage Therapy Council's mission is to protect the public by certifying massage professionals in California that meet the requirements in the law and approving massage programs that meet the minimum standards for training and curriculum.

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Environmental Document # 2022-40

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291
(559) 713-4359

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

Conditional Use Permit No. 2022-40

PROJECT TITLE

3537 West Noble Avenue, Visalia CA 93277

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request by Ling Ling Burros to establish a foot and body massage spa within the C-MU (Mixed Use Commercial) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, Attn: Cristobal Carrillo, 315 E. Acequia Avenue, Visalia CA 93291,
cristobal.carrillo@visalia.city, (559) 713-4359

NAME OF PUBLIC AGENCY APPROVING PROJECT

Ling Ling Burros, 1227 N. Comstock Street, Visalia CA 93292, E-mail: kathy7818@yahoo.com, (626) 271-6805

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Raymond Guillen, RG Roofing & General Building, 4433 E. Sycamore Court, Visalia CA 93292,
rgroofs0461@gmail.com, (559) 786-7581

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 a foot and body massage use within a 1,140 sq. ft. tenant space of an existing 18,000 sq. ft. building within the Visalia Marketplace Shopping Center. The site is developed, contains all on and off-site infrastructure, and is served by all public utilities.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

CONTACT PERSON

(559) 713-4443

AREA CODE/PHONE

DATE

Brandon Smith, AICP
ENVIRONMENTAL COORDINATOR



July 18, 2022

Site Plan Review No. 2022-103:

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 13, 2022**. 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 dark ink, appearing to read "Paul Bernal".

Paul Bernal
Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE July 13, 2022
SITE PLAN NO. 2022-103
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

☐ HISTORIC PRESERVATION

☐ OTHER –

☐ **ADDITIONAL COMMENTS:**

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

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

☒ Adrian Rubalcaba 713-4271
☐ Ather Razaq 713-4268
☐ Edelma Gonzalez 713-4364
☐ Jaklin Rowley 713-4369
☐ Luqman Ragabi 713-4362

ITEM NO: 3 DATE: JULY 13, 2022

SITE PLAN NO.: 22-103 2nd RESUBMITTAL
PROJECT TITLE: ZANE SPA
DESCRIPTION: FOOT & BODY MASSAGE (C-MU)
APPLICANT: LING LING BURROS
PROP OWNER: KIM JAY KYONG
LOCATION: 3537 W NOBLE AVE
APN: 095-010-068

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. No comments as proposed.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 22-103 2nd RESUBMITTAL

Date: 7/13/2022

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: 01/01/2022)

(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.



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Rafael Garcia, Planning Division, 559-713-4031

Date: July 13, 2022

SITE PLAN NO: 2022-103-B
PROJECT: Zane Spa
DESCRIPTION: FOOT AND BODY MASSAGE
APPLICANT: LING LING BURROS
PROP. OWNER: KYONG
LOCATION TITLE: 3537 W. NOBLE AVENUE
APN TITLE: 095-010-068
GENERAL PLAN: CMU
ZONING: C-MU (Mixed Use Commercial)

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit

PROJECT SPECIFIC INFORMATION: July 13, 2022

1. Massage is a "Conditional" uses in the C-MU zone.
2. A professional set of architectural plans are required as part of the CUP submittal.
3. Formal CUP application will require detailed floor plan that shows all rooms and their intended uses. Include any intended shower/bath facility for either customers or employees, and laundry facilities.
4. Provide plot plan that specifically shows dimensions of the property and building and parking placement relative to the building and the public entrance to the building.
5. Provide an operational statement that specifically details the owner/manager's licensing and qualifications and those of additional or anticipated employees, hours of operation.
6. The operation shall comply with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).
7. The project will be conditioned so as not to allow tinted or covered windows as part of the business.
8. Meet all other codes and ordinances.

PROJECT SPECIFIC INFORMATION: June 22, 2022

1. Proposal requires submittal and approval of a Conditional Use Permit.
2. A detailed site plan shall be submitted showing the project site.
3. Detailed building elevations shall be provided if exterior alterations are proposed.
4. Detailed floor plans shall be provided identifying the use, equipment, and dimensions of all rooms.
5. A Detailed operational statement shall be provided.
6. The operation shall comply with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).
7. All massage technicians shall be certified by the California Massage Therapy Council.
8. Meet all other Codes and Ordinances.

Sections of the Municipal Code to review:

17.19.060 Development standards in the C-MU zones outside the downtown area.

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 RB



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

22103

July 13, 2022

- ☒ 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.

Comment

Solid Waste has no additional comments.

Jason Serpa, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338

Nathan Garza, Solid Waste, 559-713-4532



SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

July 13, 2022

ITEM NO: 3 Resubmit
SITE PLAN NO: SPR22103
PROJECT TITLE: Zane Spa
DESCRIPTION: Foot & Body Massage (C-MU)
APPLICANT: Ling Ling Burros
OWNER: KIM JAY KYONG
APN: 095010068
— LOCATION: 3537 W NOBLE AVE

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 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



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

Date: 07/12/2021
Item: 3
Site Plan: SPR22103
Name: Henry Martinez

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 of 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 property crimes.

- ☐ Traffic Concerns:

- ☒ Surveillance Issues:
Interior and exterior surveillance cameras.

- ☐ Line of Sight Issues:

- ☐ Other Concerns:

City of Visalia
Building: Site Plan
Review Comments

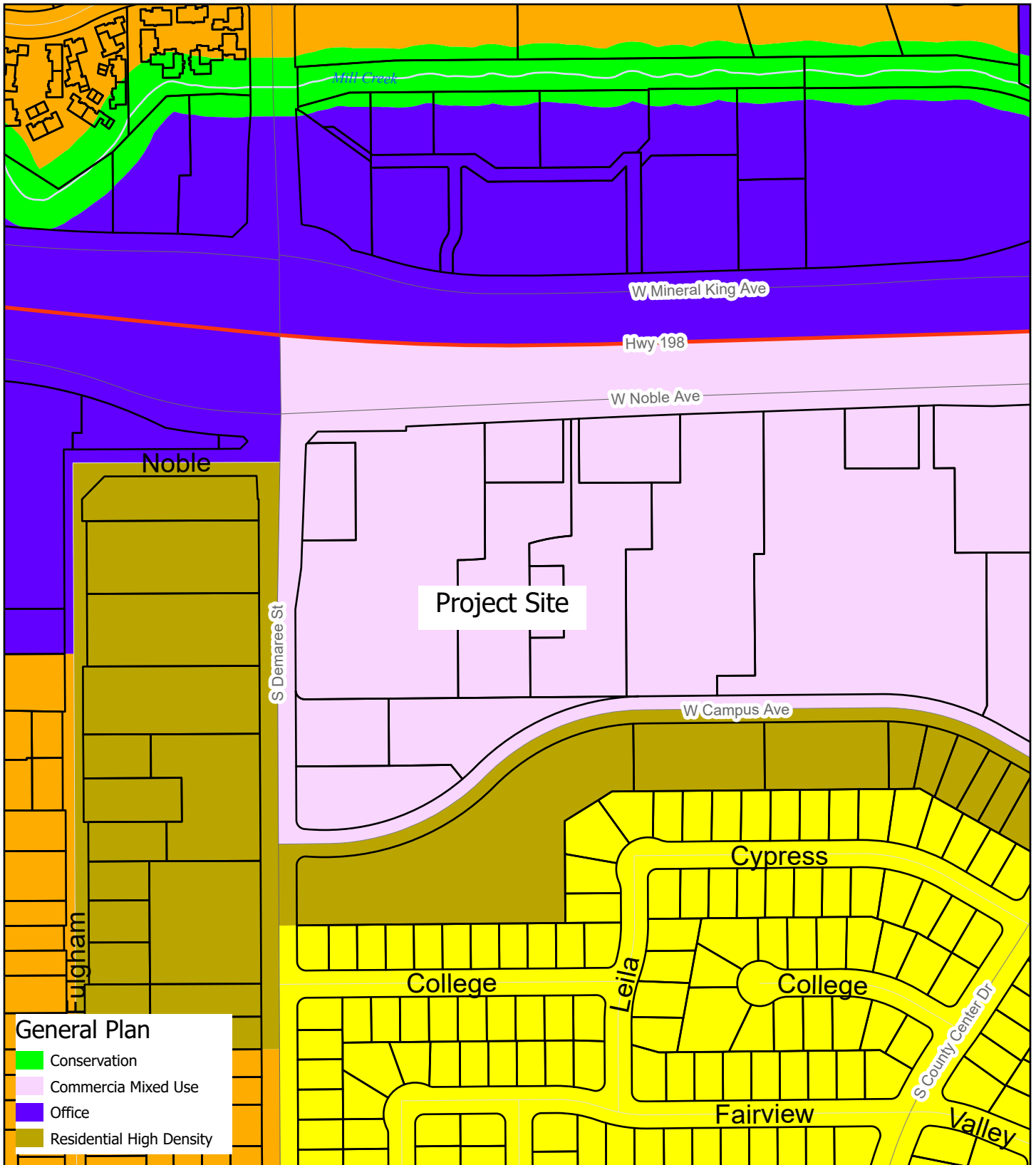
SR 22103
ZANE 324
3537 W NOBLE AVE.

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 ALL 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 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. ~~10% of PERMIT VALUE.~~
~~SHALL BE USED FOR "PATH OF TRAVEL" ACCESS.~~
- ☐ 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 _____ * ☐ Hazardous materials report.
- ☐ Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- ☐ School Development fees. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential.
- ☐ 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: _____

Valencia 7/12/22
Signature

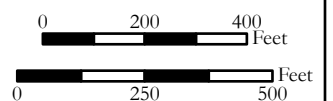


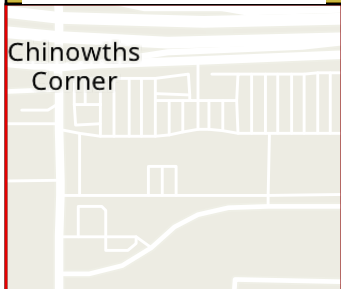
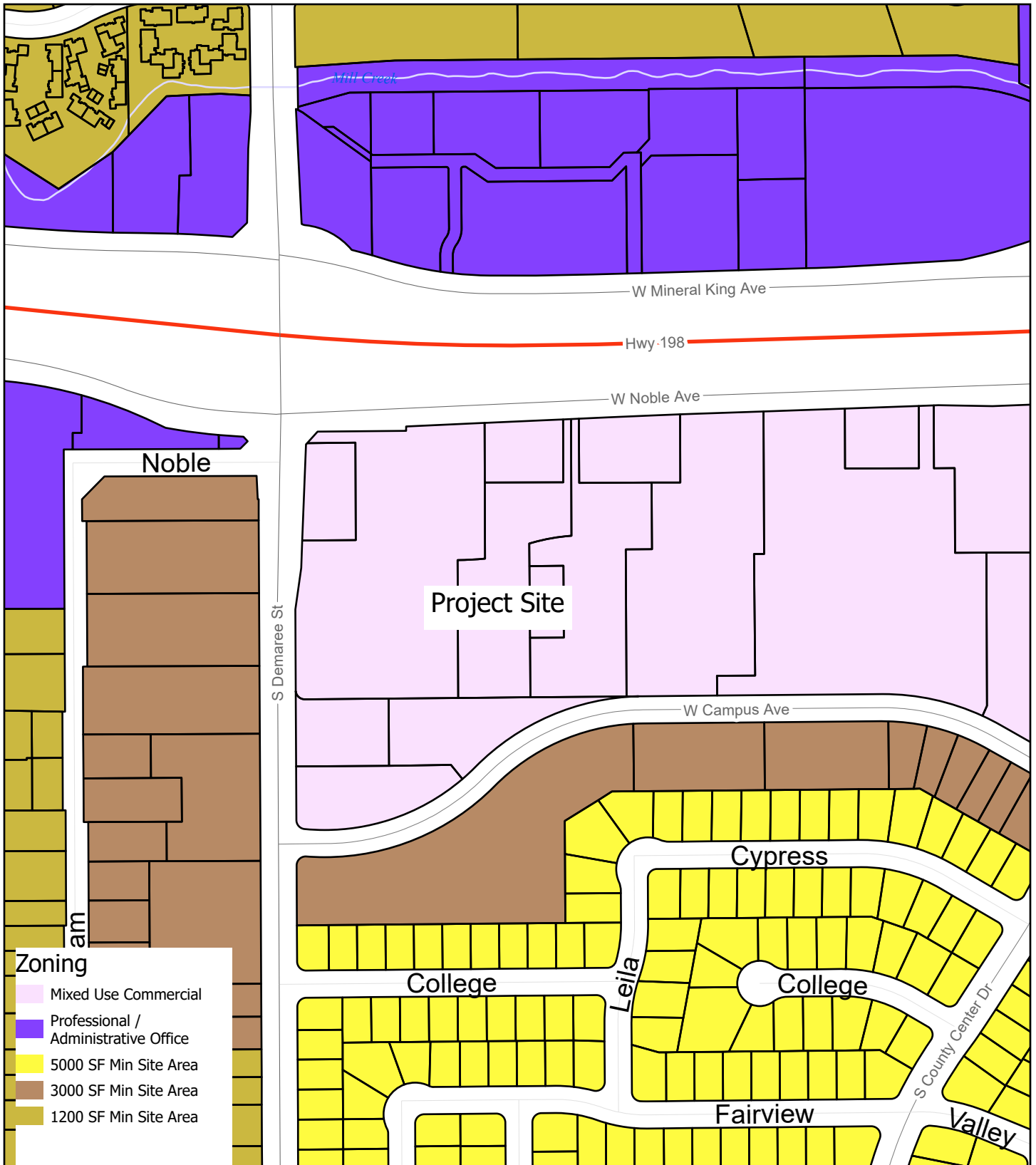
General Plan Land Use Map

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

2022

Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere



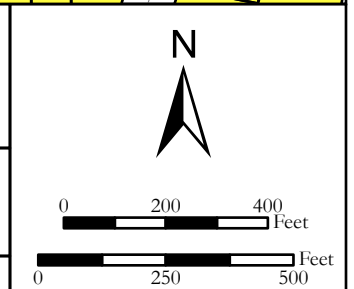


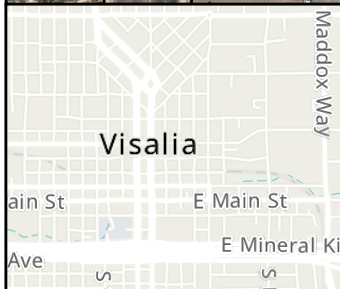
Zoning Map

Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

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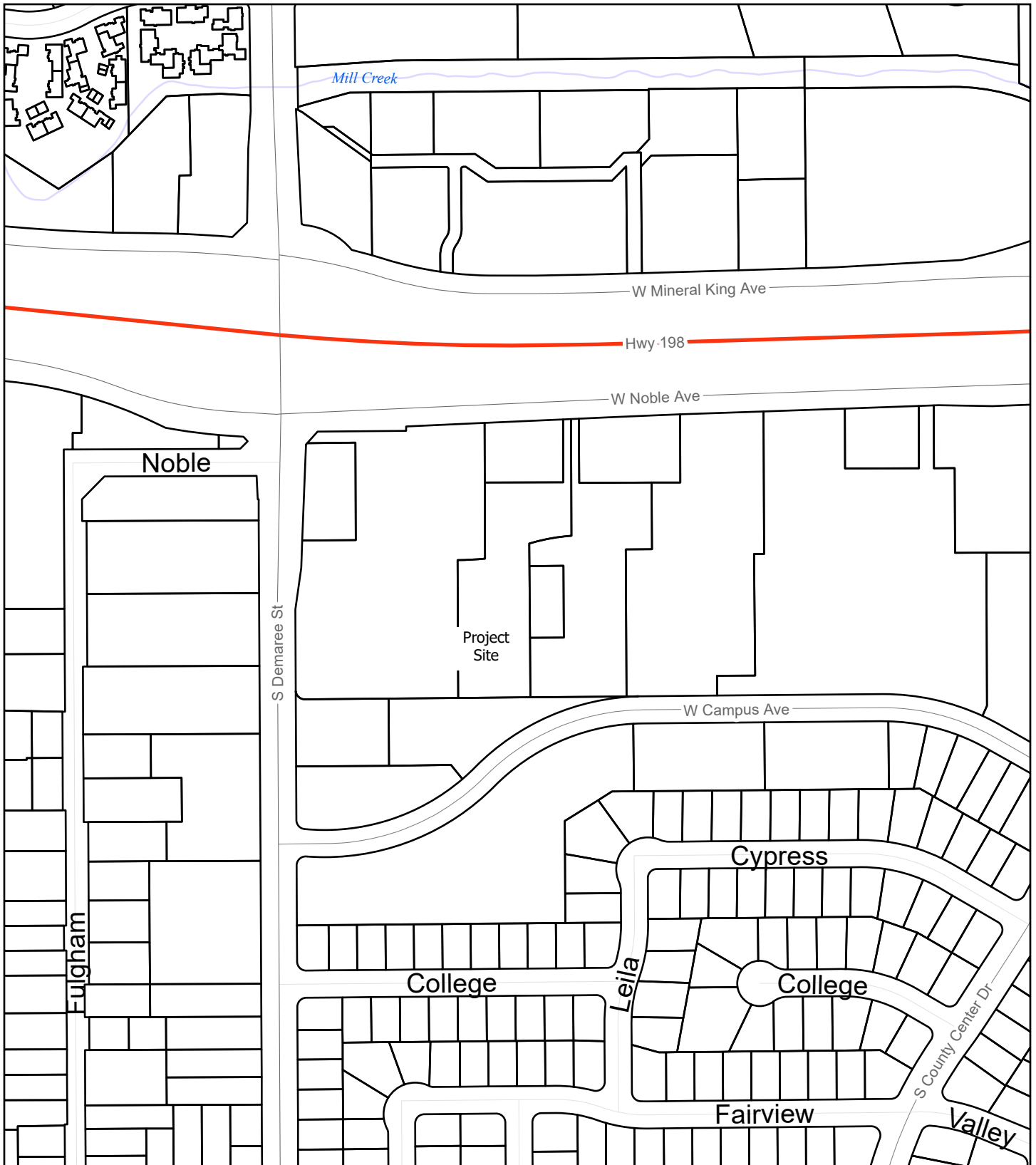


<h1>Aerial Map</h1>	
<p>City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA</p>	<h1>2022</h1>
<p>Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere</p>	

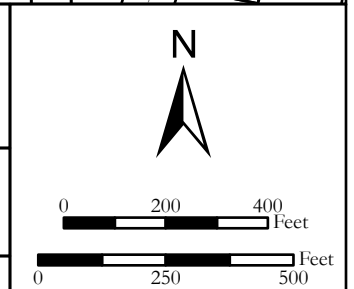
N

0 115 230 Feet

0 145 290 Feet



<h2>Vicinity Map</h2>	
<p>City of Visalia, Fresno County Dept. PWP, California State Parks, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri, NASA, NGA, USGS, FEMA</p>	<h1>2022</h1>
<p>Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere</p>	



VISALIA MUNICIPAL CODE CHAPTER 5.68 – Massage Establishments

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 an 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)

VISALIA MUNICIPAL CODE

Chapter 8.20 California Fire code

8.20.010 Adoption of the 2022 California Fire Code.

A. There is adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain document, not less than one copy is filed in the office of the Fire Department and one in the office of the Building Division of City of Visalia, being marked and designated as the California Fire Code, 2022 edition published by the International Code Council, including Appendix Chapters 4 (Special Detailed requirements Based on Use and Occupancy), B (Fire-Flow Requirements for Buildings), C (Fire Hydrant Locations and Distribution), D (Fire Apparatus Access Roads as amended by section L), H (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions), I (Fire Protection Systems-Noncompliant Conditions), N (Indoor Trade Shows and Exhibitions) and O (Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Visalia, in the State of California

regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided, providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the office of the City of Visalia are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed this section [8.20.010](#).

