

MEMORANDUM

Planning Department



Date: February 15, 2024
To: Zoning Administrator
From: Kristina Phung, AICP, Associate Planner
Subject: **Minor Conditional Use Permit (P-MC23-0011), Foot & Body Massage:** A Minor Conditional Use Permit to allow

a massage establishment within an existing multi-tenant commercial building in the Mixed Use (MXD) Zoning District at 410-412 S. Main Street. The project is categorically exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning).

Location: 410-412 S. Main Street (APN: 086-26-020)

Zoning/GP: Mixed Use (MXD) / Milpitas Gateway Specific Plan (MGSP)

Application:

On December 1, 2023, David Ching of Footlax Foot and Body Massage (Applicant) submitted an application for a Minor Conditional Use Permit to allow for a massage establishment (Footlax Foot and Body Massage) to be located at 410-412 S. Main Street (the "Project").

Prior to the operation of a massage establishment, the owner or managing officer/employee must apply for and receive approval from the City on several items. They are required to obtain a Massage Establishment Permit pursuant to Title III, Chapter 6 "Massage Establishments and Practitioners", a Minor Conditional Use Permit issued by the Zoning Administrator pursuant to Milpitas Municipal Code (MMC) Section XI-10-57.04 "Conditional Use Permits and Minor Conditional Use Permits" and MMC Section XI-10-6.02 "Mixed Use Regulations", and a business license pursuant to Title III, Chapter 1 "Business Licenses" of the Milpitas Municipal Code.

The Massage Establishment Permit, and any renewal thereof, is first submitted by an applicant to the Chief of Police, pursuant to MMC Title III, Chapter 6 "Massage Establishments and Practitioners". The applicant must also apply for a business license as required pursuant to MMC Title III, Chapters 1 and 6. The Minor Conditional Use Permit can be considered and issued by the Zoning Administrator once a Massage Establishment Permit is issued by the Chief of Police.



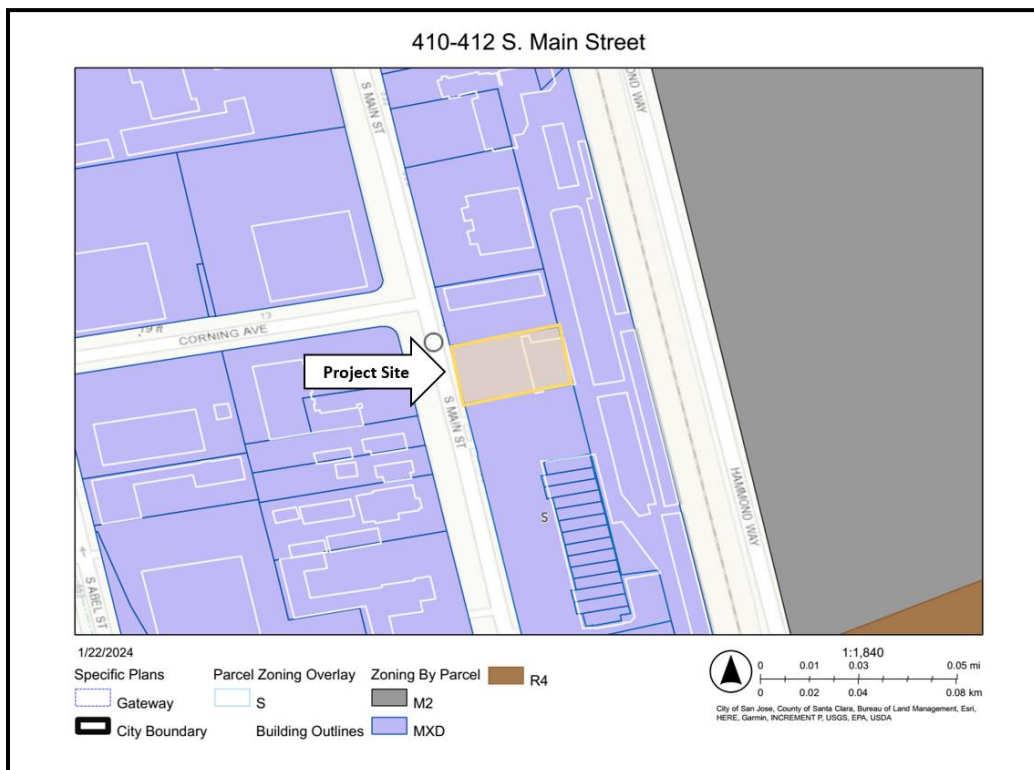
The Applicant has applied for a business license with the City’s Finance Department and a Massage Establishment Permit with the Milpitas Police Department and their Massage Establishment Permit has been conditionally approved, contingent upon approval by the Zoning Administrator for this project site (Attachment E). Subsequently, the business license will be issued after the Applicant has received approval of the Minor Conditional Use Permit at a Zoning Administrator hearing and the Massage Establishment Permit is issued by the Police Department.

The Applicant owns another similar massage establishment (LAD & Associates, Inc. DBA Foot Lax Foot & Body Massage) at 1215 E. Calaveras Boulevard, which has been in operation since 2021 and replaced a previous massage business (Milpitas Day Spa), legally permitted under Conditional Use Permit No. P-UP10-0025.

The Applicant wants to expand their operations in the City and has applied for another Massage Establishment Permit with the Milpitas Police Department at 410-412 S. Main Street and their permit has been conditionally approved, contingent upon approval by the Zoning Administrator for this Project site. The Police Department does not have immediate concerns about the proposed massage use at 410-412 S. Main Street as the Applicant’s existing massage business at 1215 E. Calaveras Boulevard has been operating in good standing with no violations to date.

The project site is surrounded by other parcels zoned mixed use including a mix of commercial/retail and residential uses to the north, west, and south, and commercial and industrial uses to the east as demonstrated in Map 1: Project Zoning, Map 2: Aerial View, and Table 1: Surrounding Zoning and Land Uses.

