

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

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

MONDAY, JULY 14, 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 – Andrew Chamberlain
Variance No. 2014-03: A request by Platinum Engineering (St. George Management Group LLC – property owner) to allow a variance to medical office parking requirements to allow the installation of an elevator and new stairs for an existing building in the Professional Administrative Office (PA) zone. The site is located at 201 E. Noble Avenue. (APN: 097-052-009) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2014-38
6. PUBLIC HEARING (Continued from June 9, 2014) – 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 Ministerially Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 21084.

7. 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 THURSDAY, JULY 24, 2014 BEFORE 5 PM.

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

THE NEXT REGULAR MEETING WILL BE HELD ON Monday, JULY 28, 2014



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: July 14, 2014

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

SUBJECT: Variance No. 2014-03: A request by Platinum Engineering (St. George Management Group LLC – property owner) to allow a variance to medical office parking requirements to allow the installation of an elevator and new stairs for an existing building in the Professional Administrative Office (PA) zone. The site is located at 201 E. Noble Avenue. (APN: 097-052-009)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No 2014-03 based upon the conditions and findings in Resolution No. 2014-32. 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 Variance No. 2014-03, based on the findings and conditions in Resolution No. 2014-32.

PROJECT DESCRIPTION

The applicant is requesting a variance to medical office parking requirements to allow the installation of an elevator and new stairs for an existing building as illustrated in Exhibit "A". The site contains a two story medical building of approximately 3,722 sq. ft. with 12 parking stalls which are accessed off of the alley. The proposed variance would reduce the parking to 10 stalls to accommodate the addition of an elevator to the east elevation of the building along with a reconfiguration of the stairs. The elevator and stairs would be enclosed in a new vestibule which adds approximately 726 sq. ft. of hallway and access area as shown in Exhibit "B". This addition and the re-striping of the existing handicap (HC) parking stall results in the loss of two parking stalls. Exhibit "C" illustrates the new exterior elevations.

BACKGROUND INFORMATION

General Plan Land Use Designation	Professional Administrative Office
Zoning	PA (Professional Administrative Office)
Surrounding Zoning and Land Use	North: Noble Avenue/Highway 198 South: PA / Office East: PA / Office West: PA / Office
Environmental Review	Categorical Exemption No. 2014-38
Design District	"C"
Site Plan	2014-005

RELATED PROJECTS

There are no similar variances processed for the addition of an elevator which eliminated parking stalls.

Variance No. 2010-03 (521 W. Noble Avenue) and Variance No. 2009-03 (515 W. Noble Avenue) were approved to allow tandem parking for proposed office conversions.

Variance No. 2008-04 (502 S. Willis Street) was approved to allow a reduced side yard setback for parking to facilitate a proposed office conversion.

PROJECT EVALUATION

Staff Recommendation

The staff recommendation to approve the variance to reduce the parking from 12 stalls to 10 stalls is based upon the applicant's proposed findings and the practical necessity to add an elevator to the building and reconfigure the existing stairs. While the proposal adds approximately 726 sq. ft. of building area, it is a vestibule to enclose the existing outdoor access areas to the offices in the building, not usable office floor area.

Medical Office Parking

The required parking for a 3,722 sq. ft. medical office is 15 stalls, based upon one stall per every 200 sq. ft. of building area. The site currently has 12 stalls which would be reduced to 10 stalls due to the elevator addition and reconfiguration, along with the expansion of the existing HC stall to meet current standards. The site would automatically lose one stall just to accommodate expansion of the existing HC stall to meet current standards which have substantially changed since the structure was constructed.

The existing building is 3,722 sq. ft. which will be enlarged to 4,448 sq. ft. with the elevator addition and stair reconfiguration. The added building area does not increase the office space, but as shown in Exhibit "B" (floor plan) the elevator, outside stairs, and exposed office doors are incorporated into an enclosed vestibule area which adds the square footage.



Findings for the Variance

Variations are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The applicant has provided proposed variance findings in Exhibit "D" intended to justify their goal of being able to add an elevator to an existing two-story building. The Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance. In addition, the Planning Commission has the ability to approved parking configurations which do not strictly comply with the parking ordinance, Zoning Ordinance Section 17.34.020-B-1.



The following findings must be made by the Commission prior to the granting of a variance:

Findings

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

Applicant Findings

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

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

Applicant: Strict enforcement would prevent our client from adding an elevator.

Analysis: The addition of an elevator in most configurations would result in the addition of floor area for this type of building design with old exterior access which does not meet ADA standards.

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

Applicant: Since the existing building is an older 2-story building an elevator would need to be added to allow access to the 2nd story for persons with disabilities.

Analysis: An elevator would provide persons with disabilities access to the 2nd floor.

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

Applicant: Other 2-story buildings in the zoning district either have or need an elevator for circulation.

Analysis: There is a need for elevators in existing multi-story buildings.

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

Applicant: Other variances to parking have been granted for added space. In this instance it is only to add an elevator.

Analysis: True.

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

Applicant: Adding an elevator and losing a parking stall is not detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Analysis: The granting of a variance to parking to add an elevator and not increase any usable office space is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Environmental Review

The project is considered Categorical Exempt under Section 15305 "Minor Alterations of Land Use Limitations" of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended, minor alterations to land use limitations, such as variances, that do not result in changes in land use or density. (Categorical Exemption No. 2014-38)

RECOMMENDED FINDINGS

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

Other 2-story buildings in the zoning district either have or need an elevator for circulation.

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

Since the existing building is an older 2-story building an elevator would need to be added to allow access to the 2nd story for persons with disabilities.

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

Other 2-story buildings in the zoning district either have or need an elevator for circulation.

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

Other variances to parking have been granted for added space. In this instance it is only to add an elevator.

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

Adding an elevator and losing a parking stall is not detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2014-38).

RECOMMENDED CONDITIONS OF APPROVAL

1. That Variance No. 2014-03 shall be developed consistent with Exhibits "A", "B", and "C".
2. That the comments and applicable conditions of Site Plan Review No. 2014-005 be met.
3. That all other federal and state laws and city codes and ordinances be complied with.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2014-03, prior to the issuance of a building permit for the sign.

APPEAL INFORMATION

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

Attachments:

- **Related Plans and Policies**
- **Resolution No. 2014-32**
- **Exhibit "A" – Site Plan**
- **Exhibit "B" – Floor Plan**
- **Exhibit "C" – Elevations**
- **Exhibit "D" – Applicants Variance Findings**
- **General Plan Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Vicinity Map**
- **Location Sketch**

RELATED PLANS AND POLICIES

Chapter 17.42

VARIANCES AND EXCEPTIONS

17.42.010 Variance purposes.

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

17.42.020 Exception purposes.

A. The planning commission may grant exceptions to ordinance requirements where there is a justifiable cause or reason; provided, however, that it does not constitute a grant of special privilege inconsistent with the provisions and intentions of this title.

