

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

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

MONDAY, FEBRUARY 10, 2014; 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.
  - Time Extension request for CUP No. 2012-10: a request by North Visalia Holding LP, to construct a 122-unit multi-family apartment development on 8.46-acres in the R-M-2 (Multi-Family Residential 3,000 sq. ft. minimum site area per unit) zone. The site is located on the northeast corner of North Court Street and East Riggin Avenue. (APN: 079-310-004)
  - Finding of Consistency 2014-001 for an existing modular office trailer used by the Sequoia Surgery Center. The surgery center was established per Conditional Use Permit No. 93-001 and is located at 842 South Akers Street (APN: 087-290-028).
5. PUBLIC HEARING – Paul Bernal  
Conditional Use Permit No. 2013-37: A request by Vanessa Romo and Tommy Chavez to establish a 2,745 sq. ft. restaurant and catering service in an existing building in the Light Industrial (IL) zone. The site is located at 6836 W. Pershing Avenue. (APN: 085-520-001) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2014-03
6. 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 FEBRUARY 20, 2014 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](http://www.ci.visalia.ca.us) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 24, 2014**

# **City of Visalia**



To: Planning Commission  
From: Paul Bernal, Principal Planner 713-4025  
Date: February 10, 2014  
Re: Time Extension for  
Conditional Use Permit No. 2012-10

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## **RECOMMENDATION**

Staff recommends that Planning Commission approve a one-year time extension of Conditional Use Permit No. 2012-10, set to expire on April 9, 2014.

## **DISCUSSION**

On April 9, 2012 the Planning Commission approved Conditional Use Permit No. 2012-10, a request by North Visalia Holding LP, to construct a 122-unit multi-family apartment development on 8.46-acres in the R-M-2 (Multi-Family Residential 3,000 sq. ft. minimum site area per unit) zone. The site is located on the northeast corner of North Court Street and East Riggan Avenue. (APN: 079-310-004). The applicants are requesting approval of a one year time extension for Conditional Use Permit No. 2012-10 which will expire on April 9, 2014, unless extended.

Per Section 17.38.030 of the Visalia Municipal Code, extension of a Conditional Use Permit is permitted for a period of one year. Staff is recommending an extension of 12 months for Conditional Use Permit No. 2012-10. This would be the first and only allowable extension. The request for this time extension was received before the expiration date.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until April 9, 2015, to have a building permit issued by the City and commence and diligently pursue completion of the project. If the request is denied, the applicant would have to reapply for a new conditional use permit, or have a building permit issued prior to the expiration on April 9, 2014.

## **ATTACHMENTS**

- Letter of Request
- Planning Commission Resolution approving Conditional Use Permit No. 2012-10
- Site Plan and Elevation of Proposed Project
- Location Map

# VISALIA/BROOKFIELD LP

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January 20, 2014

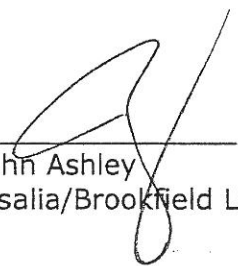
City of Visalia  
315 E. Acequia Ave.  
Visalia CA 93291

Paul Bernal,

Conditional use permit, No. 2012.-10. We would like to request a one-year extension.

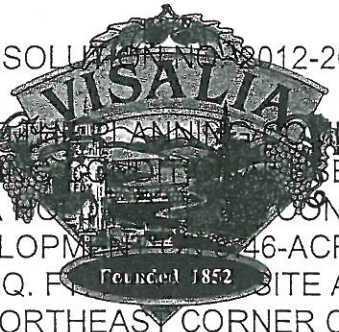
Please notify me by phone, fax or e-mail [johnashley1@yahoo.com](mailto:johnashley1@yahoo.com).

Thank you,



\_\_\_\_\_  
John Ashley  
Visalia/Brookfield LP

CA/lm



A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING A NEGATIVE DECLARATION AND A CONDITIONAL USE PERMIT NO. 2012-10, A REQUEST BY NORTH VISALIA HOLDING LP TO CONSTRUCT A 122-UNIT MULTI-FAMILY APARTMENT DEVELOPMENT ON 8.46-ACRES IN THE R-M-2 (MULTI-FAMILY RESIDENTIAL 3,000 SQ. FT. MINIMUM SITE AREA PER UNIT) ZONE. THE SITE IS LOCATED ON THE NORTHEAST CORNER OF NORTH COURT STREET AND EAST RIGGIN AVENUE. (APN: 079-310-004)

**WHEREAS**, Conditional Use Permit No. 2012-10, is a request by North Visalia Holding LP, to construct a 122-unit multi-family apartment development on 8.46-acres in the R-M-2 (Multi-Family Residential 3,000 sq. ft. minimum site area per unit) zone. The site is located on the northeast corner of North Court Street and East Rigglin Avenue (APN: 079-310-004); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on April 9, 2012; and

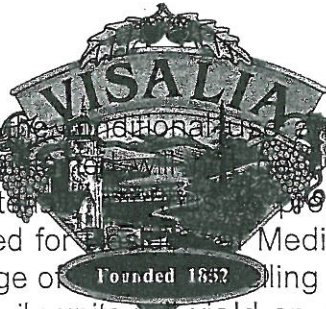
**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2012-10, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required.

**NOW, THEREFORE, BE IT RESOLVED**, that Negative Declaration No. 2012-20 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**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 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 permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The site is planned for Residential Medium Density development which provides for a density range of 10 to 15 dwelling units per acre. Development of the site with 122 multi-family units will yield an overall density of 14.4 units per acre. This project meets the density requirements as established by the Residential Medium Density land use designation and helps supports the City's policy to increase overall residential densities without sacrificing good site design and compatibility.



The proposed location of the conditional use and the conditions under which it would be operated or maintained are not detrimental to the public health, safety, or welfare, or material properties or improvements in the vicinity. The site is planned for Medium Density development which provides for a density range of 12 to 15 housing units per acre. Development of the site with 122 multi-family units will yield an overall density of 14.4 units per acre. This project meets the density requirements as established by the Residential Medium Density land use designation and helps supports the City's policy to increase overall residential densities without sacrificing good site design and compatibility.

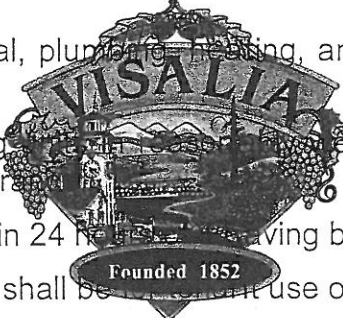
3. That an Initial Study was prepared for the requested Conditional Use Permit is consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and therefore Negative Declaration No. 2012-20 will be adopted for this project.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here 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 Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2011-120, incorporated herein by reference.
2. That the site be developed in substantial compliance with the site plan, floor plans and elevations shown in Exhibits "A", "B" and "C".
3. That the site be landscaped as depicted on Exhibits "D" through "H".
4. That landscape and irrigation plans, prepared in accordance with the City of Visalia Model Water Efficient Landscape Ordinance, shall be included in the construction document plans submitted for either grading or building construction permits.
5. That the owner/operator(s) of all multiple family residential units shall be subject to the following conditions:

**A. Maintenance and Operations**

- a. All development standards, City codes, and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, debris.
- b. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
- c. Where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.

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- d. Maintain all electrical, plumbing, heating, and other facilities in good working order.
- e. Maintain all dwelling units in weather tight condition and good exterior appearance.
- f. Remove graffiti within 24 hours of having been observed.
- g. Recreation facilities shall be for tenant use only.
- h. Provide 24 hour access for Visalia Police Department to Maintenance and/or Management Staff. Maintenance and/or Management Staff shall be available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
- i. Establish and conduct a regular program of routine maintenance for the apartment/residential complex. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.
- j. The name and phone number of the management company shall be posted in a prominent location at the front of the property.

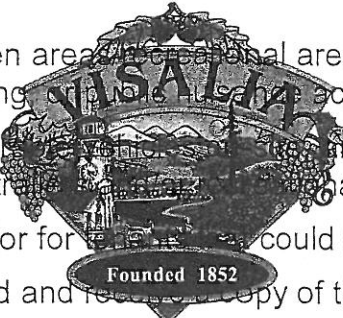
#### **B. Landscape Care and Maintenance**

- a. Automatic irrigation systems shall be maintained.
- b. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
- c. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
- d. Maintain decorative planting so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

**C. Parking** - The parking of inoperative vehicles on-site, and boats, trucks (one-ton capacity and over), trailers, and/or recreational vehicles in the apartment/residential complex is not allowed.

**D. Tenant Agreement** - The tenant agreement for the complex must contain the following:

- a. Standards of aesthetics for renters in regard to the use and conditions of the areas of the units visible from the outside (patios, entryways).
- b. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the apartment/residential complex.



- c. Rules for use of open areas and recreational areas of the site in regard to drinking, congregating and other activities.
- d. Prohibition on inoperable vehicles and boats, trucks (one-ton capacity and over), trailers and other illegal vehicles.
- e. Standards of behavior for tenants that could lead to eviction.
- f. All tenants shall read and receive a copy of the Tenant Agreement.