Map 1: Project Zoning



Map 2: Aerial View



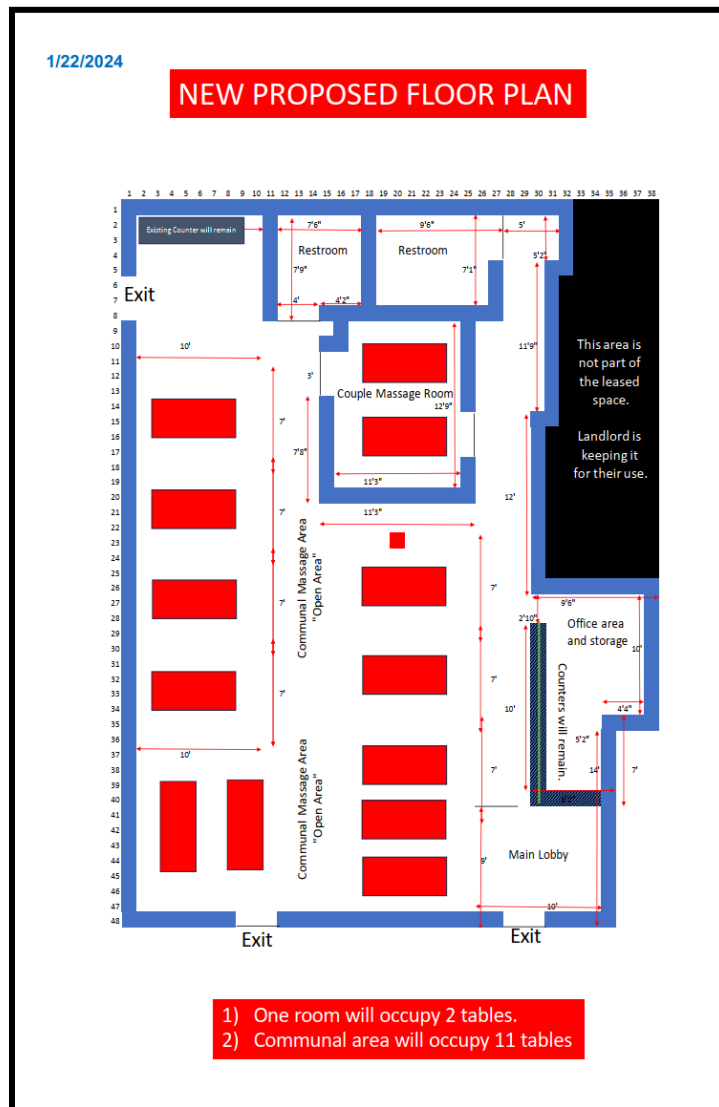
Table 1: Surrounding Zoning and Land Uses

	General Plan	Zone	Uses
Subject Site	Milpitas Gateway Specific Plan (MGSP)	Mixed Use (MXD)	Vacant retail space/dental office
North	Milpitas Gateway Specific Plan (MGSP)	Mixed Use (MXD)	Auto Service Center
South	Milpitas Gateway Specific Plan (MGSP)	Mixed Use (MXD)	Commercial/retail shopping plaza
East	Milpitas Gateway Specific Plan (MGSP)	Mixed Use (MXD)	Mini Storage
West	Milpitas Gateway Specific Plan (MGSP)	Mixed Use (MXD)	Commercial/retail shopping plaza

Project Details

The proposed massage establishment, Footlax Foot & Body Massage, will have one private couples massage room with two massage tables. The remainder of the floor plan primarily consists of a communal massage area with up to 11 massage tables. The business floorplan also includes a storage/office room, two bathrooms, and one waiting area, as shown on Figure 1. The Applicant will be required to obtain applicable building permits from the City's Building Department for any minor interior tenant improvements such as new flooring, the removal or addition of interior walls and doors, and a certificate of occupancy after the massage establishment is entitled. The Applicant's initial interior improvement plans include new flooring and paint only. The proposed hours of operation are 10:00 am to 10:00 pm, Monday through Sunday. The business will have eight full-time and two part-time certified massage therapists on staff and one manager. Another receptionist may be hired after the operation is established.

Figure 1: Floor Plan



Zoning Conformance:

The project site is located in an existing commercial retail shopping center building and is within the MXD (MXD) zoning district. The Applicant is not proposing any exterior alterations or expansion of the building, and will not alter the surface parking lot or landscaping. As such, the existing building’s setbacks, Floor Area Ratio (FAR), height, and landscaping will not change and are not assessed in this memorandum with other MXD Development Standards pursuant to MMC Section XI-10-6.04. However, the total cumulative off-street parking demand for all types of land uses in the shopping center building must still be met for all tenants within the existing surface parking lot per MMC Section XI-10-6.04 and MMC Title XI, Section 53 “Off-Street Parking Regulations”. Attachment D outlines the entire shopping center’s off-street parking compliance pursuant to a massage establishment’s off-street parking ratios under MMC Section XI-10-13.16(D)(5). The Project’s off-street parking requirements with the other existing tenant’s parking ratio (dental office) are highlighted in Table 2.

Table 2: Off-Street Parking Compliance

Tenant (Use)	Net Floor Area (Square Footage)	Parking Ratio	Required Parking
Footlax Foot & Body Massage*	1,700	1 Room (2 Tables) 11 Tables (Common Area)	2 6
Dental Office	1,500	1/225 SF	10
Total Number of Spaces Required for Entire Shopping Center			18
Total Number of Parking Spaces Available			19

*Per MMC Section XI-10-13.16(D)(5), the off-street parking requirement for massage establishments are two (2) off-street parking spaces per treatment room must be provided. If there are no treatment rooms, then one (1) space for every two (2) massage chairs or two (2) massage tables must be provided.

Findings for Approval:

According to Milpitas Municipal Code (MMC), Section XI-10-57.04(F) (Conditional Use Permits and Minor Conditional Use Permits), the Zoning Administrator has the ability to approve a Minor Conditional Use Permit if the required findings can be made. Findings shall identify the rationale behind the decision to take a certain action. Each required finding within the MMC is analyzed below:

- 1. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare;*

The massage establishment is a compatible commercial use with the other uses in the shopping center and will not be detrimental or injurious to the property or improvements in the vicinity. Further, if properly managed and regulated, the massage establishment poses no threat to the public health, safety and welfare of the public. The Planning Department will conduct annual reviews to ensure the massage establishment complies with the attached Conditions of Approval.

- 2. The proposed use is consistent with the Milpitas General Plan; and*

The Project is consistent with Milpitas General Plan Land Use Policy LU 6-4, which states to maintain viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled. The Project allows a new massage establishment to take over existing vacant spaces within a commercial shopping center and serve local Milpitas residents. Further, there are no other massage establishments within the immediate vicinity of the Project site.

3. *The proposed use is consistent with the Milpitas Zoning Ordinance.*

The massage establishment is a conditionally permitted use within the City's Zoning Ordinance and is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2 and Attachment D. The application has been reviewed by various departments throughout the City, including the Building, Police, Engineering, and Fire Departments, and the attached Conditions of Approval will be implemented by the applicant to protect the health, safety, and welfare of the community.

California Environmental Quality Act (CEQA):

This Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the Project includes a conditionally permitted massage establishment within an existing building in an urbanized area and consists only of interior tenant improvements. The Project is also consistent with the Milpitas General Plan, Zoning Ordinance, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

Recommendation:

Staff recommends that the Zoning Administrator adopt Resolution 24-007, approving Minor Conditional Use Permit No. MC23-0011, to allow a massage establishment located at 410-412 S. Main Street, subject to the findings and attached Conditions of Approval.