B. The planning commission may grant exceptions or modifications to site development standards and zoning in accordance with the provisions of Chapter 17.32, Article 2, density bonuses and other incentives for lower and very low income households and housing for senior citizens. (Prior code § 7556)

17.42.030 Variance powers of city planning commission.

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

17.42.040 Exception powers of city planning commission.

The city planning commission may grant exceptions to the regulations prescribed in this title, with respect to the following, consistent with the provisions and intentions of this title:

A. Second dwelling units, pursuant to Sections 17.12.140 through 17.12.200;

B. Downtown building design criteria, pursuant to Section 17.58.090;

C. Fences, walls and hedges; and

D. Upon the recommendation of the historic preservation advisory board and/or the downtown design review board, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distance between structures and off-street parking facilities;

E. In accordance with Chapter 17.32, Article 2, density bonuses, may grant exceptions or modifications to site development standards and/or zoning codes. (Prior code § 7558)

17.42.050 Application procedures.

A. Application for a variance or exception shall be made to the city planning commission on a form prescribed by the commission and shall include the following data:

1. Name and address of the applicant;

2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;

3. Address and legal description of the property;

4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty which would result from the strict interpretation and enforcement of this title;

5. The application shall be accompanied by such sketches or drawings which may be necessary to clearly show applicant's proposal;

6. Additional information as required by the historic preservation advisory board;

7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

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 § 7559)

17.42.060 Hearing and notice.

A. The city planning commission shall hold a public hearing on an application for a variance.

B. Notice of a public hearing shall be given not less than ten days or 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. (Prior code § 7560)

17.42.070 Investigation and report.

The city planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7561)

17.42.080 Public hearing procedure.

At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090. (Prior code § 7562)

17.42.090 Variance action of the city planning commission.

A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

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

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

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

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

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

B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.

D. The city planning commission may deny a variance application. (Prior code § 7563)

17.42.100 Exception action of the city planning commission.

A. The city planning commission may grant an exception to a regulation prescribed by this title with respect to fences and walls, and, upon recommendation of the historic preservation advisory board, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas, provided that all of the following criteria is applicable:

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

2. That the granting of the exception does not create an obstructed visibility that will interfere with traffic safety in the public right-of-way or to adjacent properties;

3. That the exception proposal becomes an integral part of the existing site development (e.g., design, material, contour, height, distance, color, texture).

B. The city planning commission may grant exceptions or modifications to zoning code requirements in accordance with the provisions of Chapter 17.32, Article 2, density bonuses. The granting of the exception shall become effective upon

the granting of the density bonus by the city council. (Prior code § 7564)

17.42.110 Appeal to city council.

A. Within five (5) working days following the date of a decision of the city planning commission on a variance or exception application, the decision may be appealed to the city council by the applicant or any other interested party. An appeal shall be made on a form prescribed by the commission and shall be filed with the city clerk. The appeal shall specify errors or abuses of discretion by the commission, or decisions not supported by the evidence in the record.

B. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Ord. 2001-13 § 4 (part), 2001: prior code § 7565)

17.42.120 Action of city council.

A. The city council shall review and may affirm, reverse or modify a decision of the city planning commission on a variance or exception application; provided, that if a decision denying a variance or exception is reversed or a decision granting a variance or exception is modified, the city council shall, on the basis of the record transmitted by the city planner and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance or exception as prescribed in Section 17.42.090(A) or (B), or 17.42.100(A), whichever is applicable.

B. A variance which has been the subject of an appeal to the city council shall become effective immediately after review and affirmative action by the city council. (Ord. 9605 § 30 (part), 1996: prior code § 7566)

17.42.130 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure which was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance. (Prior code § 7567)

17.42.140 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with. (Prior code § 7568)

17.42.150 New application.

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance. (Prior code § 7569)

RESOLUTION NO. 2014-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2014-03, A REQUEST BY PLATINUM ENGINEERING (ST. GEORGE MANAGEMENT GROUP LLC – PROPERTY OWNER) TO ALLOW A VARIANCE TO MEDICAL OFFICE PARKING REQUIREMENTS TO ALLOW THE INSTALLATION OF AN ELEVATOR AND NEW STAIRS FOR AN EXISTING BUILDING IN THE PROFESSIONAL ADMINISTRATIVE OFFICE (PA) ZONE. THE SITE IS LOCATED AT 201 E. NOBLE AVENUE. (APN: 097-052-009)

WHEREAS, Variance No. 2014-03, is a request by Platinum Engineering (St. George Management Group LLC – property owner) to allow a variance to medical office parking requirements to allow the installation of an elevator and new stairs for an existing building in the Professional Administrative Office (PA) zone. The site is located at 201 E. Noble Avenue. (APN: 097-052-009); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on July 14, 2014; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2014-03, is consistent with the Section 17.42 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15305, Environmental Document No. 2014-38.

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

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

Other 2-story buildings in the zoning district either have or need an elevator for circulation.

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

Since the existing building is an older 2-story building an elevator would need to be added to allow access to the 2nd story for persons with disabilities.

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

Other 2-story buildings in the zoning district either have or need an elevator for circulation.

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

Other variances to parking have been granted for added space. In this instance it is only to add an elevator.

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

Adding an elevator and losing a parking stall is not detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2014-38).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2013-03, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.030 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That Variance No. 2014-03 shall be developed consistent with Exhibits "A", "B", and "C".
2. That the comments and applicable conditions of Site Plan Review No. 2014-005 be met.
3. That all other federal and state laws, city codes and ordinances be complied with.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2014-02, prior to the issuance of a building permit for the sign.

