

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Lawrence Segrue, Adam Peck, Roland Soltesz, Vincent Salinas, Brett Taylor

MONDAY, DECEMBER 9, 2013; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

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. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
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.
 - No changes
5. PUBLIC HEARING – Andrew Chamberlain
Conditional Use Permit No. 2013-33: A request by Gozen Japanese Restaurant to allow Karaoke Entertainment at an existing restaurant, in the Regional Retail (CR) zone, located at 1115 W. Caldwell Avenue (APN 126-680-007). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2013-77.
6. PUBLIC HEARING – Paul Bernal
A request by California Dairies, Inc. to exceed the maximum 75-foot building height in Design District "H" by proposing a new 140-foot tall evaporator tower at their facility. The site is located at 2000 North Plaza Drive and is zoned I-H (Heavy Industrial). (APN: 077-111-030). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2013-81.

7. PUBLIC HEARING – Brandon Smith

Tentative Parcel Map No. 2013-04: A request by Steve and Julie Mitchell to subdivide a 42,058 square foot parcel into two parcels in the R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. The parcel is located on the southwest corner of Ferguson Avenue and Linwood Street (APN: 077-300-054). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2013-82.

8. WORK SESSION – Paul Scheibel

- Review of Proposed Matrix Updates

9. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

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 the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting. 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 DECEMBER 19, 2013 BEFORE 5 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 425 E. Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JANUARY 13, 2014



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 9, 2013

PROJECT PLANNER: Andrew Chamberlain
Phone No.: (559) 713-4003

SUBJECT: Conditional Use Permit No. 2013-33: A request by Gozen Japanese Restaurant to allow Karaoke entertainment at an existing restaurant in the Regional Retail (CR) zone, located at 1115 W. Caldwell Avenue (APN 126-680-007).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2013-33, as conditioned, based upon the findings and conditions in Resolution No. 2013-56. Staff's recommendation is based on the conclusion that the request is consistent with the City General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2013-33 based on the findings and conditions in Resolution No. 2013-56.

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow karaoke entertainment in conjunction with an existing bona-fide restaurant (Gozen Restaurant) in the CR (Regional Retail) zone, as shown in Exhibit "A", located at 1115 W. Caldwell Ave. Karaoke entertainment is considered "live entertainment", and as such, is subject to approval of a Conditional Use Permit per section 17.38 of the Zoning Ordinance. This restaurant is located in the existing Stonebrook Plaza regional retail center. The restaurant shares an access drive with the five sites also located in this plaza. Parking in this plaza is shared.

Gozen is an existing Japanese restaurant that includes a dining room, bar area, and six teppanyaki tables. Gozen Restaurant already includes a form of live dinner entertainment at the existing six teppanyaki tables. The owner would like to expand on the existing live dinner entertainment to include traditional Japanese-style karaoke for his guests. It is the intent of the owner to offer karaoke live entertainment to the public no more than two nights a week. Karaoke entertainment would be offered as an option to guests renting the room for special events.

The applicant, as provided in the Operational Statement, indicates that there will be no bands, DJ's, nor dancing. There is no intention by the owner to include night club activities or to turn this facility into a night club venue. The karaoke entertainment would be confined to the family dining room which is currently being used for special events and private parties as shown in the floor plan in Exhibit "B".

The Operational Statement in Exhibit "C" includes details of the hours of operation, which are as follows:

Live Entertainment (Karaoke)

5:00 p.m. to 10:00 p.m. (to 12:00 midnight for special events and private parties)
Friday or Saturday

Family Night (Karaoke)

5:00 p.m. to 10:00 p.m.
Monday or Tuesday

Restaurant and Bar

11:00 a.m. to 10:00 p.m. (to 12:00 midnight for special events and private parties)
Seven days a week

These hours of operation have been identified by the owner. In the event that the hours of operation for the Karaoke live entertainment and Family Night change, a revised operational statement would be required to be submitted to the City Planner as discussed in the Land Use Compatibility section.

BACKGROUND INFORMATION

General Plan Land Use Designation: Regional Retail Commercial
Zoning: CR (Regional Retail Commercial)

Surrounding Land Use and Zoning North: Caldwell Avenue; R-1-6 (single-family residential zone: 6,000 square ft. minimum site area)
South: CR (Regional retail commercial zone)/R-1-6 (single-family residential zone: 6,000 square ft. minimum site area)
East: CR (Regional retail commercial); Drive-thru coffee kiosk
West: CR (Regional retail commercial); Full service car wash

Environmental Review: Categorical Exemption No. 2013-77
Special Districts: Caldwell 51 Specific Plan; Design District "A"
Site Plan: 2013-157

RELATED PROJECTS

Related projects in the related Stonebrook Plaza area include:

- **Conditional Use Permit No. 2012-39** approved in November 2012 to allow a personal training fitness center.
- **Conditional Use Permit No. 2003-01** approved in February 2003 to allow a drive thru coffee kiosk.
- **Conditional Use Permit No. 2001-50** approved in April 2002 to allow full service carwash.

Recent conditional use permits have been approved for live entertainment:

- **Conditional Use Permit No. 2012-12** was approved by the Planning Commission in April 2012, allowing live entertainment at Visalia Brewing Company.
- **Conditional Use Permit No. 2011-18** was approved by the Planning Commission in September 2011, allowing live entertainment and dancing at Downtown Rookies Sports Bar.

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2013-33, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

Staff has concluded that the proposed karaoke activity will not be detrimental to surrounding uses subject to the recommended conditions of approval contained in this report. The conditions have been crafted to allow karaoke entertainment in conjunction with the restaurant.

The Visalia Zoning Matrix identifies live entertainment, such as karaoke, as a conditional use in the CR zone, and requires the submittal and approval of a CUP application. Through the CUP process, potential land use impacts can be addressed, thereby ensuring compatibility between the proposed use and surrounding uses.

As provided in the Operational Statement and the floor plan in Exhibit "B", the karaoke will constitute a small stage and standard karaoke machine. This stage and all infrastructure was included and installed during the last remodel of the restaurant. The family dining room, which contains the karaoke stage, is separated from the rest of the restaurant by a wall. The room is accessible by two openings on the North and South ends. Microphone input and song selection is included. The karaoke stage and electrical infrastructure for a sound system is already present at the site. Based upon this proposal, the facility is still able to fully function as a restaurant with a minor karaoke addition. Therefore, based upon this proposal, noise and crowd control would be minimal at this site, compared to other live entertainment and nightclub venues.

The owner has identified the hours of operation that the karaoke live entertainment will be available in the Operational Statement. In the event that the owner would like to amend the hours of availability, a revised operational statement would be required to be submitted to the City Planner.

It should be noted that if CUP No. 2013-33 is denied, the restaurant would continue to function as a restaurant with less than 25% of the public area of the restaurant designated for alcohol sales area, which is a permitted use in the CR zone. However, no karaoke activities would be allowed.

Inter Departmental Review

City staff, through Conditional Use Permit process, identified this as a minor live entertainment addition to the restaurant based upon the Operational Statement. The proposed conditions of approval are largely based on previous CUP approvals for live entertainment, with modifications based on staff analysis. The Visalia Police Department, Code Enforcement, and other city staff reviewed this proposal in the Site Plan Review process.

Staff recommends that the proposed conditions are reasonable and necessary for the specific karaoke use proposed by Gozen's CUP. Further, they can also be used as a template for future applications with only minor modifications to suit the particular circumstances that may be unique to different karaoke venues. Failure by the property owner or establishment operator to comply with these conditions may result in a hearing to revoke the CUP.

Any changes to the Operational Statement to include varying degrees of night club activity, such as a D.J., live bands, or dancing, shall require an amendment to the Conditional Use Permit per Condition No's. 4 and 5.

Conditional Use Permit Revocation Process

Pursuant to Visalia Municipal Code Section 17.38.040, a failure by the owner/operator to comply with the conditions of project approval will result in a Notice of Conditional Use Permit Suspension Order to Cease and Desist. The City of Visalia has the authority to automatically suspend a Conditional Use Permit (CUP) for failure to comply with the condition(s) of the permit. Upon suspension of a CUP, the Planning Commission shall hold a public hearing within 60 days, in accordance with the Public Hearing Notice producers, and if not satisfied that the regulation, general provision, or conditions are being complied with, may revoke the permit, or take action as may be necessary to insure compliance with the regulation, general provision, or condition(s).

Environmental Review

The requested action is considered a minor alteration in land use limitations as provided in the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15305, and is therefore Categorically Exempt from a full environmental review. (Categorical Exemption No. 2013-77).

RECOMMENDED FINDINGS

1. That the proposed project, 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 CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - 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.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2013-77)

RECOMMENDED CONDITIONS OF APPROVAL

1. The City Planner may initiate a CUP revocation hearing pursuant to Visalia Municipal Code Section No. 17.38.040, based on documented evidence of failure to comply with any conditions of:
 - a. Conditional Use Permit No. 2013-33.
 - b. Conditions and Requirements of the Alcoholic Beverage Control license for the business.
 - c. All applicable federal, state and city laws, codes and ordinances.
2. That the site be developed and maintained in substantial conformance with the floor plan in Exhibit "B", in the operational statement in Exhibit "C", and any applicable conditions of Site Plan Review No. 2013-157.
3. That the hours of operation for live entertainment (karaoke only) shall be between the hours of 5:00 p.m. to 10:00 p.m., Friday or Saturday nights, with private parties and special events until 12:00 midnight. Live entertainment (karaoke only) will also be available during Family Night between the hours of 5:00 p.m. to 10:00 p.m. Monday or Tuesday nights.
4. Live entertainment shall be restricted only to karaoke.
5. Any subsequent changes to the nature of the karaoke live entertainment shall require an amendment to Conditional Use Permit No. 2013-33; including, but not limited to, live bands, D.J., dancing, or nightclub.
6. That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment.
7. That the maximum occupancy limit will be established by the Visalia Building Department and Fire Marshal based upon the building permit and related information, and shall be posted and not exceeded.
8. All of the conditions and responsibilities of Conditional Use Permit No. 2013-33 shall run with the land. The property owner and business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.
9. Inspections by City representatives on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
10. All exterior doors shall remain closed at all times when the premise is providing karaoke. Doors must be solid and may not solely consist of a screen door or ventilated security door.
11. No video/arcade games, pool or billiard table shall be maintained upon the premises unless approved through the site plan review and any required City entitlement process.
12. That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
 - a) Prior to any type of entertainment identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of Conditional Use Permit No. 2013-33.

- b) The Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the District Commander, and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Plan shall also provide the telephone number for direct contact with the business during business hours.
 - c) The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises and shall present the Security Plan immediately upon request by a peace officer or code enforcement officer.
13. This Conditional Use Permit may be reviewed annually to determine if its use is having a detrimental impact on the surrounding uses, if the conditions of approval are not being met or if there is an increase in "calls for service". If based upon this annual review, it is determined that the conditions of approval are not being complied with, the use is having a detrimental impact, or an increase in "calls for service" that declare the business as a "Public Nuisance", the City Planner may initiate a CUP revocation hearing Pursuant to Visalia Municipal Code Section No. 17.38.040. Notwithstanding the annual review, the City Planner may at any time initiate the revocation of this CUP if it is demonstrated that the use has been in violation of the conditions of project approval and all applicable federal, state and city laws, codes and ordinances.
14. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-33.
15. That subsequent owners/operators of the restaurant facility who choose to utilize this CUP for karaoke shall sign a letter of acceptance stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-33.

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 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the city clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2013-56
- Exhibit "A" – Subdivision Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Site Plan Review Comments/Conditions
- Land Use Designations
- Zoning Map
- Aerial Photo
- Location Map

Related Plans & Policies

Conditional Use Permits

(Section 17.38)

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

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.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission.

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 - 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 - 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

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

Conditional Use Permit No. 2013-33

PROJECT TITLE

1116 W. Caldwell Ave (APN: 126-680-007)

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

A request to allow karaoke live entertainment within a bona-fide restaurant (Gozen Japanese Restaurant) in the CR (Regional Retail) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

Gozen Japanese Restaurant, 1116 W. Caldwell Ave Visalia, CA 93277

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Phil Cox, 713 S. Jacob Visalia, CA 93277

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - Section 15305
- Statutory Exemptions- State code number:

Minor land use limitation for an existing structure

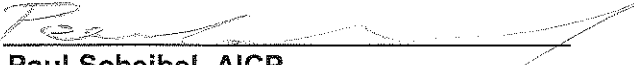
REASON FOR PROJECT EXEMPTION


Andy Chamberlain, Senior Planner
CONTACT PERSON

(559) 713-4003
AREA CODE/PHONE

December 2, 2013

DATE


Paul Scheibel, AICP
ENVIRONMENTAL COORDINATOR

RESOLUTION NO. 2013-56

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2013-33, A REQUEST BY GOZEN JAPANESE RESTAURANT TO ALLOW KARAOKE LIVE ENTERTAINMENT IN AN EXISTING RESTAURANT. THE SITE IS ZONED CR (REGIONAL RETAIL) AND IS LOCATED AT 1115 W. CALDWELL AVENUE (APN: 126-680-007)

WHEREAS, Conditional Use Permit No. 2013-33, is a request by Gozen Japanese Restaurant to allow Karaoke entertainment in an existing restaurant. The site is zoned CR (Regional Retail) and is located at 1115 W. Caldwell Avenue (APN: 126-680-007); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 9, 2013; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - 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.

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

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2013-157.
2. That the site be developed in substantial compliance with the floor plan (Exhibit "B"), and the operational statement (Exhibit "C"), attached herein.
3. That the hours of operation for live entertainment (karaoke only) shall be between the hours of 5:00 p.m. to 10:00 p.m., Friday or Saturday nights, with private parties and special events until 12:00 midnight. Live entertainment (karaoke only) will also be available during Family Night between the hours of 5:00 p.m. to 10:00 p.m. Monday or Tuesday nights.
4. That live entertainment shall be restricted to karaoke only. Any subsequent changes to the nature of the karaoke live entertainment shall require an amendment to Conditional Use Permit No. 2013-33; including, but not limited to, bands, D.J., dancing, or nightclub.
5. That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment.
6. That the maximum occupancy limit will be established by the Visalia Building Department and Fire Marshal based upon the building permit and related information, and shall be posted and not exceeded.
7. All of the conditions and responsibilities of Conditional Use Permit No. 2013-33 shall run with the land. The property owner and business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.
8. Inspections by City representatives on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
9. All exterior doors shall remain closed at all times when the premise is providing karaoke. Doors must be solid and may not solely consist of a screen door or ventilated security door.
10. No video/arcade games, pool or billiard table shall be maintained upon the premises unless approved through the site plan review and any required City entitlement process
11. That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
12. Prior to any type of entertainment identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of Conditional Use Permit No. 2013-33.

- a. The Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the District Commander, and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Plan shall also provide the telephone number for direct contact with the business during business hours.
 - b. The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises and shall present the Security Plan immediately upon request by a peace officer or code enforcement officer.
13. This Conditional Use Permit may be reviewed annually to determine if its use is having a detrimental impact on the surrounding uses, if the conditions of approval are not being met or if there is an increase in "calls for service". If based upon this annual review, it is determined that the conditions of approval are not being complied with, the use is having a detrimental impact, or an increase in "calls for service" that declare the business as a "Public Nuisance", the City Planner may initiate a CUP revocation hearing Pursuant to Visalia Municipal Code Section No. 17.38.040. Notwithstanding the annual review, the City Planner may at any time initiate the revocation of this CUP if it is demonstrated that the use has been in violation of the conditions of project approval and all applicable federal, state and city laws, codes and ordinances.
14. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-33.
15. That subsequent owners/operators of the restaurant facility who choose to utilize this CUP for karaoke shall sign a letter of acceptance stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-33.
16. That all applicable federal, state and city laws, codes and ordinances be met.
17. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2013-33, prior to the issuance of any building permits for this project.