Attachments:

- A. Resolution 24-007 and Conditions of Approval
- B. Business Description
- C. Floor Plan
- D. Overall Center Parking Analysis
- E. Police Department Conditional Approval Letter

Attachment A

**RESOLUTION NO. 24-007
A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE
CITY OF MILPITAS, CALIFORNIA, APPROVING MINOR CONDITIONAL USE
PERMIT MC23-0011 TO ALLOW A MASSAGE ESTABLISHMENT LOCATED AT
410-412 S. MAIN STREET
(APN 086-26-020)**

WHEREAS, on December 1, 2023, an application was submitted by Dave Ching of Footlax Foot & Body Massage (“Applicant”), to allow a massage establishment (“Project”), located at 410-412 S. Main Street (APN 086-26-020);

WHEREAS, the property (APN 086-26-020) is located within the Mixed Use (MXD) zoning district; and

WHEREAS, on February 7, 2024, the Applicant obtained conditional approval from the Milpitas Police Department for a Massage Establishment Permit pursuant to Title III, Chapter 6 of the Milpitas Municipal Code; and

WHEREAS, the Planning Department completed an environmental assessment for the Project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Zoning Administrator determine this Project is categorically exempt; and

WHEREAS, on February 15, 2024, the Zoning Administrator held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Zoning Administrator of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The Project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), and; as a separate and independent basis, CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). As proposed, the Project includes a conditionally permitted massage establishment within an existing building in an urbanized area and consists only of interior tenant improvements. The Project is also consistent with the Milpitas General Plan, Zoning Ordinance, and there are no circumstances present that would require a subsequent Environmental Impact Report (EIR) or Negative Declaration.

Section 3: The Milpitas Municipal Code (MMC) requires approval of a Minor Conditional Use Permit (MCUP) for massage establishments in Mixed Use zones (Table XI-10-6.02-1). In order to approve an MCUP, the Zoning Administrator must make the following findings, per Municipal Code Section XI-10-57.04(F):

- a) The proposed use, at the location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare:

The Project is a compatible commercial use with the other uses in the shopping center and will not be detrimental or injurious to the property or improvements in the vicinity. Further, if properly managed and regulated, the massage establishment poses no threat to the public health, safety and welfare of the public. The Planning Department will conduct annual reviews to ensure the massage establishment complies with the attached Conditions of Approval.

- b) The proposed use is consistent with the Milpitas General Plan.

The Project is consistent with Milpitas General Plan Land Use Policy LU 6-4, which states to maintain viable neighborhood-serving commercial uses throughout the City in order to serve surrounding neighborhoods and minimize vehicle miles traveled. The Project allows a new massage establishment to take over an existing vacant space within a commercial shopping center and serve local Milpitas residents. Further, there are no other massage establishments within the immediate vicinity of the Project site.

- c) The proposed use is consistent with the Milpitas Zoning Ordinance.

The Project is a conditionally permitted use within the City's Zoning Ordinance and is consistent with the Milpitas Zoning Ordinance, as demonstrated in Table 2 and Attachment D of the memorandum. The application has been reviewed by various departments throughout the City, including the Building, Police and Fire Departments, and the attached Conditions of Approval will be implemented by the applicant to protect the health, safety, and welfare of the community.

Section 4: The Zoning Administrator of the City of Milpitas hereby adopts Resolution No. 24-007 approving Minor Conditional Use Permit No. MC23-0011, to allow a massage establishment at Footlax Foot & Body Massage, based on the above Findings and subject to the Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Zoning Administrator of the City of Milpitas on February 15, 2024.

Jay Lee, AICP
Planning Director

Date: _____

Exhibit 1

**MINOR CONDITIONAL USE PERMIT NO. P-MC23-0011
410-412 S. MAIN STREET (APN 086-26-020)**

The City of Milpitas Zoning Administrator approves Minor Conditional Use Permit No. MC23-0011 in accordance with Section XI-10-13.16 and Section XI-10-57.04 of the Milpitas Municipal Code, subject to and conditioned upon all applicable State and local laws and regulations and the Conditions of Approval outlined below. This Minor Conditional Use Permit entitlement is to allow the issuance of building permits for the proposed massage establishment ("Project") on a 0.3-acre lot located within the Mixed Use (MXD) Zoning District at 410-412 S. Main Street (APN: 086-26-020), subject to all necessary reviews, approvals, studies, and inspections for the issuance of such building permits.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

CONDITIONS OF APPROVAL:

1. General Compliance. The applicant, including all successors in interest (collectively "Permittee") shall comply with each and every condition set forth in this Permit. This Minor Conditional Use Permit No. MC23-0011 ("Permit") shall have no force or effect and no building permit shall be issued unless and until all things required by the below-enumerated precedent conditions have been performed or caused to be performed. **(P)**
2. Effective Date. Unless there is a timely appeal filed in accordance with the Milpitas Zoning Code, the date of approval of this Permit is the date on which the decision-making body approved this Permit. **(P)**
3. Acceptance of Permit. Should Permittee fail to file a timely appeal within twelve (12) calendar days of the date of approval of this Permit, inaction by Permittee shall be deemed to constitute each of the following: **(P)**
 - i. Acceptance of this Permit by Permittee; and
 - ii. Agreement by the Permittee to be bound by, comply with, and to do all things required of or by Permittee pursuant to all of the terms, obligations, and conditions of this Permit.
4. Permit Expiration. Pursuant to Section XI-10-64-06 of the Milpitas Zoning Code, this Permit shall become null and void if the activity permitted by this Permit is not commenced within two (2) years from the date of approval, or for a project submitted with a tentative map, within the time limits of the approved tentative map. Pursuant to Section XI-10-64.06(B) of the Milpitas Zoning Code, an activity permitted by this Permit shall be deemed to have commenced when the Project: **(P)**
 - i. Completes a foundation associated with the Project; or
 - ii. Dedicates any land or easement as required from the zoning action; or

