

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

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

MONDAY, JUNE 9, 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 the Consent Calendar
5. PUBLIC HEARING – Paul Bernal  
Appeal of the City Planner Determination requiring a Conditional Use Permit pursuant to Site Plan Review No. 2014-060, for the use/establishment of the Wonderland business; Appellant: Monica Ramallo-Young. The site is zoned P-C-R (Planned Regional Retail Commercial) and is located at 3324 South Mooney Boulevard. (APN: 122-300-050) This project is Ministerial Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 21084
6. PUBLIC HEARING – Paul Bernal  
Conditional Use Permit No. 2014-17: a request by Danny and Sabrina Casas to allow the conversion of a 1,980 square foot commercial building for use as a church, located within the Service Commercial (C-S) zone. The site is located at 1901 East Main Street, on the south side of Main Street between South Cain and South Dunworth Streets. (APN: 098-130-034) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2014-36

7. PUBLIC HEARING – Paul Scheibel *Continued from May 27, 2014*

- a. Conditional Use Permit No. 2014-11: A request by Chandi Group, USA, Inc. to allow the phased development of a shopping center, consisting of six commercial parcels to be developed in four phases with a total of approximately 106,400 square feet of building space, including of a gasoline service station, fast food with drive-thru, four-story hotel, drug store with drive-thru, and general retail space on 12 acres. The project is located on east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028) A Mitigated Negative Declaration (No. 2014-28) has been prepared for the project
- b. Tentative Parcel Map No. 20114-03: A request by Chandi Group, USA, Inc. to divide 12 acres into six commercial parcels. The project is located on east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028) A Mitigated Negative Declaration (No. 2014-28) has been prepared for the project

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 FRIDAY, JUNE 19, 2014 BEFORE 5 PM.**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 425 E. Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the City Clerk.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JUNE 23, 2014**

**City of Visalia**  
**Memo**



**To:** Visalia Planning Commission  
**From:** Paul Bernal, Principal Planner (713-4025)  
**Date:** June 9, 2014  
**Re:** Request for Continuation of Item No. 5 Appeal of the City Planner Determination requiring a Conditional Use Permit pursuant to Site Plan Review No. 2014-060, for the use/establishment of the Wonderland business; Appellant: Monica Ramallo-Young. The site is zoned P-C-R (Planned Regional Retail Commercial), and is located at 3324 South Mooney Boulevard. (APN: 122-300-050)

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**Recommended Action**

Staff recommends that the Planning Commission continue the item to the July 14, 2014, Planning Commission meeting.

**Discussion**

The appellant has provided written correspondence requesting a continuation of Item No. 5 to the July 14, 2014, Planning Commission meeting. The appellant's letter states they need additional time to arrange their travel schedule given that they live outside the area. Staff supports their request for continuation to the July 14, 2014, Planning Commission meeting. A copy of the staff report is included in the Planning Commission packet and copies have been distributed to all parties involved in the appeal.



June 3, 2014

**Sent Via U.S. Mail and Email**

City of Visalia Community Development  
Attn.: Planning Division  
315 E. Acequia Ave.  
Visalia, CA 93291  
PBernal@ci.visalia.ca.us

**REQUEST FOR CONTINUANCE OF APPEAL HEARING**

**Re: Wonderland, 3324 S. Mooney Blvd.  
Case Reference CE140071  
Site Plan Review Committee Determination 2014-060  
Appeal from Hearing on May 7, 2014**

Dear Madam or Sir:

This firm represents Wonderland in the above-referenced matter. By this letter, Wonderland respectfully requests a continuance of the hearing in this matter, currently set for June 9, 2014 at 7:00 p.m.

Both I and the Wonderland representative will need to travel from out of town to attend this hearing. We just learned of the hearing yesterday, and we will not be able to rearrange our travel schedule at this short notice. I request a continuance to July 14, 2014.

I have spoken with Joshua McDonald and Paul Bernal, and they have stated that they would not be opposed to continuing the matter to this July 14, 2014 date.

If you have any questions, please do not hesitate to contact me. I look forward to hearing from you soon.

Sincerely

Monica Ramallo-Young



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** June 9, 2014

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

**SUBJECT:** Appeal of the City Planner Determination requiring a Conditional Use Permit pursuant to Site Plan Review No. 2014-060, for the use/establishment of the Wonderland business; Appellant: Monica Ramallo-Young. The site is zoned P-C-R (Planned Regional Retail Commercial), and is located at 3324 South Mooney Boulevard. (APN: 122-300-050)

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission uphold the City Planner determination requiring a Conditional Use Permit for the Wonderland business pursuant to Section 17.32.120 of the Zoning Ordinance, and as concluded by the Site Plan Review (SPR) Committee's Revise and Proceed determination of Site Plan Review No. 2014-060, and deny the Appeal.

## RECOMMENDED MOTION

I move to adopt Resolution No. 2014-33 denying the Appeal and upholding the City Planner's determination requiring a Conditional Use Permit for the Wonderland commercial establishment as concluded by the Site Plan Review Committee for SPR No. 2014-060, based on the findings in Resolution No. 2014-33.

## PROJECT DESCRIPTION

### BACKGROUND

A Planned Development Permit application (SPR No. 2014-060) was filed as a result of a Notice and Order issued by the City Neighborhood Preservation Division. The Notice and Order noted that the business is operating without proper zoning entitlements, i.e. a Conditional Use Permit. In response, the Appellant filed SPR application No. 2014-060, to address the Notice and Order, and to clarify the business operation.

On May 7, 2014, the SPR Committee reviewed SPR No. 2014-060, and concluded that video or computer gaming is integral to the retail activities store. Consequently the business would first require a Conditional Use Permit (CUP) in order to operate in conformance with the Zoning Ordinance (Section 17.32.120).

The Appellant, Monica Ramallo-Young, is appealing the City Planner's determination requiring a Conditional Use Permit for the Wonderland business pursuant to Section 17.32.120 Video Machine Arcades of the Visalia Zoning Ordinance (see appeal letter Exhibit "A"). The Wonderland business establishment occupies an approximate 1,700 square foot tenant space in the South Side Plaza Shopping Center (see Exhibit "B"). The Site Plan Review Committee issued a "Revise and Proceed" to file a Conditional Use Permit" on May 7, 2014. Copies of the Site Plan Review Comments are attached to the report.

The Appellant is challenging the City Planner's determination and subsequent Site Plan Review Committee's requirement that the Wonderland business needs a Conditional Use Permit. The applicant claims that a CUP is not required for the following reasons: 1) The City Planner and the Site Plan Review Committee erred in finding that the Wonderland business is an arcade; 2)

The City's "Video Machine" definition does not apply to the computer terminals used for the Wonderland business (see Exhibit "A").

The appellant contends that Wonderland is a commercial retail establishment that sells clothing, snacks, phone accessories and pre-paid phone cards. In addition to these retail items, the applicant contends that the business also provides several computer terminals that can be used in conjunction with or without the purchase of pre-paid phone cards. A copy of the Wonderland's floor plan depicting the business' interior setup is attached as Exhibit "C". The appellant's letter and the floor plan do not stipulate the number of computer terminals located in the Wonderland establishment.

Prior to making a determination, the City Planner reviewed Code Enforcement file materials associated with the business, the materials provided as part of the appellant's Site Plan Review application, and conducted a field inspection. Based on these materials, the City Planner concluded that the use most resembles a Video Machine Arcade, which is a conditionally allowed use in the P-CR zone pursuant to Section 17.38 (Conditional Use Permit) of the Visalia zoning regulations. The City Planner may approve up to four video machines in a business, subject to Section 17.38.070 (temporary uses), and the operational criteria set forth in Sections 17.32.120.C.1 through 17.32.120.C.6, and 17.32.120.D. However, the business in question provides more than 25 video machines.

### **BACKGROUND INFORMATION**

General Plan Land Use Designation:	Regional Retail Commercial
Zoning:	P-CR (Planned Regional Retail Commercial)
Surrounding Land Use and Zoning:	North: P-CR (Planned Regional Retail Commercial) – South Side Plaza Shopping Center East: P-CR (Planned Regional Retail Commercial) – South Side Plaza Shopping Center South: P-CR (Planned Regional Retail Commercial) – South Side Plaza Shopping Center West: P-CR (Planned Regional Retail Commercial) – South Side Plaza Shopping Center
Environmental Review:	Ministerial Exempt
Special Districts:	Design District "A"
Site Plan:	2014-060

### **RELATED PROJECTS**

The Planning Commission has previously approved approximately 15 similar businesses that feature either video games or computer terminal rentals (internet café) thru the Conditional Use Permit (CUP) process. A small sampling of approved video and/or computer terminal uses are as follows:

- CUP 9818, for video machines to be added to the Straw Hat Pizza Parlor at 1104 N. Ben Maddox Way, July 13, 1998.
- CUP 9923, for five or more video machines to be operated at 300 Center St., September 23, 1999.
- CUP 2002-19 for an internet café with 15 terminals to be operated at 217 W. Main St., June 1, 2002.

## PROJECT EVALUATION

Staff's recommendation to uphold the City Planner's determination for a Conditional Use Permit pursuant to Section 17.32.120 is consistent with past project determinations, and is based on the information contained in this report.

### City Planner Conditional Use Permit Determination

In response to complaints, the Neighborhood Preservation Division conducted field visits to the business in question. During these visits, it was noted that the business, which is roughly 1,700 square feet, is primarily comprised of personal computer terminals that are made available to customers but which lack internet connections. Approximately 75 percent of the floor area is taken up by these computer stations, with the remainder of the floor area comprising a restroom, office area, cashier space, and very small retail merchandise display (see Exhibits "F-1" through "F-11").

The Chief Code Enforcement Officer concluded that the business was operating as a Video Machine Arcade. Thus, a Notice and Order was issued to the Wonderland business noting that this business is operating without the approval of a zoning entitlement (i.e., CUP). The Notice and Order is included as Exhibit "D".

The Appellant responded to the Notice and Order by filing Site Plan Review application No. 2014-060. The Appellant's letter dated April 26, 2014, which was attached to their Site Plan Review application, provides a brief operational overview of the Wonderland business (see Exhibit "E"). The letter states that the business is a retail store selling a variety of products including clothing, snacks, phone accessories, and pre-paid phone cards. In addition, several computer terminals are located in the business. These computer terminals are for use by patrons of the Wonderland establishment to participate in an online sweepstakes. These computers, as stated in their letter, do not require the deposit of a coin, slug, plate, disc, or key to operate the computer. Further, the operational letter does not explain why the computer terminals lack internet connections, or specify whether the computer terminals can be rented and/or used for "internet cafes".

The City Planner subsequently visited the business and observed the same operational conditions that were noted by the Neighborhood Preservation Division, namely that the vast majority of the business' floor area is devoted to computers and their use for video game consoles. Further, it was noted that there is only a very limited retail display area, which included a small display shelf with t-shirts for sale. The City Planner reviewed the Zoning Matrix (Section 17.18.050) to determine the use that most closely matches the conditions and found that a Video Machine Arcade is the correct conclusion.

Based on City Planner's determination, the Site Plan Review Committee notified Ms. Ramallo-Young that Wonderland is required to file and obtain approval of a Conditional Use Permit. The decision was appealed to the Planning Commission and is the subject of this hearing.

The Appellant contends that the business operates as a retail store, with the computers used as an "ancillary" form of marketing for pre-paid phone cards. Further, they contend that the computers do not meet the definition of a video game machine.

The Neighborhood Preservation Staff and Site Plan Review Committee considered and rejected these arguments. The City Planner affirmed the conclusion as well. First, the operational reality is that the computers comprise the majority of the business' floor area. The computers, and their associated games, are the primary, if not sole reason, that individuals patronize the business. The question of whether, and if so, in what manner, the games being played on the computers generate income to the business has not been definitively answered to date. Indeed, the Site Plan Review Committee asked the applicant to provide additional

documentary information demonstrating that the computers are being utilized independently from the profit making activities of the business. The applicant declined to do so, instead indicating its desire to stand behind the arguments proffered in Appellant Monica Ramallo-Young's May 15, 2014 correspondence.

The Appellant's argument that the computers don't meet the definition of video machine is also inaccurate. Section 17.32.120 of the Zoning Ordinance defines a video machine as:

"(A)ny machine, device or apparatus, the operation or use of which is permitted, controlled, allowed, or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice, or other opening or by the payment of any fee or fees, for the use as a game, contest, which is operated through the use of electronic means with images and sounds transmitted through a cathode ray tube." (emphasis added.)

The definition above was written in 1993 for far less technologically advanced video gaming technologies. Video games have evolved over the past two decades, such that many games are now played on computers as opposed to the larger coin operated entertainment machines that were prevalent in earlier years. Nonetheless, this somewhat antiquated terminology in Section 17.32.120 still captures the essence of the applicant's business activities as determined by the City Planner and affirmed by the Site Plan Review Committee, namely, "video gaming for a fee." Appellant Monica Ramallo-Young argues that Section 17.32.120 does not apply to the applicant's business activities because the computers at Wonderland can be used by its customers without paying a fee, and without using the prepaid phone cards that Wonderland sells. However, Appellant does not argue that the computers are in no way ever used as part of the profit making activities of the business. As stated above, City staff and the Site Plan Review Committee requested documentary evidence supporting any such contention that the computers are never used to generate fees for the business, and the applicant has declined to do so.

Additional authority supporting the City Planner's determination also exists elsewhere in the Zoning Ordinance. Line item 462 of the Zoning Matrix states "Other uses similar in nature and intensity as determined by the City Planner subject to the granting of a Conditional Use Permit." Thus, the City Planner determined that the business' use of computers for the playing of video games most closely resembles video machines as defined by Section 17.32.120. Consequently, the reasons stated in the appellant's appeal letter do not warrant waiving the CUP requirement as determined by the City Planner.

If the proprietor elects to reduce the number of computer terminals to no more than four, a resubmittal of the Appellant's Site Plan Review item is required. The Site Plan Review resubmittal would then specify that no more than four computer terminals and shall be allowed, pursuant to Section 17.32.120 of the Zoning Ordinance.



## RECOMMENDED FINDINGS

### Site Plan Review No. 2014-060

1. That the Site Plan Review Committee's Revise and Proceed determination of May 7, 2014, requiring a Conditional Use Permit as determined by the City Planner for the Wonderland business is consistent with established policies and City ordinances relating to Video Machine Arcades. The Conditional Use Permit determination identified by the SPR Committee is no more onerous than those imposed to similar projects within the City of Visalia.
2. That the City Planners determination requiring a Conditional Use Permit for the Wonderland business as contained in the Site Plan Review (SPR) Revise and Proceed determination of May 7, 2014, is consistent with conditional uses that 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.

## APPEAL INFORMATION

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

### Attachments:

- Related Plans and Polices (Planned Development Permit & Video Machine Arcade)
- Resolution No. 2014-33
- Exhibit "A" – Appeal Letter
- Exhibit "B" – South Side Plaza Shopping Center
- Exhibit "C" – Wonderland Floor Plan (SPR No. 2014-060)
- Exhibit "D" – 30 Day Notice and Order
- Exhibit "E" – April 26, 2014 Site Plan Review Operational Letter
- Exhibits "F-1" through "F-11" – Photographs of the Wonderland Business
- Site Plan Review Revise and Proceed Packet dated May 7, 2014
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

**Related Plans & Policies**  
**Planned Development Permits**

**17.28.010 Purpose and intent.**

The purpose of the planned development permit is to assure that developments are reviewed governing design relationships of various uses, buildings, structures, lot sizes and open spaces while assuring substantial compliance with the general plan. The provisions of this chapter shall apply to any new, expanded or remodeled use. The total combined use area shall be subject to planned development permit procedures and all applicable conditions. (Prior code § 7422)

**17.28.020 Site plan review committee.**

A. **Members.** The site plan review committee shall be comprised of staff representatives of the fire, engineering, traffic, building, planning, solid waste, police, park and recreation departments; in addition the city planner may request input from any other city department or public agency, subject to city council policies.

B. **Powers and Duties.** The site plan review committee shall review and approve, conditionally approve or deny a planned development permit which is requested by an applicant for a development which, by ordinance, requires a planned development permit in accordance to appropriate city codes and ordinances. (Ord. 9605 § 30 (part), 1996: prior code § 7423)

**17.28.030 Application procedure.**

A. **Information.** The applicant shall submit a minimum of twelve (12) prints of the site plan to the planning department. The site plan shall be drawn to a scale which clearly indicates all dimensions and includes the following information:

1. Address;
2. Assessors parcel number;
3. Vicinity map on cover sheet;
4. Scale and north arrow;
5. Dimensions of property;
6. Location of existing and proposed buildings and/or structures showing dimensions from property lines and their intended use;
7. Location, height and material of existing and/or proposed fences and walls;
8. Location of off-street parking. Indicate the number of parking spaces, type of paving, direction arrows and parking dimensions;
9. Location and width of drive approaches;
10. Indicate method of on-site drainage;
11. Location of existing and/or proposed public improvements (such as curbs, gutters, sidewalks, utility poles, fire hydrants, street lights, traffic signal devices, etc.);

12. Method of sanitary disposal;
13. Location of signs, their size, height, type of illumination and type of building material;
14. Location of trash refuse area;
15. Location and type of existing trees. Oak trees must have the approximate diameter size;
16. A preliminary or conceptual landscape plan must be submitted for site plan review. A final specific landscape plan must be submitted prior to issuance of building permits. This plan shall include species, quantity, size, location and irrigation system;
17. Loading and storage areas indicating any fences and walls to be used as screening;
18. Location and height of all roof mounted structures;
19. Lighting, including the location and height of all exterior fixtures;
20. Such other data as may be required to permit the site plan review committee to make the required findings;
21. Elevations, if required by the city planner;
22. Additional information as required by historic preservation advisory board.

B. Submittal: Plans submitted by four p.m. on a Thursday shall be reviewed by the site plan committee at their regular meeting at nine a.m. on the following Wednesday. Additional time may be required for site plans which must be reviewed by other agencies and/or city committees. Twelve (12) copies of the site plan shall be submitted to the planning department along with a completed site plan review application. If all of the required information as outlined within Section 17.28.030(A) is not submitted, the application shall not be accepted by the planning department. (Ord. 9605 § 30 (part), 1996: prior code § 7424)

#### 17.28.040 Committee findings.

A. Within thirty (30) working days after submission, the site plan review committee shall approve, conditionally approve, or disapprove the proposed site plan. The site plan review committee shall have the power to apply conditions to a planned development permit which the committee finds are in keeping with current city ordinances and to protect the public health, safety and general welfare. In approving the site plan, the site plan review committee shall make the following specific findings:

1. That all applicable provisions of the Municipal Code are complied with;
2. That the following are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected with no adverse effect on surrounding property and to provide for a site plan which supports current adopted planning commission and city council policies:
  - a. Facilities, improvements and utilities,
  - b. Vehicular ingress, egress and internal circulation,
  - c. Setbacks,
  - d. Location of service use areas,

e. Walls,

f. Landscaping;

3. That proposed lighting is so arranged as to deflect the light away from adjoining properties and will not cause a traffic hazard;

4. That proposed equipment which is used in conjunction with a use is so designed to avoid excessive noise at the property line of the use.

B. In making the required findings, the site plan review committee shall assure that the approval will be consistent with established policies and regulations relating to public improvements, street improvements, as approved and adopted by the city council, including necessary dedications and traffic safety.

C. Upon completion or review, the planning department staff shall notify the applicant of the approval, conditions of approval or denial along with a copy of the finally approved site plan. (Prior code § 7425)

#### 17.28.050 Appeals to the planning commission.

The applicant or any interested person may appeal, in writing, setting forth his reason for such appeal to the commission. Such appeal shall be filed with the city planner within ten days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the commission shall be final unless appealed to the council. (Ord. 9605 § 30 (part), 1996: prior code § 7426)

#### 17.28.060 Appeals to the city council.

The applicant or any interested person may appeal, in writing, setting forth his reason for such appeal to the city council. Such appeal shall be filed with the city clerk within fifteen (15) days after the planning commission's decision. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the council shall be final. (Prior code § 7427)

#### 17.28.070 Planned development permit issuance.

After the final site plan has been approved, the planning department staff shall grant the applicant a planned development permit. Once the applicant receives a planned development permit, building permits may be issued. No permits may be issued for the erection or enlargement of building or structures and no persons shall perform any development or construction of work on the site except within full compliance of this section. (Prior code § 7428)

#### 17.28.080 Required improvements.

Because of changes which may occur in a local neighborhood due to increased vehicular traffic generated by facilities requiring a planned development permit, and upon the principle that such development should be required to provide street dedications and improvements proportionate to such increased vehicular traffic, the following dedications and improvements may be deemed necessary by the site plan review committee and may be required as a condition to the approval of any site plan.

Residential developments should not, however, be required to provide such street facilities for nonrelated vehicular traffic.

A. If the development borders or is traversed by an existing street, the applicant may be required to:

1. Dedicate all necessary rights-of-way to widen a bordering minor or collector street to the extent of one-half the ultimate width established by the city

as the standard for such minor or collector street; as per adopted improvement standards;

2. Dedicate all necessary rights-of-way to widen a traversing minor or collector street to its ultimate width established by the city as the standard for such minor or collector streets;

3. Dedicate all necessary rights-of-way to widen a bordering or traversing major street to its ultimate width established by the city as the standard for such major street;

4. Install curbs, gutters, sidewalks, street signs, street lights and street trees along one side of a bordering, or along both sides of a traversing, minor collector, or major street;

5. Install utilities and drainage facilities to the full extent of the service requirements generated by the development;

6. Grade and improve bordering minor streets from the curb to the centerline of the ultimate right-of-way;

7. Grade and improve traversing minor streets from curb to curb;

8. Grade and improve parking lane and one traffic lane adjacent to the development along a bordering collector or major street;

9. Grade and improve both parking lanes and the two outside traffic lanes of a traversing collector or major street.

B. All new streets shall be dedicated and improved in accordance with the requirements of subsection (A) of this section.

C. All improvements shall be to city standards existing at the time the site plan is approved and shall be installed at the time of the proposed development. Where it is determined by the city planner that it is impractical to install any or all improvements at the time of the proposed development, an agreement to make such improvements may be accepted in lieu thereof. In any event, the applicant shall enter into an agreement with the city for the provision of improvements before a building permit may be issued, as specified in Sections 16.24.050 and 16.24.060.

