

RESOLUTION NO _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW CONVERSION OF AN EXISTING ACUPUNTURE OFFICE TO A MASSAGE ESTABLISHMENT IN AN EXISTING SHOPPING CENTER LOCATED AT 2529 SCOTT BOULEVARD, SANTA CLARA, CA

PLN2018-13531 (Use Permit)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on September 14, 2018, Kaining Guo, Chuntian Acupuncture (“Owner”) applied for a Use Permit to allow conversion of an existing acupuncture office into a massage;

establishment in an existing shopping center, located at 2529 Scott Boulevard. (“Site Location”);

WHEREAS, the Site Location is currently zoned Light Industrial (ML) with a 1990 Use Permit (U. 1751) which allows the existing 6,600 square foot retail shopping center at this 25,720

square foot site; and has the General Plan land use designation of Low Intensity Office (R&D);

WHEREAS, the Site Location has the General Plan land use designation of Low Intensity Office (R&D);

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow conversion of an existing acupuncture office in to a massage establishment;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 existing facilities, in that the proposed use will occur at an existing location involving negligible or no expansion of an existing use;

WHEREAS, the required number of parking spaces is 6 spaces based on the tenant space square footage;

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on February 15, 2019, the notice of public hearing for the February 27, 2019, meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location; and

WHEREAS, on February 27, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Use Permit to allow conversion of an existing acupuncture office located in an existing retail shopping center to a massage establishment.

3. That with respect to the applicant's request to operate a massage establishment, based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare because the foot and body massage establishment will provide an additional service for a segment of the population in a convenient location;

B. Said use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use for the following reasons:

- 1) The foot and body massage establishment use is limited to the hours of 9:00 a.m. to 6:00 p.m. Monday to Friday;
- 2) The massage establishment will provide additional services to the employment sector and surrounding neighborhoods;
- 3) The massage use is located in the center of the retail center and is oriented away from residential uses; and
- 4) The massage therapists hired are required to have valid California Massage Therapy Council certificates to work at the business.

C. Said use will not be detrimental to property or improvements in the neighborhood of such proposed use in that:

- 1) The proposal is to remodel the existing retail tenant space to accommodate four treatment rooms;
- 2) No exterior improvements are proposed; and
- 3) There is enough parking on site for the existing uses in the retail center;

D. Said use will not be detrimental to the general welfare of the City in that:

- 1) The applicant is required to obtain clearance from the Santa Clara Police Department; and
- 2) There was no opposition received regarding this request;

E. Said use will not impair the integrity and character of the zoning district because the massage use is complementary use to the existing businesses in the neighborhood; and

F. Said use is in keeping with the purposes and intent of the City of Santa Clara Zoning Ordinance in that:

- 1) Retail business establishments and shops providing services for the surrounding community are permitted for this site with an approved 1990 Use Permit (U.1751); and
- 2) Massage establishments are allowed with Use Permit approval;

4. That the Planning Commission hereby approves a Use Permit (PLN2018-113531) to allow for a massage establishment located at 2529 Scott Boulevard, subject to conditions of approval attached hereto and incorporated herein by this reference.

5. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 27TH DAY OF FEBRUARY, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plans
2. Conditions of Approval