- iii. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
5. Time Extension. Pursuant to Section XI-10-64.07 of the Milpitas Zoning Code, unless otherwise provided by State law, Permittee shall have the right to request a one-time extension of the Permit if the request is made in writing to the Planning Division prior to the expiration date of the approval. **(P)**
6. Notice. Pursuant to California Government Code Section 66020, any protest filed in court relating to the imposition of fees, dedication, reservations, or other exactions to be imposed on the development project shall be filed within ninety (90) days after the date of the approval of this Permit. This provision serves as notice from the local agency to the Permittee that the ninety (90) day period in which the applicant may file a protest has begun under California Government Code Section 66020(d)(1). **(CA)**
7. Cost and Approval. Permittee shall fully complete and satisfy each and every condition set forth in this Permit and any other condition applicable to the Project to the sole satisfaction of the City. Additionally, Permittee shall be solely responsible and liable for the cost to satisfy each and every condition. Permittee shall pay all required fees and charges to the City at the rate in effect at time of building permit issuance, or, the rate in effect when the fees and charges are due and paid in full to the City. There is no vesting of any fees or charges with the approval of this Permit. **(P)**
8. Conditions. Each and every condition set forth in this Exhibit shall apply to the Project and continue to apply to the Project so long as the Permittee is operating the Project under the permits and approvals in this Permit. **(P)**
9. Compliance with Laws. The construction, use, and all related activity authorized under this Permit shall comply with all applicable local, state, and federal laws, rules, regulations, guidelines, requirements, and policies. **(CA/P)**
10. Previous Approvals. Permittee shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Permit. **(P)**
11. Indemnification. To the fullest extent permitted by law, Permittee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to (i) City's approval of the Project, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act, and (ii) Permittee's construction, operation, use, or

related activity under this Permit. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. Permittee shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. Permittee shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

12. Written Response to Conditions. The Permittee shall provide a written response to the Conditions of Approval indicating how each condition has been addressed with the building permit application submittal. **(ALL)**

13. Revocation, Suspension, Modification. This Permit may be suspended, revoked, or modified in accordance with Section XI-10-63.06 of the Milpitas Zoning Code. **(P)**

14. Severability. If any term, provision, or condition of this Permit is held to be illegal or unenforceable by the Court, such term, provision, or condition shall be severed and shall be inoperative, and the remainder of this Permit shall remain operative, binding, and fully enforceable. **(CA)**

15. Permittee shall develop the approved Project in conformance with the approved plans (date stamped 01/22/24), approved by the Zoning Administrator in accordance with these Conditions of Approval. **(P)**

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the Permittee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Zoning Administrator or City Council, as applicable, in accordance with the Milpitas Zoning Code. **(P)**

16. Hours of Operation: The hours of operation for this massage establishment shall be from 10:00 a.m. to 10:00 p.m., 7 days a week. Massage services begun before 10:00 p.m. must terminate at 10:00 p.m. No customer shall be in such massage establishment between the hours of 10:00 p.m. and 7:00 a.m. No massage establishment shall be open between the hours of 10:30 p.m. and 7:00 a.m. **(P)**

17. Number of Massage Rooms: The total number of massage rooms shall be limited to one private massage room with only two massage tables in the room, and an open communal massage area with up to 11 massage tables. All other rooms and areas identified for reception, waiting space, hall, office/storage area, employee rest area, and bathroom as shown on the floor plan be used for those purposes exclusively, and not for any type of guest services. **(P)**

18. Annual Review: The Planning Director or his or her designee will review the Minor Conditional Use Permits issued by the Zoning Administrator for massage establishments within one (1) year after issuance for compliance with the Zoning Ordinance and Conditions of Approval. The Planning Director or his or her designee will conduct a similar compliance review of Minor Conditional Use Permits issued by the Zoning Administrator for massage establishments on an annual basis concurrent with review of the Massage Establishment Permit and renewal of the Business License for each use. Any failure to conduct a review does not waive any noncompliance or the City's right to conduct a review in the future. **(P)**
19. Signs. A recognizable and legible sign complying with the requirements of Milpitas Municipal Code Section XI-10-24 "Signs" must be posted at the main entrance of the massage establishment identifying the location as a licensed massage establishment. **(P/PD/B)**
20. Title III Code Compliance: Compliance with Milpitas Municipal Code Title III, Chapter 6 Massage Establishments and Practitioners, including all Massage Establishment Operating Standards under MMC III-6-7. **(PD)**
21. Massage Establishment Permit: Massage establishment shall apply and maintain a valid Milpitas Police Department Massage Establishment Permit. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the premises of the massage establishment. **(PD)**
22. Security and Surveillance: Security surveillance cameras are encouraged to improve the safety and security of the staff and patrons. Security cameras should be installed in areas to adequately monitor the entry/exit doors, office, and hallway areas. **(PD)**
23. Written Records: A written daily register recording each client, the assigned room, the massage therapist who treated the client, a description of service(s) performed, the price of the services, including any gratuity or tip, and the time of the appointment shall be maintained. This daily register shall be completed by the close of business each day. Such records shall be open to inspection only by members of the Police Department, City Code Enforcement Officers, and the City Attorney, who are charged with enforcement. These records may not be used for any other purpose than as records of services provided and may not be provided to other parties by the massage establishment unless otherwise required by law. Such records shall be retained on the premises of the massage establishment for a period of two (2) years. **(PD)**
24. Treatment Room Doors: Treatment room doors shall remain unlocked at all times. **(PD)**

25. Entrance Door: At least one entrance door, allowing access to the massage establishment and any building it may be located in, shall remain unlocked during business hours. This shall not prohibit a massage establishment from locking its external doors if the massage establishment is a solo proprietorship (owned by one individual with one or no employees or rent-space massage therapist). **(PD)**
26. Visibility: No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. **(PD)**
27. California Massage Therapy Council Certificate: The permittee shall display the California Massage Therapy Council certificate of each and every massage technician in an open and conspicuous place on the premises. The permittee shall also ensure that all massage technicians comply with the provisions of the Massage Therapy Act (B&P Code §4608) requiring that a certificate holder have his or her identification card in his or her possession while providing massage services for compensation. **(PD)**
28. The permittee shall not make any modifications or additions to the business without approval from the City Building Department **(B/PD)**.
29. The Massage Establishment Permit is not transferable, and the permittee shall not sublease or rent the business without the approval of the Milpitas Police Department and the City of Milpitas. **(P/PD)**

FIRE DEPARTMENT CONDITIONS

30. SITE ADDRESS. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be Arabic numerals or alphabet letters and shall be consistent with Milpitas standardized addressing guidelines. Where access is by means of a private road the building cannot be viewed by the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained. [Ref.: CFC 505.1]
31. KEY BOX. The Fire Code Official is authorized to require a key box to be installed in an approved location if necessary for lifesaving or firefighting purpose. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. (Knox box location shall be at 6 feet above finish floor, or fire access walkway or road). [Ref.: CFC 506.1]