EXHIBIT – B
Floor Plan

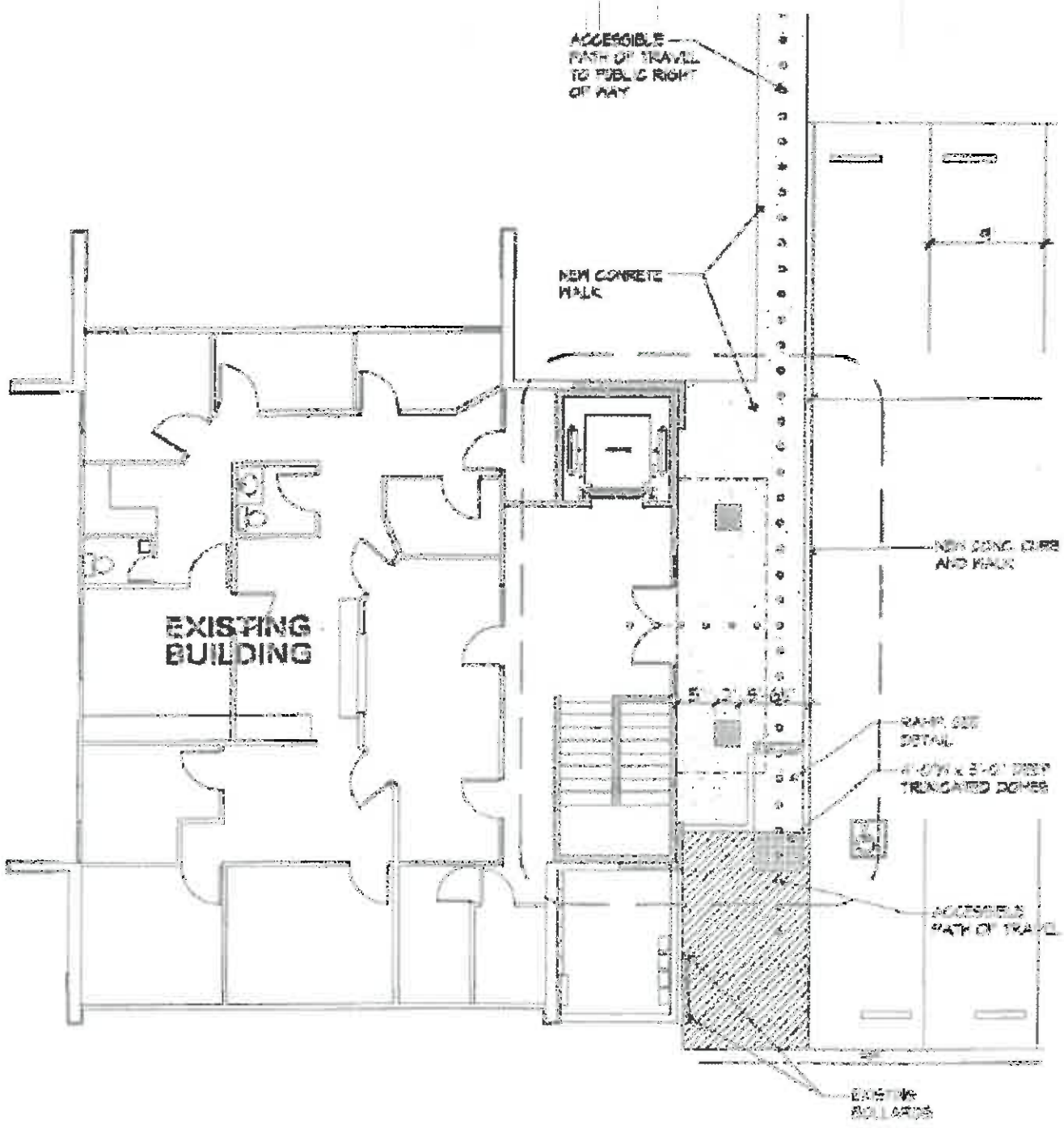


EXHIBIT – C
Elevations

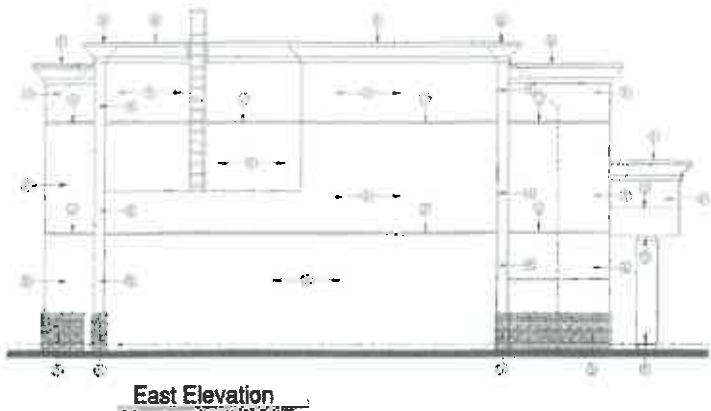
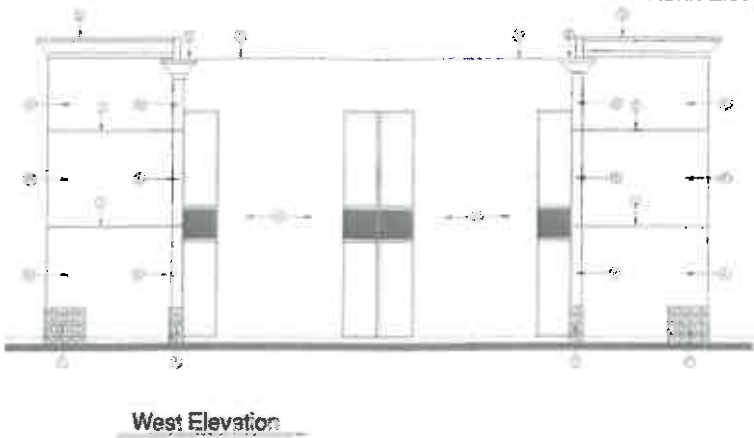
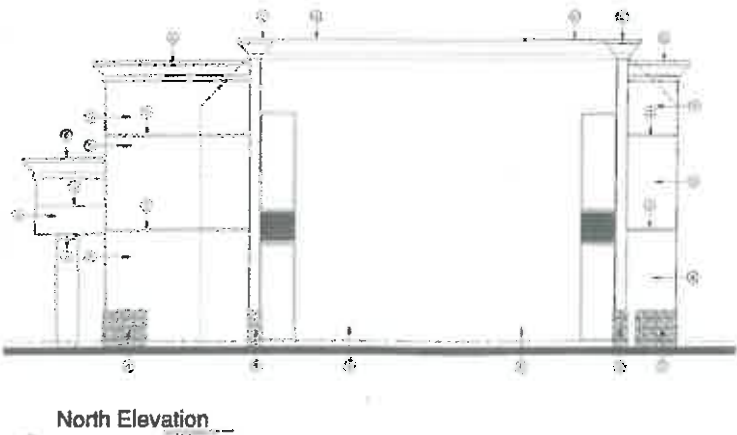
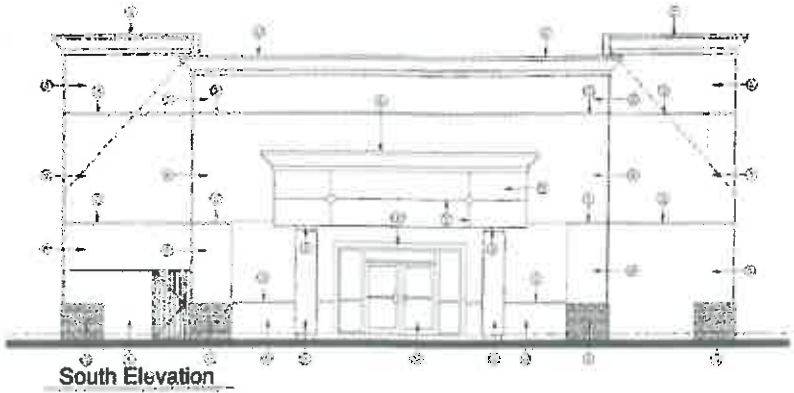


EXHIBIT - C

EXHIBIT – D
Applicant Variance Findings

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

Reasoning: Strict enforcement would prevent our client from adding an elevator.

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

Reasoning: Since the existing building is an older 2-story building an elevator would need to be added to allow access to the 2nd story for persons with disabilities.

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

Reasoning: Other 2-story buildings in the zoning district either have or need an elevator for circulation.

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

Reasoning: Other variances to parking have been granted for added space. In this instance it is only to add an elevator.

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

Reasoning: Adding an elevator and losing a parking stall is not detrimental to the public health, safety and welfare.