- 6. That a six-foot block wall be constructed along the north property line and that a six-foot wrought iron fence be erected along the south, east and west boundaries of the property as depicted on Exhibit "A".
- 7. That the exterior of the buildings and parking be illuminated during hours of darkness. In addition, the units' addresses shall be contrasting to their background, and also be illuminated during all hours of darkness
- 8. Provide street trees per the City's Street Tree Ordinance.
- 9. That all other federal and state laws and city codes and ordinances be complied with.
- 10. 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. 2012-10, prior to the issuance of any building permit for this project.

Commissioner Lane offered the motion to this resolution. Commissioner Soltesz seconded the motion and it carried by the following vote:

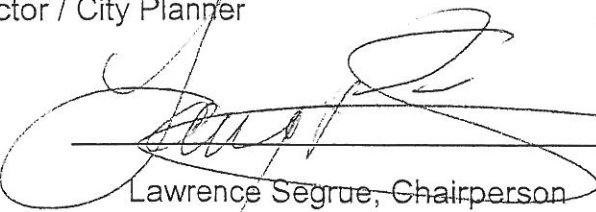
AYES: Commissioners Lane, Soltesz, Peck, Segrue, Salinas  
 NOES:  
 ABSTAINED:  
 ABSENT:

STATE OF CALIFORNIA)  
 COUNTY OF TULARE ) ss  
 CITY OF VISALIA )

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2012-20, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on April 9, 2012.

  
 \_\_\_\_\_  
 Josh McDonnell, Assistant Director / City Planner

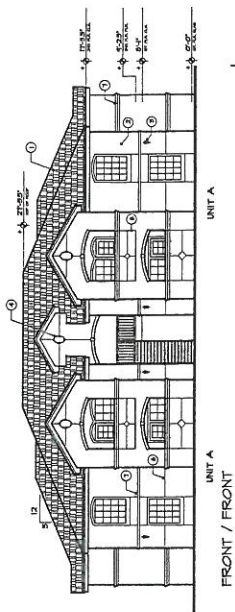
  
 \_\_\_\_\_  
 Lawrence Segrue, Chairperson



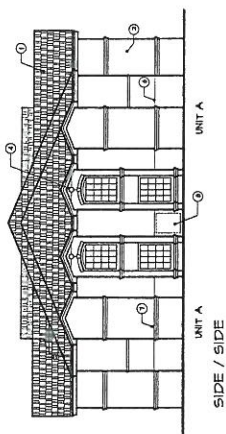




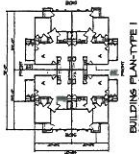
# Exhibit "C"



**BUILDING TYPE - 1**



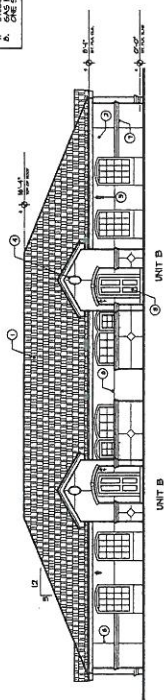
**BUILDING TYPE - 1**



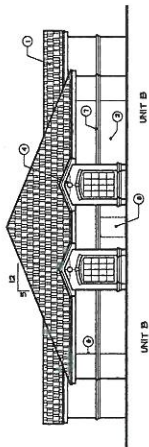
**BUILDING PLAN-TYPE 1**

**NOTE KEY**

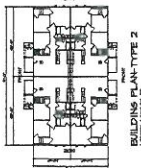
1. COMPOSITION GRANULE ROOF
2. RAISED PANEL DOOR IN RESIDENTIAL HARDWARE
3. RAISED PANEL DOOR IN RESIDENTIAL HARDWARE
4. RAISED PANEL DOOR IN RESIDENTIAL HARDWARE
5. RAISED PANEL DOOR IN RESIDENTIAL HARDWARE
6. RAISED PANEL DOOR IN RESIDENTIAL HARDWARE



**BUILDING TYPE - 2**



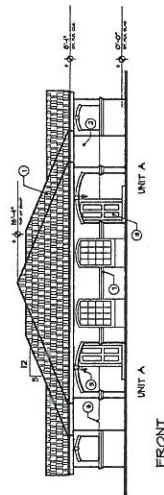
**BUILDING TYPE - 2**



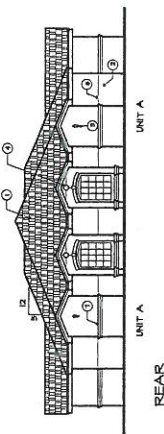
**BUILDING PLAN-TYPE 2**

**COLOR SCHEDULE**

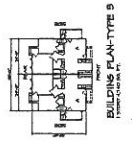
CONCRETE BRICK  
 GYP. BOARD  
 INTERIOR WALLS  
 INTERIOR CEILING  
 INTERIOR FLOORING  
 INTERIOR PAINT  
 INTERIOR TRIM  
 INTERIOR DOORS  
 INTERIOR WINDOWS  
 INTERIOR STAIRS  
 INTERIOR ROOFING  
 INTERIOR LIGHTING  
 INTERIOR MECHANICAL



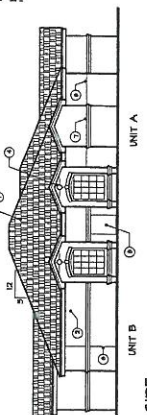
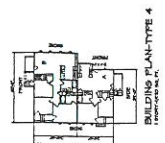
**BUILDING TYPE - 3**



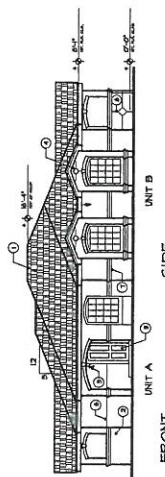
**BUILDING TYPE - 3**



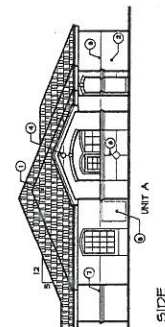
**BUILDING PLAN-TYPE 3**



**BUILDING TYPE - 4**



**BUILDING TYPE - 4**



**BUILDING TYPE - 4**

## EXTERIOR ELEVATIONS

SCALE = 1/8" = 1'-0"

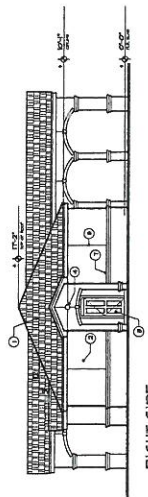
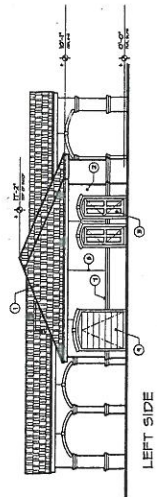
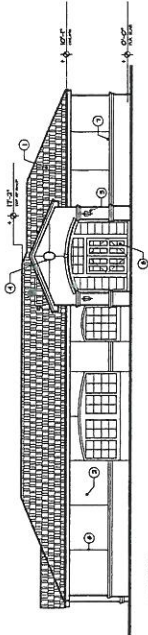
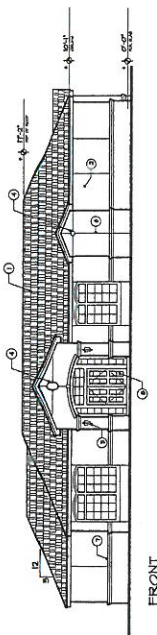
W. J. ...  
 ARCHITECT, INC.  
 1234 N. ...  
 DATE: 02/15/12  
 JOB NO. 112  
 OF 11 SHEETS  
 3  
 BUILDING ELEVATIONS

