



AGENDA

VALLEJO PLANNING COMMISSION REGULAR MEETING – 7:00 P.M. VIA TELECONFERENCE

Diosdado “J.R.” Matulac, Chair
Kathleen Diohep, Vice-Chair
Peggy Cohen-Thompson
Randy Larson
Jamar Stamps
Charles Palmares

VIA TELECONFERENCE

www.cityofvallejo.net

October 5, 2020

IMPORTANT NOTICE

Until further notice, meetings of the Planning Commission are being conducted using teleconference and electronic means, consistent with State of California Executive Order N-29-30 regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on television or online. Details may be found at www.cityofvallejo.net. In accordance with Executive Order N-29-30, the public may only view the meetings on television and/or online and not in the Council Chamber.

PUBLIC COMMENT: Members of the Public may provide public comments during the Planning Commission Meeting via ZOOM (<https://zoomregular.cityofvallejo.net>), or via phone, by dialing (669) 900-6833, enter meeting id: 914 0075 0676#

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment

VIEW THE MEETING: There are three different ways you can view this public meeting:

- Watch Vallejo local channel 28
- Stream from the City website: www.cityofvallejo.net/Streaming
- Join the Zoom webinar: <https://zoomregular.cityofvallejo.net>

Want more City information? Members of the public can:

- Like us on Facebook (www.facebook.com/cityofvallejo)
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This AGENDA contains a brief general description of each item to be considered. The posting of the recommended actions does not indicate what action may be taken. If comments come to the Planning Commission without prior notice and are not listed on the AGENDA, no specific answers or response should be expected at this meeting per State law.

Notice of Availability of Public Records: All public records relating to an open session item, which are not exempt from disclosure pursuant to the Public Records Act, that are distributed to a majority of the Planning Commission will be available on the City of Vallejo website at www.cityofvallejo.net subject to staff's ability to post the documents prior to the meeting.

Disclosure Requirements: Government Code Section 84308 (d) sets forth disclosure requirements which apply to persons who actively support or oppose projects in which they have a “financial interest”, as that term is defined by the Political Reform Act of 1974. If you fall within that category, and if you (or your agent) have made a contribution of \$250 or more to any commissioner within the last twelve months to be used in a federal, state or local election, you must disclose the fact of that contribution in a statement to the Commission.

Appeal Rights: The applicant or any party adversely affected by the decision of the Planning Commission may, within ten days after the rendition of the decision of the Planning Commission, appeal in writing to the City Council by filing a written appeal with the City Clerk. Such written appeal shall state the reason or reasons for the appeal and why the applicant believes he or she is adversely affected by the decision of the Planning Commission. Such appeal shall not be timely filed unless it is actually received by the City Clerk or designee no later than the close of business on the tenth calendar day after the rendition of the decision of the Planning Commission. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.

Notice of the appeal, including the date and time of the City Council's consideration of the appeal, shall be sent by the City Clerk to all property owners within two hundred or five hundred feet of the project boundary, whichever was the original notification boundary.

The Council may affirm, reverse or modify any decision of the Planning Commission which is appealed. The Council may summarily reject any appeal upon determination that the appellant is not adversely affected by a decision under appeal.



The Council Chambers in City Hall is ADA compliant. Devices for the hearing impaired are available from the City Clerk. Requests for disability related modifications or accommodations, aids or services may be made by a person with a disability to the City Clerk's office no less than 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act of 1990 and the federal rules and regulations adopted in implementation thereof.

If you have any questions regarding any of the following agenda items, please call the assigned planner or project manager at (707) 648-4326.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. APPROVAL OF MINUTES

A. September 21, 2020

5. WRITTEN COMMUNICATIONS

6. REPORT OF THE SECRETARY

A. Upcoming Meetings:

October 19, 2020	Zoning Code – Entire Code Study Session #1 (Tentative)
November 2, 2020	Zoning Code – Entire Code Study Session #2 (Tentative)
November 16, 2020	Zoning Code – Public Hearing (Tentative)

7. CITY ATTORNEY REPORT

8. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS

- A. Report of the Presiding Officer and Members of the Planning Commission
- B. Council Liaison to Planning Commission

9. COMMUNITY FORUM

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of the Community Forum may do so via ZOOM (<https://zoomregular.cityofvallejo.net>), or via phone, by dialing (669) 900-6833, enter meeting id: 914 0075 0676#

10. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of the Consent Calendar and Approval of the agenda may do so via ZOOM (<https://zoomregular.cityofvallejo.net>), or via phone, by dialing (669) 900-6833, enter meeting id: 9140075 0676#

11. PUBLIC HEARING

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of the Public Hearing may do so via ZOOM (<https://zoomregular.cityofvallejo.net>), or via phone, by dialing (669) 900-6833, enter meeting id: 914 0075 0676#

A. Project Title:	2176 Springs Road
Applicant:	Yue Jia
Location:	2176 Springs Road / APN: 0069-175-240
Project Description:	A request for a Major Use Permit to operate a massage therapy establishment with two practitioners within a 925-square-foot commercial tenant space currently occupied by a different massage therapy establishment.
Proposed Environmental Determination:	The project is categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Class 1: "Existing Facilities"). Therefore, no further environmental review is required.
Staff Recommendation:	Staff recommends that the Planning Commission adopt Resolution No. PC 20-09 to APPROVE UP#20-0007
Project Manager:	Cesar Orozco, Associate Planner Cesar.orozco@cityofvallejo.net

12. ACTION CALENDAR

NOTICE: Members of the public wishing to address the Planning Commission on Action Calendar Items may do so via ZOOM (<https://zoomregular.cityofvallejo.net>), or via phone, by dialing (669) 900-6833, enter meeting id: 914 0075 0676#. For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment.