D. Fire hydrants as per city requirements. (Ord. 9605 § 30 (part), 1996: prior code § 7429)

#### 17.28.090 Building permits.

Before a building permit shall be issued for any building or structure proposed as part of the approved planned development permit, the building department shall secure written approval from the planning department that the proposed building location is in conformity with the planned development permit and conditions approved by the site plan review committee, commission, or council. Before a building may be occupied, the building inspector shall certify to the city planner that the site has been

developed in conformity with the planned development permit and conditions approved by the site plan review committee, commission or council. (Ord. 9605 § 30 (part), 1996: prior code § 7430)

17.28.100 Lapse of planned development permit.

A planned development permit shall lapse and become null and void one year following the date on which approval by the city planner, commission or council became effective unless, prior to the expiration of one year, a building permit is issued by the building inspector and construction is commenced and diligently pursued toward completion. (Ord. 9605 § 30 (part), 1996: prior code § 7431)

17.28.110 Revocation.

Upon violation of any of the applicable provisions of this chapter or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a site plan approval shall be suspended automatically. Notice of such suspension shall be sent immediately to the person responsible for noncompliance by the building inspector. Within thirty (30) days of the suspension, the commission shall consider the suspension. If not satisfied that the regulation, general provision, condition, or conditions are being complied with, the commission may revoke the site plan approval or take such action as may be necessary to insure compliance. (Prior code § 7432)

17.28.120 Approval to run with the land.

A planned development permit approved pursuant to the provisions set forth in Sections 17.28.010 through 17.28.110 shall run with the land and shall continue to be valid upon a change of ownership of the site. (Prior code § 7433)

## **Related Plans & Policies**

### **Conditional Use Permits**

#### **17.38.010 Purposes and powers**

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

#### **17.38.020 Application procedures**

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

#### **17.38.030 Lapse of conditional use permit**

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

#### **17.38.040 Revocation**

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

#### **17.38.050 New application**

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of

the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land

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

17.38.065 Abandonment of conditional use permit

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

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
  1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
  2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
  3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
  4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
  5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
  6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
  7. Signing for temporary uses shall be subject to the approval of the city planner.
  8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996; prior code § 7532).

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property



owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report

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

17.38.100 Public hearing--Procedure

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

17.38.110 Action by planning commission

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

17.38.120 Appeal to city council

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

17.38.130 Effective date of conditional use permit

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

**Related Plans & Policies**  
**Video Machine Arcades**

**17.32.120 Video machine arcades.**

It is the purpose of this section to set forth development and operational standards for arcades. Such standards are adopted to protect the public welfare from potential problems associated with the operation of video machine arcades.

A. Definitions. For the purpose of this section the following definitions shall apply:

“Video arcade” means a commercial establishment that contains five or more “video machines.”

“Video machine” means any machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest, which is operated through the use of electronic means with images and sounds transmitted through a cathode ray tube.

B. Permits Required.

1. Video arcades may be approved as a conditional use in the P-C-C, P-C-N, P-C-SO, P-C-CM, P-C-R, P-C-DT and P-C-H zones pursuant to Chapter 17.38 of the Visalia zoning regulations.

2. Video machines, up to four in number, may be approved by the planning department pursuant to Section 17.38.070 (temporary uses) of the zoning regulations. Such permits shall be subject to the operational criteria set forth in subsection (C) of this section.

C. Operational Criteria.

1. Location. Video machines and arcades shall not be located closer than six hundred (600) feet to any public schools.

2. Hours of Operation. Normal hours of operation shall be between the hours of ten a.m. and eleven p.m. unless alternate hours are approved by the city council as part of a conditional use permit. Machines located in businesses may be operated during normal business hours if approved by the planning department (four or fewer machines) or city council (arcades). In any case, school aged children shall be prohibited from operating video machines while school is in session.

3. Security/Supervision. The use shall be under the supervision of an adult during all hours of operation. Additional supervision or security may be required as deemed necessary by the city council under the terms of the conditional use permit. The work station of the adult attendant shall be such that the entry and immediate outside area is visible. Supervision responsibility shall extend to the public and/or parking areas in the vicinity of the arcade.

4. Alcoholic Beverages. No alcoholic beverages shall be allowed to be bought or consumed on the premises, including the public and/or private areas in the vicinity. This shall not apply to businesses which are licensed and approved for alcoholic beverage sale and use.

5. Noise. No noise or sound generated by an arcade shall be audible outside of the arcade building.

6. Loitering. Gathering and loitering of individuals in the arcade and public and/or parking areas in the vicinity of the arcade shall be prohibited.

D. Monitoring of Use. Periodic inspections, which may or may not be announced in advance, may be conducted by the city to ascertain compliance of any arcade with the conditions of the use permit under which the arcade is operating. Violations of the conditional use permit or the provisions of this section shall be subject to enforcement under the provisions of Chapter 17.46 of the zoning regulations. Continuing violations may lead to revocation of the conditional use permit for an arcade, as set forth under Section 17.38.040 of the zoning regulations. (Prior code § 7488)

RESOLUTION NO. 2014-33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING THE APPEAL OF THE CITY PLANNER DETERMINATION REQUIRING A CONDITIONAL USE PERMIT PURSUANT TO SITE PLAN REVIEW NO. 2014-060, FOR THE USE/ESTABLISHMENT OF THE WONDERLAND BUSINESS; APPELLANT: MONICA RAMALLO-YOUNG. THE SITE IS ZONED P-C-R (PLANNED REGIONAL RETAIL COMMERCIAL) AND IS LOCATED AT 3324 SOUTH MOONEY BOULEVARD. (APN: 122-300-050)

**WHEREAS**, On May 7, 2014, the Site Plan Review (SPR) Committee issued a Revise and Proceed for SPR No. 2014-060, subject to the comments and conditions contained in the Site Plan Review No. 2014-060, including the City Planners determination that a Conditional Use Permit is required for the Wonderland business located at 3324 South Mooney Boulevard (APN: 122-300-050); and

**WHEREAS**, On May 15, 2014, Monica Ramallo-Young, appellant, appealed the City Planner's Site Plan Review Committee's findings requiring a Conditional Use Permit for the Wonderland business establishment, and appealed the Revise and Proceed of Site Plan Review No. 2014-060 based on the conditions/requirements as contained in the Site Plan Review Revise and Proceed determination on May 7, 2014; and

**WHEREAS**, The Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 9, 2014; and

**WHEREAS**, The Planning Commission of the City of Visalia finds the City Planners determination requiring a Conditional Use Permit subject to Section 17.32.120 is consistent with Chapter 17.32.120 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, The Planning Commission of the City of Visalia finds the Revise and Proceed determination of Site Plan Review No. 2014-060 to be in accordance with Chapter 17.32.120 (Video Machine Arcade) 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 Ministerially 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 15268.

**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:

### **Site Plan Review No. 2014-060**

1. That the Site Plan Review Committee's Revise and Proceed determination of May 7, 2014, requiring a Conditional Use Permit as determined by the City Planner for the Wonderland business is consistent with established policies and city ordinances relating to Video Machine Arcade's. The Conditional Use Permit determination identified by the SPR Committee is no more onerous than those imposed to similar projects within the City of Visalia.
2. That the City Planners determination requiring a Conditional Use Permit for the Wonderland business as contained in the Site Plan Review (SPR) Revise and Proceed determination of May 7, 2014, is consistent with conditional uses that 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.
3. That the project is considered Ministerial Exempt under Section 15268 of the California Environmental Quality Act (CEQA).

**BE IT FURTHER RESOLVED** that the Planning Commission denies the appeal and upholds the Site Plan Review Committee's finding that a Conditional Use Permit is required for the Wonderland business as determined by the City Planners on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.32.120 of the Ordinance Code of the City of Visalia, and denies the appeal of the Site Plan Review (SPR) Committee's conditions and requirements as contained in the Revise and Proceed determination on May 7, 2014, for Site Plan Review No. 2014-060.



May 15, 2014

**Sent Via UPS Next Day Certified**

City of Visalia Community Development  
Attn.: Jason Huckleberry  
315 E. Acequia Ave.  
Visalia, CA 93291

**NOTICE OF APPEAL**

**Re: Wonderland, 3324 S. Mooney Blvd.  
Case Reference CE140071  
Site Plan Review Committee Determination 2014-060  
Appeal from Hearing on May 7, 2014**

Dear Mr. Huckleberry:

Wonderland hereby seeks review of the Site Plan Review Committee's determination to require it to obtain a conditional use permit for its retail business. The Committee erred in finding that the retail establishment is an arcade. Such finding is not supported by the evidence in the record.

On February 24, 2014, the City of Visalia issued a 30 Day Notice & Order ("30 Day Notice") to Wonderland's Landlord, Visalia Number One LTD. The 30 Day Notice stated that a Code Enforcement Officer found that the store "is operating a video gaming business with five or more gaming machines as well as retail sales of clothes, snacks, and phone-accessories and pre-paid phone cards." The letter then ordered the Landlord to submit an application for a Conditional Use Permit to operate a Video Gaming business.

Wonderland runs a retail store that sells clothes, snacks, phone accessories and pre-paid telephone cards. The pre-paid phone cards are promoted via a lawful sweepstakes using ordinary computer terminals located in the store. There is no charge for the use of the computers which are used solely to promote its retail business. The store's entire revenue stems solely from its retail sales.

The computers in the store are ordinary computer terminals and do not constitute "Video Machines" as defined by the Visalia Municipal Code. Section 17.32.120 of the Visalia Municipal Code defines "Video machine" as:

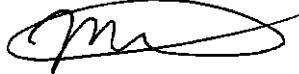
[A]ny machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest, which is operated through the use of electronic means with images and sounds transmitted through a cathode ray tube.

Visalia Municipal Code §17.32.120.

Wonderland has no such machines in its business. The computers in its store are simply computers. They contain no slot, crevice or other opening into which to deposit or place any coin, plate, disc, slug or key. Likewise, no fee is charged for their use. The sweepstakes (a) requires no purchase to enter (i.e. is free to the entrant whether or not a phone card is purchased), (b) deducts no value from a purchased phone card to enter the sweepstakes, (c) offers all entrants the same chance of winning a finite group of prizes whether or not that entrant purchases a phone card, and (d) promotes a bona fide product or service – here, competitively priced pre-paid phone cards.

As such, because Wonderland is simply a retail store and not an arcade, the Committee's decision to require it to obtain a conditional use permit was in error. Accordingly, for these reasons and for the reasons to be presented at the hearing on this matter, Wonderland requests that the Committee's order requiring it to obtain a conditional use permit to operate its retail establishment be reversed.

Sincerely,



Monica Ramallo-Young

# Exhibit "B"

## South Side Plaza Shopping Center



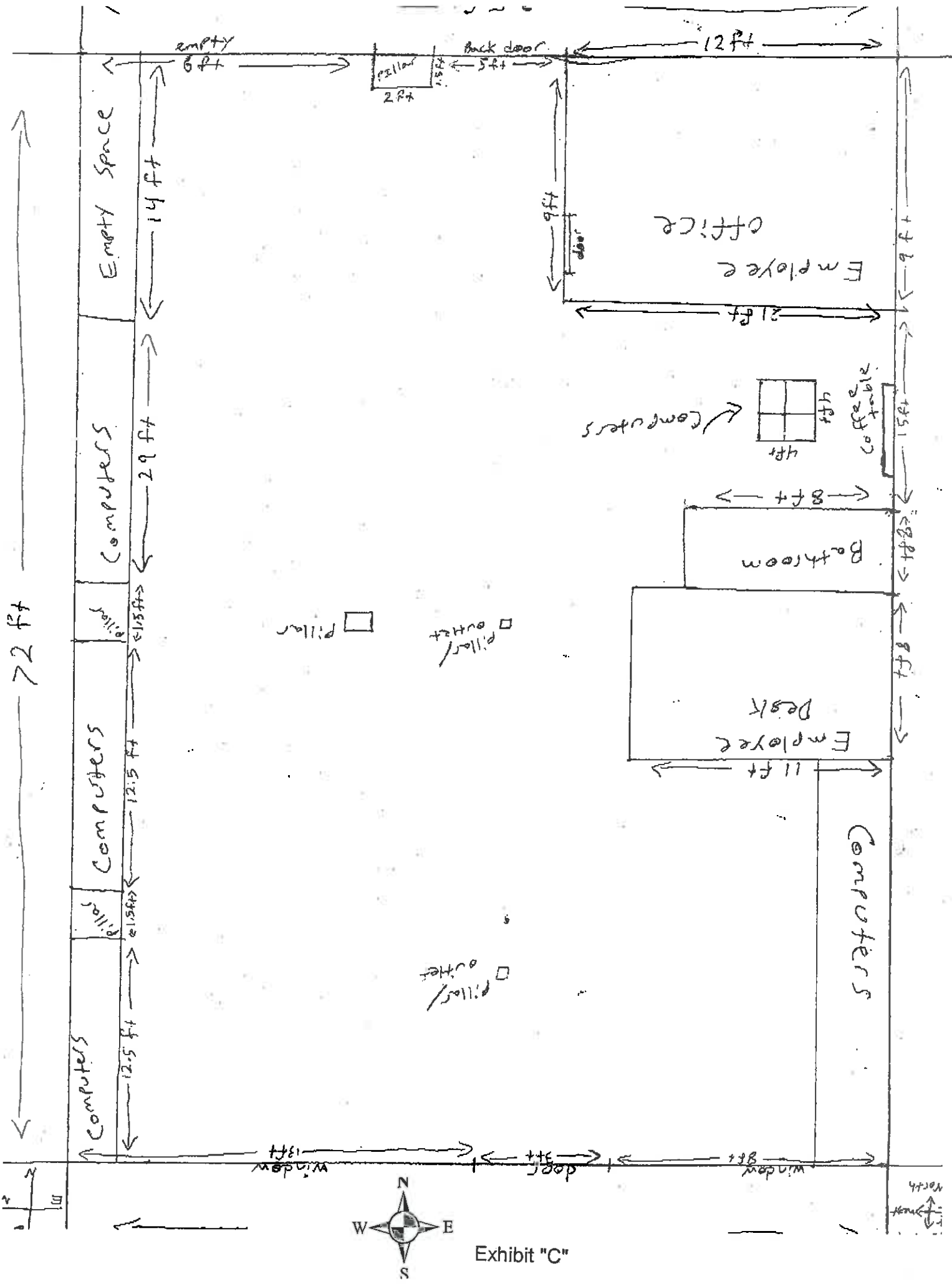


Exhibit "C"





## 30 DAY NOTICE & ORDER

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

February 24, 2014

VISALIA NUMBER ONE LTD  
C/O MANCO ABBOTT INC  
PO BOX 9440  
FRESNO CA 93792-9440

**PROPERTY OWNER:** Visalia Number One LTD  
**PROPERTY REFERENCE:** 3324 S Mooney Blvd.  
**APN:** 122-300-050-000  
**CASE REFERENCE:** CE140071  
**VIOLATION:** VISALIA MUNICIPAL CODE section 17.18.010/ 17.18.050/ 5.04.120

January 29, 2014 a complaint was filed with the City of Visalia Code Enforcement Department in regards to operating a business without the required Conditional Use Permit.

February 21, 2014 the undersigned Code Enforcement Officer conducted an inspection of the property and found that the business is operating a video gaming business with five or more gaming machines as well as retail sales of clothes, snacks, and phone accessories and pre-paid phone cards.

Under the Visalia Municipal Code Zoning laws, a video gaming business requires a Conditional Use Permit to operate in a P-C-R (Planned Regional Retail Commercial zone).

**Because of these conditions your property is in violation of the Visalia Municipal Code and a public nuisance.**

**CORRECTION ACTION REQUIRED:** In order to resolve these violations, you are required to complete the following required corrections:

1. Submit an application for a Conditional Use Permit to operate a Video Gaming business with more than 5 gaming machines to the Planning Division on or before March 23, 2014.
2. Finalize the Conditional Use Permit process with the Planning Division on or before April 25, 2014.
3. Apply for a Business Tax Certificate to declare the exact nature or kind of business that is being conducted on the property.
4. Pay a ½ hour Cost Recovery Fee of \$65.04 as required within 30 days of this notice.

A 1 hour cost recovery for inspection time of \$128.38 has been charged to this case; in addition, \$.85 in property background research fee will be added, to receive a payment demand call City of Visalia at (559) 713-4441. Other fees will be applied if further action is necessary.

**Visalia Municipal Code Section 15.44.090 Account and record of cost-** The enforcement officer shall keep an account of the cost of abating such nuisance and shall embody such account in the report and assessment list which shall be filed with the city clerk and presented to the city council. The allowable cost of abating such nuisance shall include a charge sufficient to cover the cost of administering this chapter. The report and assessment list shall refer to each separate lot or parcel of land by description sufficient to be assessed against each such separate lot or parcel.

#### **APPLICABLE VISALIA MUNICIPAL CODE**

**17.18.010 (B) (6) Planned Regional Retail Commercial Zones (P-C-R) 6. Planned Regional Retail Commercial Zone—(P-C-R).** *The purpose and intent of the planned regional retail commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.*

**17.18.050 List of uses as permitted (P), conditional (C), and temporary conditional (T).**

*The following matrix represents all of the permitted and conditional uses in the commercial, office and industrial zone districts.*

**Master List Zone District Section 303- Video Machines/Coin-Operated Games 5+ gaming machines. P-R-C Zone- Conditional.**

#### **5.04.120 Application**

*Every entity required to pay a tax under the provisions of this title shall make application to the collector in such form as the collector may prescribe. Such entity shall provide the required information to determine the nature of the proposed business in order to determine the proper business classification(s). A nonreturnable application fee for processing the business tax application will be charged at the time the application is submitted.*

*Such fee shall be set annually by council. Upon payment of the prescribed tax, the collector shall issue a document as described in Section 5.04.130.*

A. *Initial Application. Such entity making application for the first business tax certificate for a newly established or acquired business or business activity, such entity shall furnish to the collector a sworn statement, upon a form prescribed by the collector setting forth the following information:*

- 1. The exact nature or kind of business;*
- 2. The place where such business is to be carried on, and if the same is not to be carried on at any permanent place of business, the places of residence of the owners of same;*
- 3. When the amount of tax to be paid is measured by gross receipts, the application shall set forth such information as may be necessary to determine the amount of the tax to be paid by the applicant;*
- 4. Any further information which the collector may deem necessary to determine the proper business tax or supply information to other governmental agencies.*

#### **FAILURE TO COMPLY:**

**YOU ARE HEREBY NOTIFIED** that you must comply within ten (10) working days of the date (or otherwise noted) of this Notice and Order, if the illegal condition has not been resolved within the time specified above, each day will be considered a separate violation. An Administrative Penalty of \$100.00 for the first day, \$200.00 the second day and \$500.00 will be charged to you for each day the property is not compliant. This fee, and any other costs necessary to remove the violation will be charged to you personally and/or will be assessed against the land and can be foreclosed on or made a tax assessment which will be placed on the tax rolls to be collected.

Declaration of Substandard Building and Notice of Pendency of Action/Proceedings ("Title Cloud") has been filed with the County of Tulare Recorder's Office. Full compliance will be required for removal of this Pendency. A "Termination of Action" form must be obtained from this office at that time. This form must be presented at the Recorder's Office to complete release of action.

Failure to respond will result in additional enforcement action being taken to insure that your property is in compliance. Additional action may include a judicial citation and mandatory court appearances.

**ADMINISTRATIVE APPEAL:**


**YOU ARE FURTHER NOTIFIED** that you may appeal the imposition of the Notice and Order within ten (10) working days of the date this Notice and Order is served. This can be accomplished by filing a Notice of Appeal with the Department of Neighborhood Preservation located at City Hall East, 315 E. Acequia Avenue, Visalia, California. At the time the appeal is filed, an appeal fee is due and payable and a deposit of the violation must be made, or evidence provided that a request for an advance deposit hardship waiver has been filed with the Neighborhood Preservation Division of the City of Visalia.

**YOU ARE FURTHER NOTIFIED** that at the above-stated hearing you may call witnesses to testify on your behalf, present documentary evidence, cross-examine witnesses, and otherwise show why said nuisance should not be ordered abated. You may be represented by legal counsel at your own expense.

**SHOULD YOU FAIL TO APPEAR AT SUCH HEARING** it shall be deemed a waiver of your right to a hearing.

**YOU ARE FURTHER NOTIFIED** that once this Order becomes final, you may seek review of this Order pursuant to California Code of Civil Procedure Sections 1094.4 and 1094.6. There are no appeals to City Council.

Sincerely

  
Tommy Contreras  
Code Enforcement Technician  
City of Visalia  
(559) 713-4194

*City of Visalia*



*Neighborhood Preservation*

315 East Acequia Ave., Visalia, CA 93291

Tel: (559) 713-4194 Fax: (559) 713-4811

## Notice of Extension

March 24, 2014

VISALIA NUMBER ONE LTD  
C/O MANCO ABBOTT INC  
PO BOX 9440  
FRESNO CA 93792-9440

Ref: 3324 S Mooney Blvd. Visalia, CA  
Case #: CE140071

Dear property owner:

This letter is to inform you that you have been granted a 2 week (14 calendar days) extension of the deadline for case CE140071. The amended deadline for this case is now April 7, 2014. All required building permits, corrections, finals, must be completed by the deadline. The City of Visalia appreciates your cooperation in this matter to resolve the issues at this property in a timely matter. If you have any further questions you may call me at (559) 713-4194.

Sincerely,

  
Tommy Contreras  
Code Enforcement Technician  
City of Visalia  
(559) 713-4194  
[tcontreras@ci.visalia.ca.us](mailto:tcontreras@ci.visalia.ca.us)

CC: Tracy Robertshaw, Code Enforcement Manager



April 26, 2014

**Sent Via UPS**

City of Visalia  
Community Development  
315 East Acequina Ave.  
Visalia, California 93291

ORIGINAL 14-060  
SITE PLAN REVIEW  
MAY 7, 2014

**Re: Wonderland, 3324 S. Mooney Blvd.  
Case Reference CE140071**

Dear Madam or Sir:

This office represents Wonderland in the above-referenced matter. On February 24, 2014, the City of Visalia issued a 30 Day Notice & Order ("30 Day Notice") to Wonderland's Landlord, Visalia Number One LTD. Attached as Exhibit A is a copy of the 30 Day Notice.

The 30 Day Notice stated that a Code Enforcement Officer found that the store "is operating a video gaming business with five or more gaming machines as well as retail sales of clothes, snacks, and phone-accessories and pre-paid phone cards." The letter then ordered the Landlord to submit an application for a Conditional Use Permit to operate a Video Gaming business.

On March 24, 2014, the City of Visalia granted the property owner a 2 week-extension of the deadline for the case to April 7, 2014. Attached as Exhibit B is a copy of the letter granting this two-week extension. On April 4, 2014, I contacted Tracy Robertshaw at the City of Visalia and explained to her that Wonderland is not operating a video gaming business and therefore did not require a conditional use permit. Ms. Robertshaw granted Wonderland an extension to April 28, 2014, to address the issue by submitting the form attached as Exhibit C. Attached as Exhibit D is a copy of Ms. Robertshaw's email granting that extension.

Per Ms. Robertshaw's instructions, attached as Exhibit E is the completed form and supporting documents.

Wonderland runs a retail store that sells clothes, snacks, phone accessories and pre-paid telephone cards. The pre-paid phone cards are promoted via a lawful sweepstakes using ordinary

computer terminals located in the store. These ordinary computer terminals do not constitute "Video Machines" as defined by the Visalia Municipal Code.