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MEETING DATE 01/29/2014
 SITE PLAN NO. 14-005
 PARCEL MAP NO.
 SUBDIVISION
 LOT LINE ADJUSTMENT NO.

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

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

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

ADDITIONAL COMMENTS This project requires a Variance

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

Site Plan Review Committee



City of Visalia
Building: Site Plan
Review Comments

ITEM NO: 3 DATE: January 14, 2014
SITE PLAN NO: SPR14005
PROJECT TITLE: EXTERIOR IMPROVEMENT
DESCRIPTION: EXTERIOR FAÇADE IMPROVEMENT AND ELEVATOR
ADDITION TO EXISTING 4,448 SF BUILDING ON 9,104
SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL)
APPLICANT: PLATINUM ENGINEERING
PROP OWNER: ST GEORGE MANAGEMENT GROUP LLC
LOCATION: 201 E NOBLE AVE
APN(S): 097-052-009

SPR

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 ordinances 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 20³¹ California Building Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *May Apply* *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$146.40) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments:

G. F.
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: 3

DAY: January 15, 2014

SITE PLAN NO:

SPR14005

PROJECT TITLE:

EXTERIOR IMPROVEMENT

DESCRIPTION:

EXTERIOR FACADE IMPROVEMENT AND ELEVATION ADDITION TO EXISTING 4,448 SF BUILDING ON 9,1 SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL PLATINUM ENGINEERING

APPLICANT:

ST GEORGE MANAGEMENT GROUP LLC

PROP OWNER:

201 E NOBLE AVE

LOCATION:

APN(S):

097-052-009

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)*

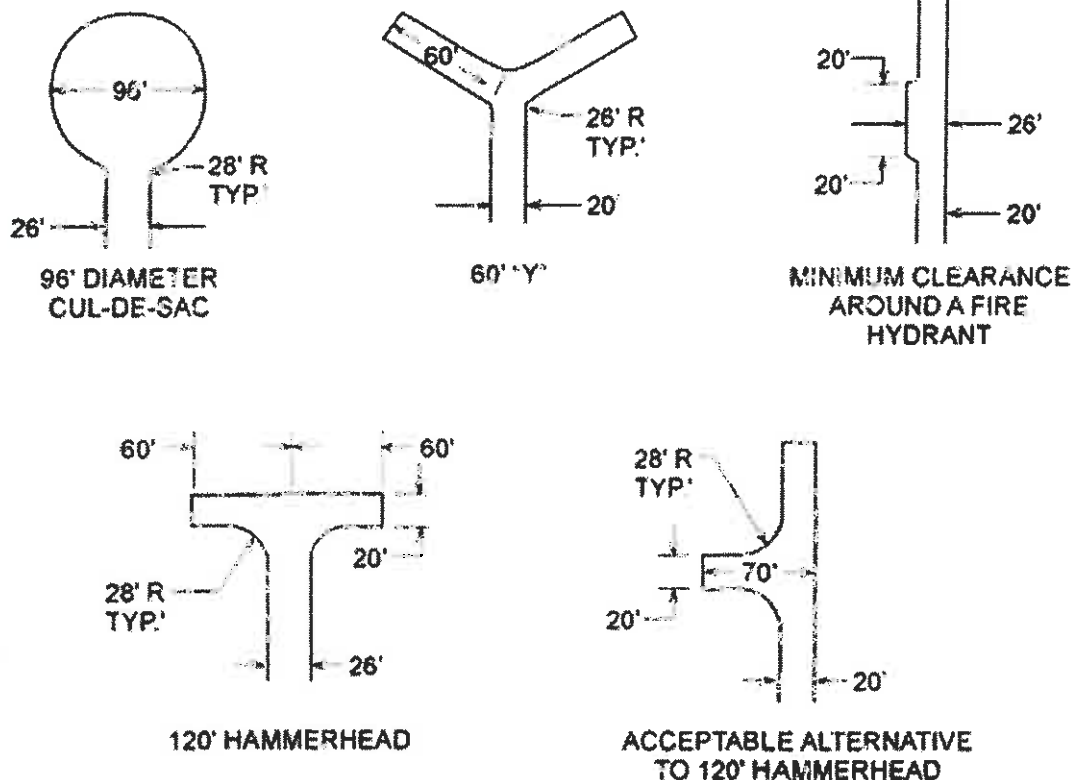
Emergency Access:

- 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 form curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

Fire Protection Systems:

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

Special Comments:



Kurtis A. Brown
Assistant Fire Marshal

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: January 15, 2014

SITE PLAN NO: 2014-005
PROJECT TITLE: Exterior Improvement
DESCRIPTION: Exterior Renovation plus elevator (PA ZONED)
APPLICANT TITLE: Platinum Engineering
PROP. OWNER: St George Mng Grp
LOCATION TITLE: 201 E. Noble Ave
APN TITLE: 97-052-009

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

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Variance to parking requirements
- HPAC - HPAC No. 2013-11
- Building Permit

PROJECT SPECIFIC INFORMATION: 01/08/2014

1. The proposed addition is within the buildable area for this site.
2. The on-site parking of 12 stalls does not currently meet the code requirements for general or medical office use, this proposal would reduce the parking to 10 stalls, for which a variance will be required. Site is proposed/current medical office (3,722 /200=19 or 4,448/200=22)
3. Located within the Historic District – Approved as HPAC No. 2013-11.
4. Any new land use actions or exterior changes which were not a part of HPAC No. 2013-11 must be reviewed by the Historic Preservation Advisory Committee.

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.

HPAC No 2013-11 Findings and Conditions

Approved 12-11-13 HPAC No. 2013-11 based upon the following:

Findings:

1. That the building is not listed on the Local Register of Historic Structures, but is within the Historic District.
2. That the proposed exterior changes do not adversely impact the historic nature of the building, and are consistent with the purposes and intent of the Historic Preservation Ordinance and Historic Preservation Element.
3. That the proposed project would not be injurious to the surrounding properties.

Conditions:

1. That the site be developed consistent with the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", and Elevation Plans in Exhibit "C".

2. That the project shall be reviewed and approved by the Site Plan Review Committee prior to improving the site, and that any modifications to the site or required entitlements (i.e. Variance) shall be reviewed by the Historic Preservation Advisory Committee prior to improving the site.
3. That any other exterior alterations to the structure shall be brought before this Committee for review and approval prior to the issuance of any building permits and/or their installation or construction.
4. That all other City codes, ordinances, standards, and regulations shall be met.

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:

1. Provide spaces based on office use at one stall per 250-general/200-medical sq. ft. of gross building area.
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot
3. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
4. No repair work or vehicle servicing allowed in a parking area.
5. It is highly recommended that bicycle rack(s) be provided on site plan.
6. No parking shall be permitted in a required front/rear/side yard.
7. Design/locate parking lot lighting to deflect any glare away from abutting residential areas, calculations to be shown on construction documents (Zoning Ordinance Section 17.34.030.J).

Fencing and Screening:

1. Screen new equipment from view.

Landscaping:

1. Meet the State Model Water Efficient Landscape Ordinance (MWELo), effective on January 1, 2010. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**
2. Provide a conceptual landscape plan for resubmittal or planning commission review if the landscaping is to be redone.
3. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).