A. None

13. OTHER

Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold Planning Commission meetings via teleconference. Any interested members of the public desiring to communicate with the Planning Commission as part of the Other item may do so via ZOOM (<https://zoomregular.cityofvallejo.net>), or via phone, by dialing (669) 900-6833, enter meeting id: 914 0075 0676#

A. Discussion of Future Agenda Items

14. ADJOURNMENT

I, Narcissa Wilson, Planning Executive Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo Planning Commission, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 6:00 p.m. Monday, September 28, 2020.

Dated September 28, 2020



Narcissa Wilson, Planning Executive Secretary

Minutes

**CITY OF VALLEJO PLANNING COMMISSION
REGULAR MEETING MINUTES
COUNCIL CHAMBERS
September 21, 2020**

1. CALL TO ORDER

The meeting was called to order by Chairman Matulac at 7:03 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Chair Matulac, Vice-Chair Diohep, Commissioners Stamps, Larson, Palmares, Cohen-Thompson

Absent: Commissioner Judt

Staff present: Planning and Development Services Director Hayes, Deputy City Attorney Brady, Principal Planner Sage

4. APPROVAL OF MINUTES

A. July 20, 2020

On a motion of Vice-Chair Diohep, second by Commissioner Cohen-Thompson, the commission approve the minutes with the following edit to section 15 to read Chair Matulac adjourned the meeting at 9:45 p.m. and voting outcome is section 13, with the following vote:

VOTE:

AYES: Chair Matulac, Vice-Chair Diohep, Commissioners Stamps, Larson, Palmares, Cohen-Thompson

NOES: None

ABSENT: Commissioner Judt

ABSTAIN: None

5. WRITTEN COMMUNICATIONG – None

6. REPORT OF THE SECRETARY

A. Upcoming Meetings:

October 5, 2020	2176 Springs Road (Lemon Spa) – Use Permit (Tentative) Zoning Code – Entire Code Study Session (Tentative)
October 19, 2020	Zoning Code – Entire Code Study Session (Tentative)
November 2, 2020	Zoning Code – Public Hearing (Tentative)

7. CITY ATTORNEY REPORT – None

8. REPORT OF THE PRESIDING OFFICE AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS

- A. Report of the Presiding Office and Members of the Planning Commission

Vice-Chair Diohep would like to encourage her fellow Commissioners to read the housing strategy.

Chair Matulac commented on the pre-meeting with Planning and Development Services Director Hayes and Deputy City Attorney Brady and reminded the public about making public comments about any item on the agenda.

- B. Council Liaison to Planning Commission - none

9. COMMUNITY FORUM – None

10. CONSENT CALANDER AND APPROVAL OF THE AGENDA

Action: Moved by Commissioner Cohen-Thompson, second by Commissioner Stamps to approve the consent calendar and agenda.

Chair Matulac opened for public comments.

Public comments – None

Chair Matulac closed for public comments.

VOTE:

AYES: Chair Matulac, Vice-Chair Diohep, Commissioners Stamps, Larson, Palmares, Cohen-Thompson

NOES: None

ABSENT: Commissioner Judt

ABSTAIN: None

11. PUBLIC HEARING

- A. 444 Alabama Street; Use Permit (UP) 19-0007

Planning and Development Services Director introduced Principal Planner Sage.

Principal Planner Sage presented the item.

Commissioners asked questions and staff responded.

The applicant presented and thanked staff.

Commissioners asked questions and the applicant responded.

Chair Matulac opened for public comments.

Public comments – Josh Walden

Chair Matulac closed for public comments.

Commissioners commented on the project.

Action: Moved by Vice-Chair Diohep, second by Commissioner Stamps to approve Use Permit (UP) 19-0007, based on the findings in Resolution No. PC20-08 and add the following language, Prior to approval of the parking mitigation plan, applicant will host a neighborhood meeting regarding the parking mitigation plan, to the end of condition number 11.

VOTE:

AYES: Chair Matulac, Vice-Chair Diohep, Commissioners Stamps, Larson, Palmares, Cohen-Thompson
NOES: None
ABSENT: Commissioners Judt
ABSTAIN: None

12. ACTION CALENDAR

A. Adopt Planning Commission Rules of Order and Procedures

Planning and Development Services Director introduced the item.

Commissioners commented on the item.

Chair Matulac opened for public comments.

Public comments – Robert Schussel

Chair Matulac closed for public comments.

Action: Moved by Commissioner Cohen-Thompson, second by Commissioner Larson to approve the Rules of Order and Procedures to move forward to City Council.

VOTE:

AYES: Chair Matulac, Commissioners Stamps, Larson, Palmares, Cohen-Thompson
NOES: Vice-Chair Diohep
ABSENT: Commissioners Judt
ABSTAIN: None

13. OTHER

A. Discussion of Future Planning Commission Trainings

This is an informational item only; no Planning Commission action taken.

Commissioners commented on the item.

B. Discussion of Future Agenda Items

14. ADJOURNMENT

Chair Matulac adjourned the meeting at 8:46 p.m.

DIOSDADO "J.R." MATULAC, CHAIRPERSON

ATTEST:

CESAR OROZCO
ASSOCIATE PLANNER

DRAFT

Staff Reports



**STAFF REPORT
CITY OF VALLEJO
PLANNING COMMISSION**

I. PROJECT INFORMATION

Item No. 12-A

DATE OF MEETING: October 5, 2020

PROJECT NUMBER: Use Permit (UP) 20-0007

PREPARED BY: Cesar Orozco, Associate Planner

PROJECT LOCATION: 2176 Springs Road / APN: 0069-175-240

APPLICABLE ZONING CODE SECTION(S): Major Conditional Use Permit (Vallejo Municipal Code Section 16.82)

PROJECT SUMMARY: A request for a Major Use Permit to operate a massage therapy establishment with two practitioners within a 925-square-foot commercial tenant space currently occupied by a different massage therapy establishment.¹

CEQA DETERMINATION: The project is categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Class 1: "Existing Facilities"). Therefore, no further environmental review is required.