B. All further references shall be to the 2022 California Fire Code, in Subsection 101.1 of the, the term "City of Visalia" shall be inserted.

C. Subsection 104.3.1.1. Warrant cost recovery, is added to read as follows:

104.3.1.1 Warrant cost recovery. Cost to the City of Visalia for obtaining and executing an Inspection Warrant is the responsibility of the property owner and steps to recover the costs will be taken, up to and including a lien against the property. Recovery costs may include staff time, legal fees, and court fees.

D. Subsection 111.1 Board of Appeals is amended to read as follows:

111.1 Appeals. See local Ordinance, Appeals Section 8.20.07.

E. Subsection 111.1 through 111.4 shall be deleted in their entirety.

F. Subsection 112.4 Change: Violation penalties, is amended to read as follows:

112.4 Violations penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or a permit or certificate used under provision of this code, shall be guilty of a misdemeanor, infraction or both. Penalties shall be as prescribed in local Ordinance Section 1.12.010. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. Subsection 112.5 Cost of abatement, is added to read as follows:

112.5 Cost of abatement. Cost of abatement is the responsibility of the property owner and steps to recover the costs will be taken, up to and including a lien against the property. Property owners shall be notified of any action taken as soon as possible. Recovery costs may include staff time, contractor's costs, legal fees and any and all cost associated with the abatement.

H. Subsection 113.4 Change: Failure to comply, is amended to read as follows:

113.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine prescribed in local Ordinance Section 1.12.010.

I. Subsection 107.7 Added: Visalia Fire Department Fee Schedule, is added to read as follows: 107.7 Visalia Fire Department Fee Schedule. The Fire Chief may establish a schedule of fees, as approved by the City Council, to be charged and collected for plan checking, required inspections services, and for the issuance

of permits pursuant to Section 105 of this Code. In addition, this schedule may include a fire service Cost Recovery fee to be charged to any person, firm, corporation, or business that through negligence, violation of the law or as a result of carelessness is responsible for the cause of any fire service response to the scene of such an incident. A copy of the fee schedule shall be kept in the office of the City Clerk and the Office of the Fire Department and shall be available for public inspection.

J. Subsection 105.5.34 Exception, is amended to read as follows:

105.6.32 Exception: Recreational Fires, see Visalia Municipal Code Ordinance, Open Burning, Section 8.44.010.

K. Subsection 903.3.8.4.1 shall be added to read as follows:

903.3.8.4.1 Tamper Protection. 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.

L. Subsection C103.4 Buildings provided with a fire sprinkler system, is added to read as follows:

C103.4 Buildings provided with a fire sprinkler system. Any newly constructed building provided with a NFPA 13 or NFPA 13R fire sprinkler system shall provide a fire hydrant within fifty (50) feet of the fire department connection. Where an existing building is retrofitted with a NFPA 13 or NFPA 13R fire sprinkler system a fire hydrant shall be provided within seventy-five (75) feet of the fire department connection.

C103.4.1 An additional twenty-five (25) feet of distance between a fire hydrant and the fire department connection (FDC) may be granted by the Fire Marshal when a fire sprinkler system density is designed with an additional 25%.

Exceptions: The additional twenty-five (25) feet of distance between a fire hydrant and the fire department connection (FDC) shall not be permitted for Pipe scheduled and ESFR sprinkler systems.

M. Section D106 where required, "apparatus access roads" shall be available to public travel at all times.

N. Subsection D107.1 Shall read as follows:

One- or two-family dwelling residential developments. Developments of one- two family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved access roads available to public travel at all times.

O. Subsection D107.1 , Exception 1. shall be deleted in its entirety.
(Ord. 2022-15 § 2 (part), 2022)

8.20.020 Establishment authority and responsibilities.

A. The fire marshal under the authority of the fire chief is hereby authorized to enforce the provisions of the California Fire Code and shall have the authority to render interpretations of the code, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of the code and shall not have the effect of waiving requirements specifically provided for in the code.

B. The fire marshal may authorize fire inspectors and other members of the fire department as deemed necessary to enforce the provisions of the fire code.

C. A report of the fire prevention division shall be made annually to the city manager as part of the fire departments annual report. The fire marshal under the authority of the fire chief shall also recommend any amendments to the code which, in his/her judgment are desirable.

(Ord. 2022-15 § 2 (part), 2022)

8.20.030 Definitions.

Fire Code Official. Whenever the term "fire code official" is used in the California Fire Code, it means fire marshal of the fire department.

Municipality. Whenever the term "municipality" is used in the California Fire Code, it means the City of Visalia.

(Ord. 2022- 15 § 2 (part), 2022)

8.20.040 Establishment of limits of storage of flammable liquids in outside aboveground tanks and bulk storage of liquefied petroleum gases.

The limits referring to storage of flammable liquids in outside aboveground tanks and bulk storage of liquefied petroleum gases in the California Fire Code is to be restricted shall be regulated by the city zoning ordinance. Where the zoning ordinance is silent about the permitted or conditional use the omission shall be considered prima facie evidence of clear intent to prohibit the act.

(Ord. 2022-15 § 2 (part), 2022)

8.20.050 Modifications.

Where there are practical difficulties involved in carrying out the provisions of this code, the fire marshal shall have the authority to grant modifications for individual cases, provided the fire marshal shall first find that special individual reason makes the strict letter of the code impractical, and the modification is in compliance with the intent and purpose of the code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the department of fire prevention.

(Ord. 2022-15 § 2 (part), 2022)

8.20.060 Alternative materials and methods.

The fire marshal shall have power to approve alternative materials and methods where he or she finds that the proposed design is satisfactory and complies with the intent of the provisions of the California Fire Code. Where the alternative material, design or method of construction is not approved, the fire marshal shall respond in writing, stating the reasons why the alternative was not approved.

(Ord. 2022-15 § 2 (part), 2022)

8.20.070 Appeals.

Whenever the fire marshal and or chief of the fire department disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the fire marshal and or chief of the fire department to the city manager within thirty (30) days from the date of the decision.

(Ord. 2022-15 § 2 (part), 2022)

8.20.080 New materials, processes or occupancies which may require permits.

A. The city manager, the chief of the fire department, fire marshal and the chief building official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancy, which shall require permits, in addition to those now enumerated in said code.

B. The fire chief shall post such list in conspicuous place in his/her office and distribute copies thereof to interested persons.

(Ord. 2022-15 § 2 (part), 2022)

8.20.090 Capacity of tank trucks.

The capacity of compartments of tank trucks used in the delivery of Class I flammable liquids in retail lots and for retail purposes within the city shall be limited to one thousand two hundred (1,200) gallons.

(Ord. 2022-15 § 2 (part), 2022)

8.20.100 Special permits.

The chief of the fire department may, at his discretion, issue special permits for the entrance into the city of tank trucks of greater than one thousand two hundred (1,200) gallon compartment capacity for the purpose of making delivery of Class I flammable liquids to retail distribution stations, but not otherwise; provided, such permits shall be restricted to deliveries at locations where unusual hazards will not be created by such larger capacity trucks; provided, that no such tank trucks, carrying Class I flammable liquid, shall be parked or left unattended on any street, highway, avenue or alley of the city.

(Ord. 2022-15 § 2 (part), 2022)

8.20.110 Penalties.

Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specification or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city attorney or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor or infraction as determined by the city attorney, and shall be assessed administrative penalties pursuant to the

provisions of [Chapter 1.13](#) of the Visalia Municipal Code. These penalties may accrue and each day the property is not in compliance shall be considered another violation.

VISALIA MUNICIPAL CODE

Chapter 15.08 – California Building Code

15.08.010 Adoption of the 2022 California Building Code.

A. That certain building code, in book form known and designated as the 2022 California Building Code, Title 24, Part 2, Volumes 1 and 2, and published by The International Code Council, is adopted as the Building Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

1. Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city attorney based on a recommendation of the building official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor, or infraction as determined by the city attorney.

2. Such violation shall be subject to penalties in accordance with Section [1.12.010](#).

B. Included specifically are 2022 California Building Code Appendices B (Board of Appeals), C (Group U - Agricultural Buildings), F (Rodent proofing), H (Signs), I (Patio Covers), J (Grading) and P (Emergency Housing).

C. Reference is made to three copies of the 2022 California Building Code, one copy filed in the office of the city clerk and two copies filed in the office of Building Safety Division of the city, which are now filed for full particulars of said Building Code.

VISALIA MUNICIPAL CODE

Chapter 15.20 – California Plumbing Code

15.20.010 Adoption of the 2022 California Plumbing Code.

A. That certain plumbing code, in book form known and designated as the 2022 California Plumbing Code, Title 24, Part 5 as Published by the International Association of Plumbing and Mechanical Officials prepared and published by the International Association of Plumbing and Mechanical Officials, based on the 2021 Uniform Plumbing Code adopted as the plumbing code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

1. Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city attorney based on a recommendation of the building official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor, or infraction as determined by the city attorney.

2. Such violation shall be subject to penalties in accordance with Section [1.12.010](#).

B. Appeals Board section 1.8.8 shall be deleted. Refer to 2022 California Building Code Section 1.8.8 as amended.

C. Included specifically are 2022 California Plumbing Code Appendix A (Recommended Rules for Sizing the Water Supply System), B (Explanatory Notes on Combination Waste & Vent Systems), D (Sizing Storm Water Drainage Systems), H (Private Sewage Disposal Systems), I (Installation Standards for PEX Tubing

Systems for Hot- and Cold-Water Distribution), and J (Combination of Indoor and Outdoor Combustion and Ventilation Opening Design).

D. Section 808.0 of said California Code is amended to read as follows:

Section 808.0, Cooling Water. Discharge of cooling water into the sanitary sewer system is prohibited. Refer to Section [13.08.500](#) of City of Visalia Municipal Code (Prohibition on Unpolluted Water).

E. Reference is made to three copies of the 2022 California Plumbing Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said Plumbing Code.

VISALIA MUNICIPAL CODE

Chapter 15.24 – California Mechanical Code

15.24.010 Adoption of 2022 California Mechanical Code.

A. That certain mechanical code, in book form known and designated as the 2022 California Mechanical Code, Title 24, part 4 as Published by the International Association of Plumbing and Mechanical Officials, based on the 2021 Uniform Mechanical, adopted as the mechanical code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase or clause contained therein were fully set forth herein, including the appendices, except for those deletions, modifications, and amendments set forth below. If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

1. Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city attorney based on a recommendation of the building official or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor, or infraction as determined by the city attorney.

2. Such violation shall be subject to penalties in accordance with Section [1.12.010](#).

B. Appeals Board section 1.8.8 shall be deleted. Refer to 2022 California Building Code Section 1.8.8 as amended.

C. Included specifically are 2022 California Mechanical Code Appendix B (Procedures to be followed to Place Gas Equipment into operation) and C (Installation and testing of oil (liquid) fuel-fired equipment).

D. Reference is made to three copies of the 2022 California Mechanical Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said Mechanical Code.

VISALIA MUNICIPAL CODE

Chapter 15.28 – California Electric Code

15.28.010 Adoption of the 2022 California Electrical Code.

A. That certain electrical code, in book form known and designated as the 2022 California Electrical Code, Title 24, Part 3, Published by BNI Productions, Inc. based on the 2020 National electrical code, copyright 2019 National Fire Production Association, is adopted as the Electric Code of the city, to all intents and purposes and to the same effect as if each and every section, paragraph, subparagraph, word, phrase, or clause contained therein were fully set forth herein. If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

1. Any person who shall violate any of the provisions of the code adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder, and from which no appeal has been taken or who shall fail to comply with such order as affirmed or modified by the city attorney based on a recommendation of the building official or by a court of

competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance respectively be guilty of a misdemeanor, or infraction as determined by the city attorney.

2. Such violation shall be subject to penalties in accordance with Section [1.12.010](#).

B. Appeals Board section 89.108.8 shall be deleted. Refer to 2022 California Building Code Section 1.8.8 as amended.

C. Included specifically are 2022 California Electrical Code Annexes A and B.

D. Reference is made to three copies of the 2022 California Electrical Code, one copy filed in the office of the city clerk and two copies filed in the office of building safety division of the city, which are now so filed for full particulars of said electrical code.

VISALIA MUNICIPAL CODE

Chapter 17.25 – Uses In The Commercial, Mixed Use, Office, and Industrial Zones (2017)

[17.25.010](#) *Purpose and intent.*

No structure, or any part thereof, shall be erected, enlarged, or reduced, nor shall any site or structure be used, designated, or intended to be used for any purpose or in any manner other than is included among the uses listed in the land use tables in this chapter as permitted, administratively permitted, or conditionally permitted in the zone district in which such structure, land, or site is located, except as otherwise authorized by this title.

[17.25.020](#) *Applicability*

The requirements in this chapter shall apply to all property within the following zone districts:

[17.25.030](#) *Commercial, Office, and Industrial Zone Use Table*

A. The following table (Table 17.25.030) identifies which land uses are permitted by right, require a use permit, or are not allowed in the C-N, C-R, C-S, C-MU, D-MU, O-PA, O-C, BRP, I-L, and I zones.

B. A “P” means that the use is permitted by right in that zone. A “C” means the use requires a conditional use permit in that zone. An “A” means the use requires an administrative use permit in that zone. A “T” means the use requires a temporary use permit in that zone. A blank box means the use is not allowed in that zone.

C. Land uses are listed alphabetically, with some uses grouped by type under a general heading.

D. Land uses with specific land use prohibitions or standards shall meet the requirements found in the identified Chapter or Section in the last column of the table.

Table 17.25.030

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
	A										
	AGRICULTURAL - FARMING										17.08
A1	Beekeeping										
A2	Farmers' Market		P		P						
A3	Grain Elevators/Silos										

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed												
	USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
A4	Greenhouses (commercial growers)										P	
A5	Horse stables/Ranch (3 or more horses)											
A6	Limited Raising of Small Animals, Livestock, and fowl on a Domestic Noncommercial Scale (2 cows, 4 sheep, goats, no pigs)											
A7	Raising of Livestock and Fowl, except Stockyards (commercial)											
A8	Raising of Field, Truck or Orchard Crop & Horticultural Specialties						P	P	P	P		
A9	Riding Academies/Stables									C	C	
A10	Roadside Stands Selling Produce Grown on Site	T	T	T	T	T	T	T	T	T	T	
A11	Animal Shelters/ Humane Societies									C	C	
	AUDITORIUMS (see THEATERS)											
	AUTOMOTIVE (for gas stations see SERVICE STATIONS)											
A12	Auto Leasing/Renting			P	C	C						
A13	Auto Dismantling/Wrecking/ Salvage Yards										C	17.32.070
A14	Auto Machine Shops			P						P		
A15	Auto Oil, Lube & Smog Test Shops	C	C	P	P	C						
A16	Auto Repairs, Major-Overhauling, Rebuilding, Painting		C	P	C	C						
A17	Automotive Supplies, Parts & Accessories	C	P		P	P						
A18	Automotive Upholsterers			P								
A19	Boat Sales/Service			P								
A20	Car Washing -self service	C	C	P	C	C						
A21	Car Washing - automated	C	C	P	C	C				C		
A22	Car Sales - New & Used			P		C						
A23	Motorcycles, Sales and Service			P								
A24	RV/Boat Storage Yards			P						P		

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed												
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
A25			P						P			
A26	C	P	P	P	C							
A27		P	P	P								
A28			P						P			
A29			P						C			
A30			P									
B												
BANKS & FINANCIAL INSTITUTIONS												
B1	P	P	P	P	P	P	P	P	P	P		
B2	P	P	P	P	P	P		P				
BARBERS, HAIRSTYLISTS, TANNING CENTERS, COSMETICIANS, & DAY SPAS												
B3	P	P	P	P	P	C	C					
B4	P	P		P	P	P			P	P		
B5		P	P	C	P							
BED & BREAKFAST ACCOMMODATIONS												
B6					C		C				17.32.150	
B7					C		C				17.32.150	
B8					C							
BUS DEPOTS												
B9			C		C			C				
B10			P						P	P		
B11		C	C	C	C			C	C	C		
C												
C1			P	P	P				P	P		
C2											17.52	

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed												
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
C3	Christmas Tree Sales Lots / Other Seasonal Commercial Uses / Special Events	T	T	T	T							
CHURCHES & OTHER RELIGIOUS INSTITUTIONS												
C4	Up to 200 Seats			C	C	C	C		C			
C5	More than 200 Seats				C	C	C					
C6	Clothing / Costume Rental		P		P	P						
COMMUNICATIONS												
C7	Communications Equipment Building	C		P	P	C	C		C	P	P	
C8	Radio and TV Broadcasting Studios - with antenna off-site		P	P	P	P			C	P	P	
C9	Radio and TV Broadcasting Studios - with antenna on-site			C	C					P	P	
C10	Wireless telecommunication facilities – more than 100 feet away from property planned/ zoned residential	C	C	C	C	C			C	P	P	17.32.163
C11	Wireless telecommunication facilities - within 100-ft of property planned/zoned residential	C	C	C	C	C				C	C	17.32.163
D												
DAYCARE, LICENSED												
D1	Adult - six or few adults	P	P	P	P	P	P	P	P	P	P	
D2	Adult - 7 to 12 adults	P	P	P	P	P	P	P	P	P	P	
D3	Adult - 13 or more adults	C	C	C	C	C	C	C	C	C	C	
D4	Children - 8 or fewer	P	P	P	P	P	P	P	P	P	P	
D5	Children - 9 to 14	P	P	P	P	P	P	P	P	P	P	
D6	Children - 15 or more	C	C	C	C	C	C	C	C	C	C	
D7	In Conjunction with Primary Use	P	P	P	P	P			P	P	P	
D8	Drive-Thru Lanes Meeting All Standards in Sect. 17.32.162	P	P	P	P		P		P			17.32.162
D9	Drive-Thru Lanes Not Meeting All Standards in Sect. 17.32.162	C	C	C	C		C		P			17.32.162
D10	Drive-Thru Lanes in Industrial Zone									C	C	17.32.161

	Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed												
USE		Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
	E												
	EATING & DRINKING ESTABLISHMENTS												
E1	Bars/Taverns - within 300 feet of any residence/public use	C	C		C								
E2	Bars/Taverns - not within 300 feet of any residence/public use		P		C								
E3	Micro-breweries / micro-wineries (with or without restaurants)	C	P	C	C	C			C	C	C	17.63	
E4	Craft distilleries				P	C	C				C	C	Craft distilleries Permitted in 17.63 Overlay District
E5	Cafeterias	P	P	P	P	P	C		P	C	C		
E6	Fast Food Restaurants												See Lines D8 and D9 of Table 17.25.030 for Drive-thru lane zoning requirements.
		P	P	P	P	P	C		P				
E7	Fast Food Restaurants (Industrial Zone)										C	C	17.32.161
E8	Pizza/Sandwich Shops - serving wine/beer	C	P	P	P	P	C		P				
E9	Pizza/Sandwich Shops - no alcohol	P	P	P	P	P	C		P	C	C		
E10	Ice Cream Shop	P	P		P	P	C		P				
E11	Night Clubs/Discotheques		C			C							
E12	Live Entertainment		C		C	C							17.04
E13	Sit-Down Restaurant/Cafe - with or without full bar using less than 25% of public area	P	P	P	P	P	P	P	P	P			