**NOTE KEY**

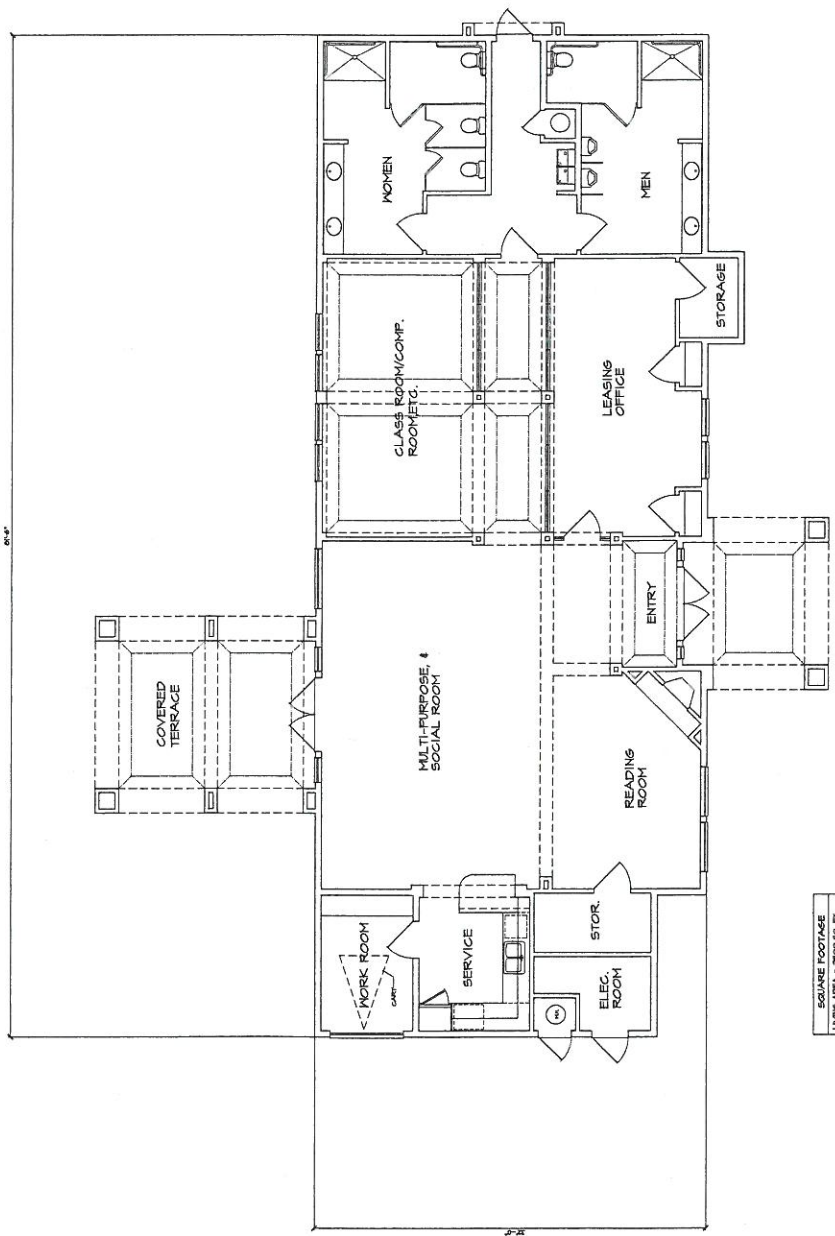
1. CONVENTIONAL SHINGLE ROOF
2. GABLE ROOF
3. BALCONY PANEL DOOR BY RESIDENTIAL HARDWARE
4. DECORATIVE HOLDING
5. 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD
6. 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD
7. 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD
8. 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD
9. 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD
10. 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD

**COLOR SCHEDULE**

CONVENTIONAL SHINGLE ROOF  
 GABLE ROOF  
 BALCONY PANEL DOOR BY RESIDENTIAL HARDWARE  
 DECORATIVE HOLDING  
 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD  
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 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD  
 2" x 4" STUDS OVER INSULATION WITH 1/2" GYPSUM BOARD



**EXTERIOR ELEVATIONS RECREATION BUILDING**  
 SCALE = 1/8" = 1'-0"



**SQUARE FOOTAGE**

LIVING AREA = 2000 SQ. FT.  
 TERRACE AREA = 200 SQ. FT.  
 ENTRY AREA = 200 SQ. FT.

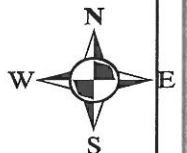
**FLOOR PLAN RECREATION BUILDING 3400 SQ. FT.**  
 SCALE = 1/8" = 1'-0"

# Conditional Use Permit No. 2012-10

APN: 079-310-004



## Vicinity Map



# City of Visalia



**To:** Planning Commission

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

**Date:** February 10, 2014

**Re:** Finding of Consistency No. 2014-001 for an existing modular office trailer used by the Sequoia Surgery Center. The surgery center was established per Conditional Use Permit No. 93-001 and is located at 842 South Akers Street (APN: 087-290-028).

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## **RECOMMENDATION**

Staff recommends that Planning Commission make a Finding of Consistency for the modular office for the previously approved for CUP No. 93-001.

## **DISCUSSION**

Sequoia Surgery Center is requesting to retain the 528 square foot modular office located to the north of the surgery center building, and two storage containers located to the east of the building (see Exhibit "A") for their long term use. The modular office was located onsite per the approval of Temporary Conditional Use Permit (TCUP) No. 2010-37, approved on June 21, 2010, with subsequent extensions issued for the temporary modular office.

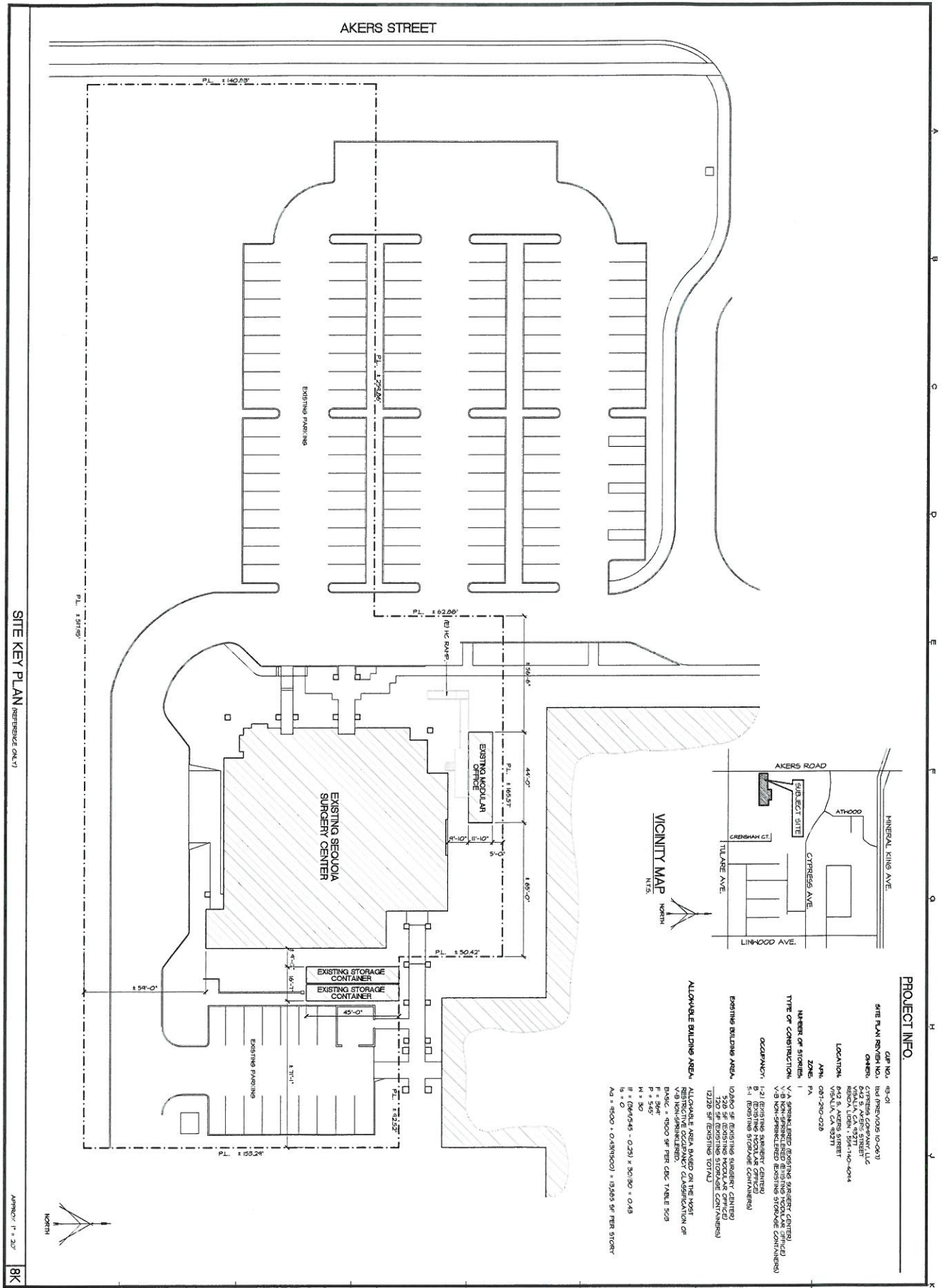
The applicant is requesting to retain the modular office and storage containers but is unable to establish a date on when these structures would be removed. To address the long-term use of these structures, the applicant has filed the Finding of Consistency based on their previously approved CUP No. 93-001. The applicant, per Exhibit "B", states only clerical staff use the modular office. Patients are only permitted in the surgery center area.

CUP No. 93-001 was approved establishing the 11,000 square foot single-story surgery center. The site is developed with 58 parking stalls exceeding the parking requirement of 44 parking stalls for the surgery center. The addition of the modular office does not impact parking. Furthermore, the property owners have paid development impact fees for the modular office and storage containers. Impact fees collected for the modular office and storage containers will be credited toward any future permanent construction when these "temporary structures" are removed from the site.

Staff recommends that the surgery center be allowed to continue the use of these structures, as depicted on Exhibit "A", until such a time that they are no longer needed. Any future construction of permanent structures at the surgery center site will require the property owners to go through the amended Conditional Use Permit process.

## **ATTACHMENTS**

- Exhibit "A" – Site Plan
- Exhibit "B" – Applicant's letter
- Aerial Map
- Vicinity Map



<p><b>SITE PLAN FOR:</b>  <b>SEQUOIA SURGERY CENTER</b>          842 S. AKERS STREET          VISALIA, CA 93277          APN 087-029-28</p>		
DATE	12/20/13	
DRAWN BY	DK	
PROJECT NO.	13-1318	
SCALE		
DATE		
BY		
DESCRIPTION		

**Collins Engineering**  
 Structural & Civil Engineering  
 P.O. Box 391 • Visalia, CA 93279  
 (559) 734-4060  
 License S-4068



APPROVED BY: [Signature]  
 DATE: 12/20/13

SITE KEY PLAN REFERENCE ONLY



City of Visalia

Site Plan 14-002

Re: Long Term Use for Modular Building

The Sequoia Surgery Center, LLC has been utilizing a modular office for 6 clerical staff since August 2010. There is not patient traffic in this office, just employees. We are asking for a Long Term Use for this office space as well as Long Term Use for our two storage containers. The storage containers do not have electricity or power, just housing supplies /equipment.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Renda Liden".