RECOMMENDATION: Staff recommends that the Planning Commission adopt Resolution No. PC 20-09 to **APPROVE** UP#20-0007.

PROJECT DATA SUMMARY

APPLICANT: Yue Jia
2700 Oak Road Apt. #17
Walnut Creek, CA 94597

PROPERTY OWNER: Jaswinder Sidhu
5143 Lakeshore Drive
Fairfield, CA 94534

GENERAL PLAN DESIGNATION: NC – Neighborhood Corridor

ZONING DISTRICT: CL – Linear Commercial

¹ The current massage establishment does not have a Use Permit. However, a Use Permit is only required for massage establishments with two or more practitioners, and the number of practitioners in the current establishment is unknown.

EXISTING LAND USE:	Massage Therapy ²
SURROUNDING LAND USE:	North - Residential South - Commercial East - Commercial West - Commercial
LOT AREA:	13,914 square feet
TOTAL FLOOR AREA:	925 square feet
PARKING REQUIREMENTS/ PROVIDED:	3 spaces / 16 spaces

II. PROJECT DESCRIPTION

A. Background

Yue Jia, the applicant/business owner has submitted an application for a Major Use Permit to operate a massage therapy establishment at 2176 Springs Road. The timeline for the application is as follows:

Table 1 – Project Timeline	
Date	Action / Event
July 9, 2020	The applicant Yue Jia, filed an application for a Major Use Permit.
July 15, 2020.	The project plans were routed to various agencies for interdepartmental review and comment.
July 24, 2020	Staff sent a Permit Streamlining Act Letter to the applicant requesting additional information to be submitted.
August 11, 2020	The applicant resubmitted plans addressing staff's comments. The project plans were routed to various agencies for interdepartmental review and comment.
September 3, 2020	The application was deemed complete for processing and staff confirmed via email.
September 21, 2020	A public notice was sent to the Planning Commission (PC), all active neighborhood groups within 500 feet of the subject property, property owners within 500 feet of the subject property, and to the applicant.

The project requires the following approvals under the Vallejo Municipal Code (VMC):

Table 2 – Required Permits			
Permit Type	Description	VMC Code Section	Review Authority
Major Use Permit	Establishing a massage use with two or more practitioners.	16.57.020 (M)	PC

² See Footnote 1.

Location and Land Use Context

The project site is located in East Vallejo and is surrounded by existing commercial and residential uses: residential to the north with Taft Way on the other side, Stanley's Krispy Krunchy Chicken to the east with Lian Drive on the other side, Springs Road to the south with Springstown Center on the other side and a vacant commercial space to the west with a hair salon on the other side. Interstate 80 is located approximately a mile to the west. The immediate vicinity of the project site is characterized by existing commercial and residential developments (see figure 1).

The existing commercial center is made up by one-story buildings and a surface parking lot. The commercial uses include two restaurants, two personal services, such as a hair salon and a nail salon, a liquor store, and a clothing retailer. The commercial center buildings are oriented primarily towards the north of the site. The subject tenant space is located next to Stanley's Krispy Krunchy Chicken, and is currently occupied (without Planning approval) by a different massage therapy establishment. Parking for the proposed massage therapy establishment will be provided within the shared existing surface parking lot.

Figure 1 – Vicinity Map



B. Project Description

The applicant is proposing to establish a massage therapy establishment “Lemon Spa” at 2176 Springs Road. The applicant is taking over an existing massage therapy establishment and is expanding the number of practitioners. Therapeutic massage would be offered five days a week, Tuesday through Thursday, 11 a.m. to 7 p.m. Massage specialization includes body and foot massage. The massage establishment will occupy an existing 925 square-foot commercial space within an established shopping center. The proposed use is summarized in the table below:

Table 1 - Proposal Summary	
Days open	Tuesday to Saturday
Hours of operation	11 a.m. to 7 p.m.
Number of employees	Two practitioners and one aid
Number of rooms	Two treatment rooms, a storage room, a restroom, and a waiting room.

The applicant will hire two practitioners that will be independent contractor and are certified by a credited massage and healing school and have completed the total of 250 hours of training qualified the applicant for “massage practitioner” certification. The applicant will place employees’ certifications in the lobby for customers and City staff to see. The aid will be a receptionist and will assist in cleaning and up and setting up the rooms.

III. STAFF ANALYSIS

General Plan Consistency

The General Plan 2040 Land Use Designation for the subject property is Neighborhood Corridor (NC). The General Plan characterizes this designation as follows:

“The NC designation is intended to promote pedestrian-oriented neighborhood “main streets” with an emphasis on shops and services catering to the daily needs of local residents, particularly at mixed-use Urban Villages. Permitted uses in the NC designation include multi-family developments, retail, personal, and automotive services, professional offices, community facilities, and other uses conducted primarily inside buildings and compatible with an eclectic neighborhood-oriented mixed-use environment. The maximum permitted FAR in the NC designation is 2.0, with minimum residential density of 18 dwelling units per acre up to 30 dwelling units per acre.”³

The project is consistent with the NC land use designation as the establishment is taking over a 925 square-foot tenant space within an established shopping center, and will be compatible with surrounding uses because it caters to the daily needs of the residents in the surrounding area. The new use will bring additional customers to the existing established shopping center.

Vallejo Municipal Code Compliance

On August 29, 2017, the City Council adopted the Interim Zoning Policy (IZP) to facilitate development that is consistent with General Plan 2040 prior to the adoption of the new Zoning Ordinance. Under the Interim Zoning Policy, General Plan 2040 land use designations correlate to existing zoning districts for the purpose of applying development regulations in reviewing projects. The IZP has pre-determined that the NC land use designation is consistent with the Linear Commercial (CL) zoning district.