Section 17.32.120 of the Visalia Municipal Code defines "Video machine" as:

[A]ny machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest, which is operated through the use of electronic means with images and sounds transmitted through a cathode ray tube.

Visalia Municipal Code §17.32.120.

Wonderland has no such machines in its business. The computers in its store are simply computers. They contain no slot, crevice or other opening into which to deposit or place any coin, plate, disc, slug or key. Likewise, no fee is charged for their use. The sweepstakes (a) requires no purchase to enter (i.e. is free to the entrant whether or not a phone card is purchased), (b) deducts no value from a purchased phone card to enter the sweepstakes, (c) offers all entrants the same chance of winning a finite group of prizes whether or not that entrant purchases a phone card, and (d) promotes a bona fide product or service – here, competitively priced pre-paid phone cards.

Accordingly, for these reasons and for the reasons to be presented at the hearing on this matter, Wonderland requests that the order requiring it to obtain a conditional use permit to operate its retail establishment be vacated.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Monica Ramallo-Young

Enclosures

Exhibit "F-1"

**CONNECTIONS**  
PHONE CENTER & ACCESSORIES



2014. 5. 27 16:23

Exhibit "F-2"

2014. 5. 27 16:18

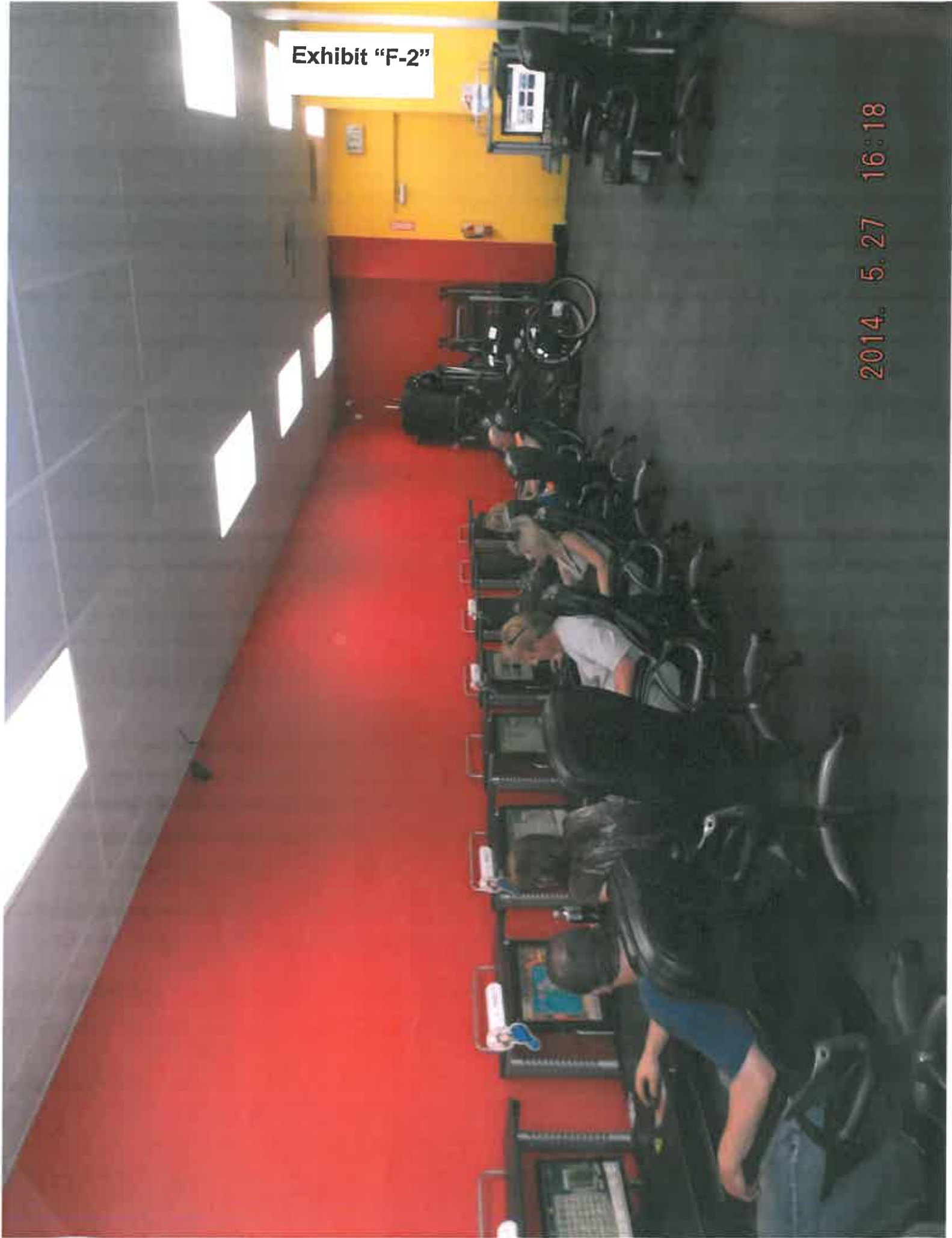




Exhibit "F-3"

2014. 5. 27 16:18

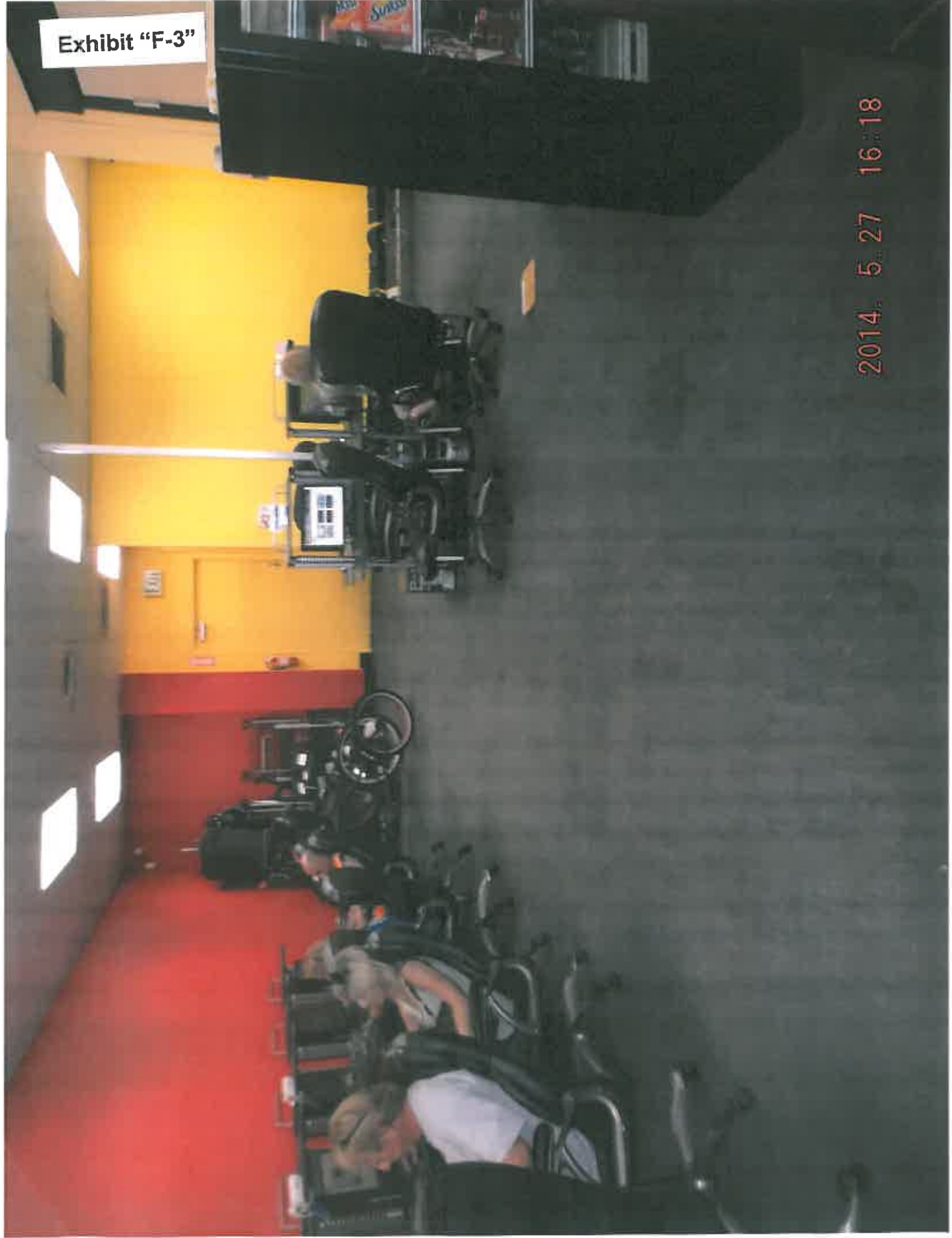


Exhibit "F-4"

2014 5 27 16:19



Exhibit "F-5"

2014. 5. 27 16:19



Exhibit "F-6"

- \$5 per month
- No Connection Fee
- No Maintenance Fee
- No Service Charges
- (No Pay Phone Use)



2014. 5.27 16:19

Exhibit "F-7"



- 3¢ per Minute (Continental US)
- No Connection Fee
- No Maintenance Fee
- No Service Charges  
(No Pay Phone Use)



2014 5.27 16:19

Exhibit "F-8"

2014. 5. 27 16:19



Exhibit "F-9"



2014. 5. 27 16:18

Exhibit "F-10"

2014 5 27 16:23

We no longer  
provide internet  
services  
- Management

FLC

Swain  
Security  
24 HOUR  
VIDEO SURVEILLANCE  
PROTECTION  
Call for a quote  
800-333-3333

FLC



Exhibit "F-11"

We no longer  
provide internet  
services  
- Management

2014 5 27 16:23

FLCA

Swann SECURITY  
**24 HOUR**  
VIDEO SURVEILLANCE  
PROTECTION  
VIGILANCE POUR VOUS  
LES 24 HEURES  
www.swannsecurity.com



MEETING DATE May 7, 2014  
SITE PLAN NO. 14-060  
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*



#1

MEETING DATE MAY 7, 2014

SITE PLAN NO. 14-060

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) CUP

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION

PARK/RECREATION

HISTORIC PRESERVATION

OTHER \_\_\_\_\_

**ADDITIONAL COMMENTS** \_\_\_\_\_

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

*Site Plan Review Committee*

City of Visalia  
Building: Site Plan  
Review Comments

ITEM NO: 1      DATE: May 07, 2014  
SITE PLAN NO: SPR14060  
PROJECT TITLE: RETAIL STORE  
DESCRIPTION: RETAIL STORE IN EXISTING 1,700 SF BUILDING ON PORTION OF 4.5 ACRE AREA (CR ZONED) (DISTRICT A)  
APPLICANT: RAMALLO-YOUNG MONICA  
PROP OWNER: VISALIA NUMBER ONE LTD  
LOCATION: 3324 S MOONEY BLVD  
APN(S): 122-300-050

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 2013 California Building Code Sec. 2905 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone \_\_\_\_\_  Hazardous materials report
- Arrange for an on-site inspection. *(Fee for inspection \$140.00) For information call (559) 713-4444*
- School Development fees: Commercial \$0.47 per square foot Residential \$2.97 per square foot.
- Port. Development fee \$ \_\_\_\_\_, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: \_\_\_\_\_

G. FERREDO  
Signature



**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: 1

DATE: May 07, 2014

SITE PLAN NO:

SPR14060

PROJECT TITLE:

RETAIL STORE

DESCRIPTION:

RETAIL STORE IN EXISTING 1,700 SF BUILDING ON PORTION OF 4.5 ACRE AREA (CR ZONED) (DISTRICT A)

APPLICANT:

RAMALLO-YOUNG MONICA

PROP OWNER:

VISALIA NUMBER ONE LTD

LOCATION:

3324 S MOONEY BLVD

APN(S):

122-300-050

**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.

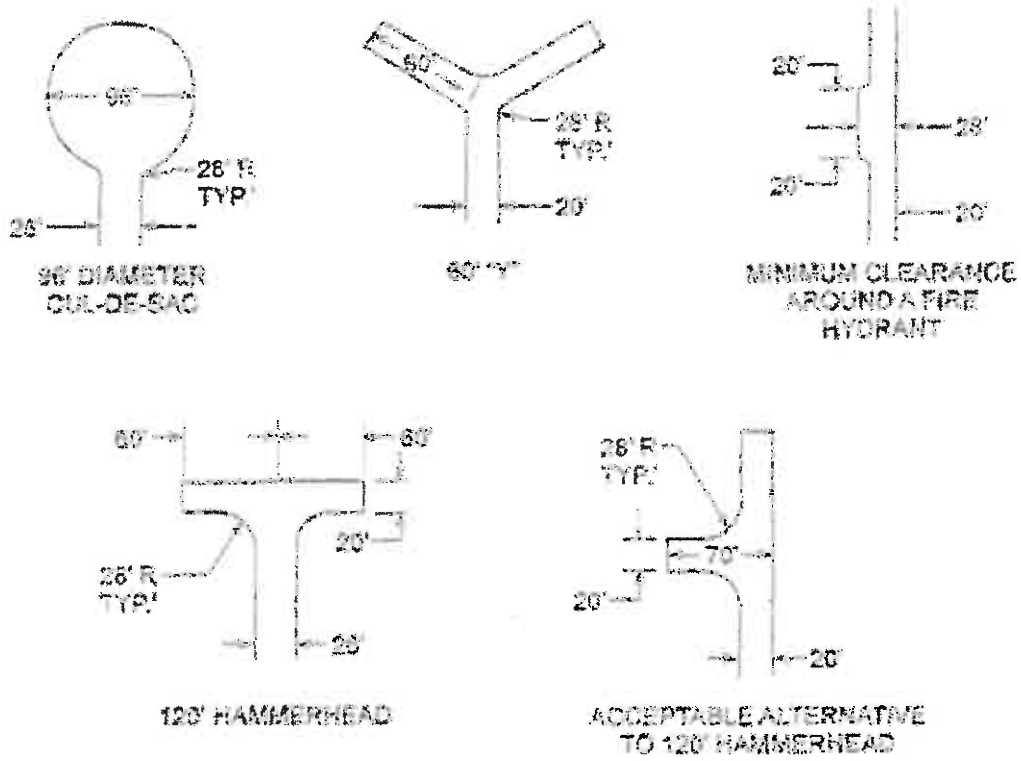


FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

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 of the number of units, street width shall be a minimum of 36 feet from 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



# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

May 7, 2014

ITEM NO:	1
SITE PLAN NO:	SPR14060
PROJECT TITLE:	RETAIL STORE
DESCRIPTION:	RETAIL STORE IN EXISTING 1,700 SF BUILDING ON PORTION OF 4.5 ACRE AREA (DR ZONED) (DISTRICT A)
APPLICANT:	RAMALL O-YOUNG MONIDA
PROP. OWNER:	VISALIA NUMBER ONE LTD
LOCATION:	3524 S MOONEY BLVD
APNS:	122-300-050

**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 Questionnaire required.

**Additional Comments:**

  
\_\_\_\_\_  
Leslie Blair

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: May 7, 2014

SITE PLAN NO: 2014-060  
PROJECT TITLE: RETAIL STORE  
DESCRIPTION: RETAIL STORE IN EXISTING 1,700 SF BUILDING ON PORTION OF 4.5  
ACRE AREA (CR ZONED) (DISTRICT A)  
APPLICANT: RAMALLO-YOUNG MONICA  
PROP. OWNER: VISALIA NUMBER ONE LTD  
ADDRESS: 3324 S MOONEY BLVD  
APN TITLE: 122-300-050

General Plan: CR – Regional Retail Commercial  
Existing Zoning: CR – Regional Retail Commercial

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## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Conditional Use Permit (CUP)
- Additional Information as needed

## **PROJECT SPECIFIC INFORMATION: 05/07/2014**

1. The City Planner has determined that a Conditional Use Permit is required for this business. Based on the information provided by the applicant, the City Planner has concluded a CUP is required pursuant to Line No. 462 of the Zone Matrix (Section 17.18.050) "Other uses similar in nature and intensity as determined by the City Planner to the Granting of a Conditional Use Permit".
2. The Conditional Use Permit application with the appropriate materials and filing fees shall be submitted to the City of Visalia's Community Development Department.
3. The applicant or any interested person may appeal the Site Plan Review Committees findings, in writing, setting forth the reason for such appeal to the Planning Commission. Such appeal shall be filed with the city planner within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the site plan and shall approve, approve with conditions, or disapprove, based on the findings set forth in Section 17.28.040. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.
4. An appeal with applicable fees shall be paid at the time of the appeal filing.

## CITY GENERAL PLAN CONSISTENCY

Because this project requires discretionary approval by the City Council and/or Planning Commission the final determination of consistency will be made by the Planning Commission and/or City Council.

---

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

**Maximum Building Height: 50 Feet**

<b>Minimum Setbacks:</b>	<b>Building</b>	<b>Landscaping</b>
➤ Front (Building site)	20 Feet**	20 Feet** (only building)
➤ Front (Parking)	25 Feet**	25 Feet**
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	25 Feet	25 Feet
➤ Side abutting residential zone	15 Feet	5 Feet
➤ Rear	0 Feet'	5 Feet*
➤ Rear abutting residential zone	15 Feet	5 Feet

\*(Except where building is on property line)

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

**Minimum Site Area: 5 acres**

**Parking:** As prescribed in Chapter 17.34

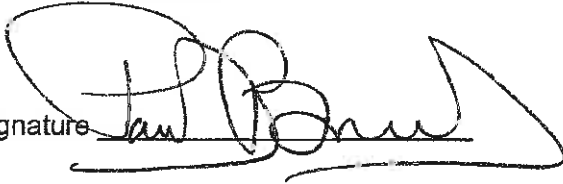
**Parking:**

1. Parking has been provided at the retail parking ratio of one space per 300 square feet of gross floor area (see Zoning Ordinance Section 17.34.020).

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

**NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.**

Signature



**QUALITY ASSURANCE DIVISION**  
**SITE PLAN REVIEW COMMENTS**

ITEM NO: 1                      DATE: May 07, 2014  
 SITE PLAN NO:                 SPR14060  
 PROJECT TITLE:                RETAIL STORE  
 DESCRIPTION:                 RETAIL STORE IN EXISTING 1,700 SF BUILDING ON  
    PORTION OF 4.5 ACRE AREA (CR ZONED) (DISTRICT  
    A)  
 APPLICANT:                     RAMALLO-YOUNG MONICA  
 PROP OWNER:                   VISALIA NUMBER ONE LTD  
 LOCATION:                      3324 S MOONEY BLVD  
 APN(S):                         122-300-050

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

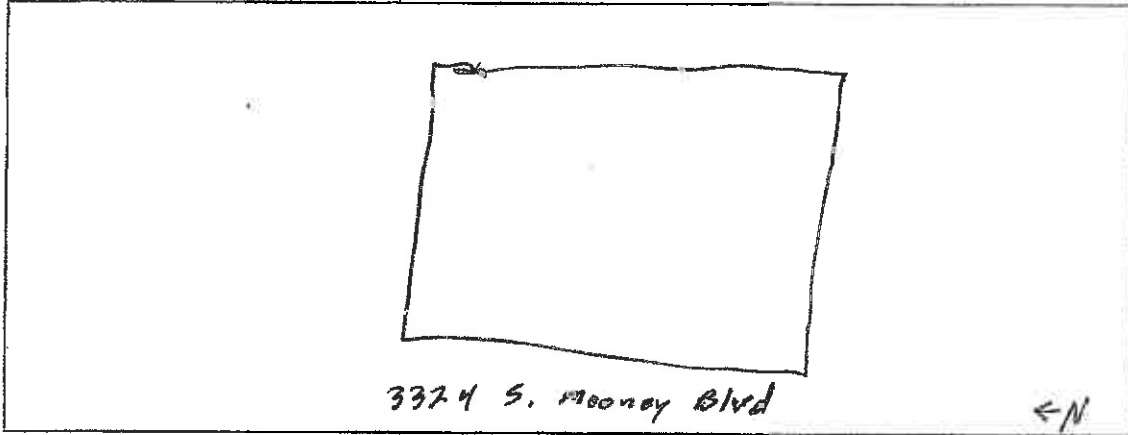
*S. N. Kim*  
 \_\_\_\_\_  
 AUTHORIZED SIGNATURE  
 \_\_\_\_\_  
 5-6-14  
 \_\_\_\_\_  
 DATE

City of Visalia  
Parks and Urban Forestry  
336 N. Ben Maddox Way  
Visalia, CA 93292

Date: 5-5-14

Site Plan Review # 14-060


SITE PLAN REVIEW COMMENTS



COMMENTS: See Below  None

- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Joel Hooyer

Parks and Urban Forestry Supervisor  
559 713-4295 Fax 559 713-4818

Email: [jhooyer@ci.visalia.ca.us](mailto:jhooyer@ci.visalia.ca.us)

**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

<b>ITEM NO: 1</b>	<b>DATE: MAY 7, 2014</b>
SITE PLAN NO.:	14-060
PROJECT TITLE:	RETAIL STORE
DESCRIPTION:	RETAIL STORE IN EXISTING 1,700 SF BUILDING ON PORTION OF 4.5 ACRE AREA (CR ZONED) (DISTRICT A)
APPLICANT:	RAMALLO-YOUNG MONICA
PROP OWNER:	VISALIA NUMBER ONE LTD
LOCATION:	3324 S MOONEY BLVD
APN:	122-300-050

**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. No comments as submitted.**

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 14-060  
Date: 5/7/2014

**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:RETAIL)

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

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

**Reimbursement:**

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

  
\_\_\_\_\_  
**Adrian Rubalcaba**



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

ITEM NO: 1                      DATE: May 07, 2014  
 SITE PLAN NO:                  SPR14060  
 PROJECT TITLE:                RETAIL STORE  
 DESCRIPTION:                  RETAIL STORE IN EXISTING 1,700 SF BUILDING ON  
                                         PORTION OF 4.5 ACRE AREA (CR ZONED) (DISTRICT  
                                         A)  
 APPLICANT:                      RAMALLO-YOUNG MONICA  
 PROP OWNER:                    VISALIA NUMBER ONE LTD  
 LOCATION:                       3324 S MOONEY BLVD  
 APN(S):                          122-300-050