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

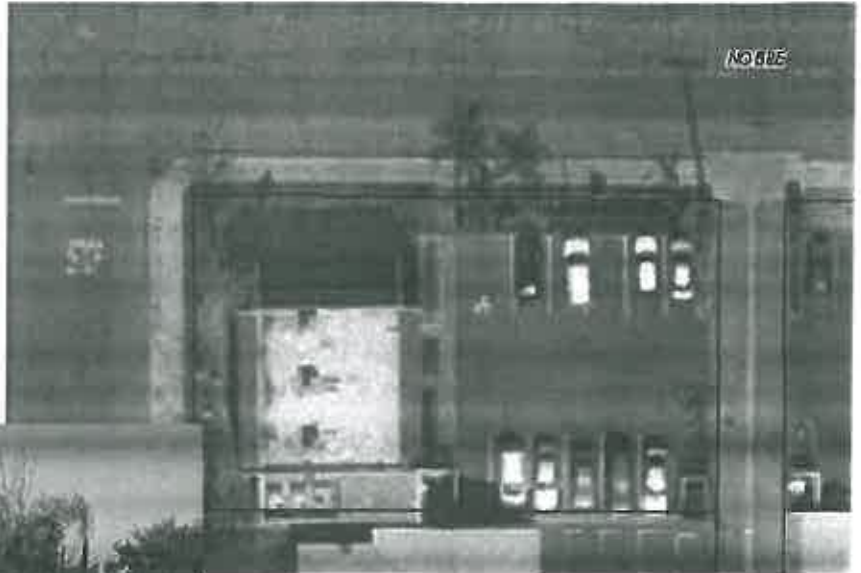
Lighting:

1. All lighting is to be designed and installed so as to prevent any significant direct or indirect light or glare from falling upon any adjacent residential property. This will need to be demonstrated in the building plans and prior to final on the site.
2. Building and security lights need to be shielded so that the light element is not visible from the adjacent residential properties, if any new lights are added or existing lights relocated.
3. NOTE: Failure to meet these lighting standards in the field will result in no occupancy for the building until the standards are met.
4. In no case shall more than 0.5 lumens be exceeded at any property line, and in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable.

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

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

Signature 



SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

January 15, 2014

ITEM NO:	3
SITE PLAN NO:	SPR14005
PROJECT TITLE:	EXTERIOR IMPROVEMENT
DESCRIPTION:	EXTERIOR FACADE IMPROVEMENT AND ELEVATOR ADDITION TO EXISING 4,448 SF BUILDING ON 9,104 SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL)
APPLICANT:	PLATINUM NEGINEERING
PROP. OWNER:	ST GEORGE MANAGEMENT GROUP LLC
LOCATION:	201 E NOBLE AVE
APN(S):	097-052-009

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

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

Additional Comments:

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Leslie Blair

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

Jason Huckleberry 713-4259
 Adrian Rubalcaba 713-4271

ITEM NO: 3 DATE: JANUARY 15, 2014

SITE PLAN NO.: 14-005
PROJECT TITLE: EXTERIOR IMPROVEMENT
DESCRIPTION: EXTERIOR FAÇADE IMPROVEMENT AND ELEVATOR ADDITION TO EXISTING 4,448 SF BUILDING ON 9,104 SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL)

APPLICANT: PLATINUM ENGINEERING
PROP OWNER: ST GEORGE MANAGEMENT GROUP LLC
LOCATION: 201 E NOBLE AVE
APN: 097-052-009

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. ANY WORK WITHIN CITY RIGHT-OF-WAY
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. 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. Parking lot improvements to meet City and ADA standards. Revise stall dimensions to 9' x 19', with wheels stops at 2' from nose of stall.

2. Path of travel from public sidewalk shall meet ADA standards.

3. A building permit is required. Plan check and inspection fees will apply.

4. Impact fees are applicable to leasable square footage added to the building (excludes elevator shaft and access points/hallways).

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 14-005
Date: 1/15/2014

Summary of applicable Development Impact Fees to be collected at the time of building permit:
(Preliminary estimate only! Final fees will be based on the development fee schedule in effect at the time of building permit issuance.)

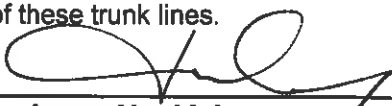
(Fee Schedule Date:8/16/2013)
(Project type for fee rates:MEDICAL)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	\$12,354/1000SF of leasable floor space
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$84.00/1000SF of leasable floor space,
	TREATMENT PLANT FEE:
	\$199.60/1000SF of leasable floor space
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$583.90/1000SF of leasable floor space
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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



Jason Huckleberry

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

ITEM NO: 3 DATE: January 15, 2014
SITE PLAN NO: SPR14005
PROJECT TITLE: EXTERIOR IMPROVEMENT
DESCRIPTION: EXTERIOR FACADE IMPROVEMENT AND ELEVATOR
ADDITION TO EXISTING 4,448 SF BUILDING ON 9,104
SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL)
PLATINUM ENGINEERING
APPLICANT: ST GEORGE MANAGEMENT GROUP LLC
PROP OWNER: ST GEORGE MANAGEMENT GROUP LLC
LOCATION: 201 E NOBLE AVE
APN(S): 097-052-009

Site Plan Review Comments

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

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

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

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

- Access Controlled / Restricted etc:

- Lighting Concerns:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:
BRIAN WINTER LSP

**QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS**

ITEM NO: 3 DATE: January 15, 2014
SITE PLAN NO: SPR14005
PROJECT TITLE: EXTERIOR IMPROVEMENT
DESCRIPTION: EXTERIOR FACADE IMPROVEMENT AND ELEVATOR
 ADDITION TO EXISTING 4,448 SF BUILDING ON 9,104
 SF AREA (PA ZONED) (DISTRICT C) (HISTORICAL)
APPLICANT: PLATINUM NEGINEERING
PROP OWNER: ST GEORGE MANAGEMENT GROUP LLC
LOCATION: 201 E NOBLE AVE
APN(S): 097-052-009