32. FIRE DEPARTMENT PERMITS AND APPROVAL. The Milpitas Fire Department shall approve new installation and/or modifications to fire protection, alarm or monitoring system(s). A separate submittal is required to the Milpitas Fire Department, for review and permit(s), prior to the commencement of any work.
- 1) AUTOMATIC FIRE SPRINKLERS
 - 2) FIRE ALARM SYSTEM
 - 3) FIRE SUPPRESSION SYSTEM
- [Ref.: CFC 901.2]
33. PORTABLE FIRE EXTINGUISHER (GENERAL AREAS). Portable fire extinguishers shall be selected, installed and maintained in accordance with CFC Section 906.2 and Chapter 3, Title 19 California Code of Regulations Division 1, Chapter 3. Standard fire extinguisher requirements for A, B, F, I, M, C, R, S (not hi-piled-storage) Occupancies is: one (1) 2-A: 10-B:C per 3,000 SF with maximum travel distance of 75 feet. [Ref.: CFC 906.2]
34. EXIT ILLUMINATION. The means of egress serving a room or space shall be illuminated at all times that the room or space is occupied.
- Exceptions:
1. Occupancies in Group U.
 2. Aisle accessways in Group A.
 3. Dwelling units and sleeping units in Groups R-1, R-2 and R-3.
 4. Sleeping units of Group I, R-2.1 and R-4 occupancies
- [Ref.: CFC 1008.2]
35. CLEAR EXITS RELIABILITY. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency where the building area served by the means of egress is occupied. An exit or exit passageway shall not be used for any purpose that interferes with a means of egress. [Ref.: CFC 1032.2]

BUILDING DEPARTMENT CONDITIONS

36. Compliance with California Code of Regulations. The Project shall comply with the requirements of the Building Safety and Housing Department and the California Code of Regulations Title 24 and the Milpitas Municipal Code as adopted by the City. Building permits shall be submitted to and approved by the Building Safety and Housing Department prior to start of construction. All California Code of Regulations Title 24 and Milpitas Municipal Code requirements applicable at the time of building permit application must be met in advance of any building permit approvals or related construction. Changes to the site plan and/or building plan require review and approval by the Building Safety and Housing Department. **(B)**

- (P) = Planning
- (F) = Fire
- (PD) = Police
- (B) = Building
- (LD) = Land Development
- (CA) = City Attorney

NOTICE OF RIGHT TO PROTEST

The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), began on date of adoption of this resolution. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

AGREEMENT

Permittee/Property Owner

The undersigned agrees to each and every condition of approval and acknowledges the NOTICE OF RIGHT TO PROTEST and hereby agrees to use the subject property on the terms and conditions set forth in this Permit.

Dated: _____

Signature of Permittee

OPERATION DESCRIPTION

This operation will be our second operation to the current operation at 1215 E. Calaveras Blvd. In this new operation, please see below for the proposed details & services that we will provide:

1. We will offer the following services:
 - a. Full body massage
 - b. Foot massage
 - c. Cupping
 - d. Infrared light therapy
 - e. Guasha (Chinese Detox)
 - f. Waxing
 - g. Facials
2. We will have one treatment room for couples, with 2 massage tables in the private room, and 11 massage tables in the rest of the space. We plan to have 8 therapists in total, with access to 2 additional part-time therapists.
3. Therapists will have one-hour lunches and two 15-minute breaks throughout the day.
4. We expect to service about 5-6 clients per day, per therapist.
5. We plan to open from 10am to 10pm, 7 days a week.
6. There will be no sales of products or food or drinks.

See our list of services for the current business at 1215 E. Calaveras Blvd., we expect to offer the same services.

PRICE LIST
Effective 05/22/2023

A. MINI FACIAL
30 minutes = Cash \$45 Card \$47

- Face steam
- Deep cleaning
- Exfoliation
- Facial massage
- Hydro Mask



B. DEEP CLEAN and HYDRATING FACIAL
60 minutes = Cash \$80 Card \$82

- Deep cleaning
- Exfoliation
- Face steam
- Blackhead extraction
- High frequency
- Facial massage
- Crystal Soft Mask
- **With any Body Massage, free neck treatment...**



C. HYDRO FACIAL
90 minutes = Cash \$125 Card \$127

- Deep cleaning
- Face steam
- Exfoliation
- LED light treatment
- H2O2 small bubbles treatment
 - ✓ Hydrogen Oxygen cleaning
 - ✓ High frequency
 - ✓ Ultrasonic import
 - ✓ RF Lifting
 - ✓ Oxygen Hydrating
- Crystal Soft Mask
- Massage Head, Shoulders & Neck
- **With any Body Massage, free neck treatment...**



1. BUBBLE CLEANING Pen
Deep cleaning removes skin stratum corneum and clear blackheads.



2. RF Head
Firm up skin, remove wrinkles, restores the skin elasticity and luster.



3. ICY REPAIRING Head
Ice seal skin, shrink pores, release ice force from epidermis to deep skin, instantly promote skin pores efficient contraction.



4. BIO Head
The microcurrent wave brings you a brighter and tighter skin.



5. ULTRASONIC Head
Let relevant extracts and nutrients fully absorbed by skin, get the best beauty effect.



FACE WAXING

Eyebrows =	Cash \$15	Card \$17
Upper Lip =	Cash \$10	Card \$12
Chin =	Cash \$15	Card \$17
Sideburns =	Cash \$20	Card \$22
Full Face =	Cash \$40	Card \$42

BODY WAXING

Under Arms =	Cash \$25	Card \$27
Chest =	Cash \$50	Card \$52
Back =	Cash \$40	Card \$42
Forearms =	Cash \$25	Card \$27
Full Arms =	Cash \$45	Card \$47
Lower Legs =	Cash \$35	Card \$37
Full Legs =	Cash \$55	Card \$57

FULL BODY MASSAGE (Private Room)
~ Fully customizable ~

1. FULL BODY MASSAGE with Hot Stone Treatment
30 minutes = Cash \$40 Card \$42
60 minutes = Cash \$60 Card \$62
90 minutes = Cash \$85 Card \$87
120 minutes = Cash \$115 Card \$117

2. FULL BODY MASSAGE with Hot Stone Treatment, Aroma Treatment or Foot Scrub, or Hands Treatment
60 minutes = Cash \$65 Card \$67
90 minutes = Cash \$90 Card \$92
120 minutes = Cash \$120 Card \$122

3. FULL BODY MASSAGE with Hot Stone Treatment, Cupping or Infrared/Red Light Therapy
60 minutes = Cash \$70 Card \$72
90 minutes = Cash \$100 Card \$102
120 minutes = Cash \$135 Card \$137

4. BACK ONLY with Hot Stone Treatment
60 minutes = Cash \$65 Card \$67
90 minutes = Cash \$95 Card \$97

5. BODY SCRUB
30 min Back Scrub = Cash \$45 Card \$47
60 min Full-Body Scrub = Cash \$80 Card \$82







CUPPING – Cash \$25 Credit Card \$27 **Note: \$10 if added to any body massage**
Cupping increases blood circulation to the area where the cups are placed. This may relieve muscle tension, which can improve overall blood flow and promote cell repair.