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed												
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)	
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
E14	Sit-Down Restaurant/Cafe - full bar using greater than 25% of public area	C	C	C	C	C	C	C				
E15	Enclosed Solid Waste Transfer Stations											
F												
F1	Florist	P	P	P	P		C					
F2	Fortunetelling / Palm Reader				P							5.20
FUEL STORAGE												
F4	Propane/Butane				P				P	P		
F5	Propane/Butane (maximum 2000 gallons)		P	P								
F6	Propane/Butane within 50 feet of Planned/zoned Residential				C				C	C		
F7	Propane/Butane within 50 feet of Planned/zoned Residential (maximum 2000 gallons)		C	C								
F8	Above Ground Tanks dispensing Class I, II, and III-A liquids - within 100 feet of a residential use or residential zoned property	C	C	C	C			C	C	C		17.32.025
F9	Above Ground Tanks dispensing Class I, II, and III-A liquids - more than 100 feet from a residential use or residential zoned property	P	P	P	P			P	P	P		17.32.025
F10	Pump & Underground Storage Tank											
F11	Pump & Underground Storage Tank - 500 gallons or less								P	P		
F12	Pump & Underground Storage Tank - more than 500 gallons								P	P		
F13	Petroleum & Petroleum Products Storage								C	C		
	Public Fuel Dispensing (see Service Stations)											
F14	Funeral Home / Mortuary			C	C	C	C					
G												

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
G1	Galleries – Art / Photography / Crafts	P	P	P	P	C						
	H											
H1	Home Occupation Businesses	P	P	P	P	P	P	P	P	P	P	17.32.030
H2	Hotels and Motels		C		C	C			C			
	I											
	J											
	K											
K1	Kennels (located 500 feet or more from a residential zone)			C						C		
	L											
	LAUNDRY / DRY CLEANERS											
L1	Dry Cleaners (cleaning plant)	P	P	P	P	P			P			
L2	Dry Cleaners (cleaning plant including carpet/rug cleaning and dyeing)			P	P					P		
L3	Diaper Supply Service			P	P					P		
L4	Linen & Uniform Supply Service			P	P					P		
L5	Self service	P	P	P	P	P						
	M											
	MANUFACTURING / ASSEMBLING											
	Building & Construction Trade											
M1	- building materials yards (storage & distribution)			P						P	P	
M2	- cabinetmaker/carpenter shops			P						P	P	
M3	- concrete & ready-mix manufacture & distribution									C	C	
M4	- contractor's equipment storage yards			P						P	P	
M5	- drilling/dredging/ditching service			P							P	
M6	- lumberyard (see also RETAIL)			P						P		
M7	- sheet metal shop			P						P		

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
	Chemical Products, except as more specifically described below (manufacturing, blending, compounding, packaging, bottling)											
M8	- laboratories (i.e., organic/inorganic)							P	P	P		
M9	- paint, dye & glue manufacturers								C	P		
M10	- pharmaceuticals					C		C	P	P		
M11	- manufacture of raw plastic materials, colorants, liquids, powders, resins								C	P		
M12	- soap detergent & other cleaning preparations								C	P		
	Food & Beverage - Preparation & Bottling/Packing & Distribution											
M13	- animal & marine fats & oils (refining & rendering)									C		
M14	- beer & ale distributors		P						P	P		
M15	- breweries and wineries producing 60,000 barrels or less per year								P	P		
M16	- breweries and wineries producing more than 60,000 barrels per year									C		
M17	- commercial bakeries		C						P	P		
M17	- dairy products processing & packaging								C	C		
M18	- fruit & vegetable brokers & shippers								P	P		
M19	- grain, feed & flour mills									P		
M20	- ice manufacturers & storage		P						P	P		
M21	- meat & poultry product processing including butchering/slaughtering									C		
M22	- meat and food locker, packaging		P						P	P		
M23	- nut processing (dehydrating, hulling & drying)									P		
M24	- packaging of previously prepared food items		P		P			P	P	P		
M25	- processing, canning & packing food products									P		

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M26	- refinery for food products, i.e. sugar										C	
M27	- snack food preparation, packaging									P	P	
M28	- soft drink bottling & distribution									P	P	
M29	- vegetable oil mills										P	
M30	- water processing & bottling									P	P	
M31	Flammable/Combustible Liquids										C	13.32.027
M32	Heavy Equipment/Machine Manufacture/Assembly (welding & fabrication, i.e., agricultural equipment, aircraft equipment parts & supplies, large appliances, auto/truck manufacturing, industrial machinery)										C	
M33	Kiln works for clay and pottery products									P	P	
M34	Light Manufacturing/Assembly (i.e., computer hardware & parts, electric supplies - coils, wire, cable, etc.)								C	P	P	
	Printing & Publishing Industry											
M35	- desktop, blueprint & photocopy		P	P		P			P	P		
M36	- publishing, printing &/or binding (newspapers, magazines, brochures, books, etc.)			P					P	P	P	
	Products Manufactured/ Assembled from Previously Prepared Materials											
M37	- manufacture of paper & plastic packaging & cartons								C	P	P	
M38	- clothing assembly/imprinting			P						P	P	
M39	- metal fabrication & die cutting			P						P	P	
M40	- rubber & plastic product manufacturing									C	P	
M41	- textile mills (dyeing, weaving, knitting, cutting)										P	
M42	- packaging/distribution of prepared materials (non-food items)								P	P	P	
M43	Raw Materials Manufacture										C	17.04

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M44	Stone mills/monument yards									C	P	
	Trucking, Warehousing, and Internet Fulfillment Centers											
M45	- combined office/warehouse-type buildings			P						P	P	
M46	- general warehousing & storage			P						P	P	
M47	- local bus charter			P						P		
M48	- moving companies/trucking/storage			P						P	P	
M49	- refrigerated warehouses/storage			P						P	P	
M50	- school bus yards			P						P		
M51	- trucking & freight forwarding terminal			C						P	P	
M52	Massage Therapist	C	P		C	C	C	C				
	MEDICAL FACILITIES/SERVICES (for medical/dental offices see OFFICES)											
M53	Hospitals, Acute Care (general medical/surgical)					C	C					
M54	Ambulance Services/Medical Transport			C	C	C	C		C			
M55	Convalescent Hospitals / Senior Care Facilities / Nursing Homes				C	C	C					
M56	Clinics (medical group, urgent care/walk-ins, dental, rehabilitation)	C	C		C	C	C			C	C	
M57	Dialysis Centers and Blood Donation Centers		C	C	P	C	C			C		
M58	Hospices						C					
M59	Laboratories (medical testing & diagnostic)				P	C	C		P			
M60	Medical Equipment/supplies (oxygen, prosthetics, walkers, etc.)		P	P	P	P	P					
M61	Opticians - Dispensing	C			P	P	P					
M62	Psychiatric Hospitals, including Treatment of Substance Abuse						C					

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
M63	Residential Alcohol/Substance Abuse Treatment Facility						C					
M64	Rehabilitation Hospitals				C	C	C					
M65	Museums (special interest/historical-public/private)		C			C	C					
	N											
	O											
	OFFICES											
	General Business and Professional (i.e., data processing services, employment agencies, insurance agencies, etc.)											
O1	- less than 2,000 sq. ft.	P	P	P	P	P	P	P	P			
O2	- 2,000 sq. ft. to 6,000 sq. ft.	C	P	C	P	P	P	P	P			
O3	- more than 6,000 sq. ft.	C	C	C	P	P	P	P	P			
O4	- up to 25% of total leased area for center	P	P				P	P	P			
O5	- more than 25% of total leased area for center	C	C				C	C	C			
O6	Medical (i.e., Physical therapists, physicians/surgeons, dentists/orthodontists, optometrists, chiropractors, etc.)	C	C		P	P	P	P				
O7	Counseling/psychologist - individuals	C	C		P	P	P	P				
O8	Counseling/psychologist - groups	C	C		P	C	P	C				
O9	Offices Associated with Industrial Uses (not exceeding 25% of total building area)			P					P	P	P	
O10	Temporary Trailers (construction)	T	T	T	T	T	T	T	T	T	T	
	P											
P1	Parcel Delivery Services / Parcel Distribution (UPS, Federal Express, etc.)			P	P		C			P		
P2	Parking Facilities For Off-Site Uses		C	P	P	C	C		C	C	C	

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	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I		
P3	Park & Ride	C			C			C	P	P		
	PHOTOCOPY SERVICES / DESKTOP PUBLISHING											
P4	With Printing Press		P		C	C	C		P	P		
P5	Without Printing Press	P	P		P	P	P	P	P			
	PHOTOGRAPHY / PHOTO SERVICES											
P6	Photography Studio	P	P	C	P	P	C	P				
P7	Photography Labs/Blue Printing/Microfilming (developing, printing - no retail on site)			P	P	C	C		P	P		
P8	Photography labs (developing, printing - no retail on site)			P	P	C			P	P		
P9	Photography Labs with Retail on Site	P	P	P	P	P						
P10	Planned Unit Developments	C	C	C	C	C	C	C	C	C	17.26	
P11	Private Clubs and Lodges		C		C		C				17.32.115	
P12	Private Postal Service (Mail Boxes, Mailing Service) (See Also Parcel Delivery Services)	P				P			P			
	PUBLIC COMMUNITY SERVICES											
P13	Community & Recreation Centers	C			C	C						
P14	Community Gardens	C			C	C						
P15	Fire Stations	C	P	C	C	C	P		C	P	P	
P16	Police Stations & Substations	C	P	P	P	P	P		P	P	P	
P17	Post Offices					C	P					
P18	Public Buildings, Offices & Grounds	C	P		C	P	C		C			
P19	Public Golf Courses/Driving Ranges											
P20	Public Libraries	C			C	P	C		C			
P21	Public Parks/Playgrounds	C		C	C	P						
P22	Post Office Substations	C	P		P	P	P		P	P		
	Q											
	R											
	RAILROADS											

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R1	Freight Stations, Repair & Yards									C	C	
R2	Passenger Stations					C						
RECREATION FACILITIES												
R3	Athletic and Health Clubs (gymnasiums, fitness centers, racquet clubs)	C	C		C	C	C		C			
R4	Athletic and Health Clubs (gymnasiums, fitness centers, racquet clubs) less than 5,000 sq. ft.	P	P	P	P	P	P		P	P		
R5	Aquatic Centers	C	C		C	C	C		C			
R6	Private Libraries					P			C			
R7	Athletic/Playing Fields				C							
R8	Bowling Alleys		C		C	C						
R9	Circus, Carnivals, Fairs & Festivals, Revivals/Assemblies		T	T	T	T			T	T		
R10	Dance, Yoga & Music Studios	P	P	P	P	P	P		P	P		
R11	Martial Arts	P	P	P	P	P	P		P	P		
R12	Golf Courses & Driving Ranges				C							
R13	Miniature Golf Courses		C		C							
R14	Ice & Roller Skating Rinks		C		C							
R15	Pool Halls/Billiard Parlors	C	C		C	C						
R16	Video Machines/Coin-Operated Games - 1 to 4 machines	P	P		P	P			P			17.32.120
R17	Video Machines/Coin-Operated Games - 5 or more machines	C	C		C	C						17.32.120
R18	Other Recreational Facilities	C	C	C	C	C			C	C	C	
R19	Rifle and Pistol Range, indoor	C	C	C	C	C			C	C	C	
RECYCLING FACILITIES												
R20	Heavy Processing			C						C	P	17.32.160
R21	Light Processing			C						P	P	17.32.160
R22	Large Collection			C						P	P	17.32.160
R23	Small Collection	C	C	C	C					P	P	17.32.160

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R24	Reverse Vending Machines	P	P	P	P	P			P	P	P	17.32.160
R25	Temporary Facilities, i.e. recycling of Christmas trees, tree trimmings, etc.		T	T	T					T	T	17.32.160
R26	Household Hazardous Waste Collection Center			P						P		17.32.160
	RESIDENTIAL (see also Residential Zones)											
R27	Residential Units, New or Expansions, which may or may not be associated with a commercial activity	C	C	C	C	C	C	C	C	C	C	
R28	Group/Foster Homes, Licensed - 1 - 6 individuals in addition to residing family						C					
R29	Group/Foster Homes, Licensed - more than 6 individuals						C					
R30	Emergency Shelters									P		
R31	Emergency/Temporary Housing					C				C	C	
R32	Household Pets	P	P	P	P	P	P	P	P	P	P	
R33	Single Room Occupancy (SRO) units					C						
	RETAIL											
	General Merchandise											
R34	- less than 4,000 sq. ft.	P	P		P	P			C			
R35	- 4,000 to 6,000 sq. ft.	P	P		P	P						
R36	- 6,001 to 40,000 sq. ft.	C	P		P	P						
R37	- 40,001 to 60,000 sq. ft.		P		P	C						17.32.050
R38	- over 60,000 sq. ft.		P		C	C						
	Building/Landscape Materials											
	- lumberyards (see MANUFACTURING/ ASSEMBLING)											
R39	- fencing stores/yards			P						P		
R40	- floor & wall coverings	C	P	P	P	P						
R41	Garden Centers/Nurseries - located within primary use	P	P	P	P							

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
R42	Garden Centers/Nurseries - stand alone	C		P	C					P		
R43	Glass Stores (windows, etc. for auto, residential, commercial)			P	P							
R44	Hardware Stores including lumberyards			P								
R45	Hardware Stores 10,000 square feet or more					P						
R46	Hardware Stores less than 10,000 square feet	P		P	P	P						
R47	Paint Stores		P	P	P							
R48	Home Improvement		P	P	P							
	Drugstore/Pharmacy											
R49	- including general retail merchandise	P	P		P	P	C					17.32.050 17.32.055
R50	- not including general retail merchandise, 1,500 sq. ft. or more	P	P		P	P	P		P			
R51	- not including general retail merchandise, up to 1,500 sq. ft.	P	P		P		P					
R52	Farm Equipment Sales			P						P		
R53	Feed Stores			P	C							
	Food Stores											
R54	- convenience store - 7000 sq. ft. or less	C	C	C	C	C			C	C	C	
R55	- liquor store within 300 feet of residential/public use		C		C	C						
R56	- liquor store not within 300 feet of residential/public use	C	C		C	P						In C-R zone, 5,000 sq. ft minimum building area in per Ordinance 2012-08
R57	- specialty food stores (bakery, delicatessen, butcher shop, meat market, health food, gourmet/imported food, etc.)	P	P		P	P	C		C			17.32.050

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R58	- supermarkets/grocery stores	P			P	P						17.32.050
R59	-wine tasting with sales	C	P	C	C	C			C	C	C	
R60	Furniture & Furnishings - new		P	P	P	P						
R61	Furniture & Furnishings - secondhand *up to 10,000 square feet	P	P	P	P	P						
R62	Gun Shops - within primary use	P	P		P	P						
R63	Gun Shops - stand alone		P		P	P						
	Magazine/Newspaper Sales (Freestanding Booth/Stand/ Kiosk)											
R64	- indoor	C	P	P	P	P	P		P			
R65	- outdoor	C	C	C	C	C	C		C			
	Outlet Stores											
R66	- bakery				P							
R67	- apparel		P		P							
R68	- furnishings				P							
R69	Pawnshops				C	C						
R70	Pet Stores	P	P		P	P						17.32.050
R71	Pool/Spa Supplies/Equipment	P	P	P	P	P				P		17.32.050
R72	Secondhand Store/Thrift Shops - up to 2,000 square feet		P		P	P						
R73	Secondhand Store/Thrift Shops - greater than 2,000 square feet		P		P	C						
R74	Smoke Shops (retail of cigarettes and smoke devices / paraphernalia)				C	C						
	S											
	SCHOOLS, PUBLIC AND PRIVATE (see also Quasi-Public and Residential Zones)											
S1	Preschool/After-School Care	C			C	C	C	C				
S2	Elementary Schools, K-6 or K-8	C	C	C	C	C	C					
S3	Middle Schools	C	C	C	C	C	C					
S4	High Schools	C	C	C	C	C	C					
S5	Colleges/Universities (academic)		C		C	C			C			

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S6	Business, Trade, Vocational, Charter or other Specialized Schools		C	C	C	C	C		C	C	C	
S7	After Hours Academic Education Facilities (After 6:00 p.m.)		C		C	C	P		P			
S8	Tutoring Centers	C	C		C	C	C					
SERVICE, COMMERCIAL												
S9	Air Conditioning Shops			P						P		
S10	Appliance, Electrical Equipment, Tools (disassemble & repair)	P		P	P	P						
S11	Check-Cashing Service	C	C		C	C						
S12	Chemical Stripping/Powder Coating			P						P	P	
S13	Chrome & Anodizing Shops			P						P	P	
S14	Courier Services			P	P	P	C		P			
S15	Auction House			C						C		
S16	Bail Bonds				C	C	C					
S17	Equipment Rental – conducted outdoors			P	C					P		
S18	Equipment Rental – conducted indoors		P	P	P	P				P		
S19	Exterminators/Fumigators			P						P		
S20	Gunsmith Shops, including incidental retail			P	P	C				P		
S21	Heavy Machinery and Equipment (welding, cutting, grinding, casting, etc.)			P						P	P	
S22	Janitorial Service			P								
S23	Lawn Maintenance & Tree Trimming			P						P		
S24	Locksmiths	P	P	P	P	P						
S25	Other Household & Maintenance Services			P						C		
S26	Pet Grooming / Dog Training (conducted indoors)	P	P	P	P	P						
S27	Printing Service (see also Photocopy Services)	C			P	C						

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		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
S28	Repair Shops (tools, non-automotive, mechanical equipment)			P						P		
S29	Sharpening Service - tools, knives, saw blades, lawn mowers, etc.			P						P		
S30	Sharpening Service - small tools not including saw blades and lawn mowers	P		P	P					P		
S31	Sheltered Workshops	C		P	C				C	P		
S32	Shoe Repair Shops	P	P	P	P	P						
S33	Sign Painting & Fabrication			P						P		
S34	Taxidermists			P						P		
S35	Tailor, Dressmaking, & Alterations	P	P	P	P	P						
S36	Upholstering Shops (furniture only)			P	P					P		
S37	Upholstering Shops - Showroom with minimum 35% of gross receipts to be retail sales					C						
SERVICE STATIONS												
S38	Fuel dispensing only - not including major auto repair services of any kind	C	C	P	C	C			C	P		
S39	Also including major auto repair services		C	P	C					C		
S40	Also including light servicing of trucks			P						C		
S41	Storage, Sorting, Collection, Or Bailing of Iron, Junk, Paper, Rags, Or Scrap (Not Including Auto Dismantling)											
S42	Storage Tanks, Non-Fuel									P	P	
S43	Swap Meets										C	
T												
T1	Taxi/Limousine Service			P	P	P			P			
THEATERS												
T2	Auditoriums		C			C						
T3	Drive-in				C							
T4	Movie		C		C	C						
T5	Live Performance		C		C	P						

	Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
	USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
		C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
	U											
U1	Unenclosed Solid Waste Transfer Stations										C	
	UTILITIES											
U2	Business Offices		P	P	P	P	P		P			
U3	Electric Distribution Substations	C	C	C	C		C	C	C	C	P	
U4	Elevated Pressure Tanks	C	C	P	P		C		C	P	P	
U5	Gas Regulator Stations	C	C	P	C	C	C		C	P	P	
U6	Public Service Pumping Stations	C	C	P	C		C		C	P	P	
U7	Payment Centers	P			P	P	P		P			
U8	Public Utility Service Yards			P	C					P		
	V											
	VETERINARY SERVICES											
V1	Animal Care Clinic (no boarding)	P	C	P	P		C			P		
V2	Hospitals/Clinics (located 500 ft. from a residential zone including short term boarding of animals)	C		C	C					P		
	W											
W1	Wholesale Commercial Establishment			P						P		
	WAREHOUSING/STORAGE											
W2	- primary use									P	P	
W3	- not to exceed 20% of gross floor area of permitted use	P	P	P	P	P			P	P	P	
W4	- in excess of 20% of gross floor area of permitted use	C	C	C	C	C			C	P	C	
W5	Mini Storage Facilities			P	C					P	C	
	X											
	Y											
	Z											
	OTHER											

Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed											
USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
OT1	Other Uses Similar in Nature and Intensity as Determined by the City Planner	P	P	P	P	P	P	P	P	P	
OT2	Other Uses Similar in Nature and Intensity as Determined by the City Planner Subject to the Granting of a Conditional Use Permit	C	C	C	C	C	C	C	C	C	

VISALIA MUNICIPAL CODE

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.