Renda Liden, Administrator

SEQUOIA SURGERY CENTER, LLC

# Finding Of Consistency No. 2014-001

APN: 087-290-028



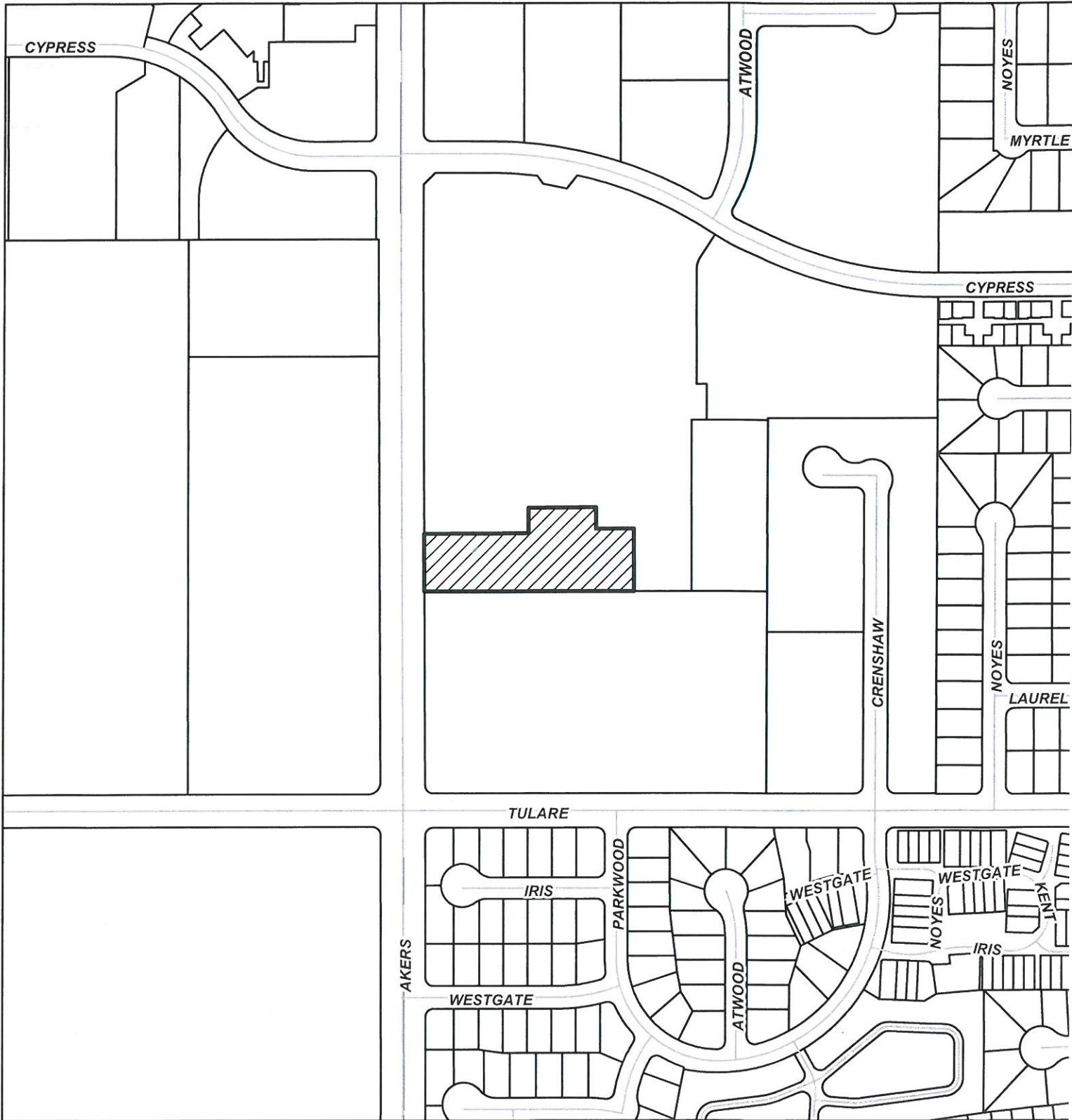
## Aerial Map





# Finding Of Consistency No. 2014-001

APN: 087-290-028



## Vicinity Map





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** February 10, 2014  
**PROJECT PLANNER:** Paul Bernal, Principal Planner  
Phone: (559) 713-4025

**SUBJECT:** Conditional Use Permit No. 2013-37: A request by Vanessa Romo and Tommy Chavez to establish a 2,745 square foot restaurant and catering service in an existing building in the Light Industrial (IL) zone. The site is located at 6836 Pershing Avenue (APN: 085-520-001).

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2013-37, as conditioned, based upon the findings and conditions in Resolution No. 2013-61. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2013-37, based on the findings and conditions in Resolution No. 2013-61.

## PROJECT DESCRIPTION

The Conditional Use Permit (CUP) is a request to re-establish a café restaurant in a portion of an existing 4,950 square foot building in the Industrial Park (see Exhibit "A"). The building is located at the northeast corner of North Shirk Street and West Pershing Avenue. The operator of the new café restaurant is not proposing to modify and/or expand the lease space floor area (see Exhibit "B") that the prior restaurant used.

According to an operational statement, see Exhibit "C", the 2,475 square foot café restaurant will offer both sit-down and take out breakfast and lunch meals. The restaurant is proposing to be open Monday through Friday from 6:00 a.m. to 3:00 p.m. There will be 3 to 4 employee's onsite during normal business hours. The remaining 2,475 square feet of building area is used for storage and not the restaurant.

The site is located in the I-L zone, which requires a conditional use permit for sit-down eating establishments. CUP No. 2005-02, approved March 14, 2005, established a sit-down restaurant in the building that operated seven days a week from 8:00 a.m. to 10:00 p.m. However, the restaurant closed and the building has been vacant resulting in the abandonment of CUP No. 2005-02.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Light Industrial
Zoning:	I-L – (Light Industrial)
Surrounding Land Use and Zoning	North: I-L (Light Industrial) – Cross Fit West fitness business
	South: I-L (Light Industrial) – Pershing Avenue and Garden Industrial Repair Shop
	East: I-L (Light Industrial) – Warehouse buildings
	West: I-L (Light Industrial) – Shirk Street and Industrial Park

Environmental Review: Categorical Exemption No. 2014-03 under Section 15301  
Special Districts: Design District "H"  
Site Plan 2013-188

### **RELATED PROJECTS**

Conditional Use Permit No. 2005-02, approved on March 14, 2005, established a sit-down restaurant at 6836 West Pershing Avenue. This CUP lapsed when the restaurant closed and the restaurant building sat vacant for more than 180 days.

Conditional Use Permit No. 2012-34, approved October 8, 2012, established a fitness facility in a vacant building in the Pershing Court Industrial Park.

## **PROJECT EVALUATION**

Staff recommends approval of Conditional Use Permit No. 2013-37, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

### **Land Use Compatibility**

The café restaurant is located in the Visalia Industrial Park along the northeast corner of North Shirk Street and West Pershing Avenue. The purpose of the Light Industrial zone is provide an area for uses that are characterized by low intensity research and development, warehousing and limited manufacturing and production, processing, assembling and packaging or treatment of food products from previously prepared materials.

A restaurant can be conditionally permitted in the industrial zone whereby they can be effectively integrated into the surrounding area. Staff concludes the proposed café restaurant is consistent, compatible, and complementary to the surrounding industrial area. The café restaurant provides employees of the industrial park area with an ancillary food service within close proximity to a major employment area. The close proximity of complementary services to the industrial park helps in reducing potential vehicle trips by providing closer food amenities.

