

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

COMMISSIONERS: Mary Beatie, Chris Gomez, Marvin Hansen, Sarrah Peariso, Adam Peck

**MONDAY, OCTOBER 26, 2020**

**VISALIA CONVENTION CENTER**

**LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA**

**MEETING TIME: 7:00 PM**

**Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.**

1. THE PLEDGE OF ALLEGIANCE –

2. 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.

3. CHANGES OR COMMENTS TO THE AGENDA –

4. 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.

- Progress update for site acquisition for and relocation of the vocational school associated with Conditional Use Permit (CUP) No. 2019-45. This CUP was a request by Advanced Career Institute to allow an existing developed one-acre parcel to facilitate the use of a trade school in the 'I' (Industrial) zone. The project site is located at 1728 North Kelsey Street, on the east side of Kelsey Street 175 feet north of Elwin Court. (APN: 077-150-022)

- Time Extension for Houdini Acres Tentative Subdivision Map No. 5563 and Conditional Use Permit No. 2017-31: A request by Larry Rambaud to subdivide three lots consisting of 2.15 gross acres into 10 lots for residential use and to allow two duplex structures (four dwelling units total) on two corner lots within the proposed Houdini Acres Tentative Subdivision Map No. 5563 in the R-1-5 (Single-Family Residential, minimum 5,000 square foot lot size) zone. The site is located at 2548 N. Linwood Street. (APN: 077-190-001)

- Time Extension for Quintana De Oro Tentative Subdivision Map 5570: A request by the Houston Investment Company to subdivide five (5) acres into 14 lots with an average lot size of 11,832 sq. ft., and two (2) common landscaping lots totaling 3,652 sq. ft., in the R-1-20 Single Family Residential zone. The site is located at 2548 N. Linwood Street. (APN: 077-190-001)

5. PUBLIC HEARING – Josh Dan, Associate Planner

Conditional Use Permit No. 2020-02: A request by Scott Vincent Company Architects, Inc. to allow a 216 unit, three story apartment complex on 8.86 acres. The site has both R-M-2 (Multi-Family Residential, one unit per 3,000 square feet) and R-M-3 (Multi-Family Residential, one unit per 1,200 square feet minimum site area per unit) zoning. The project is located on the north side of East Shannon Parkway between North Court and North Santa Fe Streets (APN: 079-071-033). An Initial Study and Negative Declaration No. 2020-14 have been prepared for this project.

6. PUBLIC HEARING – Paul Bernal, City Planner

Temporary Conditional Use Permit No. 2020-51: A request by In-Shape Health Club, LLC, to facilitate the temporary outdoor operation of the fitness club on a limited basis in compliance with State and Local Covid-19 guidelines and to permit the placement of two commercial grade tents on two tennis courts adjacent to the building. The site is zoned R-1-5 (Single-family Residential 5,000 square foot minimum site area) and is located at 909 North Demaree Street (APN: 085-212-019). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Environmental Document No. 2020-56.

7. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Monday, November 9, 2020.
- 6:00 p.m. Kick-Off Work Session regarding the Agricultural Mitigation Program and Feasibility Study update
- New Employee Update

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 5, 2020 BEFORE 5:00 PM**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.visalia.city](http://www.visalia.city) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, NOVEMBER 9, 2020**

# City of Visalia

## Memorandum



**To:** Planning Commission

**From:** Paul Bernal, City Planner (559) 713-4025

**Date:** October 26, 2020

**Re:** Late Correspondence for Planning Commission Agenda Item No. 6: **Temporary Conditional Use Permit No. 2020-51:** A request by In-Shape Health Club, LLC, to facilitate the temporary outdoor operation of the fitness club on a limited basis in compliance with State and Local Covid-19 guidelines and to permit the placement of two commercial grade tents on two tennis courts adjacent to the building. The site is zoned R-1-5 (Single-family Residential 5,000 square foot minimum site area) and is located at 909 North Demaree Street (APN: 085-212-019).

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### Summary:

The following is a brief synopsis of supplemental information and a revised site plan exhibit from the original site plan exhibit included in the Planning Commission staff report that was finalized and copied prior to receiving this new additional information.

On late Thursday evening, October 22, 2020, the Planning Division received supplemental information, photographs and a revised site plan exhibit via email as late correspondence, herein attached as Attachment 1 (supplemental information/photographs) and Revised Exhibit "A" (site plan). The supplemental information and revised Exhibit "A" (site plan) was received from Sandra Stephenson, the proponent representing Agenda Item No. 6. The supplemental information and revised site plan were prepared in response to an e-mail received from a neighbor expressing opposition to the TCUP request on October 21, 2020 which is included as Exhibit "E" of the Planning Commission staff report and (included as Attachment 2 to this memorandum.

### Supplemental Information:

Attachment 1 provides a detailed overview of what transpired between the Site Plan Review committee's review of In-Shape's request to conduct temporary outdoor fitness and class training, and the subsequent filing of the TCUP application. As stated in the supplemental information letter, fitness classes and equipment have been moved outside and In-Shape has been operating with patrons using these areas prior to the TCUP approval. In addition, the supplemental information letter provides responses to the issues raised in the October 21, 2020 e-mail. The proponent is recommending the following considerations be included as conditions of the TCUP as follows:

1. In-Shape will add fabric/covering to the property line wood fence on the health club-facing side along the south boundary of the grassy outdoor area to attenuate sound and prevent visibility.

2. In-Shape group fitness classes will end no later than 7:00 p.m.
3. The piece of exercise equipment shown in photos 1 and 3 will be relocated. No activity or machines will be placed within 50 feet of the residential structure of the Commenter's residence.

Based on the applicant's considerations, staff recommends the following revision be made to consideration no. 3 as follows:

3. The piece of exercise equipment shown in photos 1 and 3 will be relocated. No ***work-out equipment/machines will be placed*** within 50 feet of ***any residential property line that abuts the In-Shape property.***

The revised language, in addition to the revised site plan which is discussed below, restricts outdoor cardio-strength training equipment and machines from being located within 50 feet of the rear property lines of the residential lots that abut the In-Shape site to the south and west.

#### **Revised Site Plan Exhibit "A":**

The proponent has also submitted a revised site plan that relocates the "Cardio-Strength" training area from Tennis Court 1, as originally depicted per Exhibit "A" of the Planning Commission staff report, to Tennis Court 4, which is directly to the west of the "Fitness Class" area (see attached Revised Exhibit "A").

#### **Recommendation:**

Based on the supplemental information and revised site plan provided by the proponent, staff recommends the Planning Commission approve revised Resolution No. 2020-53, which includes additional conditions based on the proponents considerations, including staff's revision as identified in this memorandum, and subject to the Revised Exhibit "A" that depicts the relocation of the "Cardio-Strength" training area from Tennis Court 1 to Tennis Court 4. Revised Resolution No. 2020-51 is attached for the Planning Commission's consideration.

#### **Attachments:**

- Attachment 1 – Supplemental Information
- Attachment 2 – Email dated October 21, 2020
- Revised Site Plan Exhibit "A"
- Revised Resolution No. 2020-53
- Zone Map
- Aerial Photograph

**Attachment 1**  
**Supplemental Information**

## SUPPLEMENTAL RESPONSE TO APPLICATION FOR TEMPORARY USE PERMIT

909 North Demaree Street, In-Shape Health Clubs

### INTRODUCTION

I am the individual responsible for following through on In-Shape's application for a temporary use permit to conduct outdoor fitness at the Demaree Street location. On October 21, I received an email from Principal Planner Paul Bernal concerning that application. Mr. Bernal forwarded a message from a neighbor who opposes the temporary outdoor use (referred to herein as "Commenter"). A copy of the email is part of the Commissioners' agenda packets, I'm sure. I want to respond to Mr. Bernal's email first with a personal statement:

The Commenter stated that In-Shape was already conducting outdoor fitness. I was not aware of this prior to Mr. Bernal's email. I took this information to the In-Shape team. They were of the understanding that the tennis courts could be used for placement of fitness equipment without any additional approvals, and that the temporary use permit application was associated with the commercial tents to be erected, not the equipment. This belief was based on the information they had from planning departments in other cities where outdoor fitness and large tents were being implemented. Those cities were not distinguishing between tennis and any other fitness use of the outdoor space. In-Shape assumed that was customary. Visalia is the only city that is requiring a hearing on temporary outdoor fitness. It did not occur to me to ask whether equipment had been moved outdoors, and at the time of the application, I was not yet aware that other cities had placed no restrictions on equipment being moved outside.

"Outdoor fitness" as a modified means of providing a fitness and exercise experience is an uncharted path. The teams within In-Shape responsible for programming, equipment choices and placement, and the types of classes and so forth that are offered have never done this before. In-Shape is now seven months into closures and no revenue. Whatever the team did was a result of lack of experience with the planning process. It would never have occurred to them that moving equipment outdoors on a health club property that was already operating as a health club/gym would require any special approvals. What In-Shape is trying to do is a product of desperation in the face of immense challenges where the goal is simply not to have to close the club permanently. Respectfully, the fact that they had already moved equipment outside when the application was filed has to be considered through that lens.

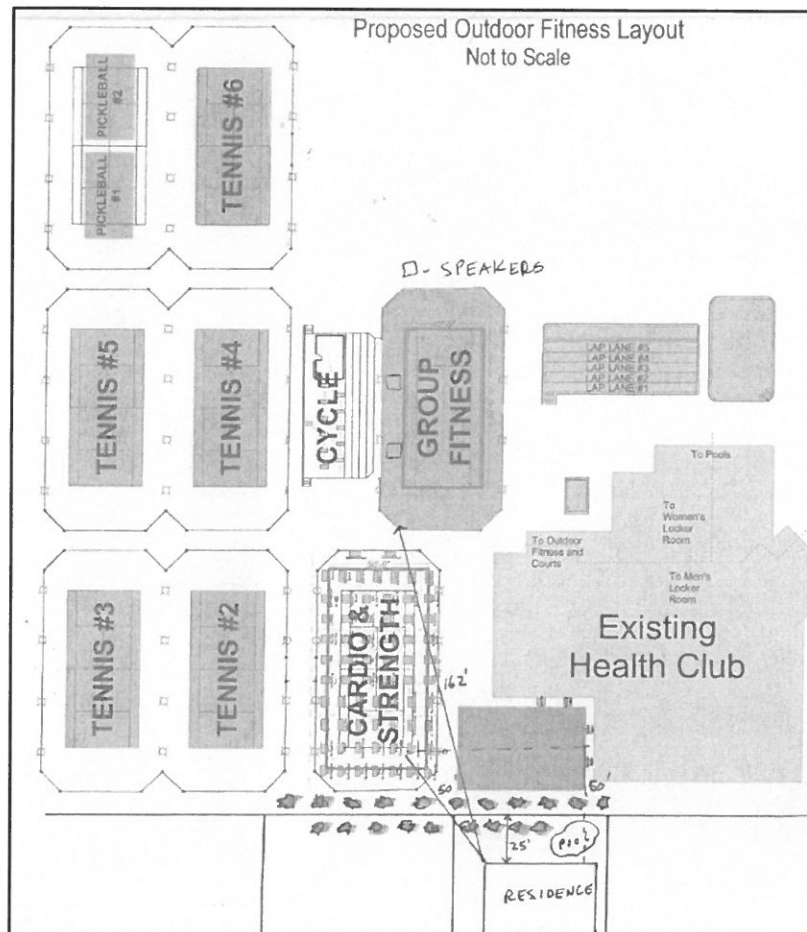
### RESPONSES

We are mindful and respectful of the neighbors' position and comments. We provide the following facts and supplemental information in response.

1. Comment: *"Our backyard is directly adjacent to the outdoor access at the gym and we can see and hear all activity at the tennis courts and outside work out area. We can see and hear*

dozens of the health club patrons, sometimes mere feet from our back fence.”

Response: In case it is not clear, the grassy, outdoor workout area was not created for the current outdoor use. The tennis courts and outdoor workout area are located exactly as they were when In-Shape acquired this location in 2008 and for many years prior. The general conditions of the area are depicted in the diagram and bullet points below.



- The residential parcel occupied by the Commenter is south of the grassy, outdoor workout area (depicted as a green rectangle) (see note “Residence” and “pool”).
- The north wall of the home is 25 feet south of the home’s north property line.
- There are trees and landscaping on both sides of the wooden fence that separate the residence from the outdoor workout area.
- The tennis court with workout equipment is fenced, and the south fence around the court is 20 feet north of the boundary between the health club property and the residential parcel to the south (not the Commenter).
- The south portion of the fence is covered with an outdoor fabric-like material that provides a degree of sound attenuation.
- The equipment on the tennis court closest to the Commenter’s property line is roughly 25 feet north of that property line.

- The dashed line in the diagram represents a measurement approximately 50 feet from the back/north wall of the residence.

There is one piece of workout equipment situated on the sidewalk abutting the building adjacent to the grassy area. There is no other fitness equipment within the grassy area.

The area that is "mere feet" from the Commenter's back fence may be the grassy outdoor area. There is landscaping bordering the fence on the health club side of approximately five feet in width. Patrons use the grassy area for stretching or other functional exercises, as has been the case for a long time. We cannot be sure what the Commenter is seeing given the height of the fence, but it may be that people within the health club property can be seen by the Commenter between the slats of the wood fence.

No music of any kind is being used in either the tennis court equipment area or the outdoor area.

2. *"The gym conducts fitness classes outside until 8 PM and we can hear the microphoned instructors and loud music both in our yard and inside our house."*

Response: Care was taken to monitor sound levels and provide instructors with easy ways to adjust sound to maintain a consistent sound level at or below daytime decibel levels. That being said, in the process of preparing this supplement, we clarified that daytime decibel levels adjust downward slightly at 7:00 p.m., so, effective Thursday, October 22nd, all classes will end at 7:00 p.m. Steps have been taken to position and orient speakers east and northeast toward Demaree and the parking lot so as not to project sound in the direction of any residences. Speakers are 132 feet from the nearest homes to the west, and over 160 feet from homes to the south (see arrow and note on diagram). Sounds of up to 55 decibels were measured in testing which would be the highest decibel level, though not a sustained level, during a class. The decibel detail shows that in actual use, music was not reliably heard from a distance. Also, sound may not be utilized throughout the entire duration of each class.

## CONSIDERATIONS

In-Shape will add the following adjustments to the overall layout and plan:

1. Add fabric/covering to the wood fence on the health club side along the south boundary of the grassy outdoor area to attenuate sound and prevent visibility.
2. Group classes will end no later than 7:00 p.m.
3. The piece of exercise equipment shown in photos 1 and 3 will be relocated. In this way there will be no activity or machines within 50 feet of the rear of the Commenter's residence.



## DISCUSSION

People respond differently to sound levels and In-Shape respects the needs and concerns of its neighbors. If there was a way to avoid moving equipment outside, that would be the preference. In-Shape has complied with state and local guidelines from the beginning of the pandemic, unlike many other fitness operators, even in Visalia, that have remained open despite state mandates. In-Shape has gone to extraordinary lengths to implement new sanitation and safety guidelines and to guarantee members a safe and healthy workout experience in compliance with the state's fitness guidelines implemented in response to the coronavirus pandemic. The last thing anyone wants is to make someone else's life uncomfortable. In-Shape's motto is to make each person's day better, in even small ways.

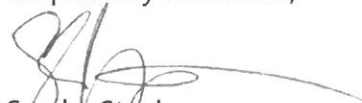
A recent study by Emicity Research for the California Fitness Alliance found that 86% of fitness-oriented Californians report at least one negative health change since the closure of health clubs and gyms. The health and wellness benefits of fitness and exercise are well-documented and uncontroverted, and class instruction is a popular and preferred type of exercise. The Emicity study found people are experiencing negative changes to their mental health, weight, sleeping and eating habits as a result of gym closures due to the pandemic. The need for exercise and activities that improve our quality of life and overall health cannot be overemphasized. The Demaree In-Shape has been a vital and important part of the community for many years and now, more than ever, they have a crucial role to play in Visalia's health and well-being as we all come together to deal with the ravaging effects of the pandemic.

## CLOSING

We are in a time when many of the normal ways of doing things just don't work. We hope we will soon reach a place where more normalcy is possible, but at this very critical moment, we are asking the Commission to grant this use for a temporary period of time. In return, In-Shape will do everything possible to make it compatible with the neighbors and their needs.

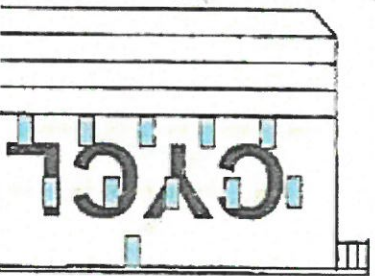
Thank you.