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.

CITY OF VISALIA 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.

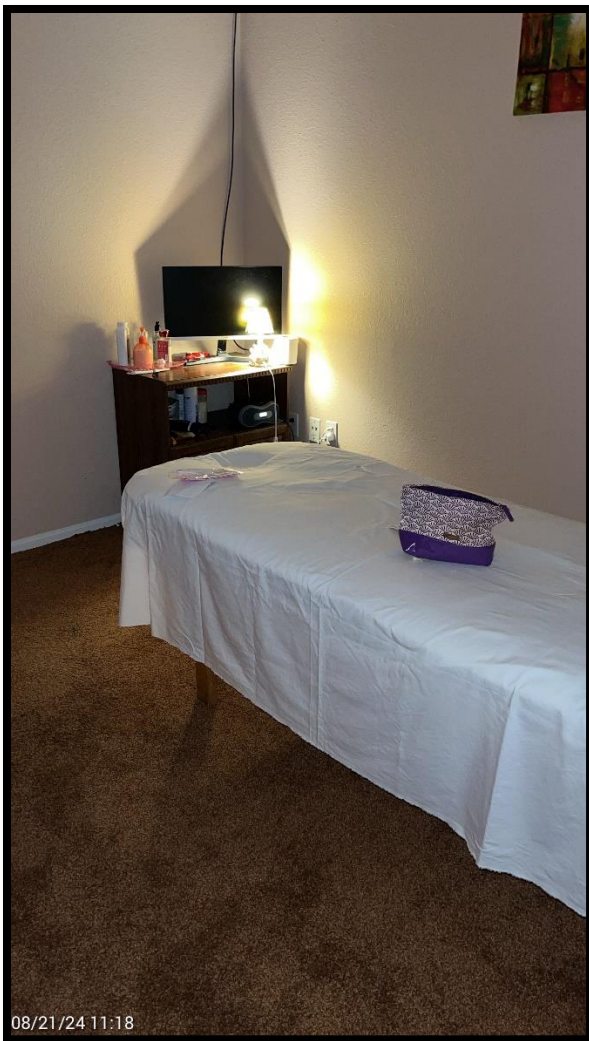
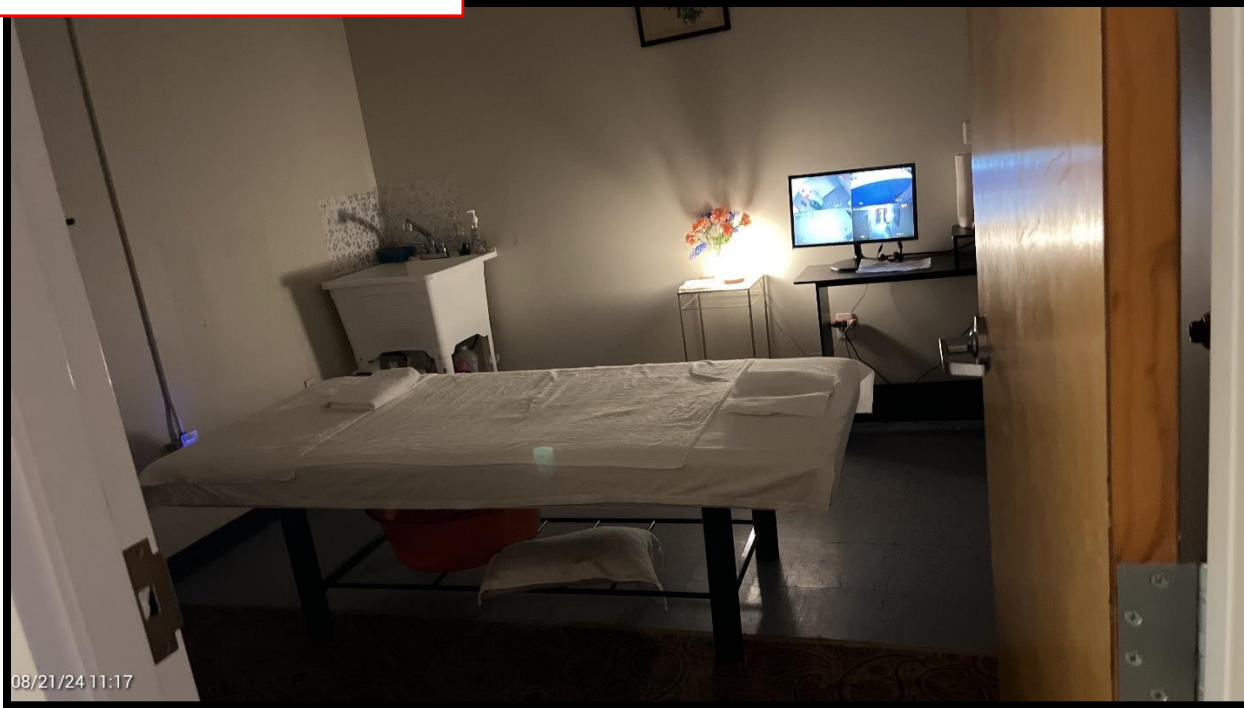
SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted as required by law.

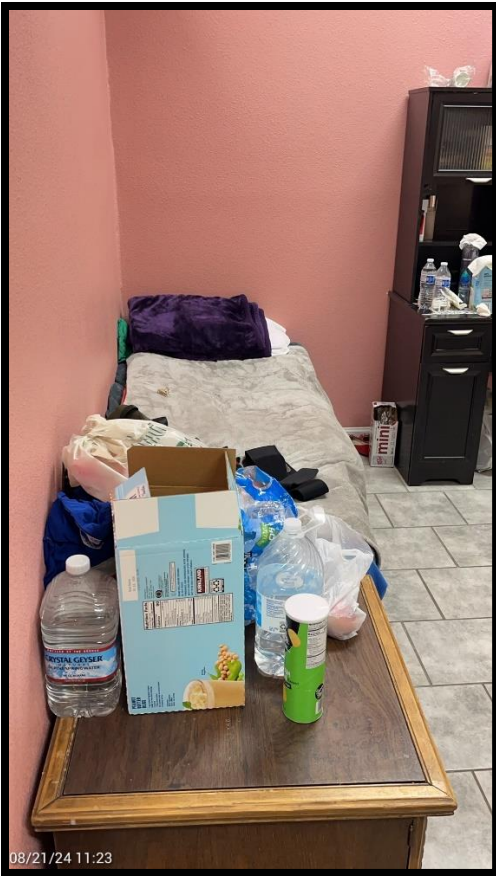
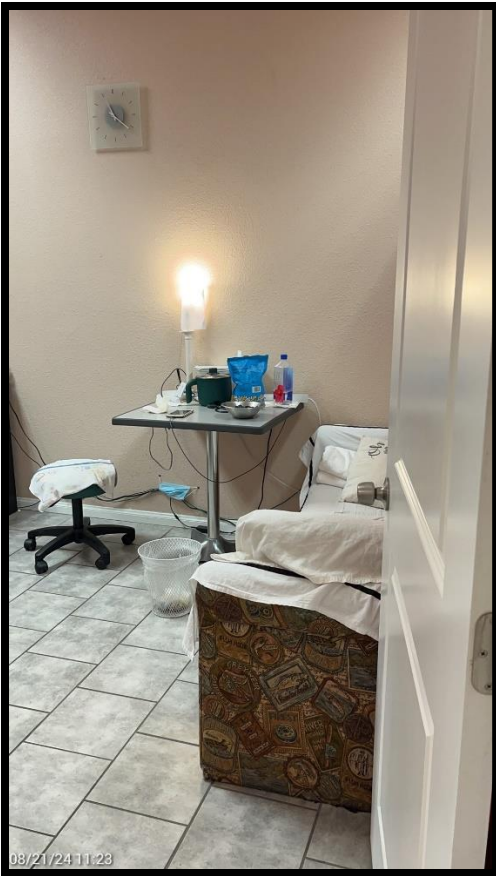
CONDITIONAL USE PERMIT NO. 2022-18

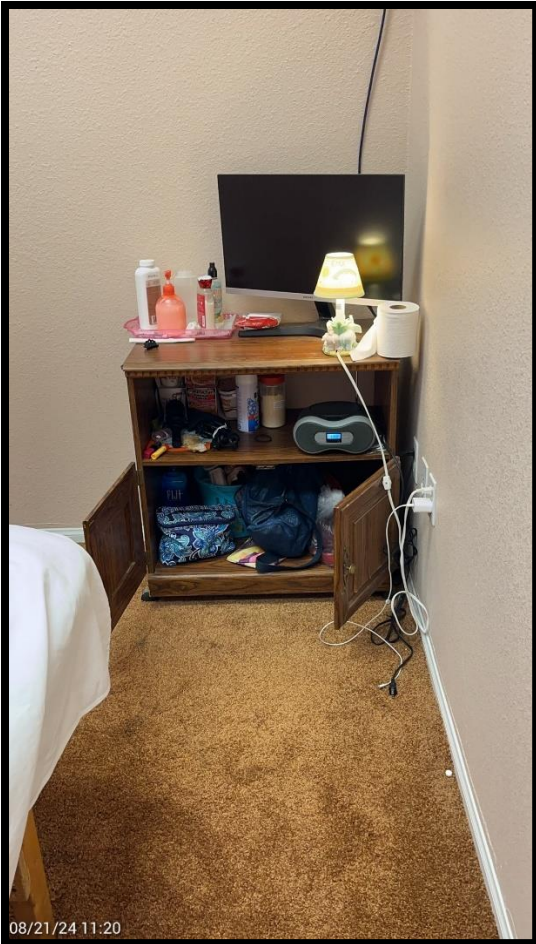
Conditions of Approval

1. That the project shall be developed consistent with the comments and conditions of Site Plan Review No. 2022-103, incorporated herein by reference.
2. That the site shall be developed in substantial compliance with the approved site plan and floor plan as shown in Exhibits "A" and "B".
3. That the site shall operate in substantial compliance with the operational statement as stated in Exhibit "C". Any changes to the operation shall be subject to review by the City Planner and may subsequently be required to be reviewed by the Planning Commission.
4. That the use shall operate in compliance with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments).
5. All new building signage shall require a separate building permit and shall be designed consistent with Visalia Municipal Code Chapter 17.48 (Sign Ordinance).
6. That all other federal and state laws and city codes and ordinances be complied with.

ATTACHMENT "E"





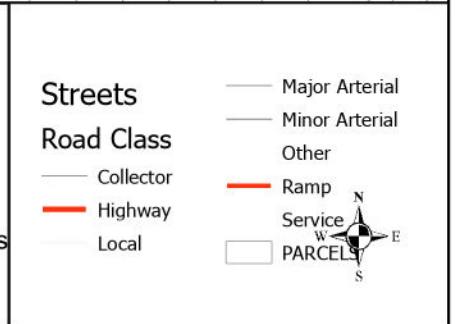
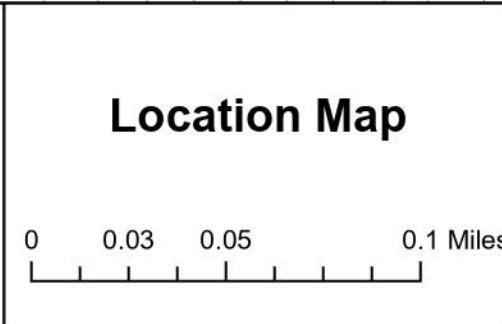
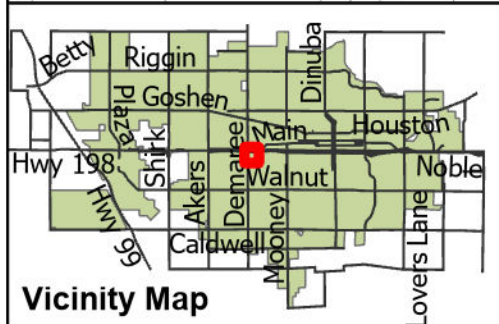
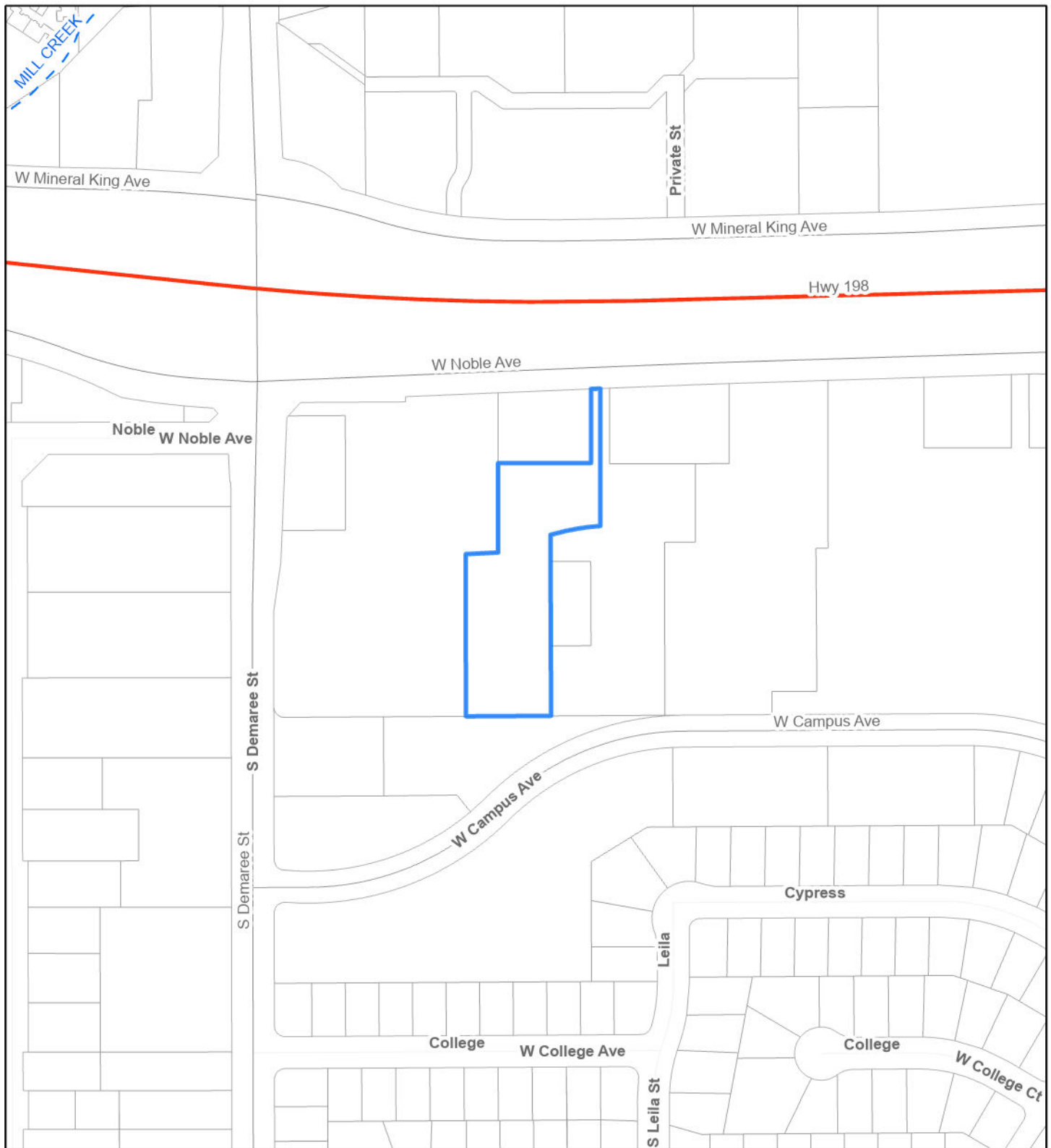




Aerial Map

0 0.02 0.04 0.09 Miles







REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 28, 2024

PROJECT PLANNER: Colleen A Moreno, Assistant Planner
Phone No.: (559) 713-4031
E-mail: colleen.moreno@visalia.city

SUBJECT: **Revocation of Conditional Use Permit No. 2023-28:** A request by the City of Visalia, pursuant to Municipal Code section 17.38.040, to revoke Conditional Use Permit No. 2023-28, which allowed the operation of a massage therapy business at 2015 West Tulare Avenue, located in the C-MU (Mixed Use Commercial) zone (APN: 095-120-040).

STAFF RECOMMENDATION

Staff recommends revoking Conditional Use Permit No. 2023-28. Staff's recommendation is based on the conclusion that the owner/operator has failed to comply with the 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. 2023-28 based on the findings and conditions in Resolution No. 2024-63.

BACKGROUND

The request to revoke Conditional Use Permit (CUP) No. 2023-28 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 2015 West Tulare Avenue. On September 9, 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 August 22, 2024, Code Enforcement Officers with the Neighborhood Preservation Division conducted an inspection of the massage therapy establishment located at 2015 West Tulare Avenue. The inspection of this commercial tenant space identified various violations and pursuant to Visalia Municipal Code section 5.04.130, Code Enforcement Officer(s) issued and posted a Cease and Desist order which was posted on the business door. The business was ordered to cease operations until it came into compliance with applicable legal requirements. A copy of the Cease and Desist is provided as Attachment "B".

Pursuant to Section 17.38.040 of the Zoning Ordinance, violation of any applicable provisions 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 permit on the same or substantially the same site shall be filed within one (1) year from the date of the 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:	C-MU (Mixed Use Commercial)
Zoning:	C-MU
Surrounding Zoning and Land Use:	North: QP (Quasi-Public) / COS Parking Lot
	South: C-MU (Commercial Mixed Use) / Fitness Center
	East: R-M-2 (Multi-Family Residential) / Multi-Family Homes
	West: C-MU / quick-Serve Restaurant

RELATED PROJECT

On November 13, 2023, Conditional Use Permit No. 2023-28 was approved allowing a massage therapy business to operate in an existing 540 square foot tenant space in the C-MU (Mixed Use 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. 2023-28 based on the operator/owner's 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. One of the rooms within the tenant space was converted into a bedroom for residential use which is a violation of the requirements for massage establishments under City of Visalia Ordinance 2024-03, which forbids living quarters in massage establishments.
2. Front windows covered with curtains and signs that cover the glass door, which is a violation of the requirements for massage establishments under City of Visalia Ordinance 2024-05, which forbids obstructing the view into the interior reception or waiting area of a massage establishment.
3. Unsafe living in a commercial building with no smoke detector or carbon monoxide alarm. This is in violation of the California Building Code, and the requirements for massage establishments under City of Visalia Ordinance 2024-05.

In addition, a review of the two massage technicians working onsite at the time of the inspection noted that their California Massage Therapy Council (CAMTC) certification information does not list the City of Visalia as a place where they are working, which is a failure to inform CAMTC the cities these massage technicians work.

It should be noted that the notices of these violations were sent to both the current business owner and the property owner in each instance.

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.