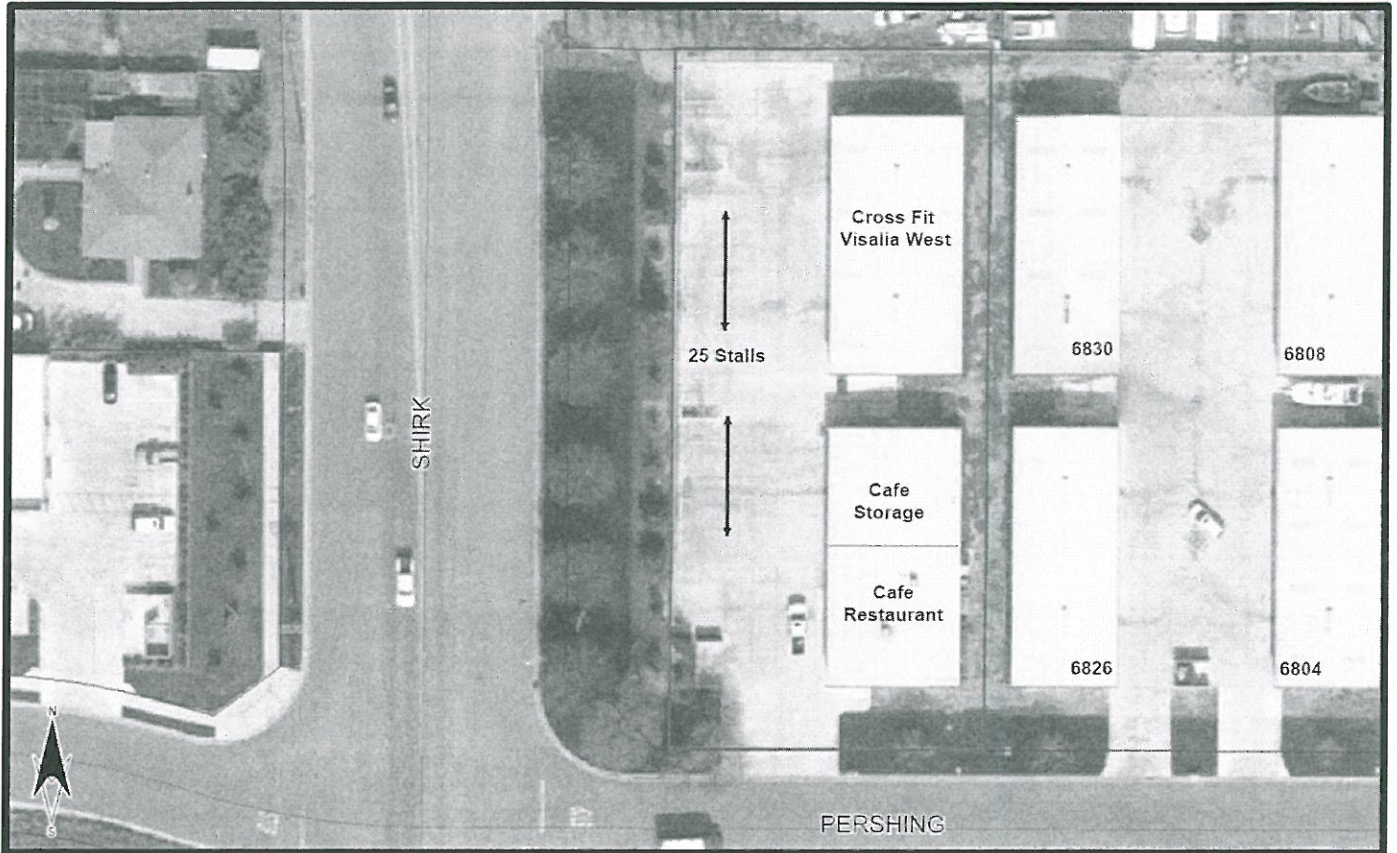
Based on a visual assessment of the surrounding industrial area, there were three fast-food / sit-down restaurant uses located in-and-around Visalia's industrial park. A Subway and Vallarta Mexican restaurant are located at the southeast corner of Plaza Drive and Goshen Avenue, while there is a Quiznos sandwich shop located on the northeast corner of Plaza Drive and Crowley Avenue.

### **Reciprocal Parking Agreement**

Parking concerns for the prior restaurant use were addressed with the approval of CUP No. 2005-02. At that time, staff noted parking deficiencies onsite because of the restaurant use. To address the parking deficiency, the property owner of the restaurant site, and the property owner to the east (owner of 6804 & 6826 West Pershing Avenue) entered into a shared parking agreement to facilitate the approval of the restaurant. Condition Nos. 6 and 8 were adopted with the approval of Resolution No. 2005-22 (see Exhibit "D") requiring the recordation of a reciprocal shared parking agreement, and the notation of this agreement recorded on the deeds for both properties.

Staff has included these two conditions into the conditions of project approval for CUP No. 2013-37. Staff requires that copies of both the recorded reciprocal parking agreement and deeds noting the parking agreement be provided to staff prior to occupancy of the café restaurant. In the event that copies cannot be produced, staff will require a new reciprocal parking agreement be prepared and recorded against both property deeds as noted in the project conditions.

To help alleviate additional parking concerns, the café restaurant operator has provided written correspondence (see Exhibit "E") from the owner/operator of the Crossfit West Visalia, a small fitness facility immediately to the north of the café restaurant. The letter identifies divergent parking needs between both businesses, as demonstrated per the hours of operation for both the fitness facility and the café restaurant. The fitness facility operates from 5:00 a.m. to 6:00 a.m. and then again from 4:30 p.m. to 8:30 p.m. while the café restaurant operates from 6:00 a.m. to 3:00 p.m.



Staff supports this parking arrangement given the differing parking needs between both businesses, as demonstrated per the hours of operation. In addition, the CUP for the fitness facility is approved with a condition requiring compliance with their operational statement. Staff has also included a condition for the café restaurant requiring compliance with their operational statement. Changes to either operational statement, including hours of operation, require a re-review by staff at the Site Plan Review level and may result in requiring the operators for either use to go back through the amended CUP process to modify their business operations. The adoption of these conditions safeguard both business from potential parking conflicts that might arise in the event that either one of the businesses needs to modify their daily operations

#### 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.

#### Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-03).

## **RECOMMENDED FINDINGS**

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 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 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 use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
  - 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.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for minor alterations in land use limitations (Categorical Exemption No. 2014-03).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2013-145.
2. That the use be operated in compliance with the site plan and floor plan depicted in Exhibit "A" and the operational statement shown in Exhibit "C". Substantial changes to the site plan, and/or operational statement that would contribute to an increase in intensity of the use will require Site Plan Review and a potential amendment to the Conditional Use Permit, prior to said changes.
3. That a reciprocal parking agreement between the principal parties (i.e., property owner) and the City shall be entered into and secured prior to the restaurant commencing business.
4. That the deeds described as Lot 1 and/or Lot 2 of the U.S. Tower Industrial Park Subdivision Map shall include notation of the reciprocal parking agreement.
5. That new uses which locate on the sites described as Lots 1 and/or 2 of the U.S. Tower Industrial Park Subdivision Map, City staff must be able to verify that off-street parking requirements mandated by Section 17.34.020 of the Visalia Municipal Code will be met for the entire site, prior to allowing the use to locate on the site.
6. That the parking lot be restriped to accommodate and van accessible ADA parking stall.
7. That building signage shall be obtained under a separate permit.
8. That all applicable federal, state and city codes and ordinances be met.
9. 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. 2013-37.

## 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](http://www.ci.visalia.ca.us) or from the city clerk.

### Attachments:

- Related Plans and Policies
- Resolution No. 2013-61
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Exhibit "D" – Resolution No. 2005-22 for CUP No. 2005-02
- Exhibit "E" – Letter from Crossfit West Visalia
- Site Plan Review No. 2013-188
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Map

## **Related Plans & Policies**

### **Conditional Use Permits**

#### **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)

RESOLUTION NO. 2013-61

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2013-37, IS A REQUEST BY VANESSA ROMO AND TOMMY CHAVEZ TO ESTABLISH A 2,745 SQUARE FOOT RESTAURANT AND CATERING SERVICE IN AN EXISTING BUILDING IN THE LIGHT INDUSTRIAL (IL) ZONE. THE SITE IS LOCATED AT 6836 PERSHING AVENUE (APN: 085-520-001)

**WHEREAS**, Conditional Use Permit No. 2013-37, is a request by Vanessa Romo and Tommy Chavez to establish a 2,745 square foot restaurant and catering service in an existing building in the Light Industrial (IL) zone. The site is located at 6836 Pershing Avenue (APN: 085-520-001); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 10, 2014; 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 Categorical 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 15301.

**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 use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
  - 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 Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-03).

**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 site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2013-145.
2. That the use be operated in compliance with the site plan and floor plan depicted in Exhibit "A" and the operational statement shown in Exhibit "C". Substantial changes to the site plan, and/or operational statement that would contribute to an increase in intensity of the use will require Site Plan Review and a potential amendment to the Conditional Use Permit, prior to said changes.
3. That a reciprocal parking agreement between the principal parties (i.e., property owner) and the City shall be entered into and secured prior to the restaurant commencing business.
4. That the deeds described as Lot 1 and/or Lot 2 of the U.S. Tower Industrial Park Subdivision Map shall include notation of the reciprocal parking agreement.
5. That new uses which locate on the sites described as Lots 1 and/or 2 of the U.S. Tower Industrial Park Subdivision Map, City staff must be able to verify that off-street parking requirements mandated by Section 17.34.020 of the Visalia Municipal Code will be met for the entire site, prior to allowing the use to locate on the site.
6. That the parking lot be restriped to accommodate and van accessible ADA parking stall.
7. That building signage shall be obtained under a separate permit.
8. That all applicable federal, state and city codes and ordinances be met.
9. 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. 2013-37.



