

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

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

MONDAY, FEBRUARY 24, 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.
 - No Items on Consent Calendar
5. PUBLIC HEARING – Andy Chamberlain
Conditional Use Permit No. 2014-05: A request by Andrew Kenefick to establish a music tutoring facility in the Professional Administrative Office (PA) zone. The site is located at 814 W. Oak Avenue. (APN: 093-181-008)
6. PUBLIC HEARING – Brandon Smith
Conditional Use Permit No. 2014-04: a request by Sam Sciacca (Robert & Pamela Link, owners) to allow remodel of an existing 7,316 sq. ft. retail commercial building to include six residential dwelling units, located within the Central Business District Retail (C-DT) zone. The site is located 115 E. Main Street, on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)
7. PUBLIC HEARING – Andy Chamberlain
Variance No. 2014-01: A request by Signworks to allow a freestanding sign for El Pollo Loco at the Sequoia Plaza shopping center in the Regional Retail (CR) zone. The site is located at 3704 S. Mooney Boulevard. (APN: 126-062-096)
8. 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 March 6, 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 or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MARCH 10, 2014



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 24, 2014

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

SUBJECT: Conditional Use Permit No. 2014-05: A request by Andrew Kenefick (Elpidio Rodarte, owner) to establish a music tutoring facility in the Professional Administrative Office (PA) zone. The site is located at 814 W. Oak Avenue. (APN: 093-181-008)

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-05 based upon the findings and conditions in Resolution No. 2014-07. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-05 based on the findings and conditions in Resolution No. 2014-07.

PROJECT DESCRIPTION

The applicant is requesting approval of a 2,000 sq. ft. music teaching facility in an existing residential office conversion as shown in Exhibit "A", in the PA (Professional Administrative Office) zone. The facility would provide instruction for individuals in piano, guitar, voice, and related instruments as described in the operational statement in Exhibit "B".

The hours of operation would be Monday through Friday between 2 pm and 8 pm with a maximum of four students and four instructors at one time by appointment. Instruction will be for adults and children, with the expectation that young adults would be the primary users with the facility being located two blocks north of Redwood High School, and one block east of Anthony Community Center/Recreation Park. The classes would be limited to individuals, with no band practices or recording sessions proposed.

The site has parking in the rear which is part of a larger parking lot accessed from a driveway on Oak Avenue. The building would be used "as is" with the addition of foam noise insulation in some of the rooms.



BACKGROUND INFORMATION

General Plan Land Use Designation:	Professional Administrative Office
Zoning:	PA (Professional Administrative Office)
Surrounding Land Uses and Zoning:	North: PA (Office) South: PA (Office) East: PA (Office) West: PA (Office)
Environmental Review:	Categorical Exemption No. 2014-04
Design District	C
Special Districts:	Historic District
Site Plan:	2014-004

RELATED PLANS & POLICIES

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

RELATED PROJECTS

None

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2014-05, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

Educational facilities are a conditional use in the Professional Administrative Office zoning designation. The propose location is a residential office conversion surrounded by other office uses.

Noise

Since this is a music teaching facility, the potential for noise conflicts with adjacent properties was raised as an issue during the Site Plan Review process. Based upon the Operational Statement in Exhibit "B", the facility would be used for individual musical instruction. No group instruction or band practice would occur, and the site will not be used as a recording studio.

The applicants will be using the building "as is" with only the addition of foam sound proofing on the walls, which combined with the carpeting is intended to reduce/eliminate any exterior noise conflicts. Staff has included a condition that the facility is required to meet the City of Visalia Noise Ordinance standards.

The closest residential use to the site is a single family residence approximately 60 feet to the east of the site. The majority of the space between the project site and the residential unit to the east is blocked by a contemporary office building with block walls on the west and east sides. A drive aisle separates the project site from the adjacent office use to the west, and Oak Street to

the south. The north side of the site is a parking lot which backs up to another large office parking lot.

Facility Operation

The facility would provide music lessons and voice instruction for adults and children. The hours would be from 2 pm to 8 pm for up to four individuals at one time. Since instruction is typically one-on-one, there would be up to four instructors on site at one time, and the instruction will be by appointment. Band practice or recording sessions will not be provided at this site.

Parking

Adequate parking is provided based upon the nature of the facility, which will be individual music instruction. The existing parking lot on the north side of the building provides five stalls with an ADA accessible stall at the back of the building. The lot is part of a larger parking field which is utilized by the office uses east and west of the subject site. While it appears to be a shared parking area, there are no formal or recorded parking agreements, so staff is only considering the on-site stalls.

The site is within the downtown PBID parking improvement district which currently allows the intensification of parking demand with no added parking requirement. This is based upon the annual payment made by PBID into the Parking In Lieu Fee fund.

Historic Preservation Advisory Committee Review

The Historic Preservation Advisory Committee has reviewed the proposed educational facility, HPAC No. 2014-03, and is recommending that the Planning Commission approve the requested CUP. The applicants indicated that they were not intending to make any changes to the exterior of the building.

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. 2014-02)

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 finding of the Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, 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. 2014-02).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2014-004.
2. That the use be operated in substantial compliance with the Site Plan in Exhibit "A", and Operational Statement in Exhibit "B".
3. That the operators meet the conditions of HPAC No. 2014-03.
4. That the facility is required to meet the Noise Ordinance standards.
5. That all other Federal, State, Regional, and City codes and ordinances be met.
6. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-05.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the city clerk.

Attachments:

- Related Plans & Policies
- Resolution 2014-07
- Exhibit "A" – Site Plan
- Exhibit "B" – Operational Statement
- Exhibit "C" – Floor Plan
- Site Plan Review Comments
- HPAC No. 2014-03
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

Related Plans & Policies

Conditional Use Permits - (Excerpts from Section 17.38)

17.38.010 Purposes and powers.

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

17.38.030 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.

17.38.080 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)

Article 2. Administrative Adjustments

17.02.150 Purpose.

The purpose of an administrative adjustment is to provide action on projects which are routine in nature but may require an interpretation of established policies and standards set forth in the zoning ordinance. (Prior code § 7213.1)

17.02.160 Scope of authority.

A. Notwithstanding the provisions of Chapter 17.42, the city planner or his/her designee shall have the authority to grant administrative adjustments to development standards contained within this title.

B. Upon written request, the city planner may approve, conditionally approve or deny without notice minor adjustments to the following development standards; setbacks, site area, lot width, building height.

C. Any administrative adjustment shall be limited to no more than ten percent of a required development standard. In making the adjustment, the city planner shall make a finding that the adjustment is consistent with the criteria listed in Section 17.02.170. With respect to adjustments to building setbacks and building height, the adjustment shall also be approved by the fire chief and director of public works or his/her designee prior to granting said administrative adjustment. (Ord. 9605 § 30 (part), 1996: prior code § 7213.2)

17.02.170 Adjustment criteria.

The city planner shall record the decision in writing and shall recite therein the basis for same. The city planner may approve and/or modify an application in whole or in part, with or without conditions, only if all the following criteria are met:

A. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, creating a practical difficulty or unnecessary hardship;

B. That granting of the administrative adjustment is necessary to provide consistency with properties in the same vicinity and land use designation or design district within which the administrative adjustment is sought;

C. That granting the administrative adjustment will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use designation or design district in which the property is located;

D. That granting the administrative adjustment will not be inconsistent with the goals and policies of the general plan. (Ord. 9605 § 30 (part), 1996: prior code § 7213.3)

17.02.180 Report to planning commission.

No later than January 31st, the city planner shall report to the planning commission a summary of the administrative adjustment applications that have been processed and approved during the proceeding calendar year. (Ord. 9605 § 30 (part), 1996: prior code § 7213.4)

RESOLUTION NO. 2014-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-05, A REQUEST BY ANDREW KENEFICK (ELPIDIO RODARTE, OWNER) TO ESTABLISH A MUSIC TUTORING FACILITY IN THE PROFESSIONAL ADMINISTRATIVE OFFICE (PA) ZONE. THE SITE IS LOCATED AT 814 W. OAK AVENUE. (APN: 093-181-008)

WHEREAS, Conditional Use Permit No. 2014-05, is request by Andrew Kenefick (Elpidio Rodarte, owner) to establish a music tutoring facility in the Professional Administrative Office (PA) zone. The site is located at 814 W. Oak Avenue. (APN: 093-181-008); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 24, 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 Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-03);

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 15311 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 use be operated in substantial compliance with the comments from the approved Site Plan Review No. 2014-004.
2. That the use be operated in substantial compliance with the Site Plan in Exhibit "A", and Operational Statement in Exhibit "B".
3. Meet the conditions of HPAC No. 2014-03.
4. The facility is required to meet the Noise Ordinance standards.
5. That all other Federal, State, Regional, and City codes and ordinances be met.
6. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-05.

EXHIBIT - "A"

Site Plan - 814 W. Oak Street

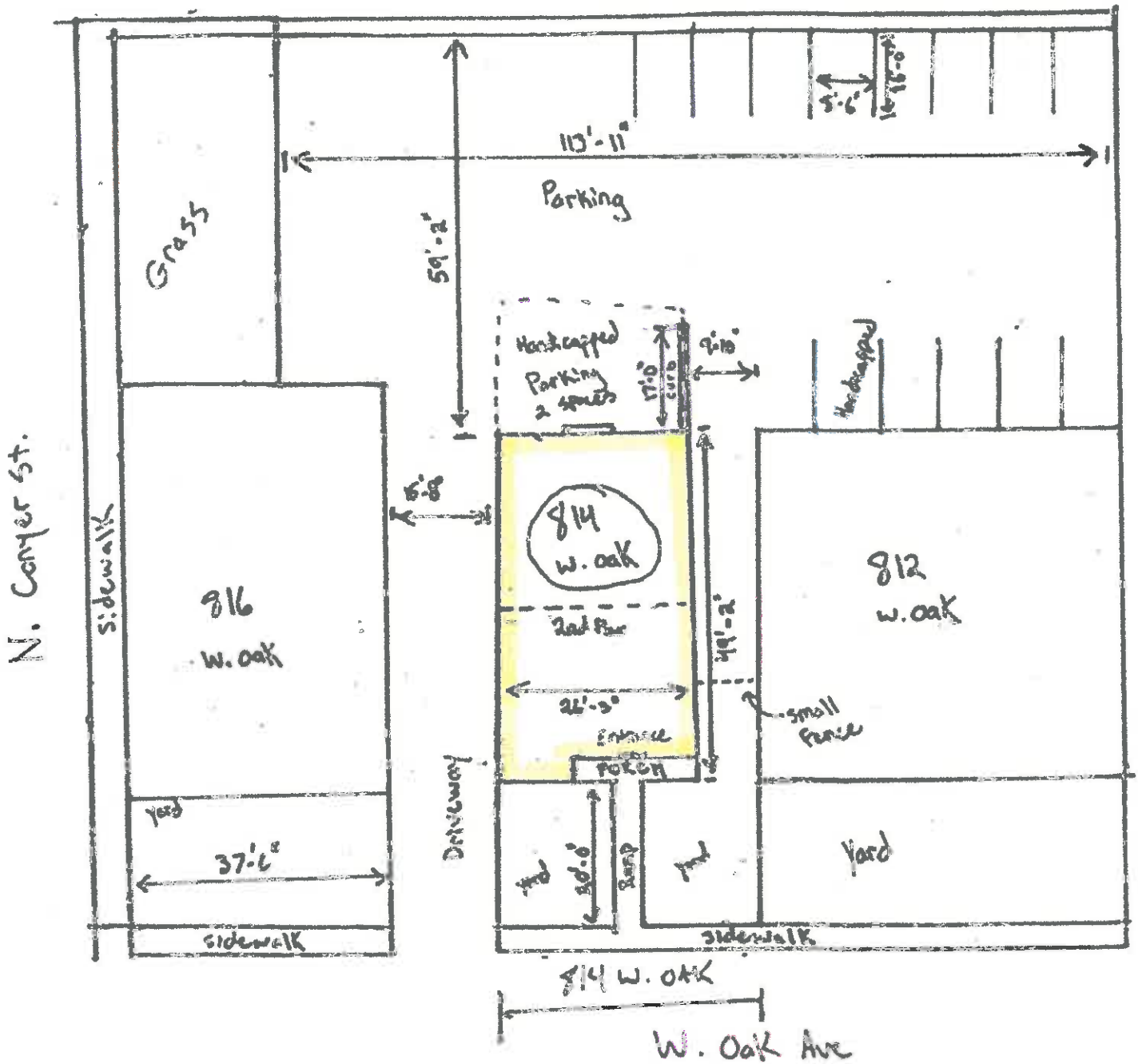


EXHIBIT – “B”

Operational Plan

Grace Note is a small appointment-based vocational school that offers specialized instruction in music. We offer private tutoring for adults and children of all ages who are interested in furthering their music education. The property at 814 W. Oak Avenue can accommodate a maximum of four students at a given time. Our hours of operation will be by appointment from 2pm-8pm, Monday through Friday. We expect the majority of our students to be scheduled between the hours of 3PM and 7PM.

We will not be offering musical recording services or hosting practice spaces for local bands. The instruments that we focus on primarily are violin, piano, guitar, and voice. The majority of instruments we teach are not electric and do not require amplification. The entire inside of the property is carpeted, and we intend to place sound proofing foam on the walls to minimize and contain the sound generated inside, which is minimal.

We are excited about this opportunity to improve our community by offering this service. We would like to make music lessons available for anyone who would like to learn. Musical instruction will enrich the lives of those who are learning, as well as their families and local community. We currently have two staff members who speak Spanish and we are actively seeking bilingual teachers to join our organization so that we can open participation to a greater community.

We intend to be active and helpful members of our local community by providing professional musical instruction, promoting an awareness of the positive impact of musical training, and by participating in events throughout the city. By collaborating with members of various communities, we hope to increase awareness and participation in the local music and arts economy.

We understand that it is the purpose of this committee to deliberate on the zoning request we have submitted, and we implore its members to facilitate its passage. We have had a tremendous outpouring of emotional, financial, and material support to make this dream become a reality, and this is the last hurdle to opening our doors. We believe that music is part of the fabric of thriving communities, and that Grace Note will be an enriching presence to ours.

We thank you for your time and look forward to hearing your decision.

Sincerely,

Andrew Keneflick and Nicole Higgins

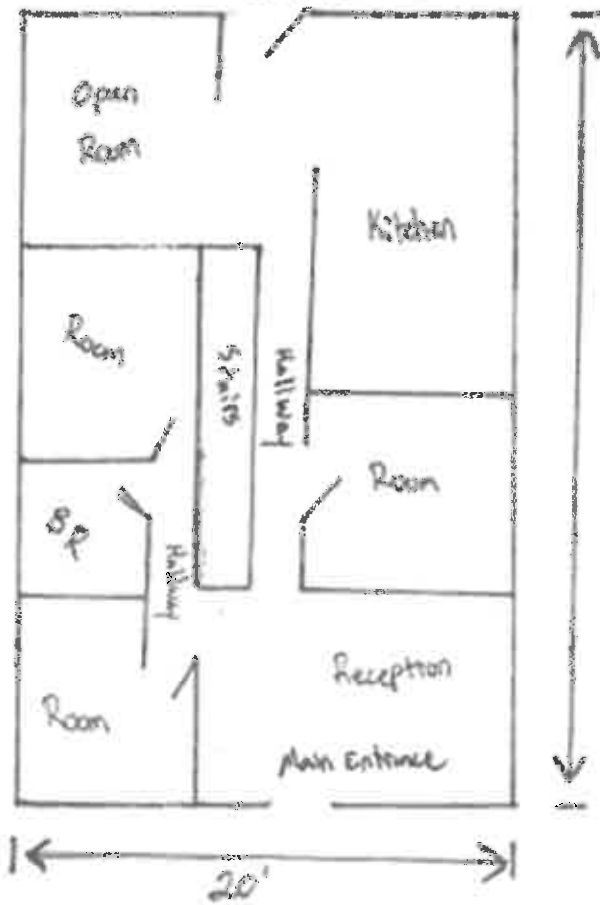
EXHIBIT – “B”

EXHIBIT - "C"

Existing building to be used as is, no interior changes required

814 W. OAK Ave
Floor Plan

1st Floor
Back Entrance



41'

2nd Floor

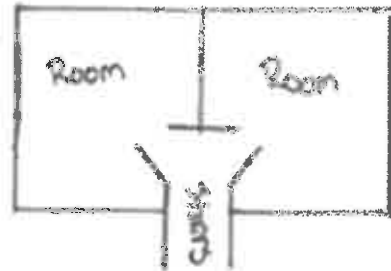


EXHIBIT - "C"



MEETING DATE 01/15/2014
SITE PLAN NO. 14-004
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
- During site plan design/policy concerns were identified, schedule a meeting with
- Planning Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste Parks and Recreation Fire Dept.

- REVISE AND PROCEED** (see below)
- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.
- Your plans must be reviewed by:
- CITY COUNCIL REDEVELOPMENT
 PLANNING COMMISSION PARK/RECREATION
 HISTORIC PRESERVATION OTHER _____

ADDITIONAL COMMENTS This project requires a Conditional Use Permit.