Respectfully submitted,



Sandra Stephenson

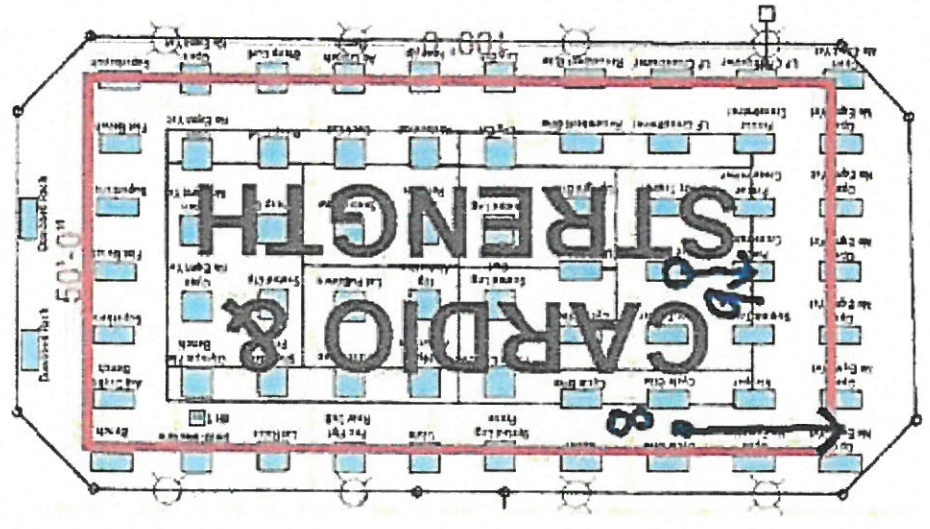
On behalf of In-Shape Health Clubs

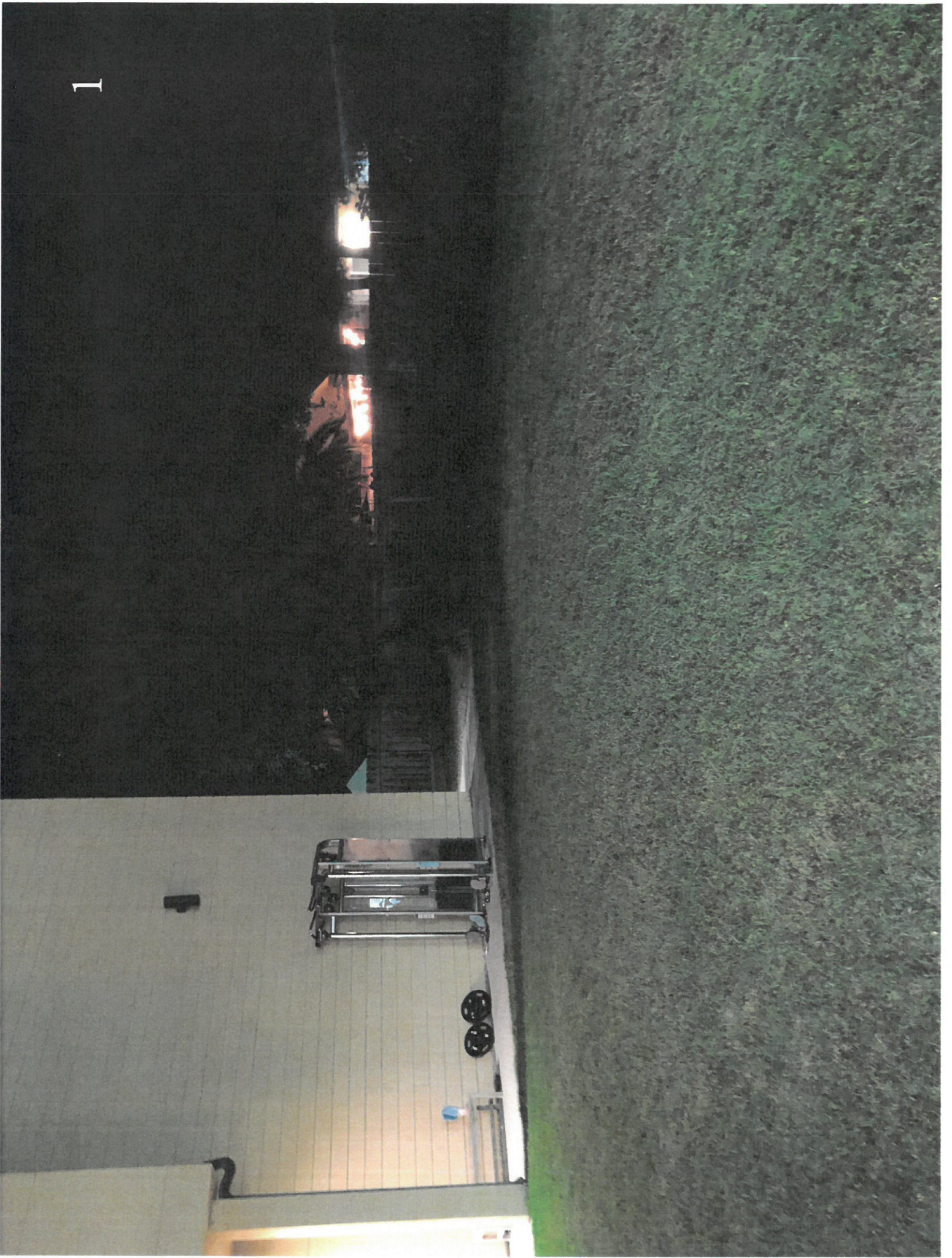


Numbers refer to photos  
Arrows depict photo angle

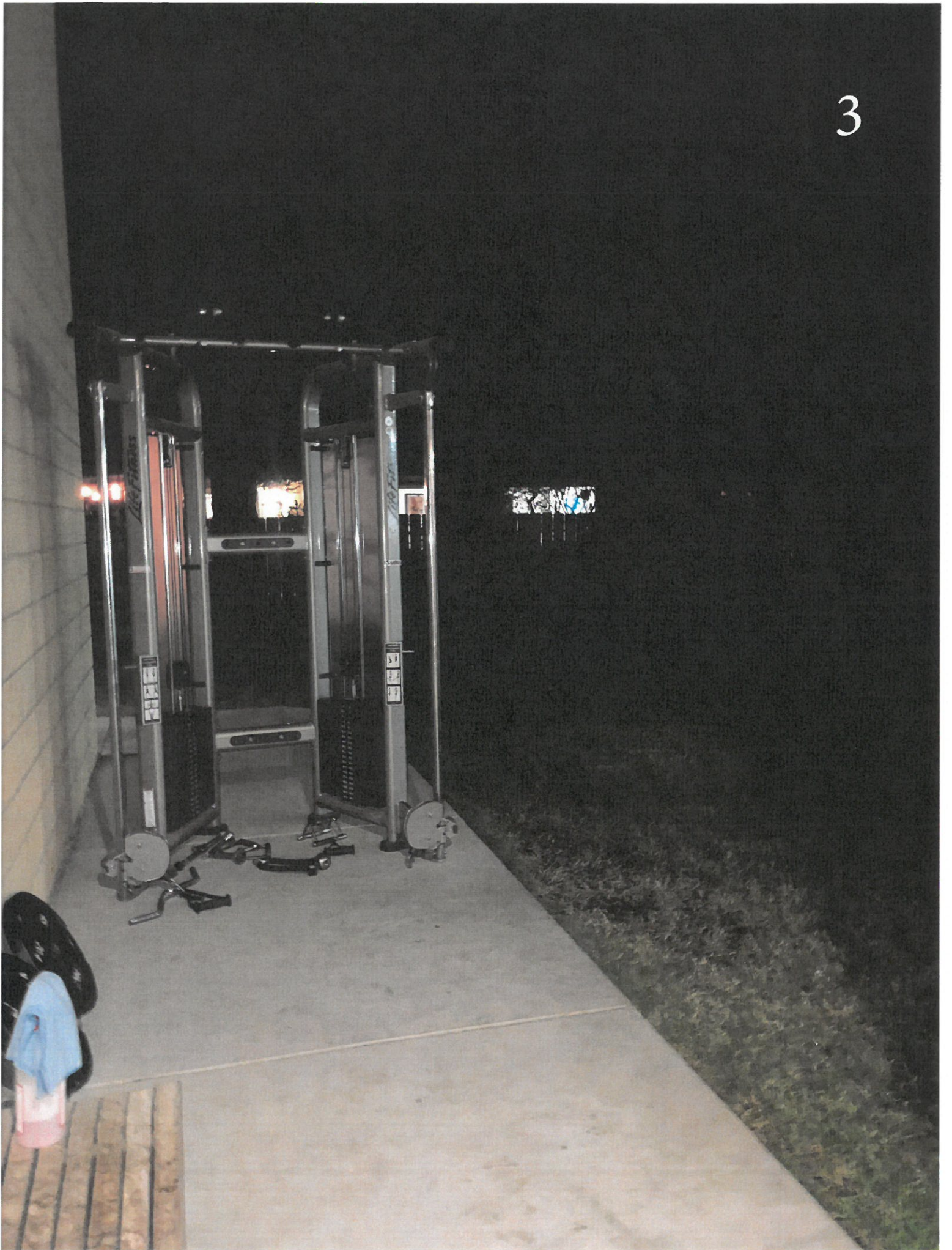


# Existing Health Club













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## **Attachment 2**

**E-mail dated October 21, 2020**

## Paul Bernal

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**From:** Susan Currier  
**Sent:** Wednesday, October 21, 2020 8:26 AM  
**To:** Paul Bernal  
**Subject:** FW: Public Comment: In-Shape Health Club Temporary Conditional Use Permit

Please see below:

*Susan Currier*  
*Sr. Administrative Assistant*  
*City of Visalia*  
*315 E. Acequia Ave.*  
*Visalia, CA 93291*  
*(559) 713-4436*  
*Fax (559) 713-4813*  
*Email [susan.currier@visalia.city](mailto:susan.currier@visalia.city)*  
*Website [www.visalia.city](http://www.visalia.city)*

**From:** Miranda Powers [<mailto:miranda.powers@fowler.k12.ca.us>]  
**Sent:** Wednesday, October 21, 2020 8:22 AM  
**To:** Susan Currier  
**Subject:** Public Comment: In-Shape Health Club Temporary Conditional Use Permit

Good morning Susan,

I received the notice of public hearing regarding In-Shape's request to facilitate temporary outdoor operation and erect two commercial-grade tents on two tennis courts. My husband and I **strongly oppose** this change. Our backyard is directly adjacent to the outdoor access at the gym and we can see and hear all activity at the tennis courts and outside work out area. Their recent outdoor operations have negatively impacted our quality of life. We can see and hear dozens of the health club patrons, sometimes mere feet from our back fence. Furthermore, the gym conducts fitness classes outside until 8 PM and we can hear the microphoned instructors and loud music both in our yard and inside our house. As I am putting my 1-year-old daughter to bed each night around 7:45 the music and instructions of those fitness classes can be heard in her room over her white noise. We have never complained to the gym because we understand these are difficult times and they are doing their best, but the increased outdoor operations are unacceptable. If the gym would like to construct an 8-foot cinder block fence for all of their very tolerant and patient neighbors whose homes border their

property, we would be happier to accommodate their request. As it stands, we strongly oppose this temporary conditional use permit request.

Thank you for considering our voices,





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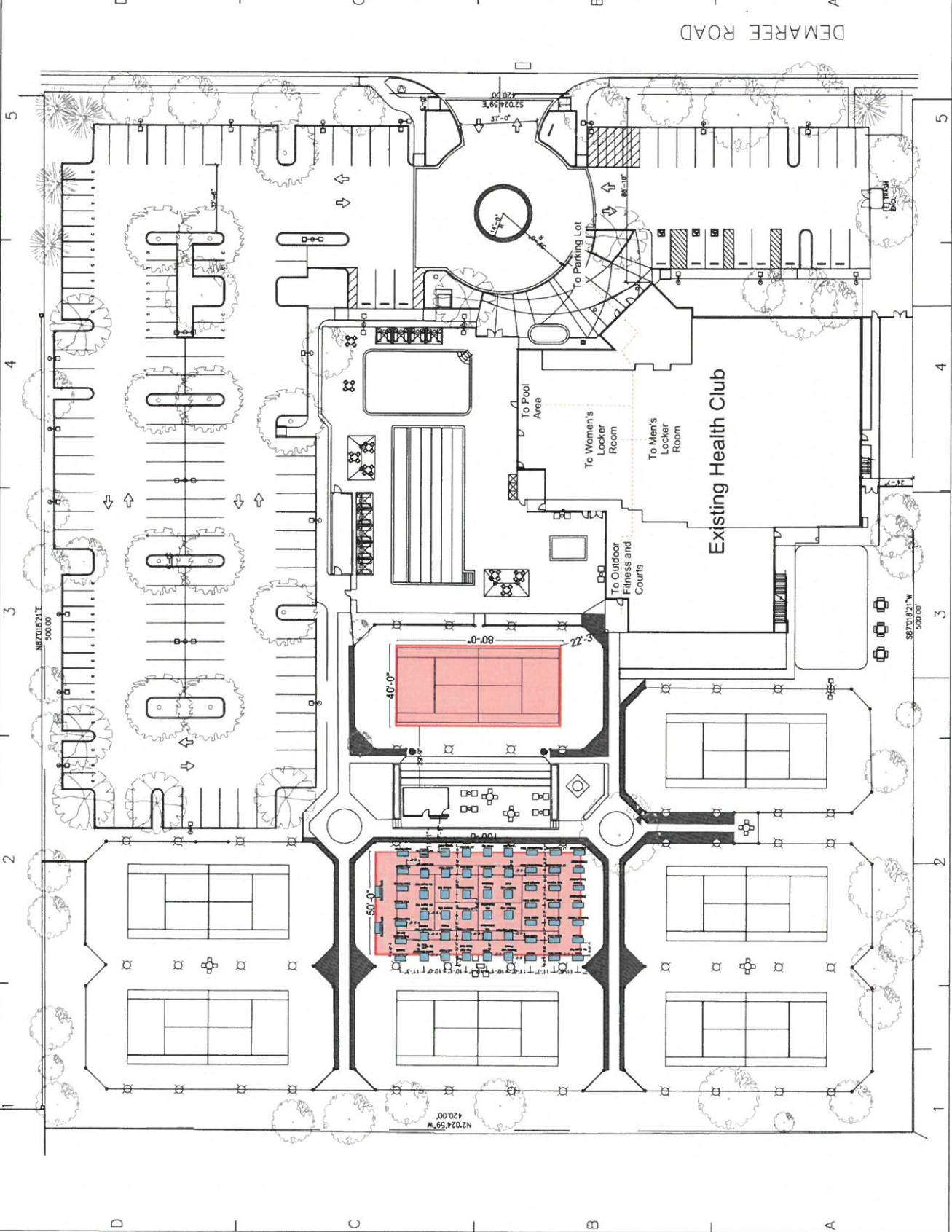
Mrs. Miranda Powers  
Fowler High School  
559-834-6160 ext 4106



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This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

# **Revised Exhibit “A”**

 Rental Tent  Path of Travel  Fitness Equipment	OWNER IN-SHAPE VSALIA SPORT, 28 909 NORTH DEMAREE STREET IN-SHAPE HEALTH CLUBS STOCKTON, CA 95202	 0 10' 20' 40' SCALE: 1" = 20'-0"	<table border="1"> <tr><td>DATE:</td><td></td></tr> <tr><td>PROJECT NO.:</td><td></td></tr> <tr><td>CLIENT:</td><td></td></tr> <tr><td>DESIGNER:</td><td></td></tr> <tr><td>SCALE:</td><td></td></tr> <tr><td>COPYRIGHT:</td><td></td></tr> </table> <p style="text-align: center;"><b>SITE PLAN</b></p> <p style="text-align: right; font-size: small;">SHEET NO. 1 OF 1</p>	DATE:		PROJECT NO.:		CLIENT:		DESIGNER:		SCALE:		COPYRIGHT:	
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REVISED RESOLUTION NO. 2020-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TEMPORARY CONDITIONAL USE PERMIT NO. 2020-51, A REQUEST BY IN-SHAPE HEALTH CLUB, LLC, TO FACILITATE THE TEMPORARY OUTDOOR OPERATION OF THE FITNESS CLUB ON A LIMITED BASIS IN COMPLIANCE WITH STATE AND LOCAL COVID-19 GUIDELINES AND TO PERMIT THE PLACEMENT OF TWO COMMERCIAL GRADE TENTS ON TWO TENNIS COURTS ADJACENT TO THE BUILDING. THE SITE IS ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM SITE AREA) AND IS LOCATED AT 909 NORTH DEMAREE STREET (APN: 085-212-019).

**WHEREAS**, Temporary Conditional Use Permit No. 2020-51 is a request by In-Shape Health Club, LLC, to facilitate the temporary outdoor operation of the fitness club on a limited basis in compliance with State and Local Covid-19 guidelines and to permit the placement of two commercial grade tents on two tennis courts adjacent to the building. The site is zoned R-1-5 (Single-family Residential 5,000 square foot minimum site area) and is located at 909 North Demaree Street (APN: 085-212-019); and

**WHEREAS**, on October 22, 2020, the project applicant submitted supplemental information and a revised site plan exhibit that depicts the relocation of the “Cardio-Strength” training area from Tennis Court 1 to Tennis Court 4, which is directly to the west of the “Fitness Class” area; and,

**WHEREAS**, the City Planner has determined to refer said Temporary Conditional Use Permit application to the Planning Commission for consideration in accordance with Visalia Municipal Code Section 17.38.070(A); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on October 26, 2020; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds the Temporary Conditional Use Permit is consistent with the City of Visalia General Plan goals, objectives, and policies and Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence presented; and

**WHEREAS**, 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. 2020-56).

**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 proposed Temporary Conditional Use Permit No. 2020-51, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2020-51, as conditioned, is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will be consistent with the required findings of the Zoning Ordinance Section 17.38.110:

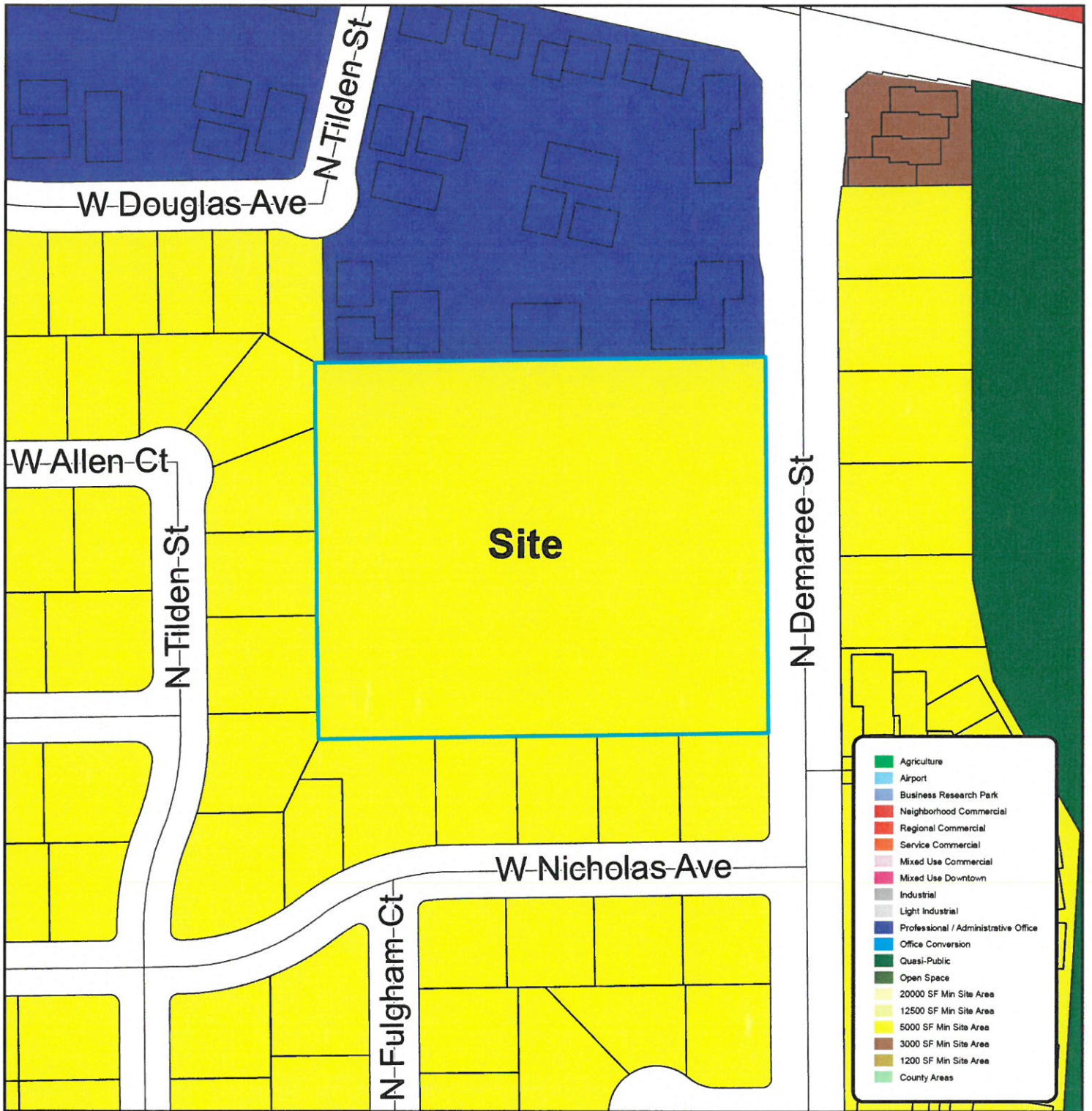
- a) The proposed location of the temporary conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The fitness health club has operated in compliance the conditions that were approved with CUP No. 2009-10. The use is determined to be a compatible use in the zoning designation as conditioned.
  - b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety, or welfare, and 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. 2020-56).

**BE IT FURTHER RESOLVED** that the Planning Commission approves Temporary Conditional Use Permit No. 2020-51 on the real property 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. The temporary conditional use permit shall comply with the comments and conditions of the Site Plan Review No. 2020-155.
2. The placement of the two commercial grade tents shall be subject to the Fire Department's tent review and approval permit process prior to placing the commercial grade tents onsite.
3. The temporary conditional use permit shall only be valid for six months from the date of issuance. TCUP No. 2020-51 shall expire on April 26, 2021.
4. The In-Shape fitness club shall operate in accordance with the attached revised Exhibit "A" site plan that relocates the "Cardio-Strength" training area from Tennis Court 1 to Tennis Court 4.
5. That In-Shape shall operate in accordance with the operation statement and supplemental response plans as provided per Exhibits "B" and "C" of the October 26, 2020 Planning Commission staff report, and Attachment 1 of the accompanying memorandum dated October 26, 2020.
6. The In-Shape fitness club outdoor operating hours shall be limited between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. Saturday and Sunday.
7. The use of outdoor speakers is subject to the following requirements:
  - a. Use of outdoor speakers is only permitted between the hours of 7:00 a.m. to 7:00 p.m.
  - b. Use of outdoor speakers is only permitted in the Fitness Class area.
  - c. Use of outdoor speakers in the "Cardio and Strength" training area is prohibited.
  - d. Use of the outdoor speakers shall comply with the City of Visalia Noise Ordinance.