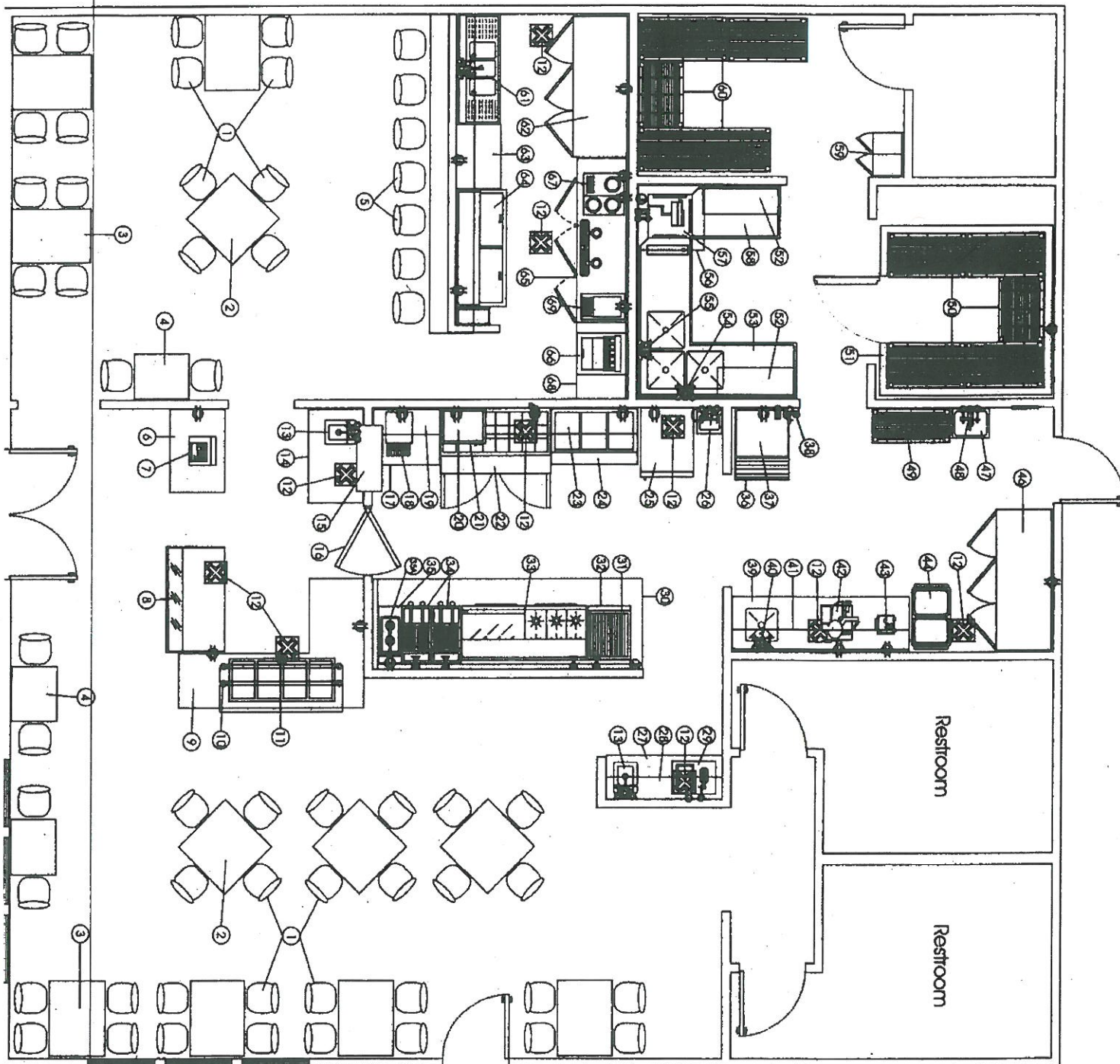


Exhibit "B"

## Exhibit "C"

### Statement of Operations

Days of operation:	Monday – Friday
Hours of operation:	6:00 am to 3:00pm
Anticipated number of employees:	3-4 (depending on workload)
Type of food service:	Sit down or take out breakfast and lunch menu.
Parking on-site and shared:	9 on-site spaces plus one handicap space that will be moved directly across from the front door per the city's recommendation. Shared parking of 21 spaces in lot next door, with a signed parking agreement with the owner. Adjacent 13 parking spaces allocated for the Gym next door are not being used from 7:00am – 3:00pm and the operators of the gym don't mind sharing.

RESOLUTION NO 2005-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2005-02, A REQUEST TO ALLOW A SIT-DOWN RESTAURANT IN THE I-L (LIGHT INDUSTRY) ZONE. THE SITE IS LOCATED AT 6836 WEST PERSHING AVENUE, ON THE NORTHEAST CORNER OF SHIRK STREET AND PERSHING AVENUE.

**WHEREAS**, Conditional Use Permit No. 2005-02: is a request by Danny Boone, applicant, to allow a sit-down restaurant in the I-L (Light Industrial) Zone. The site is located at 6836 West Pershing Avenue, on the northeast corner of Shirk Street and Pershing Avenue. (APN: 085-520-001); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on March 14, 2005; 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

**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 restaurant uses in the Light Industrial Zone may be consistent with the policies and intent of the General Plan when properly conditioned.
2. 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.
3. That the proposed conditional use permit 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 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, nor materially injurious to properties or improvements in the vicinity as conditioned.
4. 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. 2005-12).
5. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

**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 site be developed consistent with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2004-200.
2. That the restaurant and required parking be located in substantial compliance with Exhibit "A", and that the floor plan be developed in substantial compliance with Exhibit "B".
3. That the restaurant operates in substantial compliance with the operational statement included as Exhibit "D". Any changes to the operational statement that would contribute to an increase in intensity of the use (i.e. extended hours of operation, increased floor area) shall require an amendment to Conditional Use Permit No. 2005-02.
4. That the restaurant operates in substantial compliance with the conditions provided by the Visalia Police Department included as Exhibit "E" and restated as follows:
  - a. That one single jukebox or stereo may be maintained upon the premise and the music shall not be heard from outside.
  - b. That no live entertainment or any type including live music, disc jockey, karaoke, topless dancing, nude dancing, male dancers, or lingerie shows shall be allowed.
  - c. That no dancing is permitted on the premise at any time.
  - d. That no exterior advertising of any kind or type including banners, signboards, chalkboards or any other device promoting or indicating the availability of alcoholic beverages within the business shall be permitted, however this does not include advertising placed within the business, directed to the outside.
  - e. That no video / arcade game or pool or billiard table shall be permitted.
  - f. That the front doors shall be kept closed at all times during business hours, except in cases of emergency.
  - g. That the petitioners shall be responsible for maintaining free of litter the area adjacent to the premise over which they have control.
  - h. That any graffiti which is painted, written or scratched upon the business, or any items under the control of the licensee shall be removed within 48 hours of its appearance.
  - i. That windows of the premise shall not be obstructed as to stop viewing into the business.
5. That the restaurant must remain a bonafide restaurant, serving meals during all hours of operation, per their signed conditional alcohol license through the Department of Alcoholic Beverage Control.
6. That a reciprocal parking agreement between the principal parties (i.e. property owner) and the City shall be entered into agreement and secured prior to the restaurant commencing business.



7. That the deeds for tenants locating in the sites described as Lots 1 and/or 2 of the U.S. Tower Industrial Park Subdivision Map shall include notation of the reciprocal parking agreement.
8. That on new land uses which locate in the sites described as Lots 1 and/or 2 of the U.S. Tower Industrial Park Subdivision Map, City Staff must be able to verify that off-street parking requirements mandated by Section 17.34.020 of the Visalia Municipal Code will be met for the entire site, prior to allowing the land use to locate on the site.
9. That all other city codes and ordinances be met.
10. 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. 2005-02, prior to the issuance of any building permits for this project.

Commissioner Perez offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:

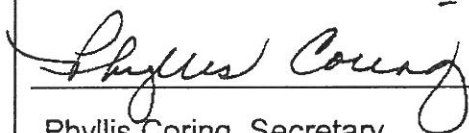
AYES: Commissioners Pérez, Salinas, Logan  
NOES: Commissioners Thompson, Wynn  
ABSTAINED:  
ABSENT:

Phyllis Coring, Secretary  
Visalia City Planning Commission

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss  
CITY OF VISALIA )

ATTEST: Phyllis Coring, Secretary, Visalia Planning Commission

I, Phyllis Coring, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2005-22, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on March 14, 2005.

  
\_\_\_\_\_  
Phyllis Coring, Secretary

  
\_\_\_\_\_  
Sam Logan, Chairperson

Parking Agreement

This agreement is entered in by the owners of the property at 6836 Pershing Ave as well as 6804 Pershing Ave and 6826 Pershing Ave. The restaurant at 6836 Pershing, employees and customers will have access to the parking spaces located in front of 6804 Pershing and 6826 Pershing. This Parking is 16 spaces that is shared parking.

Added to the restaurants 12 spaces and one ADA approved space , this will give the restaurant 28 spaces and one ADA Handicap parking space.

OWNER

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

12/16/13

OWNER



CrossFit West Visalia



Jacob Hutchison  
6840 W. Pershing Ave  
Visalia CA, 93291

December 31, 2013

To Whom it May Concern:

As the owner of CrossFit West Visalia and Neighboring business to Tommy's Café I understand the requirements for parking in accordance with Zoning Ordinance Section 17.34.020. With that said, the above Zoning requirements are met due to our business hours: CrossFit West Visalia operates from 5:00-6:00am and then from 4:30pm-8:30pm. We are closed from 6:01am-4:29pm.

Also, I agree upon a shared parking type scenario in accordance with Zoning Ordinance Section 17.34.050. Please feel free to contact me at 559-750-8151 or [crossfitwestvisalia@yahoo.com](mailto:crossfitwestvisalia@yahoo.com) if you have any questions or further information is required.