The project site is zoned Linear Commercial (CL), Chapter 16.22 of the VMC. The purpose of the CL zoning district is to create and establish regulations for a linear commercial district, in which well-designed, community-level commercial areas are developed along major thoroughfares. Per Section 16.22.030 of the Vallejo Municipal Code (VMC), Personal Services are permitted subject to limitations of the applicable provisions of Chapter 16.57 of the VMC. Per VMC Section 16.57.020(M), any practice of massage, alcohol rub, or similar treatment, fomentation, bath, or electric or magnetic treatment are subject to a Major Use Permit as prescribed in Chapter 16.82.

³ General Plan 2040, page 2-21

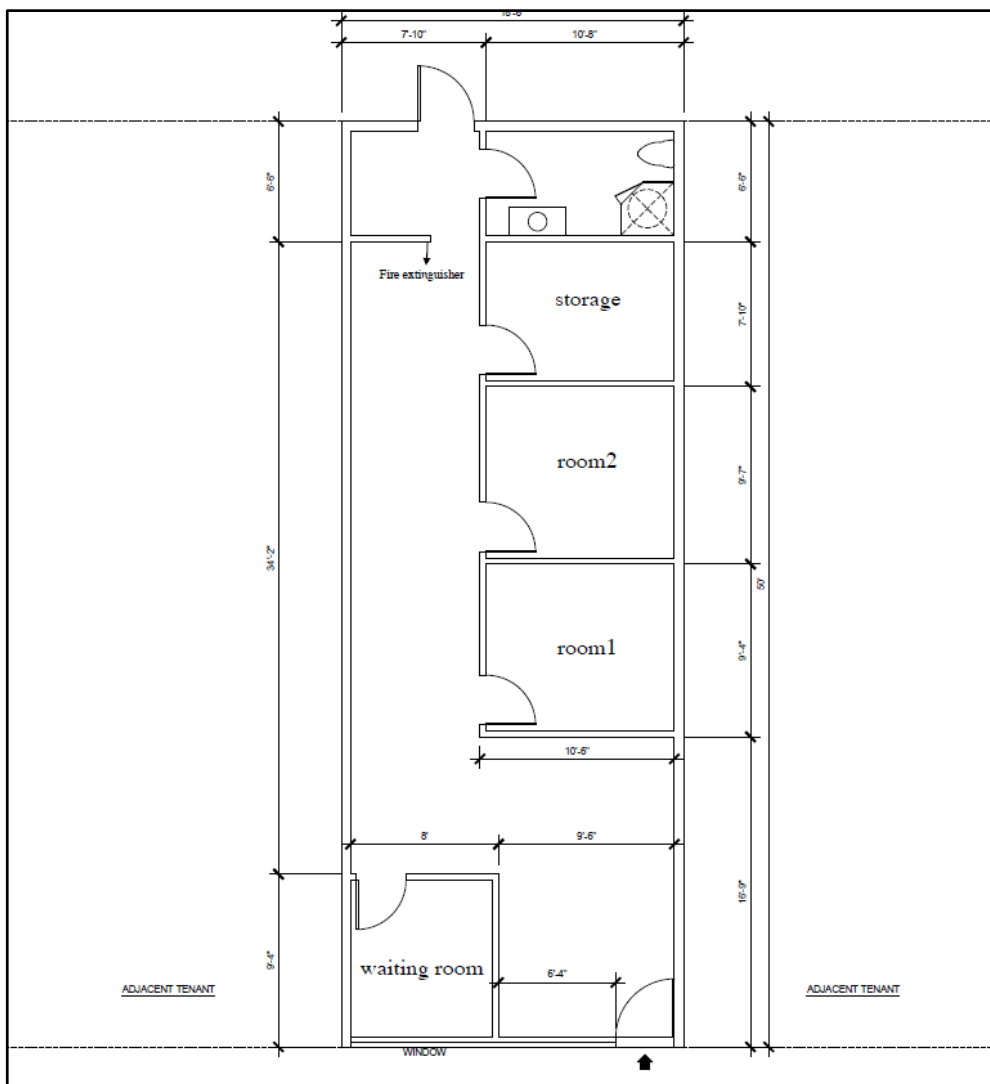
VMC Section 16.82.060, provides standards for uses that require Major Use Permits. The Major Use Permits standards are silent for massage uses. Nonetheless, as with prior applications for this type of use, staff has analyzed the following issues: hours of operation, proposed floor plan and business plan (the issues are in bold, and staff's analysis follows in italics):

- **Hours of Operation**

The proposed massage therapy establishment is proposing hours of operation of 11 a.m. to 7 p.m., Monday through Friday. The proposed hours of operation are consistent with other uses within the shopping center. The closing hours for other personal services in the shopping center are 7 p.m., and the two restaurants close at 9 p.m. The proposed hours for the massage therapy use will therefore not have a greater impact on adjacent uses than the existing shopping center. Staff has included a condition of approval requiring Planning Commission approval for any expansion to the hours of operation.

- **Proposed Floor Plan**

Figure 2 – Proposed Floor Plan



With an established 925 square-foot commercial tenant space, the applicant has proposed a total of two treatment rooms, a storage room, a bathroom, and a lobby/waiting area for customers (see figure 2). The floor plans will allow two customers at a time. The floor plan is similar in design to other massage uses in the City. The proposed floor plan is not showing an unusual flow or extra rooms that can be converted into additional rooms. Overall, the proposed floor plan shows a professional nature to ensure it is legitimate massage business.