- e. Use of outdoor generators is expressly prohibited.
8. The In-Shape fitness club will add fabric/covering to the wood fence on the health club side along the south boundary of the grassy outdoor area to attenuate sound and prevent visibility.
  9. The In-Shape group fitness classes will end no later than 7:00 p.m.
  10. The piece of exercise equipment shown in photos 1 and 3 will be relocated. No work-out equipment/machines will be placed within 50 feet of any residential property line that abuts the In-Shape property.
  11. All conditions adopted with Resolution Nos. 2009-19 and 2009-20 for CUP No. 2009-10 and Variance No. 2009-01 shall be complied with at all times, unless specified otherwise within the Temporary Conditional Use Permit's conditions of approval.
  12. In-Shape employees and customers shall operate using the best practices recommended by local, State, and Federal agencies to reduce the spread of COVID-19:
    - a. Wash your hands regularly with soap and water.
    - b. Clean and disinfect frequently touched surfaces daily. If surfaces are visibly dirty, clean them using detergent or soap and water prior to disinfection.
    - c. Avoid touching your eyes, nose, or mouth with unwashed hands.
    - d. Cover your cough or sneeze with a tissue or your elbow, and wash or sanitize your hands after.
    - e. Avoid close contact with people who are sick.
    - f. Wear a face mask when leaving your home.
    - g. Practice safe social distancing (6 ft. minimum).
    - h. Stay home if you start feeling symptoms of COVID-19, and call 211 or your primary physician.
    - i. Follow guidance from public health officials.
  13. Meet all other City Codes, Standards, Regulations, and Requirements.
  14. The City Planner may revoke this permit based on documented evidence of failure to comply with any conditions or based on the use attributing to public nuisance issues in the immediate vicinity.

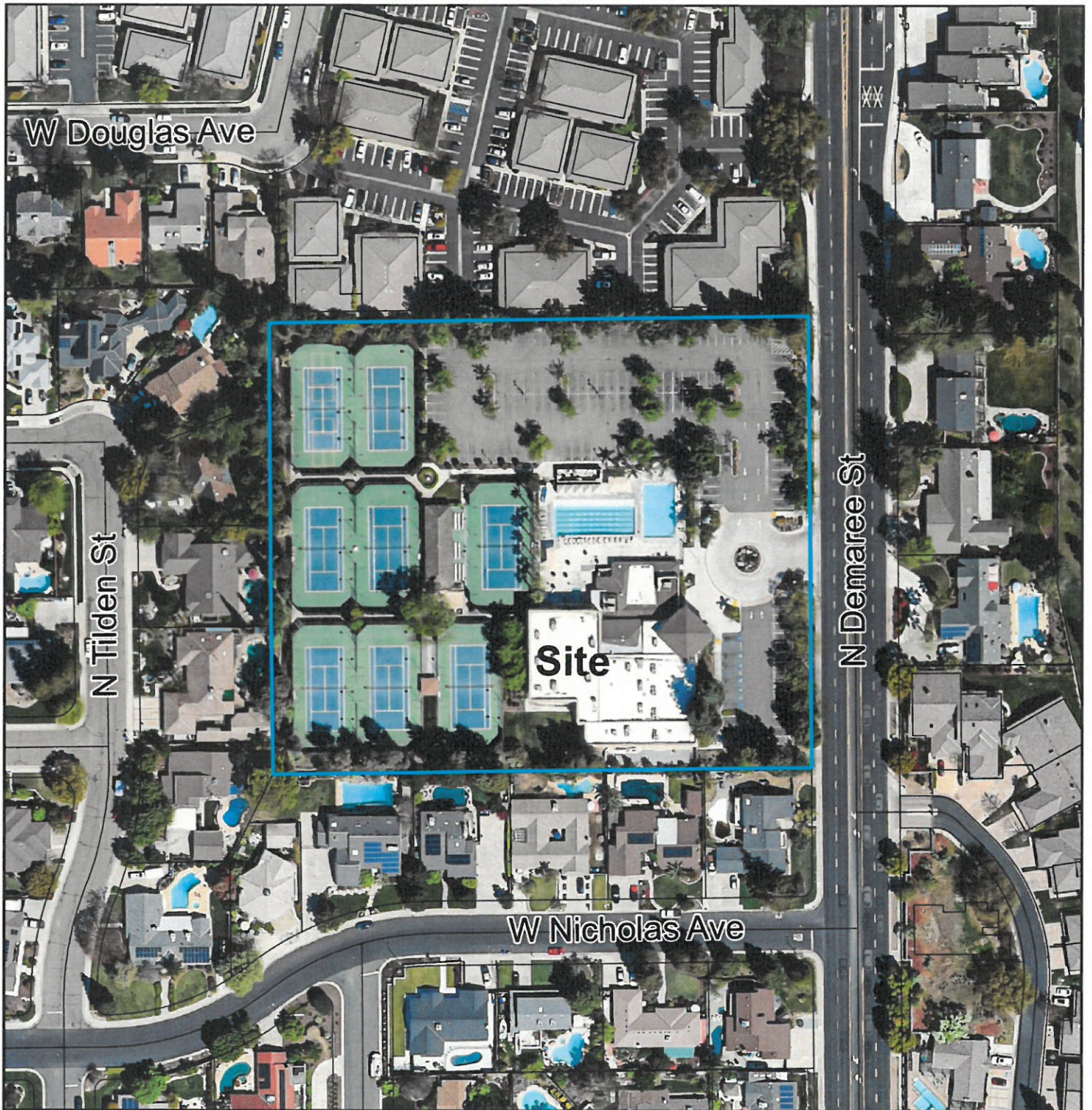
# Temporary Conditional Use Permit No. 2020-51



## Zoning Map



# Temporary Conditional Use Permit No. 2020-51



## Aerial Map





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** October 26, 2020

**PROJECT PLANNER:** Paul Bernal, City Planner  
Phone No.: (559) 713-4025  
E-mail: [paul.bernal@visalia.city](mailto:paul.bernal@visalia.city)

**SUBJECT:** Temporary Conditional Use Permit No. 2020-51 is a request by In-Shape Health Club, LLC, to facilitate the temporary outdoor operation of the fitness club on a limited basis in compliance with State and Local Covid-19 guidelines and to permit the placement of two commercial grade tents on two tennis courts adjacent to the building. The site is zoned R-1-5 (Single-family Residential 5,000 square foot minimum site area) and is located at 909 North Demaree Street (APN: 085-212-019).

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Temporary Conditional Use Permit No. 2020-51, as conditioned. The recommendation is based on the limited operation of the fitness facility and the project conditions that ensure the use is not detrimental to the sensitive land uses that surround the site.

## RECOMMENDED MOTION

I move to approve Temporary Conditional Use Permit No. 2020-51, based on the findings and conditions in Resolution No. 2020-53.

## PROJECT DESCRIPTION

In-Shape Health Club, LLC has filed an application for a Temporary Conditional Use Permit (TCUP), to modify their indoor operations by moving fitness classes and equipment from inside the building onto two tennis courts adjacent to the building and erecting two commercial tents over two tennis courts (see Exhibit "A"). This request will allow the fitness club to operate outdoors on a temporary limited basis based on State and Local Covid-19 related restrictions.

The attached site plan depicts the two tennis court areas that will be used for the placement of outdoor fitness equipment and fitness classes (see Exhibit "A"). Fitness equipment that is currently located inside the building will be relocated onto the nearest tennis court adjacent to the building while a second tennis court adjacent to the pool area will be used for various fitness classes. The tennis court area used for fitness training will have treadmills, stationary bicycles, cardio machines, free weights, and other similar workout equipment. The tennis court used for fitness classes will include stationary bicycles and other training equipment. Both tennis courts will be covered by commercial grade tents with a 50-foot by 100-foot tent placed over the workout area, and a 40-foot by 80-foot tent placed over the fitness class area. All equipment will be spaced to allow for social distancing requirements.

The applicant has submitted an Operational Plan and a Supplemental Response Plan detailing the fitness clubs request to seek approval to operate their fitness club outdoors in a limited capacity (see Exhibits "B" and "C"). The operational plan also states the hours of operation which will be from 6:00 a.m. to 8:00 p.m. Monday through Friday, and from 8:00 a.m. to 4:00 p.m. Saturday and Sunday. As stated in the operational plan, fitness classes will not start

before 7:00 a.m. Furthermore, club members will be required to check in at the front desk upon arriving. The Supplemental Operation Plan identifies how club members will be admitted and the number of individuals allowed within the outdoor area. Use of the facility will require a reservation be made prior to using the facility. During the temporary use operation, the facility will comply with all applicable ordinances.

Please note a TCUP is only valid for six months from the date of issuance. If TCUP No. 2020-51 is approved, the TCUP will expire April 26, 2021.

### **BACKGROUND INFORMATION**

General Plan Land Use Designation:	Residential Low Density
Zoning:	R-1-5 (Single-family Residential 5,000 min. site area)
Surrounding Land Use and Zoning:	North: O-PA (Professional / Administrative Office) – Demaree Square Office Development South: R-1-5 (Single-family Residential) – Single-family residences East: Demaree Street / R-1-5 (Single-family Residential) – Demaree St. and single-family residences West: R-1-5 (Single-family Residential) – Single-family residences
Environmental Review:	Ministerial Exempt
Special Districts:	None
Site Plan:	2020-155

### **RELATED PROJECTS**

**Conditional Use Permit (CUP) No. 2009-10** was a request by In-Shape Health Club to amend Conditional Use Permit No. 401 to allow the renovation of an existing 19,030 sq. ft. racquet and tennis club facility to be converted into a health fitness facility and expanded to 32,931 sq. ft. with modified parking on 4.82 acres in the R-1-6 (Single-family Residential – 6,000 sq. ft. minimum lot size) zone located at 909 North Demaree Street. Variance No. 2009-01 was also filed to allow an increase in building height from 35 feet to 44 feet for the purpose of allowing the renovation of the building. The Planning Commission approved the CUP and Variance on February 23, 2009.

### **PROJECT EVALUATION**

Staff recommendation of the TCUP approval is based on the inclusion of conditions of approval intended to address potential noise concerns regarding the outdoor activity and the surrounding residential uses.

#### **Temporary CUP subject to Planning Commission Approval**

The decision to refer this TCUP application to the Planning Commission fulfills the Planning Division's objective of a formal public hearing process with public notification for consideration of the TCUP rather than having staff approve the TCUP administratively resulting in any interested party having to file and pay for an appeal to get the TCUP item heard at a public hearing.

Staff's recommendation for the Planning Commission to approve the TCUP request is based upon the applicant utilizing detailed operating conditions that can effectively manage potential issues should they arise. In addition, the public hearing process provides the surrounding neighbors the ability to voice concerns to ensure that any potential conflicts are addressed prior to operating outdoors.

### **Outdoor Operating Noise Concerns and Conditions**

In-Shape LLC filed Site Plan Review (SPR) Item No. 2020-155, seeking approval to temporarily operate their fitness club outside on two tennis courts adjacent to the building. During the SPR process, staff identified potential noise issues related to conducting fitness activity and classes outside due to the surrounding residential homes to the south and west of the fitness club. The applicant provided responses to the noise issues discussed by staff. Per the applicant's operational plan and supplemental response plan (Exhibits "B" and "C"), the placement of outdoor fitness equipment is more than 20 feet from buildings and property lines.

Furthermore, the applicant identified the use of outdoor speakers in the area dedicated to fitness classes, which are used by fitness instructors for both class instruction/motivation and music. The applicant has provided information to demonstrate that the orientation and placement of these speakers is done in a manner that directs sound away from residences. To demonstrate compliance with noise standards, the applicant provided noise decibel readings conducted by In-Shape staff to demonstrate that noise levels thresholds are met near residential uses. A copy of their "Decibel Detail" is included as Exhibit "D".

The hours of operation while operating outdoors will be 6:00 a.m. to 8:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. Saturday and Sunday. Fitness classes will not start before 7:00 a.m. The hours of operation adopted with the CUP for the In-Shape fitness facility are 4:00 a.m. to 11:00 p.m. Monday through Friday, and 6:30 a.m. to 8:30 p.m. Saturday and Sunday. During the approval of the In-Shape CUP in 2009, an additional noise condition was adopted that prohibited the use of leaf blowers and power equipment before 7:00 a.m. on weekdays and 9:00 a.m. on weekends, or after 7:00 p.m. daily. No additional noise conditions were adopted that limited the use of the tennis court areas.

Based on the 2009 CUP condition related to the use of power equipment, staff recommends that the Planning Commission adopt Condition No. 5 that revises the Monday through Friday morning opening time from 6:00 a.m. to 7:00 a.m. This would allow In-Shape customers use of the outdoor gym area beginning at 7:00 a.m. which is consistent with the power equipment noise condition adopted by the Planning Commission in 2009 to limit noise exposure to the surrounding single-family residences in the early morning hour. Furthermore, staff finds the 8:00 p.m. closing time acceptable subject to the outdoor speaker condition which is discussed in detail below.

With regards to the use of outdoor speaker equipment for the fitness class area, staff recommends that the Planning Commission adopt Condition No. 6 that limits the use of the outdoor speakers as follows:

- a. Use of outdoor speakers is only permitted in the Fitness Class area.
- b. Use of outdoor speakers is only permitted between the hours of 7:00 a.m. to 7:00 p.m.
- c. Use of outdoor speakers in the "Cardio and Strength" training area, or any other outdoor area except the Fitness Class area is prohibited.
- d. Use of the outdoor speakers shall comply with the City of Visalia Noise Ordinance standards at all times.
- e. Use of outdoor generators is expressly prohibited.



## **Correspondence**

Staff has received e-mail correspondence as a result of the TCUP public hearing notice from two neighbors that share a property line with the In-Shape fitness club (see Exhibit "E"). The content of the e-mails state opposition to approving the TCUP for outdoor fitness classes and related gym activities given the noise issues that are occurring onsite, length of time temporary outdoor activities are permitted onsite, and consideration of increasing the height of the block wall to eight feet.

Staff recognizes the stringent requirements placed on business statewide as a result of the Covid-19 pandemic; however, the conditions recommended for approval with this TCUP ensure that the daily outdoor use for In-Shape does not result in noise conflicts with the surrounding residential areas.

## **Environmental Review**

The requested action is considered Categorical Exempt under Section 15301 (Existing Facilities) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-56).

### **RECOMMENDED FINDINGS**

1. That the proposed Temporary Conditional Use Permit No. 2020-51, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2020-51, as conditioned, is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will be consistent with the required findings of the Zoning Ordinance Section 17.38.110:
  - a) The proposed location of the temporary conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The fitness health club has operated in compliance the conditions that were approved with CUP No. 2009-10. The use is determined to be a compatible use in the zoning designation as conditioned.
  - b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety, or welfare, and 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. 2020-56).

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. The temporary conditional use permit shall comply with the comments and conditions of the Site Plan Review No. 2020-155.
2. The placement of the two commercial grade tents shall be subject to the Fire Department's tent review and approval permit process prior to placing the commercial grade tents onsite.
3. The temporary conditional use permit shall only be valid for six months from the date of issuance. TCUP No. 2020-51 shall expire on April 26, 2021.

4. The In-Shape fitness club shall operate in accordance with the attached site, plan, operation statement, and supplemental response plan and (see Exhibits "A" through "D").
5. The In-Shape fitness club outdoor operating hours shall be limited between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. Saturday and Sunday.
6. The use of outdoor speakers is subject to the following requirements:
  - a. Use of outdoor speakers is only permitted between the hours of 7:00 a.m. to 7:00 p.m.
  - b. Use of outdoor speakers is only permitted in the Fitness Class area.
  - c. Use of outdoor speakers in the "Cardio and Strength" training area is prohibited.
  - d. Use of the outdoor speakers shall comply with the City of Visalia Noise Ordinance.
  - e. Use of outdoor generators is expressly prohibited.
7. All conditions adopted with Resolution Nos. 2009-19 and 2009-20 for CUP No. 2009-10 and Variance No. 2009-01 shall be complied with at all times, unless specified otherwise within the Temporary Conditional Use Permit's conditions of approval.
8. In-Shape employees and customers shall operate using the best practices recommended by local, State, and Federal agencies to reduce the spread of COVID-19:
  - a. Wash your hands regularly with soap and water.
  - b. Clean and disinfect frequently touched surfaces daily. If surfaces are visibly dirty, clean them using detergent or soap and water prior to disinfection.
  - c. Avoid touching your eyes, nose, or mouth with unwashed hands.
  - d. Cover your cough or sneeze with a tissue or your elbow, and wash or sanitize your hands after.
  - e. Avoid close contact with people who are sick.
  - f. Wear a face mask when leaving your home.
  - g. Practice safe social distancing (6 ft. minimum).
  - h. Stay home if you start feeling symptoms of COVID-19, and call 211 or your primary physician.
  - i. Follow guidance from public health officials.
9. Meet all other City Codes, Standards, Regulations, and Requirements.
10. The City Planner may revoke this permit based on documented evidence of failure to comply with any conditions or based on the use attributing to public nuisance issues in the immediate vicinity.

### **APPEAL INFORMATION**

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

**Attachments:**

- Resolution No. 2020-53 for TCUP No. 2020-51
- Exhibit "A" – Site Plan
- Exhibit "B" – Operation Statement
- Exhibit "C" – Supplemental Response Plan
- Exhibit "D" – Decibel Detail
- Exhibit "E" – E-mail Correspondence
- Exhibit "F" – Tent Fire Safety Plan
- Exhibit "G" – Covid-19 Industry Guidance for Fitness Facilities
- Site Plan Review No. 2020-155 Comments

## **Related Plans & Policies**

### **Zoning Ordinance [Title 17 of Visalia Municipal Code]**

#### **Chapter 17.38 Conditional Use Permits**

##### **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)

**17.38.110 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)

RESOLUTION NO. 2020-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TEMPORARY CONDITIONAL USE PERMIT NO. 2020-51, A REQUEST BY IN-SHAPE HEALTH CLUB, LLC, TO FACILITATE THE TEMPORARY OUTDOOR OPERATION OF THE FITNESS CLUB ON A LIMITED BASIS IN COMPLIANCE WITH STATE AND LOCAL COVID-19 GUIDELINES AND TO PERMIT THE PLACEMENT OF TWO COMMERCIAL GRADE TENTS ON TWO TENNIS COURTS ADJACENT TO THE BUILDING. THE SITE IS ZONED R-1-5 (SINGLE-FAMILY RESIDENTIAL 5,000 SQUARE FOOT MINIMUM SITE AREA) AND IS LOCATED AT 909 NORTH DEMAREE STREET (APN: 085-212-019).