**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

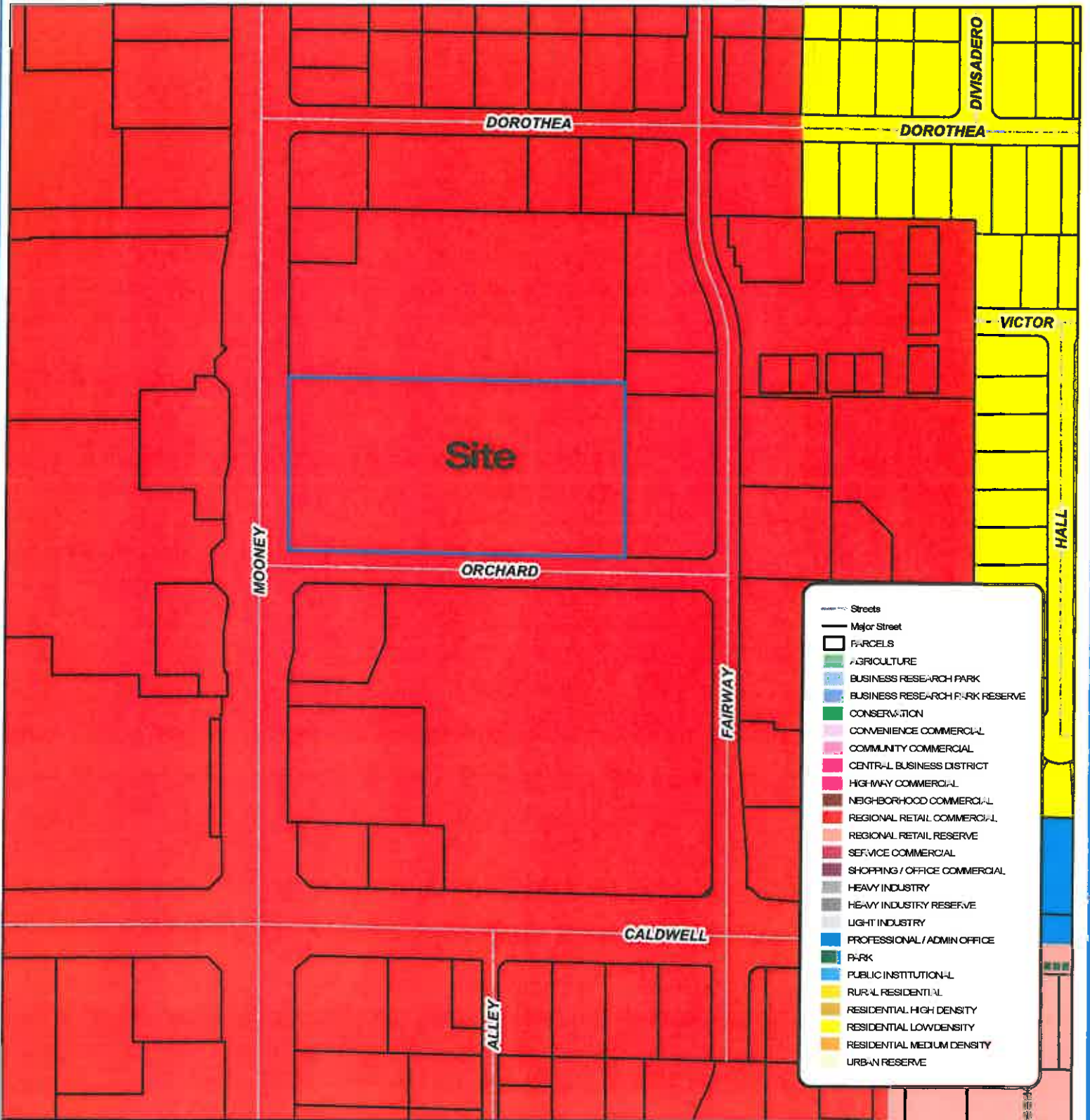
Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure 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: *CLEAR PLAN WITH CODE ENFORCEMENT + CITY ATTORNEY*

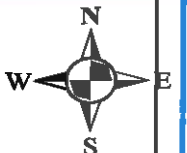
  
 Visalia Police Department

# Appeal of SPR No. 2014-060

APN: 122-300-050

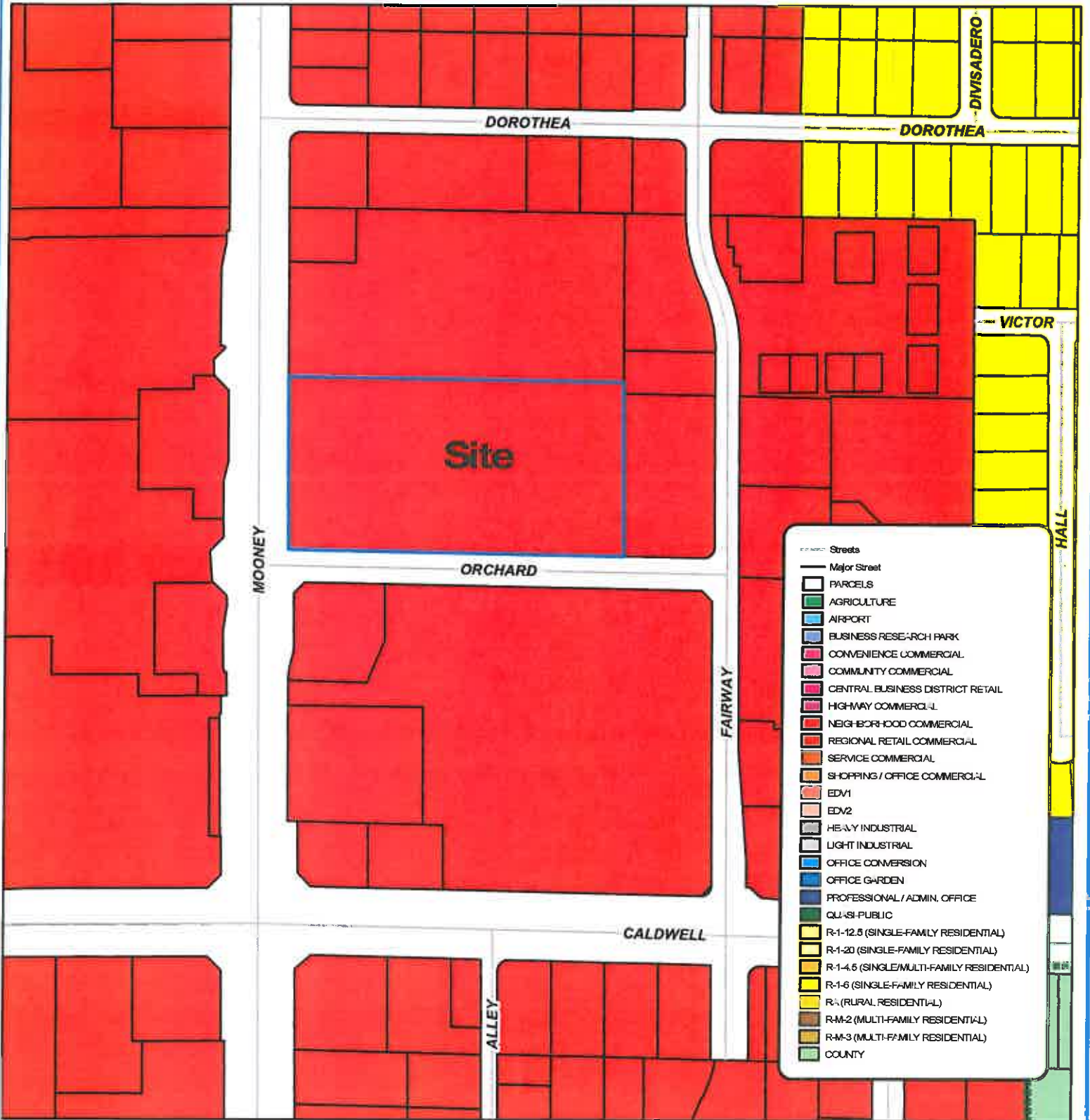


## General Plan Land Use Map



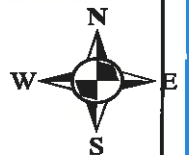
# Appeal of SPR No. 2014-060

APN: 122-300-050



## Zoning Map

300 150 0 300 600 Feet

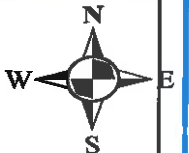


# Appeal of SPR No. 2014-060

APN: 122-300-050

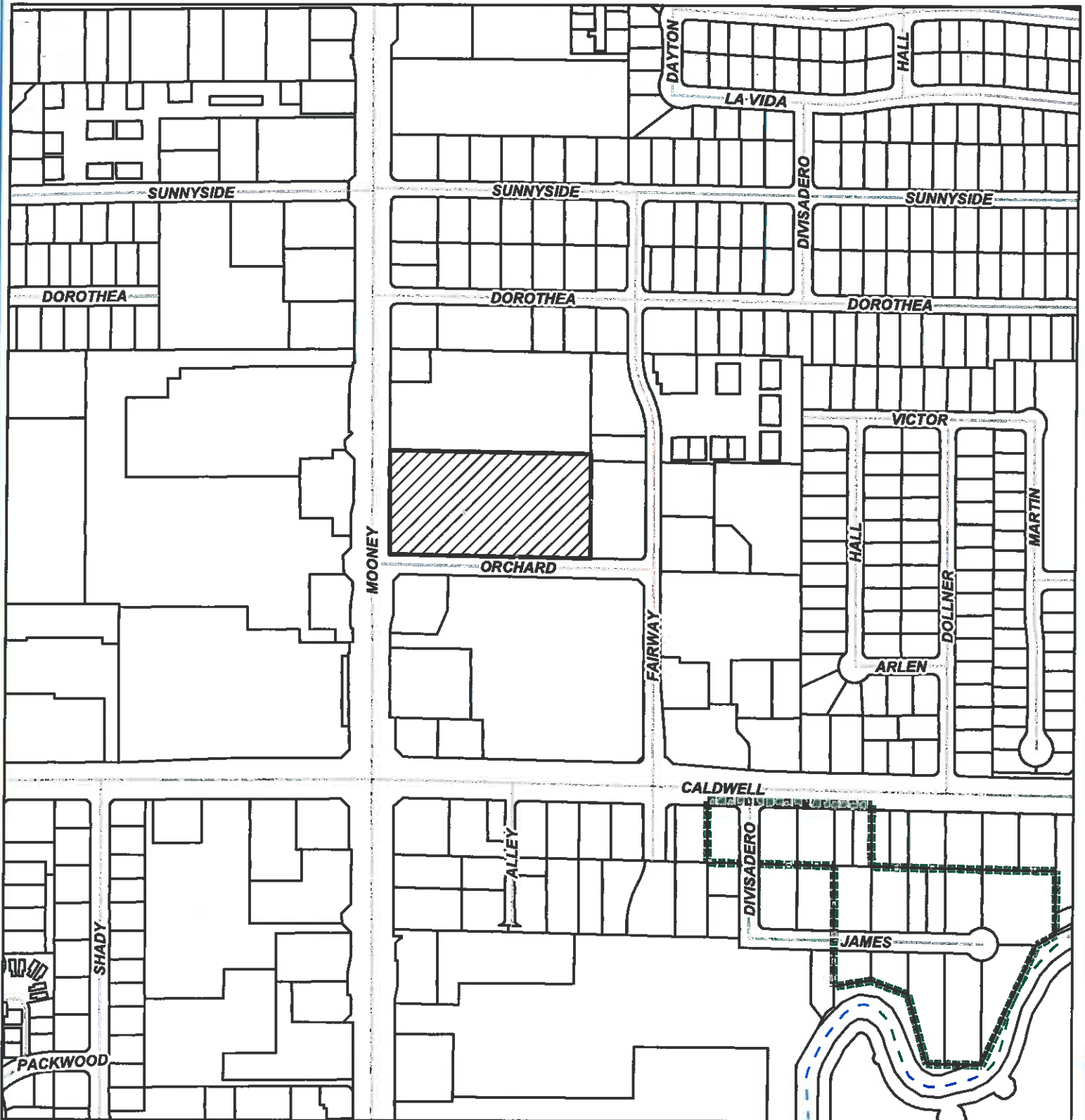


## Aerial Map

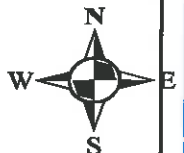


# Appeal of SPR No. 2014-060

APN: 122-300-050



## Vicinity Map





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** June 9, 2014

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

**SUBJECT: Conditional Use Permit No. 2014-17:** A request by Danny and Sabrina Casas to allow the conversion of a 1,980 square foot commercial building for use as a church, located within the Service Commercial (C-S) zone. The site is located at 1905 East Main Street, on the south side of Main Street between South Cain and South Dunworth Streets. (APN: 098-130-034)

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-17 based upon the findings and conditions in Resolution No. 2014-27. Staff's recommendation is based on the project's consistency with the policies and intent of the City's General Plan and Zoning Ordinance.

## RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-17 based on the findings and conditions listed in Resolution No. 2014-27.

## PROJECT DESCRIPTION

Conditional Use Permit is a request to allow the use of a property for a church with less than 200 seats in the Service Commercial zone (Line 63 of Zone Matrix). The church will be locating within an existing 1,980 square foot building located at 1905 East Main Street among other existing commercial tenants. A Conditional Use Permit is required since churches up to 200 seats are a conditionally-allowed use in the Service Commercial (C-S) zone.

The proposed site plan, attached as Exhibit "A", depicts the existing 1,980 square foot tenant space. A service commercial establishment previously occupied the tenant space and any minor interior alterations proposed by the church will require a building permit.

The parking stalls are located directly to the east of the proposed church. The parking stalls used by the entire commercial development are shared by the various businesses located in the East Main Business Park.



The operational statement (see Exhibit "B") states that the sanctuary will accommodate up to 20 parishioners during Sunday services, although the available on-site parking would allow for additional seats in the sanctuary provided that occupancy load requirements are met. The operational statement further notes this site will hold Tuesday and Friday night services from 6:00 p.m. to 8:30 p.m. and Sunday services from 11:00 am to 1:30 p.m. with no special events planned.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Service Commercial
Zoning:	C-S (Service Commercial)
Surrounding Land Use and Zoning	North: C-S (Service Commercial) – Vacant Tenant Space former Visalia Lighting and Design South: C-S (Service Commercial) / Strength Conditioning and Personal fitness East: C-S (Service Commercial) / IDEA Graphic and Printing Company West: C-S (Service Commercial) / Paint and Body Automobile business
Environmental Review:	Categorical Exemption No. 2014-36
Special Districts:	Design District "C"
Site Plan:	2014-026

### RELATED PLANS & POLICIES

Please see attached summary of related plans and policies.

### RELATED ACTIONS

Conditional Use Permit No. 2014-10 was a request Dwayne and Debbie Patton to allow the conversion of a 4,972 square foot commercial building for use as a church, located within the Service Commercial (C-S) zone. The site is located at 2500 E. Valley Oaks Drive. This project was approved by the Planning Commission on April 28, 2014.

Conditional Use Permit No. 2012-04 was a request by Elmbridge Properties, L.P., to allow a 60-seat church to occupy 3,449 sq. ft. of an existing building in the Service Commercial (C-S) zone, located at 650 S. Bridge Street. This project was approved by the Planning Commission on January 23, 2012.

## PROJECT EVALUATION

Staff recommends approval of the Conditional Use Permit No. 2014-17, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

### Land Use Compatibility

Churches and other religious institutions with up to 200 seats are identified as a conditional use in several of Visalia's zoning classifications. Among the zones, which conditionally allow churches, are Central Business District and Service Commercial, Professional Office, and Light Industrial. Churches that locate in these zones frequently utilize preexisting buildings or portions thereof, as opposed to constructing a new facility. Churches that utilize preexisting buildings, like the subject church, should be evaluated for their compatibility with the building, other existing uses in the building, and the surrounding neighborhood.

The proposed church is located within a commercial complex that contains a variety of uses including a tow service, personal fitness, graphic printing company, second hand retail store and automobile repair. The church proposes to operate during non-peak hours (i.e. evenings and Sundays), which would reduce the potential to conflict with other commercial uses in the vicinity that generally operate during the weekdays. Based on the information noted in the operational statement, and the surrounding businesses hours of operations, staff concludes the proposed church will not adversely impact the surrounding commercial businesses.

### Parking

The Zoning Ordinance requires churches to provide one parking space for every four seats in the primary meeting room or for every 30 square feet, whichever is greater. Staff has traditionally applied the seat-to-parking-space ratio toward churches as it provides a more accurate parking assessment for the use.

The church meets the parking requirements of the City Zoning Ordinance. The sanctuary area can accommodate the ±20 seats required as noted in the churches operational statement (see Exhibit "B"). Based on the anticipated number of seats, five parking spaces are required. There are approximately 91 on-site parking spaces associated with the subject site, which are shared with the commercial businesses located in the East Main Business Park.



In the event that the church increases the number of parishioners attending service, the parking requirements can still be achieved given the number of parking spaces provided on-site, the zoning restriction limiting the number of seats in the CS zone (i.e., no more than 200 seats) and the occupancy rating established by the Chief Building Official and Fire Marshall.

The Building Occupancy rating establishes the number of people allowed in a structure based on the building's design, construction type, number of exists, etc. During the Site Plan Review process, staff informed the applicant that an increase in the tenant occupancy will require subsequent Site Plan Review to address building issues and may result in an amending their Conditional Use Permit.

### Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-36).

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. 2014-36).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the projects be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2014-051.
2. That the site be developed in substantial compliance with the approved site plan and floor plan provided in Exhibits "A".
3. That the facility be operated in compliance with the operational statement in Exhibit "B", and any proposed changes to the operation be reviewed through the Site Plan Review process for consistency and related requirements prior to the change.
4. That the site may not be used for any church purposes prior to meeting any required building permit improvements needed to occupy the site for church purposes.
5. That the maximum seating capacity of the sanctuary shall be limited to the number of persons based on available parking and City parking standards, and subject to the maximum building occupancy determined by the City Building Safety Division and/or Fire Department.
6. That any building signage shall require a separate building permit.
7. That all applicable federal, state and city laws, codes and ordinances be met.
8. 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. 2014-17.

## APPEAL INFORMATION

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

### Attachments:

- Related Plans and Policies
- Resolution No. 2014-27
- Exhibit "A" – Site Plan & Floor Plan
- Exhibit "B" – Operational Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Location Map

## **RELATED PLANS AND POLICIES**

### **Related Plans & Policies Conditional Use Permits**

#### **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)

**Chapter 17.40: Nonconforming Uses and Structures**

**17.40.030 Existing uses.**

An existing use of land or structure shall not be deemed to be a nonconforming use solely because of the lack of off-street parking facilities; however, property on the site used for off-street parking and off-street loading at the time of the adoption of this chapter shall not be reduced in a capacity to less than the number of spaces or berths prescribed in Chapter 17.34 or reduced in area to less than the minimum standards prescribed in Chapter 17.34. Where an existing use is expanded, the parking requirements of Chapter 17.34 shall apply only to the addition. (Prior code § 7542)

RESOLUTION NO. 2014-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-17, A REQUEST BY DANNY AND SABRINA CASAS TO ALLOW THE CONVERSION OF A 1,980 SQUARE FOOT COMMERCIAL BUILDING FOR USE AS A CHURCH, LOCATED WITHIN THE SERVICE COMMERCIAL (C-S) ZONE. THE SITE IS LOCATED AT 1905 EAST MAIN STREET, ON THE SOUTH SIDE OF MAIN STREET BETWEEN SOUTH CAIN AND SOUTH DUNWORTH STREETS.  
(APN: 098-130-034)

**WHEREAS**, Conditional Use Permit No. 2014-17, is a request by Danny and Sabrina Casas to allow the conversion of a 1,980 square foot commercial building for use as a church, located within the Service Commercial (C-S) zone. The site is located at 1905 East Main Street, on the south side of Main Street between South Cain and South Dunworth Streets (APN: 098-130-034); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 09, 2014; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2014-17, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, 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 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 findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

3. That the project is Categorically Exempt under **Section 15301** of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2014-36).

**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 projects be developed in substantial compliance and be consistent with the conditions of the Site Plan No. 2014-051.
2. That the site be developed in substantial compliance with the approved site plan and floor plan provided in Exhibits "A".
3. That the facility be operated in compliance with the operational statement in Exhibit "B", and any proposed changes to the operation be reviewed through the Site Plan Review process for consistency and related requirements prior to the change.
4. That the site may not be used for any church purposes prior to meeting any required building permit improvements needed to occupy the site for church purposes.
5. That the maximum seating capacity of the sanctuary shall be limited to the number of persons based on available parking and City parking standards, and subject to the maximum building occupancy determined by the City Building Safety Division and/or Fire Department.
6. That any building signage shall require a separate building permit.
7. That all applicable federal, state and city laws, codes and ordinances be met.
8. 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. 2014-17.