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

Site Plan Review Committee



SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: January 15, 2014

SITE PLAN NO: 2014-004
PROJECT TITLE: Dance and Music Studio
DESCRIPTION: Dance and Music Studio (PA ZONED)
APPLICANT TITLE: Andrew Kenefick
PROP. OWNER: Rodarte
LOCATION TITLE: 814 W. Oak
APN TITLE: 101-330-046

General Plan: Professional Administrative Office
Existing Zoning: PA – Professional Administrative Office

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- CUP for Educational facility in the PA zone.
- Building Permit.

PROJECT SPECIFIC INFORMATION: 01/08/2014

1. The revised Operational Statement 1/15/14 identifies the proposed project as a specialized educational/vocational training operation for teaching music. As such it is a Conditional Use" in the PA zone which requires a public hearing before the Planning Commission who may approve/modify/deny said request.
2. Located within the Historic District – Any land use actions or exterior changes, including signs, must be reviewed by the Historic Preservation Advisory Committee.
3. The site is within Parking District "A" and PBID which would allow an increase in parking demand without the need for additional Parking In Lieu Fees. At 1,300 sq. ft. the site has a 5 stall parking credit, and is currently developed with a common parking lot with the two adjacent properties.
4. Parking – Based upon the operational statement, staff views the parking demand similar to a professional office rather than a business, professional, or trade school facility where in the existing parking should accommodate the proposed use. **NOTE:** there may be required parking lot improvements to provide a current standard ADA stall with the appropriate path of travel – see Building Department comments.

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: "C" [17.30.180] – No Exterior construction proposed - TI only

Parking:

1. Provide spaces based on office use at one stall per 250 sq. ft. of gross building area.

2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot
3. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
4. No repair work or vehicle servicing allowed in a parking area.
5. It is highly recommended that bicycle rack(s) be provided on site plan.
6. No parking shall be permitted in a required front/rear/side yard.
7. Design/locate parking lot lighting to deflect any glare away from abutting residential areas, calculations to be shown on construction documents (Zoning Ordinance Section 17.34.030.J).

Fencing and Screening:

1. Screen new mechanical equipment.

Landscaping:

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)

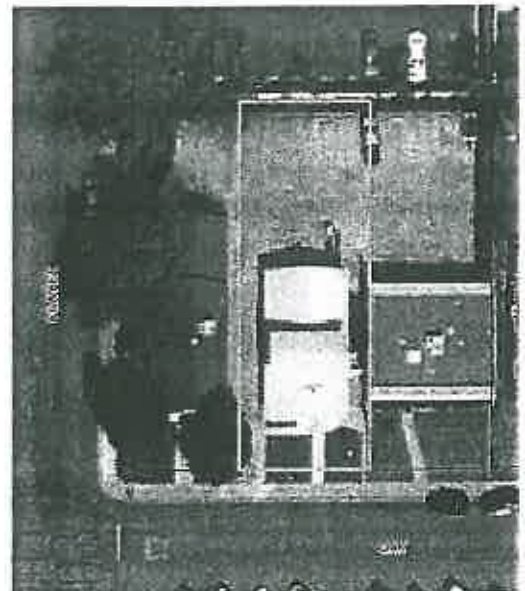
Lighting:

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. 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.
3. NOTE: Failure to meet these lighting standards in the field will result in no occupancy for the building until the standards are met.
4. 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 CEL - AJC



SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

January 15, 2014

ITEM NO: 2
SITE PLAN NO: SPR14004
PROJECT TITLE: DANCE AND MUSIC STUDIO
DESCRIPTION: DANCE AND MUSIC STUDIO IN EXISTING 1,300 SF BUILDING ON 6,304 SF AREA (PA ZONED)
(DISTRICT C) (HISTORICAL)
APPLICANT: KENEFICK ANDREW
PROP. OWNER: RODARTE ELPIDIO
LOCATION: 814 W OAK AVE
APN(S): 093-181-008

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

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

Additional Comments:

•



Leslie Blair

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
- Adrian Rubalcaba 713-4271

ITEM NO: 2 DATE: JANUARY 15, 2014

SITE PLAN NO.: 14-004
 PROJECT TITLE: DANCE AND MUSIC STUDIO
 DESCRIPTION: DANCE AND MUSIC STUDIO IN EXISTING 1,300 SF BUILDING ON 6,304 SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL)
 APPLICANT: KENEFICK ANDREW
 PROP OWNER: RODARTE ELPIDIO
 LOCATION: 814 W OAK AVE
 APN: 093-181-008

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

- Install curb return with ramp, with _____ radius;
- Install curb; gutter
- Drive approach size: _____ Use radius return;
- Sidewalk: _____ width; _____ parkway width at _____
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required.

Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Rafael Magallan, 713-4414.

- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .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 Joel Hooyer 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. Handicap stall(s) shall meet current City & ADA standards.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **14-004**
Date: **1/15/2014**

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.)

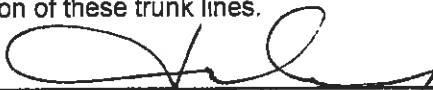
(Fee Schedule Date:**8/16/2013**)
(Project type for fee rates:**OFFICE**)

Existing uses may qualify for credits on Development Impact Fees.

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

Reimbursement:

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



Jason Huckleberry

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

ITEM NO: 2 DATE: January 15, 2014
SITE PLAN NO: SPR14004
PROJECT TITLE: DANCE AND MUSIC STUDIO
DESCRIPTION: DANCE AND MUSIC STUDIO IN EXISTING 1,300 SF
BUILDING ON 6,304 SF AREA (PA ZONED) (DISTRICT
C) (HISTORICAL)
APPLICANT: KENEFICK ANDREW
PROP OWNER: RODARTE ELPIDIO
LOCATION: 814 W OAK AVE
APN(S): 093-181-008

Site Plan Review Comments

- No Comment at this time.

- Request opportunity to comment or make recommendations as to safety issues as plans are developed.

- Public Safety Impact fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

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

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

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

- Access Controlled / Restricted etc:

- Lighting Concerns:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:
BRIAN WINTER L 98



Site Plan Review Comments For:

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

ITEM NO: 2

DATE: January 15, 2014

SITE PLAN NO:

SPR14004

PROJECT TITLE:

DANCE AND MUSIC STUDIO

DESCRIPTION:

DANCE AND MUSIC STUDIO IN EXISTING 1,300 SF BUILDING ON 6,304 SF AREA (PA ZONED) (DISTRICT) (HISTORICAL)

APPLICANT:

KENEFICK ANDREW

PROP OWNER:

RODARTE ELPIDIO

LOCATION:

814 W OAK AVE

APN(S):

093-181-008

The following comments are applicable when checked:

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2013 California Fire Code (CFC), 2013 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2013 CFC 901.6*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

General:

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2013 CFC 505.1*
- A Knox Box key lock system is required. Where access to or within a structure or an area is restricted because of secured openings (doors and/or gates) or for fire-fighting purposes, a key box is to be installed in an approved location. (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.) *2013 CFC 506.1*
- All hardware on exit doors shall comply with Chapter 10 of the 2013 California Fire Code. This includes all locks, latches, dobt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting through-out building. *2013 CFC 1011*
- When portion of the building are built upon a property line or in close proximity to another structure the exterior wall shall be constructed as to comply *2013 California Building Code Table 508.4 and Table 602.*

- 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. *2013 CFC 304.3.3*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2013 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

Water Supply:

- Construction and demolition sites shall have an approved water supply for fire protection, either temporary or permanent, and shall be made available as soon as combustible material arrives on the site. *2013 CFC 3312*
- 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.)
- Fire hydrant spacing shall comply with the following requirements:
 The exact location of fire hydrants and final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120 & 16.36.120(8)*
 - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Commercial or industrial developments shall be provided with fire hydrants every three hundred (300) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Commercial or industrial developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred (500) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
- When any portion of a building is in excess of one hundred fifty (150) feet from a water supply on a public street there shall be provided on site fire hydrants and water mains capable of supplying the required fire flow. *Visalia Municipal Code 16.36.120(6)*

Emergency Access:

- 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 75,000 pound piece of fire apparatus, and shall provide access to within 100 feet of temporary or permanent fire department connections. *2013 CFC 3310*

- Buildings or portions of buildings or facilities with a vertical distance between the grade plans and the highest roof surface exceed 30 feet shall provide 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. *2013 CFC D105*

- A fire apparatus access roads shall be provide and must comply with the CFC and extend to within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2013 CFC 503.1.1*

- Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Length 151-500 feet shall be a minimum of 20 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC. Length 501-750 feet shall be 26 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC.

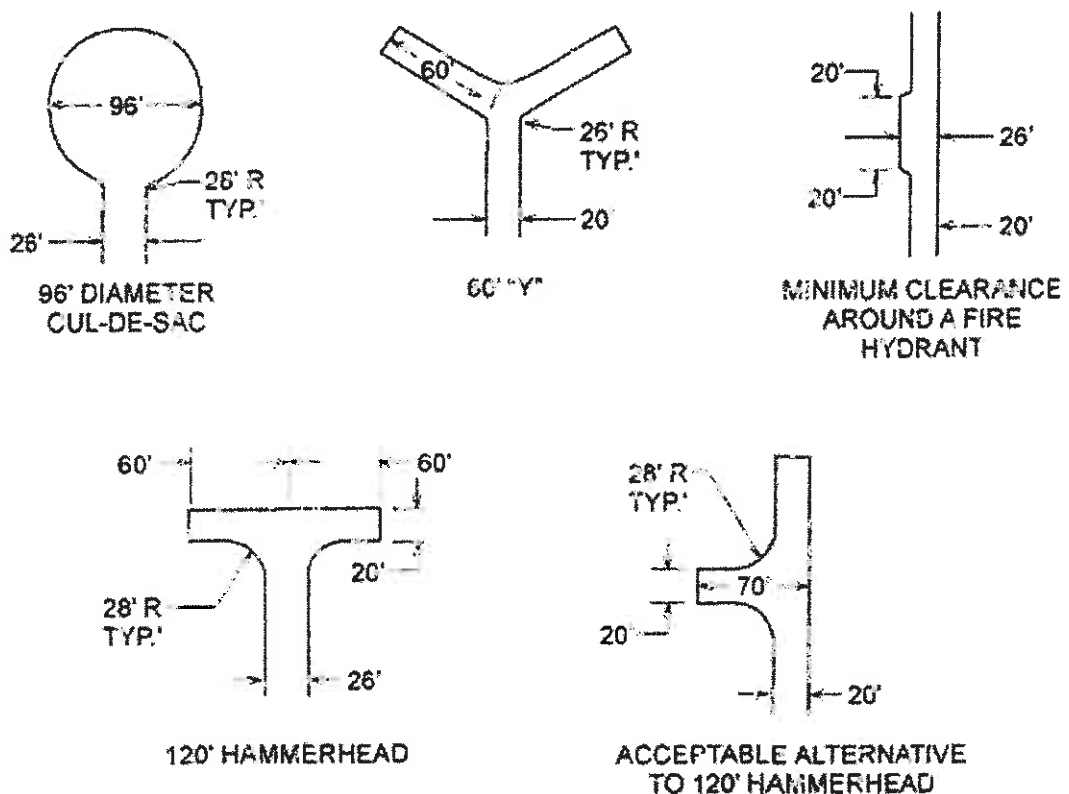


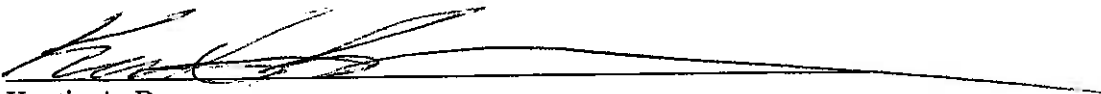
FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2013 CFC D103.5
- Typical chain and lock shall be the type that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system.
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person. (power outages)
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (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.)
- In any and all new One- or two-family dwellings residential developments regardless or the number of units, street width shall be a minimum of 36 feet form curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

Fire Protection Systems:

- An automatic fire sprinkler system will be required for this building. Also a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). *2013 CFC 903 and Visalia Municipal Code 16.36.120(7)*
- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2013 CFC 904.11& 609.2*

Special Comments:


Kurtis A. Brown
Assistant Fire Marshal

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 2 DATE: January 15, 2014
SITE PLAN NO: SPR14004
PROJECT TITLE: DANCE AND MUSIC STUDIO
DESCRIPTION: DANCE AND MUSIC STUDIO IN EXISTING 1,300 SF
 BUILDING ON 6,304 SF AREA (PA ZONED) (DISTRICT
 C) (HISTORICAL)
APPLICANT: KENEFICK ANDREW
PROP OWNER: RODARTE ELPIDIO
LOCATION: 814 W OAK AVE
APN(S): 093-181-008


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

1-21-14

DATE

HISTORIC PRESERVATION ADVISORY COMMITTEE

January 22, 2014

HPAC No. 2014-03

Applicant: Michelle Felsted; Phone Number: (559) 733-1600

Location: 814 W. Oak Avenue. (APN: 093-181-008)

Project: Conditional Use Permit to allow an Educational Facility

Staff Recommendation

Staff recommends that the Historic Preservation Advisory Committee recommend approval to the Planning Commission of the proposed conditional use permit for a music instruction educational facility - HPAC No. 2014-03, as described in the findings and recommendations in this report.

Site Plan

Zoning: PA (Professional Administrative Office)

General Plan Designation: Central Business District

The site is within the Historic District, but is not listed in the Local Register of Historic Structures.

Discussion

This request is to establish an educational facility through the use permit process. Based upon the applicant's operational statement in Exhibit "B", this would allow a music school to locate in this building. Educational uses require a conditional use permit in the PA zone.

The facility would operate as a music instruction facility providing individual student instruction in a variety of instruments. The site would not be used as a location for band practice, recording sessions, or similar uses. No exterior changes are being requested as a part of this review. They would come back to the Committee in the future if there is a request for changes or a sign at the site.

Staff is recommending that the Committee recommend approval of the proposed educational facility to the Planning Commission. This is based upon the limited scope of the project as described in the operational statement and the site which has commercial and office uses directly adjacent to it wherein potential noise would not be occurring directly adjacent to a residential use.



Committee Review

The Historic Preservation Advisory Committee is required under Zoning Ordinance Section 17.56.050-C-1 to review and provide a recommendation to the Planning Commission on discretionary actions for Historic District and Local Register sites.

Site Characteristics

The site is a converted house which shares parking and access with the adjacent properties. As described in the operational statement, the facility would not appear to generate more parking than a typical office.

Findings and Conditions

Staff recommends that the Committee recommend approval HPAC Item No. 2014-03 for a conditional use permit to establish an educational facility for music instruction based upon the following findings:

1. The site is within the Historic District, but not listed in the Local Register of Historic Structures.
2. That the proposed project would not be injurious to the surrounding properties.
3. That the proposed conditional use permit for an educational facility would not be injurious to the site or the Historic District.
4. That the proposed action would be in keeping with the intent of the Historic Preservation Element and Ordinance.

And subject to the following conditions:

1. That the facility operates consistent with the operational statement in Exhibit "B".
2. That any other exterior alterations be brought before this Committee for review prior to their installation.
3. That all other City codes and ordinances be met.

Attachments

- Exhibit "A" – Aerial Photo
- Exhibit "B" – Operational Statement

Exhibit "A"



Exhibit "B"

Operational Plan

Grace Note is a small appointment-based vocational school that offers specialized instruction in music. We offer private tutoring for adults and children of all ages who are interested in furthering their music education. The property at 814 W. Oak Avenue can accommodate a maximum of four students at a given time. Our hours of operation will be by appointment from 2pm-8pm, Monday through Friday. We expect the majority of our students to be scheduled between the hours of 3PM and 7PM.

We will not be offering musical recording services or hosting practice spaces for local bands. The instruments that we focus on primarily are violin, piano, guitar, and voice. The majority of instruments we teach are not electric and do not require amplification. The entire inside of the property is carpeted, and we intend to place sound proofing foam on the walls to minimize and contain the sound generated inside, which is minimal.

We are excited about this opportunity to improve our community by offering this service. We would like to make music lessons available for anyone who would like to learn. Musical instruction will enrich the lives of those who are learning, as well as their families and local community. We currently have two staff members who speak Spanish and we are actively seeking bilingual teachers to join our organization so that we can open participation to a greater community.

We intend to be active and helpful members of our local community by providing professional musical instruction, promoting an awareness of the positive impact of musical training, and by participating in events throughout the city. By collaborating with members of various communities, we hope to increase awareness and participation in the local music and arts economy.