- **Business Plan**

The applicant's business plan states that specialization will be focused on "body and foot massage" techniques. Clients will be accepted on both an appointment and "walk-in" basis. The applicant will hire two practitioners that have received certification by a credited massage and healing school and have completed the total of 250 hours of training qualified the applicant for "massage practitioner" certification. Vallejo Police Department appreciated the fact that the establishment will close at a relatively early hour, since other establishments operating later in the evening have sometimes been problematic.

In order to discourage potential illegal activities sometimes associated with massage businesses, staff has included a condition of approval for the applicant to submit an annual background check and clearance from the Department of Justice. Additionally, the City's standard conditions for massage uses require that prior to the hiring of any future employee, state certification and a criminal background check clearance shall be submitted to the Police Department and Planning Division for review and approval.

Major Use Permit Findings

VMC Section 16.82.050 requires the PC to make the following findings prior to granting a Major Use Permit (the findings are in **bold**, and staff's determination follows in *italics*):

- A. **That the location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use;** *as the proposed massage therapy use will be conducted within a an established 925 square-foot commercial space within an existing shopping center. The massage therapy use is consistent with other existing personal services in the shopping center, such as beauty salons, nail shops. The proposed hours of operation of 11 a.m. to 7 p.m. are consistent with the hours of other uses within the same shopping center. The use of the existing building will not result in the degradation of public facilities or utilities within proximity of the project site nor will it generate traffic beyond what can be accommodated by the street system. The proposed use is typically a low trip generator and will not exceed typical uses for this center, according to the City's traffic engineer.*
- B. **That the impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the city general plan;** *as the project site is designated as Neighborhood Corridor (NC) on the General Plan 2040 land use map. General Plan 2040 anticipates the NC designation to be promote pedestrian-oriented neighborhood "main street" with an emphasis on shops and services catering the daily needs of local residents. The project is consistent with the NC designation in that it involves establishing a massage therapy use that cater to the surrounding business, employees and resident in the surrounding areas and is consistent with surrounding personal services in the shopping center. The new use will bring new customers to the shopping center. The project is also consistent with applicable General Plan 2040 policies.*

IV. ENVIRONMENTAL REVIEW

Following a review of the project, staff has determined that it is exempt from the requirements of the California Environmental Quality Act (CEQA). Under CEQA, the State has identified classes of projects which have been determined to not have a significant impact on the environment and are therefore exempt from the requirements of CEQA. The project is categorically exempt pursuant to Section 15301 Class 1: "Existing Facilities" of the CEQA Guidelines. Furthermore, the City has considered whether or not any of the exceptions found under Section 15300.2 of the CEQA Guidelines exist, which would preclude the project from being categorically exempt from CEQA. The project is consistent with Section 15300.2 as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on an open a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not adversely affect any historical resource. Therefore, no further environmental review is required.

V. NOTICING AND PUBLIC COMMENTS

Pursuant to VMC Section 16.82.030 (C), notice of this hearing was sent to all active neighborhood groups within 500 feet of the subject property, property owners within 500 feet of the subject property and to the applicant on September 21, 2020. Staff has not received any comments or questions from the public on the application as of writing this staff report.

VI. CONCLUSION / STAFF RECOMMENDATION

Based on the analysis contained in this staff report and the project's consistency with General Plan 2040 and the Vallejo Municipal Code, staff recommends that the PC **APPROVE** Use Permit (UP) #20-0007 based on the findings and provided in the attached Resolution No. PC 20-09 and subject to the Conditions of Approval provided as Exhibit A to Resolution No. PC 20-09.

VII. EXPIRATION

Pursuant to VMC Section 16.82.090, approval of this Use Permit shall expire automatically 24 months after its approval unless authorized construction has commenced prior to the expiration date (October 5, 2022, if approved at this meeting and not appealed).

VIII. APPEAL PROCEDURE

Pursuant to VMC Chapter 16.102, the applicant or any party adversely affected by the decision of the Planning Commission may, within ten days after the rendition of the decision of the Planning Commission appeal in writing to the City Council by filing a written appeal with a fee of \$1,243 dollars with the City Clerk. Such written appeal shall state the reason or reasons for the appeal and why the applicant believes he or she is adversely affected by the decision of the Planning Commission. Such appeal shall not be timely filed unless it is actually received by the City Clerk or designee no later than the close of business on the tenth calendar day after the rendition of the decision of the Planning Commission. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.

Notice of the appeal, including the date and time of the City Council's consideration of the appeal, shall be sent by the City Clerk to all property owners within five hundred feet of the project boundary. The Council may affirm, reverse, or modify any decision of the Planning Commission that is appealed.

IX. ATTACHMENTS

1. Resolution No. PC 20-09
 - Exhibit A – Conditions of Approval
2. Project Plans

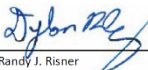
CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 20-09

**A RESOLUTION APPROVING
MAJOR CONDITIONAL USE PERMIT (UP) #20-0007
TO ESTABLISH A MASSAGE THERAPY USE**

**2176 Springs Road
APN #0069-175-240**

Approved as to form:

By:  for
Randy J. Risner
Interim City Attorney

I. GENERAL FINDINGS

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, the property has a General Plan 2040 land use designation of Neighborhood Corridor and is zoned Linear Commercial District; and

WHEREAS, on July 7, 2020, Yue Jia submitted an application seeking a Major Conditional Use Permit approval to convert a vacant 925 square-foot commercial space into a massage therapy use with two practitioners ("Project") located at 2176 Springs Road; and

WHEREAS, on September 3, 2020, the application was deemed complete for processing; and

WHEREAS, on October 5, 2020, the City of Vallejo Planning Commission, after giving all public notices required by State law and the City of Vallejo Municipal Code, conducted a duly noticed public hearing; and

WHEREAS, the Planning Commission considered testimony and evidence, both written and oral, provided at the public hearing, as well as other documents contained in the record of proceedings relating to the Project, which are maintained in the offices of the City of Vallejo Planning Division; and

WHEREAS, based on evidence received in the staff report and at the public hearing, the Planning Commission makes the following factual findings:

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING

Following a review of the project, staff has determined that it is exempt from the requirements of the California Environmental Quality Act (CEQA). Under CEQA, the State has identified classes of projects which have been determined to not have a significant impact on the environment and are therefore exempt from the requirements of CEQA. The project is categorically exempt pursuant to Section 15301 Class 1: "Existing Facilities" of the CEQA Guidelines. Furthermore, the City has considered whether or not any of the exceptions found under Section 15300.2 of the CEQA Guidelines exist, which would preclude the project from being categorically exempt from CEQA. The project is consistent with Section 15300.2 as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due

to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on an open a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not adversely affect any historical resource. Therefore, no further environmental review is required.