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

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

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

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

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

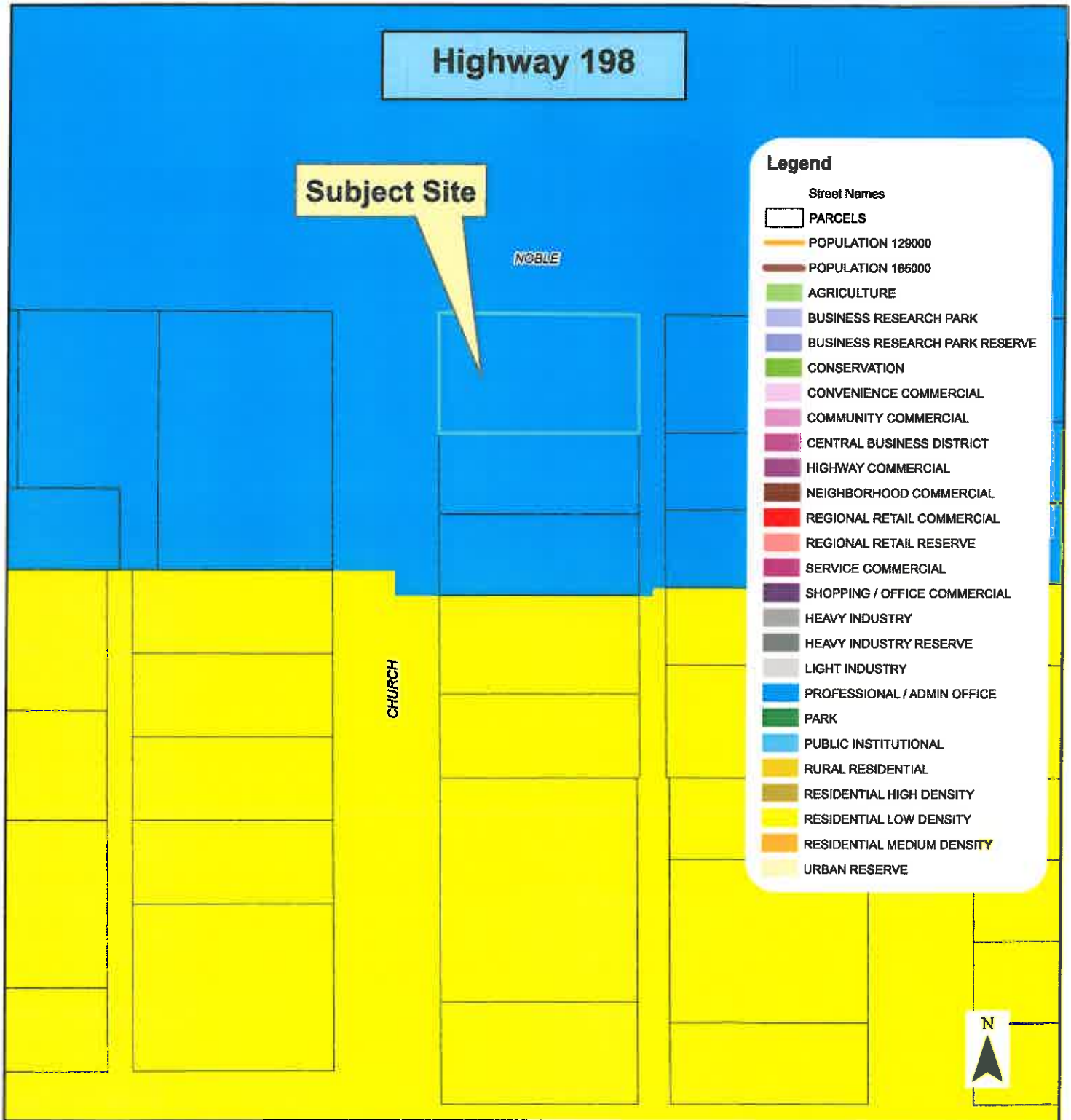


AUTHORIZED SIGNATURE

1-21-14

DATE

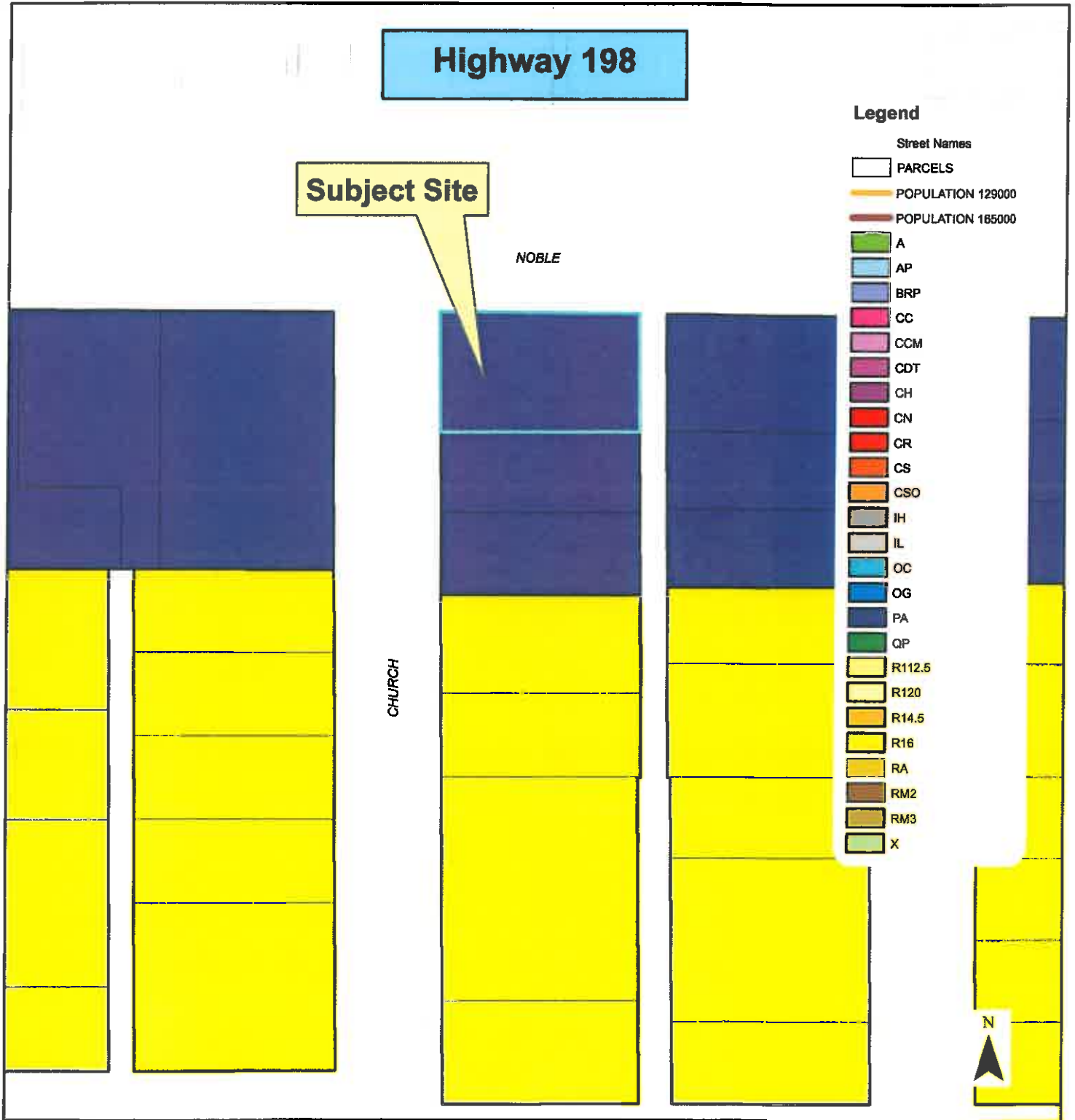
City of Visalia



Land Use Designations

Var. 2014-03

City of Visalia



Zoning Designations

Var. 2014-03

City of Visalia

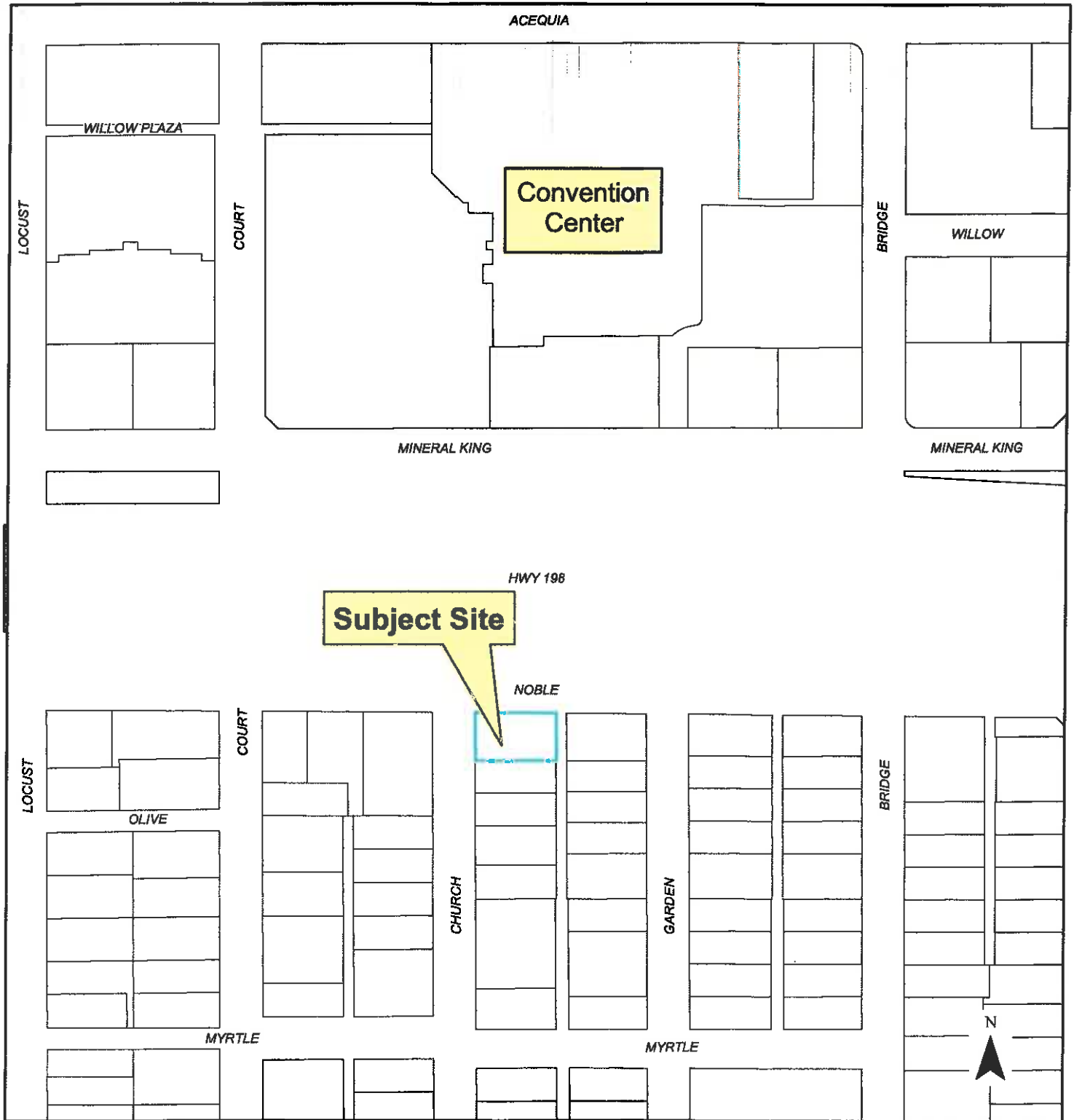


Aerial Photo

1 inch = 20 feet

Var. 2014-03

City of Visalia



Location Map

Var. 2014-03

City of Visalia

Memo



To: Visalia Planning Commission
From: Paul Bernal, Principal Planner (713-4025)
Date: July 14, 2014
Re: 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)

Recommended Action

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.

Discussion

The appellant requested a continuation of this item to the July 14, 2014, Planning Commission meeting. A copy of the June 9, 2014, staff report is included in the Planning Commission packet and copies have been distributed to all parties involved in the appeal. No changes were made to the June 9, 2014 staff report. A revised version of Resolution No. 2014-33 is provided.

Attachments

- Revised Resolution No. 2014-33
- Memorandum dated June 9, 2014 requesting to continuance of Item No. 5 to the July 14, 2014, Planning Commission meeting.
- Staff Report dated June 9, 2014, Appeal of City Planner Determination requiring a Conditional Use Permit pursuant to Site Plan Review No. 2014-060.

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, Monica Ramallo-Young, appellant, provided written correspondence requesting a continuation from the June 9, 2014, Planning Commission meeting to the July 14, 2014, Planning Commission meeting; 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 continued said hearing to July 14, 2014; and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said Commission on July 14, 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.

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)

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.



MONICA RAMALLO-YOUNG ESG

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 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:

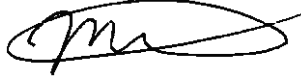
[A]ny machine, device or apparatus, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disc, slug, or key into any slot, crevice or other opening or by the payment of any fee or fees, for the use as a game, contest, which is 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