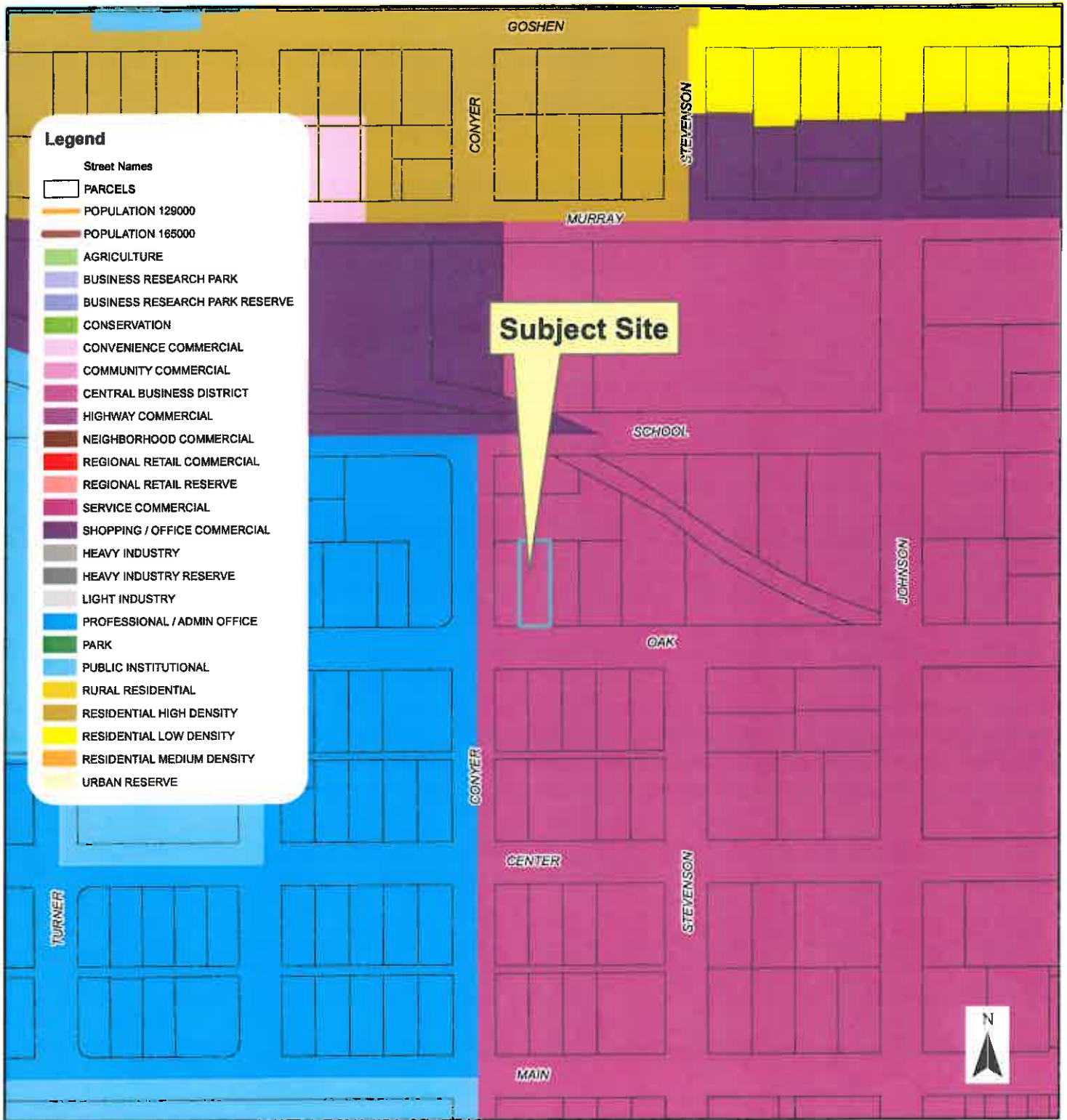
We understand that it is the purpose of this committee to deliberate on the zoning request we have submitted, and we implore its members to facilitate its passage. We have had a tremendous outpouring of emotional, financial, and material support to make this dream become a reality, and this is the last hurdle to opening our doors. We believe that music is part of the fabric of thriving communities, and that Grace Note will be an enriching presence to ours.

We thank you for your time and look forward to hearing your decision.

Sincerely,

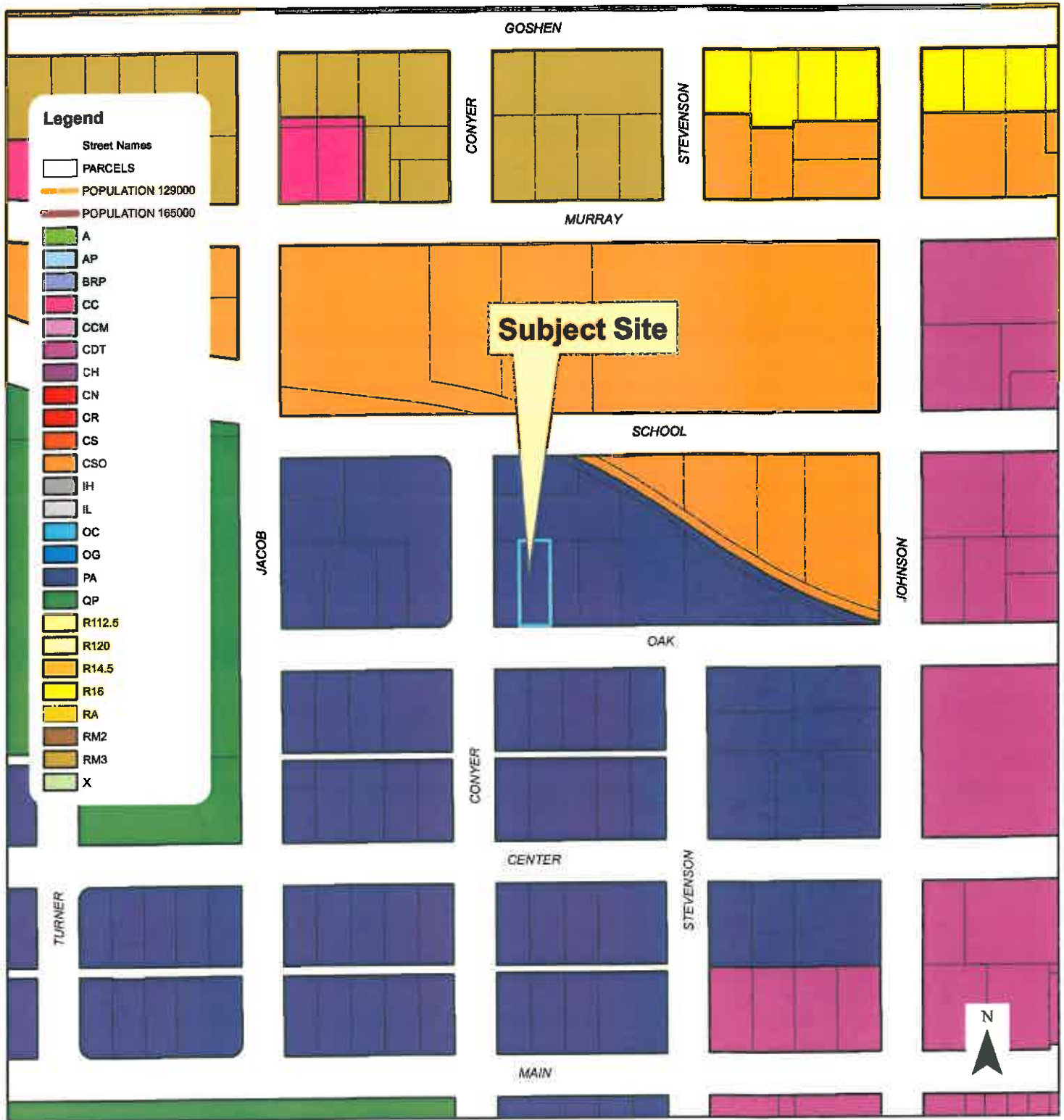
Andrew Kenefick and Nicole Higgins

City of Visalia



Land Use Designations

City of Visalia



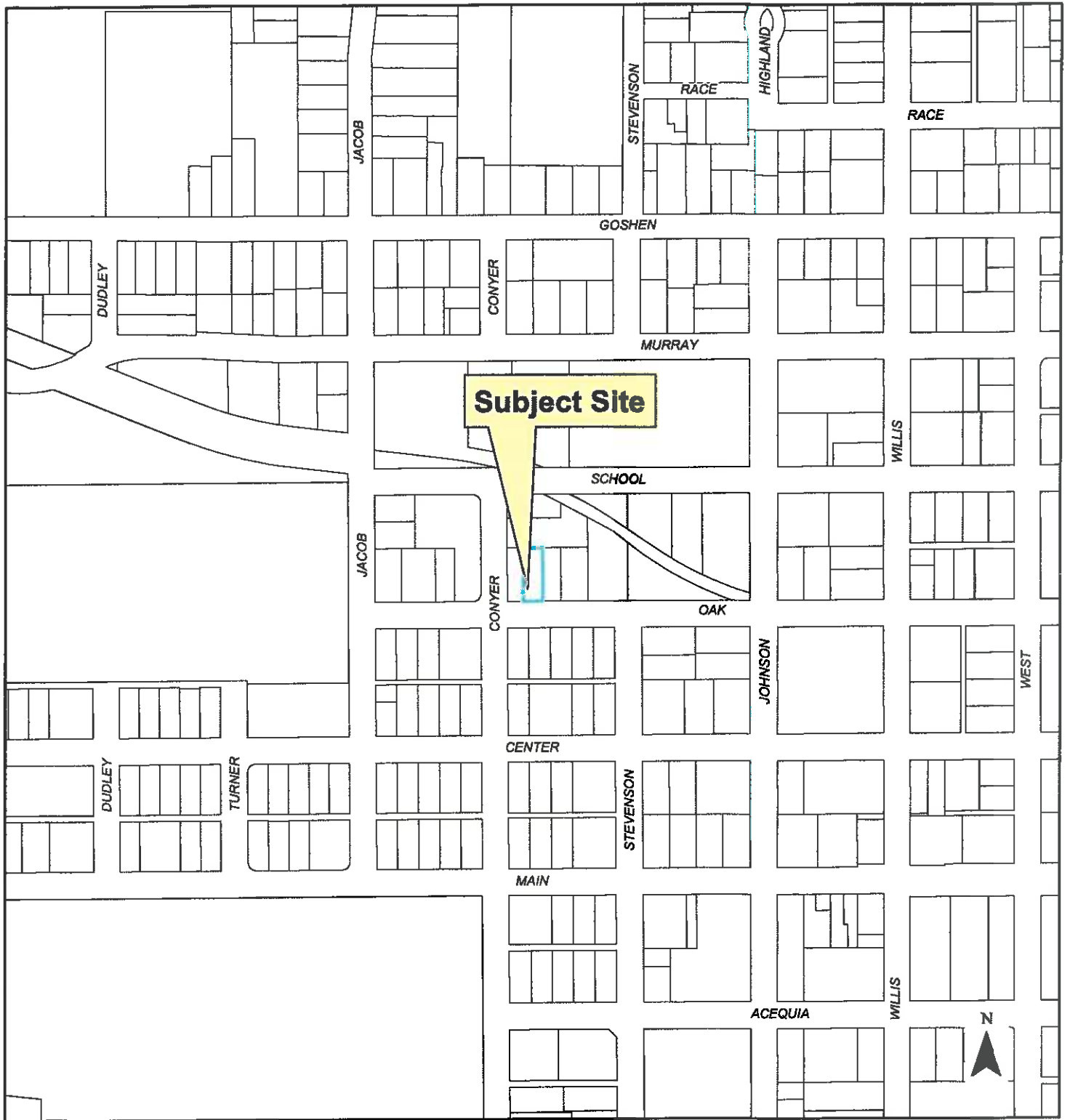
Zoning Designations

City of Visalia



Aerial Photo

City of Visalia



Location Map



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 24, 2014

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

SUBJECT: Conditional Use Permit No. 2014-04: a request by Sam Sciacca (Robert & Pamela Link, owners) to allow remodel of an existing 7,316 sq. ft. retail commercial building to include six residential dwelling units, located within the Central Business District Retail (C-DT) zone. The site is located at 115 E. Main Street, on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-04 based upon the findings and conditions in Resolution No. 2014-06. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-04 based on the findings and conditions in Resolution No. 2014-06.

PROJECT DESCRIPTION

Conditional Use Permit No. 2014-04 is a request to convert a 7,316 sq. ft. retail building into a mixed-use commercial and residential building. The mixed-use project will consist of a 2,454 sq. ft. ground floor tenant space which is identified for future retail space. The remainder of the building, consisting of floor area behind the retail space, a mezzanine level, and an upstairs level, will be converted to six residential units as depicted in Exhibit "A", attached herein. The building mostly consists of two levels with 12' to 14' ceiling height, except at the rear of the building where a mezzanine level is included between the ground and upstairs levels (see Exhibit "B"). The ground floor and mezzanine spaces formerly accommodated the Link's clothing store, and the upstairs level is currently not in use.

The project site is a portion of a larger 13,000 square foot building facing Main Street which has been partitioned into four separate spaces. There is no cross access between the four spaces from inside the building; the spaces can only be accessed from street



and alley-facing elevations. The project site is the westernmost of the four spaces in the building.

On the ground floor, the existing retail space (future tenant to be determined) is shown on the site plan as being divided into two spaces of equal size with separate entrances facing Main Street. The residential units are accessed from an existing entry and stairwell located near the building's rear entry. The ground floor unit and stairwell can also be accessed from the retail space.

Floor space located at the rear of the ground floor and the mezzanine that was utilized as office space for the Link's clothing store will be converted into two one-bedroom one-bathroom apartments each approximately 378 sq. ft. in area. A small portion of the existing retail space will be converted into common area that includes restrooms and tenant bicycle lockers.

The upstairs will be developed into four units ranging in size from 736 to 809 square feet. All units will be separated by a one-hour fire rated wall. Two units will have one bedroom each, and two units will have one bedroom and one small bedroom/office. All units will have living spaces, full kitchens, one bathroom, washer/dryer hookups, and natural lighting from existing windows on the north or south.

The building's exterior brick elevation will remain largely unchanged (see Exhibit "C"). On the upstairs level the existing windows and façade on the front elevation will be refurbished to match the original windows, some of which are currently blacked out. Pending the outcome of a structural analysis, new windows are proposed along the upstairs west façade offering additional light into two of the units. Windows are also proposed to be restored at the rear of the ground level.

The tenants of the units will be able to park personal vehicles in the City owned parking lot located to the south of the building. There are approximately 35 parking spaces within this City owned lot. Vehicles will be required to pay regular fees for a permanent parking permit, which is administered by the Visalia Downtown Association. There is no on-site parking associated with the project site.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Central Business District
Zoning:	P-C-DT (Planned Central Business District Retail)
Surrounding Land Uses and Zoning:	North: P-C-DT / Commercial retail – Chelsea Street Boutique South: P-C-DT / City of Visalia Parking Lot East: P-C-DT / Commercial retail – Midtown Sports West: P-C-DT / Commercial retail – Colima Mexican Restaurant
Environmental Review:	Categorical Exemption No. 2014-08
Special Districts:	Design District "DRD"
Site Plan:	2014-014

RELATED PROJECTS: In the past decade there have been two mixed-use residential projects built in the downtown and one project recently approved for construction.

On January 13, 2014, the Visalia Planning Commission approved Conditional Use Permit No. 2013-34, a request by Janine Settimi Family Trust to allow two residential dwelling units on the 2nd floor of a new building in the PA zone containing a dentist office, located at 800 W. Acequia.

On June 9, 2008, the Planning Commission approved Conditional Use Permit No. 2008-17, a request by Sam and Marlene Sciacca (same proponents as the proposed project) to allow a residential dwelling unit above a ground floor retail use in an existing 4,100 sq. ft. building in the C-DT zone located at 114 E. Main Street, across the street from the project site.

On February 9, 2004, the Planning Commission approved Conditional Use Permit No. 2003-52, a request by Troy Korsgaden to allow a residential dwelling unit on the 3rd floor of a new building in the C-DT zone containing Crawdaddy's Restaurant, located at 333 W. Main Street.

PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2014-04, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

Staff has concluded that the proposed residential dwelling units will not have a negative impact on surrounding commercial and office uses. The building, which dates to the early 20th century and was originally a department store, will undergo some modest exterior renovation, though these improvements will not have an adverse impact on the building and may in some cases enhance the building by removing elements that are not original to the building.

The building's retail use will be maintained on the ground floor facing Main Street, which promotes and retains the shopping district along this street. The residential function of the building will mostly be undetected. The residences will benefit local businesses by locating dwelling units proximate to areas of commerce. Additionally, the mixed use provides environmental benefits by reducing household-to-job vehicle miles traveled and by placing housing within walking distance to services.

Downtown Visalia continues to experience strong economic activity and steady development of complementary uses. Recent development activities indicate that the City's current efforts on revitalization and downtown enhancement are successful. This is evident based on the number of both public and private projects that are currently under construction and/or have been completed. While these projects reflect the ongoing strength and vibrancy of commercial and professional office development in the downtown area, only two residential mixed-use projects have come to fruition in the downtown area to date. The City has encouraged these types of developments and has emphasized the downtown as the ideal geographical area for mixed-use projects to be developed.

Consistency with Zoning Ordinance

Pursuant to Section 17.18.010.A.2 of the Visalia Zoning Ordinance which lists the purposes of commercial zones as well as Objective 1.1.D of the Visalia Land Use Element, the Central Business District (which extends westerly to Conyer Street) shall be maintained "as Visalia's traditional, medical, professional, retail, government, and cultural center." Zoning Ordinance Section 17.18.010.B.5 further defines the purpose and intent of the C-DT zone: to provide for the continuing commercial development of the downtown and maintaining and enhancing its

historic character, and to accommodate a wide mix of land uses including residential and commercial.