**WHEREAS**, Temporary Conditional Use Permit No. 2020-51 is a request by In-Shape Health Club, LLC, to facilitate the temporary outdoor operation of the fitness club on a limited basis in compliance with State and Local Covid-19 guidelines and to permit the placement of two commercial grade tents on two tennis courts adjacent to the building. The site is zoned R-1-5 (Single-family Residential 5,000 square foot minimum site area) and is located at 909 North Demaree Street (APN: 085-212-019); and

**WHEREAS**, the City Planner has determined to refer said Temporary Conditional Use Permit application to the Planning Commission for consideration in accordance with Visalia Municipal Code Section 17.38.070(A); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on October 26, 2020; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds the Temporary Conditional Use Permit is consistent with the City of Visalia General Plan goals, objectives, and policies and Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence presented; and

**WHEREAS**, 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. 2020-56).

**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 proposed Temporary Conditional Use Permit No. 2020-51, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2020-51, as conditioned, is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will be consistent with the required findings of the Zoning Ordinance Section 17.38.110:

- a) The proposed location of the temporary conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The fitness health club has operated in compliance the conditions that were approved with CUP No. 2009-10. The use is determined to be a compatible use in the zoning designation as conditioned.
  - b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained, will not be detrimental to the public health, safety, or welfare, and 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. 2020-56).

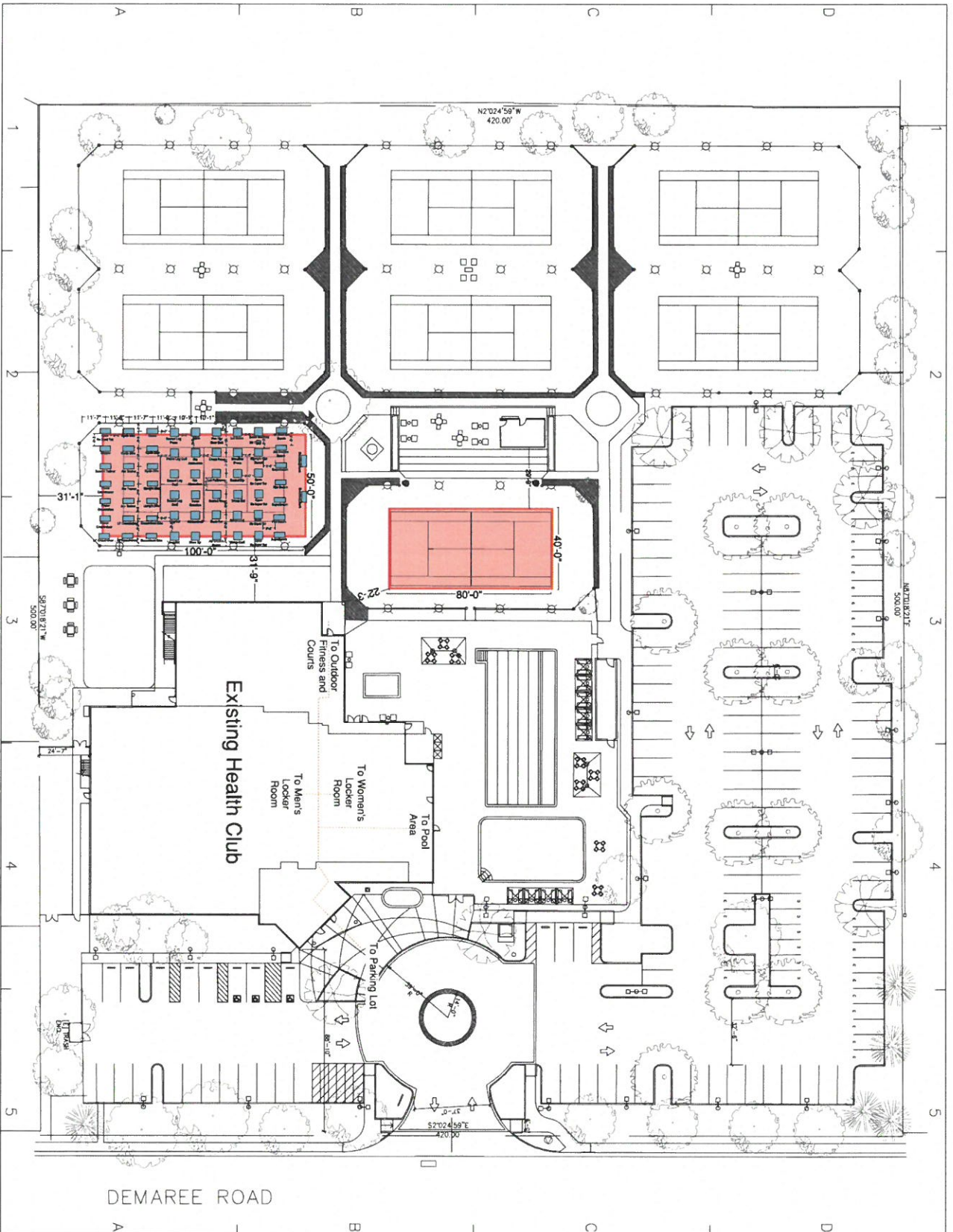
**BE IT FURTHER RESOLVED** that the Planning Commission approves Temporary Conditional Use Permit No. 2020-51 on the real property described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:



1. The temporary conditional use permit shall comply with the comments and conditions of the Site Plan Review No. 2020-155.
2. The placement of the two commercial grade tents shall be subject to the Fire Department's tent review and approval permit process prior to placing the commercial grade tents onsite.
3. The temporary conditional use permit shall only be valid for six months from the date of issuance. TCUP No. 2020-51 shall expire on April 26, 2021.
4. The In-Shape fitness club shall operate in accordance with the attached site, plan, operation statement, and supplemental response plan and (see Exhibits "A" through "D").
5. The In-Shape fitness club outdoor operating hours shall be limited between the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. Saturday and Sunday.
6. The use of outdoor speakers is subject to the following requirements:
  - a. Use of outdoor speakers is only permitted between the hours of 7:00 a.m. to 7:00 p.m.
  - b. Use of outdoor speakers is only permitted in the Fitness Class area.
  - c. Use of outdoor speakers in the "Cardio and Strength" training area is prohibited.
  - d. Use of the outdoor speakers shall comply with the City of Visalia Noise Ordinance.
  - e. Use of outdoor generators is expressly prohibited.
7. All conditions adopted with Resolution Nos. 2009-19 and 2009-20 for CUP No. 2009-10 and Variance No. 2009-01 shall be complied with at all times, unless specified otherwise within the Temporary Conditional Use Permit's conditions of approval.

8. In-Shape employees and customers shall operate using the best practices recommended by local, State, and Federal agencies to reduce the spread of COVID-19:
  - a. Wash your hands regularly with soap and water.
  - b. Clean and disinfect frequently touched surfaces daily. If surfaces are visibly dirty, clean them using detergent or soap and water prior to disinfection.
  - c. Avoid touching your eyes, nose, or mouth with unwashed hands.
  - d. Cover your cough or sneeze with a tissue or your elbow, and wash or sanitize your hands after.
  - e. Avoid close contact with people who are sick.
  - f. Wear a face mask when leaving your home.
  - g. Practice safe social distancing (6 ft. minimum).
  - h. Stay home if you start feeling symptoms of COVID-19, and call 211 or your primary physician.
  - i. Follow guidance from public health officials.
9. Meet all other City Codes, Standards, Regulations, and Requirements.
10. The City Planner may revoke this permit based on documented evidence of failure to comply with any conditions or based on the use attributing to public nuisance issues in the immediate vicinity.



**Exhibit A**  
**Site Plan**



<p>IN-SHAPE NS&amp;JLA SPORT: 28 909 NORTH DEMAREE STREET IN-SHAPE HEALTH CLUBS STOCKTON, CA 95207</p>	<p>  Ferial Tent   Path of Travel   Fitness Equipment         </p>
<p>               SCALE: 1" = 20'-0"         </p>	<p> <b>SHEET TITLE</b>  <b>SITE PLAN</b> </p>

**Exhibit B**  
**Operation Statement**

**PROJECT STATEMENT**  
**909 North Demaree Street**  
APN 085-212-019

**INTRODUCTION**

In-Shape Health Clubs, LLC, which operates the health and fitness facility located at 909 North Demaree Street, is seeking a temporary use permit (“TUP”) that will allow fitness equipment from inside the facility to be moved outside to two (2) of the tennis courts on the property so the facility may comply with state guidelines implemented in connection with the coronavirus outbreak which allow for fitness activities to be conducted outside. The fitness area will be covered with a commercial grade tent which will be subject to Fire, Building and any other appropriate departmental plan checks and consideration. Outdoor fitness is intended to be temporary and is only being implemented to mitigate, to some small degree, the devastation wrought by the state’s closure of the health and fitness industry on In-Shape as a company, on In-Shape’s employees and on its many members who are suffering without access to fitness facilities and fitness options.

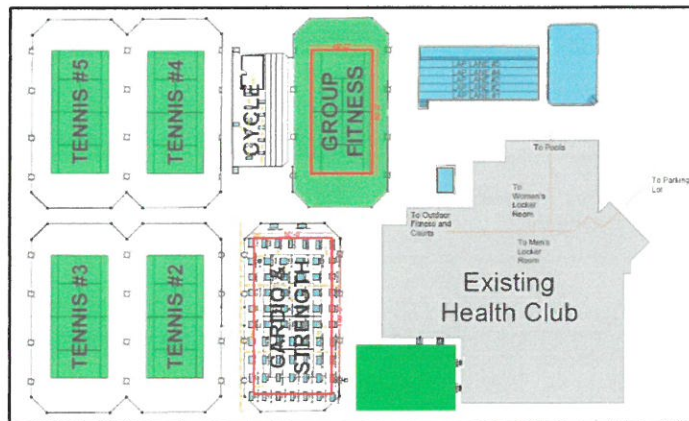
**PROCEDURAL BASIS**

The location has been a tennis club since at least 1976 and currently operates under Conditional Use Permit (“CUP”) no. 401, as amended. The property is zoned R-1-6 and the General Plan designation for the property is low density residential. The current operating CUP is permit 2009-10. Applicant believes that the temporary use sought under this application is consistent with the intent and purpose of Chapter 17.38 of the Municipal Code and with the CUP currently in effect, and that all necessary findings can be made that no conditions proposed would be injurious to the existing site, improvements, land uses, surrounding development including residences, or the surrounding area.

**PROJECT**

In-Shape is requesting to temporarily relocate fitness equipment that has been in use within the premises of this ten-plus year (under this ownership) conditional use to an existing, outdoor fitness area that was also permitted for fitness. There is effectively no difference between tennis on the tennis courts and fitness machines on the tennis courts.

In-Shape acknowledges that nearby neighbors have at times raised concerns with landscaping maintenance and evening noise. Without minimizing this fact, this property has been operated as a health and fitness facility for almost 50 years. When considered in light of the entire operating history of the property, the number and severity of complaints have been extremely minor. In-Shape has consistently satisfactorily resolved any prior concerns, and no issues are anticipated for this proposed temporary use.



The attached Site plan shows the proposed placement of outdoor fitness. Dimensions show that outdoor use areas will be more than twenty feet (20') from buildings and property lines. See also the tent "Fire Safety" diagram accompanying this Statement. Noise studies have been conducted to ensure that sounds emanating from the outdoor use will not be directed toward neighbors and will be less than allowable noise ordinance levels (see attached "Decibel Detail"). No lighting or noise will emanate from the outdoor fitness area that would conflict with neighboring businesses or residential areas, and all applicable ordinances or other code requirements will be followed.

The outdoor area will include fitness equipment that is part of the typical offering at this In-Shape location. Tent-covered areas include one 50' x 100' area for cardio and a 40' x 80' area for group fitness. This may include treadmills, stationary bicycles and other cardio machines; free weights; selectorized machines targeting specific body areas; and floor mats, kettle bells or other similar workout tools. Group exercise and cycling classes may be offered in limited numbers in compliance with city, county or state mandates, if any. All equipment will be spaced to allow for social distancing.

Hours of operation will be 6:00 a.m. to 8:00 p.m. Monday through Friday and 8 a.m. to 4 p.m. Saturday and Sunday. Classes will not start before 7:00 a.m. Staff will be on site during those hours. Members will be required to check in at the front desk upon arriving. Restrooms inside the club will be accessible. Otherwise, activities will be limited to the area within the designated outdoor expansion area, unless outdoor pools exist which will also be available for use.

Occupancy will be limited through requiring patrons to make reservations for work out sessions through use of the In-Shape App. Occupancy will be limited to approximately 45 people per 30-minute check-in. This occupancy number includes a small number of fitness accessories situated on the outdoor pool deck so generally occupancy is spread across a large area.

In-Shape's corporate sanitation guidelines will be implemented which will include regular and routine cleaning and sanitizing of the outdoor expansion area and all equipment throughout open hours. Applicant agrees to follow all Covid-19 city, county and state guidelines for spacing, sanitation, face coverings and signage as the same may be modified or updated from time to time.

Accessible paths of travel and parking spaces will be retained for use just as they would be if the physical club building were open. No heaters will be used and smoking will not be allowed within or near the outdoor fitness area.

The length of time the outdoor expansion area will be utilized will correspond generally with local or state emergency orders as to when indoor operations can resume.

#### **■CONCLUSION**

In-Shape wants to operate a safe, welcoming, fully operational facility that meets the needs of its members – exactly as it has been operating for more than ten years. It is unable to do that at this time. There is an abundance of support for conducting fitness outside. We are asking the City and the Commission to let us have the opportunity to serve Visalia and In-Shape's members as best we can in this unprecedented, challenging, difficult time.

#### **■ATTACHMENTS**

1) Application; 2) Project Statement; 3) Site plan; 4) Tent fire safety diagram; 5) Decibel Detail

**Exhibit C**  
**Supplemental Response Plan**

CITY OF VISALIA  
Attention: Paul Bernal, Principal Planner  
315 E. Acequia Avenue  
Visalia, California 93291

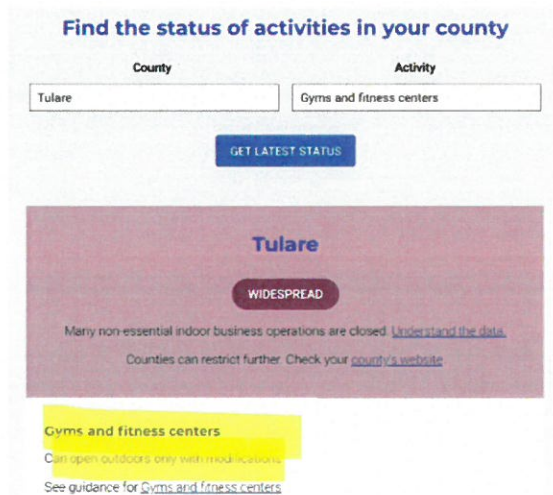
Re: Temporary Use Permit Submittal – Supplemental Information  
909 N. Demaree Street – Visalia, California (“Premises”)

Dear Mr. Bernal:

Thank you for your call and affording us the opportunity to provide further information in response to your questions.

1) Is outdoor fitness allowed in Tulare County?

Response: Yes. Please see <http://www.covid19.ca.gov/safer-economy>. The following screen shots are taken from that site. The modifications referenced are found in the publication, “Covid-19 Industry Guidance: Fitness Facilities” (“Fitness Modifications”), a copy of which is included with this supplemental response.



[/covid19.ca.gov/industry-guidance/#fitness-guidance](http://www.covid19.ca.gov/industry-guidance/#fitness-guidance)

### Gyms and fitness centers

**Tier status:**

Widespread (purple)

- Outdoor only with modifications
- Saunas and steam rooms must close

Substantial (red):

- Indoor with modifications
- Capacity must be limited to 10%

Moderate (orange)

- Indoor with modifications
- Capacity must be limited to 25%
- Indoor pools can open

Minimal (yellow)

- Indoor with modifications
- Capacity must be limited to 50%
- Indoor pools can open
- Saunas, spas, and steam rooms can open

2) How will you limit the number of individuals within the outdoor space and how will you prevent people congregating outside waiting to get in?

Response: Per detail obtained from In-Shape's architects, occupancy load for the outdoor fitness area of this property exceeds 1,600 as set forth below.

Tennis Courts –	1,122
Tennis Pavilion –	44
Picnic Area -	42
Pool Deck –	267
Lap Pool –	124
Family Pool –	75
Spa and tennis circulation–	not calculated

In-Shape, in furtherance of their commitment to deliver the safest experience for their members, voluntarily elected to cap occupancy for the outdoor area at 184, per the following:

Tennis Courts (Doubles)	20	4 people per court (doubles)
Pickle Ball Courts (Doubles)	8	4 people per court (doubles)
Lap Pool (Lap Lanes)	5	1 per lane
Aqua Pool (Class Capacity)	20	Per pool surface
Lounge Pods	15	# pods x 5
Group Fitness	36	# spots 12' apart
Cycle	11	# bikes 6' apart
Fitness Equipment - Cardio	28	# pieces
Fitness Equipment - 360FIT	4	# pieces
Fitness Equipment - Strength	37	# pieces/stations

As a point of reference, total outdoor area equals approximately 82,373 square feet or 1.8 acres of ground area.



Area 7653 meters<sup>2</sup>, 82373 feet<sup>2</sup> 1.89 acres 0.003 miles<sup>2</sup> 0.008 km<sup>2</sup>  
Perimeter 410 meters , 1347 feet 0.255 miles 0.410 km

Aerial image and measurement detail from mapdevelopers.com

All uses (e.g., class, fitness equipment, tennis, pool) are by reservation only. One reservation of up to two hours per day is allowed, although data gathered over four months from locations where outdoor use is already underway shows the majority of users stay 90 minutes or less. Also note, check-out is required upon exiting. So, no one can exit the premises and then linger outside waiting for someone else to leave so they can re-enter, because only one visit per day is allowed.

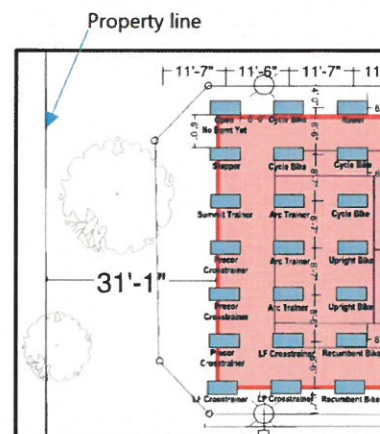


Allowing for a maximum of 46<sup>1</sup> check-ins per 30 minutes means that the maximum number of users (184) could be reached in ninety minutes, as demonstrated by this scenario: if 46 members made a two-hour reservation starting at 8:00 a.m., 8:30 a.m., 9:00 am. and 9:30 a.m., respectively, and all of them stayed the entire two hours, at 9:30 there would be 184 occupants within the entire 1.8 acres of outdoor area. At 10:00 a.m., the first 46 would have left, and they would be replaced by the group that made reservations for 10:00. At 10:30, the original 8:30 group would have left, and they would be replaced by the 10:30 group. The reservation system will not allow more than 46 members to reserve a two-hour slot starting at any half-hour, so, for example, if 46 people reserve a two-hour slot starting at 10:00 a.m., the 47th person attempting to reserve that particular two-hour slot would not be able to do so. In this way, total occupants in the area will not exceed the maximum allowable.

Spacing for the maximum number of participants in each use area is established using ground markers and machine placement (see Site Plan). If occupancy has reached the 184 maximum, if someone were to overstay their two-hour slot, it would become apparent quickly because there would be no open spot or machine available for people entering in the next time slot. The same is true for classes in that classes must completely exit after each class to allow for sanitizing, and only one class per day can be reserved. So, while it is possible for guests to remain longer than two hours, it could only occur if the facility is operating under the maximum, and furthermore, data shows stays of more than 90 minutes are highly unlikely. Note that members will only be allowed to enter the property, work out or attend a class, and leave. Use of other amenities that may extend one's time at the gym, such as showering, use of a sauna or using the lounge area for visiting is prohibited, making it even less likely that members will overstay their two-hour window. As noted earlier, stays of 90 minutes or less have been the average at other In-Shape locations where outdoor fitness is underway.