Sincerely,

Jacob Hutchison  
Owner/Head Coach

CrossFit West Visalia  
6840 W. Pershing Ave  
Visalia, CA 93291 USA  
(559)750-8151  
[www.crossfitwestvisalia.com](http://www.crossfitwestvisalia.com)



MEETING DATE 11/13/2013  
SITE PLAN NO. 13-188  
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** Revised operational statement required.

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

Site Plan Review Committee



#4

MEETING DATE NOVEMBER 13, 2013

SITE PLAN NO. 13-188

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 type="checkbox"/> PLANNING COMMISSION   | <input type="checkbox"/> PARK/RECREATION |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER _____     |

**ADDITIONAL COMMENTS** REUSED OP. STATEMENT REQ'D.

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

City of Visalia  
Building: Site Plan  
Review Comments

ITEM NO: 4 DATE: November 13, 2013  
SITE PLAN NO: SPR13188  
PROJECT TITLE: RESTAURANT & CATERING  
DESCRIPTION: RESTAURANT & CATERING LOCATION ON 32,846 SQ FT AREA BUILDING IS 2,475 SQ FT (IL ZONED) (DISTRICT H)  
APPLICANT: VANESSA ROMO / TOMMY CHAVEZ  
PROP OWNER: KOPITAR BRUCE (TR)  
LOCATION: 6836 W PERSHING AVE  
APN(S): 085-520-001

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: MOVE ADA PARKING TO FRONT OF

PARCEL FOR RESTAURANT. PER CBC CHAP 11B

G. FERRERO

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: 4

DATE: November 13, 2013

SITE PLAN NO:

SPR13188

PROJECT TITLE:

RESTAURANT & CATERING

DESCRIPTION:

RESTAURANT & CATERING LOCATION ON 32,846  
SQ FT AREA BUILDING IS 2,475 SQ FT (IL ZONED)  
(DISTRICT H)

APPLICANT:

VANESSA ROMO / TOMMY CHAVEZ

PROP OWNER:

KOPITAR BRUCE (TR)

LOCATION:

6836 W PERSHING AVE

APN(S):

085-520-001

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.)
- A construction 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. The access road shall be capable of holding a 80,000 pound piece of fire apparatus.
- 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.
- Subdivision streets shall be a minimum of 36 feet wide from curb to curb to allow fire department access and to permit parking on both sides of the street.
- 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. Fire lanes shall allow fire apparatus to be within 150 feet of all points around the building. Fire lanes shall be a minimum of 20 feet wide with no parking allowed at any time.
- 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: Depending on Occupancy Load fire sprinklers may be required. (100 or more persons)



Kurtis Brown, Assistant Fire Marshal



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

ITEM NO: 4	DATE: <u>NOVEMBER 13, 2013</u>
SITE PLAN NO.:	13-188
PROJECT TITLE:	RESTAURANT & CATERING
DESCRIPTION:	RESTAURANT & CATERING LOCATION ON 32,846 SQ FT AREA BUILDING IS 2,475 SQ FT (IL ZONED) (DISTRICT H)
APPLICANT:	VANESSA ROMO / TOMMY CHAVEZ
PROP OWNER:	KOPITAR BRUCE (TR)
LOCATION:	6836 W PERSHING AVE
APN:	085-520-001

**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. **FOR ANY WORK NECESSARY IN CITY RIGHT OF WAY**
  - 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. Comply with City and ADA standards.***

***2. Plan check and inspection fees apply, due at time of building permit issuance.***

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 13-188  
Date: 11/13/2013

**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:RESTAURANT)

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

<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

Paul Bernal, Planning Division (559) 713-4025

Date: November 13, 2013

SITE PLAN NO: 13-188  
PROJECT: RESTAURANT & CATERING  
DESCRIPTION: RESTAURANT & CATERING LOCATION ON 32,846 SQ FT AREA BUILDING IS 2,475 SQ FT (IL ZONED) (DISTRICT H)  
APPLICANT: VANESSA ROMO / TOMMY CHAVEZ  
PROP. OWNER: KOPITAR BRUCE (TR)  
LOCATION TITLE: 6836 W PERSHING AVE  
APN TITLE: 085-520-001

General Plan: IL – (Light Industrial)

Existing Zoning: IL – (Light Industrial)

## **Planning Division Recommendation:**

- Revise and Proceed (Off-Agenda w/ new operational statement for catering business only)  
 Resubmit

## **Project Requirements**

- Conditional Use Permit for Restaurant in IL Zone
- Building Permit
- Additional Information as Needed

## **PROJECT SPECIFIC INFORMATION: 11/13/2013**

1. A Conditional Use Permit is required to reestablish a restaurant in the IL zone. The prior CUP No. 2005-02, has lapsed given this tenant space has not been occupied by a restaurant since March 21, 2011.
2. Parking is a primary concern for this use. The 5,000 square foot building to the north of the proposed restaurant is occupied by a fitness facility. Staff is requiring that a parking agreement be worked out with either the fitness facility, which may result in restricting their hours of operation, or obtain a shared off-site parking agreement with the adjoining property owner to the east as conditioned with the prior CUP No. 2005-02.
3. Staff will require written consistent from either the fitness facility operator or from the adjoining property owner to the east, with the understanding that their business and/or property will be encumbered by a shared parking agreement. This information is required to be submitted with the CUP application. Staff will not schedule the CUP until the details of the shared parking agreement have been established with written consistent by those involved.
4. Per the applicant's representative, the proprietor is seeking to establish a catering business at this location while going through the discretionary process. Staff is requesting a revised operational statement stating that this space shall not be open to the public as a sit-down restaurant nor will it operate as walk-up deli. The restaurant use will not open or operate until the use has gone through the entitlement process, subject to approval by the Planning Commission. This revised operational statement will be brought to the Site Plan Review Committee as an off-agenda item.

## **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

<b>Minimum Setbacks:</b>	<b>Building</b>	<b>Landscaping</b>
➤ 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)

**Parking:**

1. Provide 25 spaces based on one space per 100 square feet of gross floor area (see Zoning Ordinance Section 17.34.020).
2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
3. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).
4. No parking shall be permitted in a required front/rear/side yard (Zoning Ordinance Section 17.34.030.F).
5. Provide shared parking/access agreements. **See staff comments above.** Said agreements/easements to be approved and recorded prior to issuance of building permits (Zoning Ordinance Section 17.34.050).

**Landscaping:**

1. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).

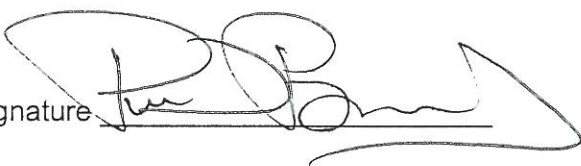
Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

**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 

# QUALITY ASSURANCE DIVISION

## SITE PLAN REVIEW COMMENTS

ITEM NO: 4                    DATE: November 13, 2013

SITE PLAN NO:              SPR13188

PROJECT TITLE:             RESTAURANT & CATERING

DESCRIPTION:              RESTAURANT & CATERING LOCATION ON 32,846  
SQ FT AREA BUILDING IS 2,475 SQ FT (IL ZONED)  
(DISTRICT H)

APPLICANT:                VANESSA ROMO / TOMMY CHAVEZ

PROP OWNER:              KOPITAR BRUCE (TR)

LOCATION:                  6836 W PERSHING AVE

APN(S):                    085-520-001

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

11-12-13

\_\_\_\_\_  
DATE



CITY OF VISALIA  
NONSIGNIFICANT WASTEWATER  
DISCHARGE PERMIT APPLICATION

Agency Use:
Permit No: _____
Code No: _____
Data Entry By: _____

PLEASE PRINT OR TYPE

APPLICANT BUSINESS NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

BUSINESS OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ TITLE: \_\_\_\_\_

NATURE OF BUSINESS: (restaurant, market, convenience store, yogurt shop, walk-up, etc.)

NO. OF EMPLOYEES: \_\_\_\_\_ HOURS OPEN: \_\_\_\_\_ AM/PM TO \_\_\_\_\_ AM/PM

DAYS PER WEEK BUSINESS OPEN: MON TUES WED THUR FRI SAT SUN

Does your facility have a grease, oil or grit trap installed before discharge to sewer? YES NO

If yes, Name of trap: \_\_\_\_\_ Size of trap: \_\_\_\_\_ How often is trap cleaned: \_\_\_\_\_

I hereby affirm that all information furnished is true and correct  
to the best of my knowledge.

\_\_\_\_\_  
Signature Date

Public Works Department  
Quality Assurance Division  
7579 Ave 288  
Visalia CA 93277  
(559) 713-4487



**CITY OF VISALIA**  
**ORDINANCE 13.08**

**13.08.570 Traps required.**

Grease, oil and sand traps shall be provided when, in the opinion of the City, they are necessary for the protection of the sewerage system from liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such traps shall not be required for buildings used solely for residential purposes. Such traps shall be required for example, on discharges from all service stations, automotive repair garages, car washes, restaurants, eating establishments and food preparation establishments, and such other commercial or industrial establishments as the city may designate. (Prior code § 4254)

**13.08.580 Construction of traps.**

All traps shall be of a type and capacity approved by the city, and shall be so located as to be readily and easily accessible for cleaning and inspection. Restaurant traps shall be gas-tight, of a type approved for restaurant use by the division of building safety. Traps for all other facilities, including service stations and garages, shall be in accordance with the adopted plan of the city for such traps or shall be the approved equal thereof as determined by the director. (Prior code § 4255)

**13.08.590 Maintenance of traps.**

When installed, all grease, oil and sand traps shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times. (Prior code § 4256)

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

**COMMERCIAL BIN SERVICE**

ITEM NO. 4      DATE: NOVEMBER 15, 2013  
 SITE PLAN NO: SPR13188  
 PROJECT TITLE: RESTAURANT & CATERING  
 DESCRIPTION: RESTAURANT & CATERING LOCATION ON 32,846  
 SQ FT AREA BUILDING IS 2,475 SQ FT (IL ZONED)  
 (DISTRICT H)  
 APPLICANT: VANESSA ROMO / TOMMY CHAVEZ  
 PROP OWNER: KOPITAR BRUCE (TR)  
 LOCATION: 6836 W PERSHING AVE  
 APN(S): 085-520-001

- 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.