MEETING DATE 4/16/2014  
SITE PLAN NO. 14-051  
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

1905 East Main Street, Visalia, CA 93292

APN: 098-130-034-000

Zoning: CR

## SIDE NOTES:

- ① - EXISTING AERIAL
- ② - SITE PLAN
- ③ - FLOOR PLAN

Site Plan Date - April 16, 2014

①

②

③

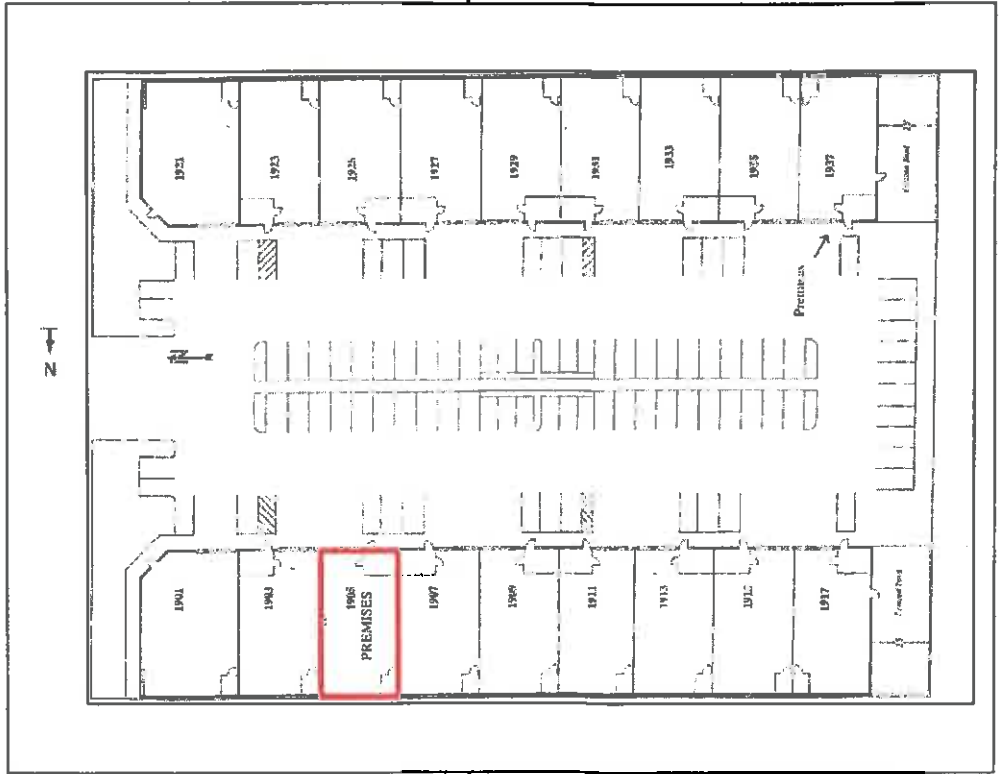
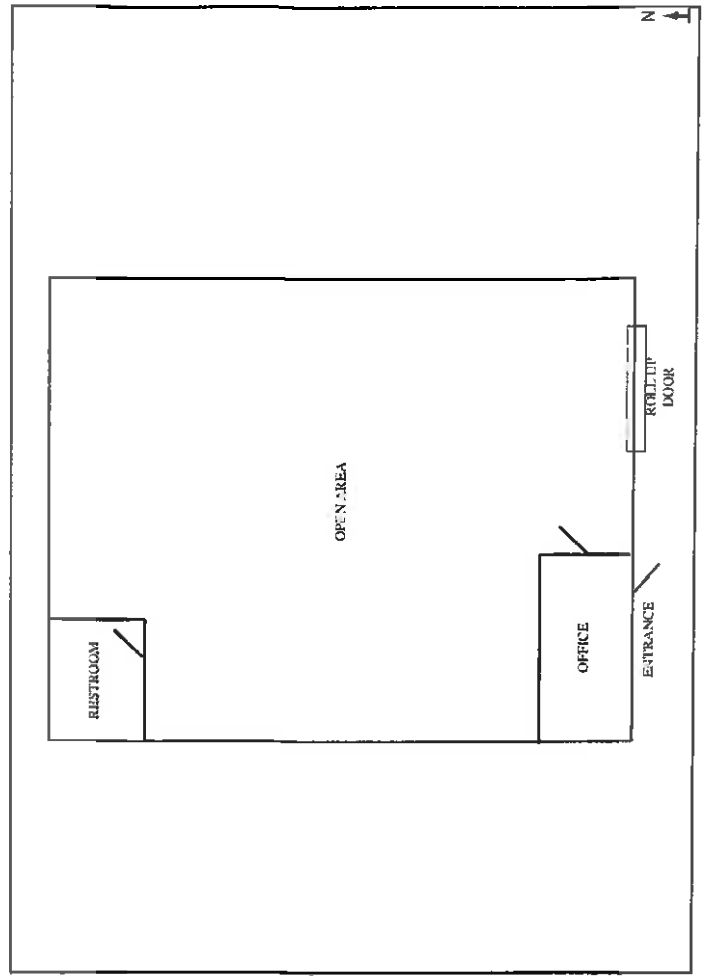


Exhibit "A"



Property Owner:  
 X'LNT, LLC  
 222 N. Garden Street  
 Visalia, CA 93291  
 Applicant - New Harvest Church





### **New Harvest Christian Fellowship of Visalia**

To whom it may concern:

We are interested in the space at 1905 E. Main St in Visalia for a new church branch of New Harvest Christian Fellowship. This location will be used as our church building to conduct worship, prayer, and teaching. Our hours of operation are the following:

- Sunday from 11:00 am to 1:30 pm
- Tuesday from 6:00 pm to 8:30 pm
- Friday from 6:00 pm to 8:30 pm

We have two employees and our average attendance is 20 adults per service.

**About Us**, Our fellowship started in the mid 1970's in Monterrey Park California. From our humble beginnings we have expanded to over 40 churches all across the world, including Manchester, England, St Petersburg, Russia and Santiago, Chile. Our vision is to touch the world through service, personal discipleship, giving, and evangelism. Some of the programs we will be offering the city of Visalia include Marriage Savers, Celebrate Recovery, Royal Rangers and Missionettes.

Pastor Danny and Sabrina Casas

MEETING DATE April 16, 2014  
SITE PLAN NO. 14-051  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

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

**REVISE AND PROCEED** (see below)

A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.

Submit plans for a building permit between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Your plans must be reviewed by:

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

**ADDITIONAL COMMENTS** \_\_\_\_\_

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

*Site Plan Review Committee*

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

ITEM NO: **9**      DATE: **April 16, 2014**  
 SITE PLAN NO: **SPR14051**  
 PROJECT TITLE: **CHURCH FACILITY**  
 DESCRIPTION: **NEW CHURCH IN EXISTING 1,980 SF BUILDING ON PORTION OF 88,824 SF AREA (CS ZONED) (DISTRICT C)**  
 APPLICANT: **GRAHAM MATTHEW**  
 PROP OWNER: **XLNT LLC**  
 LOCATION: **1907 E MAIN ST**  
 APN(S): **038-130-034**

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 2013 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines. ~~Garage and~~ ~~Attic~~
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone \_\_\_\_\_ \*  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$146.00) *For information call (559) 713-4444*
- School Development fees: Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$ \_\_\_\_\_ per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4520*
- Acceptable as submitted
- No comments at this time

Additional comments: USEED. NONE. INFORMATION

G. Ferraro  
 Signature



**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: 9

DATE: April 16, 2014

SITE PLAN NO:

SPR14051

PROJECT TITLE:

CHURCH FACILITY

DESCRIPTION:

NEW CHURCH IN EXISTING 1,980 SF BUILDING ON PORTION OF 88,824 SF AREA (CS ZONED) (DISTRICT C)

APPLICANT:

GRAHAM MATTHEW

PROP OWNER:

XLNT LLC

LOCATION:

1907 E MAIN ST

APN(S):

098-130-034

**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, dolt 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.

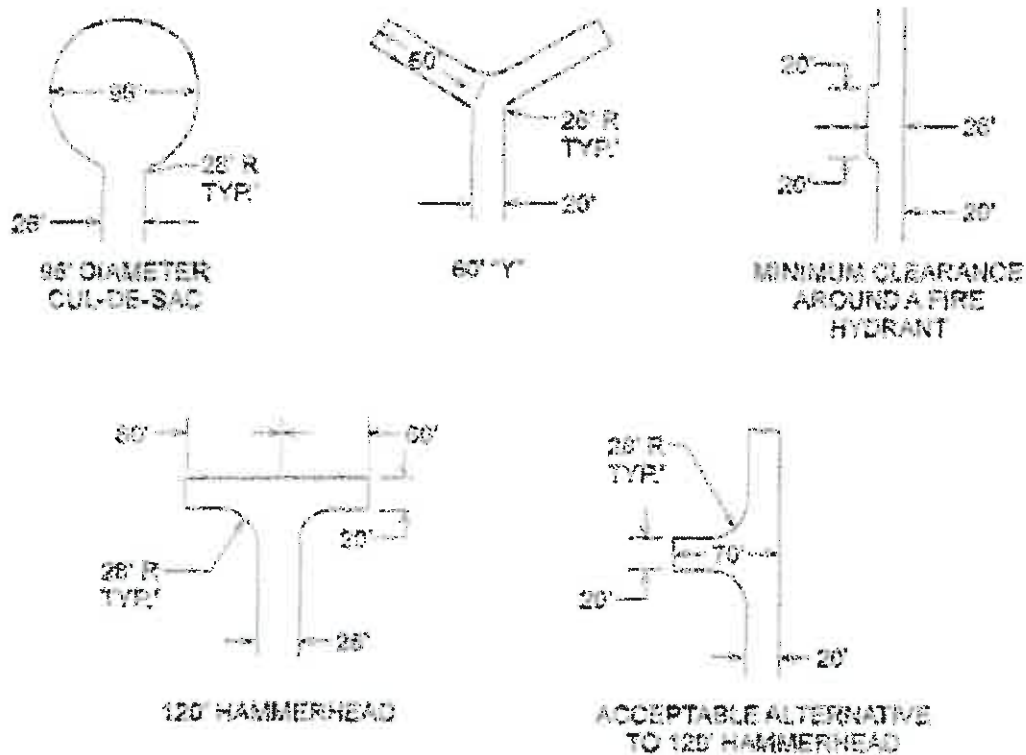


FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

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 of the number of units, street width shall be a minimum of 36 feet from 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:**

☒ *No More than 49 persons, Firewalls*



Kurtis A. Brown  
Assistant Fire Marshal

ITEM NO: 9                      DATE: April 16, 2014  
 SITE PLAN NO:                SPR14051  
 PROJECT TITLE:              CHURCH FACILITY  
 DESCRIPTION:                NEW CHURCH IN EXISTING 1,980 SF BUILDING ON  
    PORTION OF 88,824 SF AREA (CS ZONED)  
    (DISTRICT C)  
 APPLICANT:                    GRAHAM MATTHEW  
 PROP OWNER:                 XLNT LLC  
 LOCATION:                    1907 E MAIN ST  
 APN(S):                        090-130-034

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

**Site Plan Review Comments**



No Comment at this time.



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



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

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



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

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

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Access Controlled / Restricted etc:

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Lighting Concerns:

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Landscaping Concerns:

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Traffic Concerns:

---



Surveillance Issues:

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Line of Sight Issues:

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Other Concerns:

*BWINTER LG*

Visalia Police Department



# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: April 16, 2014

SITE PLAN NO: 2014-051  
PROJECT TITLE: CHURCH FACILITY  
DESCRIPTION: NEW CHURCH IN EXISTING 1,980 SF BUILDING ON PORTION OF  
88,824 SF AREA (CS ZONED) (DISTRICT C)  
APPLICANT: GRAHAM MATTHEW  
PROP. OWNER: SEQUOIA BUSINESS PARK ASSOCIATES LLC  
LOCATION TITLE: XLNT LLC  
APN TITLE: 098-130-034

General Plan: CS – Service Commercial  
Existing Zoning: CS – Service Commercial

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## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

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

## **PROJECT SPECIFIC INFORMATION: 04/16/2014**

1. A CUP is required for the proposed church.
2. Provide a detailed operational statement with the CUP application submittal. Based on information presented at the Site Plan Review meeting, staff will request a condition limiting the occupancy of the church space to no more than 49 people. An increase beyond this may require an amendment to the CUP. The operational statement shall also provide hours of use and intensity for the facility, include any special uses or events so they may be included in the CUP request.
3. Provide a floor plan depicting on the interior space of the building will be used.
4. A building permit is required for building signage. Contact Planning Staff regarding sign requirements.

## 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.

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Design District: "C" [17.30.180]

Maximum Building Height: 50 Feet

### Minimum Setbacks:

	Building	Landscaping
➤ Front	15 Feet	15 Feet
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	15 Feet	10 Feet
➤ Side abutting residential zone	15 Feet	5 Feet

➤ Rear	0 Feet	5 Feet*
➤ Rear abutting residential zone	10 Feet	5 Feet

\*(Except where building is on property line)

**Minimum Site Area:** 6,000 square feet

**Parking:** As prescribed in Chapter 17.34

1. Provide 12 spaces based on one space per four seats (see Zoning Ordinance Section 17.34.020).
2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
3. No repair work or vehicle servicing allowed in a parking area.
4. It is highly recommended that bicycle rack(s) be provided on site plan.

**Fencing and Screening:**

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide second-story screening for all windows that may intrude into adjacent residential properties. Details and cross-sections will be required to be reviewed and approved prior to issuance of building permits (Zoning Ordinance Section 17.30.130.F).
3. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
4. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
5. Outdoor retail sales prohibited.

**Landscaping:**


1. 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.

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

**NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments.**

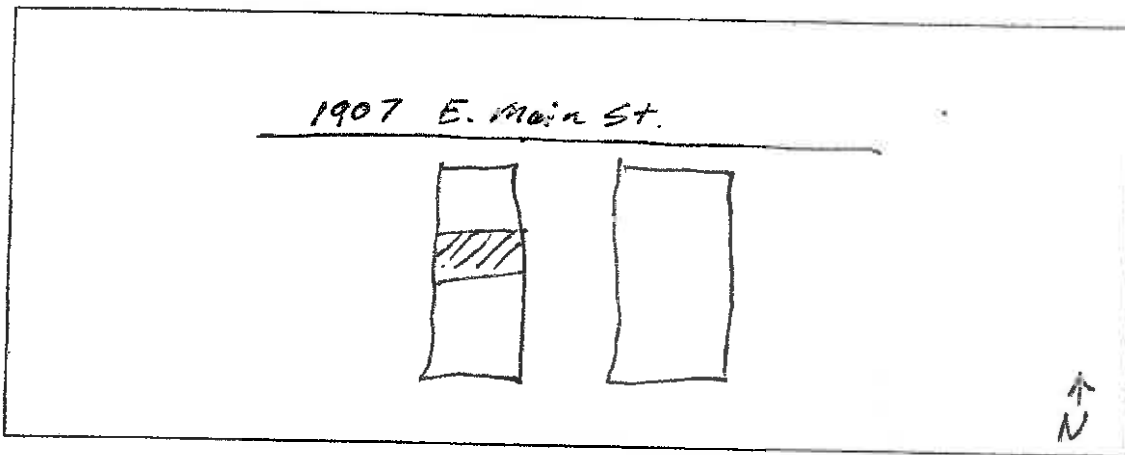
Signature 

City of Visalia  
Parks and Urban Forestry  
336 N. Ben Maddox Way  
Visalia, CA 93292

Date: 4-14-14

Site Plan Review # 14-051

**SITE PLAN REVIEW COMMENTS**



COMMENTS:      See Below       None

- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Joel Hooyer

Parks and Urban Forestry Supervisor  
559 713-4295      Fax 559 713-4818

Email: [jhooyer@ci.visalia.ca.us](mailto:jhooyer@ci.visalia.ca.us)

## QUALITY ASSURANCE DIVISION

### SITE PLAN REVIEW COMMENTS

ITEM NO: 9 DATE: April 16, 2014  
SITE PLAN NO: SPR14051  
PROJECT TITLE: CHURCH FACILITY  
DESCRIPTION: NEW CHURCH IN EXISTING 1,980 SF BUILDING ON  
PORTION OF 88,824 SF AREA (CS ZONED)  
(DISTRICT C)  
APPLICANT: GRAHAM MATTHEW  
PROP OWNER: XLNT LLC  
LOCATION: 1907 E MAIN ST  
APN(S): 098-130-034

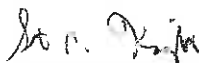
YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

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

4-14-14

\_\_\_\_\_  
DATE

**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

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

ITEM NO: 9 DATE: 4/16/14

SITE PLAN NO.: 14051  
 PROJECT TITLE: CHURCH FACILITY  
 DESCRIPTION: NEW CHURCH IN EXISTING 1,980 SF BUILDING ON PORTION OF 88,824 SF AREA (CS ZONED) (DISTRICT C)  
 APPLICANT: GRAHAM MATTHEW  
 PROP OWNER: XLNT LLC  
 LOCATION: 1907 E MAIN ST  
 APN: 098-130-034

**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. ADA path of travel from parking lot required.**

**2. ADA path of travel from public R.O.W required.**

**3. Include anticipated amount of seats for church for assessment of sewer impact fee (estimate provided on page 3).**

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 14051  
Date: 4/16/14

**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:8/16/13)  
(Project type for fee rates:CHURCH(w/out kitchen))

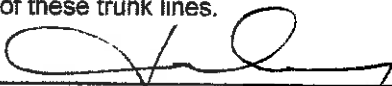
Existing uses may qualify for credits on Development Impact Fees. Retail

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	Trunk line: \$5.60 p/seat x 40 seats = \$224  Treatment Plant: \$13.00 p/seat x 40 seats = \$520  Credit for retail = \$137.21  Total fee = \$606.79

- Sewer Front Foot Fee
- Storm Drain Acq/Dev Fee
- Park Acq/Dev Fee
- Northeast Specific Plan Fees
- Waterways Acquisition Fee
- Public Safety Impact Fee: Police
- Public Safety Impact Fee: Fire
- Public Facility Impact Fee
- Parking In-Lieu

**Reimbursement:**

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

  
\_\_\_\_\_  
Jason Huckleberry

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 16, 2014

ITEM NO.:	8
SITE PLAN NO.:	SPR 14051
PROJECT TITLE:	CHURCH FACILITY
DESCRIPTION:	NEW CHURCH IN EXISTING 1,500 SF BUILDING ON PORTION OF 35,524 SF AREA (CIS ZONED) (DISTRICT C)
APPLICANT:	GRAHAM MATTHEW
PROP. OWNER:	XLNT LLC
LOCATION:	1937 E MAIN ST
APN(S):	098-130-034

**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 Questionnaire required.

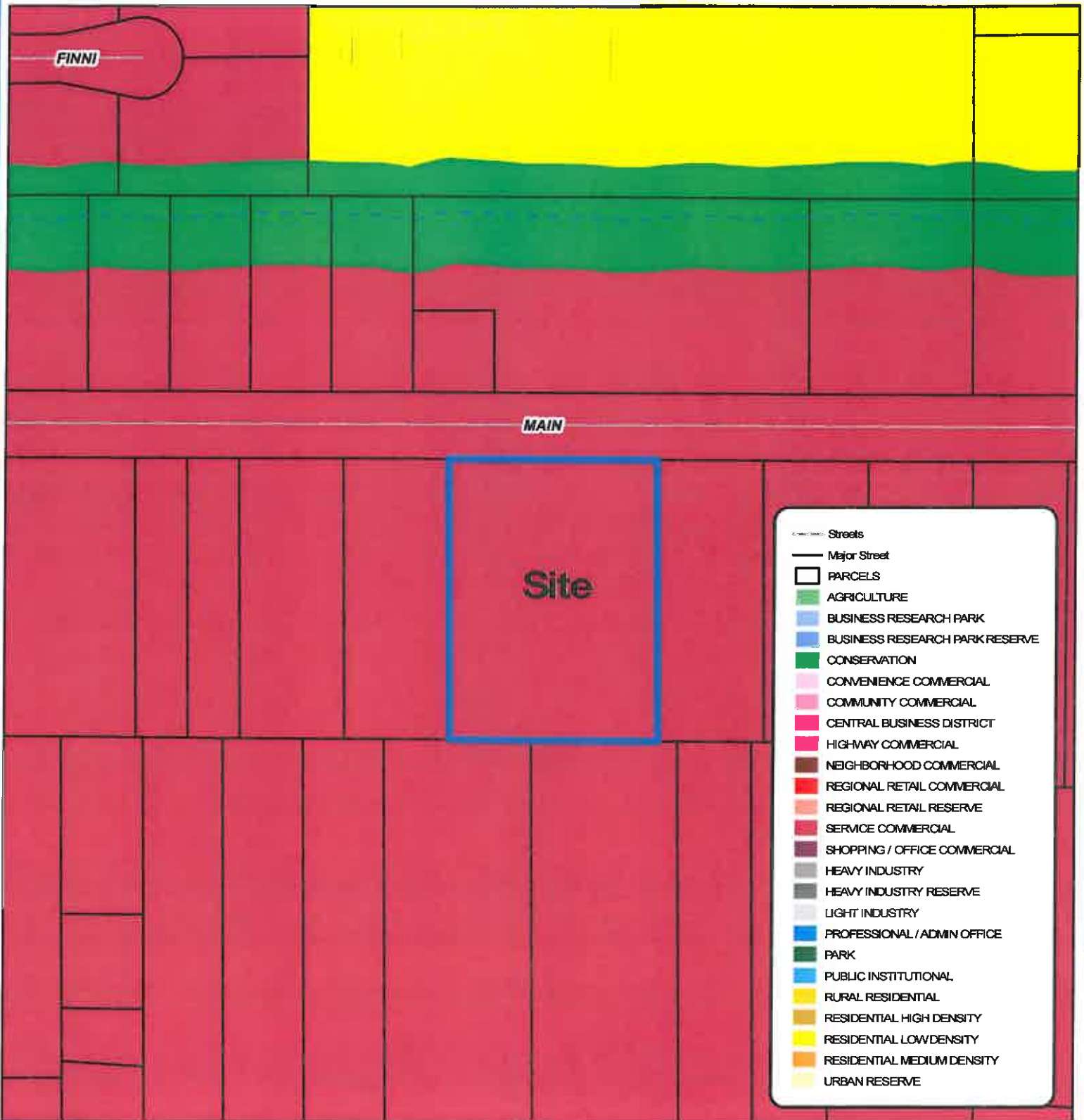
**Additional Comments:**

  
\_\_\_\_\_  
Leslie Blair



# Conditional Use Permit No. 2014-17

APN: 098-130-034



- Streets**
- Major Street
- PARCELS**
- AGRICULTURE
  - BUSINESS RESEARCH PARK
  - BUSINESS RESEARCH PARK RESERVE
  - CONSERVATION
  - CONVENIENCE COMMERCIAL
  - COMMUNITY COMMERCIAL
  - CENTRAL BUSINESS DISTRICT
  - HIGHWAY COMMERCIAL
  - NEIGHBORHOOD COMMERCIAL
  - REGIONAL RETAIL COMMERCIAL
  - REGIONAL RETAIL RESERVE
  - SERVICE COMMERCIAL
  - SHOPPING / OFFICE COMMERCIAL
  - HEAVY INDUSTRY
  - HEAVY INDUSTRY RESERVE
  - LIGHT INDUSTRY
  - PROFESSIONAL / ADMIN OFFICE
  - PARK
  - PUBLIC INSTITUTIONAL
  - RURAL RESIDENTIAL
  - RESIDENTIAL HIGH DENSITY
  - RESIDENTIAL LOW DENSITY
  - RESIDENTIAL MEDIUM DENSITY
  - URBAN RESERVE