STONEBROOK STREET

GALDWELL AVENUE

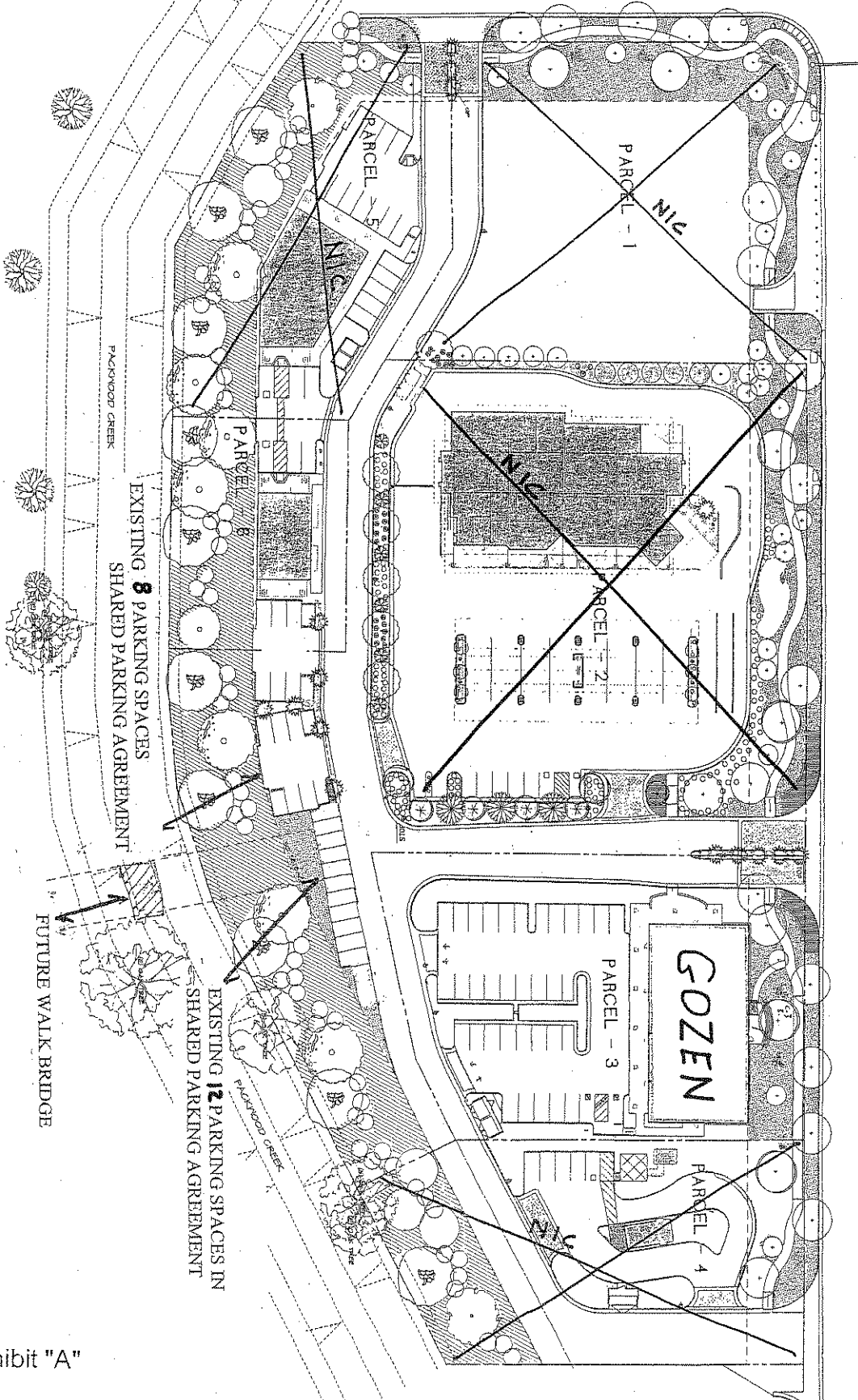
SUBDIVISION SITE PLAN

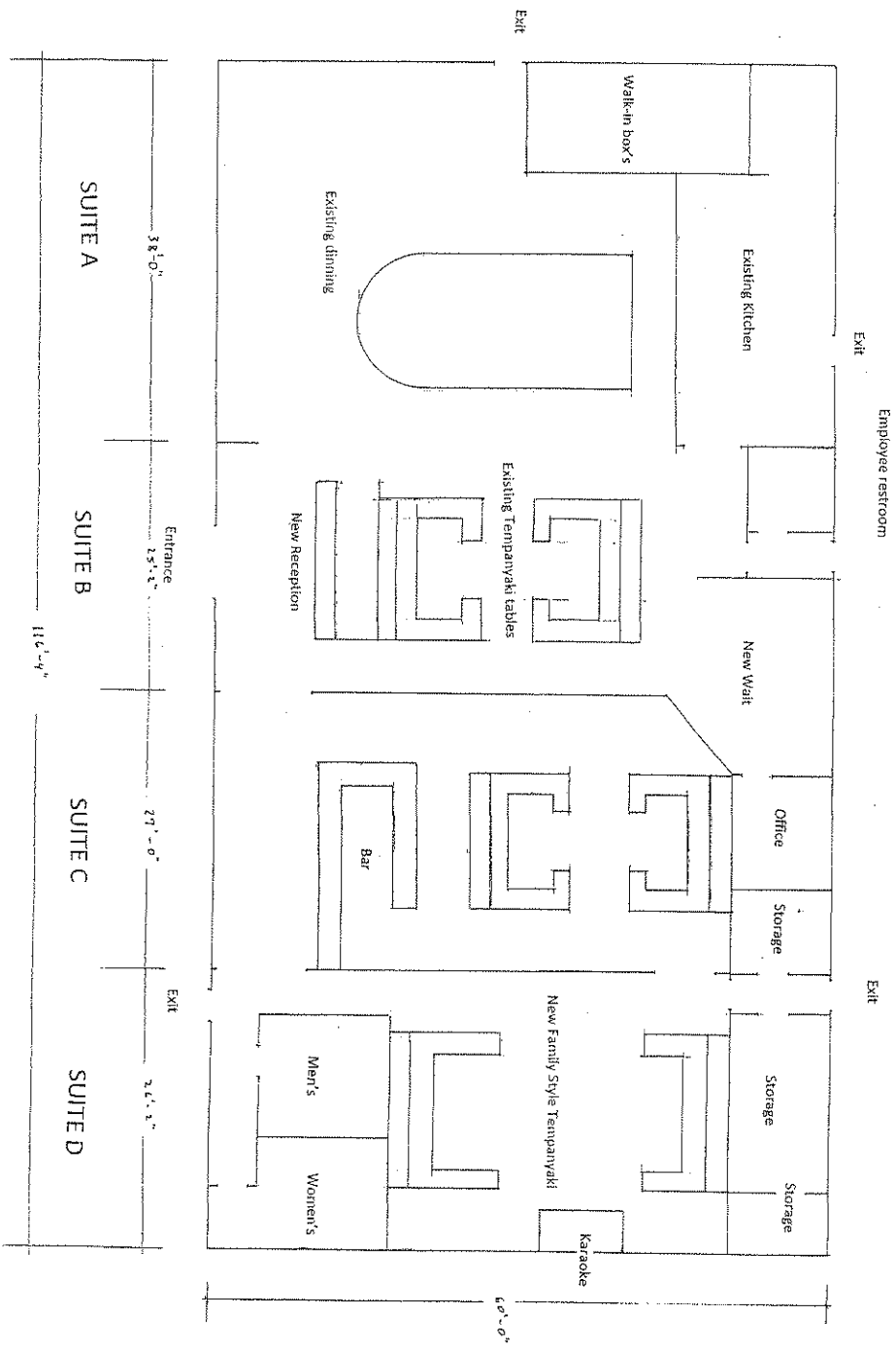
COMPILED BY: KASID



SITE PLAN

Exhibit "A"





Karaoke stage is located
 in the Family Style Tempanyaki
 private dining room

Exhibit "B"

FLOOR PLAN	
SCALE: 1/8" = 1'	APPROVED BY: P. D.
DATE: 9-1-11	REVISION:
DRAWING NUMBER: A3	

Gozen Japanese Restaurant

1115 W. Caldwell

Visalia, CA 93277

Operation Statement (Revised)

November 2013

The current hours of operation are seven days per week 11 AM to 10 PM. The restaurant includes a full service bar. Hours of operation will be extended to midnight for special events, family and business parties on weekends. There will be no live bands, no Disk Jockeys or dancing allowed. This will not be a nightclub. The family dining room is currently used for these types of occasions without karaoke. Traditional Japanese Karaoke will be added with this conditional use permit application. The stage and all infrastructure was included and installed during the latest remodel and addition of Suites C and D to the restaurant. There is no need for any additional construction.

Karaoke will be phased in over the next one to three months. One night per week, either Monday or Tuesday, will be designated as family night from 5 PM to closing. Karaoke will be offered as an option to organizations renting the room for special events. One weekend evening, either Friday or Saturday, will be added during regular business hours beginning at 5 PM to all guests when the room is not reserved. It is the intent to have no more than two open nights per week available to the public and used as an option for rentals.



MEETING DATE 9/25/2013
SITE PLAN NO. 13-157
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 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

- | | |
|---------------------------------------------------------|------------------------------------------|
| <input type="checkbox"/> CITY COUNCIL | <input type="checkbox"/> REDEVELOPMENT |
| <input checked="" type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> PARK/RECREATION |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER _____ |

ADDITIONAL COMMENTS Conditional Use Permit is required.

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



#5

MEETING DATE SEPTEMBER 25, 2013

SITE PLAN NO. 13-157

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
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Solid Waste Parks and Recreation Fire Dept.

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CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION CUP

PARK/RECREATION

HISTORIC PRESERVATION

OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

September 25, 2013

ITEM NO: 5
SITE PLAN NO: SPR13157
PROJECT TITLE: ADD KARAOKE STAGE
DESCRIPTION: ADD KARAOKE STAGE ON 39,968 SQ FT AREA BLDG IS 39,968 SQ FT (CR ZONED) (DISTRICT A)
APPLICANT: COX PHIL
PROP. OWNER: STONEBROOK PLAZA INC
LOCATION: 1115 W CALDWELL AVE
APN(S): 126-680-007

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 Study required.

Additional Comments:

•



Leslie Blair

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500

COMMERCIAL BIN SERVICE

ITEM NO: 5 DATE: September 25, 2013
SITE PLAN NO: SPR13157
PROJECT TITLE: ADD KARAOKE STAGE
DESCRIPTION: ADD KARAOKE STAGE ON 39,968 SQ FT AREA BLDG
IS 39,968 SQ FT (CR ZONED) (DISTRICT A)
APPLICANT: COX PHIL
PROP OWNER: STONEBROOK PLAZA INC
LOCATION: 1115 W CALDWELL AVE
APN(S): 126-680-007

- No comments.
- Same comments as as
- 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
be fore 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 (X) 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)
- 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.



Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions

EXISTING SERVICE OK.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 5 DATE: September 25, 2013
SITE PLAN NO: SPR13157
PROJECT TITLE: ADD KARAOKE STAGE
DESCRIPTION: ADD KARAOKE STAGE ON 39,968 SQ FT AREA BLDG
 IS 39,968 SQ FT (CR ZONED) (DISTRICT A)
APPLICANT: COX PHIL
PROP OWNER: STONEBROOK PLAZA INC
LOCATION: 1115 W CALDWELL AVE
APN(S): 126-680-007

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR – 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER – ¾ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED – NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE

9-23-13

DATE

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckieberry 713-4259
- Ken McSheehy 713-4447
- Adrian Rubalcaba 713-4271

ITEM NO: 5 DATE: SEPTEMBER 25, 2013

SITE PLAN NO.: 13-157
PROJECT TITLE: ADD KARAOKE STAGE
DESCRIPTION: ADD KARAOKE STAGE ON 39,968 SQ FT AREA
BLDG IS 39,968 SQ FT (CR ZONED) (DISTRICT A)

APPLICANT: COX PHIL
PROP OWNER: STONEBROOK PLAZA INC
LOCATION: 1115 W CALDWELL AVE
APN: 126-680-007

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.
- 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. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____; _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5:0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact David Pendergraft at 713-4295 for an Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

1. No comments as submitted.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 13-157
Date: 9/25/2013

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.)

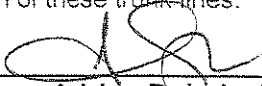
(Fee Schedule Date: 8/16/2013)
(Project type for fee rates:)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input type="checkbox"/> Trunk Line Capacity Fee	
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Adrian Rubalcaba

Site Plan Review Comments For:

Visalia Fire Department
Kurtis Brown, Assistant Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 *office*
559-713-4808 *fax*

ITEM NO: 5

DATE: September 25, 2013

SITE PLAN NO: SPR13157

PROJECT TITLE: ADD KARAOKE STAGE

DESCRIPTION: ADD KARAOKE STAGE ON 39,968 SQ FT AREA BLDG IS 39,968 SQ FT (CR ZONED) (DISTRICT A)

APPLICANT: COX PHIL

PROP OWNER: STONEBROOK PLAZA INC

LOCATION: 1115 W CALDWELL AVE

APN(S): 126-680-007

The following comments are applicable when checked:

- Refer to previous comments dated .
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail.
- The Site Plan Review comments in this document are not all encompassing, but a general overview of the California Fire Code, and City of Visalia Municipal Codes. Additional requirements may come during the plan review process.
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire protection requirements.
- Address numbers must be placed on the exterior of the building in such a position as to clearly and plainly visible from the street. Numbers will be at least six inches (6") high and shall be of a color to contrast with their background. If multiple addresses served by a common driveway, the range of numbers shall be posted at the roadway/driveway.
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- The turning radius for emergency fire apparatus is 20 feet inside radius and 43 feet outside radius. Ensure that the turns identified to you during site plan comply with the requirements. An option is a hammer-head constructed to City standards.
- An access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction.
- Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

- A fire lane is required for this project. The location will be given to you during the site plan meeting.
- A Knox Box key lock system is required. Applications are available at the Fire Department Administrative Office. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- The security gates, if to be locked, shall be locked with a typical chain and lock that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system. Applications are available at the Fire Department Administrative Office.
- That portion of the building that is built upon a property line shall be constructed as to comply with Section 503.4 and Table 5-A of the California Building Code.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system.
- If you handle hazardous material in amounts that exceed the exempt amounts listed on Table 3-D of the California Building Code, you are required to submit an emergency response plan to the Tulare County Health Department. Prior to the building final inspection, we will want a copy of the plan and any Material Safety Data Sheets.
- An automatic fire sprinkler system will be required for this building. A fire hydrant is required within 50 feet of the fire department connection. The fire hydrant, fire department connection and the PIV valve should be located together and minimum 25' from the building, if possible. The caps on the FDC shall be Knox locking caps.
- All hardware on exit doors shall comply with Chapter 10 of the California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting though-out building.
- All Fire and Life Safety systems located within the building shall be maintained.
- An automatic fire extinguishing system for protection of the kitchen grease hood and ducts is required.
- Special comments:



Kurtis Brown, Assistant Fire Marshal

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA NEIGHBORHOOD PRESERVATION/CODE ENFORCEMENT DIVISION

September 25, 2013

ITEM NO:	5
SITE PLAN NO:	SPR13157
PROJECT TITLE:	ADD KARAOKE STAGE
DESCRIPTION:	ADD KARAOKE STAGE ON 39,968 SQ FT AREA BLDG IS 39,968 SQ FT (CR ZONED) (DISTRICT A)
APPLICANT:	COX PHIL
PROP. OWNER:	STONEBROOK PLAZA INC
LOCATION:	1115 W CALDWELL AVE
APN(S):	126-680-007

No Comments

See Previous Site Plan Comments

Provide Shopping Cart Retrieval Plan For any Retail That Will Require Shopping Carts

Additional Comments:



Tracy Robertshaw

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: September 25, 2013

SITE PLAN NO: 13-157
PROJECT: ADD KARAOKE STAGE
DESCRIPTION: ADD KARAOKE STAGE ON 39,968 SQ FT AREA BLDG IS 39,968 SQ FT (CR ZONED) (DISTRICT A)
APPLICANT: COX PHIL
PROP. OWNER: STONEBROOK PLAZA INC
LOCATION TITLE: 1115 W CALDWELL AVE
APN TITLE: 126-680-007

General Plan: CR – (Regional Retail Commercial)

Existing Zoning: CR – (Regional Retail Commercial)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit (CUP)
- Building Permit
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: 09/25/2013

1. A CUP for "Live Entertainment" is required. Provide a detailed operation statement when you file the CUP application.
2. CUP application requires the submittal of a site plan / floor plan.