III. FINDINGS RELEVANT TO THE APPROVAL OF THE MAJOR CONDITIONAL USE PERMIT (VMC Section 16.82.050)

- A. **That the location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use;** *as the proposed massage therapy use will be conducted within an established 925 square-foot commercial space within an existing shopping center. The massage therapy use is consistent with other existing personal services in the shopping center, such as beauty salons, nail shops. The proposed hours of operation of 11 a.m. to 7 p.m. are consistent with the hours of other uses within the same shopping center. The use of the existing building will not result in the degradation of public facilities or utilities within proximity of the project site nor will it generate traffic beyond what can be accommodated by the street system. The proposed use is typically a low trip generator and will not exceed typical uses for this center.*
- B. **That the impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the city general plan; as the project site is designated as Business/Limited Residential (B/LR) on the General Plan 2040 land use map. General Plan 2040 anticipates the B/LR District to be employment-based businesses. The project is consistent with the B/LR designation in that involves establishing a massage therapy use that will cater to the surrounding business, employees and residents in the surrounding areas. The new use will bring new customers to the new shopping center. The project is also consistent with all applicable General Plan 2040 policies;** *as the project site is designated as Neighborhood Corridor (NC) on the General Plan 2040 land use map. General Plan 2040 anticipates the NC designation to be promote pedestrian-oriented neighborhood "main street" with an emphasis on shops and services catering the daily needs of local residents. The project is consistent with the NC designation in that it involves establishing a massage therapy use that cater to the surrounding business, employees and resident in the surrounding areas and is consistent with surrounding personal services in the shopping center. The new use will bring new customers to the shopping center. The project is also consistent with applicable General Plan 2040 policies.*

IV. RESOLUTION APPROVING THE PROJECT AT 2176 SPRINGS ROAD

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby **APPROVES** Major Use Permit #20-0007 to establish a 925 square-foot massage therapy use based on the above findings and subject to the Conditions of Approval attached to this Resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 5th day of October, 2020 by the following vote to-wit:

AYES:

NOES:

ABSENT:

DIOSDADO MATULAC, CHAIRPERSON
City of Vallejo Planning Commission

Attest:

Gillian Hayes, SECRETARY
City of Vallejo Planning Commission

**CONDITIONS OF APPROVAL
MAJOR USE PERMIT (UP) #20-0007
2176 SPRINGS ROAD
APN: 0069-175-240**

PROJECT DESCRIPTION

The approval is to establish massage therapy establishment "Lemon Spa" at 2176 Springs Road. Therapeutic massages would be offered five days a week, between the hours of 11 a.m. to 7 p.m. Massage specialization includes body and foot massages. The massage therapy establishment will occupy an existing 925 square-foot commercial space within an established shopping center.

A. Planning Division

Staff Contact: Cesar Orozco, (707) 648-5436, cesar.orozco@cityofvallejo.net

Pre-Building Permit:

1. Prior to building permit issuance, submit a numbered list to the Planning Division with a written response on how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project. The approved COA will be included in the permit set after the cover sheet with each condition listed and how the applicant will address each condition in writing.
2. Prior to building permit issuance, the Planning Division shall confirm that the building permit drawings and subsequent construction substantially conform with the approved Planning application drawings.
3. Prior to building permit issuance, submit for a sign permit for any permanent signs on the building or on the windows.

Overall Project:

4. Prior to the annual business license renewal, the business owner and each employee, will conduct a clearance from the State of California Department of Justice and submit a copy to the Police Department and the Planning Division.
5. Prior to the hiring of any future employee, proof of that employee's State of California Massage Therapy Council certification and a clearance from the State of California Department of Justice shall be submitted to the Police Department and the Planning Division for review and approval.
6. A business license is required for each practitioner and must be posted in the lobby along with their state certification.
7. Permanent signs shall be permitted provided the total sign area square footage does not exceed fifteen percent of the total ground floor window area or twenty-five percent of the second floor window area. These signs shall be subject to a sign permit and shall be included as part of the total sign area. Paper or printed window signs shall be limited to no more than 10 percent of the window area of any street frontage or more than 50 percent of any single window pane (VMC section 16.64.040(B)).
8. Pennants, banners, streamers, or flags in connection with special promotions and business openings shall be permitted for a period not to exceed 30 days. The same, different, or similar

pennants, banners, streamers, and flags shall not be permitted within 150 calendar days after such removal. No pennants, banners, streamers, balloons, inflatable devices, flags, or any other advertising devices shall be mounted on or above any roof or mansard, or otherwise extend above a parapet wall or ridge of a structure. (VMC section 16.64.030)

9. Prior to any increase in the proposed hours of operation, of Tuesday to Saturday 11 a.m. to 7 p.m., Planning Commission approval is required.
10. The project shall be constructed and operated in accordance with the authorized use as described in the application materials, staff report, and approved plans [UP20-0007] (dated 8/11/2020), and as amended by the following Conditions of Approval (COA). Any additional uses or facilities other than those approved with this permit as described in the project description and the approved plans will require a separate application and approval. Any deviation from the approved drawings and COA shall require prior written approval from the Planning Manager or his or her designee.
11. The Planning Manager or his/her designee shall conduct a site visit prior to the issuance of an occupancy permit by the Building Division to confirm compliance with approved plans, conditions of approval, and code requirements.
12. The Major Use Permit shall expire 24 months from the date of approval unless construction permits are obtained and work has begun. The expiration date shall be October 5, 2022 (if approved on October 5, 2020).
13. Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, applicant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Applicant's operations, or any subcontractor's operations, to be performed under this agreement for Applicant's or subcontractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Applicant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation.