The Zoning Matrix identifies residential units - either new or expansion of - as conditionally-allowed uses in all Commercial zones. Residences in the Commercial zones may or may not be associated with a commercial activity. Through the CUP process potential impacts can be addressed thereby ensuring compatibility between the proposed use and surrounding uses.

Consistency with General Plan

The City of Visalia's General Plan includes several goals and policies that encourage the mixing of uses. In this particular case, the owner is attempting to maximize the use of the building by retaining commercial retail use on the ground floor with high street-level visibility which will help the business become economically viable, and placing residential units on the second story and in the rear.

This project complies with Land Use Element policies which are analyzed as follows:

Policy 2.3.2 Encourage projects which incorporate mixed land uses.

Staff supports this mixed-use project. There are several examples in other communities located throughout the State that show how residential and retail uses can be combined into successful mixed-use projects, particularly in downtown areas. The technique of mixing uses in a dense urban setting has become widely acceptable because it facilitates activities in a manner that promotes interaction among visitors, business owners and residents which helps strengthen the economic viability of the downtown area. In addition, mixing commercial, office and residential uses within an urban downtown setting can result in a reduction of vehicle trips traveled by employees and residents of the downtown area and may increase transit use, walking and bicycling as means of transportation.

Policy 3.5.9 Preserve and enhance the Central Business District (CBD) (Conyer St. to Tipton and Mineral King Ave. to Murray including Locust-Court corridor to the Lincoln Oval area) as Visalia's historic medical and professional services center. Promote retail commercial, specialty retail, professional/administrative office, public and community facilities and urban residential uses. Designate the Locust and Court corridor between Murray and Race for office conversions to provide for a functional connection between the Oval area and Downtown. Maintain the downtown as the geographic center of the community.

The City has long committed to keeping the downtown core area as the geographic center of the community. This is evident with the City's efforts to retain uses and approve projects that enhance and stimulate development within the downtown area. To further improve the downtown's economic viability, the City has adopted policies that encourage the mixing of land uses, and more particularly, encouraging residential uses within the downtown area when feasible. This project is an example of the City's desire to support projects that incorporate residential uses into the downtown area as a means of creating an efficient, sustainable and desirable community.

Parking

The building is located within the Central Business District Parking Zone. The central business district parking zone was formed to ensure that uses established within this zone meet the parking requirements of the VMC or, that uses pay in-lieu fees for future downtown parking facilities. These fees would be used exclusively for the purpose of acquiring and developing off-street parking facilities to serve the central business district.

The retail tenant space, including ground floor and mezzanine, was formerly occupied by Link's clothing store. A future tenant, if retail in nature, would have the same parking requirements as the former tenant and no additional parking would be required.

The second floor (3,367 sq. ft. area) was previously occupied by various uses including retail and has a credit based on this prior use. No additional parking in-lieu fees are required. The typical parking requirements for multi-family type dwelling units is 1.5 spaces per unit.

A parking permit for all-day parking in City lots can be obtained for tenants of the residential dwelling. The parking permit fee is payable to the Visalia Downtown Association who administers the permit parking program.

Other than vehicle parking, bicycle lockers will be included in the ground floor of the building for use by the tenants.

Solid Waste

Tenants in the dwelling units will utilize existing trash enclosures located in the adjacent City parking lot.

Environmental Review

This project is considered Categorical Exempt under Section 15301 (Class 1) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) as an existing facility project (Categorical Exemption No. 2014-08).

Projects determined to meet this classification consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the use beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the Class 1 are not intended to be all-inclusive of the types of projects.

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 finding of the Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, 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. 2014-08).

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. 2014-014.
2. That the site be developed in compliance with the site plan and floor plan shown in Exhibit "A", cross sections shown in Exhibit "B", and elevation plans shown in Exhibit "C". Substantial changes to the site plan, floor plan, and/or elevation plan may require an amendment to the Conditional Use Permit.
3. That any project signage shall be obtained under a separate permit.
4. That all project signage shall comply with all City codes and ordinances.
5. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
6. 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. 2014-04.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the city clerk.

Attachments:

- Related Plans & Policies
- Resolution
- Exhibit "A" – Site Plan / Floor Plan
- Exhibit "B" – Cross Sections
- Exhibit "C" – Elevation Plans
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

RELATED PLANS AND POLICIES

Visalia Municipal Code

Title 17: Zoning Ordinance

Chapter 17.38: 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)

17.38.030 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)

17.38.060 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.

17.38.080 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. 2014-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-04, A REQUEST BY SAM SCIACCA (ROBERT & PAMELA LINK, OWNERS) TO ALLOW REMODEL OF AN EXISTING 7,316 SQ. FT. RETAIL COMMERCIAL BUILDING TO INCLUDE SIX RESIDENTIAL DWELLING UNITS, LOCATED WITHIN THE CENTRAL BUSINESS DISTRICT RETAIL (C-DT) ZONE. THE SITE IS LOCATED AT 115 E. MAIN STREET, ON THE SOUTH SIDE OF MAIN STREET BETWEEN COURT AND CHURCH STREETS. (APN: 094-298-004)

WHEREAS, Conditional Use Permit No. 2014-04 is a request by Sam Sciacca (Robert & Pamela Link, owners) to allow remodel of an existing 7,316 sq. ft. retail commercial building to include six residential dwelling units, located within the Central Business District Retail (C-DT) zone. The site is located at 115 E. Main Street, on the south side of Main Street between Court and Church Streets. (APN: 094-298-004); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 24, 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 Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-08). The project is therefore exempt from further environmental review pursuant to CEQA Section 15301.

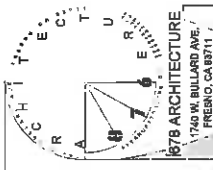
NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia makes the following specific findings based on the evidence presented:

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 Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - a) 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.
 - b) 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.

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 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. 2014-014.
2. That the site be developed in compliance with the site plan and floor plan shown in Exhibit "A", cross sections shown in Exhibit "B", and elevation plans shown in Exhibit "C". Substantial changes to the site plan, floor plan, and/or elevation plan may require an amendment to the Conditional Use Permit.
3. That any project signage shall be obtained under a separate permit.
4. That all project signage shall comply with all City codes and ordinances.
5. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
6. 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. 2014-04.



Links 115 E. Main St

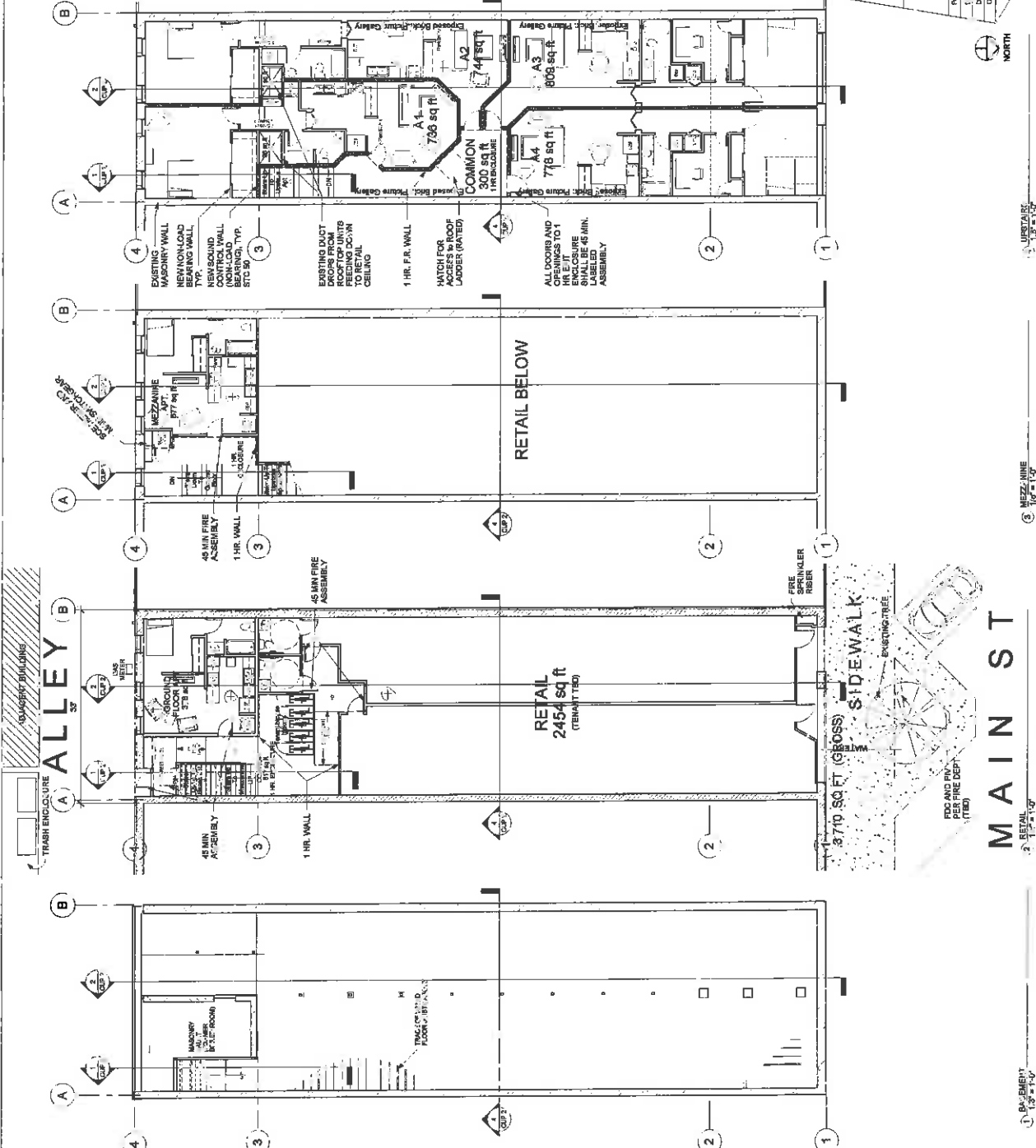


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100	6/25/13	REVISED PER COMMENTS

FLOOR PLANS

Project No. 1022-1
 Date: 10/1/10
 Architect: Michael J. ...
 Checked by: Thom Labak

CUP 1

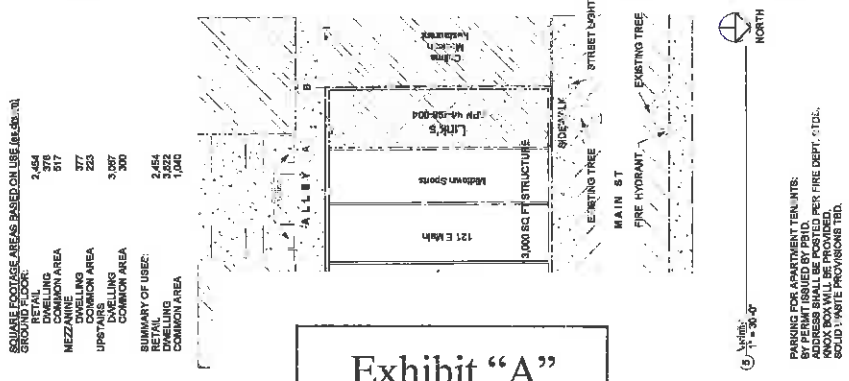


Types III, IV, V (to be checked by architect)
 Heavy duty load bearing wall
 Structural steel intermediate framing
 Flood Panel A-E

SQUARE FOOTAGE AREAS:	
BASEMENT	2,370
GROUND FLOOR	3,318
UPPER FLOOR	3,397
TOTAL	10,545

Values based on measuring from inside face of masonry walls.

SQUARE FOOTAGE AREAS BASED ON USE (AS SHOWN):	
GROUND FLOOR:	
RETAIL	2,454
DWELLING	517
MEZZANINE	377
DWELLING	225
UPPER FLOOR	3,397
DWELLING	300
COMMON AREA	
RETAIL	2,454
COMMON AREA	1,040



1. BASEMENT 1/2" = 1'-0"
 2. RETAIL 1/2" = 1'-0"
 3. MEZZANINE 1/2" = 1'-0"
 4. UPPER FLOOR 1/2" = 1'-0"
 5. NORTH

1/4" = 3'-0"

PARKING PER APARTMENT TENANTS:
 BY PERMIT ISSUED BY PRD.
 ADDRESS SHALL BE POSTED PER FIRE DEPT. C.D.L.
 ALL OTHERS SHALL BE PERMITTED TO PARK IN
 SOLID WHITE PROVISIONS ONLY.

Exhibit "A"

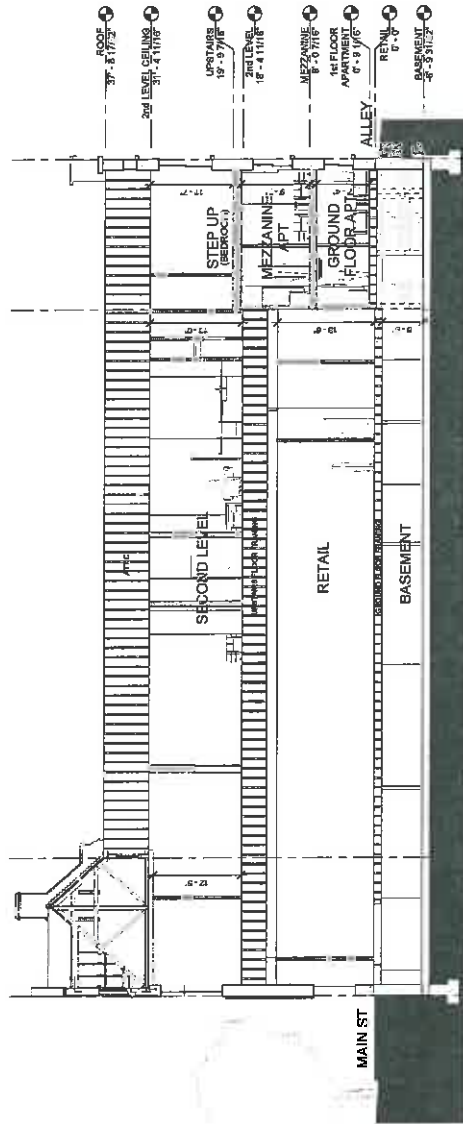


NO.	DESCRIPTION	DATE
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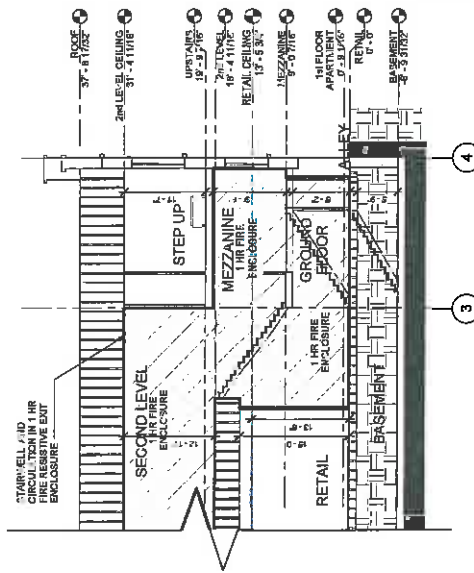
**SECTIONS,
ROOF PLAN**

PROJECT NO. 1922.1
DATE 11.22.2019
DRAWN BY Alicia Rodriguez
CHECKED BY Thom Beck

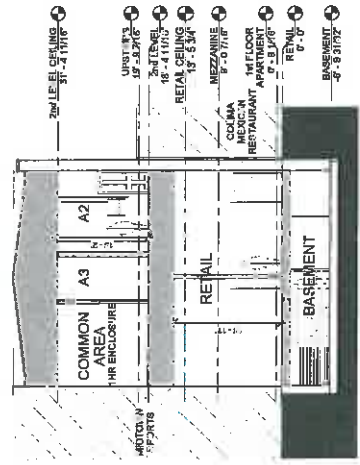
CUP 2



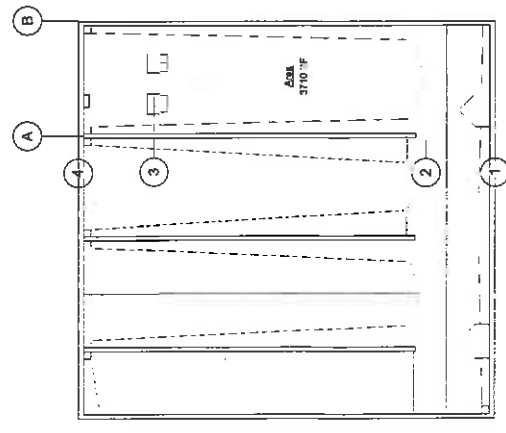
1 CROSS SECTION LOOKING EAST
1/8" = 1'-0"



2 PROFILE OVER HIGH STAIRS
1/8" = 1'-0"



3 CROSS SECTION LOOKING SOUTH
1/8" = 1'-0"



4 ROOF
1/16" = 1'-0"

Exhibit "B"