CITY GENERAL PLAN CONSISTENCY

Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

Design District: "A" (See Chapter 17.24 For BRP Zoned Sites) [17.30.160]

Maximum Building Height: 50 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front (Building)	20 Feet**	20 Feet** (only building site)
➤ Front (Parking)	25 Feet**	25 Feet**
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	25 Feet	25 Feet
➤ Side abutting residential zone	15 Feet	5 Feet
➤ Rear	0 Feet	5 Feet*
➤ Rear abutting residential zone	15 Feet	5 Feet

*(Except where building is on property line)

** (Reduce per Ordinance No. 2010-17, see Mooney Blvd. Corridor project)

Minimum Site Area: 5 acres

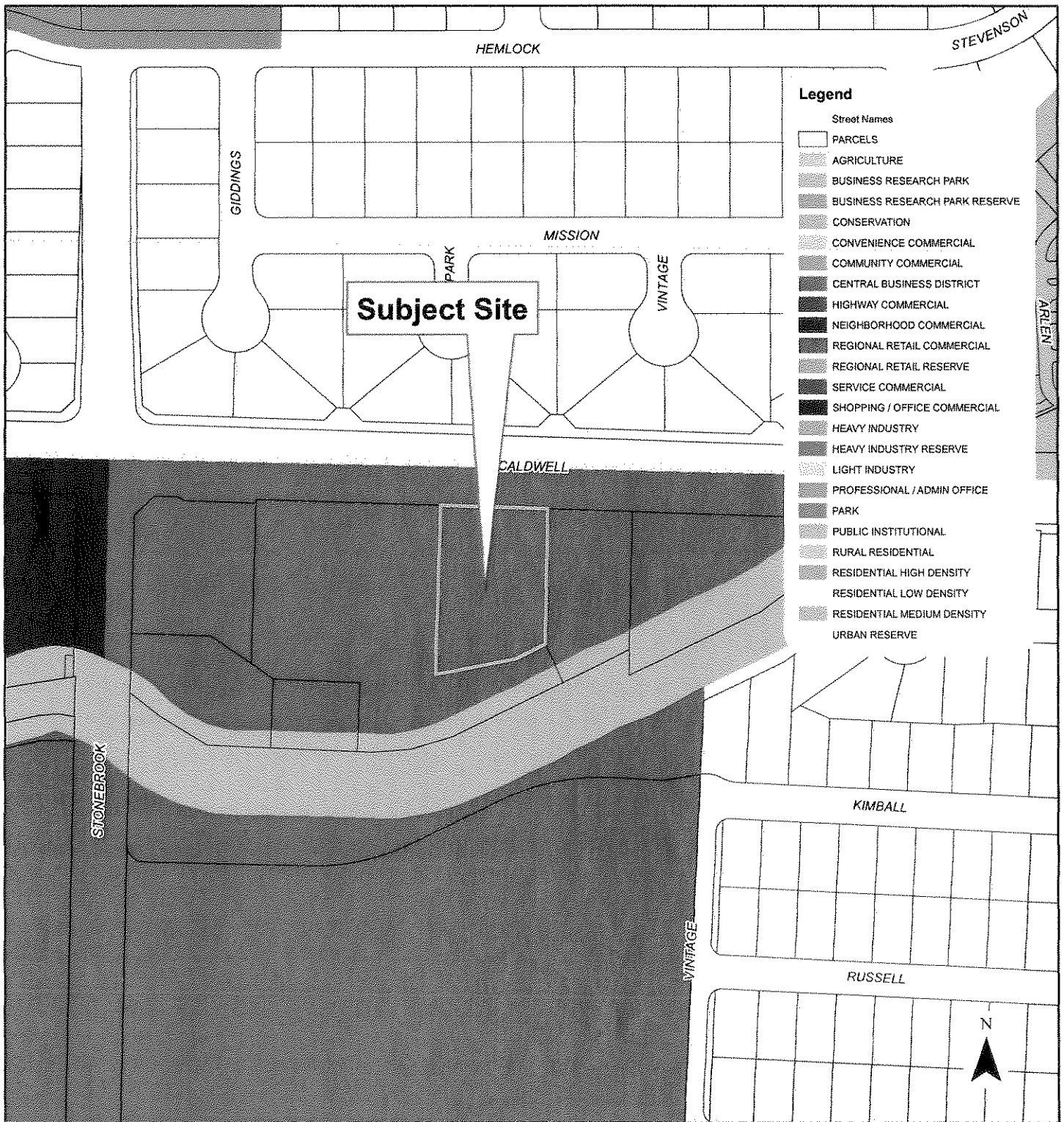
Parking: As prescribed in Chapter 17.34

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.

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.

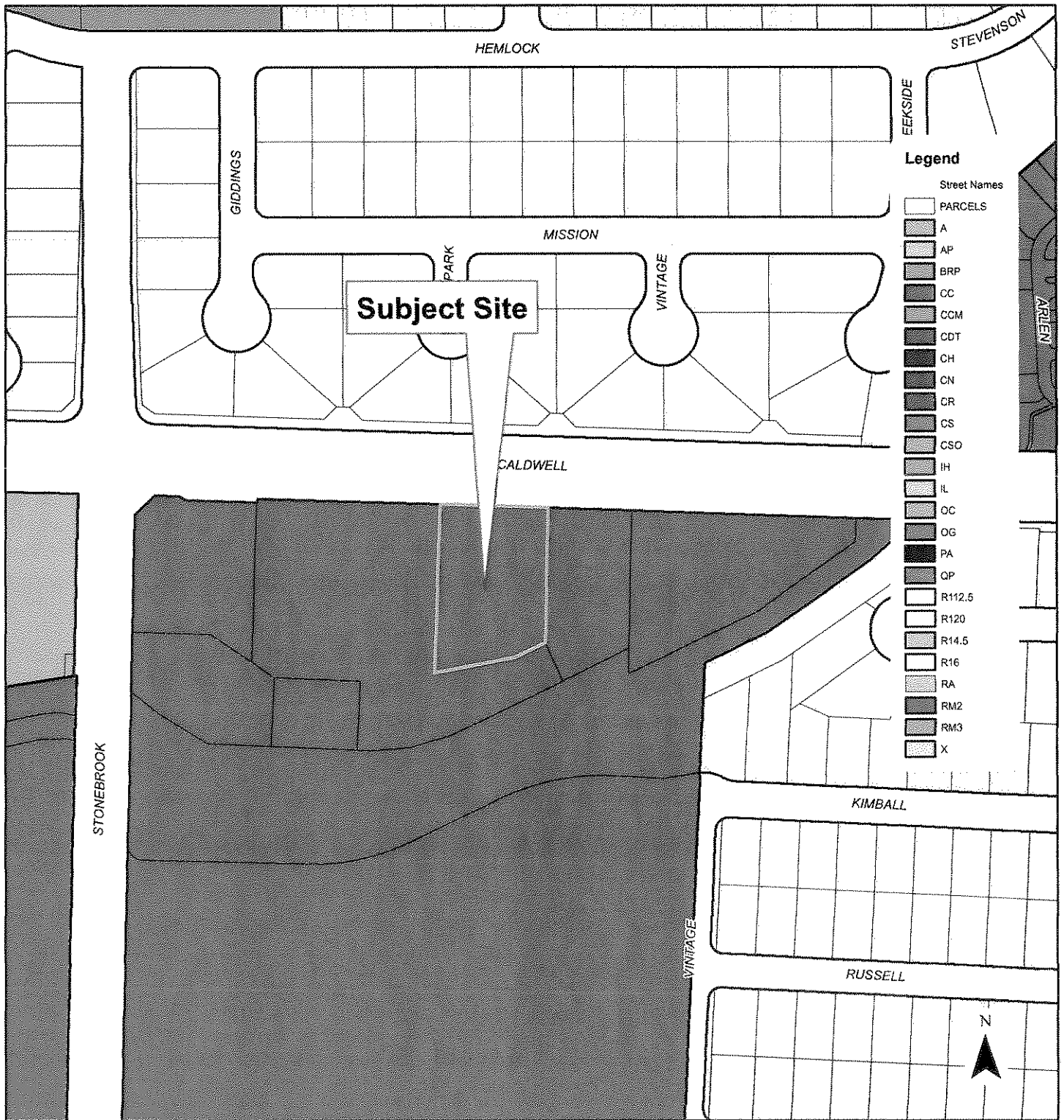
Signature 

City of Visalia



Land Use Designations

City of Visalia



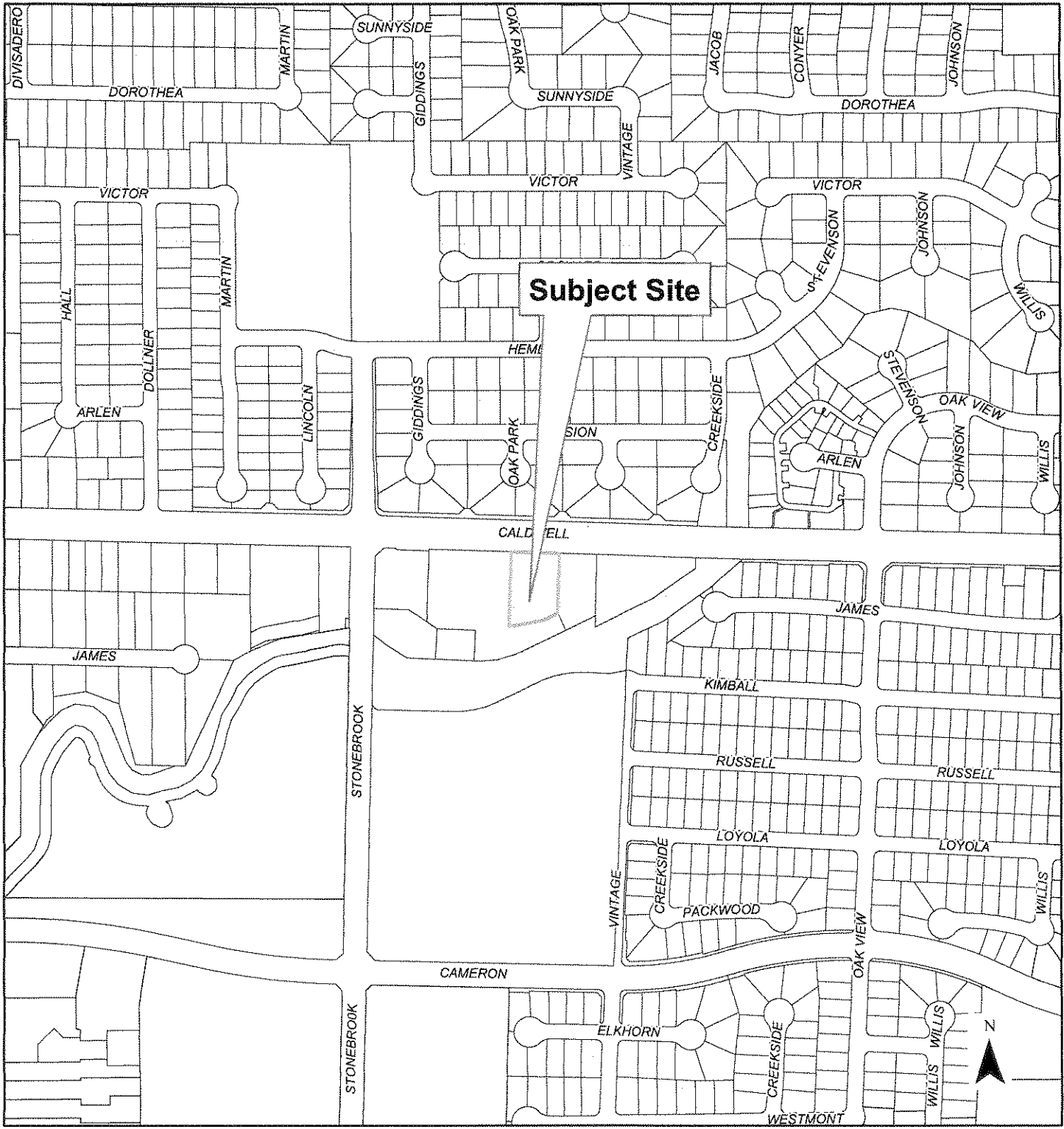
Zoning Designations

City of Visalia



Aerial Photo

City of Visalia



Location Map



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 9, 2013

PROJECT PLANNER: Paul Bernal, Principal Planner
Phone No.: (559) 713-4025

SUBJECT: Variance No. 2013-03: A request by California Dairies, Inc., to exceed the maximum 75-foot building height in Design District "H" by proposing a new 139-foot tall evaporator tower at their facility. The site is located at 2000 North Plaza Drive and is zoned I-H (Heavy Industrial) (APN: 077-111-030)

STAFF RECOMMENDATION

Staff recommends approval of Variance No. 2013-03, based on the findings and conditions in Resolution No. 2013-55. Staff's recommendation is based on the conclusion that the required findings for granting of a variance can be met and the project's consistency with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Variance No. 2013-03, based on the findings and conditions in Resolution No. 2013-55.

PROJECT DESCRIPTION

California Dairies, Inc., is requesting to expand their milk processing facility by adding an additional 139-foot tall evaporator/drying tower building adjacent to the two existing 139-foot evaporator towers, as depicted on Exhibits "A" and "B". The evaporator tower building is approximately 11,170 square feet and will be located to the north of evaporator tower seven (see Exhibit "A"). The proposed evaporator tower will match the two existing towers located onsite. The towers are used for the milk dehydration process and construction of the 139-foot towers is essential in helping achieve the milk dehydration process.

The milk processing facility is zoned IH and is in Design District "H", which has a maximum building height limit of 75-feet. The applicant has identified that no other buildings or structures are being requested at this time but any other major building additions are subject to the CUP process.

BACKGROUND INFORMATION

General Plan Land Use Designation	Heavy Industrial
Zoning	I-H (Heavy Industrial)
Surrounding Zoning and Land Use	North: I-H (Heavy Industrial) / Sequoia Beverage Distribution South: I-L (Light Industrial) & Goshen Avenue / Shell Gas Station & Able Industries East: I-H (Heavy Industrial) / Warehouse Distribution buildings West: I-H (Heavy Industrial) & Plaza Drive / Warehouse buildings
Environmental Review	Categorical Exemption No. 2013-81

RELATED PLANS & POLICIES

Conditional Use Permit No. 2005-20, approved by the Planning Commission on July 25, 2005, (Resolution No. 2005-73) was a request by California Dairies, Inc., to convert the former Frito Lay Plant into a milk processing facility.