Other supplemental notes:

- Typical cardio equipment is proposed to be placed on the southern tennis court. The rows of equipment in the southernmost three rows is shown, right. This type of equipment likely will not generate any more sound than use of the court for tennis.



- As the Decibel Detail shows, care has been taken to position speakers for group exercise in a manner that directs sound away from residences. Decibel levels in the proposed

<sup>1</sup> This number was stated as 45 in the Project Statement. 46 is correct.

configuration are consistent with outdoor racquet sport noise studies which have documented tennis play in the 45 – 55 dB range.

In-Shape has a vested interest in the health and safety of its members, and the betterment of Visalia as a community. Through great effort and dedication for helping people stay healthy, In-Shape has carved out a way to operate despite state restrictions for regular operations in order to continue to provide the health and fitness opportunities everyone needs, now more than ever. Right now, there are fitness operators open indoors in Visalia, in violation of all restrictions. In-Shape has taken the time and put in the effort to develop a way to operate in compliance with guidelines and in a manner that will in no way cause harm to neighbors or their property. In-Shape is voluntarily going before the Commission requesting this temporary use in compliance with, and out of respect for, their conditional use permit. Using the outdoor area in this manner is well within the spirit and the language of the current permit. Consideration of this application is appreciated.

Respectfully submitted,  
IN-SHAPE HEALTH CLUBS LLC

A handwritten signature in blue ink, appearing to read 'S. Stephenson', with a long horizontal flourish extending to the right.

Sandra Stephenson, Representative

Enclosure  
Covid-19 Industry Guidance: Fitness Facilities

**Exhibit D**  
**Decibel Detail**



**Outdoor GF Map Notes:**

- Tennis players on south courts, could have added to noise level
- South neighbors had Pool equipment running which might have added to noise level.
- Was able to hear instructors voice all around perimeter, music was hit or miss

---

**Stereo settings:**

- Shure Mic Gain: +10
- Ion Speaker Mic: +20
- Ion Master Volume: +15
- Ion AUX Volume: +17 (Had to switch to AUX cable half way thru class, had problems with Bluetooth)

**Exhibit E**  
**E-mail Correspondence**

## Paul Bernal

---

**From:** Susan Currier  
**Sent:** Wednesday, October 21, 2020 8:26 AM  
**To:** Paul Bernal  
**Subject:** FW: Public Comment: In-Shape Health Club Temporary Conditional Use Permit

Please see below:

*Susan Currier*  
*Sr. Administrative Assistant*  
*City of Visalia*  
*315 E. Acequia Ave.*  
*Visalia, CA 93291*  
*(559) 713-4436*  
*Fax (559) 713-4813*  
*Email [susan.currier@visalia.city](mailto:susan.currier@visalia.city)*  
*Website [www.visalia.city](http://www.visalia.city)*

**From:** Miranda Powers [<mailto:miranda.powers@fowler.k12.ca.us>]  
**Sent:** Wednesday, October 21, 2020 8:22 AM  
**To:** Susan Currier  
**Subject:** Public Comment: In-Shape Health Club Temporary Conditional Use Permit

Good morning Susan,

I received the notice of public hearing regarding In-Shape's request to facilitate temporary outdoor operation and erect two commercial-grade tents on two tennis courts. My husband and I **strongly oppose** this change. Our backyard is directly adjacent to the outdoor access at the gym and we can see and hear all activity at the tennis courts and outside work out area. Their recent outdoor operations have negatively impacted our quality of life. We can see and hear dozens of the health club patrons, sometimes mere feet from our back fence. Furthermore, the gym conducts fitness classes outside until 8 PM and we can hear the microphoned instructors and loud music both in our yard and inside our house. As I am putting my 1-year-old daughter to bed each night around 7:45 the music and instructions of those fitness classes can be heard in her room over her white noise. We have never complained to the gym because we understand these are difficult times and they are doing their best, but the increased outdoor operations are unacceptable. If the gym would like to construct an 8-foot cinder block fence for all of their very tolerant and patient neighbors whose homes border their

property, we would be happier to accommodate their request. As it stands, we strongly oppose this temporary conditional use permit request.

Thank you for considering our voices,

--

Mrs. Miranda Powers  
Fowler High School  
559-834-6160 ext 4106



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This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

## Paul Bernal

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**From:** Susan Currier  
**Sent:** Thursday, October 22, 2020 9:56 AM  
**To:** Paul Bernal  
**Subject:** FW: In Shape Tent Permit

Please see below:

*Susan Currier*  
*Sr. Administrative Assistant*  
*City of Visalia*  
*315 E. Acequia Ave.*  
*Visalia, CA 93291*  
*(559) 713-4436*  
*Fax (559) 713-4813*  
*Email [susan.currier@visalia.city](mailto:susan.currier@visalia.city)*  
*Website [www.visalia.city](http://www.visalia.city)*

**From:** Daniel Powers [<mailto:vmiservice.dp@gmail.com>]  
**Sent:** Thursday, October 22, 2020 9:32 AM  
**To:** Susan Currier  
**Subject:** In Shape Tent Permit

Good morning Susan. I am Daniel Powers. I am the property owner of 3740 W. Nicholas Ave. My home shares a property line with In Shape's Southern campus. I am a small business owner (VMI Service) and I sincerely want to see all Visalia businesses survive and succeed. I understand that this "temporary" tent structure will possibly be necessary to facilitate operations at the gym. The term "temporary", in this situation, could mean 1 year, or two, or even longer. When I purchased this home 10 years ago, there were only tennis courts behind my house. This was acceptable. Now there is a largely expanded building and outdoor workout area in my backyard. This tent would increase outdoor activity and noise making my backyard even less usable than it is now. My family's quality of life and my property value have suffered due to the situation at the gym. I would appreciate the council considering making the permitting of this "temporary" tent contingent on the construction of an 8 foot tall (with administrative allowance) block wall at my own and possibly other property lines. I would be open to sharing in the cost of this wall if necessary. Personnel from the gym can contact me at this email address. Susan, I greatly appreciate your time and the council's consideration in this matter.

Daniel J. Powers  
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This e-mail (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.



**Exhibit F**  
**Tent Fire Safety Plan**

In Shape Visalia  
909 N. Demaree Street

Visalia 93291

FIRE SAFETY

15mx30m (50'x100')

40'x80'

Fully Anchored

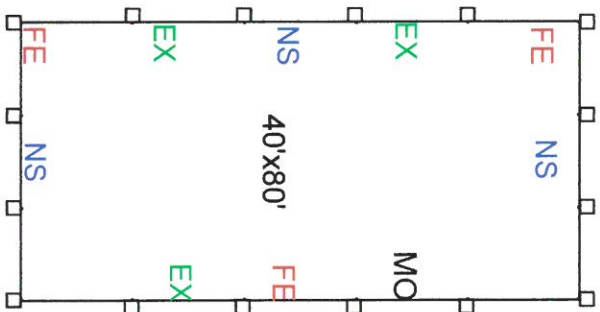
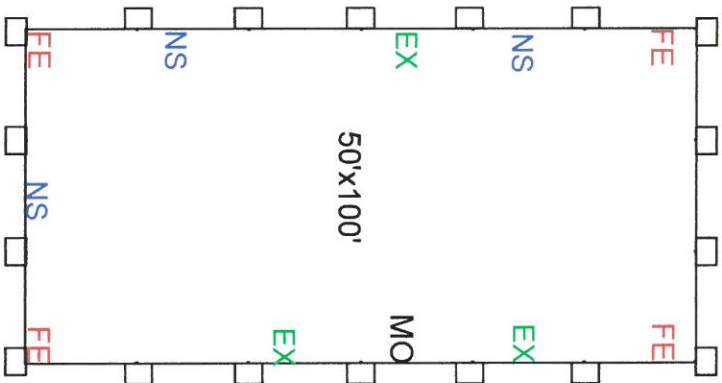
No Walls, Top Only

FE- Fire Extinguisher

NS- No Smoking Sign

EX- Exit Sign

MO- Max Occupancy Sign



**Exhibit G**

**Covid-19 Industry Guidance for  
Fitness Facilities**



# COVID-19 INDUSTRY GUIDANCE: Fitness Facilities

**July 29, 2020**

*All guidance should be implemented only with county health officer approval following their review of local epidemiological data including cases per 100,000 population, rate of test positivity, and local preparedness to support a health care surge, vulnerable populations, contact tracing, and testing.*



## OVERVIEW

On March 19, 2020, the State Public Health Officer and Director of the California Department of Public Health issued an order requiring most Californians to stay at home to disrupt the spread of COVID-19 among the population.

The impact of COVID-19 on the health of Californians is not yet fully known. Reported illness ranges from very mild (some people have no symptoms) to severe illness that may result in death. Certain groups, including people aged 65 or older and those with serious underlying medical conditions, such as heart or lung disease or diabetes, are at higher risk of hospitalization and serious complications. Transmission is most likely when people are in close contact or in a poorly ventilated area with an infected person, even if that person does not have any symptoms or has not yet developed symptoms.

Precise information about the number and rates of COVID-19 by industry or occupational groups, including among critical infrastructure workers, is not available at this time. There have been multiple outbreaks in a range of workplaces, indicating that workers are at risk of acquiring or transmitting COVID-19 infection. Examples of these workplaces include hospitals, long-term care facilities, prisons, food production, warehouses, meat processing plants, and grocery stores.

As stay-at-home orders are modified, it is essential that all possible steps be taken to ensure the safety of workers and the public.

Key prevention practices include:

- ✓ physical distancing to the maximum extent possible,
- ✓ use of face coverings by workers (where respiratory protection is not required) and fitness facility patrons,
- ✓ frequent handwashing and regular cleaning and disinfection,
- ✓ training workers on these and other elements of the COVID-19 prevention plan.

In addition, it will be critical to have in place appropriate processes to identify new cases of illness in workplaces and, when they are identified, to intervene quickly and work with public health authorities to halt the spread of the virus.

## PURPOSE

This document provides guidance for fitness facilities to support a safe, clean environment for workers.

**NOTE:** Fitness facilities with playgrounds should keep those areas closed until such facilities are allowed to resume modified or full operation. When allowed to reopen to modified or full operation, refer to guidance on the [COVID-19 Resilience Roadmap website](#). This guidance does not apply to day care or child care services, youth camps, team or contact sports, school and educational activities, and other public gatherings. For guidance on day camps, outdoor recreation, and child care, refer to the guidance on the [COVID-19 Resilience](#)

[Roadmap website](#). Most organized activities and sports such as basketball, baseball, soccer, and football that are held on park fields, open areas, and courts are not permitted to the extent that they require coaches and athletes who are not from the same household or living unit to be in close proximity, which increases their potential for exposure to COVID-19. Members of the same household may engage in such activities and sports together.

The guidance is not intended to revoke or repeal any worker rights, either statutory, regulatory or collectively bargained, and is not exhaustive, as it does not include county health orders, nor is it a substitute for any existing safety and health-related regulatory requirements such as those of Cal/OSHA.<sup>1</sup> Stay current on changes to public health guidance and state/local orders, as the COVID-19 situation continues. Cal/OSHA has more safety and health guidance on their [Cal/OSHA Guidance on Requirements to Protect Workers from Coronavirus webpage](#). CDC has additional for [businesses and employers](#).

## Required Use of Face Coverings

On June 18, CDPH issued [Guidance on the Use of Face Coverings](#), which broadly requires the use of face coverings for both members of the public and workers in all public and workplace settings where there is a high risk of exposure.

People in California must wear face coverings when they are engaged in work, whether at the workplace or performing work off-site, when:

- Interacting in-person with any member of the public;
- Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time;
- Working in any space where food is prepared or packaged for sale or distribution to others;
- Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
- In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance; or,
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.

Complete details, including all requirements and exemptions to these rules, can be found in the [guidance](#). Face coverings are strongly encouraged in other circumstances, and employers can implement additional face covering requirements

in fulfilling their obligation to provide workers with a safe and healthful workplace. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them.

Employers should develop an accommodation policy for any worker who meets one of the exemptions from wearing a face covering. If a worker who would otherwise be required to wear a face covering because of frequent contact with others cannot wear one due to a medical condition, they should be provided with a non-restrictive alternative, such as a face shield with a drape attached to the bottom edge, if feasible, and if the medical condition permits it.

Businesses that are open to the public should be cognizant of the exemptions to wearing face coverings in the [CDPH Face Covering Guidance](#) and may not exclude any member of the public for not wearing a face covering if that person is complying with the [guidance](#). Businesses will need to develop policies for handling these exemptions among customers, clients, visitors, and workers.



## Workplace Specific Plan

- Establish a written, workplace-specific COVID-19 prevention plan at every facility, perform a comprehensive risk assessment of all work areas and work tasks, and designate a person at each facility to implement the plan.
- Incorporate the [CDPH Face Covering Guidance](#) into the Workplace Specific Plan and include a policy for handling exemptions.
- Identify contact information for the local health department where the facility is located for communicating information about COVID-19 outbreaks among workers or patrons.
- Train and communicate with workers and worker representatives on the plan and make the plan available to workers and their representatives.
- Regularly evaluate the workplace for compliance with the plan and document and correct deficiencies identified.
- Investigate any COVID-19 illness and determine if any work-related factors could have contributed to risk of infection. Update the plan as needed to prevent further cases.
- Implement the necessary processes and protocols when a workplace has an outbreak, in accordance with [CDPH guidelines](#).
- Identify close contacts (within six feet for 15 minutes or more) of an infected worker and take steps to isolate COVID-19 positive worker(s) and close contacts.
- Adhere to the guidelines below. Failure to do so could result in workplace illnesses that may cause operations to be temporarily closed or limited.



## Topics for Worker Training

- Information on [COVID-19](#), how to prevent it from spreading, and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Self-screening at home, including temperature and/or symptom checks using [CDC guidelines](#).
- The importance of not coming to work:
  - If a worker has symptoms of COVID-19 as [described by the CDC](#), such as a fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache,



new loss of taste or smell, sore throat, congestion or runny nose, nausea, vomiting, or diarrhea, OR

- If a worker was diagnosed with COVID-19 and has not yet been released from isolation, OR
- If, within the past 14 days, a worker has had contact with someone who has been diagnosed with COVID-19 and is considered potentially infectious (i.e. still on isolation).
- To return to work after a worker receives a COVID-19 diagnosis only if 10 days have passed since symptoms first appeared, their symptoms have improved, and the worker has had no fevers (without the use of fever reducing medications) for the last 72 hours. A worker without symptoms who was diagnosed with COVID-19 can return to work only if 10 days have passed since the date of the first positive COVID-19 test.
- To seek medical attention if their symptoms become severe, including persistent pain or pressure in the chest, confusion, or bluish lips or face. Updates and further details are available on [CDC's webpage](#).
- The importance of frequent handwashing with soap and water, including scrubbing with soap for 20 seconds (or using hand sanitizer with at least 60% ethanol (preferred) or 70% isopropanol (if the product is inaccessible to unsupervised children) when workers cannot get to a sink or handwashing station, per [CDC guidelines](#)).
- The importance of physical distancing, both at work and off work time (see Physical Distancing section below).
- Proper use of face coverings, including:
  - Face coverings do not protect the wearer and are not personal protective equipment (PPE).
  - Face coverings can help protect people near the wearer, but do not replace the need for physical distancing and frequent handwashing.
  - Face coverings must cover the nose and mouth.
  - Workers should wash or sanitize hands before and after using or adjusting face coverings.
  - Avoid touching eyes, nose, and mouth.
  - Face coverings must not be shared and should be washed or discarded after each shift.
- Information contained in the [CDPH Guidance for the Use of Face Coverings](#), which mandates the circumstances in which face coverings must be worn and the exemptions, as well as any policies, work rules, and

practices the employer has adopted to ensure the use of face coverings. Training should also include the employer's policies on how people who are exempted from wearing a face covering will be handled.

- Ensure independent contractors, temporary, or contract workers at the facility are also properly trained in COVID-19 prevention policies and have necessary supplies and PPE. Discuss these responsibilities ahead of time with organizations supplying temporary and/or contract workers.
- Information on paid leave benefits the worker may be entitled to receive that would make it financially easier to stay at home. See additional information on [government programs supporting sick leave and workers' compensation for COVID-19](#), including workers' sick leave rights under the [Families First Coronavirus Response Act](#) and workers' rights to workers' compensation benefits and presumption of the work-relatedness of COVID-19 pursuant to the Governor's [Executive Order N-62-20](#) while that Order is in effect.



## Individual Control Measures and Screening

- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors or contractors entering the facility. Make sure the temperature/symptom screener avoids close contact with workers to the extent possible.
- If requiring self-screening at home, which is an appropriate alternative to providing it at the establishment, ensure that screening was performed prior to the worker leaving the home for their shift and follows [CDC guidelines](#), as described in the Topics for Worker Training section above.
- Encourage workers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Employers must provide and ensure workers use all required protective equipment, including eye protection and gloves where necessary.
- Employers should consider where disposable glove use may be helpful to supplement frequent handwashing or use of hand sanitizer; examples are for workers who are screening others for symptoms or handling commonly touched items.
- Workers should wash hands on arrival at work, after working with each fitness facility member, after touching their face covering, after using the restroom, and when leaving work.
- If indoors, workers and patrons must wear face coverings at all times except when showering. Showering at home is encouraged where possible.
- The CDPH guidance exempts workers and patrons from wearing face

coverings while engaged in exercise outdoors, as long as they are able to maintain a distance of at least six feet from others.

- If possible, implement a reservation system for the facility. Utilize the reservation system to contact patrons with reservations 24 hours before their scheduled arrival to confirm their reservation and ask if they or someone in their household is exhibiting any COVID-19 symptoms. If the patron answers in the affirmative the patron should be reminded that they should only utilize the fitness facility if they do not pose a health risk to other patrons or fitness facility workers. Such communication can be done via app, email, or text, if possible.
- Patrons should be temperature and/or symptom screened upon arrival and asked to use hand sanitizer and to wear face coverings in accordance with CDPH guidance.
- Remind patrons in advance to bring a face covering and make them available to anyone who arrives without one, if possible. Fitness facilities must take reasonable measures, including posting signage at all entrances and in strategic and highly-visible locations, to remind workers and the public about the use of face coverings and the importance of practicing physical distancing.



## Cleaning and Disinfecting Protocols

- Evaluate the existing cleaning and disinfecting protocols for the fitness facility, including reception areas, locker rooms, restrooms, changing areas, and showers and update the cleaning protocols where necessary. Fitness facilities should be prepared to:
  - Develop a detailed schedule and adjust or modify operating hours to provide adequate time for regular, thorough cleaning and disinfecting throughout the day.
  - Perform thorough cleaning throughout the day in high traffic areas, such as reception and lobby areas, changing rooms, locker rooms, and break rooms and areas of ingress and egress including stairways, stairwells, escalators, handrails, and elevator controls.
  - Frequently disinfect commonly used surfaces, including personal exercise machines and equipment, countertops, vending machines, doorknobs, and hand washing facilities.
  - Provide time for workers to implement cleaning practices during their shift. Cleaning assignments should be assigned during working hours as part of the workers' job duties.
  - Make sure all workers have been trained to use and have an adequate supply of all-purpose cleaners and disinfectants, when

needed. Follow the complete [CDC guidelines for cleaning and disinfection](#). Follow Cal/OSHA requirements and manufacturer instructions for safe use and required personal protective equipment for cleaning products.