B. Building Division

Staff Contact: Steve Arnold, (707) 648-4387, steve.arnold@cityofvallejo.net

1. Must comply with the current Building Code and Standards.
2. This Use permit has a plan with tenant space separated into multiple rooms. Provide before and after plans. Also verify laundry will be off site or provide method of installing a laundry in this tenant space.

C. Fire Prevention

Staff Contract: Vincent Sproete, (707) 654-7868, Vincent.sproete@cityofvallejo.net

1. Rooms or areas containing controls for HVAC systems, electrical panels, automatic fire extinguishing systems, fire alarm equipment or other detection, suppression or control elements shall be identified with appropriate signs.
2. Approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 6" high with a 1/2" stroke. The size of the building and distance or location of the address numbers from the roadway may necessitate larger numbers.
3. The minimum fire-extinguisher requirement shall be one 2A-10BC rated portable unit in such locations so that maximum floor-travel distance does not exceed 75' to the nearest extinguisher from any portion of the building with a maximum of 3,000 square feet of floor area surveyed. Plan submittal shall include the proposed location of extinguishers. Final location shall be approved in the field by the Fire Department. Higher capacity fire extinguishers may be required in warehouse.
4. All fire extinguishers shall be mounted in a conspicuous and readily accessible location either on a bracket or within an approved storage cabinet. Fire extinguishers shall be mounted so the top of the unit is 3 feet to 5 feet off the finished floor. If the extinguisher is not readily visible, a sign shall be located directly above the extinguisher. The sign shall be legible and of a contrasting color with its background.
5. Provide an approved illuminated exit sign over all required exit doors.
6. Means of egress illumination shall be provided and maintained at any time the building is occupied. The means of egress shall be illuminated of not less than 1-foot candle power.
7. Emergency exit lighting shall be provided at or near all exits and as designated by the Fire Marshal.
8. All emergency lighting, exit sign lights shall have two separate sources of power as required by the California Building Code.
9. Locking devices on exit doors shall conform to the California Building Code. Only one lock or latch requiring one motion/operation to open/unlock is required. No double keyed dead-bolts are permitted on exit doors.
10. Maintain the width of the exit system; tables, chairs, merchandise storage systems and other devices shall not obstruct the means of egress along the path of exit travel based on the cumulative occupant load served. Maintain clear access to all exits.
11. A final inspection from the Vallejo Fire Department is required prior to final occupancy.

D. Public Works

Staff Contact: Philip Ho, (707) 554-5902, Philip.ho@cityofvallejo.net

1. Applicant shall upgrade the curb ramp at the northwest corner of Spring Road and Lain Drive. Curb ramp shall meet city standards and be ADA compliant. See PW22 below.
2. If there are any building modifications or reconfiguring/reconstruction of exterior area, the permit application will require further review by Public Works.

Additional Public Works Standard Conditions of Approval:

PW1. HOW PROJECT CONDITIONS SATISFIED. Prior to building permit issuance, submit a numbered list to the Planning Division stating how each condition of project approval contained in this report will be satisfied. The list should be submitted to the project planner who will coordinate development of the project.

PW2. PUBLIC IMPROVEMENT STANDARDS. All public improvements shall be designed to City of Vallejo standards and to accepted engineering design standards. The City Engineer has all such standards on file and the Engineer's decision shall be final regarding the specific standards that shall apply. (COV, Regulations & Standard Specifications, 2011).

PW3. IMPROVEMENT PLANS. Prior to building permit submittals, submit three sets of plans to the Department of Public Works for plan check review and approval. (Improvement or civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to, grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations and pertinent reports. (COV, Regulations & Standard Specifications, 2011, Section 1.1.7-A).