Variance No. 2005-07, approved by Planning Commission on July 11, 2005, (Resolution No. 2005-70) was a request by California Dairies, Inc., to construct two evaporator towers at 140-feet exceeding the 75-foot maximum building height for Design District "H" in the I-H zone.

PROJECT EVALUATION

Staff supports Variance No. 2013-03, as conditioned, based on the project's consistency with the Noise and Land Use Elements of General Plan and the Noise and Zoning Ordinance policies for approval of this variance.

Land Use Compatibility

The site is an established milk processing facility located in Visalia's Industrial Park. Dairy processing and packaging facilities are conditionally permitted in only the IL (Light Industrial) and IH (Heavy Industrial) zones. In addition, the development standards for Design District "H", which are assigned to industrial zoned properties, are established to maintain a consistent streetscape in the industrial park, and to achieve a high quality visual effect necessary to sustain an attractive and viable industrial area.

Staff supports the California Dairies, Inc., Variance request to construct a third 139-foot tall evaporator tower exceeding the maximum building height for Design District "H" on the basis that the underlying use is consistent with the Zoning Ordinance. Denying the Variance request would place an undue hardship on the applicant because dairy/milk processing is allowed in only two-zone designations, and the current facility is operating with two towers of identical height, which has not resulted in creating detrimental impacts to surrounding properties.

The manufacturing process involved requires that the evaporator/drying towers be designed to a height that allows milk to be dehydrated prior to packaging and distributing the final product. The variance request for an additional 139-foot high tower will not conflict with the intent of the standards contained in Design District "H" because no smoke emissions will occur from the tower and the design and location of the tower will not encroach on the view, setbacks, or streetscape in this area.

Findings for the Variance to Building Height

Variances may be used to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. In this case, the applicant has provided their Variance Findings (see Exhibit "C" and Variance Findings below), stating the reasons why the evaporator tower height should be approved.

The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance. According to Zoning Ordinance Section 17.42.030 and 17.42.090, the Commission may grant a variance with respect to building height. The specific findings that must be made for Variances are as follows:

- 1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*

Analysis: The purpose of the 139-foot evaporator/dryer tower is to process milk products, which is a conditionally permitted use at the project site. Denying the Variance would preclude the applicant from the beneficial use of the site. With the respect to the building height of 139-feet, the enforcement of the Zoning Ordinance does result in a practical difficulty for the applicant to construct the type of building required to house the necessary drying equipment.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*

Analysis: The intended use of the property (milk processing facility) requires the proposed 139-foot tall milk evaporator/dyer tower to house the drying equipment needed for their process.

3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*

Analysis: Allowing a Variance to height of the milk evaporator/dyer tower would allow the applicant to enjoy the privilege of a conditionally permitted use where other permitted industrial uses are already being shared by other uses in the area.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*

Analysis: With respect to the height of the structure, the properties in the area contain tower structures that exceed the Zoning Ordinance standard of 75-feet. Therefore, allowing a variance to height for the structures would not present a grant of special privilege.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

Analysis: The variance to height will not be detrimental to public health or safety, or materially injurious to other properties in the vicinity. That the towers will not be used to emit smoke or other particles into the air, nor will the towers encroach vertically into adjacent streetscapes or beyond the sites property lines.

Staff agrees with the applicant's findings and the recommended findings for the variance application reflect staff's judgments with respect to the proposal.

Tulare County Airport Land Use Commission

The project site is located in the Outer Traffic Pattern Zone "D" as identified in the Visalia Municipal Airport Master Plan. Staff contacted the Airport Manager to determine if the proposed evaporator tower required review and approval by the Tulare County Airport Land Use Commission (TCALUC). The Airport Manager informed staff, based on the location of the site within Outer Traffic Pattern Zone "D", and given that the height of the evaporator tower does not exceed 150-feet, review by the TCALUC is not required.

Environmental Review

The project is considered Categorical Exempt under Section 15305 "Minor Alterations of Land Use Limitations" of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended, minor alterations to land use limitations, such as variances, that do not result in changes in land use or density. (Categorical Exemption No. 2013-81)

RECOMMENDED FINDINGS

Variance No. 2013-03

1. *That strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.*

The purpose of the 139-foot evaporator/dryer tower is to process milk products, which is a conditionally permitted use at the project site. Denying the Variance would preclude the applicant from the beneficial use of the site. With the respect to the building height of 139-feet, the enforcement of the Zoning Ordinance does result in a practical difficulty for the applicant to construct the type of building required to house the necessary drying equipment.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to other properties classified in the same zone.*

The intended use of the property (milk processing facility) requires the proposed 139-foot tall milk evaporator/dyer tower to house the drying equipment needed for their process.

3. *That strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone.*

Allowing a Variance to height of the milk evaporator/dyer tower would allow the applicant to enjoy the privilege of a conditionally permitted use where other permitted industrial uses are already being shared by other uses in the area.

4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.*

With respect to the height of the structure, the properties in the area contain tower structures that exceed the Zoning Ordinance standard of 75-feet. Therefore, allowing a variance to height for the structures would not present a grant of special privilege.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The variance to height will not be detrimental to public health or safety, or materially injurious to other properties in the vicinity. That the towers will not be used to emit smoke or other particles into the air, nor will the towers encroach vertically into adjacent streetscapes or beyond the sites property lines.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2013-81).

RECOMMENDED CONDITIONS OF APPROVAL

1. That Variance No. 2013-03, shall be developed consistent with the comments and conditions of Site Plan Review No. 2013-064, incorporated herein by reference.
2. That the site be developed in substantial compliance with the site plan and elevations shown in Exhibits "A" and "B".
3. That all conditions of approval for Conditional Use Permit No. 2005-20 and Variance No. 2005-07 be met.
4. That all other federal and state laws and city codes and ordinances be complied with.
5. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2013-03, prior to the issuance of any building permit for this project.

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 form with applicable fees shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the City Clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2013-55
- Exhibit "A" – Site Plan
- Exhibit "B" – Elevations
- Exhibit "C" – Applicants Variance Findings
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RESOLUTION NO. 2013-55

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2013-03, A REQUEST BY CALIFORNIA DAIRIES, INC., TO EXCEED THE MAXIMUM 75-FOOT BUILDING HEIGHT IN DESIGN DISTRICT "H" BY PROPOSING A NEW 139-FOOT TALL EVAPORATOR TOWER AT THEIR FACILITY. THE SITE IS LOCATED AT 2000 NORTH PLAZA DRIVE AND IS ZONED I-H (HEAVY INDUSTRIAL) (APN: 077-111-030)

WHEREAS, Variance No. 2013-03, is a request by California Dairies, Inc., to exceed the maximum 75-foot building height in Design District "H" by proposing a new 140-foot tall evaporator tower at their facility. The site is located at 2000 North Plaza Drive and is zoned I-H (Heavy Industrial) (APN: 077-111-030); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on December 9, 2013; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2013-03, as conditioned by staff, to be in accordance with Section 17.42 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305.

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

1. *That the strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.*

The purpose of the 139-foot evaporator/dryer tower is to process milk products, which is a conditionally permitted use at the project site. Denying the Variance would preclude the applicant from the beneficial use of the site. With the respect to the building height of 139-feet, the enforcement of the Zoning Ordinance does result in a practical difficulty for the applicant to construct the type of building required to house the necessary drying equipment.

2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to the other properties classified in the same zone.*

The intended use of the property (milk processing facility) requires the proposed 139-foot tall milk evaporator/dyer tower to house the drying equipment needed for their process.

3. *That the strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.*

Allowing a Variance to height of the milk evaporator/dyer tower would allow the applicant to enjoy the privilege of a conditionally permitted use where other permitted industrial uses are already being shared by other uses in the area.

4. *That the granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zone.*

With respect to the height of the structure, the properties in the area contain tower structures that exceed the Zoning Ordinance standard of 75-feet. Therefore, allowing a variance to height for the structures would not present a grant of special privilege.

5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

The variance to height will not be detrimental to public health or safety, or materially injurious to other properties in the vicinity. That the towers will not be used to emit smoke or other particles into the air, nor will the towers encroach vertically into adjacent streetscapes or beyond the sites property lines.

6. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2013-81).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2010-03, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.48.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That Variance No. 2013-03, shall be developed consistent with the comments and conditions of Site Plan Review No. 2013-064, incorporated herein by reference.
2. That the site be developed in substantial compliance with the site plan and elevations shown in Exhibits "A" and "B".
3. That all conditions of approval for Conditional Use Permit No. 2005-20 and Variance No. 2005-07 be met.
4. That all other federal and state laws and city codes and ordinances be complied with.

5. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2013-03, prior to the issuance of any building permit for this project.

Height Variance Application
California Dairies, Inc.
2000 N. Plaza Drive
Visalia, CA 93291

ANALYSIS FINDINGS FOR A VARIANCE APPROVAL

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;

Analysis: The purpose of the 140'-0" Evaporator/Dryer towers is to process milk products, which is a conditionally permitted use at the project site. Denying the Variance would preclude the applicant from the beneficial use of the site. With respect to building height 140'-0", The enforcement of the Zoning Ordinance does result in a practical difficulty for the applicant to construct the type of building required to house the necessary drying equipment.

2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zone;

Analysis: The intended use of the property (milk processing facility) requires the proposed 140 feet tall milk evaporator/dryer towers to house the drying equipment needed for their process.

3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;

Analysis: Allowing a Variance to height of the milk evaporator/dryer towers would allow the applicant to enjoy the privilege of a conditionally permitted use, where other permitted industrial uses are already being shared by others in the area.

4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;

Analysis: With respect to the height of the structure, the properties in the area contain tower structures that exceed the Zoning Ordinance modern day standard of 75 feet. Therefore, allowing a variance to height for the structures would not present a grant of special privilege.

5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

Analysis: The variance to height, will not be detrimental to public health or safety, or materially injurious to other properties in the vicinity. That the towers will not be used to emit smoke or other particles into the air, nor will the towers encroach vertically into adjacent streetscapes or beyond the sites property lines.



MEETING DATE April 10, 2013
SITE PLAN NO. 13-065
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 8:30 a.m. and 4:30 p.m., Monday through Friday.
- Your plans must be reviewed by:
- CITY COUNCIL REDEVELOPMENT
- PLANNING COMMISSION PARK/RECREATION
- HISTORIC PRESERVATION OTHER _____

- ADDITIONAL COMMENTS** This project requires a Variance.

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



MEETING DATE April 10, 2013

SITE PLAN NO. 13-065

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.

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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 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION VARIANCE ONLY

PARK/RECREATION

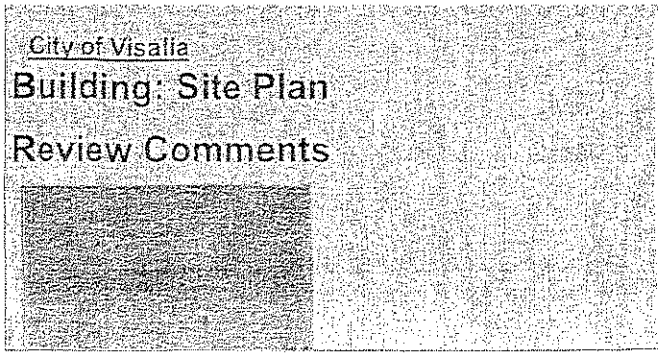
HISTORIC PRESERVATION

OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



ITEM NO: 6 DATE: April 10, 2013
 SITE PLAN NO: SPR13065
 PROJECT TITLE: CALIFORNIA DAIRIES
 DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION
 UPGRADE ON PORTION OF 55.2 ACRES (IH ZONED)
 (REFER 05-020)
 APPLICANT: E A BONELLI & ASSOC
 PROP OWNER: CALIFORNIA DAIRIES INC
 LOCATION: 2000 N PLAZA DR
 APN(S): 077-111-030

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.

- Business Tax certification is required. For information call (559)713-4326
- A building permit will be required. For information call (559)713-4444
- Submit 3 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans signed by an architect or engineer. Must comply with 2010 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets 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 (559)230-6000
- Location of cashier must provide clear view of gas pump island
- Treatment connection charge to be assessed based on use. Credits _____
- 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. For information call (559)713-4444 (Fee for inspection \$146.40)
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$_____ per unit collected with building permits.
- Existing address must be changed to be consistent with city address p For information call (559)713-4320
- Acceptable as submitted

Special comments: _____

G. Ferrero Date: 4-9-13
 Signature

Site Plan Review Comments For:

Visalia Fire Department
Kurtis Brown, Assistant Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 office
559-713-4808 fax

ITEM NO: 6 DATE: April 10, 2013
SITE PLAN NO: SPR13065
PROJECT TITLE: CALIFORNIA DAIRIES
DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION
 UPGRADE ON PORTION OF 55.2 ACRES (IH ZONED)
 (REFER 05-020)
APPLICANT: E A BONELLI & ASSOC
PROP OWNER: CALIFORNIA DAIRIES INC
LOCATION: 2000 N PLAZA DR
APN(S): 077-111-030

The following comments are applicable when checked:

- Refer to previous comments dated
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail.
- The Site Plan Review comments in this document are not all encompassing, but a general overview of the California Fire Code, and City of Visalia Municipal Codes. Additional requirements may come during the plan review process.
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire protection requirements.
- Address numbers must be placed on the exterior of the building in such a position as to clearly and plainly visible from the street. Numbers will be at least six inches (6") high and shall be of a color to contrast with their background. If multiple addresses served by a common driveway, the range of numbers shall be posted at the roadway/driveway.
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- The turning radius for emergency fire apparatus is 20 feet inside radius and 43 feet outside radius. Ensure that the turns identified to you during site plan comply with the requirements. An option is a hammer-head constructed to City standards.
- An access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction.
- Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.

- A fire lane is required for this project. The location will be given to you during the site plan meeting.
- A Knox Box key lock system is required. Applications are available at the Fire Department Administrative Office. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- The security gates, if to be locked, shall be locked with a typical chain and lock that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system. Applications are available at the Fire Department Administrative Office.
- That portion of the building that is built upon a property line shall be constructed as to comply with Section 503.4 and Table 5-A of the California Building Code.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system.
- If you handle hazardous material in amounts that exceed the exempt amounts listed on Table 3-D of the California Building Code, you are required to submit an emergency response plan to the Tulare County Health Department. Prior to the building final inspection, we will want a copy of the plan and any Material Safety Data Sheets.
- An automatic fire sprinkler system will be required for this building. A fire hydrant is required within 50 feet of the fire department connection. The fire hydrant, fire department connection and the PIV valve should be located together and minimum 25' from the building, if possible. The caps on the FDC shall be Knox locking caps.
- All hardware on exit doors shall comply with Chapter 10 of the California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting though-out building.
- All Fire and Life Safety systems located within the building shall be maintained.
- An automatic fire extinguishing system for protection of the kitchen grease hood and ducts is required.
- Fire Department Permit Fee - complete application during Building Department permit process.
- Special comments:


 Kurtis Brown, Assistant Fire Marshal

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 6 DATE: April 10, 2013
SITE PLAN NO: SPR13065
PROJECT TITLE: CALIFORNIA DAIRIES
DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION
 UPGRADE ON PORTION OF 55.2 ACRES (IH ZONED)
 (REFER 05-020)
APPLICANT: E A BONELLI & ASSOC
PROP OWNER: CALIFORNIA DAIRIES INC
LOCATION: 2000 N PLAZA DR
APN(S): 077-111-030


YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR - 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER - 3/4 HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED - NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE
4-5-13

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500

ITEM NO: 6 DATE: April 10, 2013

SITE PLAN NO: SPR13065
PROJECT TITLE: CALIFORNIA DAIRIES
DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION
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PROP OWNER: CALIFORNIA DAIRIES INC
LOCATION: 2000 N PLAZA DR
APN(S): 077-111-030

COMMERCIAL BIN SERVICE

- No comments.
- Same comments as as
- 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 (X) 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)
- 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

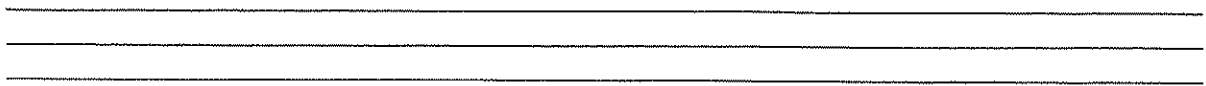


The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

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.



Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions



Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



SITE PLAN REVIEW COMMENTS

CITY OF VISALIA NEIGHBORHOOD PRESERVATION/CODE ENFORCEMENT DIVISION

April 10, 2013

SPR13065
077-111-030
2000 N Plaza

No Comments

See Previous Site Plan Comments

Provide Shopping Cart Retrieval Plan For any Retail That Will Require Shopping Carts

Additional Comments:



Tracy Robertshaw

ITEM NO: 6 DATE: April 10, 2013
 SITE PLAN NO: SPR13065
 PROJECT TITLE: CALIFORNIA DAIRIES
 DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION
 UPGRADE ON PORTION OF 55.2 ACRES (IH ZONED)
 (REFER 05-020)
 APPLICANT: E A BONELLI & ASSOC
 PROP OWNER: CALIFORNIA DAIRIES INC
 LOCATION: 2000 N PLAZA DR
 APN(S): 077-111-030

City of Visalia
Police Department
 303 S. Johnson St.
 Visalia, Ca. 93292
 (559) 713-4573

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:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:



 Visalia Police Department

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
- Ken McSheehy 713-4447
- Adrian Rubalcaba 713-4271

ITEM NO: 6 DATE: APRIL 10, 2013

SITE PLAN NO.: 13-065
PROJECT TITLE: CALIFORNIA DAIRIES
DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION
UPGRAGE ON PORTION OF 55.2 ACRES (IH
ZONED) (REFER 05-020)

APPLICANT: E A BONELLI & ASSOC
PROP OWNER: CALIFORNIA DAIRIES INC
LOCATION: 2000 N PLAZA DR
APN: 077-111-030

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.
- 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. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact David Pendergraft at 713-4295 for an Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer.
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

1. No comments as submitted.

2. Impact fees apply to new building addition. See page 3 for fee summary.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 13-065

Date: 4/10/2013

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:8/17/2012)

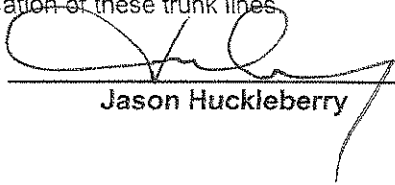
(Project type for fee rates:INDUSTRIAL)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	\$656/1000SF
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$20.50/1000SF
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$183.60/1000SF
<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.



Jason Huckleberry

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 10, 2013

ITEM NO: 6
SITE PLAN NO: SPR13065
PROJECT TITLE: CALIFORNIA DAIRIES
DESCRIPTION: EVAPORATOR BUILDING AND SUB STATION UPGRADE ON PORTION OF 55.2 ACRES (IF ZONED) (REFER 05-020)
APPLICANT: E A BONELLI & ASSOC
PROP. OWNER: CALIFORNIA DAIRIES INC
LOCATION: 2000 N PLAZA DR
APN(S): 077-111-030

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 Study required.

Additional Comments:

•



Eric Bons

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: April 10, 2013

SITE PLAN NO: 13-065
PROJECT TITLE: CALIFORNIA DAIRIES
DESCRIPTION: EVAPORATOR BUILDING AN SUB STATION UPGRADE ON PORITION
OF 55.2 ACRES (IH ZONED)
APPLICANT TITLE: E A BONELLI & ASSOC
PROP. OWNER: CALIFORNIA DAIRIES INC
LOCATION TITLE: 2000 N PLAZA DR
APN TITLE: 077-111-030

General Plan: IH – Heavy Industrial
Existing Zoning: IH – Heavy Industrial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Building Permit
- Additional Information As Needed
- Variance for new evaporator tower at 220-feet

PROJECT SPECIFIC INFORMATION: 04/10/2013

1. A variance to building height is required for the proposed evaporator tower due to the building exceeding the maximum building height of 75-feet.
2. Provide the five variance findings when the application is submitted.
3. This item will require review from the Tulare County Airport Land Use Commission due to the property being located within the airport plan area and the proposed height of the structure.

CITY GENERAL PLAN CONSISTENCY

Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

Design District: "H" (See Chapter 17.24 For BRP Zoned Sites) [17.30.230]

Maximum Building Height: 75 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Frontage on major roads	40 Feet	40 Feet
➤ Frontage on minor roads	25 Feet	25 Feet
➤ Frontage on interior roads	15 Feet	15 Feet
➤ Side	0 Feet	0 Feet
➤ Side abutting railroad right-of-way	40 Feet	40 Feet
➤ Side abutting residential zone	20 Feet	10 Feet
➤ Rear	0 Feet	0 Feet
➤ Rear abutting residential zone	20 Feet	10 Feet

*Major roads are defined as arterials and collectors such as Goshen Ave., Plaza Dr., etc.
Minor roads are defined as local streets such as Elowin Ct., Clancy Dr., etc.
Interior roads provide access to parcels within development*

Minimum Site Area: 5 acres minimum site area. If site less than this minimum area is approved in accordance with section No. 17.30.130 (A) of this chapter, it is required that setbacks be determined at the time of parceling the property. The parcels being created shall be designed to accommodate the landscape areas and building setbacks as required by this section.

Properties subdivided into less than 5 acre sites shall provide a common or joint storm drainage facility to be maintained through a property owners association formed at the time of subdivision.

Parking: As prescribed in Chapter 17.34

Screening requirement: An eight foot masonry wall is required along a property line that abuts a residentially zoned property. (See also 17.36, 17.36.050, 17.36.070)

Fencing and Screening:

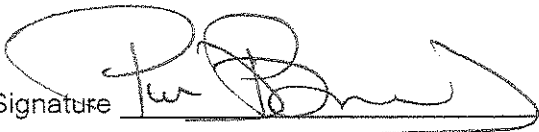
1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).

Lighting:

1. All lighting is to be designed and installed so as to prevent any significant direct or indirect light or glare from falling upon any adjacent residential property. This will need to be demonstrated in the building plans and prior to final on the site.
2. Parking lot and drive aisle lighting adjacent to residential units or designated property should consider the use of 15-foot high light poles, with the light element to be completely recessed into the can. A reduction in the height of the light pole will assist in the reduction/elimination of direct and indirect light and glare which may adversely impact adjacent residential areas.
3. Building and security lights need to be shielded so that the light element is not visible from the adjacent residential properties, if any new lights are added or existing lights relocated.
4. NOTE: Failure to meet these lighting standards in the field will result in no occupancy for the building until the standards are met.
5. In no case shall more than 0.5 lumens be exceeded at any property line, and in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable.

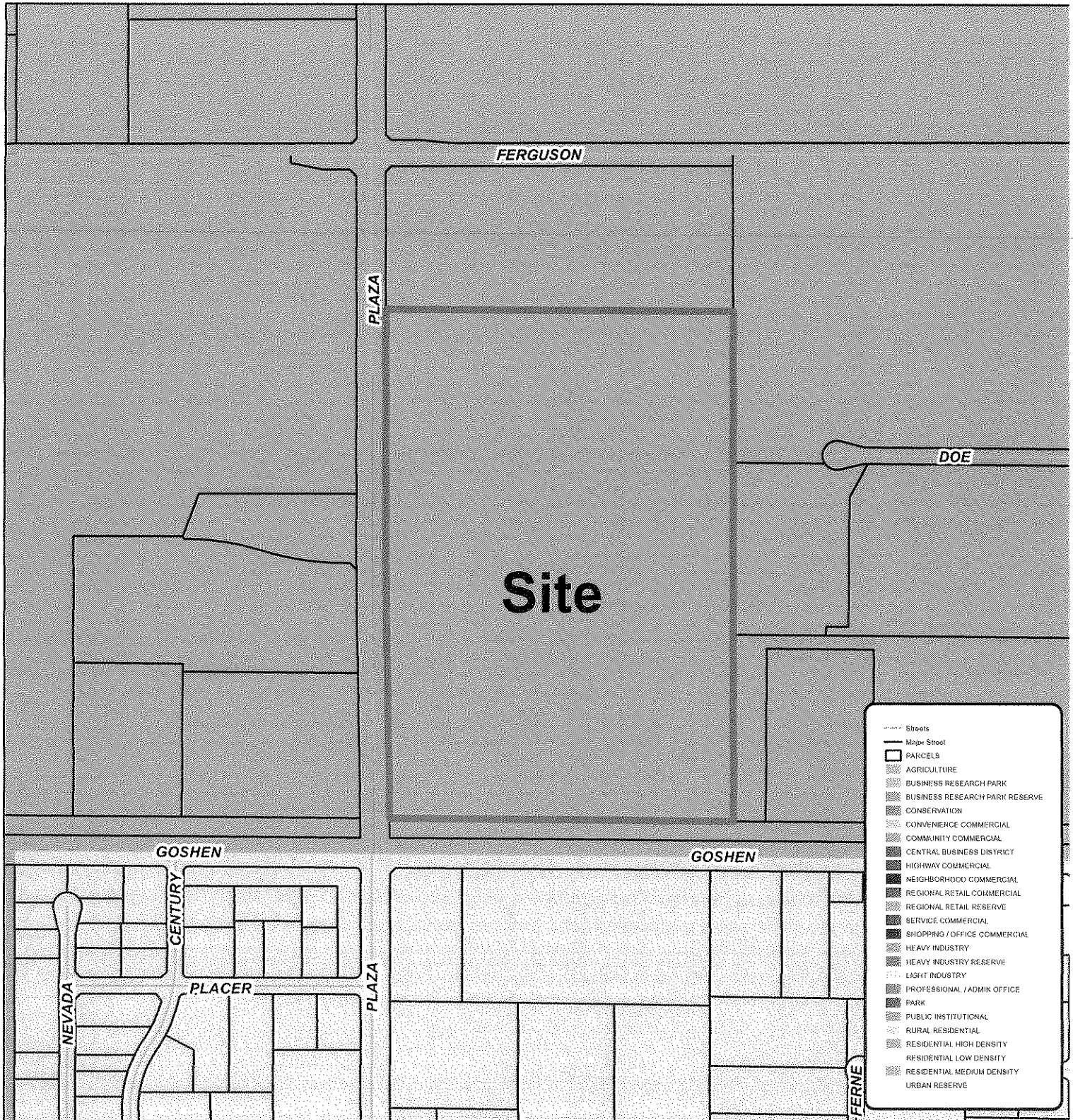
The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

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.