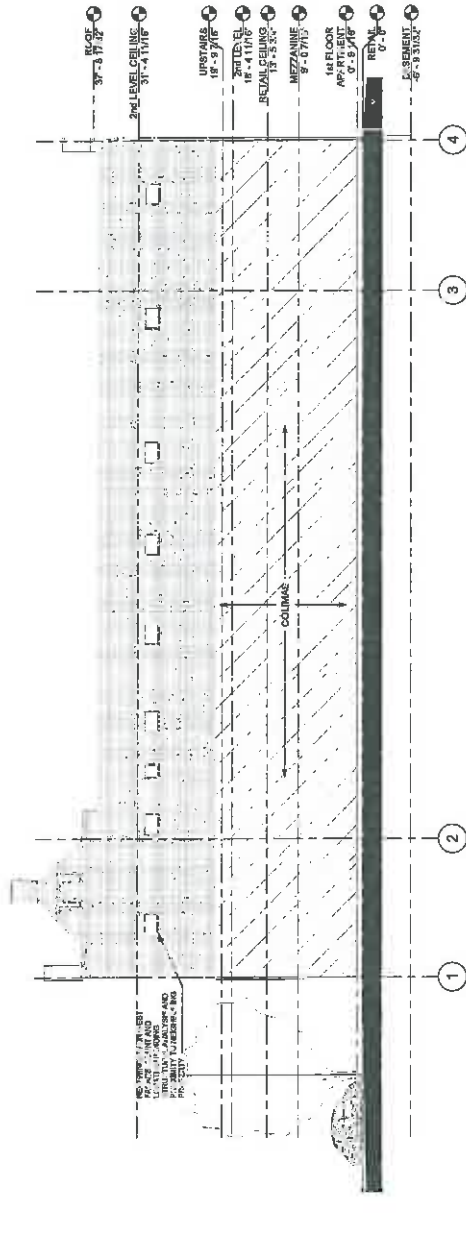


NO.	DATE	DESCRIPTION
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2	11/13/13	SCHEMATIC DESIGN
3	11/13/13	PRELIMINARY DESIGN
4	11/13/13	FINAL DESIGN
5	11/13/13	CONSTRUCTION DOCUMENTS

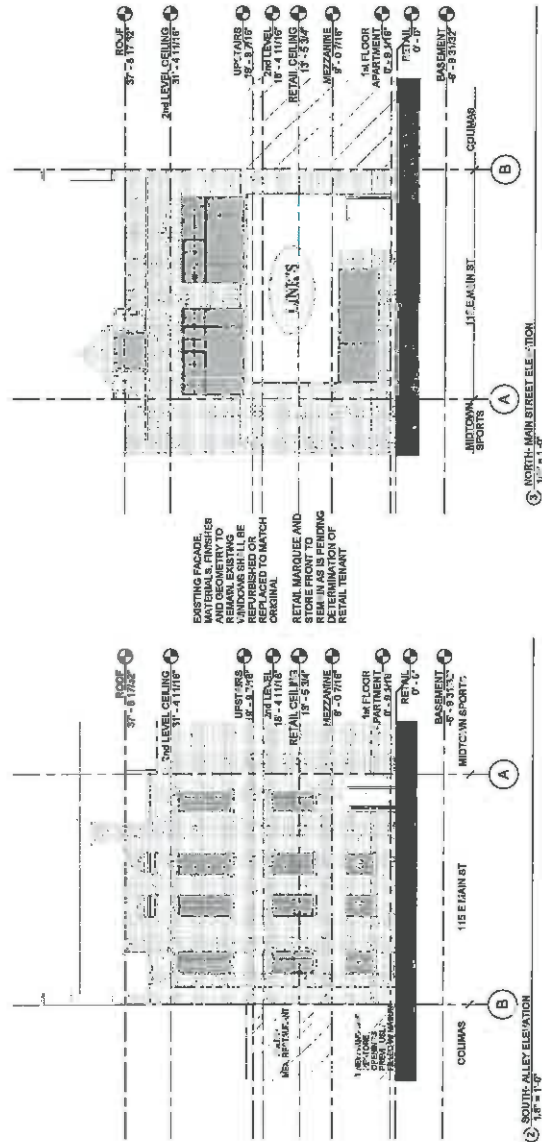
ELEVATIONS

PROJECT NO: 1322.1
 DATE: Nov. 22, 2013
 DRAWN BY: ALMOR
 CHECKED BY: CHUCKER

CUP 3



① EAST ELEVATION
 1/8" = 1'-0"



② NORTH MAIN STREET ELEVATION
 1/8" = 1'-0"

③ SOUTH ALLEY ELEVATION
 1/8" = 1'-0"

Exhibit "C"



MEETING DATE 11/20/2013
SITE PLAN NO. 13-190
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
- During site plan design/policy concerns were identified, schedule a meeting with
- Planning Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste Parks and Recreation Fire Dept.

- REVISE AND PROCEED** (see below)
- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.
- Your plans must be reviewed by:
- CITY COUNCIL REDEVELOPMENT
 PLANNING COMMISSION PARK/RECREATION
 HISTORIC PRESERVATION OTHER _____

- ADDITIONAL COMMENTS** This project requires a Conditional Use Permit.

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

Site Plan Review Committee



MEETING DATE 11-26-13

SITE PLAN NO. 13-190

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 *CUP* PARK/RECREATION

HISTORIC PRESERVATION OTHER _____

ADDITIONAL COMMENTS _____

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: 3 DATE: November 20, 2013
SITE PLAN NO: SPR13190
PROJECT TITLE: LIVE/WORK PROJECT
DESCRIPTION: LIVE/WORK PROJECT AT 115 E MAIN SITE AREA IS
3,370 SQ FT BLDG IS 10,543 SQ FT (ZONED CDT)
(DISTRICT DRD)
APPLICANT: SAM SCIACCA & THOM BLACK
PROP OWNER: LINK ROBERT R & PAMELA S (TRS)
LOCATION: 115 E MAIN ST
APN(S): 094-298-004

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 AE * 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. **CREDIT FOR EXISTING**
- Park Development fee \$ _____, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 715-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: PROVIDE EVIDENCE UNDER THE EXISTING

G. FERRELL

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: 3 DATE: November 20, 2013
SITE PLAN NO: SPR13190
PROJECT TITLE: LIVE/WORK PROJECT
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APN(S): 094-298-004

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:


Kurtis Brown, Assistant Fire Marshal

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

ITEM NO: 3
SITE PLAN NO:
PROJECT TITLE:
DESCRIPTION:
APPLICANT:
PROP OWNER:
LOCATION:
APN(S):

DATE: November 20, 2013
SPR13190
LIVE/WORK PROJECT
LIVE/WORK PROJECT AT 115 E MAIN SITE AREA IS
3,370 SQ FT BLDG IS 10,543 SQ FT (ZONED CDT)
(DISTRICT DRD)
SAM SCIACCA & THOM BLACK
LINK ROBERT R & PAMELA S (TRS)
115 E MAIN ST
094-298-004

Site Plan Review Comments

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

Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. *Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:

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

- Access Controlled / Restricted etc:

- Lighting Concerns:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:


Lieutenant Steven Phillips
Visalia Police Department

QUALITY ASSURANCE DIVISION

SITE PLAN REVIEW COMMENTS

ITEM NO: 3 DATE: November 20, 2013
SITE PLAN NO: SPR13190
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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

Dr. N. Knight

AUTHORIZED SIGNATURE

11-18-13

DATE

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

SITE PLAN NO: SPR13190
PROJECT TITLE: LIVE/WORK PROJECT
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COMMERCIAL BIN SERVICE

- No comments.
- Same comments as as
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down
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

TYPE OF REFUSE SERVICE NOT INDICATED.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: November 20, 2013

SITE PLAN NO: 13-190
PROJECT: LIVE/WORK PROJECT
DESCRIPTION: LIVE/WORK PROJECT AT 115 E MAIN SITE AREA IS 3,370 SQ FT BLDG IS 10,543 SQ FT (ZONED CDT) (DISTRICT DRD)
APPLICANT: SAM SCIACCA & THOM BLACK
PROP. OWNER: LINK ROBERT R & PAMELA S (TRS)
LOCATION TITLE: 115 E MAIN ST
APN TITLE: 094-298-004

General Plan: CDT – (Central Business District)

Existing Zoning: CDT – (Central Business District)

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- A Conditional Use permit is required for Residential Use.
- Building Permit
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: 11/20/2013

1. A Conditional Use Permit is required for the proposed live-work space as defined in Zoning Matrix line 314.
2. Future tenants seeking an all-day parking permit are subject to a parking fee which is collected by the Downtown Visalia's Alliance.
3. If there are any modifications proposed to the façade of the building they must comply with DRD Design District standards which can be found on page two of this document.

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.

Downtown Parking District: [Zoning Ordinance Section 17.30.019A Article 2]

1. Existing parking provided in the downtown area for Parking District "A" based on the building being constructed prior to the adoption of contemporary zoning for Visalia. The second floor was previously occupied by various uses and has a credit established based on this prior use. No additional parking in-lieu fees are required.
2. In the event that the PBID program dissolves, Parking In-Lieu fees may be assessed on uses requiring a higher parking demand.
3. Parking requirement for residential uses is one and a half spaces per dwelling unit.
4. A Parking Permit may be obtained from the Downtown Visaliaian's. A yearly fee may be required for this type of permit.

Downtown Retail Design District Guidelines – (At end of document)

The proposal may comply with design district standards. The following adjustments need to be made to the proposed site plan to comply with the above design district requirement.

Fencing and Screening:

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

Lighting:

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

DEVELOPMENT STANDARDS Design District: "DRD" **Maximum Building Height: 50 Feet**

New building standards

The objective of this section is to ensure that contemporary design is compatible with the traditional theme and character of the downtown retail district. The effect of the proposed design of new construction on the overall character of the district should be the first frame of reference for such compatibility. The next consideration should be the effect of the proposed design on the adjacent buildings and streetscape.

1. New construction shall maintain the continuity of existing rows of buildings; facades shall be constructed at the property line facing the street, or at a setback even with that of adjacent buildings.
2. New buildings shall be constructed to within ten percent (10%) of the maximum height of adjacent buildings; however, in no case shall a building exceed fifty (50) feet in height. The scale of new architectural elements should be consistent with that of adjacent structures.
3. Brick is the preferred exterior building material for new construction. The color texture should be similar to that of brick traditionally used in the district.
4. The scale of window and door openings in new buildings should approximate that of the traditional architecture of the district. The base of window openings shall be a maximum of 30 inches above ground level.

**DOWNTOWN RETAIL DESIGN DISTRICT
BUILDING DESIGN CRITERIA**

Amended April 1996

A. General

The following standards shall apply to all building alterations or new construction within the downtown retail design district

1. Color – section deleted

2. Signs – signs should contribute to the commercial quality and character of the district. Within the district, the following standards for signage are prescribed:
- a. Two (2) square feet of sign area is permitted for each one (1) foot of linear occupancy frontage up to a maximum of fifty (50) square feet.
 - b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The exterior side chosen is the primary occupancy frontage.

The building sign so calculated shall be mounted on the primary occupancy frontage.
 - c. A building sign may be affixed to or incorporated as a part of the design of the front valance only of an awning, however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.
 - d. Additional signs of a maximum twenty-five percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages visible from center or Acequia streets.
 - e. Pedestrian oriented sign: one double faced sign not exceeding an area of three (3) square feet per face, to be constructed of wood, with a carved and/or painted logo. Pedestrian oriented signs shall be a minimum of 8 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
 - f. A pedestrian oriented sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three (3) square feet. If this option is chosen, no other pedestrian oriented sign is allowed.
 - g. The building sign area as calculated on the primary occupancy frontage may also be used on the alley frontage for those businesses with direct pedestrian entrances from alleyways, where such entrances and frontages are visible from center or Acequia streets. In no case shall the sign area used on the alley frontage exceed that permitted for the primary occupancy frontage.
 - h. Each building may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building.

Reader boards shall be designed as one with each copy panel consisting of similar materials and designs. Permits for reader boards shall not be issued without consent of the property owner.

- i. Within the district, internally illuminated signs are prohibited, with the exception of neon.
 - j. Plastic is prohibited as a primary sign material.
 - k. Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way, shall be allowed at least ten (10) square feet of building sign area, regardless of building occupancy frontage. Commercial uses having a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building sign area referred to in this section.
 - l. Permanent signage painted or affixed to the surface of retail display windows shall cover no more than twenty percent (20%) of the display window area and shall be allowed in addition to the calculated building sign area.
 - m. Temporary signs pertaining to special store events or sales lasting no more than thirty (30) days may be painted or affixed to display windows provided that their total area shall not exceed thirty percent (30%) of the window. Such temporary sign or signs shall be removed within seven (7) days of the completion of said event or sale. No permit is required for such temporary sign(s).
3. Awnings – awnings attached above street level storefronts and/or upper-story windows are encouraged. Size and scale shall be appropriate to the building, however, and significant elements of the building's architecture should be obscured by upper-story awnings. Ground floor awnings shall project a minimum of five (5) feet over the sidewalk. Awning materials shall be cloth or canvas. Awning colors shall be limited to a blue, burgundy, tan or tones and/or prints of these. White may be incorporated into the design of awnings for contrast or valance signage, but shall not compromise a majority of the color theme of any awning.
4. Prohibited material and elements.
- a. Use of wood siding, cladding or wood shingles, in excess of ten percent (10%) of the total area of any building façade.
 - b. Mansard form roof tiles.
 - c. Unbroken masses of split face, slump stone or concrete unit masonry.
 - d. Use of reflective or mirrored surface cladding, in excess of ten percent (10%) of the total area of any building façade.
 - e. Exposed utility conduit, junction boxes, meters, or fuse boxes on the front façade of buildings.

B. Renovation

The following criteria should be followed when undertaking the renovation of existing buildings in the district.

1. Facades

- a. Where originally constructed buildings facades remain, their appearance shall not be altered. Such facades shall be repaired and preserved. Where facades have been altered, as much original material and detail shall be retained in the rehabilitation as possible.
 - b. Where most of the existing architectural design dated from an interim remodeling and where such remodeling adds to the traditional character of the district, rehabilitation shall conform to the period of such remodeling and not to the original design.
 - c. Where the original design cannot be determined or where financial considerations preclude full-scale rehabilitation of a façade which has previously been altered, a design which is not a pure rehabilitation but which is in keeping of the structure are prohibited.
 - d. Where originally constructed facades and/or architectural details have been covered by an interior remodeling, the removal of coverings is encouraged. When original materials, facades and/or architectural details are uncovered, these shall not be recovered.
2. Windows and doors – where they still exist, the original sills, lintels, frames, sash, muntins and glass of windows and transoms shall be preserved. The original doorway elements, including sill, lintels, frames, and the doors shall also be retained. Where possible, replacements should duplicate the originals in design and materials. The blocking or covering of any portion of an existing window or door opening with permanent materials is prohibited. When new window or door openings are created the scale of these should approximate that of the traditional architecture of the district. The base of new window opening shall be a maximum of 30 inches above ground level. Whenever the size and/or scale of any existing window openings are altered, the base of all the window openings in the storefront shall be brought into conformance with the maximum 30-inch standard. This section shall not apply to ordinary repair or replacement of window glass or frames where the size and/or scale of window openings are not altered.
3. Building materials
- a. Brick is most dominant traditional building material within the district and is preferred as a replacement material. Brick shall not be covered by any synthetic material, asbestos. Or wood shingles, wood or aluminum siding, or any other synthetic materials. Where brick has been painted, repainted in a color which matches the natural color of the brick as closely as possible is preferred. Where brick remains unpainted, the use of paint in the exterior is prohibited, since unpainted brick is a crucial element of the traditional character of the district.
 - b. Stuccoed brick surfaces should be retained, unless held in place with wire mash, in which case the stucco should be removed. Where retained, stucco should be repainted in a brick color.
- C. New building standards
- The objective of this section is to ensure that contemporary design is compatible with the traditional theme and character of the downtown retail district. The effect of the proposed design of new construction on the overall character of the district should be the

first frame of reference for such compatibility. The next consideration should be the effect of the proposed design on the adjacent buildings and streetscape.

1. New construction shall maintain the continuity of existing rows of buildings; facades shall be constructed at the property line facing the street, or at a setback even with that of adjacent buildings.
2. New buildings shall be constructed to within ten percent (10%) of the maximum height of adjacent buildings; however, in no case shall a building exceed fifty (50) feet in height. The scale of new architectural elements should be consistent with that of adjacent structures.
3. Brick is the preferred exterior building material for new construction. The color texture should be similar to that of brick traditionally used in the district.
4. The scale of window and door openings in new buildings should approximate that of the traditional architecture of the district. The base of window openings shall be a maximum of 30 inches above ground level.

D. Maintenance and repair required

Neither the owner of nor the person(s) in actual charge of a structure within the district shall permit such structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural features so as to produce, or tend to produce, in the judgment of the planning commission, a detrimental effect on the character of the district as a whole or the life and character of the structure in question, including, but not limited to;

- a. The deterioration or decay of exterior walls or other vertical supports;
- b. The deterioration of roofs or other horizontal members;
- c. The deterioration of exterior chimneys;
- d. The extensive deterioration or crumbling of exterior plaster or mortar;
- e. The extensive peeling or shipping of exterior paint;
- f. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions

The person(s) in actual charge of any structure is(are) deemed to be the owner(s) of the structure or any portion thereof, unless the occupant(s) or agent(s) of the owner(s) are specifically charged with the responsibility for maintenance of the structure by a lease or other written contractual agreement between the owner(s) and the occupant(s) or agent(s).