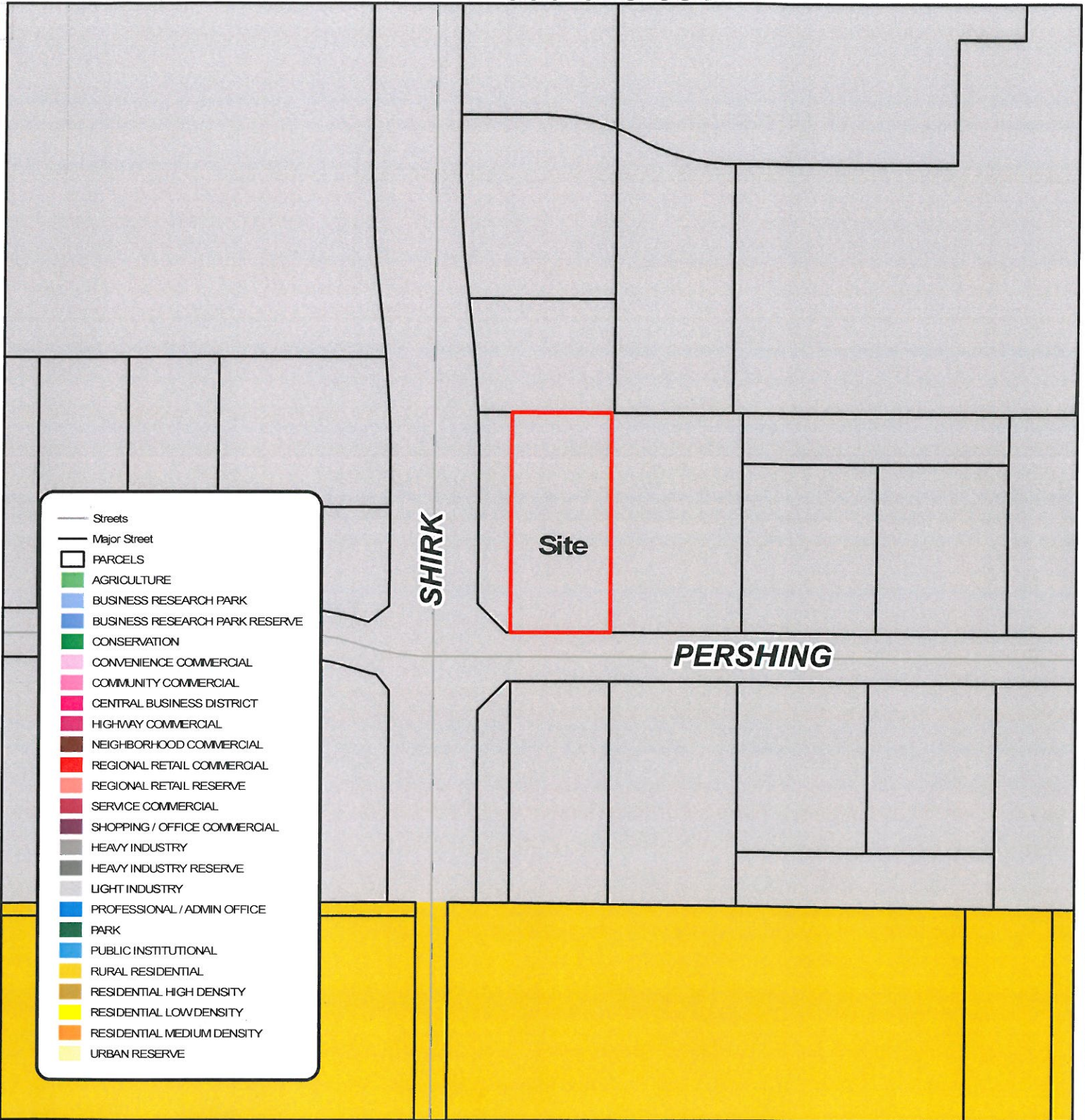
Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post  
see page 2 for instructions

EXISTING REFUSE SERVICE OK.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

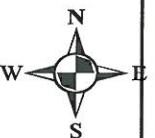
# Conditional Use Permit No. 2013-37

APN: 085-520-001



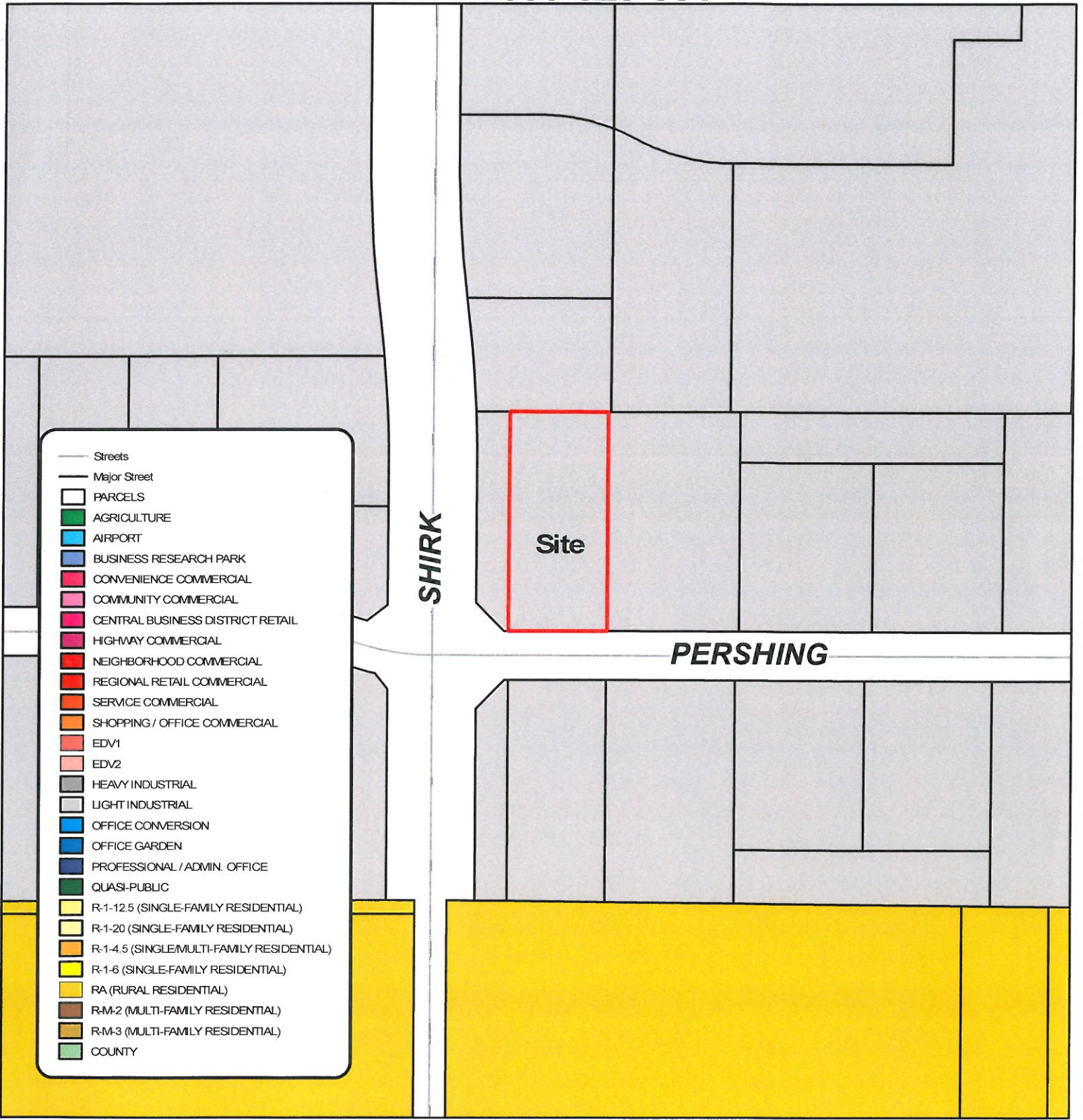
## General Plan Land Use Map

100 50 0 100 200 Feet



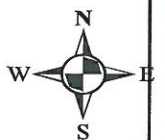
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## Zoning Map

100 50 0 100 200 Feet

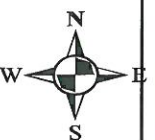


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## Aerial Map



# Conditional Use Permit No. 2013-37

APN: 085-520-001



## Vicinity Map