As noted above, the massage establishment at this location is 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 failing to comply with adopted regulations, staff is requesting the Planning Commission revoke CUP No. 2023-28 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 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 code violations and the types of code violations that have occurred, specifically, persons living in the commercial unit, which is a serious violation and unsafe and unsanitary for both workers and customers of the site. The disregard for the safety and welfare of the public demonstrates issues with the massage establishment owner having difficulty enforcing the CUP requirements and City staff therefore recommend the CUP be revoked.

Massage Establishment Business Owners

The massage establishment located at 2015 West Tulare Avenue has not changed business owners since the conditional use permit was approved in November 2023. The owner of the property has also remained consistent.

Please note all code enforcement actions are sent to the property owner when dealing with issues related to the site.

Property History

The subject property is a commercial development consisting of three separate units, a barber shop and a sign making business. Staff researched to see if there are any other conditionally permitted uses located at 2015 West Tulare 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 one from 2019, regarding a remodel within the suites done without a permit, this violation has since been remedied and closed.

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. 2023-28, 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 surrounding businesses and neighborhood due to the failures of the massage establishment at this location to meet applicable requirements.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on September 9, 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. 2024-63
- Attachment "A" – Notice of Conditional Use Permit Suspension letter
- Attachment "B" – Cease and Desist
- Attachment "C" – Conditional Use Permit No. 2023-28 Staff Report
- Attachment "D" – Section 5.68, Ordinance No. 2024-05, and Conditional Use Permit Section
- Aerial Map
- Location 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.

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.

RESOLUTION NO. 2024-63

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A REQUEST BY THIS CITY OF VISALIA, PURSUANT TO MUNICIPAL CODE SECTION 17.38.040, TO REVOKE CONDITIONAL USE PERMIT NO. 2023-28, WHICH ALLOWED THE OPERATION OF A MASSAGE THERAPY BUSINESS LOCATED AT 2015 WEST TULARE AVENUE, LOCATED IN THE C-MU (MIXED USE COMMERCIAL) ZONE (APN:095-120-040).

WHEREAS, Conditional Use Permit No. 2023-28 was a request to allow massage therapy establishment in the Mixed Use Commercial (C-MU) zone located at 2015 West Tulare Avenue; and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on November 13, 2023, and found the Conditional Use Permit No. 2023-28, 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 August 22, 2024, the Neighborhood Preservation Division conducted an inspection of the massage therapy establishment located at 2015 West Tulare Avenue and upon inspection of the business violations of the Visalia Municipal Code Chapter 5.68 and Ordinance No. 2024-05 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, notices of these violations were sent to the business operator and property owner;

WHEREAS, based on the violations on the site, on September 9, 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, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on October 28, 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 is in violation of the existing Conditional Use Permit No. 2023-28, 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 failures of the massage establishment at this location to meet applicable requirements.
3. That the Notice of Conditional Use Permit Suspension was issued by the City of Visalia on September 9, 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. 2023-28 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.



Notice of Conditional Use Permit Suspension

September 9, 2024

Jose Luis Sanchez & Rubi Veronica Sanchez
1507 N. Garden St.
Visalia, CA 93291

Case Number: CE241443
Conditional Use Permit No.: 2023-28
RE: Pattaya SPA, 2015 W. Tulare Ave. Visalia, CA 93277

Dear Jose and Rubi Veronica Sanchez

The subject property was issued Conditional Use Permit No. 2023-28, which permitted a massage establishment at the above referenced address. 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. 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 August 22, 2024, Code Enforcement Officer(s) with the Neighborhood Preservation Division conducted an inspection of the property located at 2015 West Tulare Avenue (APN: 095-120-004). The inspection of this commercial tenant space identified the following violations:

1. Front windows covered with curtains and signs that cover the glass door, which is a violation of the requirements for massage establishments under City of Visalia Ordinance 2024-05, which forbids obstructing the view into the interior reception or waiting area of a massage establishment.
2. One of the rooms within the tenant space was converted into a bedroom for residential use which is a violation of the requirements for massage establishments under City of Visalia Ordinance 2024-03, which forbids living quarters in massage establishments.
3. It is unsafe living in a commercial building with no smoke detector or carbon monoxide alarm. This is in violation of the California Building Code, and the requirements for massage establishments under City of Visalia Ordinance 2024-05.

As a result of these violations, and pursuant to Visalia Municipal Code section 5.04.130, Code Enforcement Officer(s) 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 enclosed with this letter.

City staff reviewed the Conditional Use Permit (i.e., Conditional Use Permit No. 2023-28) that was approved allowing massage establishments to operate at this location. The business is in violation of Condition of Approval No. 4 of Conditional Use Permit No. 2023-28 and Resolution No. 2023-53 which states, *"That all other federal, state and city laws, codes and ordinances be complied with."*

Due to the 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,

Paul Bernal

Paul Bernal, Director
Planning and Community Preservation
(559) 713-4359
paul.bernal@visalia.city

Enclosures:

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

Cc: James Koontz, City Attorney – via e-mail
Paul Bernal, Planning and Community Preservation Director – via e-mail
Tracy Robertshaw, Neighborhood Preservation Manager – via e-mail
Martha Zavala, Code Enforcement Officer – via e-mail
Colleen Moreno, Assistant Planner – via e-mail

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.

☒ **CA Building Code Chapter 100 Permit Required (excerpts)**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Parking lots shall not be paved, improved, striped, or restriped unless a separate permit for each parking lot has first been obtained from the building official.

☒ **Ordinance No. 2024-03**

Inspections. The operator and/or responsible employee must consent to an inspection by the City's Building and Safety Division, Code Enforcement Division, Fire Department and Police Department and the County Health Department for purposes 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.

Pattaya Spa

The business, _____, located at 2015 W Tulare Ave Unit 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: 8/22/24

By Order of: [Signature]
Code Enforcement Officer, CCEO

Affidavit of Posting and/ or Hand Delivery

I solemnly swear under penalty of perjury that on 8/22/24, I personally posted a copy of this Violation Notice to the front of the address indicated above and/or hand delivered this Violation Notice to _____.

[Signature]
Code Enforcement Officer

(559) 713-4534
Phone Number

CERTIFIED
[Signature]

City of Visalia



To: Planning Commission

From: Colleen Moreno, Assistant Planner (559-713-4031)

Date: November 13, 2023

Re: Late Correspondence for Planning Commission Agenda Item No. 7:

Conditional Use Permit No. 2023-28: A request to establish Pattaya Spa, a foot and body massage therapy use within an existing 540 square foot tenant space in the C-MU (Commercial Mixed Use) zone. The site is located at 2015 West Tulare Avenue, on the southeast corner of West Tulare Avenue and South Crowe Street (APN: 095-120-040).

The Planning Division received the attached e-mail correspondence after the report was completed, on Thursday, November 9, 2023, regarding the above referenced project. The e-mail states the following concerns regarding the proposed use and its close vicinity to a school (College of the Sequoias) and an apartment complex where children reside, the possibility of illicit/illegal activities within the proposed use and the distance of similar uses within a four (4) block radius of the proposed project site.

ATTACHMENTS

- E-mail from Deene Souza, local apartment complex owner, received November 9, 2023
- Staff created GIS maps detailing distance of project site and similar uses.

From: [Deene Souza](#)
To: [Planning](#)
Subject: Public hearing comment for 2015 W Tulare Ave
Date: Wednesday, November 8, 2023 9:42:16 PM

Some people who received this message don't often get email from deenesouza@gmail.com. [Learn why this is important](#)

Dear Planning Commission members:

I'm writing in opposition to granting a conditional use permit for a massage parlor at this location. I own apartments on Crowe, **that have children as residents**, that are in the 300 foot mailing radius of this proposed establishment.

There are already at least 2 massage parlors in the immediate area. Is Visalia trying to establish the College of the Sequoias and Mooney Blvd sphere of influence as a red light district? Have you connected with the Visalia Police Department and obtained information on crimes involving massage parlors within the city limits? In California, massage parlors are commonly charged with soliciting prostitution and engaging in acts of prostitution. This business, which could arguably be considered a legalized prostitution establishment and coverup for sex trafficking and illegal immigration, would be one of MANY within a very small radius. Please count the number of massage parlors within 4 blocks of this proposed one. Let's not make it more difficult to police these by granting ANOTHER permit for a massage parlor in this area.

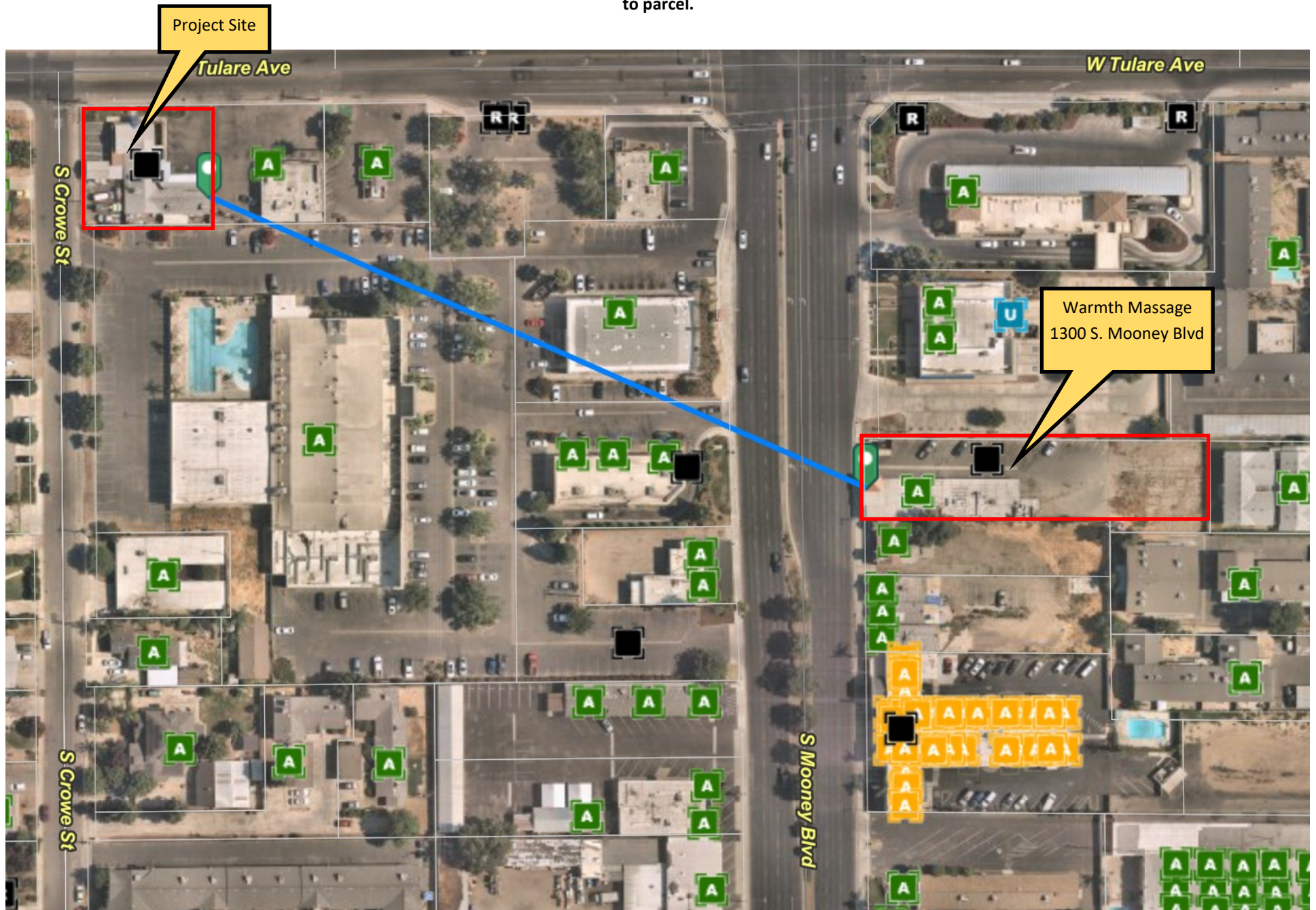
This is across the street from a school. Granted, it's a junior college, but in reality, we have high school students attending school there, most of which are under the age of 18 years old. In addition, many of our "just graduated" high school students are attending school there. SURELY the owners can find a higher and better use for that property than a massage parlor and all the "great, wholesome activities" one provides. It's across the street from a school for God sake.

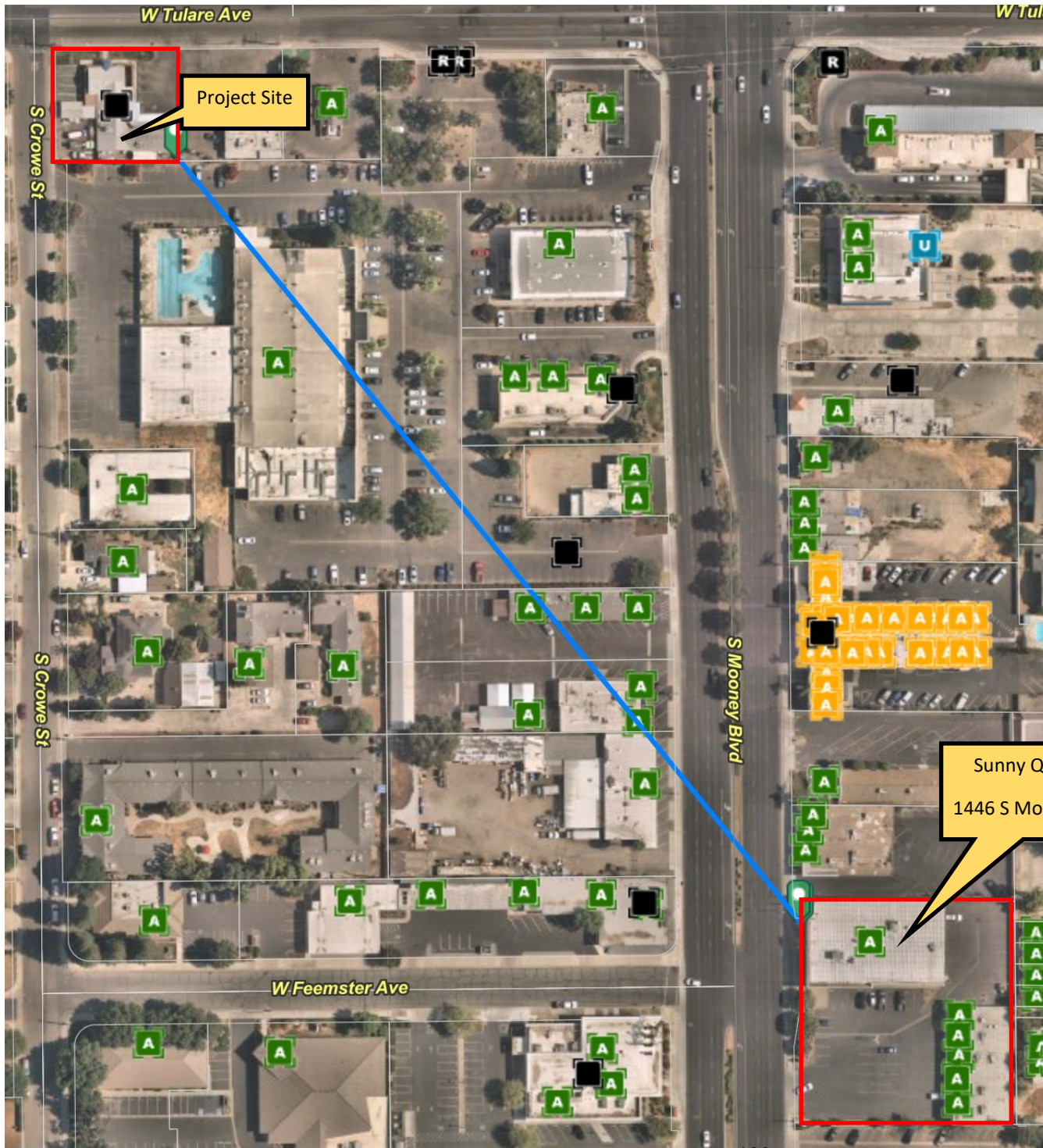
Didn't the residents of Visalia just approve a Fresno State campus across from that facility? Let's look at the long range planning of what is coming and aim for more suitable businesses in that area. The county is doing a great job of trashing Mooney Blvd with their nearby supportive housing hotels. We don't need to assist their effort any further with this type of establishment.

Please deny the massage parlor permit that **would be the entrance to a neighborhood of homes** on S. Crowe St in Visalia.

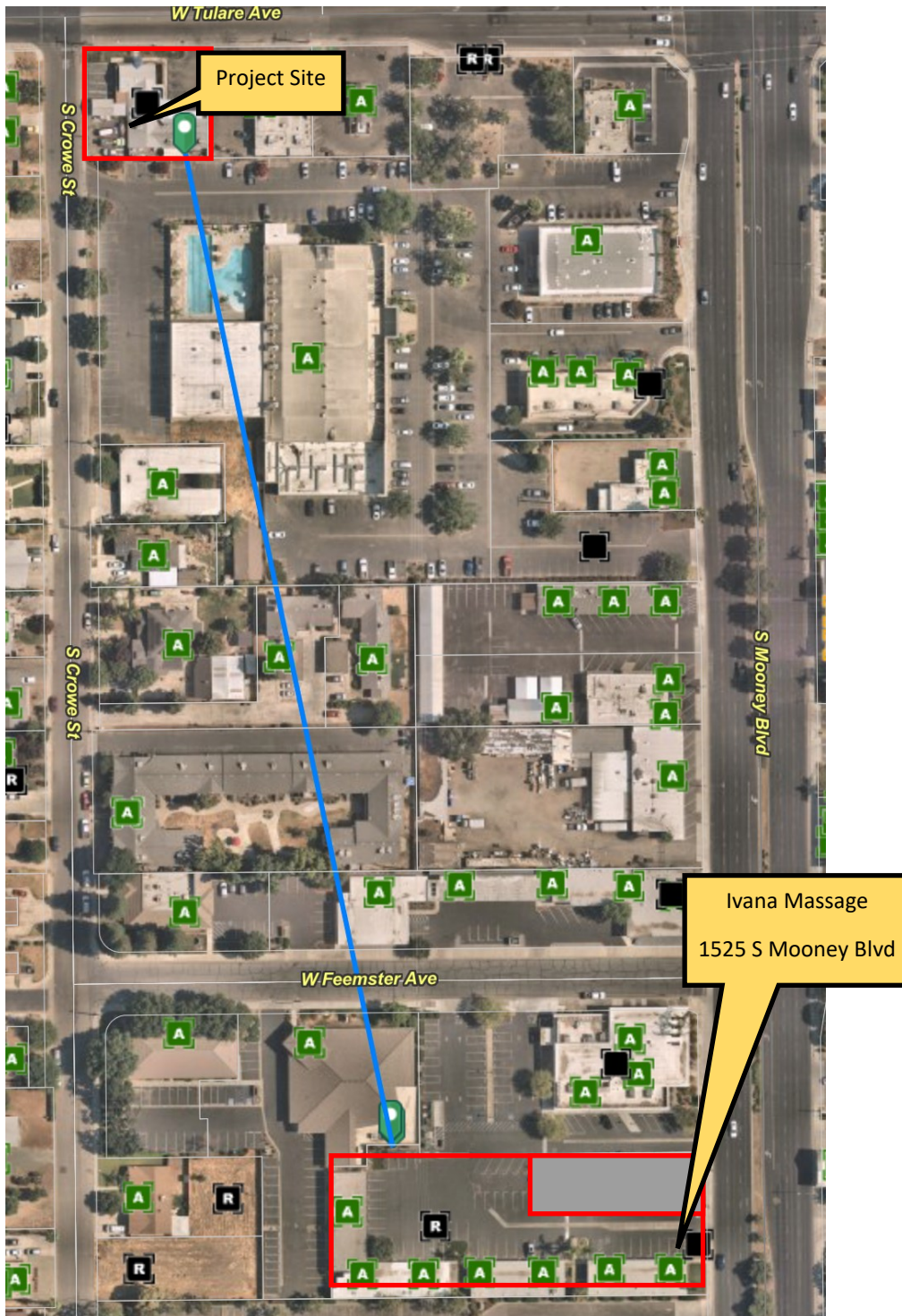
Deene Souza
Visalia resident
(559) 730-6100

0.12 miles from proposed location, parcel
to parcel.