The city's zoning compliance officer, or other designated enforcement official shall serve written notice upon the owner and/or other person in actual charge of any structure deemed to be in violation of these provision. Said written notice shall specify the nature of the condition or conditions which are in violation of the maintenance and repair requirement wand direct that said conditions be repaired or corrected within an appropriately reasonable period of time. Said notice hall further advise the owner and/or the person in actual charge of said structure of his/her right to request a heating before the planning commission to review the determination of the city's enforcement officer. The planning commission shall adopt reasonable rules and regulations comporting with appropriate die process for the notice and conduct of such hearings pursuant to this provision. The planning commission may approve, modify, or reject the determination of the city's enforcement officer at the conclusion of such hearing. Should the owner

and/or person in actual charge of subject structure fail and/or refuse to request a hearing, should the planning commission determine at the conclusion of such a hearing that there is a violation of this provision, the planning commission shall require that the structure in question be brought into compliance within an appropriately reasonable period of time. Thereafter, any person who fails to comply with the requirements of this provision shall be deemed to be guilty of an infraction and shall be subject to the provisions and penalties provided in the city's ordinance code relating to zoning.

E. Minimum alterations required

At a minimum, all structures and architectural features of structures, including awnings, marquees, and other appurtenances within the district shall conform to the color and repair requirements stated in paragraphs a.1., A.3., And d. Above. Any improvement or architectural feature found not meeting these standards shall be repainted or otherwise changed to reflect appropriate colors and appearance within one (1) year, provided that the estimated cost of bringing a structure into compliance is in excess of \$2000. The colors of cloth or canvas awnings shall be changed by replacement of the awning fabric, rather than painting. The time limits for complying with paragraphs a.1. And d. shall begin to run from the date of adoption of all these building design criteria by the city council. The responsibility for meeting the standards of this paragraph shall rest with the person(s) in actual charge of any structure. The person(s) in actual charge is(are) deemed to be the owner(s) of the structure or any portion thereof, unless the occupant(s) or agent(s) or the owner(s) are specifically charged with responsibility for maintenance of the structure by a lease or other written contractual agreement between the owner(s) and the occupant(s) or agents(s).

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 

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 3 DATE: NOVEMBER 20, 2013

SITE PLAN NO.: 13-190
PROJECT TITLE: LIVE/WORK PROJECT
DESCRIPTION: LIVE/WORK PROJECT AT 115 E MAIN SITE AREA IS 3,370 SQ FT BLDG IS 10,543 SQ FT (CDT ZONED) (DISTRICT DRD)
APPLICANT: SAM SCIACCA & THOM BLACK
PROP OWNER: LINK ROBERT R & PAMELA S (TRS)
LOCATION: 115 E MAIN ST
APN: 094-298-004

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. *If necessary, for any work within the public 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) 488-4083
- 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. Additional coordination may be necessary for new utility locations onsite. Backflow preventors, FDC, gas meters, electrical panels or cabinets, etc. shall be approved by City Engineer & Fire Depts.**
- 2. Previous retail/office use to be credited towards proposed multi-family, refer to page 3 for fee summary.**
- 3. Additional coordination is required with the Visalia Solid Waste Division to ensure proper disposal of refuse for the residential and retail units.**
- 4. Plan check and inspection fees apply, due at time of building permit.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 13-190
Date: 11/20/2013

**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.)**

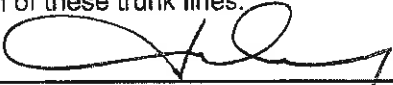
(Fee Schedule Date:8/16/2013)
(Project type for fee rates:MULTI-FAMILY)

Existing uses may qualify for credits on Development Impact Fees. RETAIL/OFFICE

FEE ITEM	FEE RATE
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$386.40/UNIT X 6 - (\$354.45CR) = \$1,963.95
	TREATMENT PLANT FEE: \$677.50/UNIT X 6 - (\$842.32CR) = \$3,222.68
<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.



Jason Huckleberry

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 20, 2013

ITEM NO: 3
SITE PLAN NO: SPR13190
PROJECT TITLE: LIVENWORK PROJECT
DESCRIPTION: LIVENWORK PROJECT AT 115 E MAIN SITE AREA IS 3,370 SQ FT BLDG IS 10,543 SQ FT
(ZONED CDT) (DISTRICT DREI)
APPLICANT: SAM SCIACCA & THOM BLACK
PROP. OWNER: LINK ROBERT R & PAMELA S (TRS)
LOCATION: 115 E MAIN ST
APN(S): 094-259-004

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

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

Additional Comments:

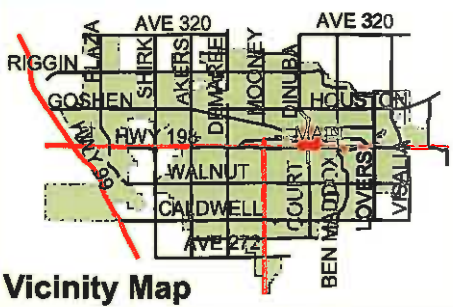
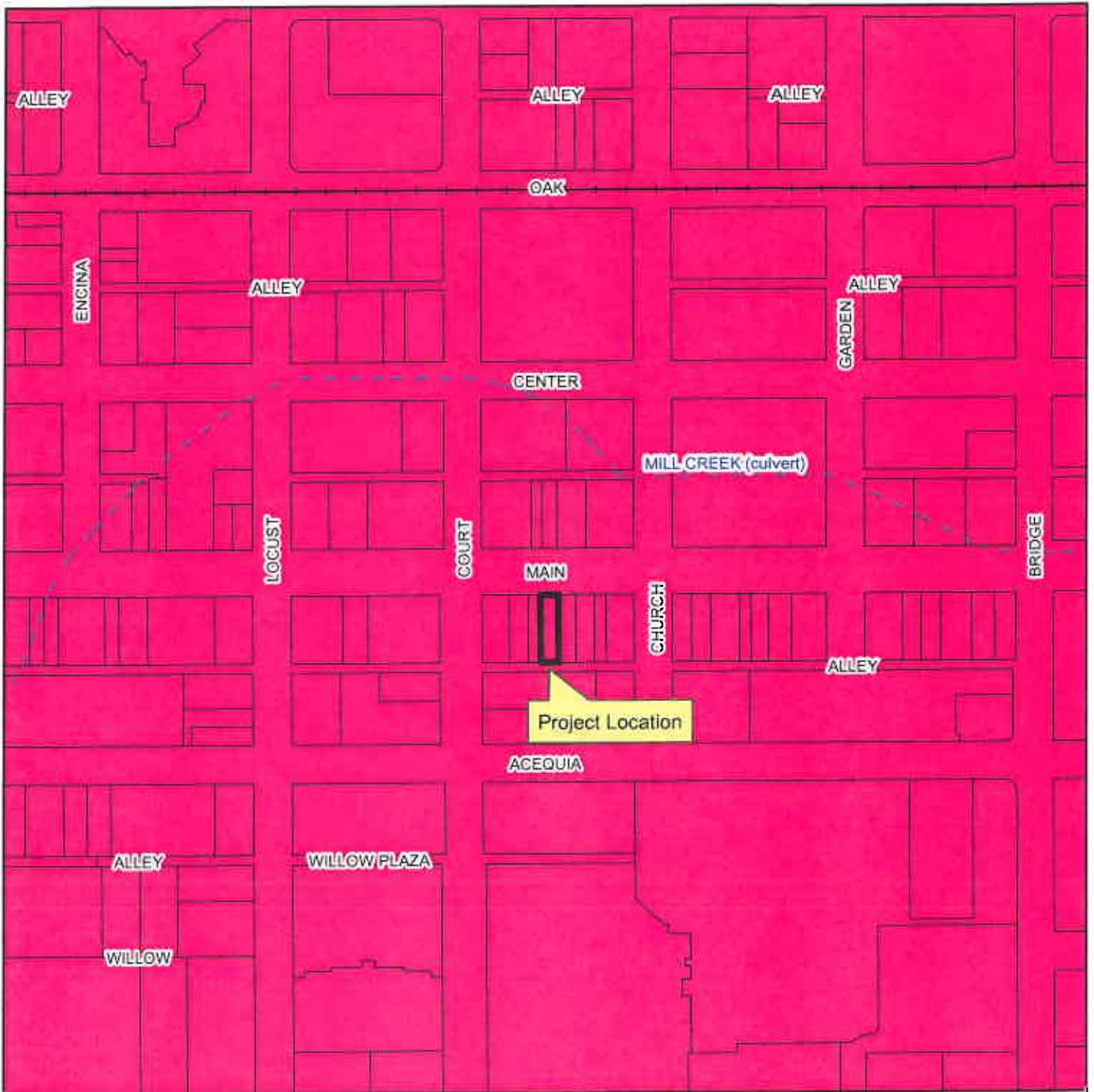
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Leslie Blair

Conditional Use Permit No. 2014-04

The subject site is located at 115 E. Main Street,
on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)



General Plan Land Use Map



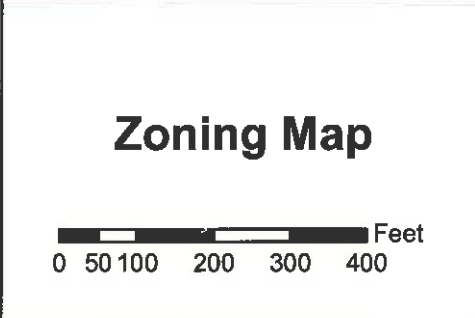
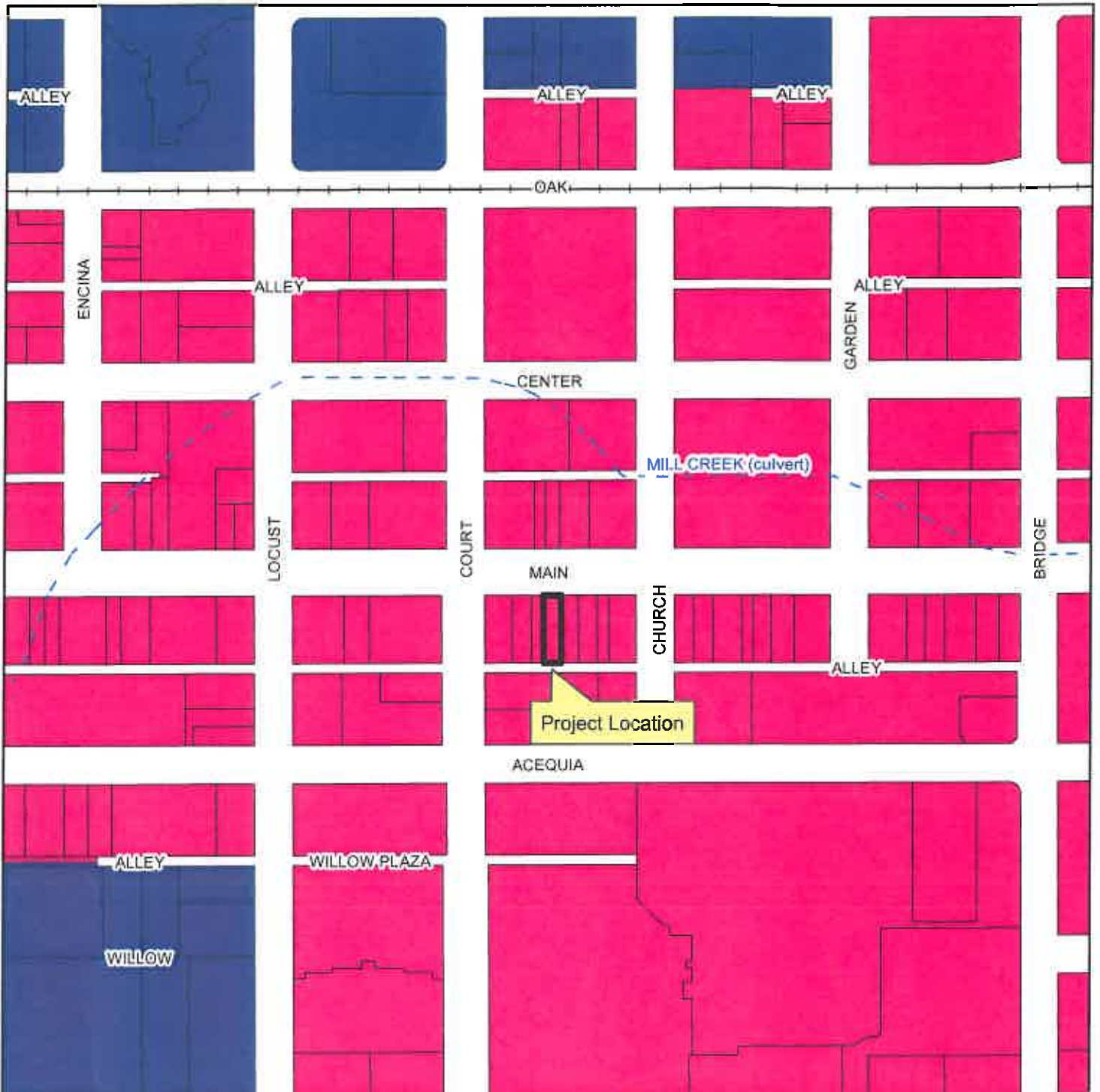
Legend

- WATERWAYS
- RAILROADS
- CENTRAL BUSINESS DISTRICT




Conditional Use Permit No. 2014-04

The subject site is located at 115 E. Main Street,
 on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)