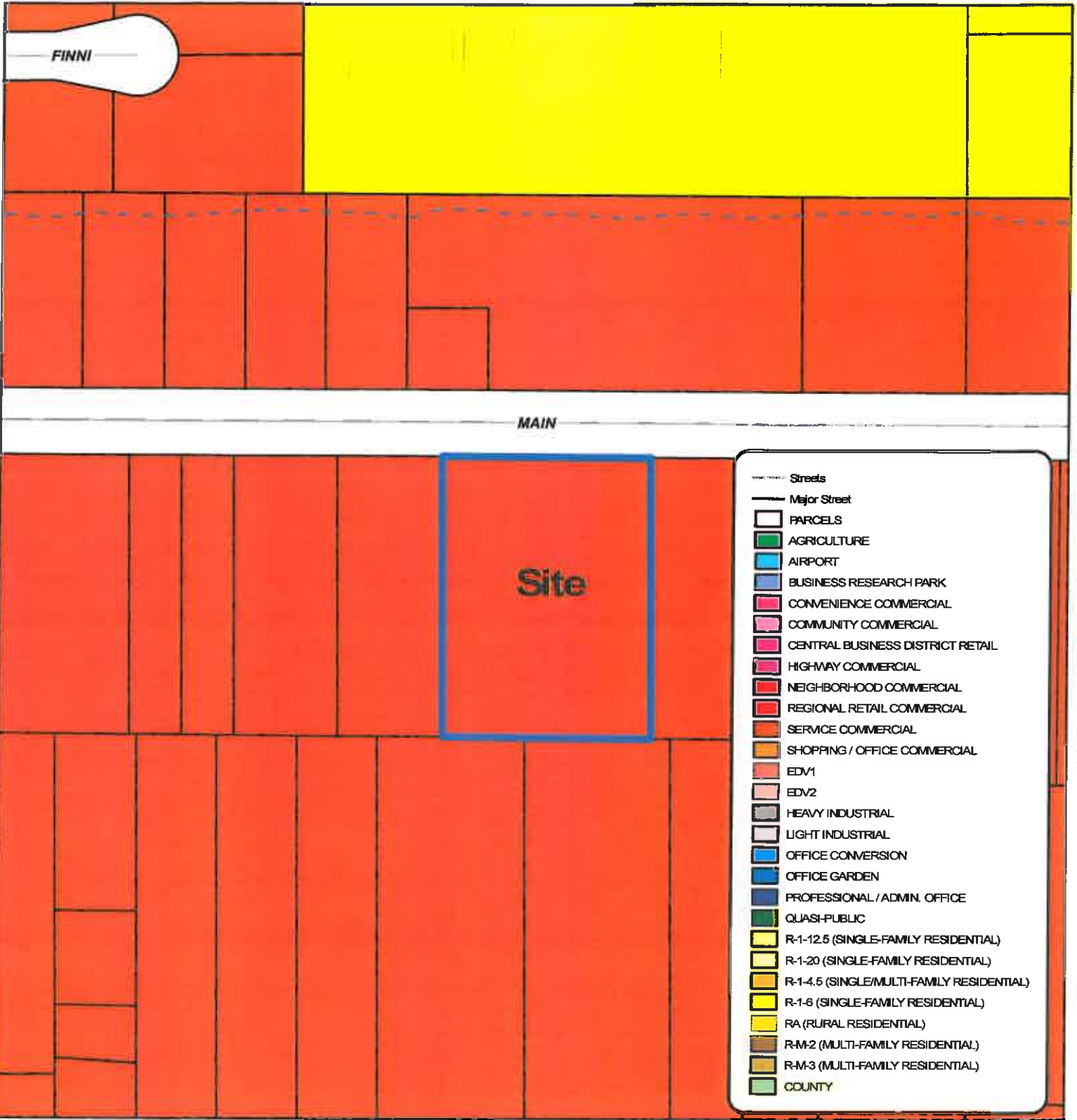
## General Plan Land Use Map

200 100 0 200 400 Feet

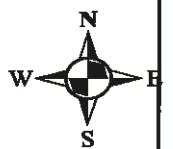


# Conditional Use Permit No. 2014-17

## APN: 098-130-034

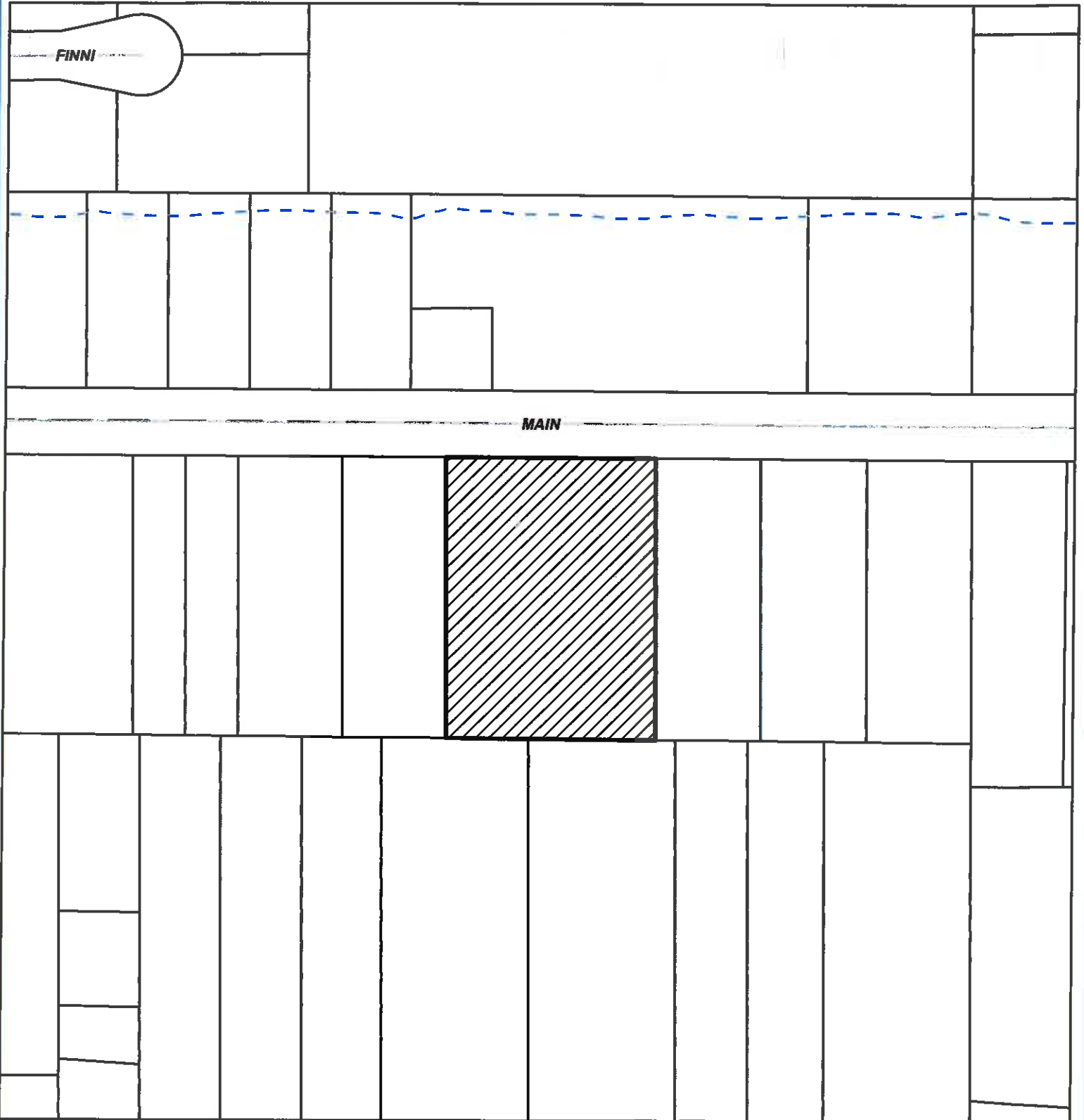


# Zoning Map



# Conditional Use Permit No. 2014-17

APN: 098-130-034



## Vicinity Map



# Conditional Use Permit No. 2014-17

APN: 098-130-034



## Aerial Map



# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** June 9, 2014

**PROJECT PLANNER:** Paul Scheibel, AICP, Principal Planner *PS*  
713-4369

**SUBJECT: Conditional Use Permit No. 2014-11:** A request to allow the phased development of a shopping center, consisting of six commercial parcels to be developed in four phases with a total of approximately 106,400 square feet of building space, including a gasoline service station, fast food with drive-thru, four-story hotel, drug store with drive-thru, and general retail space on 12 acres.

**Tentative Parcel Map No. 20114-03:** A request to divide four lots totaling 12 acres into six commercial parcels.

**Applicant:** Chandi Group USA, Inc.

**Location:** The project is located on east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028)

**CONTINUED FROM THE MAY 27, 2014, PLANNING COMMISSION**

**PUBLIC HEARING**

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-11 and Tentative Parcel Map No. 2014-03, based upon the findings and conditions in Resolution Nos. 2014-18 and 2014-19, as amended.

## RECOMMENDED MOTION

I move to adopt Resolution Nos. 2014-18 and 2014-19, approving Conditional Use Permit No. 2014-11, and Tentative Parcel Map No. 2014-03, as amended.

## SUMMARY

The public hearing for this item was opened at the May 27, 2014, Planning Commission meeting. The staff report and public testimony were received at that time. In addition, late correspondence from Caltrans District 6 was received into the record. The late correspondence included seven bullet-point questions regarding the Traffic Impact Study (TIS) prepared for the project (please see Attachment 2 of this report).

In continuing the public hearing, the Planning Commission directed staff to work with the applicant in preparing written responses to the Caltrans letter for inclusion in the report for the continued public hearing. The response is provided as Attachment 1 of this report.

Amended versions of Resolution No. 2014- 18, conditionally approving CUP 2014-11, and Resolution No. 2014-19 approving TPM 2014-03 are provided. All other materials included in the staff report dated May 27, 2014, are incorporated by reference in this report.

## APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the City Clerk.

### Attachments:

- 1- Response to Caltrans letter, 4Creeks. dated June 4, 2014
- 2- Late Correspondence, letter and cover memo, dated May 27, 2014
- 3- Amended Resolution No. PC 2014-18 for CUP 2014-11
- 4- Amended Resolution No. PC 2014-19 for TPM 2014-03
- 5- Planning Commission Staff Report (without exhibits), dated May 27, 2014



June 4, 2014  
Mr. Paul Scheibel  
City of Visalia  
315 E. Acequia Avenue  
Visalia, CA 93291

Dear Mr. Scheibel,

This letter is prepared to address the comments provided by Mr. David Deel (dated May 27, 2014) regarding the Traffic Impact Study for the Chandi Retail Center, prepared by 4 Creeks on April 24, 2014. 4 Creeks has the following responses to the comments:

#### Comment 1

"Project Pass-by Trips: Caltrans disagrees with using the average rates for each land use listed on the ITE Trip Generation Manual. Reductions greater than 15% require consultation and acceptance by Caltrans. The justification for exceeding a 15% reduction should be discussed in the TIS."

*Response 1: The following items detail the reason for the use of the ITE Pass-By Rates:*

- *The use of ITE Pass-By Rates was identified in the proposed scope of work, which Caltrans identified as acceptable prior to initiation of the study (correspondence dated 2/4/14).*
- *The ITE Pass-By Rates are the industry standard for traffic impact analysis purposes and have been for many years.*
- *The ITE Pass-By Rates are accepted for traffic impact analysis in nearly every jurisdiction that I have prepared a TIS, which is dozens of cities/counties in California, including the City of Visalia.*
- *The area of study, specifically Lovers Lane, is a high commuter corridor, justifying the use of the higher ITE rates.*
- *The majority of the proposed uses within the Project indicate that higher Pass-By Rates should be used. Gas Stations, Fast-Food, Drugstore with Drive-Thru and many of the uses that may fit into the other retail space generate a high number of Pass-By trips. This is intuitive, but also backed up by the ITE rates which are based on actual field studies.*

#### Visalia Office

2929 W. Main St. Suite A  
Visalia, California 93291  
P: (559) 802.3052  
F: (559) 802.3215

#### Comment 2

"Project Captured Trips: Caltrans disagrees with using the 20% overall capture for Retail uses from the ITE. Captured trip reductions greater than 5% requires consultation and acceptance by Caltrans. The justification for exceeding 5% reduction should be discussed in the TIS. Trips generated from the land use Shopping Center itself using the ITE Trip Generation Manual already include Captured Trips. Therefore, no additional reduction would be allowed for a Shopping Center land use."

#### Porterville Office

881 W. Morton Ave., Suite D  
Porterville, California 93257  
P: (559) 781. 0102  
F: (559) 781.6840

[www.4-creeks.com](http://www.4-creeks.com)

1

*Response 2: The following items detail the reason for the use of the ITE Capture Rates:*

- *The use of ITE Capture Rates was identified in the proposed scope of work, which Caltrans identified as acceptable prior to initiation of the study (correspondence dated 2/4/14).*
- *The ITE Capture Rates are the industry standard for traffic impact analysis purposes and have been for many years.*
- *The ITE Capture Rates are accepted for traffic impact analysis in nearly every jurisdiction that I have prepared a TIS, which is dozens of cities/counties in California, including the City of Visalia.*
- *The area of study, specifically Lovers Lane, lacks many of the services provided by this development, justifying the use of the higher ITE rates.*
- *The majority of the proposed uses within the Project complement each other in terms of connecting trips. Trips to the drugstore may then use the gas station on the way out of the center. Or fast-food to the drugstore, or gas station. Similarly, Hotel guests can easily walk to the gas station, fast-food, or any of the other retail during their stay, rather than driving to another retail center. Any combination of the uses within the center makes sense for a connected trip.*

**Comment 3**

"Project Trip Distributions: the TIS should include discussions and figures to show how the project generated trips distributed."

*Response 3: The Project Trip Distribution is discussed in Section 2.1.6 (page 13) and Figure 3 (page 14) shows the distribution of the trips at the study intersections. A trip distribution **percentage** figure will be prepared as requested by Caltrans on May 30, 2014.*

**Comment 4**

"Appendix A.4.2: Minimum of 1% per year growth seems too low for this area."

*Response 4: As discussed in Section A.4.2, the 1% per year growth was only used where the TCAG traffic model predicted **Negative** growth. The 1% growth represents a conservative approach where negative growth may actually occur. Given the history of the study area, there is evidence that there has been negative growth rates on certain roadways within the past 10 years.*

**Comment 5**

"Mitigation Measures: The TIS should define responsibilities for implementing mitigation measures and include cost estimates for mitigation measures. The TIS fails to identify the opening day improvements and pro-rata share responsibility for improvements to the State facilities."

*Response 5: Mitigation measures defined in the TIS are either identified as infeasible or that the responsibility lies with another development or the City's planned improvements. The City of Visalia has confirmed that the improvement of the SR 198 at Lovers Lane interchange is included in the City's TIF and the TCAG RTP. Payment of the City's TIF satisfies the Project's mitigation measures.*

**Comment 6**

"Mitigated LOS Calculations: Some of the intersection approaches still show LOS of E and F, which are not acceptable by Caltrans."



June 4, 2014  
Letter to Mr. Paul Scheibel

*Response 6: The below standard Mitigated 2026 Plus Project LOS is noted in the TIS (page 5, first paragraph). As stated in the TIS, "there is insufficient space on all of the approach roadways to provide additional turn or through lanes. Therefore, [these intersections are] projected to remain operating below the Caltrans LOS standard in the Mitigated 2026 Plus Project scenario."*

*Secondly, it is often impossible to achieve LOS "C" or better for all approaches to an intersection, particularly in a closely spaced signalized corridor that is coordinated. Some approaches must suffer for the overall benefit of the corridor. For this reason, and many others, the industry standard for evaluating signalized intersections is to evaluate the intersection's LOS and delay as a whole, not by the individual movements and approaches.*

**Comment 7**

*"Queue Analyses: The TIS needs to be revised to include queue analyses for all traffic movements that potentially impact ramps, ramp intersections, and intersections' operation for existing and proposed intersections."*

*Response 7: Analysis of traffic queues was not included in the original scope of work, which Caltrans approved in February. Under existing conditions, the available storage between the intersections on Lovers Lane, at the interchange, is completely filled during the peak hours. This condition will not change with the addition of the Project.*

**Comment 8**

[Discussion of further issues]

*Response 8: On May 30, 2014 a conference call was held to discuss this comment letter. The call included representatives of Caltrans, 4 Creeks, City of Visalia, and the Chandi Group. During this call, the above comments and responses were discussed by all parties and agreed upon.*

*The 20-year analysis was not included in the TIS for several reasons. There is currently no design or preferred alternative for improving the Lovers Lane at SR 198 interchange. As Caltrans states, they are about to start a comprehensive study of the SR 198 interchanges through Visalia to determine deficiencies and improvement options. Just development of improvement options to an interchange involves significant cost and time, well beyond the scope of a typical single project traffic impact study. Additionally, the TIS already identifies existing deficiencies at the interchange. These deficiencies increase in the 5 and 10-year scenarios presented in the TIS. A further 20-year analysis, with no clear direction on improvements would not yield beneficial information. As neither Caltrans, nor the City of Visalia has improvement alternatives to analyze, there is little point in preparing a 20-year analysis in the TIS.*

*As discussed on the May 30 call, the City is taking responsibility for collecting TIF from the Project, which in turn helps fund the future improvements to this interchange. In that way, the Project is paying to mitigate its proportionate share impacts to the interchange and surrounding street system and the City is taking responsibility for implementing those improvements through the TIF.*

We thank the City and Caltrans for their cooperation and efforts to resolve these issues.

Sincerely,



Wally Hutcheson, TE

# City of Visalia



**To:** Planning Commission

**From:** Paul Scheibel, AICP, Principal Planner *PS*

**Date:** May 27, 2014

**Re:** Item 7: Conditional Use Permit (CUP) 2014-11 and Tentative Parcel Map (TPM) 2014-03, and Mitigated Negative Declaration (MND) No. 2014-28, The Chandi Group USA, Inc.

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Attached are three pieces of correspondence regarding the above-referenced project.

The first letter is dated May 22, 2014, from Caltrans District 6. The letter requests a continuance of the project to the June 9, 2014 Planning Commission public hearing. The stated reason for the request is to allow Caltrans staff additional time to review the Traffic Study prepared for the project.

City staff has confirmed that the noticing and review timelines required by applicable CEQA, and state and City land use regulations have been satisfied. Consequently, the Planning Commission has the exclusive discretion to grant the continuance request, or to proceed with the public hearing on the project, including the adoption of MND 2014-28.

The second letter is dated May 25, 2014, by the applicant's traffic consultant. Staff's conclusion is that the letter does not contain new information that would require re-circulation of the Mitigated Negative Declaration.

The third letter is dated May 27, 2014, by Caltrans. The letter further expounds upon its reasons for requesting a continuance, and cites seven critiques of the Traffic Impact Study.

## Attachments:

1. Letter, Caltrans, dated May 22, 2014
2. Letter, 4Creeks, dated May 25, 2014
3. Letter, Caltrans, dated May 27, 2014

**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 WEST OLIVE AVENUE  
P.O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 488-7396  
FAX (559) 488-4088  
TTY 711  
www.dot.ca.gov



*Serious drought.  
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May 22, 2014

6-TUL-198-11.76  
2135-IGR/CEQA  
CONDITIONAL USE PERMIT 2014-11  
TENTATIVE PARCEL MAP 2014-03  
HEARING CONTINUANCE

Mr. Paul Scheibel  
City of Visalia  
Community Development Department - Planning  
315 East Acequia Avenue  
Visalia, CA 93291

Dear Mr. Scheibel:

Caltrans respectfully requests a *postponement* of the public hearing scheduled for Tuesday, May 27, 2014, on Conditional Use Permit (CUP) 2014-11 and Tentative Parcel Map (TPM) 2014-03 for the Lovers Lane commercial retail center.

The project is located at 3007 E. Noble Avenue, in the southeast quadrant of the State Route (SR) 198/Lovers Lane Interchange (IC) and proposes 46,500 square feet (sf) for retail space, a 15,000 sf drug store, a 5,000 sf convenience store/gas station with 8 pumps and car wash, a 3,600 sf fast food restaurant, and a 120 room hotel and 433 parking spaces.

Caltrans will not be able to complete a thorough review of the Traffic Impact Study (TIS) and provide comments by the hearing date based on the following. On January 6, 2014, Caltrans provided initial comments requesting a TIS be completed for the project. On Thursday, May 8, 2014, Caltrans received the public hearing notice to adopt a Mitigated Negative Declaration and the City's Environmental Document No. 2104-28 which referred to a completed TIS. On Friday May 9, 2014, Caltrans sent an email to the county planner requesting the TIS. On Monday, May 12, 2014, Caltrans received the TIS via email from the consultant (4 Creeks), effectively giving us only 10 working days to review. To date, Caltrans has identified concerns regarding trip generation data, trip reduction percentages, growth rate factors, calculated future traffic volumes, and the fair share contribution that requires further analysis.

Postponement until June 10, 2014 would allow us time to review the traffic data and provide meaningful comments on the project. This will also provide the decision-making body and the general public with a complete and accurate environmental evaluation of the project.

Mr. Paul Scheibel – CUP 2014-11  
May 22, 2014  
Page 2 of 2

As a point of information, Caltrans in close cooperation with Tulare County Association of Government (TCAG) and the City is conducting a corridor study of SR 198 which includes the Lovers Lane IC. Caltrans anticipates that development of the subject property could impact the improvement alternatives for this IC.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL  
Associate Transportation Planner  
North Planning Branch

c: Ted Smalley - TCAG



May 25, 2014

Mr. Paul Scheibel  
City of Visalia  
315 E. Acequia Avenue  
Visalia, CA 93291

Dear Mr. Scheibel,

This letter is prepared to address the Chandi Commercial Center (CUP 2014-11 & TMP 2014-03) and the surrounding transportation system.

4 Creeks, Inc. initiated the scoping of a Traffic Impact Study for the Project in December of 2013. Scoping involved discussions with the City of Visalia and Caltrans staff. The scope of work included all applicable methodologies, trip generation, analysis scenarios and locations. Through conversation with both agencies, a scope of work was agreed upon and the TIS was prepared.

The initial Traffic Impact Study for the Chandi Commercial Center was completed and submitted to the City of Visalia in early March of 2014. After several rounds of comments, a revised TIS was submitted to the City on April 24, 2014. The majority of the comments involved discussion over the location and access for the Project's driveways. The Revised TIS included analysis of driveway access that was agreed upon by the City of Visalia.

The interchange of Lovers Lane at SR 198 is an area with unique traffic characteristics and known issues. These issues have been present for many years. I prepared a TIS for a different commercial property on the proposed Chandi Commercial Center site in 2006 and again in 2008, both of which identified existing issues in this interchange area. At that time, potential solutions were being identified by the City of Visalia and Caltrans, including roundabouts on Lovers Lane at both Noble and Mineral King. Since that time, there has not been a long-term solution for the interchange identified by the City of Visalia or Caltrans.

The TIS for the Chandi Commercial Center has identified existing and potential transportation issues, as well as near-term improvements to mitigate these issues. The long-term issues must be resolved in a more comprehensive manner, such as the study currently proposed by Caltrans. As noted in the TIS, the Chandi Commercial Center should pay its fair share towards identified improvements, as identified under adopted funding mechanisms (e.g. City of Visalia Transportation Impact Fees).

Sincerely,

A handwritten signature in blue ink, appearing to read "Wally Hutcheson", is written over a horizontal line.

Wally Hutcheson, TE

**Visalia Office**

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**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

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May 27, 2014

6-TUL-198-11.76  
2135-IGR/CEQA  
TRAFFIC IMPACT STUDY  
CONDITIONAL USE PERMIT 2014-11 (SPR 13194)  
TENTATIVE PARCEL MAP 2014-03 (SPR13199)  
AGENDA 11/27, 12/18, 12/24

Mr. Paul Scheibel  
City of Visalia  
Community Development Department - Planning  
315 East Acequia Avenue  
Visalia, CA 93291

Dear Mr. Scheibel:

Caltrans would like to provide additional comments on the project and the Traffic Impact Study (TIS) to support our request to postpone the public hearing scheduled tonight, on Conditional Use Permit (CUP) 2014-11 and Tentative Parcel Map (TPM) 2014-03 for the Lovers Lane commercial retail center. Caltrans requests that this letter be read in to the public record prior to the Planning Commission making a determination on the project.