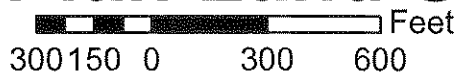
Signature 

Variance No. 2013-03

APN: 077-111-030

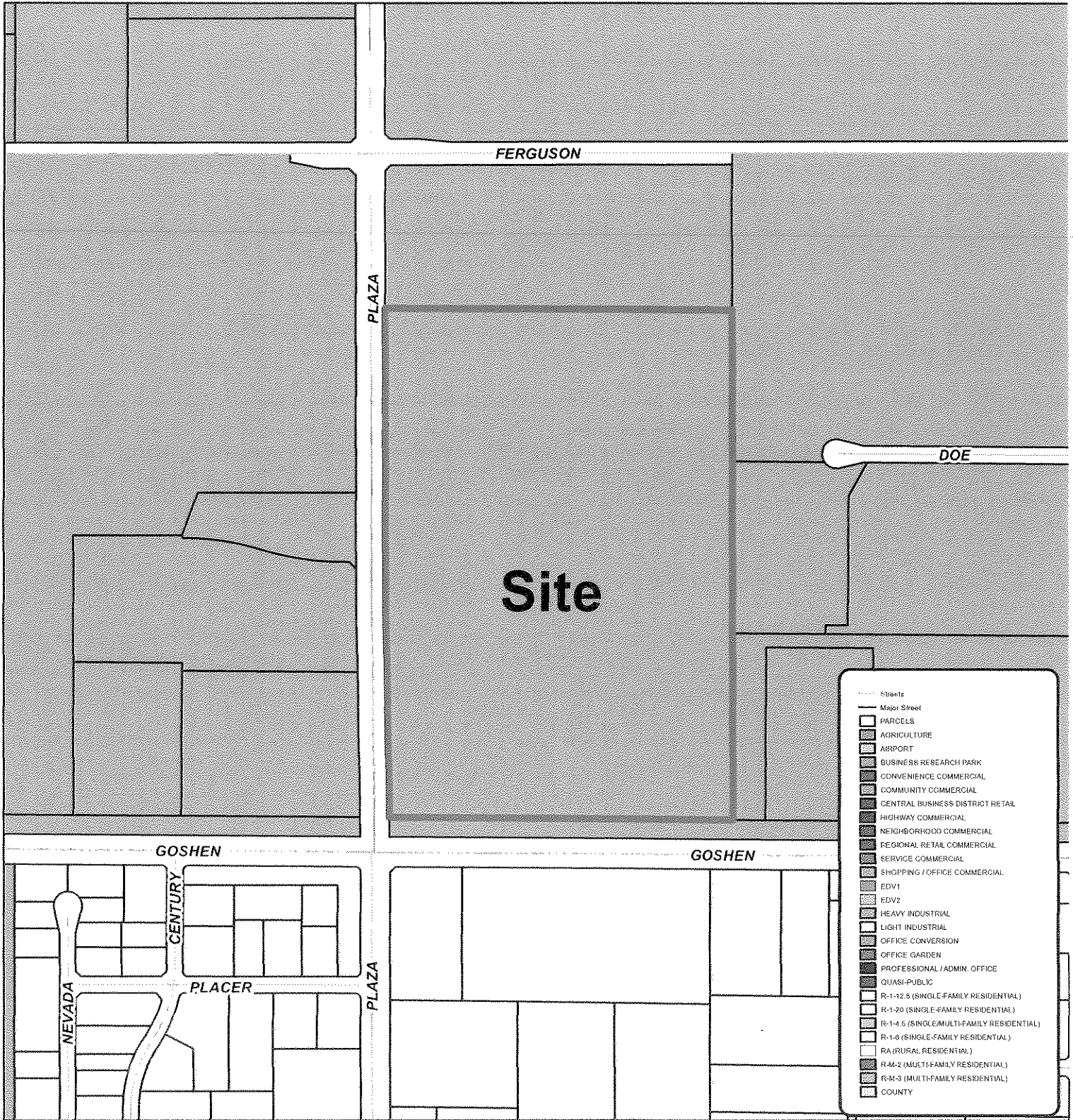


General Plan Land Use Map



Variance No. 2013-03

APN: 077-111-030



Zoning Map

300 150 0 300 600 Feet



Variance No. 2013-03

APN: 077-111-030



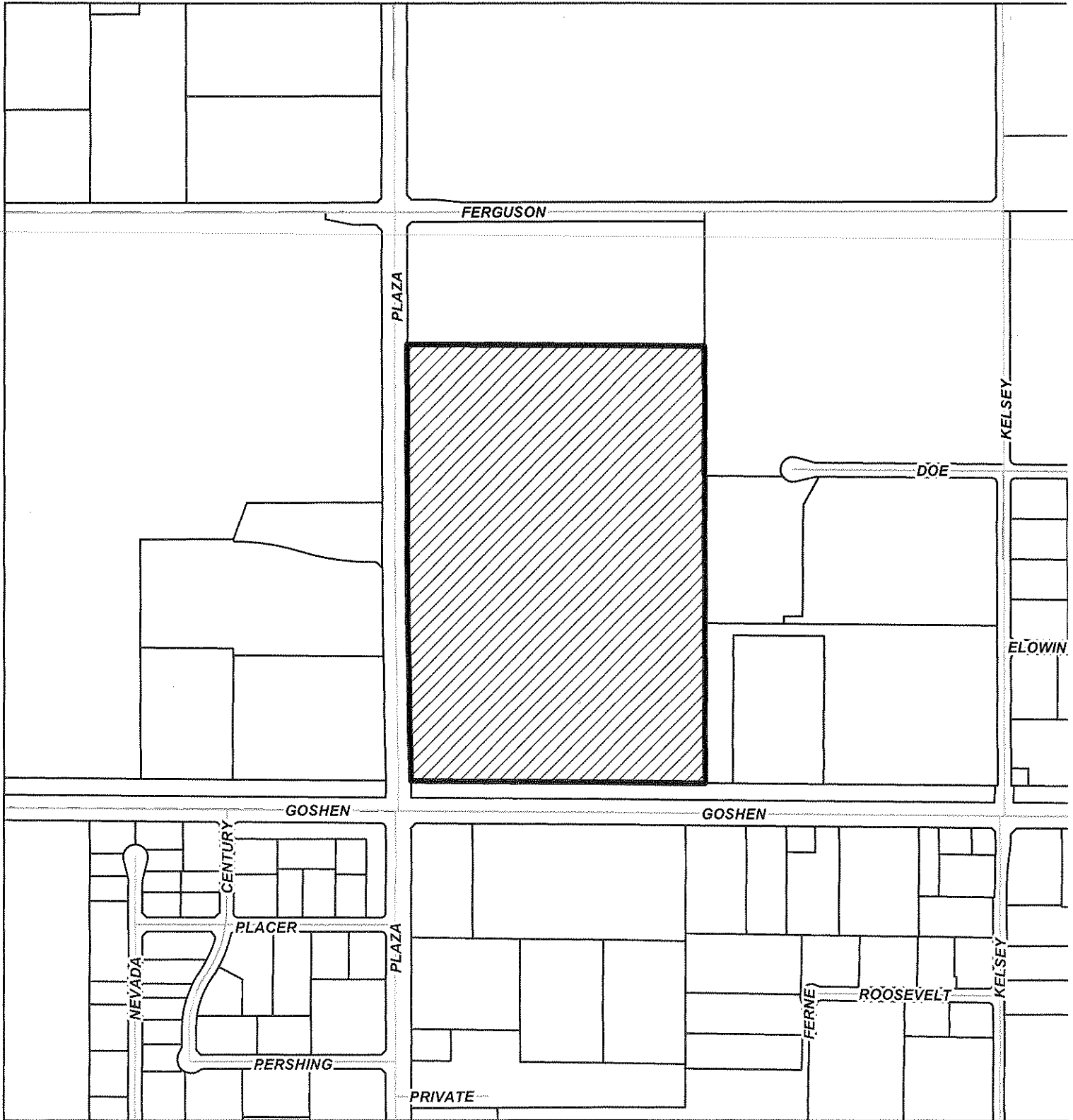
Aerial Photo

300 150 0 300 600 Feet



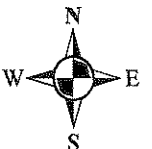
Variance No. 2013-03

APN: 077-111-030



Vicinity Map

300 150 0 300 600 Feet





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 9, 2013

PROJECT PLANNER: Brandon Smith, Senior Planner
Phone No. (559) 713-4636

SUBJECT: Tentative Parcel Map No. 2013-04: A request by Steve and Julie Mitchell to subdivide a 42,058 square foot parcel into two parcels in the R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. The parcel is located on the southwest corner of Ferguson Avenue and Linwood Street. (APN: 077-300-054)

STAFF RECOMMENDATION

Staff recommends approval of Tentative Parcel Map No. 2013-04, as conditioned, based upon the findings and conditions in Resolution No. 2013-53. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Zoning & Subdivision Ordinances.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2013-04, based on the findings and conditions in Resolution No. 2013-53.

PROJECT DESCRIPTION

Tentative Parcel Map No. 2013-04 is a request to divide a 42,058 square foot (0.97-acre) parcel into two parcels. The parcel is currently developed on the west side with a single-family residence that was constructed between 2010 and 2011. The objective of the parcel map is to create a new parcel to the east of the existing residence that can be developed with another single-family residence.

As illustrated in Exhibit "A", the proposed map would establish two parcels. The proposed Parcel 1 will be 27,012 square feet (0.62 acres) and would contain the existing residence. The proposed Parcel 2 will be 15,041 square feet (0.35 acres) and can accommodate a future residence. Parcel 2 will be a corner lot with public street frontage on Linwood and Ferguson but would relinquish access rights to Ferguson.

BACKGROUND INFORMATION

General Plan Land Use Designation: Residential Low Density
Zoning: R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size)
Surrounding Zoning and Land Use: North: R-1-6 / Single-family residence & vacant lot
South: R-1-6 / Single-family residence
East: R-1-6 / Oak Grove Elementary School
West: R-1-6 / Single-family residence
Environmental Review: Categorical Exemption No. 2013-82
Site Plan: Site Plan Review No. 2013-166

RELATED PLANS & POLICIES

The proposed project is consistent with applicable plans and policies. See attached summary of related plans and policies.

RELATED PROJECTS

The subject site is Parcel 2 that was created by Lot Line Adjustment No. 2004-30, recorded on July 19, 2005 (Tulare County Recorder document #2005-0076241).

PROJECT EVALUATION

Staff supports the tentative parcel map, as conditioned, based on the project's consistency with the Land Use Element of the General Plan and the Zoning and Subdivision Ordinance policies for approval of tentative parcel maps.

Land Use Compatibility

Compatibility with General Plan policies and the Zoning and Subdivision Ordinance is required in the decision to approve the proposed parcel map. The project is located in the northwest quadrant of Visalia among existing subdivisions and neighborhoods of semi-rural character. The parcel to be subdivided is surrounded by single-family residential lots ranging in size from one-quarter acre (10,000 sq. ft.) to three acres as well as an elementary school. Staff finds that the proposed tentative parcel map is compatible with the surrounding area and the Low Density Residential land use designation which allows development between the range of two to seven dwelling units per net acre. The proposed project will increase the density of the site to 2 dwelling units per net acre.

Site Configuration

The site is a 0.97-acre rectangular lot on the southwest corner of Linwood Street and Ferguson Avenue. The proposed parcel map will create a square-shaped lot (Parcel 1) and a rectangular-shaped lot (Parcel 2). The development standards for the R-1-6 Zone will be applicable to both lots.

Although the front lot line for Parcel 2 will be located on Ferguson Avenue pursuant to the Zoning Ordinance which defines the narrower street frontage of a corner lot as the front lot line, its driveway access will be located on Linwood Street. The purpose of the relinquished vehicle access rights along the Ferguson frontage is to establish a 100-foot distance between the driveway and the collector-collector street intersection.



The required five-foot side yard setbacks for the existing house will be maintained with the creation of Parcel 1. As shown in Exhibit "A" there will be a ten-foot setback between the house and the east property line.

The proposed Parcel 2 will meet the required development standards for an R-1-6 zoned lot. The minimum width required for a corner lot is 70 feet, and the proposed width is 92 feet.

Fence Standards

A fence composed of wood board and chain link with vinyl slats currently exists on Parcel 2. This fence will need to be removed to facilitate future housing on the site. No fencing is required for the site in association with the proposed parcel map.

Access and Map Dedications

The proposed parcels have public street frontage for access. Curb, gutter, and sidewalk exist along the street frontages. No roadway dedications are required with the map.

The map includes a waiver of direct vehicular access rights for Parcel 2.

Environmental Review

A property division resulting in four or fewer parcels is categorically exempt. Therefore, the project is considered Categorical Exempt under Section 15315 (Minor Land Divisions) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2013-82)

RECOMMENDED FINDINGS

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning, and Subdivision Ordinances.
2. That the proposed tentative parcel map would be consistent with similar divisions of property in the R-1-6 Single-family Residential zoning designation.
3. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2013-82).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-166.
2. That the site be subdivided in substantial compliance with the tentative parcel map shown in Exhibit "A".
3. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2013-04.

APPEAL INFORMATION

According to the City of Visalia Subdivision Ordinance Section 16.28.080, 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 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the city clerk.

Attachments:

- Related Plans and Policies
- Resolution No. 2013-53
- Exhibit "A" – Tentative Parcel Map
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

Proposed Zoning Designation Same

Proposed Land Use Designation Same

Site area (acres, or square feet if less than one acre) 42,053 sq. ft.

Existing streets directly adjacent to the site Ferguson Ave. @Linwood St.

Existing use(s) Residential

Existing improvements/structures house, pool

PROPERTY OWNER(S)

If more than two owners, please provide information and signature(s) on a separate sheet.

Name (print) Steve Mitchell Name (print) Julie Mitchell

Mailing Address 4613 W. Ferguson Mailing Address 4613 W. Ferguson

Phone 786-9930 Phone 786-9930

Statement: I/We declare under penalty of perjury that I am/we are the legal owner(s) of the property involved in this application. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

10-16-13
Date


Property Owner Signature

10/16/13
Date


Property Owner Signature

PROJECT MAIN CONTACT/REPRESENTATIVE

(This is the person who will be the main contact with City Staff, and will receive all correspondence.)

Name (print) Fred Weber

Firm/Company Forester, Weber & Associates, LLC

Mailing Address 1620 W. Mineral King Blvd., Suite B

Phone 732-0102 Fax 732-8479 E-Mail fredw@forester-weber.com

Statement: I will be the main contact and representative of the proposed project with City Staff during the processing of this application. I declare under penalty of perjury that all statements and documents submitted with this application are true and correct to the best of my knowledge.

Date _____

Project Main Contact/Representative Signature _____

OTHER INVOLVED PARTIES

Fill in all that apply.

Is the property currently in escrow? If so, to whom? N/A
(Write "none" if property is not in escrow.)

Developer/Builder _____

Mailing Address _____

Phone _____ Fax _____

Contractor _____

Engineer _____

Architect _____

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES

List the names of any and all principals, partners, and/or trustees where any property owner or developer/builder is a corporation, partnership, or trust. For corporations provide names of officers and directors. For trusts provide names of trustees and beneficiaries.

N/A

RESOLUTION NO 2013-53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2013-04, A REQUEST BY STEVE AND JULIE MITCHELL TO SUBDIVIDE A 42,058 SQUARE FOOT PARCEL INTO TWO PARCELS IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MINIMUM LOT SIZE) ZONE. THE PARCEL IS LOCATED ON THE SOUTHWEST CORNER OF FERGUSON AVENUE AND LINWOOD STREET. (APN: 077-300-054)

WHEREAS, Tentative Parcel Map No. 2013-04 is a request by Steve and Julie Mitchell to subdivide a 42,058 square foot parcel into two parcels in the R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone. The parcel is located on the southwest corner of Ferguson Avenue and Linwood Street. (APN: 077-300-054); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 9, 2013; and

WHEREAS, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2013-82).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia approves the proposed tentative parcel map based on the following specific findings and based on the evidence presented:

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning, and Subdivision Ordinances.
2. That the proposed tentative parcel map would be consistent with similar divisions of property in the R-1-6 Single-family Residential zoning designation.
3. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 16.28.070 of the Subdivision Ordinance of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-166.
 2. That the site be subdivided in substantial compliance with the tentative parcel map shown in Exhibit "A".
 3. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
 4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2013-04.
-

3574 1310

TENTATIVE PARCEL MAP

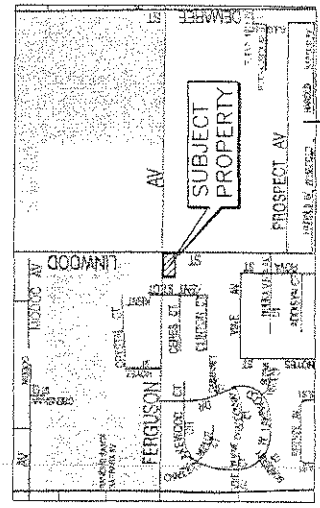
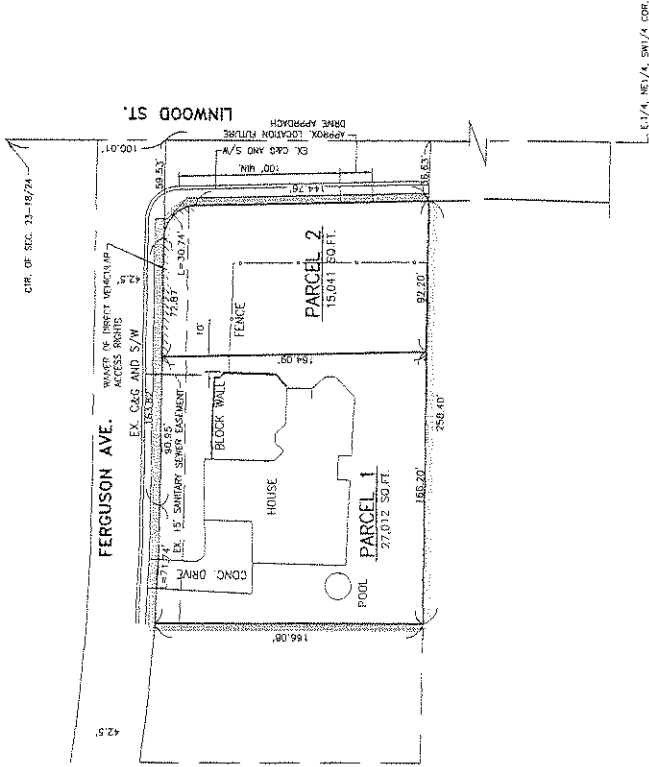
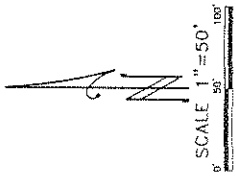
Being a preliminary map of the southeast quarter of the Southeast Quarter of Section 23, T18 S., R24 E., M2M, in the City of Visalia, County of Tulare, State of California.

OCTOBER 2013

OWNERS:
STEVEN & JULIE MITCHELL
714 N. THURSTON AVE.
VISALIA, CA 93291

SURVEYOR:
FORESTER WEBER & ASSOCIATES, LLC
1620 W. Mineral King Ave., Suite B
Visalia, California 93291
(559) 732-0302
e-mail: cfw@foresterweb.com

NOTES:
EXISTING PROPERTY USE: RESIDENTIAL
PROPOSED PROPERTY A.P.N.: 077-300-054
ZONING: R-1-S
SEWER: 15" DIA. WATER SERVICE
FLOOD ZONE: AE
ASCE: 1.00 AC. ±



Vicinity Map
NO SCALE

ONE SHEET ONLY

Exhibit "A"



MEETING DATE 10/09/2013
SITE PLAN NO. 13-166
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 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

HISTORIC PRESERVATION

OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee



#2

MEETING DATE OCTOBER 9, 2013

SITE PLAN NO. 13-106

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 8:30 a.m. and 4:30 p.m., Monday through Friday.