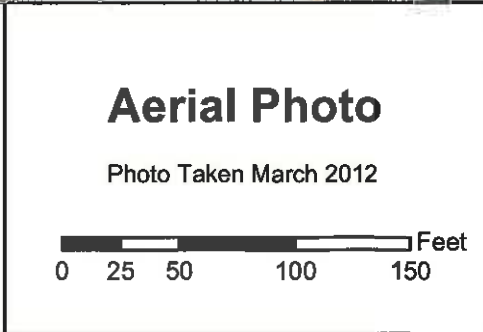
Legend

- WATERWAYS
- RAILROADS
- CENTRAL BUSINESS DISTRICT
- PROFESSIONAL / ADMIN. OFFICE



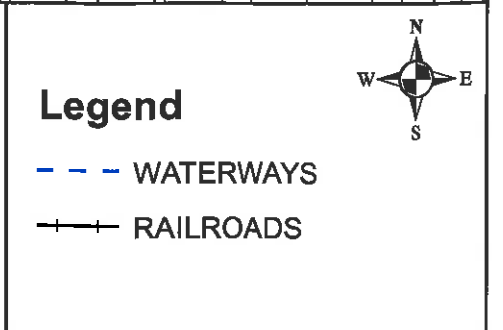
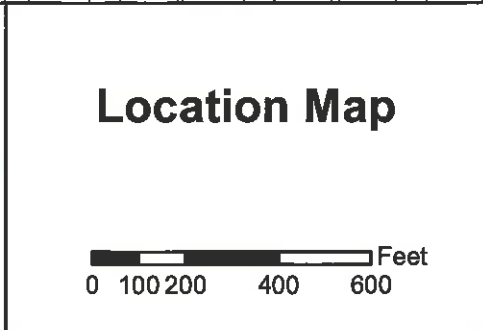
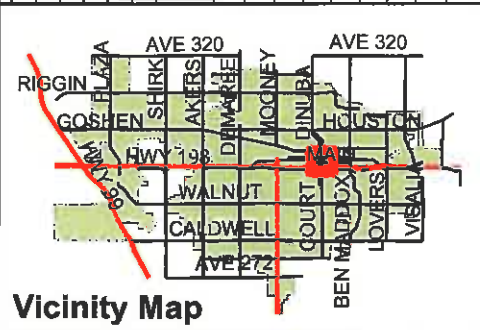
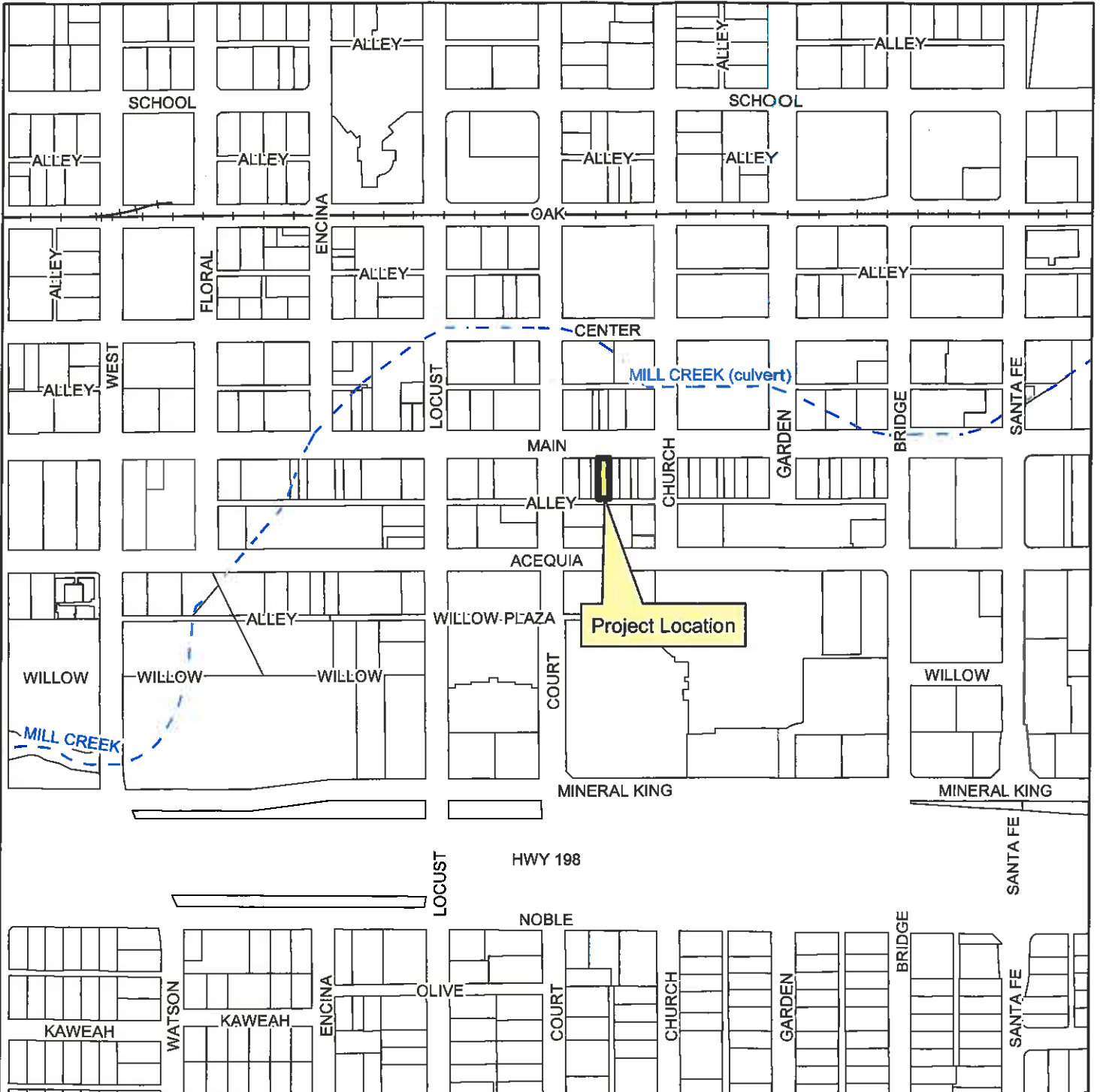
Conditional Use Permit No. 2014-04

The subject site is located at 115 E. Main Street,
on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)



Conditional Use Permit No. 2014-04

The subject site is located at 115 E. Main Street,
on the south side of Main Street between Court and Church Streets. (APN: 094-298-004)





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 24, 2014

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

SUBJECT: Variance No. 2014-01: A request by Signworks (Coastal Realty Investors, LLC, Patrick Orosco, property owners) to allow a freestanding sign for El Pollo Loco at the Sequoia Plaza shopping center in the Regional Retail (CR) zone. The site is located at 3704 S. Mooney Boulevard (APN: 126-062-096)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission consider the staff report, public testimony, and the applicant's proposed findings, and take one of the following actions.

1. Approve the requested sign variance based upon the applicant's findings, and any additional findings the Commission may determine appropriate.
2. Deny the requested sign variance based upon the Zoning Ordinance standards which allow only one monument sign per shopping center.

The report contains Resolution No. 2014-02 which has been written for approval, but may be modified for an alternate action.

RECOMMENDED MOTION

Approval: I move to approve Variance No. 2014-01, based on the findings and conditions in Resolution No. 2014-02.

Denial: I move to deny Variance No. 2014-01, with a revised resolution to be considered at the next regularly scheduled meeting.

PROJECT DESCRIPTION

The applicant is requesting a variance from ZO Section 17.48.040 which allows only one freestanding sign per commercial center. The applicant desires to locate a monument sign along the Mooney Boulevard frontage as located in Exhibit "A", and depicted in Exhibit "B". The site is a part of the Sequoia Plaza shopping center, which fronts onto Mooney Boulevard. The subject site is being developed for an El Pollo Loco fast food restaurant as shown in Exhibit "A".

The proposed sign would be six feet high with 22 sq. ft. of sign area per side, and a monument base as depicted in Exhibit "B". The applicant has included the findings in Exhibit "C" which indicate that the applicant does not consider themselves a part of the Sequoia Plaza shopping center and therefore should be able to have a monument sign. The applicant states that since other fast-food uses adjacent to the site/center have individual monument signs that they should be afforded the same privilege granted to other similar users in the immediate area.

The site is a part of the Sequoia Plaza shopping center, as shown in Exhibit "E" which has one existing monument sign for the center located adjacent to the subject site as shown in Exhibit "A".

BACKGROUND INFORMATION

General Plan Land Use Designation	Regional Retail
Zoning	CR (Regional Retail)
Surrounding Zoning and Land Use	North: CR (Regional Retail) / Fast-Food South: CR (Regional Retail) / Retail East: CR (Regional Retail) / Retail West: CR (Regional Retail) / Retail
Environmental Review	Categorical Exemption No. 2014-02
Design District	"A"
Site Plan	2013-065

RELATED PLANS & POLICIES

Conditional Use Permit No. 2013-08, approved by the Planning Commission on March 11, 2013, allowed the establishment of a 2,800 square foot fast food restaurant with a drive-thru lane in the Regional Retail Commercial (CR) zone. The property is located in the Sequoia Plaza shopping center at 3704 South Mooney Boulevard (APN: 126-062-032).

PROJECT EVALUATION

Sequoia Plaza Shopping Center

The Sequoia Plaza shopping center was established with the sign program in Exhibit "D", which focuses on building signs and relies on the Zoning Ordinance provision for only one sign per shopping center. The subject site is a part of the Sequoia Plaza shopping center; the restaurant uses the center's access drives and a portion of the drive-thru lane for El Pollo Loco is located on the center's property.

The center is eligible to apply for a sign program which would consider the addition of monument signs similar to other sign programs for shopping centers.

Existing Monument Signs in the Vicinity

The other existing monument signs in the vicinity are found on individual sites which are eligible for their own monument sign, and as parts of shopping centers. Each fast food monument sign in the area is legally existing.

Sign Ordinance

Sign Ordinance Section 17.48.080 contains standards allowing one monument sign per shopping center. The standards also include allowances for the establishment of sign programs which may contain more than one monument sign through the use permit, variance, or specific plan process. Excerpts from the sign ordinance are provided in the Related Plans and Policies section; specific sections related to monument signs have been highlighted in yellow.



Findings for the Variance

Variances are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The applicant has provided the variance findings in Exhibit "C" which clearly identifies their goal of being able to have a monument sign similar to other fast-food monument signs in close proximity to their location. The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance. In addition, the Planning Commission has the ability to approved sign programs which do not strictly comply with the sign ordinance, Zoning Ordinance Section 17.48.040-N-2.

Findings

1. *That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;*
2. *That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;*
3. *That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;*
4. *That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;*
5. *That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.*

Applicant Findings

The applicant has provided the findings in Exhibit "C" which speak to each of the five required findings above.

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

A. Current code permits properties in this zone (1) monument sign at 35 square feet @ 6' OAH

B. Applicant requests (1) monument sign at 30 square feet @ 6' OAH

Analysis: ZO Section 17.48.040 provides for one freestanding sign per commercial site, which is defined as a single detached commercial building or a commercial shopping center. The site is a part of the Sequoia Plaza shopping center which has already installed a freestanding sign.

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

A. The City of Visalia is considering the property part of the existing shopping center, therefore not allowing a monument. The shopping center does not consider EPL part of the shopping center therefore will not allow any advertisement on their shared pylon sign

B. All surrounding competing businesses with the same use all have the monument signs

Analysis: The subject site uses the shopping center's public street access points, and a part of the drive-thru stacking lane is on the shopping center site. Shopping centers may choose which businesses may have advertising on their center sign. The city does not regulate which tenants receive space on a monument sign. The establishment of a sign program for monument signs for the center may change the potential to share advertising space or provide multiple freestanding signs with a uniform character to match the center.

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

A. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

Analysis: The existing McDonalds is an individual commercial site which is eligible for a monument sign. The Taco Bell is a part of an older shopping center which has a sign program. The zoning ordinance sign standards do not identify a single type of business, "fast-food" for example, as being independently eligible for a monument sign. A contemporary center like Village West at Akers and Cypress has two fast-food restaurants which do not have their own individual freestanding signs.

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

A. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

Analysis: The McDonalds and Taco Bell sites are subject to the same standards as the subject site, which is eligible to pursue a sign program for freestanding signs. Sign standards for commercial retail sites are done by Design District.

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

A. The proposed monument sign is within square footage and will be installed per the code to ensure public safety, welfare and health.

Analysis: The granting of a variance for a freestanding sign is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity

There are pros and cons associated with either approving or denying this variance request for a monument sign. These are discussed in detail below.

Approval:

Pros:

- Appears consistent with other fast food restaurants in the vicinity.
- The sign is similar in size and design to other monument signs in the vicinity.

Cons:

- Does not meet the Zoning Ordinance standards, which allow only one monument sign per commercial center unless a sign program is approved that allows additional monument signs.
- Other users in the center may/will request monument signs based upon the same findings. Several other users in the shopping center have contacted staff indicating an interest in additional building and monument signage.

Denial:

Pros:

- Meets the Zoning Ordinance standards allowing only one monument sign without an approved sign program to allow additional monument signs.
- Allows the center/applicant to apply for a sign program amendment which may include multiple monument signs, including the applicant's proposed sign.
- Reinforces the establishment of sign programs for shopping centers which provides a uniform approach to signage for multiple users.

Cons:

- Does not allow the proposed fast food restraint to have a monument sign similar to other fast food uses in the vicinity.

Environmental Review

The project is considered Categorical Exempt under Section 15311 "Minor Alterations of Land Use Limitations" of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended, minor alterations to land use limitations, such as variances, that do not result in changes in land use or density. (Categorical Exemption No. 2014-02)

RECOMMENDED FINDINGS

(The applicant findings below are in the attached resolution of Approval)

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

- A. Current code permits properties in this zone (1) monument sign at 35 square feet @ 6' OAH
- B. Applicant requests (1) monument sign at 30 square feet @ 6' OAH

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

- A. The City of Visalia is considering the property part of the existing shopping center, therefore not allowing a monument. The shopping center does not consider EPL part of the shopping center therefore will not allow any advertisement on their shared pylon sign
- B. All surrounding competing businesses with the same use all have the monument signs

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

- A. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

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

- A. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

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

- A. The proposed monument sign is within square footage and will be installed per the code to ensure public safety, welfare and health.

6. That the project is considered Categorically Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2014-02).

RECOMMENDED CONDITIONS OF APPROVAL

1. That Variance No. 2014-01 shall be developed consistent with Exhibits "A" and "B".
2. That all other federal and state laws and city codes and ordinances be complied with.
3. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2014-02, prior to the issuance of a building permit for the sign.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.ci.visalia.ca.us or from the City Clerk.

Attachments:

- **Related Plans and Policies**
- **Resolution No. 2014-02**
- **Exhibit "A" – Site Plan**
- **Exhibit "B" – Sign Elevations**
- **Exhibit "C" – Applicants Variance Findings**
- **Exhibit "D" – Sequoia Plaza Sign Program**
- **Exhibit "E" - Sequoia Plaza Shopping Center**
- **General Plan Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Aerial Map Sequoia Plaza**
- **Vicinity Map**

RELATED PLANS AND POLICIES

Chapter 17.48 SIGNS

17.48.020 Definitions.

As used in this chapter, the following terms are defined in this section:

"Building sign" means any sign which is fastened, attached, painted upon, connected or supported in whole or in part by a building or wall.

"Commercial site" means a single detached commercial building or a commercial shopping center.

"Freestanding sign" means a sign standing directly upon the ground or having one or more supports standing directly upon the ground and being detached from any building or structure.

"Reader board" means a sign indicating the name, address and type of business of the businesses within a building.

"Shopping center" means a group of two or more commercial uses planned and designed to function as an integral unit on a single parcel of contiguous parcels and which utilize common off-street parking and access, landscaping, loading facilities and points of ingress and egress.

"Sign" means any words or symbols used for visual communication including its structure and component parts intended to be used to attract attention to an activity.

17.48.040 General provisions.

G. Directional and/or information signs bearing no advertising message and located on the site may be erected when necessary to facilitate circulation within the site, facilitate egress and ingress or facilitate a public need, such as identification of rest rooms, public telephones, walkways and similar features and facilities.

N. 1. Design criteria for signs to be located within a shopping center or a mall type development shall be approved by the planning department before any individual sign permit application for the development is processed by the building department. Such review is to insure that signs located within a shopping center be designed to be harmonious and of compatible design.

2. The planning commission may approve sign programs, sign size, placement and design which do not strictly comply with sign ordinance requirements when deemed necessary due to building design, site layout, site design and other similar circumstances, consistent with the intent of the sign ordinance.

P. Variances and exceptions may be granted to the provisions of this chapter, as provided in Section 17.48.110.

17.48.080 Sign regulations for design districts.

A. The following regulations apply to uses in design districts A, B, C, D, E, and F with the exception of those zones specifically identified in Section 17.48.070. The signs within the downtown retail design district are subject to the provisions of Chapter 17.58.

1. Signs Permitted.
 - a. Building signs as specified in Section 17.48.070(A)(2);
 - b. One pedestrian oriented sign per occupancy;
 - c. One freestanding sign per commercial site.

Variance
(Section 17.42)

17.42.010 Variance purposes.

The city planning commission may grant variances in order to prevent unnecessary hardships that would result from a strict or literal interpretation and enforcement of certain regulations prescribed by this title. A practical difficulty or unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity, or from population densities, street locations or traffic conditions in the immediate vicinity. The power to grant variances does not extend to use regulations, because the flexibility necessary to avoid results inconsistent with the objectives of the zoning ordinance is provided by the conditional use provisions of this title. (Prior code § 7555)

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures and off-street parking facilities, in accordance with the procedures prescribed in this chapter. (Prior code § 7557)

RESOLUTION NO. 2014-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2014-01, A REQUEST BY SIGNWORKS (COASTAL REALTY INVESTORS, LLC, PATRICK OROSCO, OWNERS) TO ALLOW A FREESTANDING SIGN FOR EL POLLO LOCO AT THE SEQUOIA PLAZA SHOPPING CENTER IN THE REGIONAL RETAIL (CR) ZONE. THE SITE IS LOCATED AT 3704 S. MOONEY BOULEVARD (APN: 126-062-096)

WHEREAS, Variance No. 2014-01, is a request by Signworks (Coastal Realty Investors, LLC, Patrick Orosco, owners) to allow a freestanding sign for El Pollo Loco at the Sequoia Plaza shopping center in the Regional Retail (CR) zone. The site is located at 3704 S. Mooney Boulevard (APN: 126-062-096); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on February 24, 2014; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2014-01, is consistent with the Section 17.42 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15311, Environmental Document No. 2014-02.