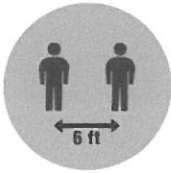
- Workers should have enough ventilation (air flow) in areas where they are disinfecting. If cleaning in a bathroom or other small space, make sure the door and windows are propped open.
  - Clean HVAC intakes and returns daily.
  - Workers should be supplied with first aid supplies, including bandages or other items to cover any cuts, scratches, or open wounds on skin and have sufficient supply to change the bandages often.
  - Patrons should be reminded to maintain six feet of distance from janitorial or custodial workers. Implement a process to regularly check in with workers to ensure visitors are following this protocol. Ensure workers are able to share such information without fear of reprisal or retaliation.
  - Procure options for third-party cleaning companies to assist with the increased cleaning demand, as needed.
- Equip entrances and exits, exercise machines, fitness rooms, changing rooms and locker rooms, and other areas with proper sanitation products, including hand sanitizer and sanitizing wipes, and provide personal hand sanitizers to workers who regularly engage with patrons (e.g., reception workers).
  - Require patrons to disinfect individual exercise equipment, mats, and machines before and after use with provided disinfecting wipes. Ensure that lined, non-touch trash receptacles are available throughout the fitness facility to dispose of used wipes.
  - If members are unable or unwilling to wipe/disinfect equipment after exercise, provide “ready to clean” tags for members to place on equipment after use, to ensure equipment is disinfected before the next use.
  - Consider implementing a check-out system for patrons to utilize any small equipment and accessories (i.e. exercise bands, ropes, mats, foam rollers, etc.). Develop a process to clean and disinfect these items upon return.
  - Follow [CDC guidelines](#) to ensure that all water systems are safe to use after a prolonged facility shutdown to minimize the risk of [Legionnaires' disease](#) and other diseases associated with water.
  - Wherever possible, install touchless, automatic water dispensers for use with personal, reusable water bottles or single-use, disposable paper cups. Display signage reminding workers and patrons that the bottle or

cup should not touch the water dispenser. If a touchless water dispenser is not feasible, remind workers and patrons to wash their hands or use proper hand sanitizer before and after touching the water release button on drinking fountains.

- Encourage patrons to bring their own towels and mats and consider disbanding the provision of any facility-provided towels or personal hygiene products.
- For any towels, cloth wipes, or other laundered items that are used at the facility, follow [CDC guidelines](#) for those items. Provide a closed container where patrons can place used towels or other items. Ensure those items cannot be used again until properly laundered either by a commercial laundering service or a laundering process which includes immersion in water of at least 160 degrees Fahrenheit for at least 25 minutes. Store all clean linens in a clean, covered place. Ensure workers who handle dirty linens or laundry wear gloves.
- Amenities, including magazines, books, self-serve water stations (unless touchless), and other items for patrons, must be removed from reception areas and elsewhere in the fitness facility. Non-essential vanity items should also be removed from locker rooms to help reduce touch points.
- Workers and patrons should avoid shaking hands, bumping fists or elbows, and other physical contact. Workers should also avoid sharing tools, phones, electronics, and office supplies as much as possible and, where feasible, ensure workers have dedicated workstations for their personal use. Never share PPE.
- When choosing disinfecting chemicals, employers should use products approved for use against COVID-19 on the [Environmental Protection Agency \(EPA\)-approved list](#) and follow product instructions. Use disinfectants labeled to be effective against emerging viral pathogens, diluted household bleach solutions (5 tablespoons per gallon of water), or alcohol solutions with at least 70% alcohol that are appropriate for the surface. Provide workers training on the chemical hazards, manufacturer's directions, ventilation requirements, and Cal/OSHA requirements for safe use. Workers using cleaners or disinfectants should wear gloves and other protective equipment as required by the product. Follow the [asthma-safer cleaning methods](#) recommended by the California Department of Public Health and ensure proper ventilation.
- Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Use a vacuum with a HEPA filter wherever possible.
- Consider installing portable high-efficiency air cleaners, upgrading the building's air filters to the highest efficiency possible, and making other

modifications to increase the quantity of outside air and ventilation in offices and other spaces.

- Place signage throughout the fitness facility emphasizing basic infection prevention measures, including the importance of wearing face coverings and frequent handwashing.



## Physical Distancing Guidelines

- Implement measures to ensure physical distancing of at least six feet between and among workers and patrons. This can include use of physical partitions or visual cues (e.g., floor markings, colored tape, or signs to indicate to where workers and/or patrons should stand during check-in at reception areas or when waiting to use equipment).
- Space equipment at least six feet apart, with greater distancing for treadmills and other high-exertion aerobic fitness equipment. Equipment can be arranged in an "X" pattern to provide greater distancing. Physical barriers can also be helpful to minimize exposure between patrons or segregate exercise areas.
- Equip the front desk area with Plexiglas or other impermeable barriers, if feasible, to minimize the interaction between reception workers and patrons. Implement virtual, touchless check-in tools, if possible, so that patrons do not have to utilize the reception space.
- Consider suspending non-core activities, including retail operations, spa services, childcare, family programming, and food service. If fitness facilities operate such amenities, they should review the related guidance for these services on the [COVID-19 Resilience Roadmap website](#).
- Consider implementing special hours designated for high risk or medically-vulnerable populations, including seniors with admittance by reservation only.
- Evaluate maximum occupancy rules based on the size of the facility to develop a capacity plan that supports physical distancing and limits the number of patrons allowed in the facility at a given time to a number permitting such distancing. Other considerations to support physical distancing in the facility for patrons could include:
  - Implementing an online reservation-based system, as suggested in the Individual Control Measures and Screening section of this document, to avoid patrons queuing in the facility or outside and help maintain occupancy levels.
  - Limiting the number of patrons in the facility at one time. Only those

patrons that are actually exercising should be inside the facility. Patrons should not wait in the reception area.

- Using one-way foot traffic patterns throughout the fitness facility with visual cues and signs.
  - Removing communal furniture and/or cordoning off member lounge areas.
  - Staggering available lockers in locker rooms to maintain physical distancing.
  - Spacing all equipment and machines at least six feet apart or taking some out of service to achieve physical distancing.
  - Adjusting personal training so that the exercise instructor maintains a minimum of six feet of physical distance.
  - Modifying group training classes to limit the class size to ensure a minimum of six feet of physical distance between patrons and/or move the classes outdoors or to larger spaces like full-sized basketball courts, if possible. Group exercise classes should only be offered if distancing requirements can be maintained and there is no person-to-person physical contact.
- High contact programs that require close contact less than six feet in distance should be suspended. This would include activities such as group sporting events, organized intermural activities, pick-up basketball, or organized races.
  - Adjust in-person meetings for workers, if they are necessary, to ensure physical distancing and use virtual options or smaller meetings at facilities to maintain physical distancing guidelines.
  - Consider offering workers who request modified duties options that minimize their contact with patrons and other workers (e.g., managing administrative needs through telework).
  - Stagger worker breaks, in compliance with wage and hour regulations, to maintain physical distancing protocols.
  - Close breakrooms, use barriers, or increase distance between tables/chairs to separate workers and discourage congregating during breaks. Where possible, create outdoor break areas with shade covers and seating that ensures physical distancing.



## Additional Considerations for Communal Restrooms and Shower Facilities

- Fitness facilities should consider staffing and other capacity and resource needs to ensure that locker rooms and shower facilities can be cleaned and disinfected regularly throughout the day.
- Shared restroom facilities and locker rooms should be cleaned regularly throughout the day using EPA-registered disinfectants. High-touch surfaces such as faucets, toilets, doorknobs, and light switches must be frequently cleaned and disinfected.
- Create and post a cleaning schedule for the restroom facilities and locker rooms. Post the cleaning schedule on the front of the door so patrons know when they can/cannot use the restroom and/or locker room. Make sure to close the restroom during the cleaning and disinfecting process.
- Consider using a checklist or audit system to track how often cleaning is conducted.
- Only allow shower and locker room use if partitions are in place or signs have been posted to specify physical distancing requirements. If partitions or proper distancing are not possible, these facilities should remain closed.
- Ensure that sanitary facilities stay operational and are continuously stocked at all times. Provide additional soap, paper towels, and hand sanitizer when needed. Install hands-free devices, if possible, including motion sensor sinks faucets, soap dispensers, sanitizer dispensers, and paper towel dispensers.
- Doors to multi-stall restrooms should be able to be opened and closed without touching the handles, using opening-devices, or powered door operators with the hand, whenever possible. If the door cannot be opened without touching the handle or door-operator with the hand, place a trash-receptacle by the door to ensure a paper towel can be readily disposed of when operating the door. The location and positioning of waste receptacles should not interfere with egress, evacuation, emergency equipment, or any reasonable accommodations provided under the Americans with Disabilities Act. Make sure trash cans are emptied regularly.
- Fitness facility patrons should be instructed that sinks could be an infection source and should avoid placing hairbrushes and other items directly on counter surfaces. Totes could also be used for personal items to limit their contact with other surfaces in the restroom or locker room.



- Provide information on how to wash hands properly, including hanging signs in restrooms.



## Additional Considerations for Swimming Pools / Aquatic Venues

- Fitness facilities with swimming pools or splash pads should take additional steps to ensure those facilities are properly cleaned and disinfected for patron use, according to [CDC guidelines](#).
- Fitness facilities that have swimming pools which include water slides, water rides, or other water attractions must keep those areas closed until such operations can resume. Swimming pools themselves can remain open.
- Please note that saunas, steam rooms, and hot tubs should remain closed until such operations can resume.
- Advise workers and patrons not to wear face coverings while in the water, and to otherwise wear them in accordance with the CDPH face covering guidance. Cloth face coverings can be difficult to breathe through when they are wet. Face coverings should be put away when not in use so they are not accidentally touched or picked up by others.
- Maintain proper disinfectant levels (1-10 parts per million free chlorine or 3-8 ppm bromine) and pH (7.2-8).
- Consult with the company or engineer that designed the aquatic venue to decide which [List N disinfectants approved by the EPA](#) are best for the aquatic venue. Ensure the [safe and correct use](#) and storage of disinfectants, including storing products securely away from children.
- Set up a system so that furniture and equipment (e.g., lounge chairs) that needs to be cleaned and disinfected is kept separate from furniture that has already been cleaned and disinfected. Label containers for used equipment that has not yet been cleaned and disinfected and containers for cleaned and disinfected equipment.
- Encourage patrons to bring and use their own towels wherever possible. If the facility is providing them, launder towels according to the manufacturer's instructions. Use the warmest appropriate water temperature and dry items completely. Handle towels with disposable gloves and minimal disturbance, i.e., do not shake them.
- Discourage people from sharing items, particularly those that are difficult to clean and disinfect or those that are meant to come in contact with the face (e.g., goggles, nose clips, and snorkels).

- Ensure that the facility has adequate equipment for patrons, such as kick boards, pool noodles, and other flotation devices, to minimize sharing wherever possible. Clean and disinfect the items after each use.
- For indoor aquatic venues, introduce and circulate outdoor air as much as possible by opening windows and doors, using fans, or other methods. However, do not open windows and doors if doing so poses a safety risk to workers, patrons, or swimmers.
- Change the deck layout and other areas surrounding the pool to ensure that the standing and seating areas can support physical distancing requirements. This could include removing lounge chairs or taping off areas to discourage use.
- Provide physical cues or guides (e.g., lane lines in the water or chairs and tables on the deck) and visual cues (e.g., tape on the decks, floors, or sidewalks) and signs to ensure that workers, patrons, and swimmers stay at least six feet apart from one another, both in and out of the water.
- Where feasible, install impermeable physical barriers such as Plexiglas where workers and patrons must interact and physical distancing is difficult.
- Consider implementing reservations for pool use or implementing other mechanisms to support physical distancing. This could include reserving full-lanes for individual lap swimming and half-lanes for individual household use.
- Ensure that lifeguards who are actively lifeguarding are not also expected to monitor handwashing, use of cloth face coverings, or physical distancing. Assign this monitoring responsibility to another worker.
- Aquatic venues should avoid activities that promote group gatherings and should be aware of local policies on gathering requirements to determine if aquatic fitness classes, swim lessons, swim team practices, swim meets, or pool parties can be held.
- CDC's [Model Aquatic Health Code](#) has more recommendations to prevent illness and injuries at public pools in parks.



## **Additional Considerations for Food Service (Including Juice Bars, Snack Bars, and Concessions) and Retail**

- Food service operations, including juice bars, snack bars, and other concessions must be run in accordance with current orders and guidelines for such establishments available on the [COVID-19 Resilience](#)

Roadmap website. All self-service food stations should be closed.

- Where possible, patrons should order food items online or over the phone and food should be available for pick-up. If not possible to pre-order food items, ensure that those waiting in line to order can maintain appropriate physical distancing.
- Snack bars and concessionaires should sell pre-packed and individually wrapped food wherever possible. Wrap silverware or plasticware individually within a napkin so people are not picking them out of a group of utensils in a basket, cup, or box.
- Encourage the use of credit cards or accept payment over the phone, if possible, for food and retail items. Ensure the payment system is wiped down between uses.
- Additional guidelines for restaurants and retail operations are available on the COVID-19 Resilience Roadmap website.

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<sup>1</sup>Additional requirements must be considered for vulnerable populations. Fitness facilities must comply with all Cal/OSHA standards and be prepared to adhere to its guidance as well as guidance from the Centers for Disease Control and Prevention (CDC) and the California Department of Public Health (CDPH). Additionally, employers must be prepared to alter their operations as those guidelines change.





#9

MEETING DATE: September 30, 2020

SITE PLAN NO. 20-155

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

**TCUP**

HISTORIC PRESERVATION

OTHER: \_\_\_\_\_

**ADDITIONAL COMMENTS : A Temporary Conditional Use Permit (TCUP) is required.**

If you have any questions or comments, please call (559) 713-4444.

*Site Plan Review Committee*

**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

<input checked="" type="checkbox"/>	<b>Adrian Rubalcaba</b>	<b>713-4271</b>
<input type="checkbox"/>		<b>713-</b>

<b>ITEM NO: 9</b>	<b>DATE: SEPTEMBER 30, 2020</b>
SITE PLAN NO.:	<b>20-155</b>
PROJECT TITLE:	<b>IN-SHAPE HEALTH CLUBS, LLC</b>
DESCRIPTION:	<b>TENT TO COVER GYM EQUIPMENT IN ORDER TO CONTINUE BUSINESS UNDER CURRENT GOVERNMENT GUIDELINES</b>
APPLICANT:	<b>SANDRA STEPHENSON</b>
PROP OWNER:	<b>R&amp;R DEMAREE LLC</b>
LOCATION:	<b>909 N DEMAREE ST</b>
APN:	<b>085-212-019</b>

**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 = 0.20%, 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. Comply with Fire & Planning Dept. requirements.***

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 20-155  
Date: 9-30-2020

**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:9/1/2020)  
(Project type for fee rates:TCUP)

Existing uses may qualify for credits on Development Impact Fees. **GYM**

<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

Josh Dan, Planning Division (559) 713-4003

Date: September 30, 2020

SITE PLAN NO: 2020-155  
PROJECT TITLE: In-Shape Health Clubs, LLC  
DESCRIPTION: Tent to cover gym equipment in order to continue business under current government guidelines  
APPLICANT: Sandra Stephenson  
PROP. OWNER: R&R Demaree St.  
LOCATION TITLE: 909 N. Demaree  
APN TITLE: 085-212-019  
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

- Temporary Conditional Use Permit
- Additional information as needed

## **PROJECT SPECIFIC INFORMATION:** September 30, 2020

1. A Temporary Conditional Use Permit to Planning Commission due to concern for noise sensitive residential uses nearby.
2. Staff has concern for any amplified music, noise of exercise machines, etc...
3. Additional permits may be required for the tents.

## **R-1-5 Single Family Residential Zone [17.12]**

**Maximum Building Height:** 35 Feet

### **Minimum Setbacks:**

	<b>Building</b>	<b>Landscaping</b>
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot (long side of lot)	10 Feet	10 Feet
➤ Street side on corner to garage door	22 Feet	22 Feet
➤ Rear	25 Feet*	25 Feet

**Minimum Site Area:** 5,000 square feet

### **Accessory Structures:**

Maximum Height: 12 feet (as measured from average grade next to the structure)

Maximum Coverage: 20% of required Rear Yard (last 25 feet by the width)

Reverse Corner Lots: No structure in the 15 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

**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 John Dan



APR 20155  
IN-SHAPE HEALTH CLUB  
909 N DEMAREE  
ST.

**City of Visalia**  
**Building: Site Plan**  
**Review Comments**

**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. Commercial \$0.66 per square foot & Self-Storage \$.23 per sf. Residential \$4.16 per square foot.
- 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 9/30/20  
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 30, 2020  
Item # 9  
Site Plan # 20155  
APN: 0852122019

- 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 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2019 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Special comments:** Need more information on the tent size. Tent permit may be required through the Visalia Fire Department.

*\* Must Comply with Chapter 31 of California Fire Code*

*\* Tent Permit shall be obtained.*

*\* Electrical work shall be done with the benefit of a permit.*

Corbin Reed  
Fire Marshal

## CHAPTER 31

TENTS, TEMPORARY SPECIAL EVENT STRUCTURES  
AND OTHER MEMBRANE STRUCTURES

## User note:

**About this chapter:** Chapter 31 provides requirements that are intended to protect temporary as well as permanent tents and air-supported and other membrane structures and temporary stage special event structures from fire and similar hazards. The provisions regulate structure location and access, anchorage, egress, heat-producing equipment, hazardous materials and operations, combustible vegetation, ignition sources, and waste accumulation. This is accomplished through requiring regular inspections and certifying continued compliance with fire safety regulations. This chapter also addresses outdoor assembly events, which are not limited to those events with tents or other membrane structures, but are regulated due to the number of people, density of those people and hazards associated with large outdoor events related to egress, fire hazards from cooking and other related concerns.

SECTION 3101  
GENERAL

**3101.1 Scope.** Tents, temporary special event structures and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents and membrane structures. The provisions of Sections 3104 and 3106 are applicable to temporary and permanent tents and membrane structures. The provisions of Section 3105 are applicable to temporary special event structures. The provisions of Section 3106 are applicable to outdoor assembly events. Other temporary structures shall comply with the *California Building Code*.

*These building standards govern the use of tents, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.*

**Exceptions:**

1. Tents, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.
2. Tents used to conduct committal services on the ground of a cemetery.
3. Tents, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
4. Tensioned membrane roof materials supported by rigid frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.
5. Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches gov-

*erned by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).*

**[California Code of Regulations, Title 19, Division 1, §303.(a) and (b)] Scope.**

(a) *The provisions of California Code of Regulations, Title 19, Division 1, Chapter 2 apply to the sale, offering for sale, manufacture for sale, rental and use of tents within this state.*

(b) *For building standards relating to tents and membrane structures, see California Code of Regulations, Title 24, Part 9.*

**3101.2 Alternate means of protection.** *When approved by the enforcing agency, exceptions to the provisions of these building standards may be permitted, provided alternate means of protection which are at least equal to these regulations in quality, strength, effectiveness, fire resistance, durability and safety are provided.*

**3101.3 Labor camps.** *Tents used in labor camps for the housing of employees shall have tight wooden floors raised at least 4 inches (102 mm) above ground level having baseboards on all sides to a height of at least 6 inches (152 mm) or shall have concrete slabs with finished surface at least 4 inches (102 mm) above grade having baseboards on all sides to a height of at least 6 inches (152 mm).*

*Electrical installations serving and installed within tents shall comply with the applicable requirements of the California Electrical Code.*

*Tents shall not be considered suitable sleeping places when it is found necessary to provide heating facilities in order to maintain a minimum temperature of 60°F (33.3°C) within such tent during the period of occupancy.*

**Note:** *See Section 17008 of the Health and Safety Code for definition of labor camp.*

## TENTS, TEMPORARY SPECIAL EVENT STRUCTURES AND OTHER MEMBRANE STRUCTURES

**SECTION 3102  
DEFINITIONS**

**3102.1 Definitions.** The following terms are defined in Chapter 2:

**AIR-INFLATED STRUCTURE.**

**AIR-SUPPORTED STRUCTURE.**

**MEMBRANE STRUCTURE.**

**TEMPORARY SPECIAL EVENT STRUCTURE.**

**TENT.**

**SECTION 3103  
TEMPORARY TENTS  
AND MEMBRANE STRUCTURES**

**3103.1 General.** Tents and membrane structures used for temporary periods shall comply with this section and Section 3106. Other temporary structures erected for a period of 180 days or less shall comply with the *California Building Code*.