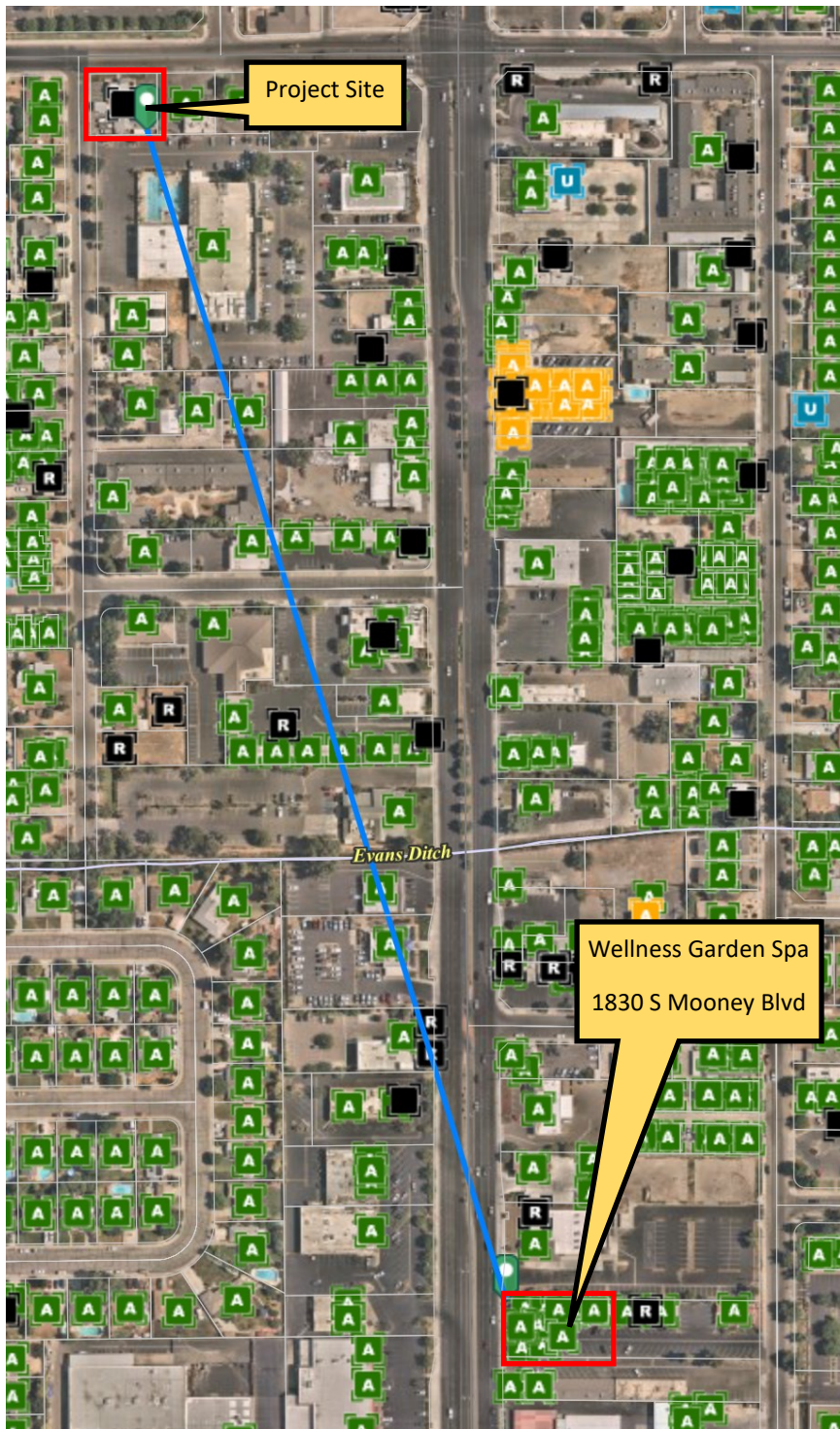




0.18 miles from proposed location, parcel to parcel.



0.18 miles from proposed location, parcel
to parcel.



0.4 miles from proposed location, parcel to parcel.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: November 13, 2023

PROJECT PLANNER: Colleen A Moreno, Assistant Planner
Phone No.: (559) 713-4039
E-mail: colleen.moreno@visalia.city

SUBJECT: Conditional Use Permit No. 2023-28: A request to establish Pattaya Spa, a foot and body massage therapy use within an existing 540 square foot tenant space in the C-MU (Commercial Mixed Use) zone. The site is located at 2015 West Tulare Avenue, on the southeast corner of West Tulare Avenue and South Crowe Street (APN: 095-120-040).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2023-28 based on the findings and conditions in Resolution No. 2023-53. Staff's recommendation is based on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2023-28 based on the findings and conditions in Resolution No. 2023-53.

PROJECT DESCRIPTION

Conditional Use Permit No. 2023-28 is a request by Pattaya Spa to establish a massage use within a tenant space in an approximately 3,960 square foot building (Exhibit "A") located at 2015 West Tulare Avenue. The building has two additional tenant spaces, both currently occupied (Barber Shop and Visalia Signs). The proposed massage use is located on the west side of the building with primary frontage along West Tulare Avenue and will have a primary point of entry independent from all other spaces.

The floor plan (Exhibit "B") details that the tenant space layout will have an open floor plan, with two rooms, one in the southwest corner and northeast corner of the building used for massage tables, two single stall restrooms in the southeast corner and a break room in the northwest corner. There will be no other types of massage furniture in the open space area. There are no exterior modifications proposed to this space.



The applicant has provided an operational statement (Exhibit "C") indicating that Pattaya Spa will employ one massage therapist at a time. The hours of operation will be every day of the week, 9:00 a.m. to 10:00 p.m. The services provided include foot and body massages. Customers will be accepted by both walk-ins and appointments.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial
Zoning:	C-MU (Commercial Mixed Use)
Surrounding Zoning and Land Use:	North: QP (Quasi Public) South: C-MU (Commercial Mixed Use) East: C-MU (Commercial Mixed Use) West: R-M-2 (Multi-family Residential)
Environmental Document	Categorical Exemption No. 2023-47
Site Plan:	2023-141

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2023-28, as conditioned, based on the project's consistency with the General Plan Land Use and the Zoning Ordinance.

Land Use Compatibility

The Visalia Zoning Matrix identifies massage therapists as conditionally permitted within the C-MU Zone, requiring submittal and approval of a Conditional Use Permit (CUP). Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses.

A quick serve restaurant, a barbershop, a sign printing, College of the Sequoia parking lot and a mixture of single and multi-family residential uses are currently located within the vicinity of the project site. There is one tenant within the site that operates like the proposed project, that being a barbershop, which operates on an appointment only schedule. Immediately neighboring the site to the east is a standalone quick serve restaurant, and in the tenant space immediately to the south is a sign shop.



Staff concludes that the project, as conditioned, is consistent with the land use given the areas' land use and zoning designations. The proposed use will not have a negative impact on the project site and surrounding area.

Parking

Pursuant to Section 17.34.020 of the Zoning Ordinance, similar uses such as barber shops and beauty salons require two (2) spaces per practitioner, with a minimum of four (4) spaces. Per the Operational Statement, normal operation of the site will only include one (1) therapist.

There are seven (7) parking spaces, four (4) of which are to the east of the property and the remainder on the west side along South Crowe Street (Exhibit "A"). The three (3) stalls on the west side of the building are assigned to Pattaya Spa, however the additional four (4) are available for shared use between the other tenants, Fade Out Barbershop and Visalia Signs. The barbershop operates by appointments only and within the hours of 8:00 a.m. – 6:00 p.m., Tuesday – Sunday with only two

chairs. Visalia Signs operates by appointment only and all orders are by phone or online, walk-in customers are not accepted. The hours of operation for Visalia Signs are 9:00 a.m. – 5:00 p.m., Monday – Friday.

Additionally, Section 17.34.050 Shared Parking of the ordinance allows for more parking within the joint users of the building due to the divergent needs. With the other users of the site operating by appointment only, the number of parking stalls in total provide sufficient parking for the site is provided.

Furthermore, pursuant to Assembly Bill 2097, which went into effect January 1, 2023, prohibits public agencies from imposing minimum parking requirements on sites that are located within a half-mile radius of a major transit stop. *(Please note a major transit stop is defined as major transit stop” to include an existing or planned (1) rail or bus rapid transit station, (2) ferry terminal served by bus or rail transit, or (3) intersection of two or more major bus routes with service every 15 minutes or less during peak commute periods.)*

The City of Visalia Transit operates bus service along Route 1 with bus stops located on Main Street and Mooney Boulevard. Route 1 meets the definition of a “major transit stop” and the project site is within a half mile of Route 1 bus stops. Therefore, the site meets parking provisions per AB 2097.

Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2023-47). Projects determined to meet this classification consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized in the Class 1 are not intended to be all-inclusive of the types of projects.

RECOMMENDED FINDINGS

Conditional Use Permit No. 2023-28:

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 proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible with the conditions of Project Approval of the conditional use permit.
4. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2023-47).

RECOMMENDED CONDITIONS OF APPROVAL

Conditional Use Permit 2023-28

1. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2023-141, incorporated herein by reference.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operational statement, in 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.

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:

- Related Plans and Policies
- Resolution No. 2023-53
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Site Plan Review Comments
- General Land Use Plan Map
- Zoning Map
- Aerial Map
- Location 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. 2023-28

PROJECT TITLE

2015 West Tulare Avenue (APN: 095-120-040)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to establish Pattaya Spa which is a foot and body massage therapy use within an existing 540 sq. ft. tenant space in the C-MU (Commercial Mixed Use) zone. The site is located at 2015 West Tulare Avenue, on the corner of West Tulare Avenue and South Crowe St.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Qing Hua Li, 2015 West Tulare Avenue, Suite A, Visalia, CA 93277, 095-120-040

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Same as above

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- ☐ Ministerial - Section 15268
☐ Emergency Project - Section 15269
☒ Categorical Exemption - State type and Section number: **Section 15301**
☐ Statutory Exemptions- State code number:

A request to re-use an existing building with proposed alterations or changes to the site or building.

REASON FOR PROJECT EXEMPTION

Colleen A Moreno, Assistant Planner

CONTACT PERSON

(559) 713-4031

AREA CODE/PHONE

October 18, 2023

DATE

ENVIRONMENTAL COORDINATOR
Brandon Smith, AICP

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.

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.

Chapter 17.19

MIXED USE ZONES

17.19.10 Purpose and intent

- A. The several types of mixed zones included in this chapter are designed to achieve the following:
 - 1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
 - 2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
 - 3. Provide zone districts that encourage and maintain vibrant, walkable environments.
- B. The purposes of the individual mixed use zones are as follows:
 - 1. Mixed Use Commercial Zone—(C-MU). The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
 - 2. Mixed Use Downtown Zone—(D-MU). The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city. (Ord. 2017-01 (part), 2017)

17.19.015 Applicability

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

17.19.020 Permitted uses

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

17.19.030 Conditional and temporary uses

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030. (Ord. 2017-01 (part), 2017)

17.19.040 Required conditions

- A. A site plan review permit must be obtained for any development in any C-MU and D-MU 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. (Ord. 2017-01 (part), 2017)

17.19.050 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)

17.19.060 Development standards in the C-MU zones outside the downtown area

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- 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;
 - 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.
- E. The provisions of Chapter 17.58 shall also be met, if applicable. (Ord. 2017-01 (part), 2017)

17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area

The following development standards shall apply to property located in the D-MU and C-MU zone and located inside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: No minimum.
- B. Maximum building height: one hundred (100) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: zero (0) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;
 - 6. Street side yard on corner lot: zero (0) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: five (5) feet (except where a building is located on property line);
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: zero (0) 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 except where a building is located on side property);
6. Street side on corner lot: five (5) feet.

E. The provisions of Chapter 17.58 shall also be met, if applicable.

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017)

Chapter 17.34
OFF-STREET PARKING AND LOADING FACILITIES

17.34.10 Purpose

- a. In order to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to any new building or structure and major alterations and enlargements of existing uses. Off-street parking spaces or areas required by this chapter shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking facilities shall also be laid out in such a manner that the facilities will protect the public safety and insulate surrounding land uses from their impact.
- b. For the purposes of tabulating the number of off-street parking spaces, the term "floor area" means the gross floor area of a building and its accessory buildings on the same site measured from the outside wall. All applications shall be accompanied by a detailed tabulation of the gross floor area as herein defined and a calculation of the required number of off-street spaces as specified in Section 17.34.020.

17.34.020 Schedule of off-street parking space requirements.

A. Residential.

- i. Single-family dwelling: two parking spaces (one covered) per unit;
- ii. Multi-family dwelling: 1.5 parking spaces per dwelling unit for all multi-family developments with the following exceptions:
 - a. One parking space per dwelling unit for senior citizen housing developments. Senior citizen means a person of fifty-five (55) years of age or older. Senior citizen housing development shall be defined as a multi-family project wherein the units are made available solely to senior citizens,
 - b. Planning Commission shall have the authority to require an additional .25 parking spaces per dwelling unit for guest parking spaces under the following circumstances:
 - I. Should on-street parking not be available to provide minimum of .25 spaces per unit;
 - II. Within developments that include more than fifty (50) percent of the units as three or four bedroom units.
 - c. In cases where multi-family developments do not require planning commission review, the site plan review committee shall have similar authority as described above.
- iii. Boarding houses, private clubs providing sleeping accommodations: one covered parking space for each bedroom or one parking space for each one hundred fifty (150) square feet of sleeping area, whichever is greater.
- iv. Motels, hotels. One parking space for each guest room.
- v. Single-room occupancy (SRO) housing: One space for each employee onsite on the highest shift.

Further, there shall be one parking space for each two employees per shift regularly employed by the motel, or any independent business located within the motel structure. If the motel provides an area for the consumption of food or beverages or provides meeting or assembly halls the following requirements must be met.

<i>Number of Motel Rooms</i>	<i>Parking Requirements</i>
3-10	One parking space for each 100 square feet of area used for the consumption of food or beverages and one parking space for each 35 square feet of meeting or assembly hall space.
11-40	One parking space for every 200 square feet of area used for the consumption of food or beverages and one parking space for each 70 square feet of meeting hall or assembly hall space.
41-75	One parking space for each 300 square feet of area designated for the consumption of food or beverages and one parking space for each 150 square feet of meeting or assembly hall space.
76 or more	One parking space for each 400 square feet of area set aside for the consumption of food or beverages and one parking space for each 300 square feet of meeting or assembly hall area.

- vi. Planned unit developments, condominiums: one covered parking space plus one uncovered guest parking space for each dwelling unit.

B. Medical Offices, Clinics, Hospitals and Other Facilities.

1. Dental and medical clinics and offices: one parking space for each two hundred (200) square feet of building area, or four parking spaces for each doctor, whichever is greater.
2. Major medical facilities, hospitals: one parking space for each two hundred fifty (250) square feet of building area.
3. Sanitariums and charitable and religious institutions providing sleeping accommodations: one parking space for each three beds.
4. Group care facilities: one parking space for each three beds.

C. Educational Facilities.

- vii. Kindergarten and nursery schools: one parking space for each employee plus one parking space for each ten children.
- viii. Elementary and junior high schools: two parking spaces for each classroom.
- ix. High schools: one parking space for each employee plus seven parking spaces for each classroom.
- x. Colleges; business and professional schools and colleges; trade schools: one parking space for each employee plus ten parking spaces for each classroom.

D. Places of Public Assembly.

1. For auditoriums, community centers, theaters, churches, libraries, museums, stadiums, clubs and funeral chapels: one parking space for every four permanent seats in the principal assembly area or room, or one parking space for every thirty (30) square feet of building area, whichever is greater.

E. Recreational Facilities

1. Bowling alleys: four parking spaces for each alley.
2. Billiard and/or pool parlors: two parking spaces for each table.
3. Skating rinks: one parking space for each employee, plus one parking space for each one hundred (100) square feet of building area.

4. Dance halls: one parking space for each thirty-five (35) square feet of dance floor area, plus one parking space for each five fixed seats or for each thirty-five (35) square feet of seating area where there are no fixed seats.
5. Gymnasiums: one parking space for each five hundred (500) square feet of building area.

F. Commercial Facilities

1. Banks: one parking space for each two hundred fifty (250) square feet of building area plus five tandem lane spaces for each outdoor teller or teller station.
2. Savings and loan and other financial institutions: One parking space for each two hundred fifty (250) square feet of building area.
3. General retail stores, except as otherwise specified: one parking space for each three hundred (300) square feet of building area.
4. Offices, including all public and professional offices, except as otherwise specified: one parking space for each two hundred fifty (250) square feet of building area, with a minimum of four parking spaces.
5. Commercial service establishments, repair shops, wholesale establishments and retail stores that handle only bulky merchandise such as furniture, household appliances, motor vehicles, farm implements and machinery: one parking space for each five hundred (500) square feet of building area.
6. Automobile dealerships: one parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
7. Self-service laundries and dry cleaners: one parking space for each three washing machines.
8. Automobile repair shops: one parking space for four hundred (400) square feet of building area.
9. Barber shops, beauty salons: two parking spaces for each barber or beautician, with a minimum of four spaces.
10. Restaurants, cafes, soda fountains and similar establishments: one parking space for each one hundred fifty (150) square feet of building area.
11. Manufacturing plants and other industrial uses: one parking space for each employee during the shift of maximum employment, plus one parking space for each vehicle used in conjunction with the use.
12. Retail food market: one parking space for each five hundred (500) square feet of building area.
13. Nurseries, retail: one parking space for each one thousand five hundred (1,500) square feet of site area, plus one loading space for each acre of site area.
14. Shopping centers (major): one parking space for each two hundred twenty-five (225) square feet of building area.
15. Open uses, commercial and industrial uses conducted primarily outside of buildings: one parking space for each employee on the maximum shift plus additional parking spaces prescribed by the planning department.
16. Transportation terminal facilities: one parking space for each two employees plus additional parking spaces prescribed by the city planner.
17. Storage and warehouses: one parking space for each one thousand (1,000) square feet of building area.

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.

17.34.030 Standards for off-street parking facilities

All off-street parking facilities shall conform with the following standards:

- A. All parking areas shall have adequate ingress and egress to a street or alley.

- B. Entrances and exits to parking lots and other parking facilities shall be provided at locations approved by the site plan review committee.
- C. The parking area, aisles and access drives shall be surfaced with an asphalt concrete surfacing of two-inch minimum thickness on a four-inch untreated rock base. The subgrade shall be compacted to a minimum relative compaction of ninety (90) percent. The minimum slope of asphalt paved surface in the direction of drainage shall be twelve (12) inches per one hundred (100) feet and the minimum slope of concrete gutters shall be three inches per one hundred (100) feet.
- D. The four-inch untreated rock base may be modified on basis of an "R" value test of the existing soil. The test to be made with a traffic index of 5.0.
- E. On major developments service roads shall be designed to carry the traffic loads anticipated.
- F. No parking areas shall be located within a required front setback or within a street side setback of a corner lot.
- G. Each parking space shall conform to standards as specified by the city traffic engineer. Open spaces shall be plainly marked by striping.
- H. Parking spaces for the physically handicapped person shall be provided per the latest adopted version of the California Building Code.
- I. Parking spaces for "compact automobile" will be permitted providing that each parking space is not less than fifteen (15) feet in length and seven and one-half feet in width, exclusive of aisles and access drives.