INFRARED LIGHT THERAPY - Cash \$25 Credit Card \$27 **Note: \$10 if added to any body massage**
Infrared Light Therapy is an effective and safe remedy for pain and inflammation. It can penetrate deep through the layers of the skin, to the muscles and bones. Since Infrared Light Therapy enhances and improves circulation in the skin and other parts of the body, it can bring oxygen and nutrients to injured tissues, promoting healing. It helps ease pain, relieve inflammation, and protect against oxidative stress.

COMBO MASSAGE (Communal Room)
One hour includes 30 mins Foot and 30 mins Back, Neck, Shoulders & Head

6. COMBO with Hot Stone Treatment & Bath Tablet Soak
60 minutes = Cash \$50 Card \$52
90 minutes = Cash \$70 Card \$72
120 minutes = Cash \$100 Card \$102

7. COMBO with Hot Stone Treatment, Foot Scrub & Foot Bath Baths
60 minutes = Cash \$55 Card \$57
90 minutes = Cash \$75 Card \$77
120 minutes = Cash \$105 Card \$107

FOOT MASSAGE (Does not include back)
30 min = Cash \$30 Card \$32
60 min = Cash \$40 Card \$42
90 min = Cash \$60 Card \$62

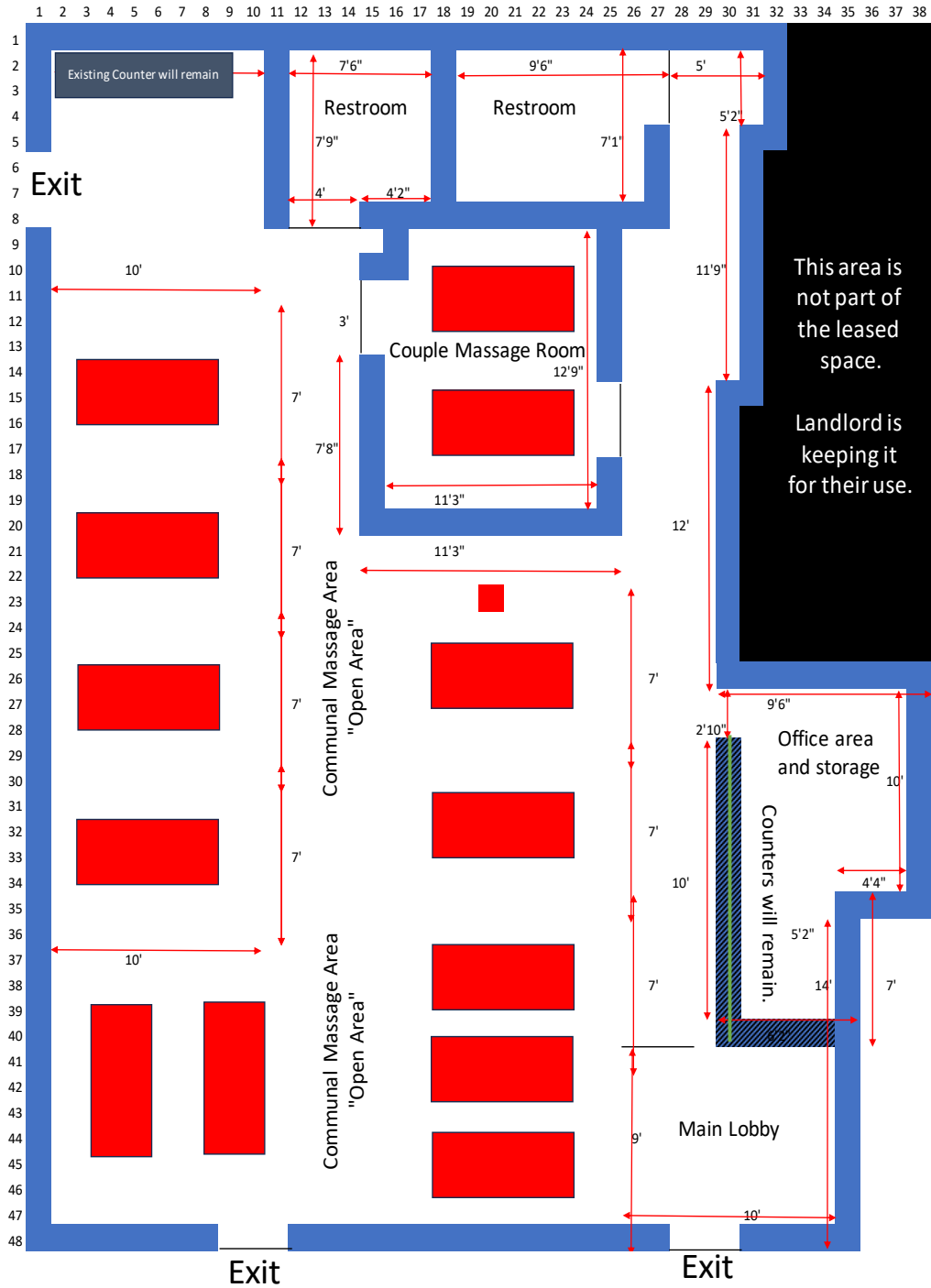
GUA SHA (Chinese Detoxify)
Gua Sha Facial = Cash \$25 Card \$27 (15min)
Gua Sha Neck & Shoulders = Cash \$30 Card \$32 (20min)
Gua Sha Neck, Shoulders & Back = Cash \$45 Card \$47 (30min)
Gua Sha Combo = Cash \$55 Card \$57 (45min)

GIFT CARDS: 12 Month Validity
Any value is available.