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CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

HISTORIC PRESERVATION

OTHER _____

ADDITIONAL COMMENTS _____

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

Site Plan Review Committee

City of Visalia
Building: Site Plan
Review Comments

ITEM NO: 2 DATE: October 09, 2013
SITE PLAN NO: SPR13166
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP WITH 2 PARCELS ON 1
 ACRE (R16 ZONED)
APPLICANT: MITCHELL STEVE
PROP OWNER: MITCHELL STEVE & JULIE
LOCATION: 4613 W FERGUSON AVE
APN(S): 077-300-054

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 5 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans prepared by an architect or engineer. Must comply with 2010 California Building Cod Sec. 2308 for conventional light-frame construction or submit 2 sets 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 (559) 230-6000*
- 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 \$146.40) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments:

G. Ferrero

Signature

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 2 DATE: October 09, 2013
SITE PLAN NO: SPR13166
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP WITH 2 PARCELS ON 1
 ACRE (R16 ZONED)
APPLICANT: MITCHELL STEVE
PROP OWNER: MITCHELL STEVE & JULIE
LOCATION: 4613 W FERGUSON AVE
APN(S): 077-300-054

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR – 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER – ¾ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED – NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE

10-23-13

DATE

CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500

COMMERCIAL BIN SERVICE

SITE PLAN NO: SPR13166
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP WITH 2 PARCELS ON 1
ACRE (R16 ZONED)
APPLICANT: MITCHELL STEVE
PROP OWNER: MITCHELL STEVE & JULIE
LOCATION: 4613 W FERGUSON AVE
APN(S): 077-300-054

- No comments.
- Same comments as as
- 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
be fore 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 (X) 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)
- 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.



Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



SITE PLAN REVIEW COMMENTS

CITY OF VISALIA NEIGHBORHOOD PRESERVATION/CODE ENFORCEMENT DIVISION

October 9, 2013

ITEM NO: <u>2</u>	
SITE PLAN NO:	SPR13166
PROJECT TITLE:	TENTATIVE PARCEL MAP
DESCRIPTION:	TENTATIVE PARCEL MAP WITH 2 PARCELS ON 1 ACRE (R16 ZONED)
APPLICANT:	MITCHELL STEVE
PROP. OWNER:	MITCHELL STEVE & JULIE
LOCATION:	4613 W FERGUSON AVE
APN(S):	077-300-054

- No Comments
- See Previous Site Plan Comments
- Provide Shopping Cart Retrieval Plan For any Retail That Will Require Shopping Carts

Additional Comments:


Tracy Robertshaw

City of Visalia
Police Department
303 S. Johnson St.
Visalia, Ca. 93292
(559) 713-4573

ITEM NO: 2 DATE: October 09, 2013
SITE PLAN NO: SPR13166
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP WITH 2 PARCELS ON 1
 ACRE (R16 ZONED)
APPLICANT: MITCHELL STEVE
PROP OWNER: MITCHELL STEVE & JULIE
LOCATION: 4613 W FERGUSON AVE
APN(S): 077-300-054

Site Plan Review Comments

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

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

- Not enough information provided. Please provide additional information pertaining to:

- Territorial Reinforcement: Define property lines (private/public space).

- Access Controlled / Restricted etc:

- Lighting Concerns:

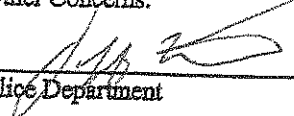
- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:



Visalia Police Department

**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
- Ken McSheehy 713-4447
- Adrian Rubalcaba 713-4164

ITEM NO: 2 DATE: OCTOBER 9, 2013

SITE PLAN NO.: 13-166
PROJECT TITLE: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP WITH 2 PARCELS ON
1 ACRE (R16 ZONED)
APPLICANT: MITCHELL STEVE
PROP. OWNER: MITCHELL STEVE & JULIE
LOCATION: 4613 W FERGUSON AVE
APN: 077-300-054

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work; Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership. by map by deed
- City Encroachment Permit Required which shall include an approved traffic control plan. **For any work in City right-of-way**
- CalTrans Encroachment Permit Required. CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (planning) 488-4088
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map. Contact Doug Damko, 713-4268, 315 E. Acequia Ave.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy. Access required on ditch bank, 12' minimum. Provide wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system.
- 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.

- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements. A permit is required to remove oak trees. The City will evaluate Oak trees with removal permit applications. Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. A pre-construction conference is required. Contact: David Pendergraft, City Arborist, 713-4295
- Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Provide "R" value tests: each at
- Traffic indexes per city standards:
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- All lots shall have separate drive approaches constructed to City Standards. **Linwood access for Parcel 2**
- Install street striping as required by the City Engineer.
- Install sidewalk: ft. wide, with ft. wide parkway on
- Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Abandon existing wells per City of Visalia Code. A building permit is required.
- Remove existing irrigation lines & dispose off-site. Remove existing leach fields and septic tanks.
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments Resubmit with additional information Redesign required

Additional Comments:

- 1. Separate sewer lateral for Parcel 2 is required; can be deferred until development of Parcel 2 on map.**
- 2. If existing residence on Parcel 1 is connected to existing lateral stemming from Linwood, a sanitary sewer easement shall be shown across Parcel 2, in favor of Parcel 1.**
- 3. Access to Parcel 2 will be restricted to Linwood. Access rights to Ferguson shall be relinquished by map.**
- 4. Drive approach location on Parcel 2 shall meet a minimum distance of 100' from end of curb return at Linwood & Ferguson.**
- 5. Impact fees apply to future development of Parcel 2; to be noted as deferred on map.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 13-166
Date: 10/9/2013

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

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

(Fee Schedule Date:8/16/2013)
(Project type for fee rates:SFD)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$683.20/UNIT
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$37.04/LF X 145 LF = \$5,370.80
<input checked="" type="checkbox"/> Storm Drainage Acquisition Fee	\$3,016.10/AC X 0.45 = \$1,357.25
<input checked="" type="checkbox"/> Park Acquisition Fee	\$3,158.80/UNIT
<input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$2,213.96/AC X 0.45 = \$996.28

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

City Reimbursement:

- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject planned facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in the City's Circulation Element and funded in the City's transportation impact fee program. The developer will be reimbursed for construction costs and right of way dedications as outlined in Municipal Code Section 16.44. Reimbursement unit costs will be subject to those unit costs utilized as the basis for the transportation impact fee.
- 3.) Reimbursement is available for the construction of storm drain trunk lines and sanitary sewer trunk lines shown in the City's Storm Water Master Plan and Sanitary Sewer System Master Plan. The developer will be reimbursed for construction costs associated with the installation of these trunk lines.



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: October 9, 2013

SITE PLAN NO: 13-166 CONTINUED
PROJECT: TENTATIVE PARCEL MAP
DESCRIPTION: TENTATIVE PARCEL MAP / 2 PARCELS ON 1 ACRE AREA (R16 ZONED)
APPLICANT: STEVE AND JULIE MITCHELL
PROP. OWNER: STEVE AND JULIE MITCHELL
LOCATION TITLE: 4613 W. FERGUSON AVE
APN TITLE: 077-300-054

General Plan: RLD – (Residential Low Density)
Existing Zoning: R-1-6 – (Single-Family Residential 6,000 sq. ft. min. site area)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Tentative Parcel Map

PROJECT SPECIFIC INFORMATION: 10/09/2013

1. Parcel Map required.
2. The existing fence which extends onto proposed Parcel No. 2 should be removed from Parcel No. 2 prior to recordation of the final map.
3. See engineering comments related to driveway location for proposed Parcel No. 2.
4. Meet all other requirements of Site Plan Review No. 2013-166.
5. Meet all other City Codes and Ordinances.

CITY GENERAL PLAN CONSISTENCY

Staff initial finding is that the proposed site plan IS CONSISTENT with the City General Plan. Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

R-1-6 Single Family Residential Zone [17.12]

Maximum Building Height: 35 Feet

Minimum Setbacks:

	Building	Landscaping
➤ 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	10 Feet	10 Feet
➤ Rear	25 Feet*	25 Feet

Minimum Site Area: 6,000 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 25 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

Parking:

1. Future development shall provide two covered parking spaces per dwelling unit (see Zoning Ordinance Section 17.34.020).

Fencing and Screening:

1. The existing fence which extends onto proposed Parcel No. 2 should be removed from Parcel No. 2 prior to recordation of the final map.

Landscaping:

1. On September 30, 2009, the State Model Water Efficient Landscape Ordinance (MWELo) was finalized by the State Department of Water Resources to comply with AB 1881. AB 1881 along with the MWELo became effective on January 1, 2010. As of January 1, 2010, the State Model Water Efficient Landscape Ordinance became effective by adoption of a City urgency ordinance on December 21, 2009. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**
2. Provide street trees per City requirements at time of development. (Zoning Ordinance Section 17.30.130.C).
3. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).

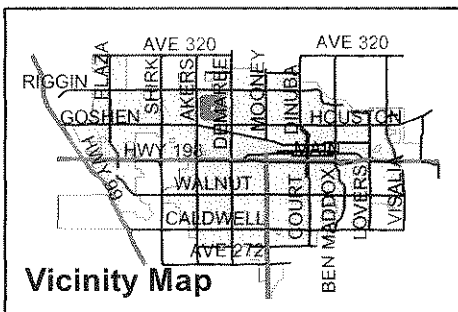
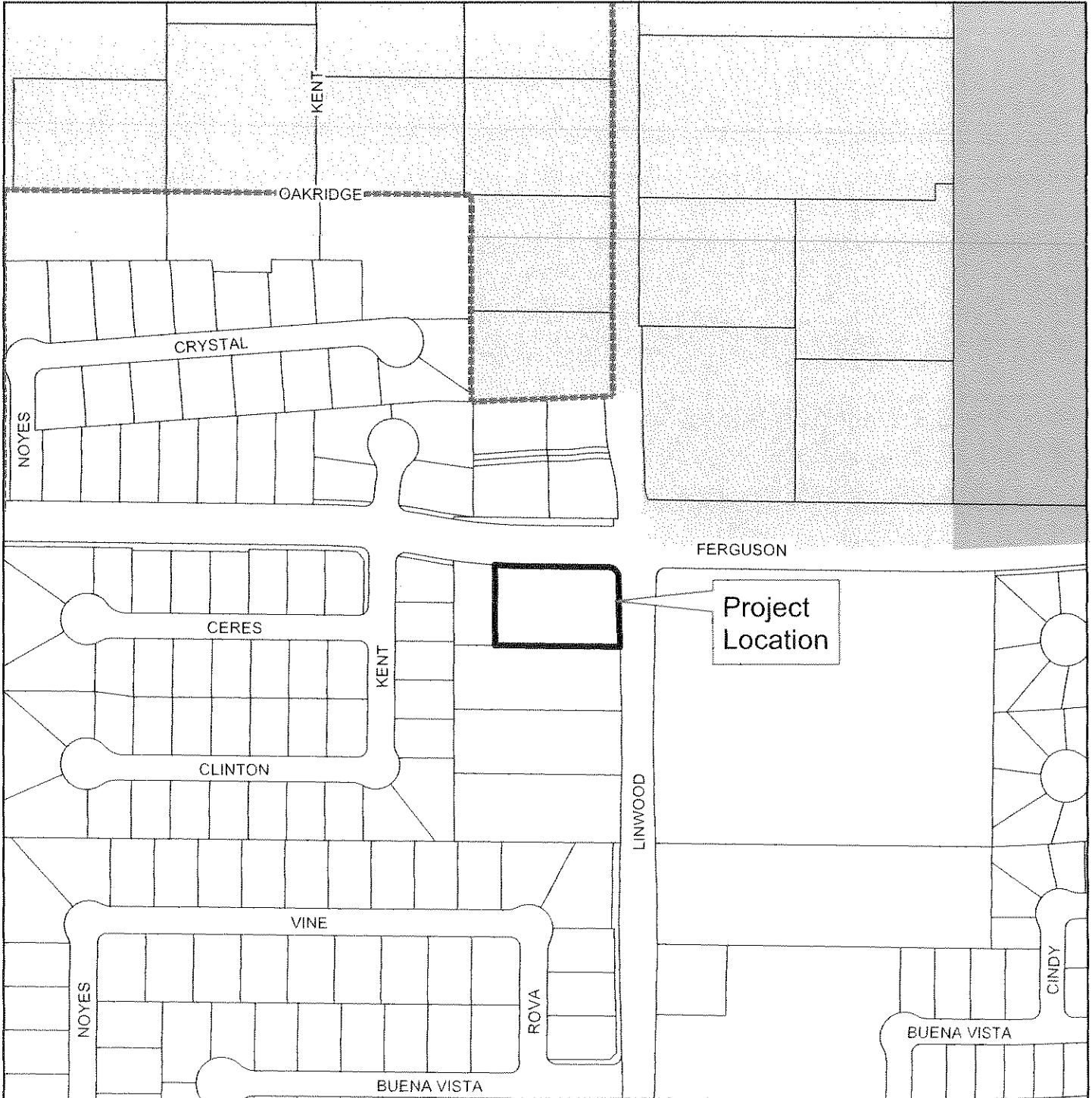
The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

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.