Number of compact parking spaces shall not exceed thirty (30) percent of the total required parking spaces of an establishment. There shall be no more than four contiguous compact stalls within a parking lot. Any compact parking shall be approved by the site plan review committee.

- J. If the parking area is illuminated, lighting shall be deflected away from abutting residential sites so as to cause no annoying glare.
- K. In all C-N, C-R, C-S, C-MU, D-MU, O-PA, O-C, and BRP zone districts where a site adjoins or is directly across the street from an R-1 or R-M zone, a concrete block or masonry wall not less than six feet in height shall be located on the property line except in a required front yard, in which case the wall shall be three feet, and suitably maintained.
- L. No repair work or servicing of vehicles shall be conducted on a parking area.
- M. New parking facilities shall promote the use of time and/or motion sensitive parking lot and security lights, where feasible, as determined by the Site Plan Review Committee.
- N. New parking facilities shall promote and be evaluated as part of an overall program to implement low impact development features on-site that reduce impermeable surfaces and increase infiltration. The implementation and design of low impact development features for the site will be determined by the Site Plan Review Committee.

17.34.030

- O. Vacant or unimproved lots shall not be used as vehicle parking facilities and/or outdoor storage of commercial equipment, construction equipment, and similar uses unless screened appropriately, as determined by Site Plan Review Committee.
- P. For Residential zones, all parking shall be permitted on impervious surfaces such as pavement or concrete when in the front yard setback area.
- Q. For Residential zones, all driveways shall be paved.

17.34.040 Landscape requirement

The submission of any plan for off-street parking facilities shall be accompanied by a detailed landscape plan for approval by the site plan review committee. All off-street parking facilities shall conform with the following standards, but not limited to:

- A. A plot plan indicating the location of all landscaping shall be submitted for approval;
- B. Not less than six percent of a parking lot comprising up to twenty (20) parking spaces shall be landscaped and continuously maintained;
- C. Not less than ten percent of a parking lot comprising more than twenty (20) parking spaces shall be landscaped and continuously maintained;
- D. Not more than ten consecutive parking stalls shall be allowed without an approved landscaped tree well of eighty (80) square feet or more;
- E. A minimum five-foot landscape strip shall be provided outside the public right-of-way along the street frontage perimeter of all proposed parking facilities.
- F. A planting list shall be shown on the required plot plan to obtain a grading permit, or building permit, for the buildings for which the parking lot is provided, which planting list shall give the botanical and common names of the plants to be used, the sizes to be planted, the quantity of each, and the spacing to insure balance and design. The plants shall be listed alphabetically and assigned key numbers to be used in locating the plants on the plan;
- G. The site plan review committee shall approve all landscaping plans within a parking area and shall have the right to require additional landscaping if the committee deems it necessary to improve the aesthetic character of the project.

17.34.050 Shared parking

The site plan review committee may grant an exception to the total number of spaces required when the joint users of a parking facility have divergent needs with respect to daytime versus nighttime use, or weekdays versus Saturdays or Sundays. Conditions for allowing shared parking are:

- A. The buildings and uses shall be within three hundred (300) feet of the nearest point by walking distance within a parking facility to said building or use;
- B. The applicant shall show there is no conflict in the principal operating hours of the buildings or uses;
- C. A shared parking agreement between the principal parties and the city shall be entered into that restrict the shared parking area to a parking use only.

17.34.60 Location of off-street parking facilities

- A. In all zones districts except the D-MU zone, off-street parking facilities prescribed in Section 17.34.020 shall be located on the same site as the use for which the spaces are required or on an adjoining site (if an exception is approved) or a site separated only by an alley from the use for which the spaces are required.
- B. In the D-MU zone district, off-street parking facilities prescribed in Section 17.34.020 shall be located within three hundred feet of the use for which the spaces are required, measured by the shortest route of pedestrian access. Such spaces shall be deemed to provide parking for one use only unless approved subject to Section 17.34.050.

17.34.070 Off-street loading facilities required

- A. In all commercial and industrial zones and in the O-PA, O-C, and BRP zones, if required by the commission, there shall be located on the site of each building or structure, off-street loading facilities for vehicles. Where, in the opinion of the site plan review committee, a practical difficulty is involved

relating to site size, existing development or access, the planning commission may grant an exception to any portion of the requirements necessary to achieve the intent of this section. For all commercial and industrial buildings, one off-street loading berth shall be provided if the gross floor area exceeds five thousand (5,000) square feet, and one additional berth shall be provided for each additional ten thousand (10,000) square feet.

No off-street loading berths shall be required for buildings of less than five thousand (5,000) square feet of gross floor area.

B. The location of off-street loading facilities shall be approved by the site plan review committee.

17.34.080 Standards for off-street loading facilities

Off-street loading facilities provided in compliance with Section 17.34.070 shall conform to the following standards:

- A. The loading area, aisles and access drives shall be fully hard surfaced with asphaltic concrete of minimum thickness of two inches, over four inches of untreated rock base;
- B. If the loading area is illuminated, lighting shall be deflected away from abutting residential sites to prevent annoying glare;
- C. No repair work or servicing of vehicles shall be conducted in a loading area.

17.34.090 Existing uses

No existing use of land or structure shall be deemed to be a non-conforming use solely because of the lack of off-street parking facilities or used for off-street parking and off-street loading at the time of the adoption of this chapter shall not be reduced in a capacity to less than the number of spaces or berths prescribed in this chapter or reduced in area to less than the minimum standards prescribed in this chapter. Where an existing use is expanded, the parking requirements of this chapter shall apply only to the addition.

17.34.100 Reduction of off-street parking and loading facilities

No off-street parking facility or off-street loading facility providing for a use of land or structure in compliance with Section 17.34.020 or 17.34.070 shall be reduced in capacity or in area without sufficient additional capacity or additional area being provided to comply with the regulations of this chapter.

17.34.110 Off-street parking and loading facilities to serve one use

No off-street parking space or off-street loading berth provided for a use of land or structure in compliance with the requirements of this chapter shall be deemed to provide an off-street parking space or an off-street loading berth for a use or a structure on another site, except as otherwise provided in Sections 17.34.020 and 17.34.070

RESOLUTION NO. 2023-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2023-28, A REQUEST TO ESTABLISH PATTAYA SPA, A FOOT AND BODY MASSAGE THERAPY USE WITHIN AN EXISTING 540 SQUARE FOOT TENANT SPACE IN THE C-MU (COMMERCIAL MIXED USE) ZONE. THE SITE IS LOCATED AT 2015 WEST TULARE AVENUE, ON THE CORNER OF WEST TULARE AVENUE AND SOUTH CROWE STREET (APN: 095-120-040).

WHEREAS, Conditional Use Permit No. 2023-28 is a request to establish Pattaya Spa, a foot and body massage therapy use within an existing 540 square foot tenant space in the C-MU (Commercial Mixed Use) zone. The site is located at 2015 West Tulare Avenue (APN: 095-120-040); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, did hold a public hearing before said Commission on November 13, 2023; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Section 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.

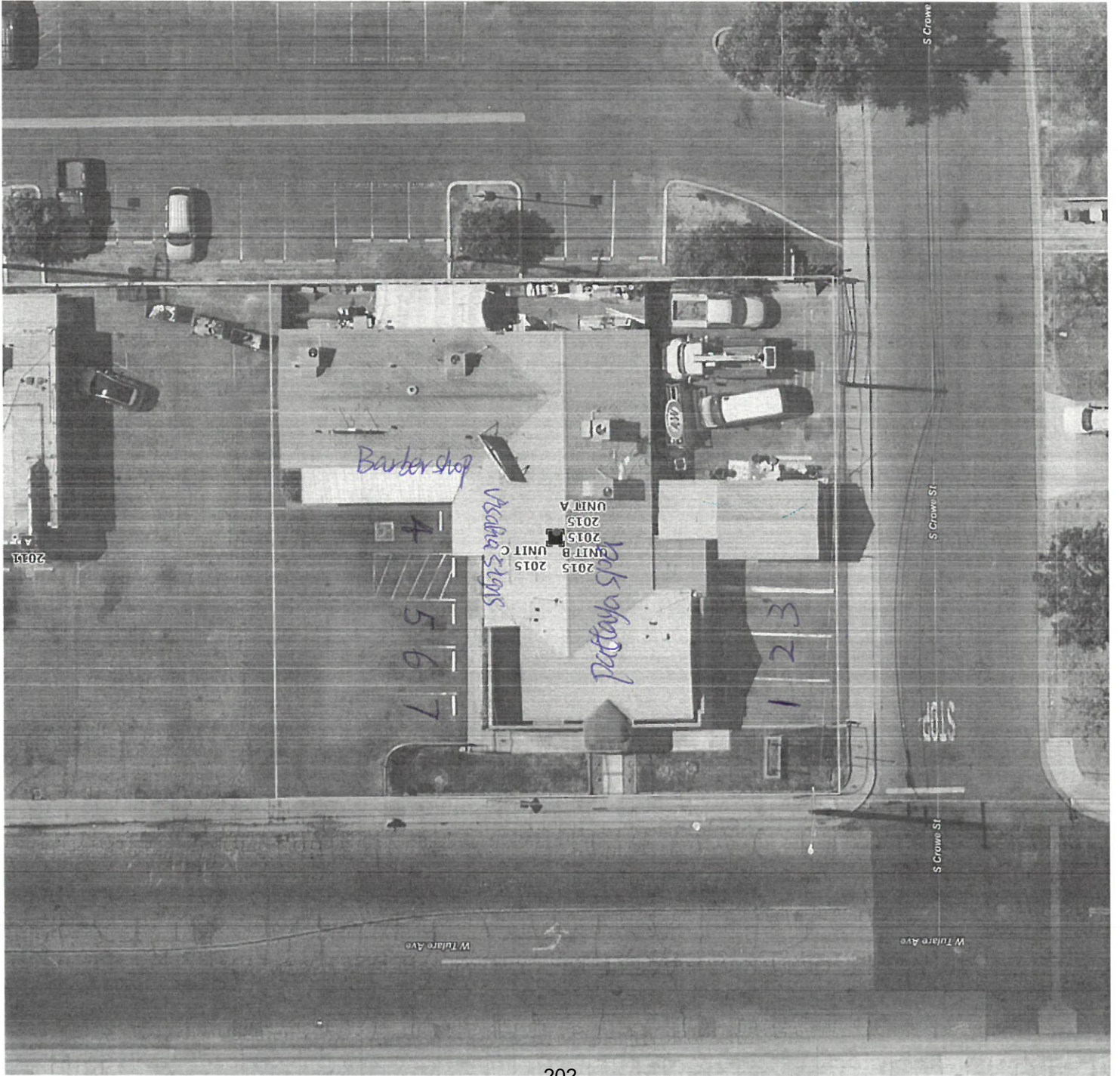
NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15301.

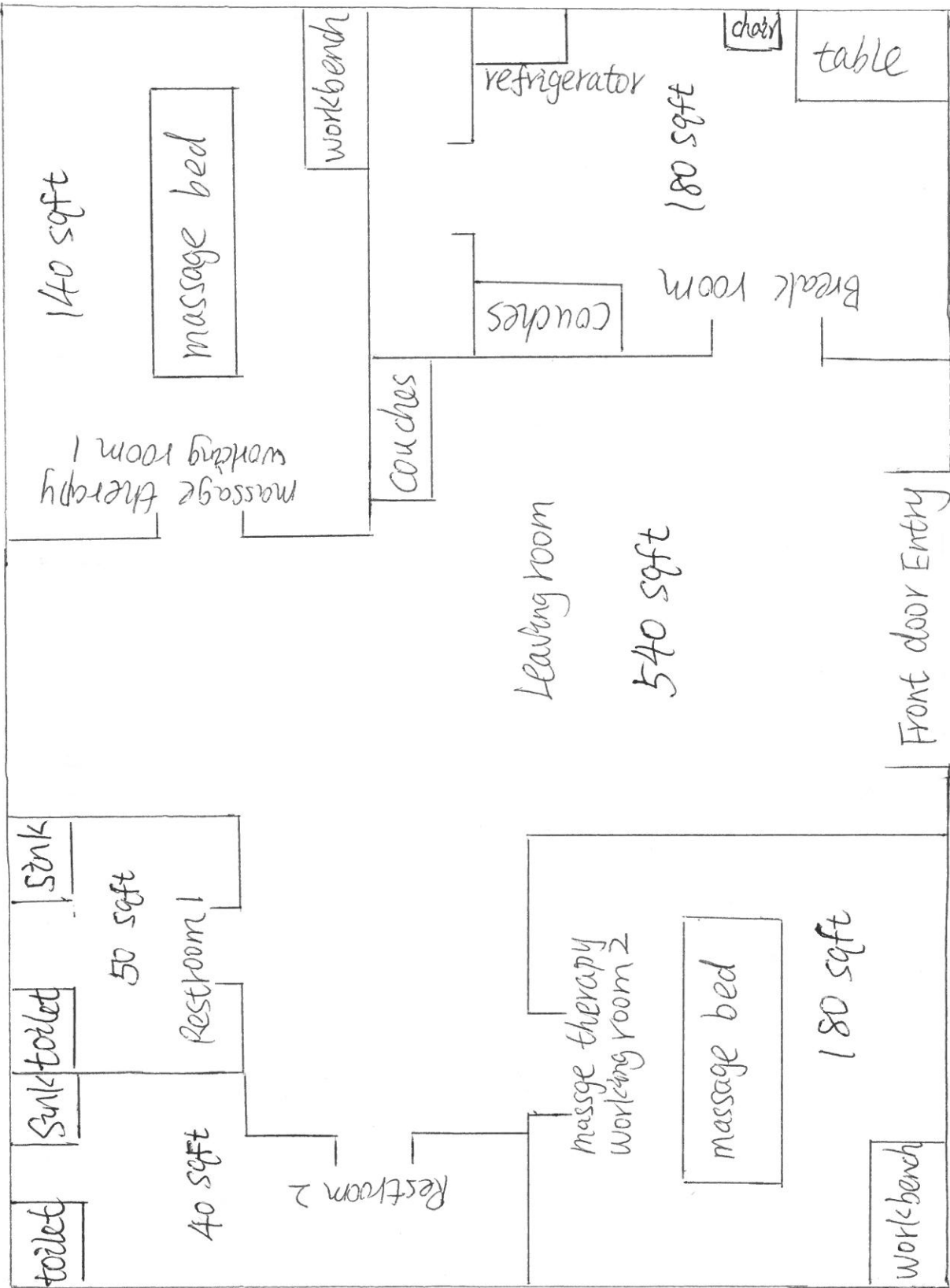
BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

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:
 - 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 the California Environmental Quality Act (CEQA), (Categorical Exemption No. 2023-47).

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. 2023-141.
2. That the use shall be operated in substantial compliance with the site plan, floor plan, and operation statement, in 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.





2015 W Tulare Ave Suite A

Pattaya spa

operation statement

Pattaya Spa Foot & Body massage therapy. with one Employee work, Hours of operation: 9am - 10:00pm open 7 days a week, Business Location: 2015W. Tulare Ave Suite A Visalia CA 93277 Two massage working rooms with one break room. We accept Walk-in Customer and appointment welcome too. the Suite A has 3 separate parking spaces on side of building but can also share the front parking spaces with Fade out Barbershop Hours of operation: 8am - 6pm Tuesday - Sunday closed Monday 2 chairs. Barbershop operates by Appointment only.

Visalia Signs INC Hours of operation: 9am - 5pm Monday - Friday By appointment only take orders by phone or online order NO walk-ins
business Number (559) 713-1126.



September 18, 2023

Site Plan Review No. 2023-141:

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 **September 6, 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 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



MEETING DATE

September 6, 2023

SITE PLAN NO.

2023-141

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

☐ HISTORIC PRESERVATION

☐ OTHER

☒ **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: September 6, 2023

SITE PLAN NO: 2023-141
PROJECT: Qing Hua Li
DESCRIPTION: Foot and body massage therapy
ADDRESS: 2015 W. TULARE AVENUE, UNIT A
APN: 095-120-040
ZONING: C-MU (MIXED USE COMMERCIAL)
GENERAL PLAN: COMMERCIAL MIXED USE

Planning Division Recommendation:

- ☒ Revise and Proceed
☐ Resubmit

Project Requirements

- Conditional Use Permit

PROJECT SPECIFIC INFORMATION: September 6, 2023

1. VMC Use Table 17.25.030, Line M52 lists Massage Therapist as requiring a conditional use permit.
2. A complete CUP application will include detailed exhibits of the following:
 - a. Operational Statement, including information on the other businesses on the project site.
 - b. Site Plan
 - c. Floor Plan
3. Massage uses are prescribed parking in the VMC [Section 17.34.020(F)(9)] as two parking spaces for each technician (one for the employee and for the customer), with a minimum of four spaces.
4. Comply with all requirements of Visalia Municipal Code Chapter 5.68 (Massage Establishments). This shall include certification from the California Massage Therapy Council.
5. All signage shall be through a separate Building Permit submittal.
6. Meet all other codes and ordinances.

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.


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

17.19 Mixed Use Zones

17.30 Development Standards

17.34 Off-street parking and loading facilities

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 type="checkbox"/> Edelmá Gonzalez	713-4364
<input type="checkbox"/> Jaklin Rowley	713-4369
<input checked="" type="checkbox"/> Luqman Ragabi	713-4362
<input type="checkbox"/> Lupe Garcia	713-4197

ITEM NO: 4 DATE: SEPTEMBER 6TH, 2023

SITE PLAN NO.:	23-141
PROJECT TITLE:	QING HUA LI
DESCRIPTION:	FOOT AND BODY MASSAGE THERAPY
APPLICANT:	QING HUA LI
PROP OWNER:	SANCHEZ JOSE LUIS & VERONICA RUBI
LOCATION:	2015 W TULARE AVE UNIT A
APN:	095-120-040

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. **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.
- ☐ 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.
- ☐ 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 Site development does not incur additional impact fees.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **23-141**

Date: **09/06/2023**

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.

<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.



Ludman Ragabi

Building: Site Plan Review Comments

SPR 23141
QING HUA LI
2015 W TULARE AVE UNIT A

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 _____ * ☐ 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: NO IMPROVEMENTS, NO PERMIT
NO REQUIREMENTS.

VAL GARCIA 9/6/23
Signature

**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	September 7, 2023
Item #	4
Site Plan #	23141
APN:	095120040

- 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.
- **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
- **Special comments:** Space not permitted for living/sleeping.



Corbin Reed
Fire Marshal



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

Date: 09-04-2023
Item: 4
Site Plan: SPR23141
Name: Agt. 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 of 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 external/internal lighting to deter criminal activity
- ☐ Traffic Concerns:
- ☒ Surveillance Issues:
External/internal surveillance cameras to capture criminal activity
- ☐ Line of Sight Issues:
- ☒ Other Concerns:
Not allowing employees to live at the location.

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 6, 2023

ITEM NO: 4 Added to Agenda

MEETING TIME: 09:45

SITE PLAN NO: [SPR23141](#)

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

PROJECT TITLE: Qing Hua Li

DESCRIPTION: Foot and body massage therapy.