Traffic Impact Study:

Thus far, Caltrans has identified the following issues/inadequacies of the TIS that require further analysis and discussion to resolve. Please note, that these are initial comments. Further review is still required due to not receiving the TIS with sufficient time to completely review:

- Project Pass-by Trips: Caltrans disagrees with using the average Rates for each land use listed on the ITE Trip Generation Manual. Reductions greater than 15% require consultation and acceptance by Caltrans. The justification for exceeding a 15% reduction should be discussed in the TIS.
- Project Captured Trips: Caltrans disagrees with using the 20% overall capture for Retail uses from the ITE. Captured trip reductions greater than 5% requires consultation and acceptance by Caltrans. The justification for exceeding a 5% reduction needs be discussed in the TIS. Trips generated from the land use of Shopping Center itself using the ITE Trip Generation Manual *already* include Captured Trips. Therefore, no additional reduction would be allowed for a Shopping Center land use.
- Project Trip Distributions: The TIS should include discussions and figures to show how the project generated trips distributed.
- Appendix A.4.2: Minimum of 1% per year growth seems too low for this area.
- Mitigation Measures: The TIS should define responsibilities for implementing mitigation measures and include cost estimates for mitigation measures. The TIS fails to identify

Mr. Paul Scheibel – CUP 2014-11(Lovers Lane)

May 27, 2014

Page 2 of 2

the opening day improvements and pro-rata share responsibility for improvements to State facilities?

- Mitigated LOS Calculations: Some of the intersection approaches still show LOS of E and F, which are not acceptable by Caltrans.
- Queue Analyses: The TIS needs to be revised to include queue analyses for all traffic movements that potentially impact ramps, ramp intersections, and intersections' operation for existing and proposed intersections.

Project:

As a point of information, Caltrans in close cooperation with Tulare County Association of Government (TCAG) and the City is conducting a corridor study of SR 198 which includes the Lovers Lane IC. Caltrans anticipates that development of the subject property could impact the improvement alternatives for this interchange. Although Tulare County's Regional Transportation Plan (RTP) for 2014-2040 indicates that the Lovers Lane improvements are constrained at an estimated amount of \$24 million, further discussion as to the scope of this work is needed to ensure that the long term needs of the interchange are addressed. A viable alternative to modify this interchange has not been identified. As indicated, the SR 198 corridor study mentioned above will be used to analyze and determine potential viable alternatives for this interchange.

Caltrans does not agree with the TIS that a 20 year analysis of project impacts is not warranted because improvements to the Lovers Lane IC are uncertain at this time. The uncertainty of improvements at the Lover Lane IC is more reason that the TIS should analyze the 20 year scenario for project impacts.

As stated in the Initial Study (Environmental Document 2014-28) for the project, Caltrans does not agree that the Environmental Impact Report (EIR) for the City's Circulation Element update can be used to address project specific impacts. It appears that the City is accepting responsibility for mitigating project related impacts.

Therefore, Caltrans respectfully request that the Planning Commission postpone a decision on this project until all of the above issue have been reviewed, discussed and ultimately resolved by the project proponent, the City and Caltrans.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL  
Associate Transportation Planner  
North Planning Branch

C: Nick Mascia – Visalia City Engineer  
Ted Smalley – TCAG Executive Director

RESOLUTION NO 2014-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-1125:  
A REQUEST BY THE CHANDI GROUP, USA, INC., A REQUEST TO ALLOW THE PHASED DEVELOPMENT OF A SHOPPING CENTER, CONSISTING OF SIX COMMERCIAL PARCELS TO BE DEVELOPED IN FOUR PHASES WITH A TOTAL OF APPROXIMATELY 106,400 SQUARE FEET OF BUILDING SPACE, INCLUDING A GASOLINE SERVICE STATION, FAST FOOD WITH DRIVE-THRU, FOUR-STORY HOTEL, DRUG STORE WITH DRIVE-THRU, AND GENERAL RETAIL SPACE ON 12 ACRES. THE PROJECT IS LOCATED ON EAST SIDE OF LOVERS LANE, APPROXIMATELY 310 FEET SOUTH OF NOBLE AVENUE. (APNS: 101-030-025, -026, -027, AND -028)

**WHEREAS**, Conditional Use Permit No. 2014-11 –is a request to allow the phased development of a shopping center, consisting of six commercial parcels to be developed in four phases with a total of approximately 106,400 square feet of building space, including of a gasoline service station, fast food with drive-thru, four-story hotel, drug store with drive-thru, and general retail space on 12 acres; and,

**WHEREAS**, The Planning Commission of the City of Visalia held a duly published and noticed public hearing on May 27, 2014, and continued said hearing to June 9, 2014; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds the conditional use permit to be in accordance with Section 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED**, that Mitigated Negative Declaration No. 2014-28 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia approves the proposed conditional use permit based on the following specific findings and based on the evidence presented:

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.



2. That the proposed conditional use permit would be compatible with adjacent land uses.

3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**BE IT FURTHER RESOLVED** that the Planning Commission approves the conditional use permit on the real property herein described in accordance with the terms of this resolution under the provisions of Chapter 17.38 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibits "A", "B", and "G", except for specific revisions as follows:

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

C. Entrance on Parcel 3 with small drive aisle: The north/south drive aisle that bisects the parking area adjacent to Parcel 2 shall be aligned with the northern entrance to the parking area of Parcel 3.

D. The applicant shall install and maintain vehicle barriers on undeveloped lots. Such barriers shall be installed to preclude vehicle travel and parking on the portions of the project site that are not proposed for immediate development. The typically employed barrier consists of low metal poles with wire cable.

2. That the project shall be developed and maintained in substantial compliance with the elevation plans in Exhibits "D" and "G", except for specific revisions as follows:

A. Detailed loading dock plans: Prior to issuance of building permits for buildings located on Parcel 3 or Parcel 6 of TPM 2014-03, the applicant shall submit detailed development plans for loading docks that will be associated with the retail buildings. Such plans shall demonstrate that: The dock has adequate truck parking space without obstructing vehicle circulation; the dock is fully screened from offsite

view, including public rights of way, and, the noise mitigation standards in the Acoustical Analysis prepared for the project can be met.

B. Gas Island Canopy Lighting and Signage: Lighting for the fuel island canopy shall be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent properties or the public right of way. There shall be no fascia illumination on the gas island canopy, including any type of light strips or LED/neon banding. An internally illuminated logo sign is allowed.

C. No high intensity light sources such as neon and LED lights shall be allowed as accent lighting on buildings.

3. That the project and site landscaping and lighting shall be developed and maintained in substantial compliance with Exhibits "E" and "F" unless otherwise specified in the conditions of approval. Detailed landscaping plans shall be submitted with building permits for each individual project allowed by CUP 2014-11.

4. That the project be developed in substantial compliance with Site Plan Review No. 2013-194.

5. Before issuance of the first building permit or recordation of Parcel Map 2014-03, the applicant shall record a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements among one and all property owners. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

6. That a separate Conditional Use Permit shall be obtained for any substantial revision to the conditionally approved uses for CUP 2014-11, or for any conditionally-allowed uses that subsequently locate on the project site.

7. That all applicable federal, state, regional, and city policies and ordinances be met.

8. That all of the conditions and responsibilities of Conditional Use Permit No. 2014-11 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.

9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-11.

10. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Conditional Use Permit.

11. That illuminated building signage shall be placed so as to not allow direct or indirect light or glare from falling upon the adjacent residential properties.

RESOLUTION NO 2014-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA  
APPROVING TENTATIVE PARCEL MAP NO. 2014-03:  
A REQUEST BY THE CHANDI GROUP, USA, INC. TO DIVIDE 12 ACRES INTO SIX  
PARCELS COMMERCIAL PARCELS.

THE PROJECT IS LOCATED ON THE EAST SIDE OF LOVERS LANE,  
APPROXIMATELY 310 FEET SOUTH OF NOBLE AVENUE (APNS: 101-030-025, -  
026, -027, AND -028)

**WHEREAS**, Tentative Parcel Map No. 2014-0301 is a request by The Chandi Group, USA, Inc. to divide 12 acres into six commercial parcels. The project is located on the east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on May 27, 2014 and continued said public hearing to June 9, 2014; and,

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

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project, if recommended mitigation measures were incorporated in the project.

**NOW, THEREFORE, BE IT RESOLVED**, that a Mitigated Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map would be compatible with adjacent land uses.

3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.

4. That the tentative parcel map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

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

1. That the tentative parcel map be prepared in substantial compliance with Exhibit "C".

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access Easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

2. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-199.

3. That Conditional Use Permit No. 2014-11 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.

4. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access

agreements verifying compliance with these requirements prior to the covenant's recordation.

5. That all applicable federal, state, regional, and city policies 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 Tentative Parcel Map No. 2014-03.

7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Tentative Parcel Map.

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Josh McDonnell, Assistant Director / City Planner

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Adam Peck, Chairperson

# REPORT TO CITY OF VISALIA PLANNING COMMISSION



**HEARING DATE:** May 27, 2014

**PROJECT PLANNER:** Paul Scheibel, AICP, Principal Planner  
713-4369

**SUBJECT:** Conditional Use Permit No. 2014-11: A request to allow the phased development of a shopping center, consisting of six commercial parcels to be developed in four phases with a total of approximately 106,400 square feet of building space, including a gasoline service station, fast food with drive-thru, four-story hotel, drug store with drive-thru, and general retail space on 12 acres.

**Tentative Parcel Map No. 20114-03:** A request to divide four lots totaling 12 acres into six commercial parcels.

**Applicant:** Chandi Group USA, Inc.

**Location:** The project is located on east side of Lovers Lane, approximately 310 feet south of Noble Avenue. (APNs: 101-030-025, -026, -027, and -028)

## STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-11 and Tentative Parcel Map No. 2014-03, based upon the findings and conditions in Resolution Nos. 2014-18 and 2014-19.

## RECOMMENDED MOTION

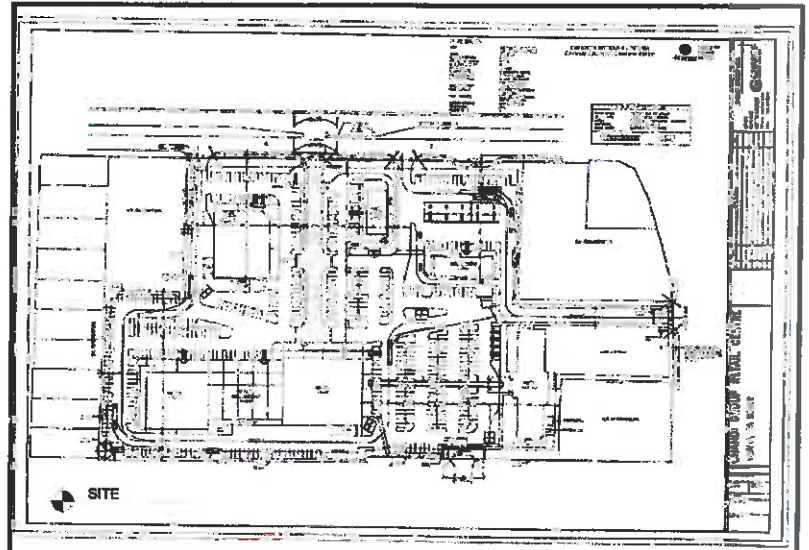
I move to adopt Resolution Nos. 2014-18 and 2014-19, approving Conditional Use Permit No. 2014-11, and Tentative Parcel Map No. 2014-03.

## PROJECT DESCRIPTION

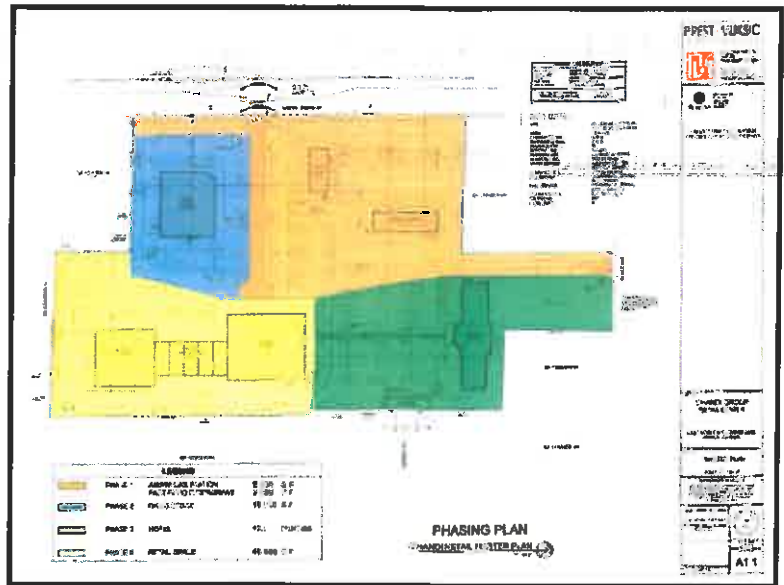
The applicant is requesting approval of a master Conditional Use Permit (CUP) that will entitle and guide the development of the 12-acre site. Site buildout is anticipated to occur in up to four individual development phases. The phased development will generally occur from the northwest to the southeast.

The parcel map proposes to reconfigure the four existing parcels that comprise the project site and to add two new parcels. The proposed parcels will facilitate the sale of portions of the site to one or more future developers.

**CUP 2014-11:** The CUP entitlement seeks a vested entitlement to develop the site with the proposed uses over an indefinite timeframe. As such, the project includes a master development plan for the entire site, and thematic architectural renderings of the proposed buildings. A master sign program is not included in the application submittals at this time.



Phase 1 of the commercial development will consist of a 5,000 sq. ft. gasoline service station (Arco) that includes an attached fast food restaurant with drive-thru lane. Phase 1 also includes a separate fast food restaurant with drive-thru pad fronting Lovers Lane. Two of three access points and the street frontage right of way improvements along Lovers Lane, and the single access point from Noble Avenue will also be constructed in Phase 1. Phase 2 is a proposed 15,000 sq.ft. drugstore with a drive-thru feature. Phase 3 is a proposed three-story hotel with 120 rooms. Phase 4 is proposed to be a 46,500 sq.ft. retail building for multi-tenant retail occupancy.



Parking and onsite improvements are proposed to be phased to correspond with development of the overall center. However, the majority of access and parking for the project will be constructed in Phase 1. Block walls

along property lines adjoining existing residences will be required with the development of the corresponding phase of the project. There are required sound walls to mitigate potentially adverse noise impacts for the benefit of existing residences. Construction of these walls will be required at the time of development on the respective project phase. The current termination of Kaweah Avenue on the northeast portion of the site will be improved as a pedestrian access point. Other onsite improvements include thematic landscaping to be installed concurrently with each development phase, and an onsite landscaped retention basin near the Noble Avenue frontage.

**Tentative Parcel Map 2014-03:** The proposed Tentative Parcel Map would create six commercial parcels ranging in size from .66-acre (28,750 sq.ft.) to 4.65-acre (202,554 sq.ft.). Parcel 4 will serve as a retention basin. However, it will become a salable lot when there is sufficient stormwater drainage capacity in the area to accept stormwater flows into the City's drainage system. Right of way dedication and improvements along the east side of Lovers Lane, including a bus turn out, and the limited Noble Avenue frontage will be completed in conjunction with recordation of the final map.

## BACKGROUND INFORMATION

- General Plan Land Use Designation: Shopping/Office Commercial
- Zoning: C/SO (Shopping/Office Commercial)
- Surrounding Zoning and Land Use:
  - North: C/SO. (7-11 Gasoline Sales/Convenience Store) on the northwest portion, Town and Country Carwash on the northeast portion
  - South: C/SO. Single-family residence on the southwest portion; and, R-1-6 (Single-Family Residential) single-family residential neighborhood on the southeast portion.
  - East: R-1-6 (Single-Family Residential) zone / Single-family residential neighborhood.



West: CS (Service Commercial) Lovers Lane and mix of retail and service businesses along the west side of Lovers Lane.

Environmental Review: Mitigated Negative Declaration No. 2014-28  
Special Districts: None  
Site Plan: 2013-194 (Commercial Development)  
2013-199 (Tentative Parcel Map)

### **RELATED PROJECTS**

There are no previous entitlements on the project site. Discussion of the Riverbend Commercial Center (CUP 2011-30 & TPM 2011-04) is provided as an example of a recently entitled phased commercial development proposal filed as a Master CUP.

On October 22, 2012, the Planning Commission considered Conditional Use Permit 2011-30 for a former version of a planned commercial development on the site containing all of the same land uses along with Tentative Parcel Map 2011-04. The project is located at the southeast corner of Dinuba Blvd. and Riffin Avenue. The project included a General Plan Amendment and Change of Zone from Low Density Residential/ R-1-6,000 to CSO (Shopping/Office Commercial).

The Planning Commission approved the CUP and Parcel Map with modifications, although the entitlements were subsequently appealed to the City Council. The appeal hearing was held by the City Council on November 19, 2012, along with the public hearing for the affiliated GPA 2011-14 and COZ 2011-15.

The Planning Commission expressed concern about the project, including the lack of renderings illustrating a consistent architecture theme for the Arco station and the Wendy's restaurant (Phase 1), and future commercial buildings, internal inconsistencies of the proposed sign program, and other common area facilities such as access and circulation, and a block wall to separate the commercial development from existing residences to the south.

The City Council voted to uphold the appeal without prejudice and deny the CUP and Parcel Map. Also as part of the motion, the City Council tabled the project's General Plan Amendment and Change of Zone, providing an opportunity for these entitlements to be reconsidered with a new Conditional Use Permit and Parcel Map.

A refined version of the project was subsequently re-considered by the Planning Commission on August 13, 2013, and was denied by a vote of 2/2. The Signage Plan for the project, which included proposed canopy lighting and illuminated signage on the gas island canopy, also received a vote of 2/2. As such, the project was forwarded to the City Council along with the associated GPA and Change of Zone for final action.

The entire project was approved by the City Council on September 3, 2013, by a vote of 4-1.

### **PROJECT EVALUATION**

Staff recommends approval of the Conditional Use Permit and Tentative Parcel Map based upon the findings and conditions in the attached resolutions. Specific aspects of the proposed project and justifications for special conditions of approval are analyzed in the sections below.

**CUP 2014-11 and TPM 2014-03**

***Consistency with the General Plan, Zoning Ordinance, and Subdivision Ordinance***

The project components meet the standards and requirements contained in the City's development policies and Code documents. The General Plan Land Use Map designates the project site as Shopping Office/Commercial. The General Plan Land Use Element discusses the C S/O land use designation as shown in Land Use Policy 3.5.7:

**3.5.7 Shopping/Office Centers for a range of neighborhood and community-level commercial and office uses. Consists of areas previously designated for local retail (C-2.5), neighborhood, community and regional commercial uses. Generally characterized as strip or linear in nature and serving a non-regional market area. General locations are:**

The proposed uses identified in CUP 2014-11 generally correspond to the range of uses described in the General Plan, and to uses existing in other C S/O developments throughout the City. The Zoning Ordinance identifies gasoline service stations, hotels, and uses with drive-thru facilities as conditionally allowed.

The proposed Parcel Map complies with the criteria for creation of commercial parcels, including adequate ingress/egress, sufficient parcel area to provide parking, landscaping and to meet setback requirements for the building that will ultimately be constructed on the parcel. All parcels can be adequately accessed from public roads, and can be adequately served by utilities and infrastructure.

***Recommended Special Conditions of Approval***

The Planning Commission has the authority to impose special conditions of approval when it determines the conditions are necessary in order to ensure the project's development and ongoing operation achieve City policies and standards, including safety and compatibility with surrounding uses. The following conditions are recommended to be included in the resolutions approving the project.

1. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane does not meet City Engineering design standards for separation distance and alignment with other access points along the affected roadway. The City Traffic Engineer has determined the access point would need to be re-located approximately 15 ft. to the north to align with the existing driveway for the Storage Max facility on the west side of Lovers Lane. The median break will also need to be re-designed to facilitate left turn movements into the existing Super Max Storage entrance to the west, and the entrance to the proposed project. The onsite circulation plan will also need to be redrawn accordingly. Staff has included this requirement as Condition No. 1.A., rather than requiring the applicant to submit new CUP site and parcel map exhibits.



requiring the applicant to submit new CUP site and parcel map exhibits.

2. Common area construction and maintenance: The Master Plan project includes extensive common areas needed to be constructed and maintained for the shared benefit and obligation among the eventual uses on the proposed parcels. This responsibility should be borne by a recognized entity that will transcend various parcel owners and site users. Condition

No. 5 for CUP 2014-11 and Condition No. 4 for TPM 2014-03 requires that an instrument suitable to the City be recorded before issuance of the first building permit on the site or recordation of the final parcel map, whichever occurs first.

3. Access from the not-a-part parcel: There is a 17,500 sq.ft. parcel adjacent to the project along the southerly property line. The parcel is zoned C S/O and contains a single-family residence that takes access from Lovers Lane. City staff anticipates the site will eventually re-develop to a commercial use independently of the proposed project.

Staff recommends placing Condition No. 1.B. on both the CUP and TPM approvals that grants a unilateral access easement in favor of the residential parcel to the southernmost drive aisle (south side of Parcel 3) at the time of its conversion to commercial use. This condition has been placed on previous projects with similar circumstances where the easements facilitate efficient onsite access among separate parcel developments, with the additional benefit of eliminating a street access point.

4. Detailed loading dock plans: The development plans submitted for the Master CUP entitlement do not provide detailed screening plans for loading docks that will be associated with the retail buildings. Condition No. 2.A. would apply to the proposed drug store on Parcel 3, and the two anchor tenant suites of the retail building on Parcel 6. The condition requires that detailed loading dock plans be included in the initial building permits for these buildings. The plans shall demonstrate that: The dock has adequate truck parking space without obstructing vehicle circulation; the dock is fully screened from offsite view, including public rights of way, and, the noise mitigation standards in the Acoustical Analysis prepared for the project can be met.

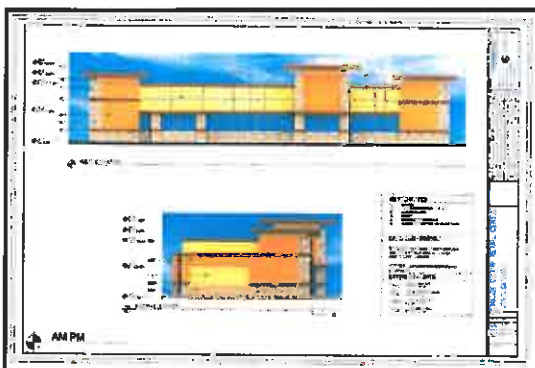
5. Gas Island Canopy Lighting and Signage: CUP Condition No. 2.B. requires that the fuel island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent properties or public right of way.