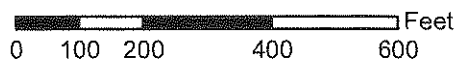
Signature 

Tentative Parcel Map No. 2013-04

The site is located at the southwest corner of Ferguson Avenue and Linwood Street. (APN: 077-300-054)



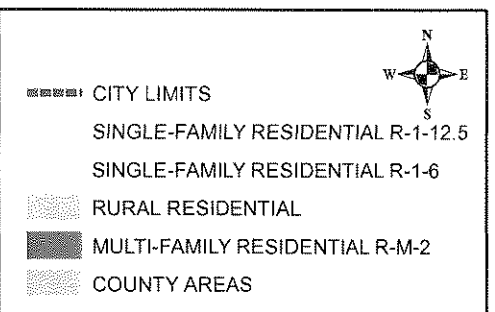
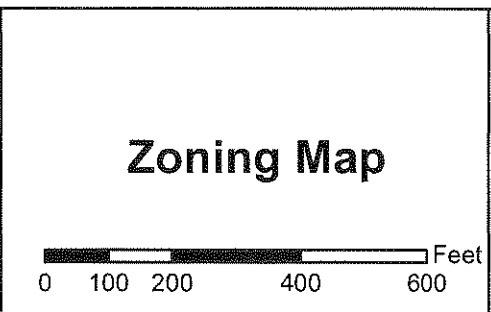
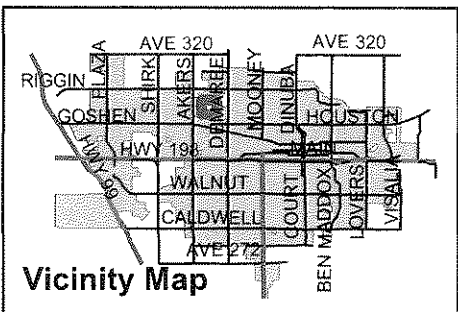
General Plan Land Use Map



- CITY LIMITS
- RURAL RESIDENTIAL
- RESIDENTIAL LOW DENSITY
- RESIDENTIAL MEDIUM DENSITY

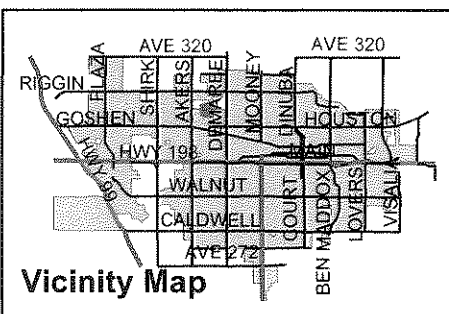
Tentative Parcel Map No. 2013-04

The site is located at the southwest corner of Ferguson Avenue and Linwood Street. (APN: 077-300-054)



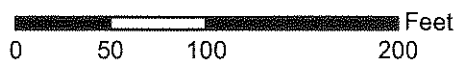
Tentative Parcel Map No. 2013-04

The site is located at the southwest corner of Ferguson Avenue and Linwood Street. (APN: 077-300-054)



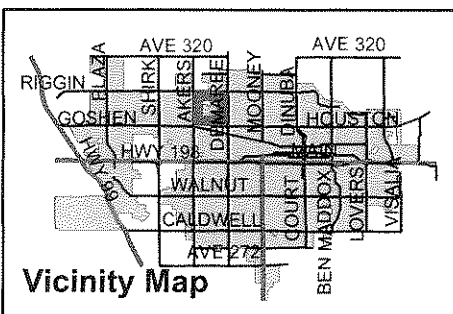
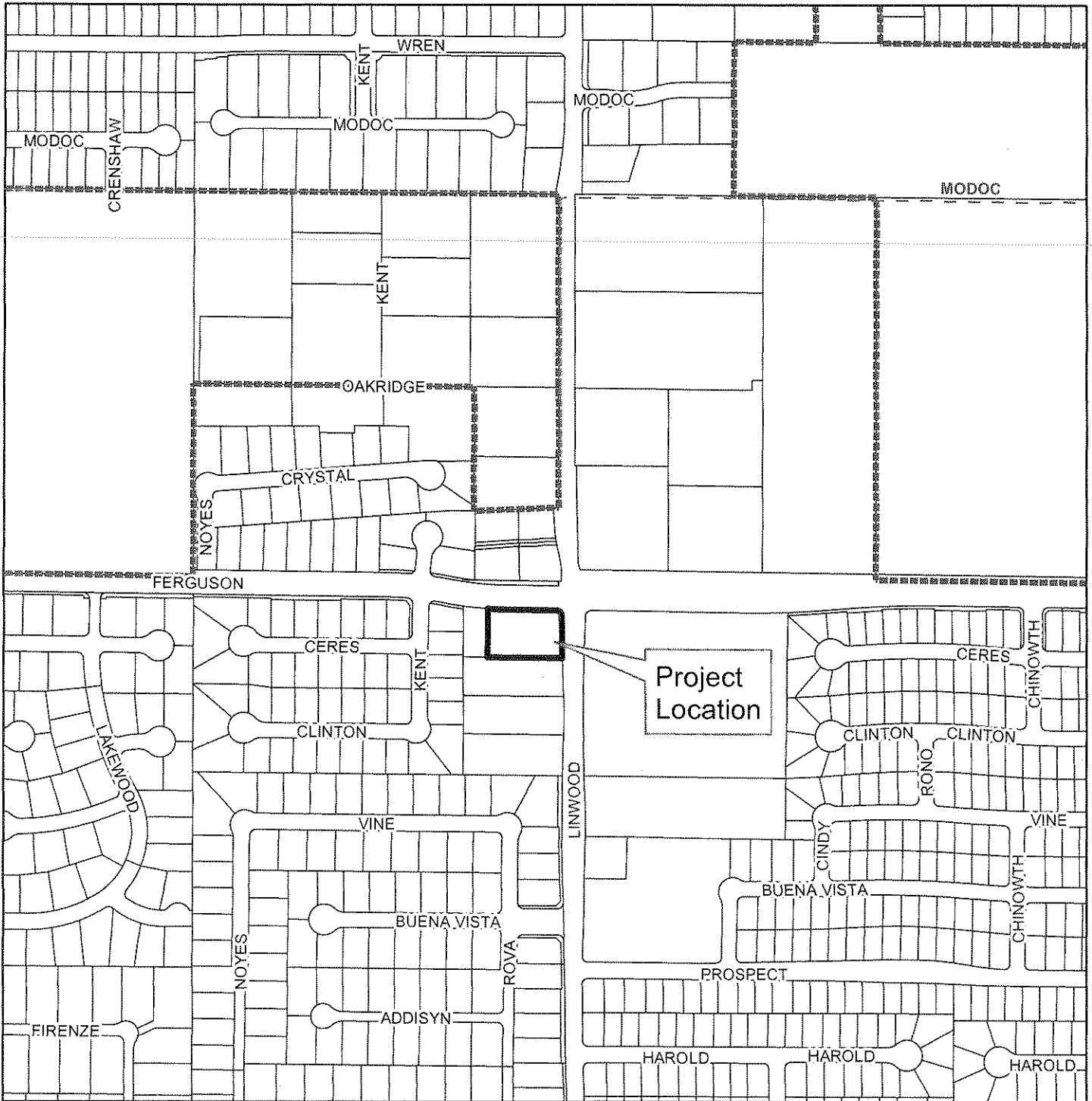
Aerial Photo

Photo Taken March 2012

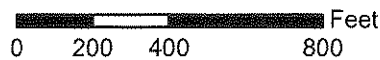


Tentative Parcel Map No. 2013-04

The site is located at the southwest corner of Ferguson Avenue and Linwood Street. (APN: 077-300-054)



Location Map



- WATERWAYS
- CITY LIMITS

City of Visalia



To: Planning Commission
From: Josh McDonnell, AICP, (713-4364)

Paul Scheibel, AICP (713-4369)

Date: December 9, 2013
Re: Proposed Zoning Matrix Text Amendments

Recommendation

Staff recommends that the Planning Commission review the materials contained in this Worksession item, and direct staff to initiate a Zoning Text Amendment (ZTA) pursuant to Zoning Ordinance section 17.44.020 B, to revise the permit process for the uses identified in this report.

Background

Staff and the Planning Commission have identified several uses that appear to no longer warrant the requirement for discretionary approval by a Conditional Use Permit (CUP) (VMC Chapter 17.38). These conclusions are based on the facts that these CUP applications uses brought before the Planning Commission are routinely approved without controversy and without the need for any special conditions being placed on them. Further, the Planning Commission has noted that these uses are often for start-up small business enterprises that would directly benefit from a more streamlined permitting process.

A ZTA can be initiated by direction of the Planning Commission (ZO section 17.44.020 B). If the Planning Commission authorizes the ZTA, staff will formally initiate the ZTA for public hearing before the Planning Commission in early 2014. The ZTA will become effective upon final adoption by Ordinance of the City Council. It is anticipated that the ZTA will qualify for Categorical Exception under CEQA as a minor change in land use limitations (CEQA Guidelines section 15301).

Staff anticipates general concurrence with the proposals by stakeholder Community groups, including the Visalia Chamber of Commerce and Board of Realtors. Staff anticipates informing stakeholder organizations of the proposed actions (after Planning Commission authorization). Staff will make itself available to stakeholder groups for informal presentations throughout the ZTA process.

Discussion

Staff has reviewed the record of recent CUP applications that proceeded to the Planning Commission for final review and approval. In staff's estimation, five categories of uses meet the criteria for more simplified permit processing:

1. Personal Fitness and Training Facility, less than 5,000 square feet

Add new line 130: (P) permitted by right in the IL, BRP, OG, P-A, and all Commercial Zone Districts.

Associated Matrix changes: Revise Line 295 (Dance and Music Studio) and 296 (Martial Arts) to match above. Line 304 (Other Recreation Facilities) remains unchanged to act as a backstop as needed (paintball, laser tag ranges, etc.)

Comments: This would respond to the Planning Commission's previous comments that the CUP process is overburdening to these typically start-up entrepreneur ventures that have few if any actual land use and zoning implications.

2. Tattooist

Amend Line 49: Delete words "Located within above use" (referring to co-location with barbers, hairstylists, etc.).

Revise Matrix to eliminate Tattooist from the following zone districts: C-C (Convenience Commercial), C-N (Neighborhood Commercial), C-CM (Community Commercial), and P-A (Professional/Administrative Office).

Revise Matrix to convert from (C) allowed by CUP to (P) permitted by right in the C-R (Regional Commercial) Zone District.

Revise Matrix to add as (P) in the following Zone Districts: C-H (Highway Commercial), C-S (Service Commercial).

Comments: This will eliminate the tenuous requirement to co-locate tattooists with a barber/beauty shop. It will permit them by right in zone districts that are not associated with residential developments, while requiring the CUP process where there is a potential for conflicts with adjacent businesses.

3. Rifle and Pistol Range, Indoor

Add new line above Line 304 (Other Recreational Facilities)

Make this new Matrix line identical to Line 304, with addition of Heavy Industrial (I-H) zone district as a (C) (Conditional Use Permit required) use.

Comments: This will allow this use as a stand-alone facility, or in conjunction with a primary use (firearm store, personal defense trainer, and sporting clubs) in zone districts with little or no potential impact to nearby residences.

4. Sit-down Restaurant/Café

Revise Matrix line 98 to permit by right (P) in all zone districts, except eliminate entirely in the I-H (Heavy Industrial) Zone District.

Associated Matrix change: Revise Line 92 (Fast Food without Drive-Thru) to include (P) permitted by right in the C-C (Convenience Commercial) Zone District.

Comment: This would make permit processing for dining venues in all the appropriate zone districts more uniformly simple.

5. Specialty Food Stores

Delete Line 101 as it is already listed on Line 355.

Comment: This will eliminate a redundancy in the Zoning Matrix.

Next Steps

Staff will initiate the ZTA, subject to the Planning Commission's direction, and incorporating any additional direction provided by the Planning Commission. Staff anticipates the ZTA process to take approximately 60 days to complete, including public hearings before the Planning Commission and City Council. The effective date of the ZTA will be 30 days after the second reading of the Ordinance that reflects the final form of the ZTA.

Attachments:

1- Zoning Ordinance Chapter 17.38, Conditional Use Permits

2-Zoning Matrix extract

[Print](#)

Visalia, CA Municipal Code

Chapter 17.38 CONDITIONAL USE PERMITS

Sections:

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

17.38.010 Purposes and powers.

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures.

A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
5. The purposes of the conditional use permit and the general description of the use proposed;
6. Additional information as required by the historic preservation advisory committee.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation.

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application.

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit.

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

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.

D. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.

B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure.

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission.

A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

	Master List Zone District	COMMERCIAL										OFFICE				INDUSTRIAL	
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H		
1	A																
2	AGRICULTURAL-FARMING (see also Agricultural and Rural Residential Zones)																
3	Beekeeping																
4	Farmers' Market						T										
5	Grain Elevators/Silos																
6	Greenhouses (commercial growers)																P
7	Horse stables/Ranch (3 or more horses)																
8	Limited Raising of Small Animals, Livestock, and fowl on a Domestic Noncommercial Scale (2 cows, 4 sheep, goats, no pigs)* *not permitted 1/2 acre and less																
9	Raising of Livestock and Fowl, except Stockyards (commercial)																
10	Raising of Field, Truck or Orchard Crop & Horticultural Specialties															P	
11	Riding Academics/Stables																
12	Roadside Stands Selling Produce Grown on Site																

Items which are specifically listed would not be included in a "general" category and uses will be limited to those zones which have the item listed as "permitted" or "conditional" P - Permitted C - Conditional T -Temporary

Master List Zone District	COMMERCIAL										OFFICE				INDUSTRIAL	
	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H		
42 Branch Office																
43 - without drive-up	P	P	P	P	P	P				C	P					
44 - with drive-up		C	C	C	C	C				C	C					
45 Main Office			P			P				C						
46 BARBERS, HAIRSTYLISTS, TANNING CENTERS, COSMETICIANS, MASSAGE THERAPISTS & DAY SPAS																
47 Stand Alone	P	P	P	P	P	P	C	P		C		C				
48 Located with the Primary Permitted Use on the Site	P	P	P	P	P	P	P		P	P	P		P	P		
49 Tattooist Located within above Use	P	P	P	P	C	P				C						
50 BED & BREAKFAST ACCOMMODATIONS (see Chapter 17.32, Section 17.32.150)																
51 Traditional												C				
52 Inns												C				
53 BOARDING/ROOMING HOUSES																
54 BUS DEPOTS																
55 Station (passenger services)													C			

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Master List Zone District	COMMERCIAL										OFFICE				INDUSTRIAL	
	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I- L	I-H		
86		C	C	C	P											
87		C	C	C	P	C		C								
88		P	P	P	P	P	P	P	C	C	P		C	C		
89																
90	C	P	P	P	P	P	P		C	C	P					
91	P	P	P	P	P	P	P	P	C	C	P		C	C		
92		P	P	P	P	P	P	P	C	C	P					
93													C			
94		C	C	C	C		C	C	C	C	C					
95													C			
96	P	P	P	P	P	P	P		C	C	P					
97					C	C										
98																
99		C	P	P	P	P	P	P	P	C	C	P	C	C		

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Master List Zone District	COMMERCIAL										OFFICE				INDUSTRIAL	
	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I- L	I-H		
100		C	C	C	C	C	P		C	C	C	C				
101					C											
102								C					C	P		
103																
104	P	P	P	P	P	P						C				
105			P													
106																
107				P									P	P		
108					P											
109				C									C	C		
110					C			C								

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Master List Zone District	COMMERCIAL										OFFICE			INDUSTRIAL	
	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I- L	I-H	
288															
289		C	C	C	C	C	C		C	C	C				
290	C		C				C								
291						P					C				
292							C								
293			C	C	C	C	C								
294			T	T	T	T		T			T		T		
295	C	P	P		C	P									
296	C	P	P		C	P		C							
297							C								
298			C		C		C								
299			C	C	C		C								
300		C	C	C	C	C									
301															
302	P	P	P	P	P	P	P				P				
303	C	C	C	C	C	C	C								

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Master List Zone District	COMMERCIAL										OFFICE				INDUSTRIAL	
	C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I- L	I- H		
348 - with general retail merchandise, with restrictions: *parcel must be corner property at arterial/arterial or arterial/collector intersections. Parcel size not to exceed 60,000 sq. ft. Building size not to exceed 14,000 sq. ft.										C						
349 Farm Equipment Sales								P					P			
350 Feed Stores			C					P								
351 Food Stores																
352 - convenience store - 7000 sq. ft. or less	C	C	C	C	C	C	C	C					C	C		
353 - liquor store within 300 feet of residential/public use			C	C	C	C										
354 - liquor store not within 300 feet of residential/public use	C	C	P	P		C										
355 - specialty food stores, i.e. bakery, delicatessen, butcher shop, meat market, health food, gourmet/imported food, etc.	P	P	P	P	P	P			C				C			
357 - supermarkets/grocery stores	C	P	P	P		P										

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Master List Zone District		COMMERCIAL										OFFICE				INDUSTRIAL		
		C-C	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	OG	PA	B-R-P	OC	I-L	I-H			
460	OTHER																	
461	Other Uses Similar in Nature and Intensity as Determined by the City Planner	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
462	Other Uses Similar in Nature and Intensity as Determined by the City Planner Subject to the Granting of a Conditional Use Permit	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
463	Businesses which Initially Employ more than 750 Employees					C								C			C	
464	Emergency Shelters																P	
465	Single Room Occupancy (SRO) units																	

Items which are specifically listed would not be included in a "general" category and uses will be limited to those zones which have the item listed as "permitted" or "conditional" P - Permitted C - Conditional T -Temporary

(Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996; prior code § 7328)