PW4. GRADING. N/A

PW6. ON-SITE SOILS ENGINEER. N/A

PW7. N/A

PW8. COMPACTION TESTS. N/A

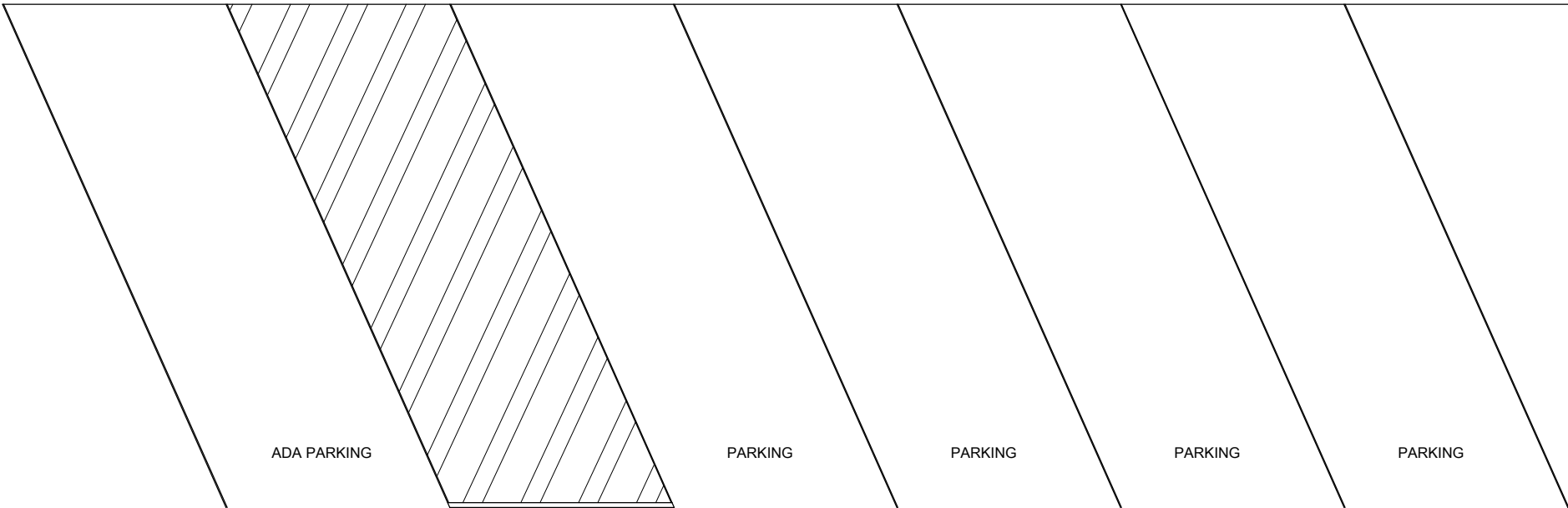
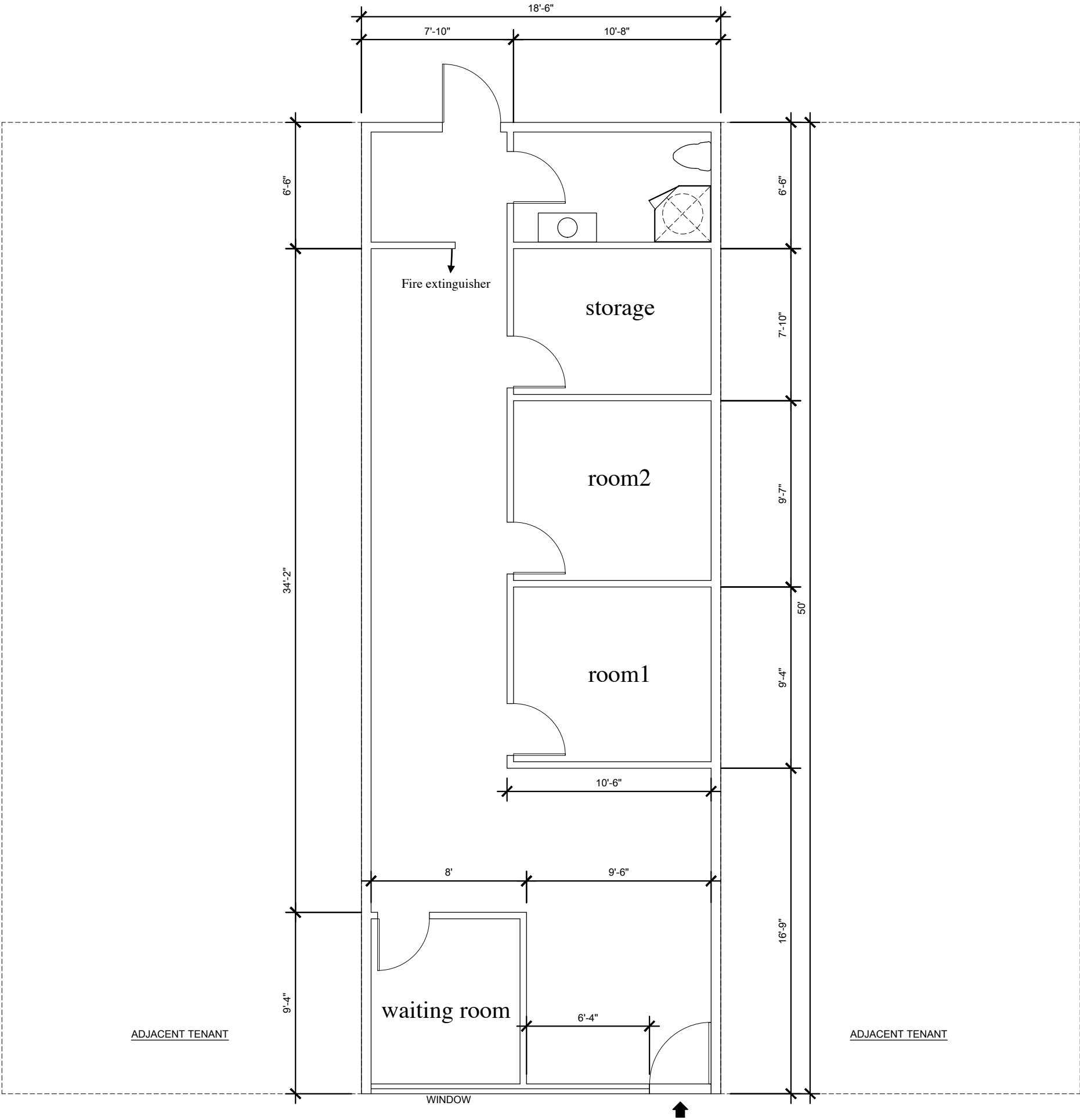
PW9. DRIVEWAY STANDARDS. N/A

PW10. STREET EXCAVATION PERMIT. N/A

PW11. FLOOD PROTECTION. N/A

PW12. STREET TREES. N/A

PW13. JOINT TRENCH. N/A



EXISTING FLOOR PLAN



Business Plan

open hour: Mon-Friday 11:00am - 7:00pm

~~open~~ major business: Body massage, foot massage

Number of employees: two.