**3103.2 Approval required.** Tents and membrane structures having an area in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

**Exceptions:**

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides that comply with all of the following:
  - 2.1. Individual tents having a maximum size of 700 square feet (65 m<sup>2</sup>).
  - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 700 square feet (65 m<sup>2</sup>) total.
  - 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

**3103.3 Outdoor assembly event.** For the purposes of this chapter, an outdoor assembly event shall include a circus, carnival, tent show, theater, skating rink, dance hall or other place of assembly in or under which persons gather for any purpose.

**3103.3.1 Special amusement building.** Tents and other membrane structures erected as a special amusement building shall be equipped with an automatic sprinkler system in accordance with Section 411.3 of the *California Building Code*.

**3103.4 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7.

**3103.5 Use period.** Temporary tents, air-supported, air-inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12-month period on a single premises.

**3103.6 Construction documents.** A detailed site and floor plan for tents or membrane structures with an occupant load of 50 or more shall be provided with each application for approval. The tent or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the seating and location and type of heating and electrical equipment. The construction documents shall include an analysis of structural stability.

**3103.7 Inspections.** The entire tent, air-supported, air-inflated or tensioned membrane structure system shall be inspected at regular intervals, but not less than two times per permit use period, by the permittee, owner or agent to determine that the installation is maintained in accordance with this chapter.

**Exception:** Permit use periods of less than 30 days.

**3103.7.1 Inspection report.** Where required by the fire code official, an inspection report shall be provided and shall consist of maintenance, anchors and fabric inspections.

**3103.8 Access, location and parking.** Access, location and parking for temporary tents and membrane structures shall be in accordance with this section.

**3103.8.1 Access.** Fire apparatus access roads shall be provided in accordance with Section 503.

**3103.8.2 Location.** Tents or membrane structures shall not be located within 20 feet (6096 mm) of lot lines, buildings, other tents or membrane structures, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure or tent.

**Exceptions:**

1. Separation distance between membrane structures and tents not used for cooking is not required where the aggregate floor area does not exceed 15,000 square feet (1394 m<sup>2</sup>).
2. Membrane structures or tents need not be separated from buildings where all of the following conditions are met:
  - 2.1. The aggregate floor area of the membrane structure or tent shall not exceed 10,000 square feet (929 m<sup>2</sup>).
  - 2.2. The aggregate floor area of the building and membrane structure or tent shall not exceed the allowable floor area including increases as indicated in the *California Building Code*.
  - 2.3. Required means of egress are provided for both the building and the membrane structure or tent including travel distances.
  - 2.4. Fire apparatus access roads are provided in accordance with Section 503.

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3. When approved by the enforcing agency, tents may be located in or on permanent buildings provided such use does not constitute an undue hazard.

**[California Code of Regulations, Title 19, Division 1, §312] Parking of Vehicles.**

Vehicles necessary to the operation of the establishment, shall be parked at least 20 feet from any tent. No other vehicle shall be parked less than 100 feet from any tent except vehicles parked on a public street shall park at least 20 feet from any tent.

**3103.8.3 Location of structures in excess of 15,000 square feet in area.** Membrane structures having an area of 15,000 square feet (1394 m<sup>2</sup>) or more shall be located not less than 50 feet (15 240 mm) from any other tent or structure as measured from the sidewall of the tent or membrane structure unless joined together by a corridor.

**3103.8.4 Membrane structures on buildings.** Membrane structures that are erected on buildings, balconies, decks or other structures shall be regulated as permanent membrane structures in accordance with Section 3102 of the *California Building Code*.

**3103.8.5 Connecting corridors.** Tents or membrane structures are allowed to be joined together by means of corridors. Exit doors shall be provided at each end of such corridor. On each side of such corridor and approximately opposite each other, there shall be provided openings not less than 12 feet (3658 mm) wide.

**3103.8.6 Fire break.** An unobstructed fire break passageway or fire road not less than 12 feet (3658 mm) wide and free from guy ropes or other obstructions shall be maintained on all sides of all tents and membrane structures unless otherwise approved by the fire code official.

**3103.9 Structural stability and anchorage required.** Tents or membrane structures and their appurtenances shall be designed and installed to withstand the elements of weather and prevent collapsing. Documentation of structural stability shall be furnished to the fire code official.

**3103.9.1 Tents and membrane structures greater than one story.** Tents and membrane structures exceeding one story shall be designed and constructed to comply with Sections 1606 through 1609 of the *California Building Code*.

**3103.9.2 Tents and membrane structures greater than 7,500 square feet.** Tents and membrane structures greater than 7,500 square feet (697 m<sup>2</sup>) shall be designed and constructed to comply with Sections 1606 through 1609 of the *California Building Code*.

**3103.9.3 Tents and membrane structures with an occupant load greater than 1,000.** Tents and membrane structures with an occupant capacity greater than 1,000 persons shall be designed and constructed to comply with Sections 1606 through 1609 of the *California Building Code*.

**3103.10 Temporary air-supported and air-inflated membrane structures.** Temporary air-supported and air-inflated membrane structures shall be in accordance with Sections 3103.10.1 through 3103.10.4.

**3103.10.1 Door operation.** During high winds exceeding 50 miles per hour (22 m/s) or in snow conditions, the use of doors in air-supported structures shall be controlled to avoid excessive air loss. Doors shall not be left open.

**3103.10.2 Fabric envelope design and construction.** Air-supported and air-inflated structures shall have the design and construction of the fabric envelope and the method of anchoring in accordance with Architectural Fabric Structures Institute FSAAS.

**3103.10.3 Blowers.** An air-supported structure used as a place of assembly shall be furnished with not less than two blowers, each of which has adequate capacity to maintain full inflation pressure with normal leakage. The design of the blower shall be so as to provide integral limiting pressure at the design pressure specified by the manufacturer.

**3103.10.4 Auxiliary inflation systems.** Places of public assembly for more than 200 persons shall be furnished with an auxiliary inflation system capable of powering a blower with the capacity to maintain full inflation pres-

TABLE 3103.12.2  
MINIMUM NUMBER OF MEANS OF EGRESS AND MEANS OF  
EGRESS WIDTHS FROM TEMPORARY MEMBRANE STRUCTURES AND TENTS

OCCUPANT LOAD	MINIMUM NUMBER OF MEANS OF EGRESS	MINIMUM WIDTH OF EACH MEANS OF EGRESS (inches)	
		Tent	Membrane Structure
10 to 199	2	72	36
200 to 499	3	72	72
500 to 999	4	96	72
1,000 to 1,999	5	120	96
2,000 to 2,999	6	120	96
Over 3,000 <sup>a</sup>	7	120	96

For SI: 1 inch = 25.4 mm.

a. When the occupant load exceeds 3,000, the total width of means of egress (in inches) shall be not less than the total occupant load multiplied by 0.2 inches per person.

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sure with normal leakage in accordance with Section 3103.10.3 for a minimum duration of 4 hours. The auxiliary inflation system shall be either a fully automatic auxiliary engine-generator set or a supplementary blower powered by an internal combustion engine that shall be automatic in operation. The system shall be capable of automatically operating the required blowers at full power within 60 seconds of a commercial power failure.

**3103.11 Seating arrangements.** Seating in tents or membrane structures shall be in accordance with Chapter 10.

**3103.12 Means of egress.** Means of egress for temporary tents and membrane structures shall be in accordance with Sections 3103.12.1 through 3103.12.8.

**3103.12.1 Distribution.** Exits shall be spaced at approximately equal intervals around the perimeter of the tent or membrane structure, and shall be located such that all points are 100 feet (30 480 mm) or less from an exit.

**3103.12.2 Number.** Tents, or membrane structures or a usable portion thereof shall have not less than one exit and not less than the number of exits required by Table 3103.12.2. The total width of means of egress in inches (mm) shall be not less than the total occupant load served by a means of egress multiplied by 0.2 inches (5 mm) per person.

**3103.12.3 Exit openings from tents.** Exit openings from tents shall remain open unless covered by a flame-resistant curtain. The curtain shall comply with the following requirements:

1. Curtains shall be free sliding on a metal support. The support shall be not less than 80 inches (2032 mm) above the floor level at the exit. The curtains shall be so arranged that, when open, no part of the curtains obstructs the exit.
2. Curtains shall be of a color, or colors, that contrasts with the color of the tent.

**3103.12.4 Doors.** Exit doors shall swing in the direction of exit travel. To avoid hazardous air and pressure loss in air-supported membrane structures, such doors shall be automatic closing against operating pressures. Opening force at the door edge shall not exceed 15 pounds (66 N).

**3103.12.5 Aisle.** The width of aisles without fixed seating shall be in accordance with the following:

1. In areas serving employees only, the minimum aisle width shall be 24 inches (610 mm) but not less than the width required by the number of employees served.
2. In public areas, smooth-surfaced, unobstructed aisles having a minimum width of not less than 44 inches (1118 mm) shall be provided from seating areas, and aisles shall be progressively increased in width to provide, at all points, not less than 1 foot (305 mm) of aisle width for each 50 persons served by such aisle at that point.

**3103.12.5.1 Arrangement and maintenance.** The arrangement of aisles shall be subject to approval by the fire code official and shall be maintained clear at all times during occupancy.

**3103.12.6 Exit signs.** Exits shall be clearly marked. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress where the exit serves an occupant load of 50 or more.

**3103.12.6.1 Exit sign illumination.** Exit signs shall be either listed and labeled in accordance with UL 924 as the internally illuminated type and used in accordance with the listing or shall be externally illuminated by luminaires supplied in either of the following manners:

1. Two separate circuits, one of which shall be separate from all other circuits, for occupant loads of 300 or less.
2. Two separate sources of power, one of which shall be an approved emergency system, shall be provided where the occupant load exceeds 300. Emergency systems shall be supplied from storage batteries or from the on-site generator set, and the system shall be installed in accordance with the *California Electrical Code*. The emergency system provided shall have a minimum duration of 90 minutes when operated at full design demand.

**3103.12.7 Means of egress illumination.** Means of egress shall be illuminated with light having an intensity of not less than 1 foot-candle (11 lux) at floor level while the structure is occupied. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power.

**3103.12.8 Maintenance of means of egress.** The required width of exits, aisles and passageways shall be maintained at all times to a public way. Guy wires, guy ropes and other support members shall not cross a means of egress at a height of less than 8 feet (2438 mm). The surface of means of egress shall be maintained in an approved manner.

### SECTION 3104 TEMPORARY AND PERMANENT TENTS AND MEMBRANE STRUCTURES

**3104.1 General.** Tents and membrane structures, both temporary and permanent, shall be in accordance with this section and Sections 3106 and 3107. Permanent tents and membrane structures shall also comply with the *California Building Code*.

*[California Code of Regulations, Title 19, Division 1, §340] Existing Small Tents.*

*Existing small tents are exempt from California Code of Regulations, Title 19, Division 1, Chapter 2.*

*[California Code of Regulations, Title 19, Division 1, §341] Existing Membrane Structures and Other (Large) Existing Tents.*

*Existing membranes of membrane structures and large (10 or more capacity) existing tents may continue to be used provided evidence of satisfactory flame resistance is available to*

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the enforcing authority. Such evidence may be in the form of certification that the fabric passes the standard small scale flame resistance test as set forth in California Code of Regulations, Title 19, Division 1, Chapter 8 regulations or through passage of effective field tests.

**[California Code of Regulations, Title 19, Division 1, §321] Abatement of Fire or Panic Hazards.**

Any condition that presents a fire hazard, would contribute to the rapid spread of fire, interfere with the rapid exit of persons from the tents, or interfere with or delay the extinguishment of a fire, shall be immediately corrected as ordered by the enforcing authority.

**[California Code of Regulations, Title 19, Division 1, §315.(a)] Flame Resistance Standards.**

(a) All tent fabrics and all interior decorative fabrics or materials shall be flame resistant in accordance with appropriate standards set forth in California Code of Regulations, Title 19, Division 1, Chapter 8.

Tent tops and sidewalls shall be made either from fabric which has been flame resistant treated with an approved exterior chemical process by an approved application concern, or from inherently flame-resistant fabric approved and listed by the State Fire Marshal.

**[California Code of Regulations, Title 19, Division 1, §332.(a)] Flame Resistance.**

(a) All tents manufactured for sale, sold, rented, offered for sale, or used in California shall be made from non-flammable material or one of the following flame-resistant fabrics or material approved by the State Fire Marshal:

(1) Fabrics complying with the State Fire Marshal's requirements for flame resistance for exterior use, as set forth in California Code of Regulations, Title 19, Division 1, Chapter 8, or

(2) Fabrics complying with the flame-resistance requirements set forth in "A Specification for Flame-Resistance Materials Used in Camping Tentage" published in 1975 by Canvas Products Association International, hereinafter referred to as CPAI-84.

**Exceptions:**

(1) Tents used for committal services at cemeteries.

(2) Tents or similar fabric enclosures used within a sound stage or equivalent enclosure equipped with an overhead automatic fire extinguishing system.

**3104.2 Flame propagation performance treatment.** Before a permit is granted, the owner or agent shall file with the fire code official a certificate executed by an approved testing laboratory. The certificate shall indicate that the floor coverings, tents, membrane structures and their appurtenances, which include sidewalls, drops and tarpaulins, are composed of materials meeting the flame propagation performance of

Test Method 2 of NFPA 701. Additionally, it shall indicate that the bunting and combustible decorative materials and effects are composed of material meeting the flame propagation performance criteria of Test Method 1 or Test Method 2 of NFPA 701, as applicable. Alternatively, the materials shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of the applicable test method of NFPA 701. The flame propagation performance criteria shall be effective for the period specified by the permit.

**3104.3 Label.** Membrane structures or tents shall have a permanently affixed label bearing the identification of size and fabric or material type.

**[California Code of Regulations, Title 19, Division 1, §334.] Requirements Pertaining to All Tents.**

All tents manufactured for sale in California shall be labeled in accordance with the appropriate provisions of California Code of Regulations, Title 19, Division 1, Section 335.

**[California Code of Regulations, Title 19, Division 1, §335.(a) and (b)] Labeling of Tents.**

(a) Each section of top and sidewall in large tents shall have a durable label, permanently affixed, bearing the following information:

(1) The Seal of Registration.

(2) If treated fabric, the name and registration number of the approved application concern and approved chemical used, and the date of treatment.

(3) If registered fabric, the trade name and registration number of the approved fabric, and the date of production.

In lieu of attached labels, the required information may be applied directly to the fabric by print, stamp or stencil.

(b) Small tents shall have a permanently affixed label bearing the information in California Code of Regulations, Title 19, Division 1, Section 335, subsection (a), or shall comply with the provisions specified in CPAI-84 (1975) which reads as follows:

(1) Certification. A statement that the materials used in the manufacture of the item meet the flame resistance requirements of CPAI-84.

(2) Manufacturer Identification. An identification of the manufacturer of the item. If the item bears a private label, it shall identify the private labeler and shall also contain a code mark which will permit the seller of the item to identify the manufacturer to the purchaser upon request.

(3) Code Number. A number enabling the manufacturer to identify from his records the suppliers and suppliers' lot numbers of the certified materials used in the item. The manufacturer shall also maintain records identifying the parties to whom he sold camping tentage. Fur-



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ther, he shall maintain records identifying items manufactured from lots of certified material. Records shall be maintained for four (4) years.

(4) Warning label.

24 pt. type

## WARNING

16 pt. type

### KEEP ALL FLAME AND HEAT SOURCES AWAY FROM THIS TENT FABRIC

12 pt. type

*This tent is made with flame-resistant fabric which meets CPAI-84 specifications. It is not fire proof. The fabric will burn if left in continuous contact with any flame source.*

*The application of any foreign substance to the tent fabric may render the flame resistant properties ineffective.*

*This warning label or its equivalent must be permanently affixed to the tent at one conspicuous location, and must block letters on a white background. The first paragraph of the body of the label must be placed in a conspicuous location on each carton containing the tent.*

**3104.4 Certification.** An affidavit or affirmation shall be submitted to the fire code official and a copy retained on the premises on which the tent or air-supported structure is located. The affidavit shall attest to all of the following information relative to the flame propagation performance criteria of the fabric:

1. Names and address of the owners of the tent or air-supported structure.
2. Date the fabric was last treated with flame-retardant solution.
3. Trade name or kind of chemical used in treatment.
4. Name of person or firm treating the material.
5. Name of testing agency and test standard by which the fabric was tested.

\* [California Code of Regulations, Title 19, Division 1, §315.(d)] **Flame Resistance Standards.**

*(d) Certificates of Flame Resistance or other documentation affirming the requirements of California Code of Regulations, Title 19, Division 1, Section 315, subsection (a) shall be made available upon request of the enforcement authority.*

## SECTION 3105

### TEMPORARY SPECIAL EVENT STRUCTURES

**3105.1 General.** Temporary special event structures shall comply with Section 3104, Sections 3105.2 through 3105.9 and ANSI E1.21.

**3105.2 Approval.** Temporary special event structures in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining approval and a permit from the fire code official and the building official.

**3105.3 Permits.** Permits shall be required as set forth in Sections 105.6 and 105.7.

**3105.4 Use period.** Temporary special event structures erected in accordance with ANSI E1.21 shall not be erected for a period of more than six consecutive weeks.

**3105.5 Required documents.** The following documents shall be submitted to the fire code official and the building official for review before a permit is approved:

1. Construction documents: Construction documents shall be prepared by a registered design professional in accordance with the *California Building Code* and ANSI E1.21 where applicable. Construction documents shall include:
  - 1.1. A summary sheet showing the building code used, design criteria, loads and support reactions.
  - 1.2. Detailed construction and installation drawings.
  - 1.3. Design calculations.
  - 1.4. Operating limits of the structure explicitly outlined by the registered design professional including environmental conditions and physical forces.
  - 1.5. Effects of additive elements such as video walls, supported scenery, audio equipment, vertical and horizontal coverings.
  - 1.6. Means for adequate stability including specific requirements for guying and cross-bracing, ground anchors or ballast for different ground conditions.
2. Designation of responsible party: The owner of the temporary special event structure shall designate in writing a person to have responsibility for the temporary special event structure on the site. The designated person shall have sufficient knowledge of the construction documents, manufacturer's recommendations and operations plan to make judgments regarding the structure's safety and to coordinate with the fire code official.
3. Operations plan: The operations plan shall reflect manufacturer's operational guidelines, procedures for environmental monitoring and actions to be taken under specified conditions consistent with the construction documents.

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**3105.6 Inspections.** Inspections shall comply with Section 106 and Sections 3105.6.1 and 3105.6.2.

**3105.6.1 Independent inspector.** The owner of a temporary special event structure shall employ a qualified, independent approved agency or individual to inspect the installation of a temporary special event structure.

**3105.6.2 Inspection report.** The inspecting agency or individual shall furnish an inspection report to the fire code official. The inspection report shall indicate that the temporary special event structure was inspected and was or was not installed in accordance with the approved construction documents. Discrepancies shall be brought to the immediate attention of the installer for correction. Where any discrepancy is not corrected, it shall be brought to the attention of the fire code official and the designated responsible party.

**3105.7 Means of egress.** The means of egress for temporary special event structures shall comply with Chapter 10.

**3105.8 Location.** Temporary special event structure shall be located a distance from property lines and buildings to accommodate distances indicated in the construction drawings for guy wires, cross-bracing, ground anchors or ballast. Location shall not interfere with egress from a building or encroach on fire apparatus access roads.