APPLICANT: Qing Hua Li - Applicant

APN: 095120040

ADDRESS: 2015 W TULARE AVE UNIT A

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



CALIFORNIA WATER SERVICE

Visalia District 216 North Valley Oaks Drive
Visalia, CA 93292 *Tel:* (559) 624-1600

Site Plan Review Comments From:

California Water Service
Scott McNamara, Superintendent
216 N Valley Oaks Dr.
Visalia, CA 93292
559-624-1622 Office
559-735-3189 Fax
smcnamara@calwater.com

Date: 09/06/2023

Item # 4

Site Plan # 23-141

Project: Foot and Body Massage

Description:

Applicant: Qing Hua Li

Location: 2015 W Tulare

APN: 095-120-040

The following comments are applicable when checked:

- ☐ Re-submit
 - ☐ No Comments at this time
-

☒ Fire Hydrants

Comments- Per Visalia Fire Department requirements. If street frontage hydrants are required off existing water main, Cal Water will utilize our own contractor for that work and that work will be paid for by the developer/customer. The location of those hydrants is to be approved by Visalia Fire.

☒ Services

Comments- Existing service(s) at this location. If the existing service(s) is not sufficient in size to meet the customers' demand, the property owner will need to request and pay for an upsize in service. If the existing infrastructure lands within a new drive approach, the property owner will need to pay for the abandonment and relocation of that infrastructure.

☐ Mains

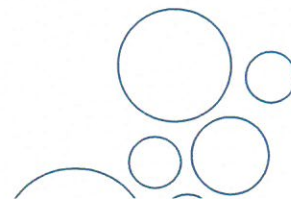
Comments-

☒ Backflow Requirements

Comments- Will be required if any parcel is for multi-family, commercial, or has multiple services on one parcel. Please contact Cross Connection Control Specialist, Juan Cisneros at 559-624-1670 or visaliabackfow@calwater.com for a backflow install packet.

Additional Comments:

- ☒ Please contact New Business Superintendent Sedelia Sanchez at 559-624-1621 or ssanchez@calwater.com to start your project with Cal Water.



Susan Currier

From: Lau, Scott@DOT <Scott.Lau@dot.ca.gov>
Sent: Tuesday, September 19, 2023 9:26 AM
To: Susan Currier
Cc: lorena.mendibles@dot.ca.gov; Deel, David@DOT
Subject: Caltrans response to Visalia SPR 090623

Hi Susan,

I have reviewed Visalia's SPR Agenda for September 6, 2023.

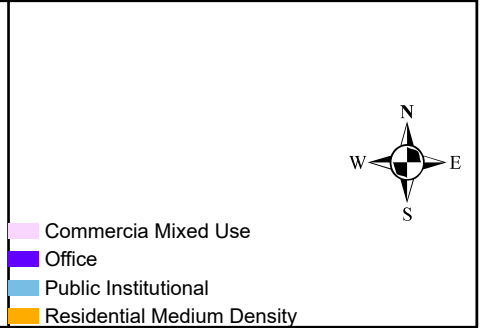
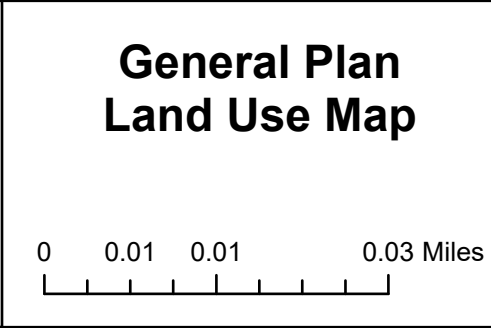
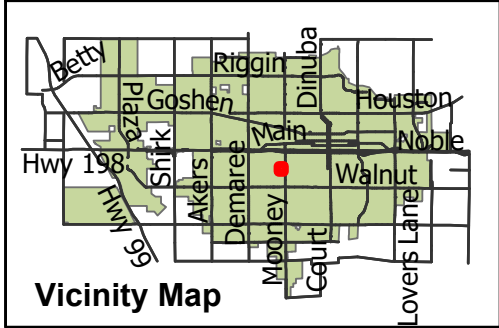
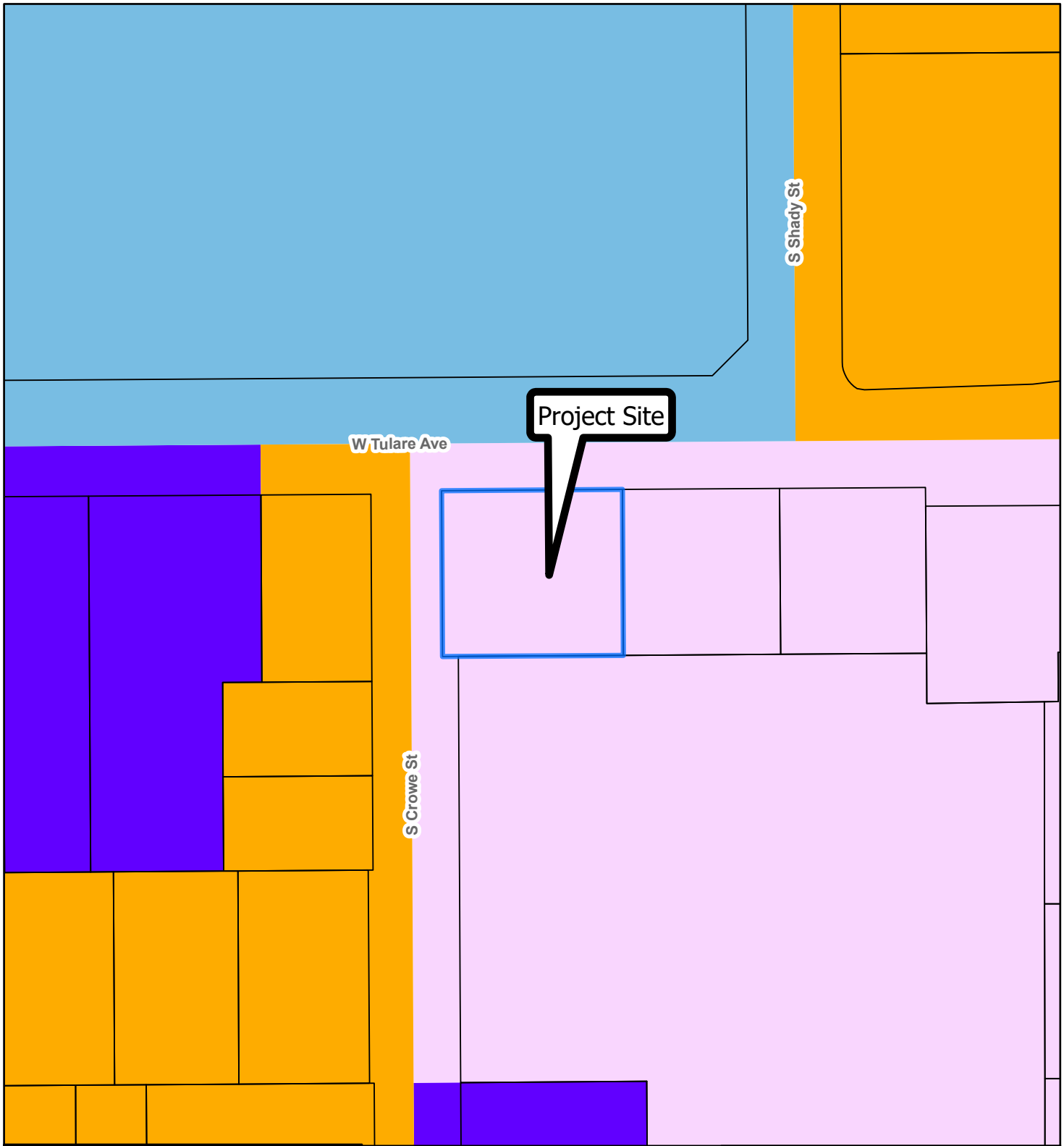
1. RESUBMIT – SPR 21200 – Griffin's Food Mart 3: **Routed for Review.**
2. SPE 23139 – Lycon Covers: No comments.
3. SPR 23140 – Conditional Use Permit Church: No comments.
4. SPR 23141 – Qing Hua Li: No comments.
5. SPR 23142 – CSET Shade Structure: No comments.

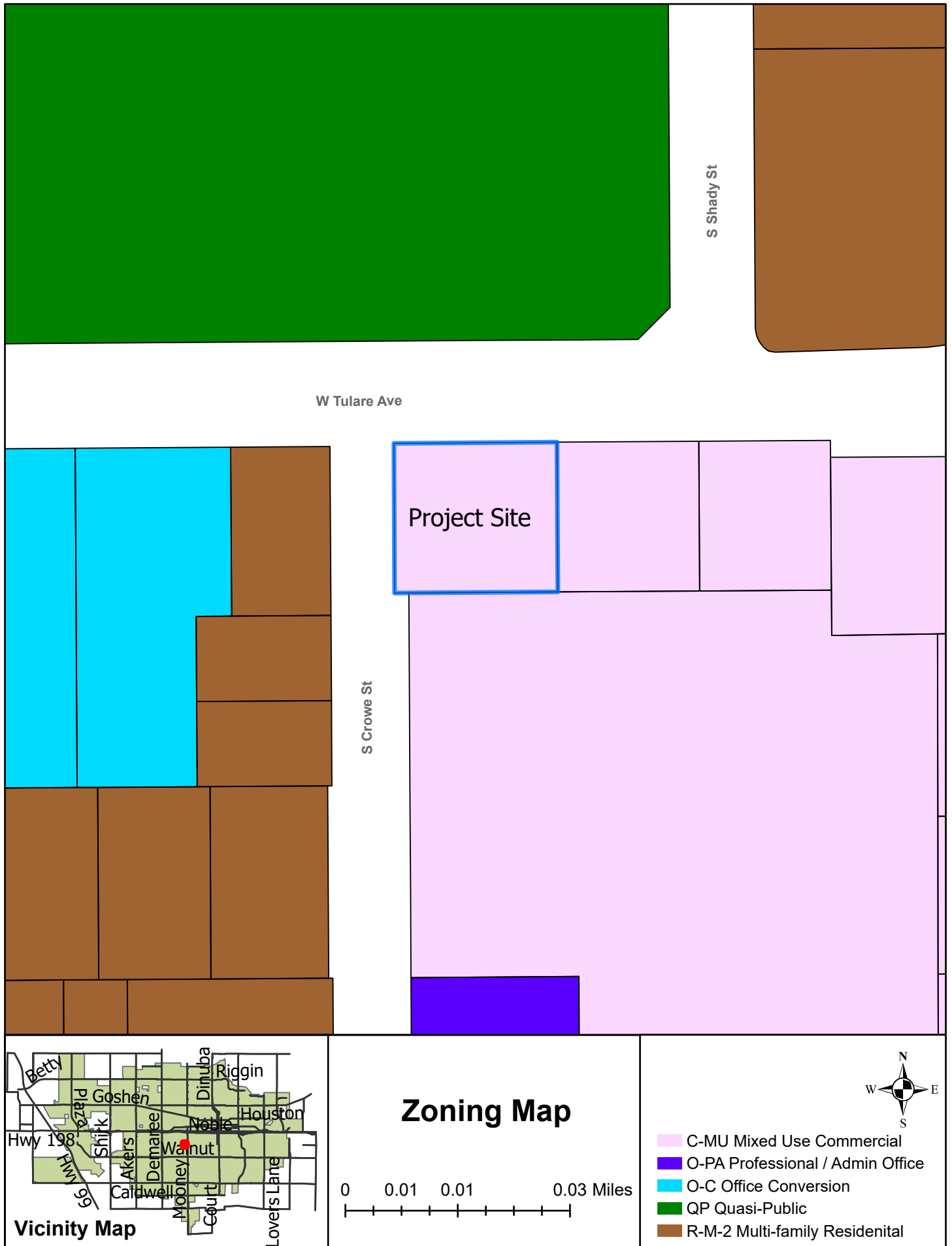
Respectfully,

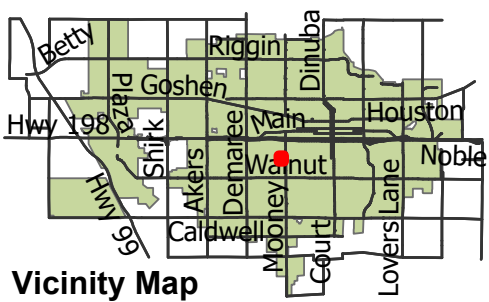


Scott Lau

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



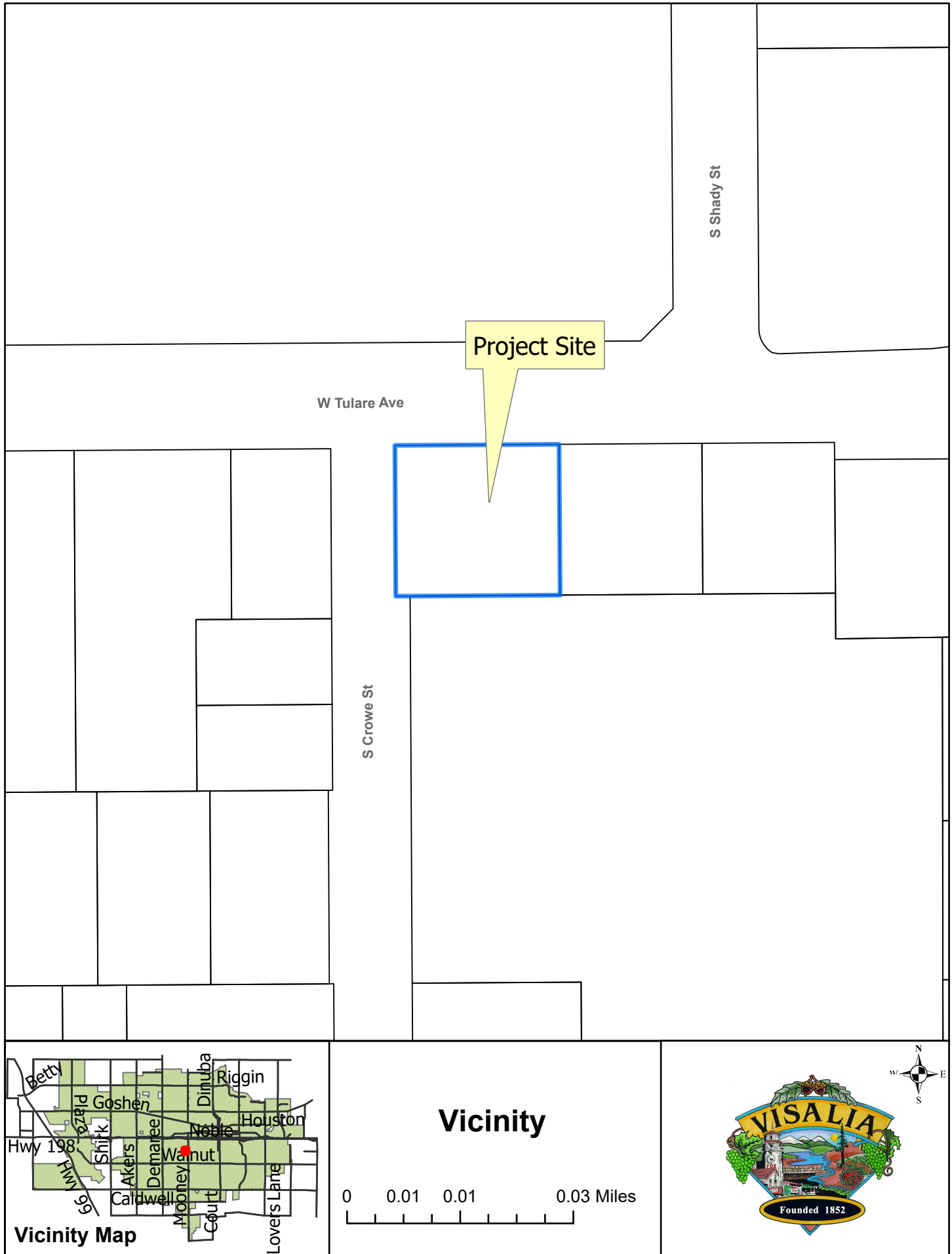




Aerial Map

0 0.01 0.01 0.03 Miles





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.

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

**AN INTERIM ORDINANCE TO FURTHER REGULATE
MESSAGE 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 to operate businesses 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. 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. These recent instances of this proposed use near residential neighborhoods resulted in comments received from property owners concerned that 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. The regulations proposed in this interim ordinance that do not concern the location of the business would apply.
- 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(b). 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(b).

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.

PASSED AND ADOPTED: April 23, 2024

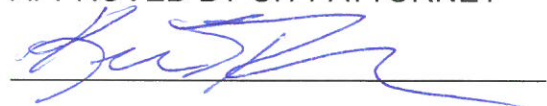
BRIAN POOCHIGIAN, MAYOR

ATTEST:



LESLIE B. CAVIGLIA, CITY CLERK

APPROVED BY CITY ATTORNEY

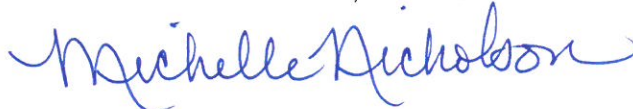


STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Leslie B. Caviglia, City Clerk of the City of Visalia, certify the foregoing is the full and true Ordinance 2024-05 passed and adopted by the Council of the City of Visalia at a special meeting held on April 23, 2024 and certify a summary of this ordinance will be published in the Visalia Times Delta.

Dated: April 23, 2024

LESLIE B. CAVIGLIA, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk

Chapter 17.38

CONDITIONAL USE PERMITS

Sections:

- 17.38.010 Purposes and powers.
- 17.38.020 Application procedures.
- 17.38.030 Lapse of conditional use permit.
- 17.38.040 Revocation.
- 17.38.050 New application.
- 17.38.060 Conditional use permit to run with the land.
- 17.38.065 Abandonment of conditional use permit.
- 17.38.070 Temporary uses or structures.
- 17.38.080 Public hearing—Notice.
- 17.38.090 Investigation and report.
- 17.38.100 Public hearing—Procedure.
- 17.38.110 Action by planning commission.
- 17.38.120 Appeal to city council.
- 17.38.130 Effective date of conditional use permit.

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. (Ord. 2017-01 (part), 2017: 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.
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. (Ord. 2017-01 (part), 2017: 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 that 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. 2017-01 (part), 2017: 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. (Ord. 2017-01 (part), 2017: 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.

(Ord. 2017-01 (part), 2017: 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 that was the subject of

the permit application subject to the provisions of Section 17.38.065. (Ord. 2017-01 (part), 2017: 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. (Ord. 2017-01 (part), 2017)

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. (Ord. 2017-01 (part), 2017: 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 that is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Ord. 2017-01 (part), 2017: 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 that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval. (Ord. 2017-01 (part), 2017: 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. (Ord. 2017-01 (part), 2017: 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.

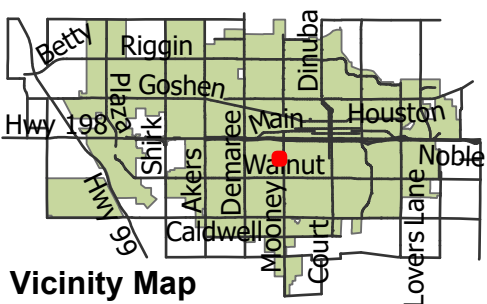
C. The commission may deny an application for a conditional use permit. (Ord. 2017-01 (part), 2017: prior code § 7536)

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)

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. (Ord. 2017-01 (part), 2017: prior code § 7539)



Aerial Map

0 0.01 0.01 0.03 Miles