In addition, CUP Condition No. 2B. specifies that there shall be no fascia illumination on the gas island canopy, including any type of light strips or LED/neon banding. An internally illuminated logo sign is recommended for approval. This is consistent with the approved signage plan approved by the City Council for the Riverbend project.

6. Line up entrance on Parcel 3 with small drive aisle: CUP Condition No. 1.C. requires the north/south drive aisle that bisects the parking area adjacent to Parcel 2, to be aligned with the northern entrance to the parking area of Parcel 3. This will ensure for safer and more efficient turning movements among the parcels.

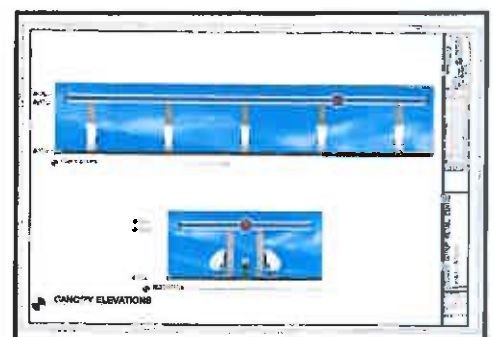
7. Provide vehicle barriers on undeveloped lots: CUP Condition No. 1.D. requires that barriers be installed to preclude vehicle travel and parking on the portions of the project site that are not proposed for immediate development. This condition is recommended to preclude the potential for vehicle travel that generates dust, and encourages parking to display cars for sale. The typically employed barrier consists of low metal poles with wire cable.

### ***Architectural Theme and Details***

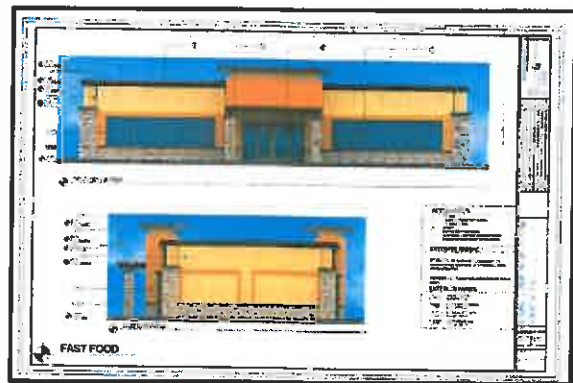
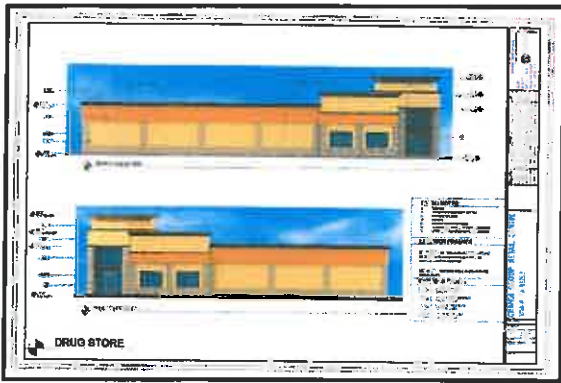


An architecture theme, including color and material palette, has been developed for use with all buildings within the commercial center.

The Master Plan provides visual details to



be incorporated into the commercial center's building designs, which will be carried throughout all of the buildings in all four phases. The Arco convenience store and gas island canopies are shown on the facing page. The fast food and drug store buildings are shown below.



The hotel and retail center buildings that will be developed in future phases of the project are shown below.



### **Traffic, Onsite Circulation, Drive-thru Lanes, and Parking**

A Traffic Impact Study has been prepared to examine the project's impacts on adjacent roadways and intersections. The Study concluded the project will contribute to traffic volumes at the intersection of Lovers Lane and Noble Avenue, including the Hwy 198 on and off ramps near the intersection. There is a longterm plan to re-design the intersection, which would be done under Caltrans jurisdiction. The Traffic Study concluded the project would not in and of itself degrade the level of service (LOS) rating of the intersection.

The project will be required to dedicate and build full right of way improvements on Lovers Lane, and will dedicate and improve its limited frontage on Noble Avenue. The project will pay traffic impact fees at the time of development of each building on the project site.

As noted previously, the northernmost access point will be required to be re-located to the north. This will cause the onsite circulation plan, as well as potentially the conceptual site plan for Parcel 2, to be re-drawn. Staff concludes the revisions would not substantively change the overall scope of the CUP or TPM entitlements. Therefore the revisions can be reviewed at the staff level for condition compliance. There is adequate parking for each of the proposed uses shown by development phase, and there is adequate parking on the site for full project buildout.

The drive-thru lanes meet all of the performance standards of the recently adopted Ordinance pertaining to permitting drive-thru lane uses. These performance standards include minimum vehicle stacking, orientation of order boards, and separation from residential uses.

### ***Commercial Interface with Adjacent Residences / Block Wall Requirement***

The commercial project site will be adjacent to residential uses on the south and east. The residential land uses will be separated in accordance with the Zoning Ordinance's codified standards for separating commercial land uses from residences. This includes minimum ten-foot setbacks and the requirement for solid block walls seven feet in height. These walls will become necessary in Phases 3 and 4 when development will occur adjacent to residences. Construction of these walls is recommended to be deferred until the time of construction in order to minimize the potential of graffiti and other forms of vandalism before they are actually needed as a separation device.

The four-story hotel proposes to be oriented on an east/west axis to place its narrow side adjacent to existing single-family residences and to future multi-family units to the east and north. Loading docks, in particular those serving the future retail building in Phase 4 (Parcel 6) are conditioned to require adequate visual screening and sound attenuation. This will necessitate submittal of detailed loading dock plans at the time of permit submittal for the respective buildings, demonstrating compliance with this requirement.

Kaweah Avenue presently terminates at the site boundary. The master site development plan proposes this to be a pedestrian access point only. The full pedestrian path will occur with development of Phases 3 and 4 since these are adjacent to the access point. Staff concurs with this portion of the master development plan.

### ***Conditional Uses / Gas Station, Drive-Thru (Including Fast food Restaurant) and Hotel***

The proposal includes a 5,000 square foot, 10-gas island Arco gasoline service station. The Arco AM/PM convenience store will include a fast food outlet with a drive-thru feature.

The Operational Statement in Exhibit "P" indicates that the fuel island, convenience store, and fast food outlet would operate 24 hours a day. There are no prohibitions to operating 24 hours a day as long as Community Noise Standards are maintained, as specified in Chapter 8.36 of the Visalia Municipal Code. The freestanding fast food restaurant also proposed for Phase 1 does not specify hours of operation. However, there is no codified restriction to it operating on a 24-hour basis.

The Master Plan elevations of the uses (please see Exhibit D) demonstrates that the Phase 1 building architecture will utilize elements of the overall architecture theme for the commercial center. Staff finds that the use of these architecture features and elements are evident in these conditional uses that are intended to be built in the initial phase, and that they contribute to the overall theme of the commercial center. Notwithstanding the architecture theme, the buildings will have the ability to integrate corporate signage on the elevations. The architectural consistency among the uses is further compulsory through Condition 2 of the CUP.

### **Illuminated Signage & Gas Station Canopy – Impacts to Residential**

The project site is adjacent to existing residential development to the south and east. The applicant has provided lighting photometric diagrams for the entire site which show that there would be little or no light or glare from the proposed on site lighting. Staff has determined that the studies provided by the applicant demonstrate compliance with the City's standards wherein no more than 0.5 lumens are exceeded beyond the boundaries of the commercial center. The development would be further required to shield or prevent significant light or glare from falling upon adjacent residential properties.

Staff recommends several conditions related to sight lighting and signage to reduce light impacts to the adjacent residential properties. CUP Condition No. 2.B. requires that the fuel

island canopy lighting be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent residential properties.

In addition, CUP Condition No. 2.B. requires that there shall be no internally illuminated signage on the exterior fascia of the canopy including any type of light strips or LED/neon banding. This elimination of canopy lighting is due to the fact that the canopy signage is approximately 16 to 18 feet in height, and could be clearly visible from nearby residences.

To reduce the potential glare from high intensity light sources such as neon and LED lights, CUP Condition No.2.C. prohibits their use as accent lighting on the buildings and limiting their use in signs to indirect lighting.

### ***Correspondence Received***

To date, the City has received several inquiries regarding the project, including one letter of opposition. The letter is provided as Exhibit I.

### **Environmental Review**

An Initial Study was prepared for this project, consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that the project, as conditioned and with mitigation measures for greenhouse gas (GHG) reduction in place, will not have a significant adverse effect on the environment. Therefore, staff recommends that Mitigated Negative Declaration No. 2014-28 and the Mitigation Monitoring Program contained within be adopted for this project.

## **RECOMMENDED FINDINGS**

### **Conditional Use Permit No. 2014-11**

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

### **Tentative Parcel Map No. 2011-03**

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2014-28, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the tentative parcel map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

## RECOMMENDED CONDITIONS

### Conditional Use Permit No. 2014-11

1. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibits "A", "B", and "G", except for specific revisions as follows:
  - A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.
  - B. Access easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.
  - C. Entrance on Parcel 3 with small drive aisle: The north/south drive aisle that bisects the parking area adjacent to Parcel 2 shall be aligned with the northern entrance to the parking area of Parcel 3.
  - D. The applicant shall install and maintain vehicle barriers on undeveloped lots. Such barriers shall be installed to preclude vehicle travel and parking on the portions of the project site that are not proposed for immediate development. The typically employed barrier consists of low metal poles with wire cable.
2. That the project shall be developed and maintained in substantial compliance with the elevation plans in Exhibits "D" and "G", except for specific revisions as follows:
  - A. Detailed loading dock plans: Prior to issuance of building permits for buildings located on Parcel 3 or Parcel 6 of TPM 2014-03, the applicant shall submit detailed development plans for loading docks that will be associated with the retail buildings. Such plans shall demonstrate that: The dock has adequate truck parking space without obstructing vehicle circulation; the dock is fully screened from offsite view, including public rights of way, and, the noise mitigation standards in the Acoustical Analysis prepared for the project can be met.
  - B. Gas Island Canopy Lighting and Signage: Lighting for the fuel island canopy shall be recessed into the canopy and shielded to prevent any significant light or glare from falling upon the adjacent properties or the public right of way. There shall be no fascia illumination on the gas island canopy, including any type of light strips or LED/neon banding. An internally illuminated logo sign is allowed.
  - C. No high intensity light sources such as neon and LED lights shall be allowed as accent lighting on buildings.
3. That the project and site landscaping and lighting shall be developed and maintained in substantial compliance with Exhibits "E" and "F" unless otherwise specified in the conditions of approval. Detailed landscaping plans shall be submitted with building permits for each individual project allowed by CUP 2014-11.
4. That the project be developed in substantial compliance with Site Plan Review No. 2013-194.
5. Before issuance of the first building permit or recordation of Parcel Map 2014-03, the applicant shall record a restrictive covenant including vehicular access, landscaping and

permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements among one and all property owners. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

6. That a separate Conditional Use Permit shall be obtained for any substantial revision to the conditionally approved uses for CUP 2014-11, or for any conditionally-allowed uses that subsequently locate on the project site.
7. That all applicable federal, state, regional, and city policies and ordinances be met.
8. That all of the conditions and responsibilities of Conditional Use Permit No. 2014-11 shall run with the land and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-11.
10. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Conditional Use Permit.
11. That illuminated building signage shall be placed so as to not allow direct or indirect light or glare from falling upon the adjacent residential properties.

### **Tentative Parcel Map No. 2014-03**

1. That the tentative parcel map be prepared in substantial compliance with Exhibit "C".

A. Re-location of the northern driveway: The location of the northern-most access point along Lovers Lane shall be re-located in a manner meeting the approval of the City Engineer that meets separation distance and alignment with other access points along the affected roadway, and with Engineering Standard P-12. Further, any costs to reconfigure the existing center median or any other portion of Lovers Lane shall be borne at the applicant's sole expense.

B. Access Easement to adjacent parcel: The applicant shall record an access easement in favor of the property at 738 S. Lovers Lane (APN 101-030-018). Such easement shall become effective upon development of said parcel to commercial use standards required by the P-C S/O Zone District and Design District C, or similar Design District.

2. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-199.
3. That Conditional Use Permit No. 2014-11 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
4. That a restrictive covenant including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping, project identification signage and walls, common lot landscaping, and all similar infrastructure agreements shall be recorded with the final parcel map. The restrictions and/or vehicular access agreements shall address property owners' responsibility for repair



and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners are equally responsible for these requirements. The City Planner and City Engineer shall review these restrictions or vehicular access agreements verifying compliance with these requirements prior to the covenant's recordation.

5. That all applicable federal, state, regional, and city policies 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 Tentative Parcel Map No. 2014-03.
7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-28 are hereby incorporated as conditions of this Tentative Parcel Map.

#### **APPEAL INFORMATION**

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.28.080, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 425 East Oak Avenue, Suite 301, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us) or from the City Clerk.

**Attachments:**

- **Related Plans and Policies**
- **Resolution No. PC 2014-18 for CUP 2014-11**
- **Resolution No. PC 2014-19 for TPM 2014-03**
- **Exhibit "A" – CUP Site Plan**
- **Exhibit "B" – CUP Phasing Plan**
- **Exhibit "C" – Tentative Parcel Map**
- **Exhibit "D" – Elevations**
- **Exhibit "E" – Site Landscape Plan**
- **Exhibit "F" – Photometric Site Plan**
- **Exhibit "G" – Wall Plan**
- **Exhibit "H" - Operational Statement**
- **Exhibit "I" - Correspondence Received**
- **Mitigated Negative Declaration No. 2014-28**
- **Site Plan Review Comments**
- **General Plan Land Use Map; Zoning Map; Aerial Map; Location Sketch**

The master plan document provides a set of regulations and standards for the planned commercial center that, while being constructed over multiple phases, will result in a cohesive and consistent commercial center. Developers and end users located in the center will be required to comply with the specifications of the master plan, including building design, pedestrian elements, landscaping, and street improvements.

## RELATED PLANS AND POLICIES

### LAND USE ELEMENT OF THE GENERAL PLAN

#### 3.5 COMMERCIAL LAND DEVELOPMENT AND LAND USE

##### Objectives

- A. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties.
- B. Ensure the continued viability of Visalia's existing commercial areas.
- C. Promote comprehensively planned, concentric commercial areas to meet the needs of Visalia residents and its market area.
- D. Create and maintain a commercial land use classification system (including location and development criteria) which is responsive to the needs of shoppers, maximizing accessibility and minimizing trip length.
- E. Designate appropriate and sufficient commercial land for Visalia's needs to the year 2020 with appropriate phasing.

##### Implementing Policies

- 3.5.1 Ensure that future commercial development is concentrated in shopping districts and nodes to discourage expansion of new strip commercial development.
- 3.5.2 Ensure that commercial development in residential areas serves the needs of the area and includes site development standards which minimize negative impacts on abutting properties.
- 3.5.7 Shopping/Office Centers for a range of neighborhood and community-level commercial and office uses. Consists of areas previously designated for local retail (C-2.5), neighborhood, community and regional commercial uses. Generally characterized as strip or linear in nature and serving a non-regional market area. General locations are:
  - 1. Dinuba Highway, between Ferguson and Houston.
  - 2. East side of Ben Maddox Way, between Main Street and Houston.
  - 3. Murray Street corridor between Divisadero to Conyer.
  - 4. Houston corridor, between Divisadero and Turner.

5. Noble Avenue corridor between Ben Maddox and Pinkham. Also, land locked or infill parcels may be added to this designation when they are merged with adjacent properties to obtain Noble Avenue frontage.
6. Mineral King Plaza (south of SH 198 between Linwood and Chinowth).
7. Cain Street and Goshen Avenue.
8. Other locations that may be found to be appropriate by the City Council and in conformity with the intent of the Land Use District.

3.5.14 In order to provide for integration of convenience level and neighborhood level commercial uses into neighborhoods, require design measures which encourage pedestrian traffic, and de-emphasize use of walls as buffers which create barriers to pedestrian access and which are not visually pleasing.

## VISALIA MUNICIPAL CODE

### **Chapter 17.18: PLANNED COMMERCIAL ZONES**

#### **Section 17.18.010 Purposes.**

A. The several types of commercial zones included in this chapter are designed to achieve the following:

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons which they serve in a manner consistent with the general plan;
2. Maintain the central business district (CBD - Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as Visalia's traditional, medical, professional, retail, government and cultural center;
3. Maintain Visalia's role as the regional commercial center for Tulare, Kings and southern Fresno counties;
4. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
5. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
6. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
7. Maintain commercial land uses which are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
8. Ensure compatibility with adjacent land uses.

B. The purpose of the individual commercial land use zones are as follows:

3. Planned Shopping/Office Zone--(P-C-SO). The purpose and intent of the planned shopping/ office zone district is to provide areas for a wide range of neighborhood and community level retail commercial and office uses. This district is intended to provide for the transition from service and heavy commercial uses where they exist in this district to retail and office and to provide areas for neighborhood goods and services where shopping centers may not be available.

#### **Design District: "C" [17.30.180]**

Maximum Building Height: 50 Feet

Minimum Setbacks:

Front

Building

15 Feet

Landscaping

15 Feet

<input type="checkbox"/>	Side	0 Feet	5 Feet*
<input type="checkbox"/>	Street side on corner lot	15 Feet	10 Feet
<input type="checkbox"/>	Side abutting residential zone	15 Feet	5 Feet
<input type="checkbox"/>	Rear	0 Feet	5 Feet*
<input type="checkbox"/>	Rear abutting residential zone	10 Feet	5 Feet

\*(Except where building is on property line)

Minimum Site Area: 6,000 square feet

Parking: As prescribed in Chapter 17.34

### **Chapter 17.38: CONDITIONAL USE PERMITS**

#### **Section 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)

### **Article 16- SUBDIVISION ORDINANCE**

#### **16.28.040 Tentative parcel maps.**

A. The person or agency dividing land under this section shall file a tentative parcel map with the community development director not less than thirty (30) days before the date of the commission meeting at which such map is to be considered. Such filing shall be prior to the start of any grading or construction work within the proposed division of land. The tentative parcel map shall be submitted in the same manner as provided for subdivisions as to area improvement and design, flood and water drainage control, and as to required public improvements.

B. A person desiring to divide land subject to the provisions of this chapter shall submit the tentative parcel map, therefore in accord with the following requirements:

1. **Filing.** Twenty-five (25) copies of the tentative parcel map shall be filed with the community development director. The tentative parcel map shall be legibly drawn, on eighteen (18) inch by twenty-six (26) inch tracing paper suitable for reproduction, to a scale and in a manner to best illustrate the proposed division.

2. **Fees.** At the time of filing of the tentative parcel map, a fee shall be paid to the city in such amount as may be established by the city council, on a yearly basis, by resolution.

3. **Acceptance.** The city engineer and community development director shall examine any such tentative parcel map within five working days of presentation and shall not accept such map unless the map is in full

compliance with the provisions of this chapter and the Subdivision Map Act of the state of California, as to form, data, information, and other matters required to be shown on or furnished therewith.

4. Distribution. The community development director shall immediately forward copies of the tentative parcel map to each of the following when affected:

- a. Southern California Gas Company, two copies;
- b. Southern California Edison Company, three copies;
- c. California Water Service, two copies;
- d. Pacific Telephone Company, three copies;
- e. Continental Cablevision, two copies;
- f. Visalia Unified School District, one copy.

5. Agency Action. With the exception of school districts, the agency receiving a copy of the tentative parcel map shall file a report within fifteen (15) days after the receipt thereof. School districts shall respond within twenty (20) working days of the date on which the notice was mailed to the school district for comment. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map conforms to the requirements of the particular agency concerned. (Ord. 9605 § 32 (part), 1996: prior code § 9225)

**16.28.090 Time limit on tentative parcel map.**

Failure to file a final parcel map with the county recorder within twenty four (24) months after the date of approval or conditional approval of the tentative parcel map shall automatically revoke said approval, and a final parcel map shall not be recorded until a new tentative parcel map has been filed and approved in accordance with the provisions of this chapter. However, upon application by the owner or his authorized agent, an extension of not more than an additional thirty-six (36) months may be granted by the planning commission. If the planning commission denies an application for an extension of time, the owner or his authorized agent may appeal the action to the city council in the manner set forth in Section 16.28.080. (Prior code § 9250)

**16.28.100 Improvements.**

Pursuant to the provisions of the Subdivision Map Act, the subdivider shall install, construct and/or provide all on or off-site improvements as recommended by the city engineer and as required by the commission. Such improvements shall be limited to the dedication of rights-of-way, easements and the construction of reasonable off-site and on-site improvements for the parcels being created. The nature, extent and design of such improvements and the guaranteeing of completion thereof shall be in full conformance with the provisions in Chapter 16.36. (Prior code § 9255)

**16.28.110 Right-of-way dedications.**

A. Pursuant to the Subdivision Map Act, the subdivider shall provide such dedication of right-of-way and/or easements as may be required by the planning commission.

B. The planning commission may, at its discretion, require that offers of dedication or dedication of streets include a waiver of direct access rights to any such streets from any property shown on the final map as abutting thereon, in accord with the provisions of the Subdivision Map Act. (Prior code § 9260)

**16.28.120 Final parcel maps.**

Within the time limit designated in Section 16.28.090 and upon the accomplishment of all dedications by certification on the map and required construction of all public improvements, or the execution of an agreement and provision of surety providing therefore, and the payment of all applicable fees and charges, the applicant may file a final parcel map with the city engineer and community development director, who shall approve the final parcel map if it substantially conforms to the approved tentative parcel map and all applicable provisions of the Subdivision Map Act and this chapter. The appropriate certificates, as provided by the applicant in accordance with the provisions of the Subdivision Map Act, shall be signed by the city engineer and community development director upon the parcel map, and the final parcel map shall be transmitted by the city clerk to the clerk of the county board of supervisors for ultimate transmittal to the county recorder. (Ord. 9605 § 32 (part), 1996: prior code § 9265)

**ENGINEERING DESIGN STANDARD**

LANDSCAPING

ARTERIAL MEDIAN ISLAND

LANDSCAPING

ARTERIAL MEDIAN ISLAND OPENING

ARTERIAL MEDIAN ISLAND OPENING FOR TWO WAY LEFT TURN ONLY

LANDSCAPING

ARTERIAL MEDIAN ISLAND OPENING FOR ONE WAY LEFT TURN ONLY

**LEGEND:**  
 STAMPED CONCRETE  
 ANY MEDIAN SPACE LESS THAN 2' BACK OF CURB TO BACK OF CURB SHALL BE SOLID CONCRETE FINISH

APPROVED BY: *Andrew J. Berutti* 1/3/05  
 PUBLIC WORKS DIRECTOR R.C.E. 54023 EVE

CITY OF VISALIA  
 DESIGN & IMPROVEMENT STANDARDS

STAMPED CONCRETE & LANDSCAPING  
 LOCATIONS IN ARTERIAL MEDIANS

REVISIONS  
 1/10/05

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