**3105.9 Portable fire extinguishers.** Portable fire extinguishers shall be provided as required by Section 906.

## SECTION 3106 OUTDOOR ASSEMBLY EVENTS

**3106.1 Scope.** Outdoor assembly events shall comply with this section.

**3106.2 General.** Outdoor assembly events shall be in accordance with this section and Section 403.12. Temporary structures erected for outdoor assembly events shall comply with this chapter.

**3106.2.1 Approval required.** Outdoor assembly events shall be approved by the fire code official.

**3106.2.2 Permits.** An operational permit shall be required as set forth in Section 105.6.

**3106.2.3 Access.** An approved means of fire apparatus access shall be provided.

**3106.2.3.1 Fire service features.** Unobstructed access to fire hydrants, drafting sources and other fire protection features shall be maintained at all times.

**3106.3 Occupancy and means of egress.** The number and location of emergency egress and escape routes shall be approved by the fire code official.

**3106.3.1 Occupant load.** The fire code official shall establish an occupant load for the event site.

**3106.3.2 Maintenance of emergency egress and escape routes.** Emergency egress and escape routes shall be maintained at all times.

**3106.4 Public safety for events.** Outdoor assembly events shall comply with Sections 3106.4.1 through 3106.4.7.

**3106.4.1 Public safety plan for gatherings.** A public safety plan shall be prepared where required by Section 403.12.2. The public safety plan shall be submitted to the fire code official with the application for an operational permit as required by Section 3106.2.2.

**3106.4.2 Weather monitoring person.** Where required by the fire code official, the event operator or agent shall designate one qualified individual to continuously monitor local weather reports, forecasts and conditions. Said person shall be responsible for initiating weather-related event mitigation activities, ordering the suspension or cancellation of the outdoor assembly event and issuing the evacuation signal in accordance with the approved public safety plan.

**3106.4.3 Crowd managers.** Where events involve a gathering of more than 1,000 people, trained crowd managers shall be provided in accordance with Section 403.12.3.

**3106.4.4 Portable fire extinguishers.** Approved portable fire extinguishers complying with Section 906 shall be provided and placed in locations approved by the fire code official.

**3106.4.5 Smoking.** Smoking shall be permitted only in designated areas. Other areas shall have approved "No Smoking" signs conspicuously posted and maintained in accordance with Section 310.

*[California Code of Regulations, Title 19, Division 1, §316] Smoking Prohibited.*

*Smoking is not permitted in any tent and in any adjacent areas where hay or other highly flammable materials are kept. "No Smoking" signs shall be conspicuously posted in all tents open to the public and wherever otherwise specified by the enforcing authority.*

**3106.4.6 Combustible vegetation.** Combustible vegetation that could create a fire hazard shall be removed from the outdoor assembly event area.

**3106.4.7 Combustible refuse.** Combustible refuse shall be kept in noncombustible containers with tight-fitting or self-closing lids. Combustible refuse shall be removed from the event site at regular intervals to prevent an unsafe accumulation within the event site.

**3106.5 Cooking appliances or devices.** Outdoor assembly events with concession stands or booths using cooking appliances or devices shall comply with Sections 3106.5.1 through 3106.5.3.

**3106.5.1 Separation from tents or structures.** Cooking appliances or devices that produce sparks or grease-laden vapors or flying embers (firebrands) shall not be used within 20 feet (6096 mm) of a tent or temporary structure.

### Exceptions:

1. Designated cooking tents not occupied by the public when approved by the fire code official.
2. Tents or structures where cooking appliances are protected with an automatic fire-extinguishing system in accordance with Section 904.12.

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**3106.5.2 Protection.** Cooking equipment using combustible oils or solids shall meet the following:

1. A noncombustible lid shall be immediately available. The lid shall be of sufficient size to cover the cooking well completely.
2. The equipment shall be placed on a noncombustible surface.
3. An approved portable fire extinguisher for protection from cooking grease fires shall be provided at a location approved by the fire code official.

**3106.5.3 Liquefied petroleum gas (LP-gas).** The use of liquefied petroleum gas (LP-gas) shall be in accordance with Chapter 61.

**3106.6 Electrical equipment and wiring.** Outdoor assembly events with concession stands or booths using electrical equipment and temporary wiring for electrical power or lighting shall comply with the applicable provisions of the *California Electrical Code* and Sections 3106.6.1 through 3106.6.3.

**3106.6.1 Outdoor use.** Electrical equipment and wiring shall be listed and labeled for outdoor use.

**3106.6.2 Generators.** Generators shall be installed not less than 10 feet (3048 mm) from combustible materials, and shall be isolated from the public by physical guard, fence or enclosure installed not less than 3 feet (914 mm) away from the internal combustion power source.

**3106.6.3 Portable fire extinguishers.** Each generator shall be provided with an approved portable fire extinguisher complying with Section 906.

## SECTION 3107 OPERATIONAL REQUIREMENTS

**3107.1 General.** Temporary and permanent tents and membrane structures shall comply with this section.

**3107.2 Combustible materials.** Hay, straw, shavings or similar combustible materials shall not be located within any tent or membrane structure containing an assembly occupancy, except the materials necessary for the daily feeding and care of animals. Sawdust and shavings utilized for a public performance or exhibit shall not be prohibited provided that the sawdust and shavings are kept damp. Combustible materials shall not be permitted under stands or seats at any time.

*[California Code of Regulations, Title 19, Division 1, §315.(b)] Flame Resistance Standards.*

*(b) Sawdust, shavings, or other combustible material used on the floor or ground shall be made flame resistant or when approved by the enforcing authority shall be kept adequately damp when tent is occupied.*

*[California Code of Regulations, Title 19, Division 1, §326.(b)] Hazard Abatement.*

*(b) Hay, straw, trash and other similar flammable material shall be stored more than 50 feet from any tent except upon approval of the enforcing authority.*

*Exception: Tents to which the public is not admitted.*

**3107.3 Smoking.** Smoking shall not be permitted in tents or membrane structures. Approved "No Smoking" signs shall be conspicuously posted in accordance with Section 310.

*[California Code of Regulations, Title 19, Division 1, §316] Smoking Prohibited.*

*Smoking is not permitted in any tent and in any adjacent areas where hay or other highly flammable materials are kept. "No Smoking" signs shall be conspicuously posted in all tents open to the public and wherever otherwise specified by the enforcing authority.*

**3107.4 Open or exposed flame.** Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal or other cooking device or any other unapproved devices shall not be permitted inside or located within 20 feet (6096 mm) of the tent or membrane structures while open to the public unless approved by the fire code official.

*[California Code of Regulations, Title 19, Division 1, §317] Fireworks and Open Flames.*

*Fireworks, open flame or any device emitting flame or spark shall not be used in or immediately adjacent to any tent while open to the public, except when approved in writing by the enforcing authority.*

**3107.5 Fireworks.** Fireworks shall not be used within 100 feet (30 480 mm) of tents or membrane structures.

**3107.6 Spot lighting.** Spot or effect lighting shall only be by electricity, and all combustible construction located within 6 feet (1829 mm) of such equipment shall be protected with approved noncombustible insulation not less than 9<sup>1</sup>/<sub>4</sub> inches (235 mm) thick.

**3107.7 Safety film.** Motion pictures shall not be displayed in tents or membrane structures unless the motion picture film is safety film.

**3107.8 Clearance.** There shall be a clearance of not less than 3 feet (914 mm) between the fabric envelope and all contents located inside membrane structures.

**3107.9 Portable fire extinguishers.** Approved portable fire extinguishers complying with Section 906 shall be provided and placed in locations as required by *California Code of Regulations, Title 19, Division 1, Chapter 2, Article 3, Section 319.*

*[California Code of Regulations, Title 19, Division 1, §319.(a) through (c)] Fire Extinguishers and Other Fire Protection Equipment.*

*(a) One Class 2-A fire extinguisher shall be provided in every tent having a floor area between 500 square feet and 1,000 square feet plus one 2-A fire extinguisher in each auxiliary adjacent tent. One additional extinguisher shall be provided for each additional 2000 square feet or fraction thereof.*

*(b) At least one Class 10 B-C fire extinguisher shall be provided with each generator or transformer.*

*(c) At least one Class 10 B-C fire extinguisher shall be provided in kitchen, dining areas, and at locations where flammable or combustible liquids or flammable gases are used, stored, or dispensed.*

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**3107.10 Fire protection equipment.** Fire hose lines, water supplies and other auxiliary fire equipment shall be maintained at the site in such numbers and sizes as required by the fire code official.

*[California Code of Regulations, Title 19, Division 1, §319.(d) and (e)] Fire Extinguishers and Other Fire Protection Equipment.*

(d) Tents having a capacity of 1,000 or more persons shall be protected on each of the long sides with fire hose lines of at least 1½-inch internal diameter and of sufficient length to reach either end of the tent. The water supply shall be either from the public water mains or from tanks having a capacity of not less than 500 gallons. There shall be at least 65 pounds of flowing pressure at the nozzle of the hose line when a ½-inch tip is used.

(e) The enforcing authority may modify or waive any of the requirements of this section [Title 19, Division 1, Section 319] and may accept other types of fire extinguishing equipment in lieu of that required by Title 19, Division 1 regulations if, in the authorities' opinion, reasonable and adequate protection will be afforded.

**3107.11 Occupant load factors.** The occupant load allowed in an assembly structure, or portion thereof, shall be determined in accordance with Chapter 10.

**3107.12 Heating and cooking equipment.** Heating and cooking equipment shall be in accordance with Sections 3107.12.1 through 3107.12.7.

**3107.12.1 Installation.** Heating or cooking equipment, tanks, piping, hoses, fittings, valves, tubing and other related components shall be installed as specified in the *California Mechanical Code* and the *International Fuel Gas Code*, and shall be approved by the fire code official.

**3107.12.2 Venting.** Gas, liquid and solid fuel-burning equipment designed to be vented shall be vented to the outside air as specified in the *International Fuel Gas Code* and the *California Mechanical Code*. Such vents shall be equipped with approved spark arresters where required. Where vents or flues are used, all portions of the tent or membrane structure shall be not less than 12 inches (305 mm) from the flue or vent.

**3107.12.3 Location.** Cooking and heating equipment shall not be located within 10 feet (3048 mm) of exits or combustible materials.

**3107.12.4 Operations.** Operations such as warming of foods, cooking demonstrations and similar operations that use solid flammables, butane or other similar devices that do not pose an ignition hazard, shall be approved.

**3107.12.5 Cooking tents.** Tents with sidewalls or drops where cooking is performed shall be separated from other tents or membrane structures by not less than 20 feet (6096 mm).

**3107.12.6 Outdoor cooking.** Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 20 feet (6096 mm) of a tent or membrane structure.

**3107.12.7 Electrical heating and cooking equipment.** Electrical cooking and heating equipment shall comply with the *California Electrical Code*.

**3107.13 LP-gas.** The storage, handling and use of LP-gas and LP-gas equipment shall be in accordance with Sections 3107.13.1 through 3107.13.3.

**3107.13.1 General.** LP-gas equipment such as containers, tanks, piping, hoses, fittings, valves, tubing and other related components shall be approved and in accordance with Chapter 61 and with the *California Plumbing Code*.

*[California Code of Regulations, Title 19, Division 1, §325] Liquefied Petroleum Gas.*

*Liquefied petroleum gas shall not be stored or used in connection with any tent unless the storage containers, equipment, fittings, appliances, placement, use and operation complies with the provisions of California Code of Regulations, Title 8, Article 5, Subchapter 1, Chapter 4.*

**3107.13.2 Location of containers.** LP-gas containers and tanks shall be located outside in accordance with Table 6104.3. Pressure relief devices shall be pointed away from the tent or membrane structure.

**3107.13.3 Protection and security.** Portable LP-gas containers, tanks, piping, valves and fittings that are located outside and are being used to fuel equipment inside a tent or membrane structure shall be adequately protected to prevent tampering, damage by vehicles or other hazards and shall be located in an approved location. Portable LP-gas containers shall be secured to prevent unauthorized movement.

**3107.14 Flammable and combustible liquids.** The storage of flammable and combustible liquids and the use of flammable-liquid-fueled equipment shall be in accordance with Sections 3107.14.1 through 3107.14.3.

**3107.14.1 Use.** Flammable-liquid-fueled equipment shall not be used in tents or membrane structures.

**3107.14.2 Flammable and combustible liquid storage.** Flammable and combustible liquids shall be stored outside in an approved manner not less than 50 feet (15 240 mm) from tents or membrane structures. Storage shall be in accordance with Chapter 57.

*[California Code of Regulations, Title 19, Division 1, §324.(a) and (b)] Flammable and Combustible Liquids.*

(a) Liquids having a flash point below 200°F shall not be stored in any tent nor less than 50 feet from any tent.

(b) Flammable or combustible liquids shall be stored and dispensed in accordance with the provisions of the *California Fire Code*. The enforcing authority may permit limited quantities of flammable or combustible liquids required for display and normal merchandising.

**3107.14.3 Refueling.** Refueling shall be performed in an approved location not less than 20 feet (6096 mm) from tents or membrane structures.

**3107.15 Display of motor vehicles.** Liquid- and gas-fueled vehicles and equipment used for display within tents or mem-

## TENTS, TEMPORARY SPECIAL EVENT STRUCTURES AND OTHER MEMBRANE STRUCTURES

brane structures shall be in accordance with Sections 3107.15.1 through 3107.15.5.3.

**3107.15.1 Batteries.** Batteries shall be disconnected in an appropriate manner.

**3107.15.2 Fuel.** Vehicles or equipment shall not be fueled or defueled within the tent or membrane structure.

**3107.15.2.1 Quantity limit.** Fuel in the fuel tank shall not exceed one-quarter of the tank capacity or 5 gallons (19 L), whichever is less.

**3107.15.2.2 Inspection.** Fuel systems shall be inspected for leaks.

**3107.15.2.3 Closure.** Fuel tank openings shall be locked and sealed to prevent the escape of vapors.

**3107.15.3 Location.** The location of vehicles or equipment shall not obstruct means of egress.

**3107.15.4 Places of assembly.** When a compressed natural gas (CNG) or liquefied petroleum gas (LP-gas) powered vehicle is parked inside a place of assembly, all the following conditions shall be met:

1. The quarter-turn shutoff valve or other shutoff valve on the outlet of the CNG or LP-gas container shall be closed and the engine shall be operated until it stops. Valves shall remain closed while the vehicle is indoors.
2. The hot lead of the battery shall be disconnected.
3. Dual-fuel vehicles equipped to operate on gasoline and CNG or LP-gas shall comply with this section and Sections 3107.15.1 through 3107.15.3 for gasoline-powered vehicles.

**3107.15.5 Competitions and demonstrations.** Liquid and gas-fueled vehicles and equipment used for competition or demonstration within a tent or membrane structure shall comply with Sections 3107.15.5.1 through 3107.15.5.3.

**3107.15.5.1 Fuel storage.** Fuel for vehicles or equipment shall be stored in approved containers in an approved location outside of the structure in accordance with Section 3107.14.2.

**3107.15.5.2 Fueling.** Refueling shall be performed outside of the structure in accordance with Section 3107.14.3.

**3107.15.5.3 Spills.** Fuel spills shall be cleaned up immediately.

**3107.16 Separation of generators.** Generators and other internal combustion power sources shall be separated from tents or membrane structures by not less than 20 feet (6096 mm) and shall be isolated from contact with the public by fencing, enclosure or other approved means.

**3107.17 Standby personnel.** Where, in the opinion of the fire code official, it is essential for public safety in a tent or membrane structure used as a place of assembly or any other use where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall

employ one or more qualified persons, as required and approved, to remain on duty during the times such places are open to the public, or when such activity is being conducted.

**[California Code of Regulations, Title 19, Division 1, §320] Fire Safety Personnel.**

*The owners or operators of any tent used as a place of assemblage shall provide at least one qualified fire safety person in every tent having a capacity of 500 persons and one additional qualified person for each 1,000 additional persons or fraction thereof. Such persons shall be on duty in the tent at all times when the tent is open to the public. They shall be proficient in the handling of fire extinguishers and equipment and shall be familiar with the fire and panic safety regulations. The individual designated under this section shall meet the approval of the fire authority having jurisdiction.*

**Exception:** *The enforcing authority may waive or modify the provisions of this section if, in his opinion, public safety will not be jeopardized.*

**3107.17.1 Duties.** Before each performance or the start of such activity, standby personnel shall keep diligent watch for fires during the time such place is open to the public or such activity is being conducted and take prompt measures for extinguishment of fires that occur and assist in the evacuation of the public from the structure.

**3107.17.2 Crowd managers.** There shall be trained crowd managers or trained crowd supervisors at a ratio of one crowd manager or supervisor for every 250 occupants, as approved.

**3107.18 Combustible vegetation.** Combustible vegetation that could create a fire hazard shall be removed from the area occupied by a tent or membrane structure, and from areas within 30 feet (9144 mm) of such structures.

**[California Code of Regulations, Title 19, Division 1, §326.(a)] Hazard Abatement.**

*(a) All flammable vegetation within 50 feet of any tent shall be removed.*

**3107.19 Combustible waste material.** The floor surface inside tents or membrane structures and the grounds outside and within a 30-foot (9144 mm) perimeter shall be kept free of combustible waste and other combustible materials that could create a fire hazard. Such waste shall be stored in approved containers and removed from the premises not less than once a day during the period the structure is occupied by the public.

**[California Code of Regulations, Title 19, Division 1, §326.(c)] Hazard Abatement.**

*(c) Combustible waste shall not be permitted to accumulate on the grounds either inside or outside of tents. Such waste shall be stored in approved containers until removed from the premises.*

**3107.20 Obstructions.** Exits, aisles and passageways shall not be blocked or have their minimum clear width obstructed in any manner by ticket offices, turnstiles, concessions,

## TENTS, TEMPORARY SPECIAL EVENT STRUCTURES AND OTHER MEMBRANE STRUCTURES

*chairs, equipment, animal chutes, poles or guy ropes, or anything whatsoever, nor shall they be blocked by persons for whom no seats are available.*

*In occupancies having fixed seating, and on request of the owner or manager, the enforcing agency may permit modifications from the provisions of this code to accommodate seating for handicapped persons using mechanical aids such as, but not limited to, walkers and wheelchairs.*



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

Date: 9-29-20  
 Item: 9  
 Site Plan: SPR20-155  
 Name: Agent McEwen

**SITE PLAN REVIEW COMMENTS**

- No Comment at this time
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact Fee:  
 Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code  
 Effective date – August 17, 2001

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

- Not enough information provided. Please provide additional information pertaining to:  
 \_\_\_\_\_
- Territorial Reinforcement: Define property lines (private/public space).  
 \_\_\_\_\_
- Access Controlled / Restricted etc.:  
 \_\_\_\_\_
- Lighting Concerns:  
 \_\_\_\_\_
- Traffic Concerns:  
 \_\_\_\_\_
- Surveillance Issues:  
 \_\_\_\_\_
- Line of Sight Issues:  
 \_\_\_\_\_
- Other Concerns:  
 \_\_\_\_\_

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 30, 2020

**ITEM NO: 9**

SITE PLAN NO: SPR20155  
PROJECT TITLE: In-Shape Health Clubs, LLC  
DESCRIPTION: Tent to Cover Gym Equipment in Order to Continue Business Under Current Government Guidelines ( )  
APPLICANT: Sandra Stephenson  
OWNER: R & R DEMAREE LLC  
APN: 085212019  
LOCATION: 909 N DEMAREE ST

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

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

20155

- 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

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

Nathan Garza, Solid Waste, 559-713-4532