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 strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.
 - A. Current code permits properties in this zone (1) monument sign at 35 square feet @ 6' OAH
 - B. Applicant requests (1) monument sign at 30 square feet @ 6' OAH

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

- A. The City of Visalia is considering the property part of the existing shopping center, therefore not allowing a monument. The shopping center does not consider EPL part of the shopping center therefore will not allow any advertisement on their shared pylon sign
- B. All surrounding competing businesses with the same use all have the monument signs

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

- A. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

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

- A. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

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

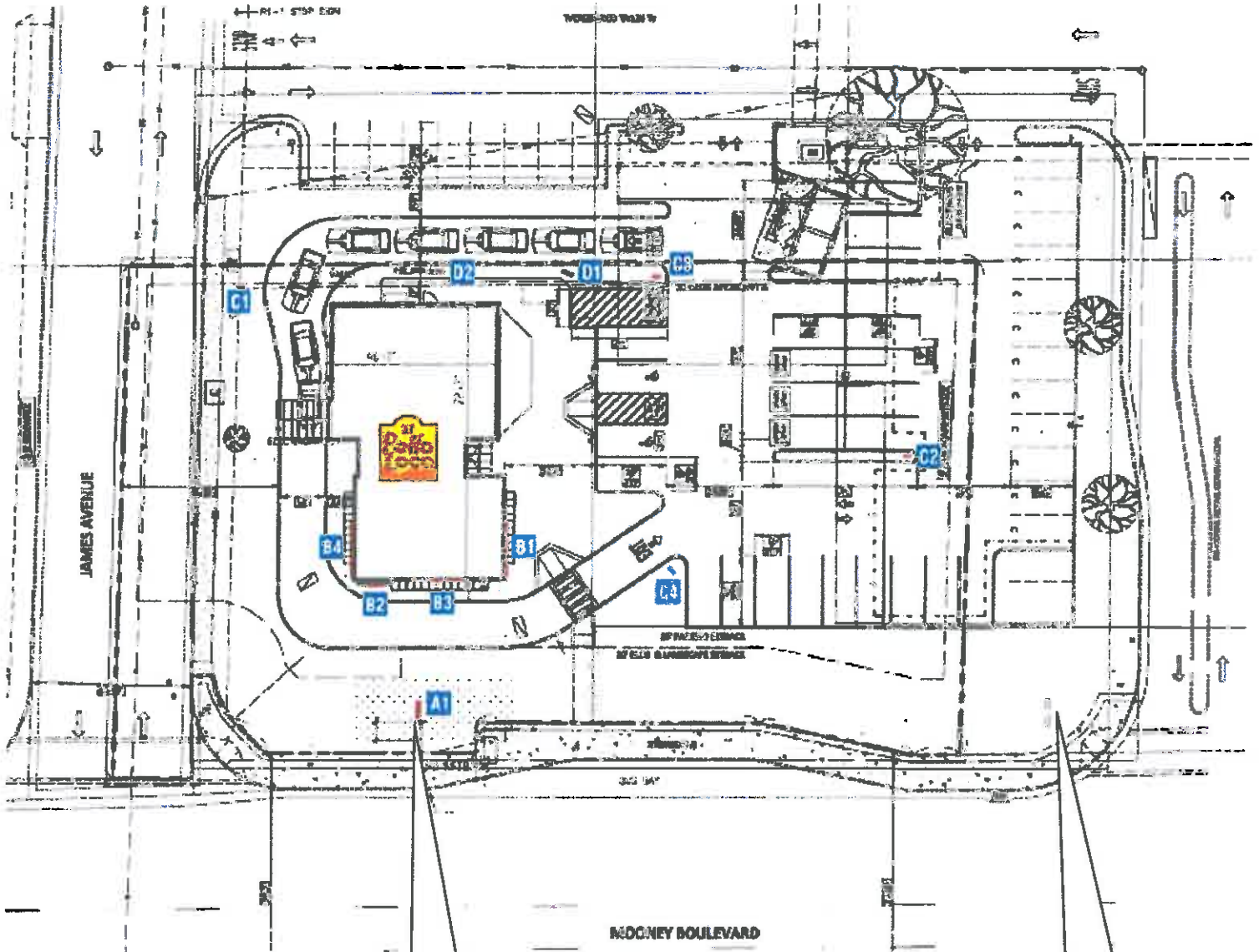
- A. The proposed monument sign is within square footage and will be installed per the code to ensure public safety, welfare and health.

6. That the project is considered Categorical Exempt under Section 15311 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2014-02).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2013-01, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.48.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That Variance No. 2014-01 shall be developed consistent with Exhibits "A" and "B".
2. That all other federal and state laws and city codes and ordinances be complied with.
3. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2014-02, prior to the issuance of a building permit for the sign.

EXHIBIT - A



SITE PLAN
SCALE 1" = 30'-0"

Proposed Monument Sign Location

Existing Monument Sign Sequoia Plaza

EXHIBIT - A

EXHIBIT - B



D/F TRIMLESS MONUMENT SIGN 21.9 SQUARE FEET

SCALE: 1/4" = 1'-0"

EXHIBIT - B

EXHIBIT – C

Applicant Variance Findings

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning:

- C. Current code permits properties in this zone (1) monument sign at 35 square feet @ 6' OAH
- D. Applicant requests (1) monument sign at 30 square feet @ 6' OAH

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

- C. The City of Visalia is considering the property part of the existing shopping center, therefore not allowing a monument. The shopping center does not consider EPL part of the shopping center therefore will not allow any advertisement on their shared pylon sign
- D. All surrounding competing businesses with the same use all have the monument signs

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

- B. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

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

- B. Existing uses- McDonalds and Taco Bell both have a monument sign as permitted by code

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

- B. The proposed monument sign is within square footage and will be installed per the code to ensure public safety, welfare and health.

EXHIBIT - D
Existing Sign Program

A. General Criteria

1. The center line of all signs shall be centered on the frontage of the leased premises. All signs in the shopping center shall also be centered horizontally.
2. No details shall be visible, except as required by local codes and ordinances.
3. The sign shall utilize individual channel letters, not to exceed eighty percent (80%) of the linear front feet of the leased frontage. Stores having more than one store front elevation may have one additional sign for any additional store front facing a street, up to a maximum of two (2) signs.

B. Lighted Sign Design

1. Plastic and metal letters (PML's) shall be internally illuminated.
2. Each tenant's copy shall be twenty-four inches (24") maximum height of letters and eighteen inches (18") minimum height of letters, with a limit of two (2) rows of copy and a maximum height for each row of twelve inches (12").
3. Each tenant shall display only its established trade name or its basic product name, including logo, if requested, or a combination thereof. No brand names of products shall be displayed.
4. All letters in sign are to be of uniform height.

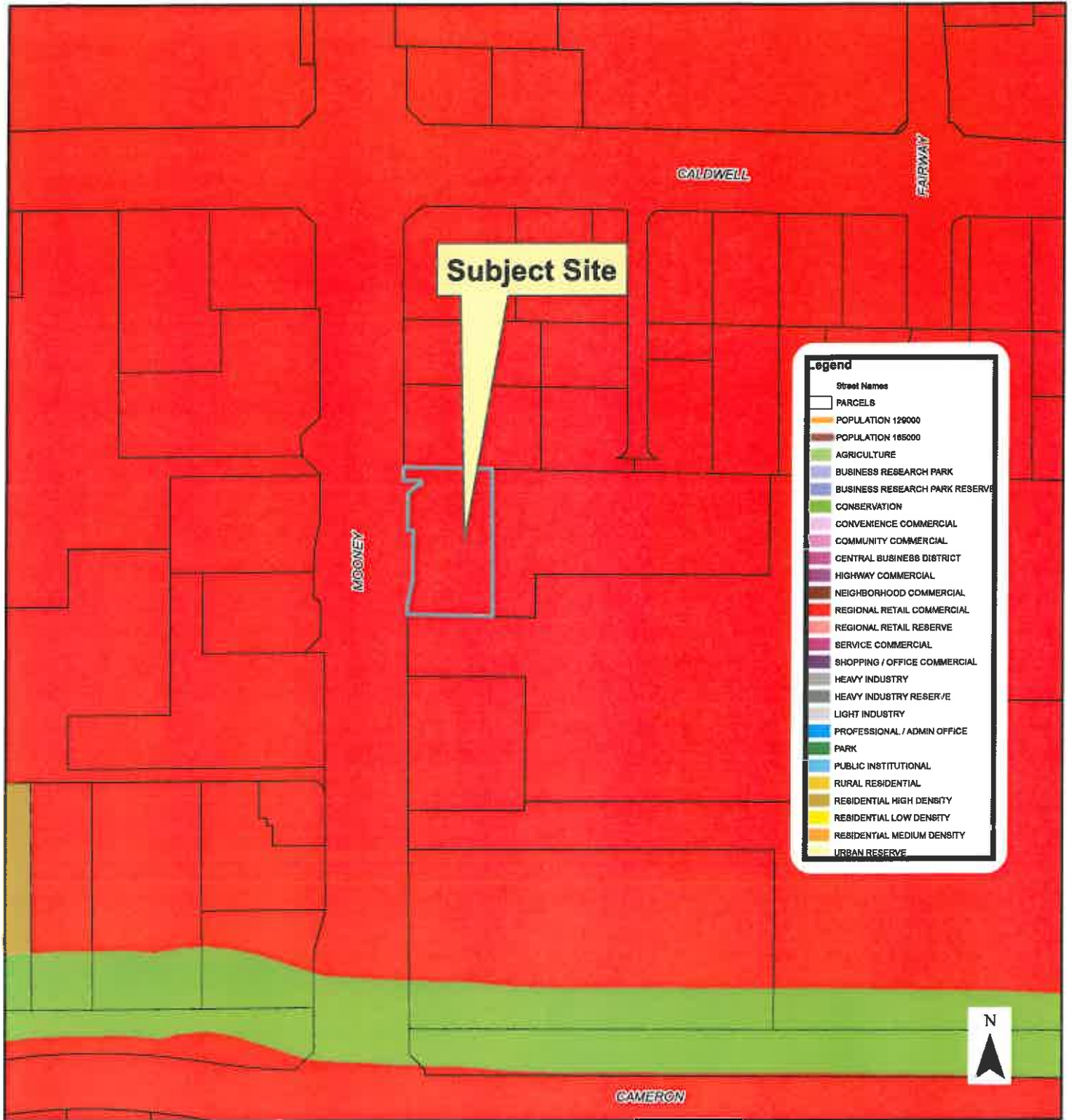
C. Under Canopy Sign.

1. Each tenant shall have constructed and installed one (1) under canopy sign.
2. The under canopy sign shall be constructed of solid, one and five-eighths inch (1-5/8") thick, finished redwood, which shall be stained with Olympic # 712.
3. The dimensions of the sign shall be twelve inches (12") in height and thirty-six inches (36") maximum length.
4. The copy on the sign shall be applied using standard "sandblasted sign" techniques. The copy color shall be metallic gold (Chromatic # 109).
5. Suspension of the sign shall be by two (2) vertical chains, each painted with two (2) coats of quality gloss black paint.
6. The height of the sign shall be ten feet (10') from the ground to the bottom of the sign.



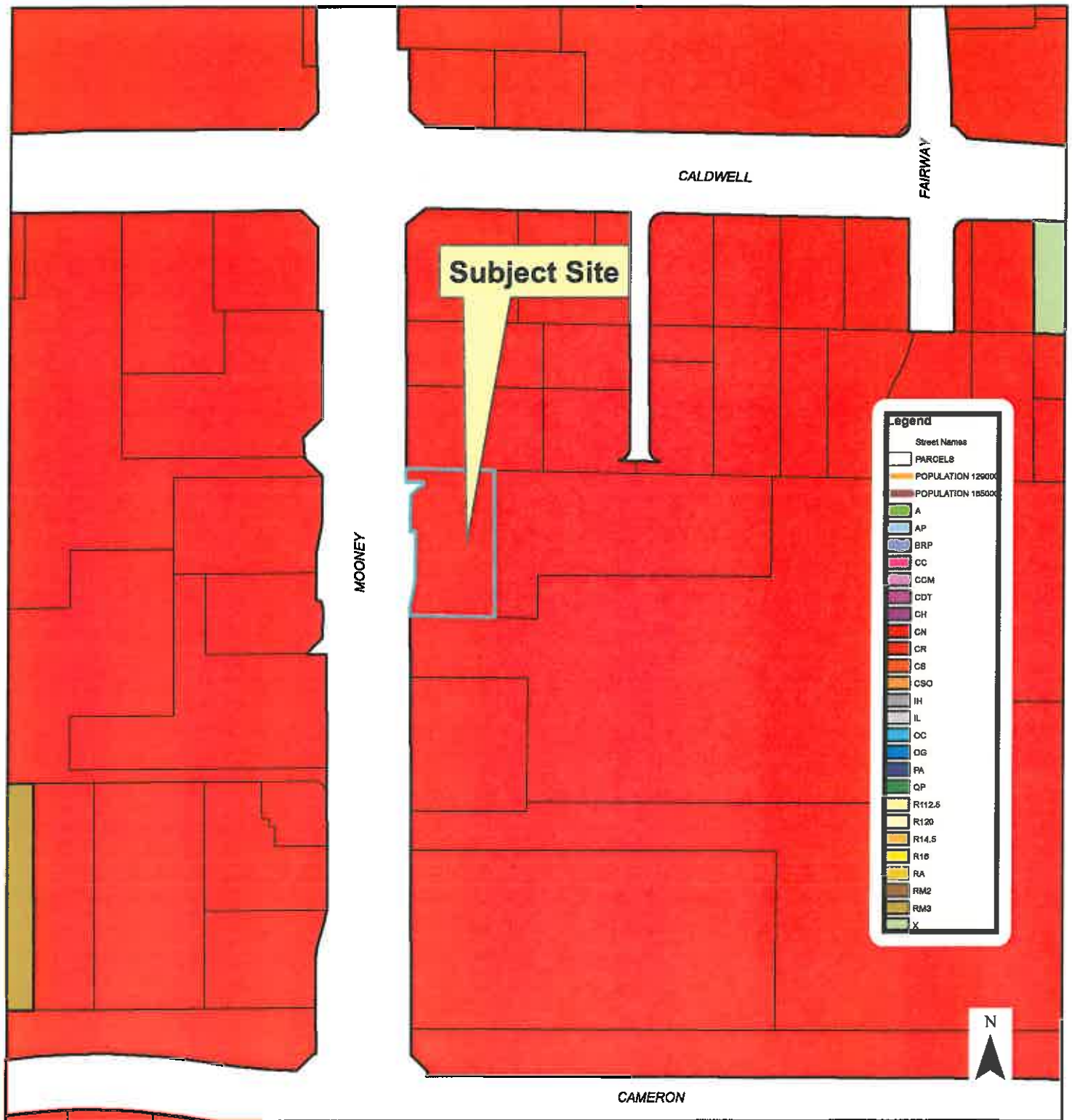
Sequoia Plaza Shopping Center

City of Visalia



Land Use Designations

City of Visalia



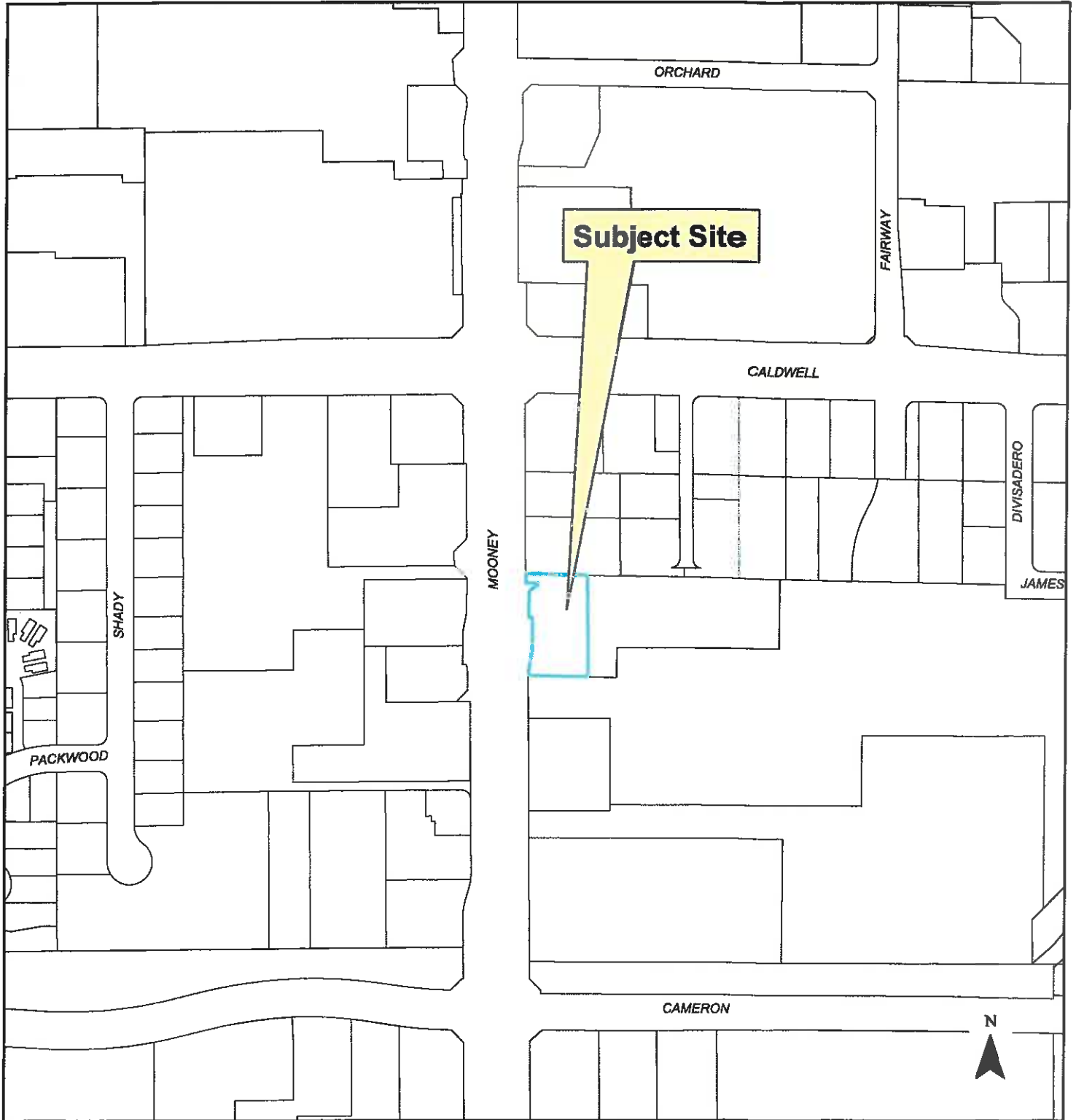
Zoning Designations

City of Visalia



Aerial Photo

City of Visalia



Location Map