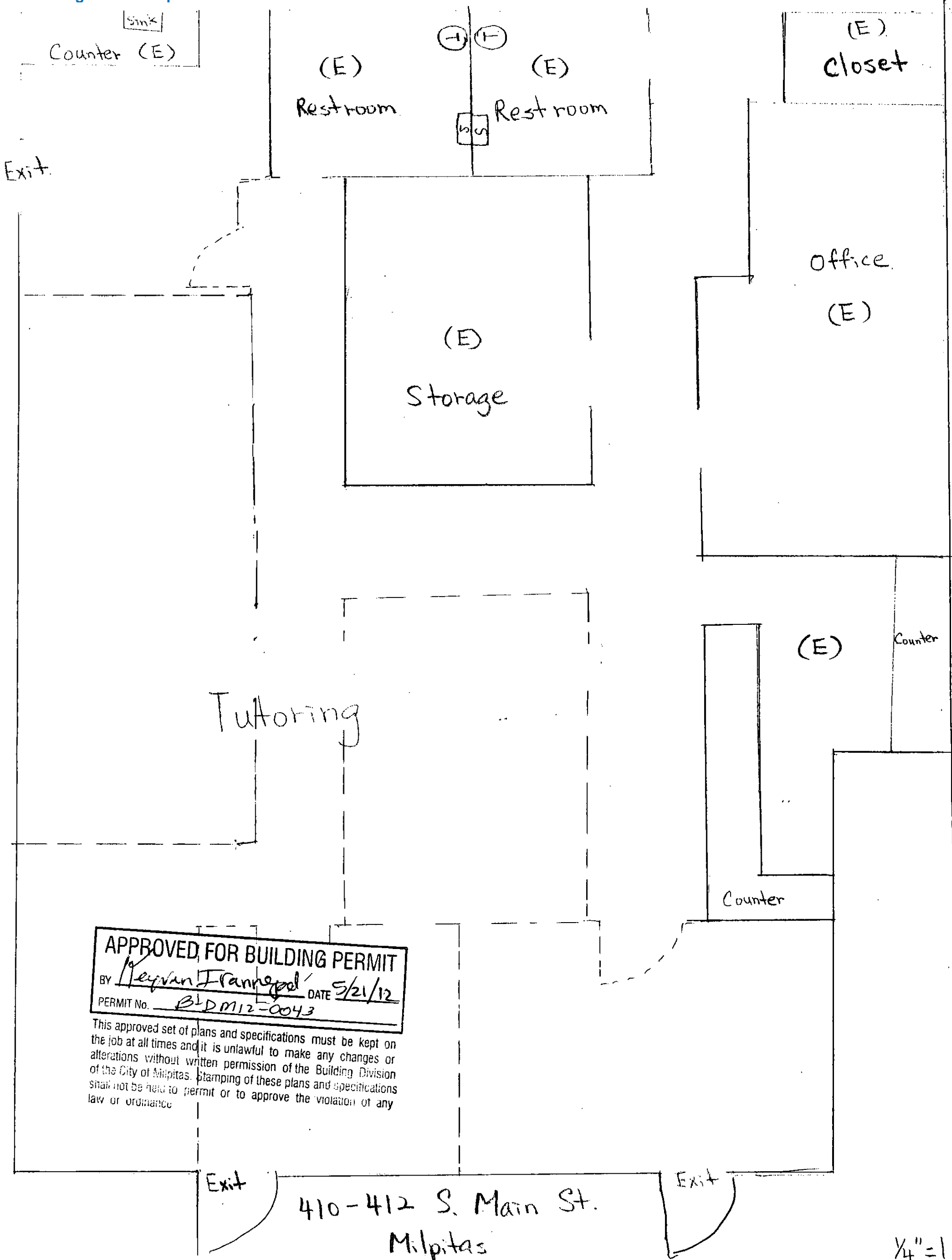
PRE-PAID PACKAGE: 12 Month Validity
See attendant for details.



NEW PROPOSED FLOOR PLAN



- 1) One room will occupy 2 tables.
- 2) Communal area will occupy 11 tables



APPROVED FOR BUILDING PERMIT
 BY Keyvan Jannajol DATE 5/21/12
 PERMIT No. B-DM12-0043

This approved set of plans and specifications must be kept on the job at all times and it is unlawful to make any changes or alterations without written permission of the Building Division of the City of Milpitas. Stamping of these plans and specifications shall not be held to permit or to approve the violation of any law or ordinance.

--- INTERIOR WALLS TO BE DEMOED
 ——— (E) WALLS TO REMAIN

MAX. OCCUPANT LOAD 30 PEOPLE
 OCC. GROUP "B"

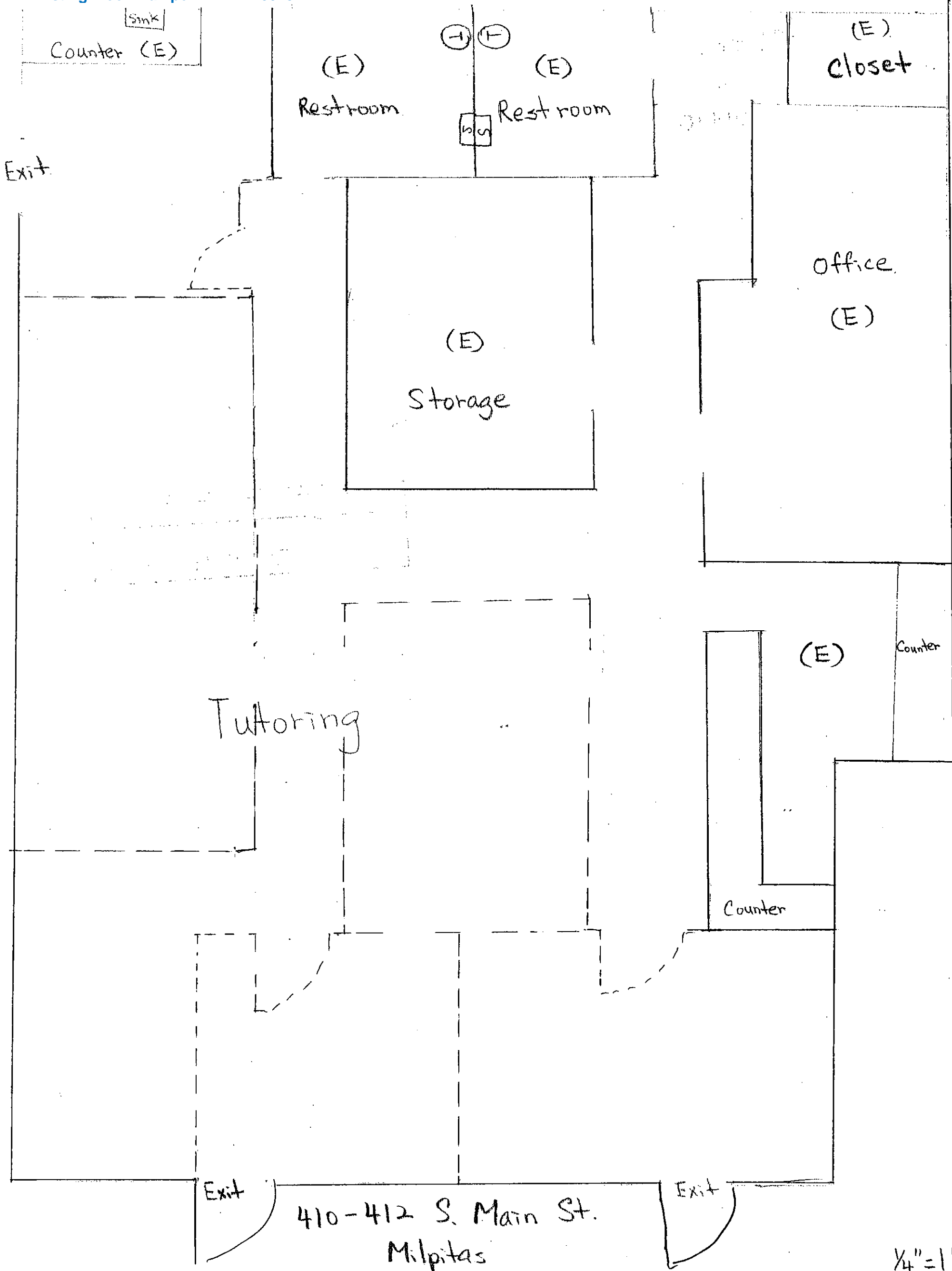
1/4" = 1'

OFFICE COPY

MAY 21 2012

CITY OF MILPITAS
 BUILDING DIVISION

B-DM12-0043



----- INTERIOR WALLS TO BE DEMORED
————— (E) WALLS TO REMAIN

1/4" = 1'-0"

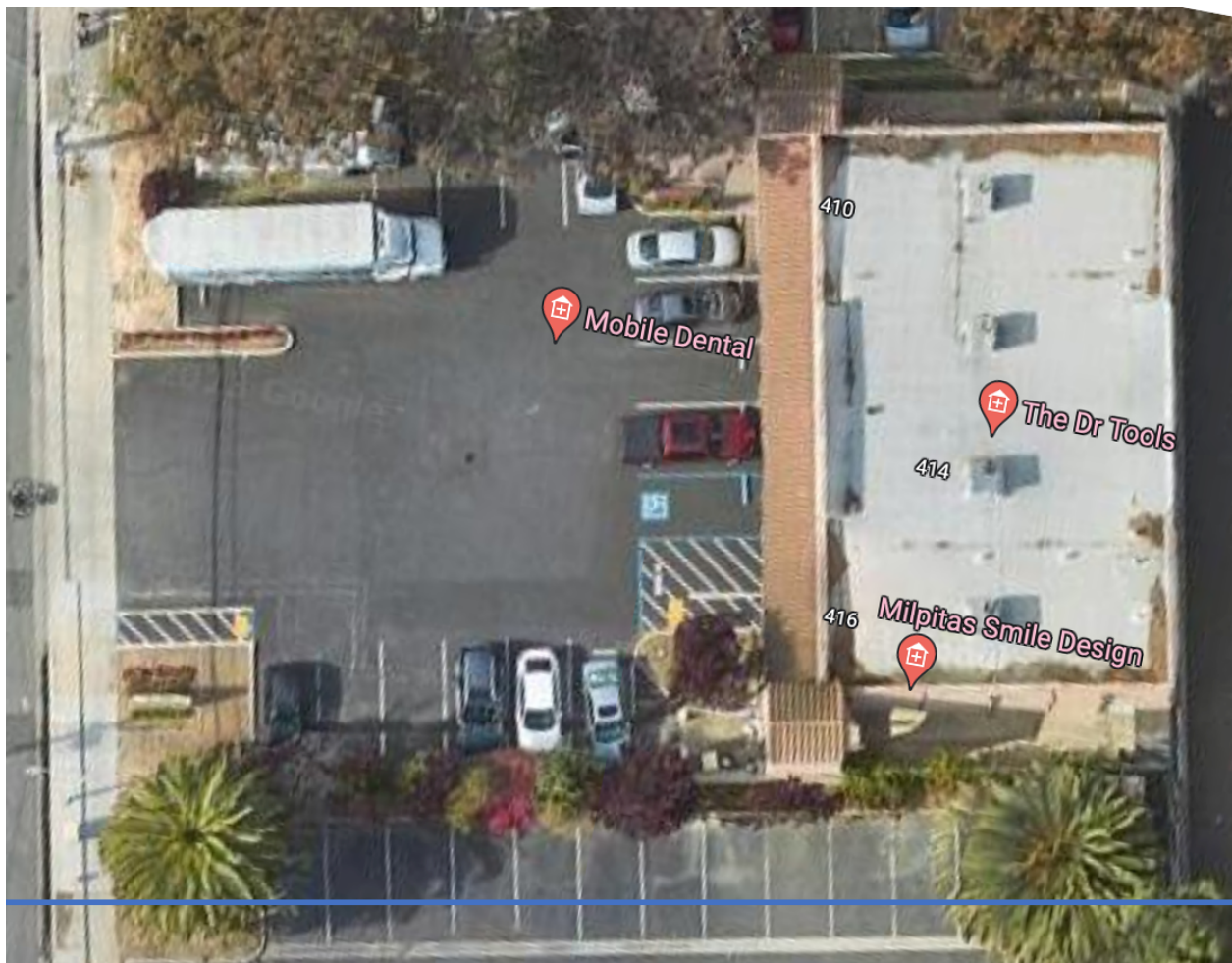
Project Address: 410-412 S. Main Street

Applicant: David Ching

Permit Number: P-MC23-0011

Parking Summary Table

Tenant	Square footage	Requirement	Required	Parking Dedication
Footlax Massage	1,700	1 Room (2 Tables) 11 Tables	2 6	8
Dental Office	1,500	1/225 sqft	9	10
Total Parking Spaces Required: 18				
Total Parking Spaces Provided: 19 (Includes 1 handicap)				



MEMORANDUM

Milpitas Police Department



Jared Hernandez
Chief of Police

DATE: February 7, 2024
TO: Jared Hernandez, Chief of Police
FROM: Daniel Sevilla, Special Investigations Unit Detective DS#311
SUBJECT: 410 & 412 S. Main Street – Project # P-MC23-0011

On November 2nd, 2023, I received a Planning Application for Review for 410 & 412 South Main Street, Milpitas. The owner of the business, David Ching is the current owner of FootLax Foot and Body Massage at 1215 East Calaveras Boulevard.

The business is in good standing and I did not locate any reported incidents involving criminal or suspicious activity.

All of Mr. Ching's licensed massage therapists are in good standing with the California Massage Therapy Council.

I recommend the approval of a conditional massage establishment permit pursuant to the following:

Approval of the Minor Conditional Use Permit.

Approval of the City of Milpitas Business License.

Compliance with Milpitas Municipal Code Title III, Chapter 6 Massage Establishments and Practitioners.

Compliance with California Massage Therapy Council Rules and Regulations.

APPROVED
9/25/24
2/7/24