Wonderland

MOONEY

ORCHARD



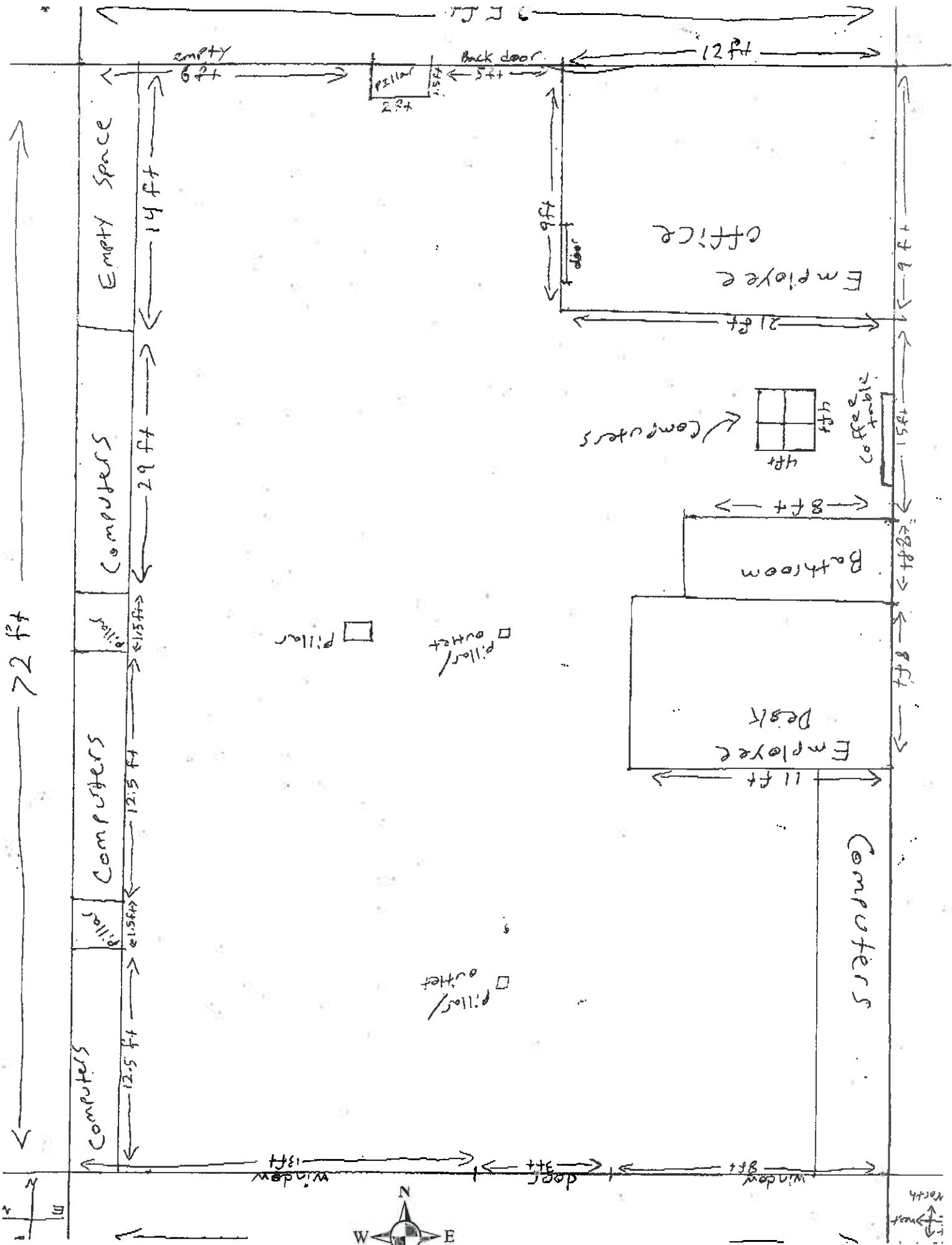


Exhibit "C"

City of Visalia

Exhibit "D"

315 East Acequia Ave., Visalia, CA 93291



Neighborhood
Preservation

Tel: (559) 713-4194 Fax: (559) 713-4611

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 Accquia 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:

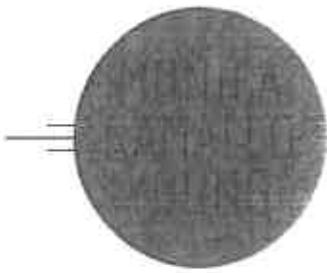
This letter is to inform you that you have been granted a 2 week (14 calendar days) extension of the deadline for case CE140071. The amended deadline for this case is now April 7, 2014. All required building permits, corrections, finals, must be completed by the deadline. The City of Visalia appreciates 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

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



TEL CONNECT

3¢ per minute

1¢ per minute
for long distance
calls to
Illinois, Inc.

2014. 5.27 16:23

Exhibit "F-2"

2014. 5. 27 16:18

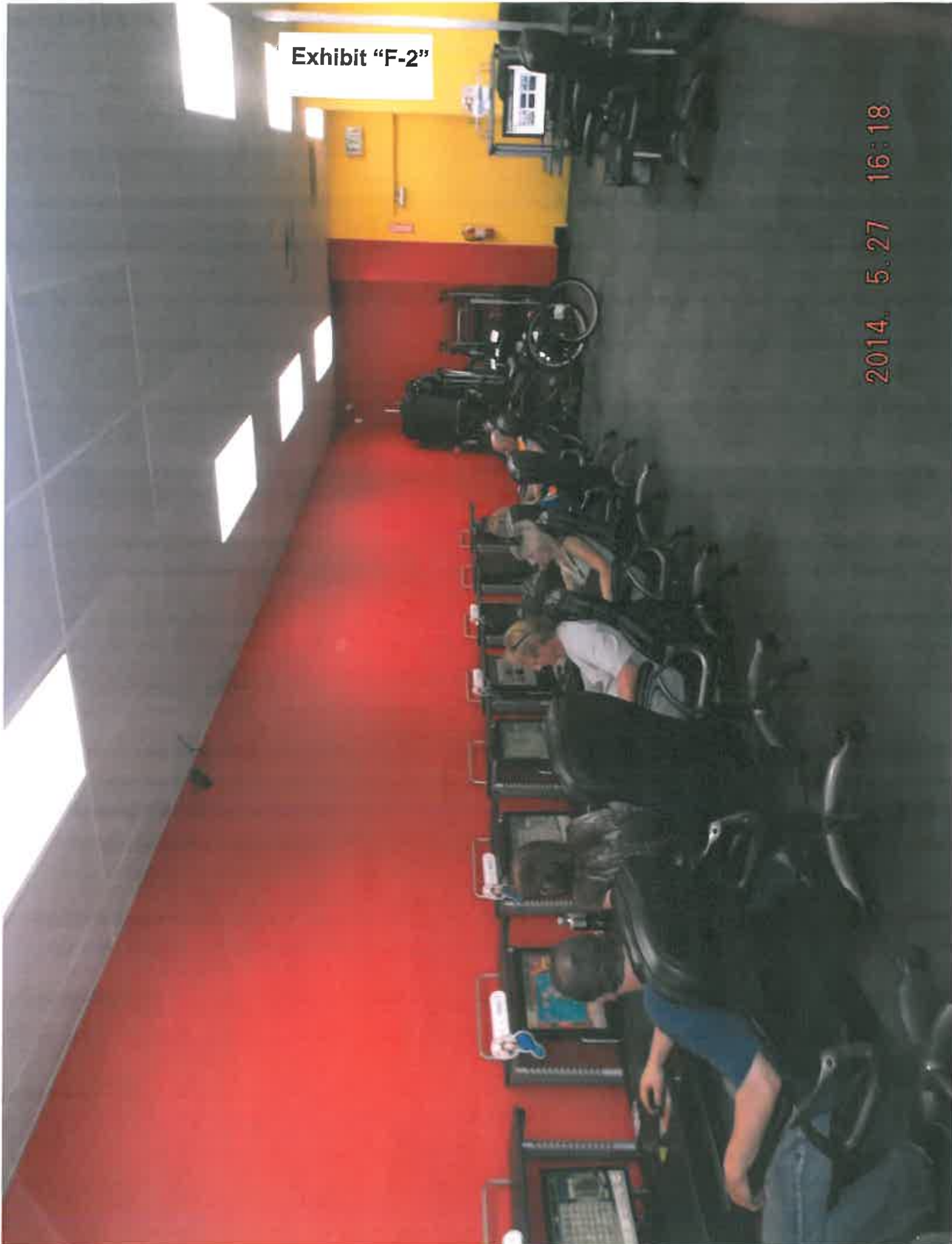


Exhibit "F-3"

2014. 5. 27 16:18

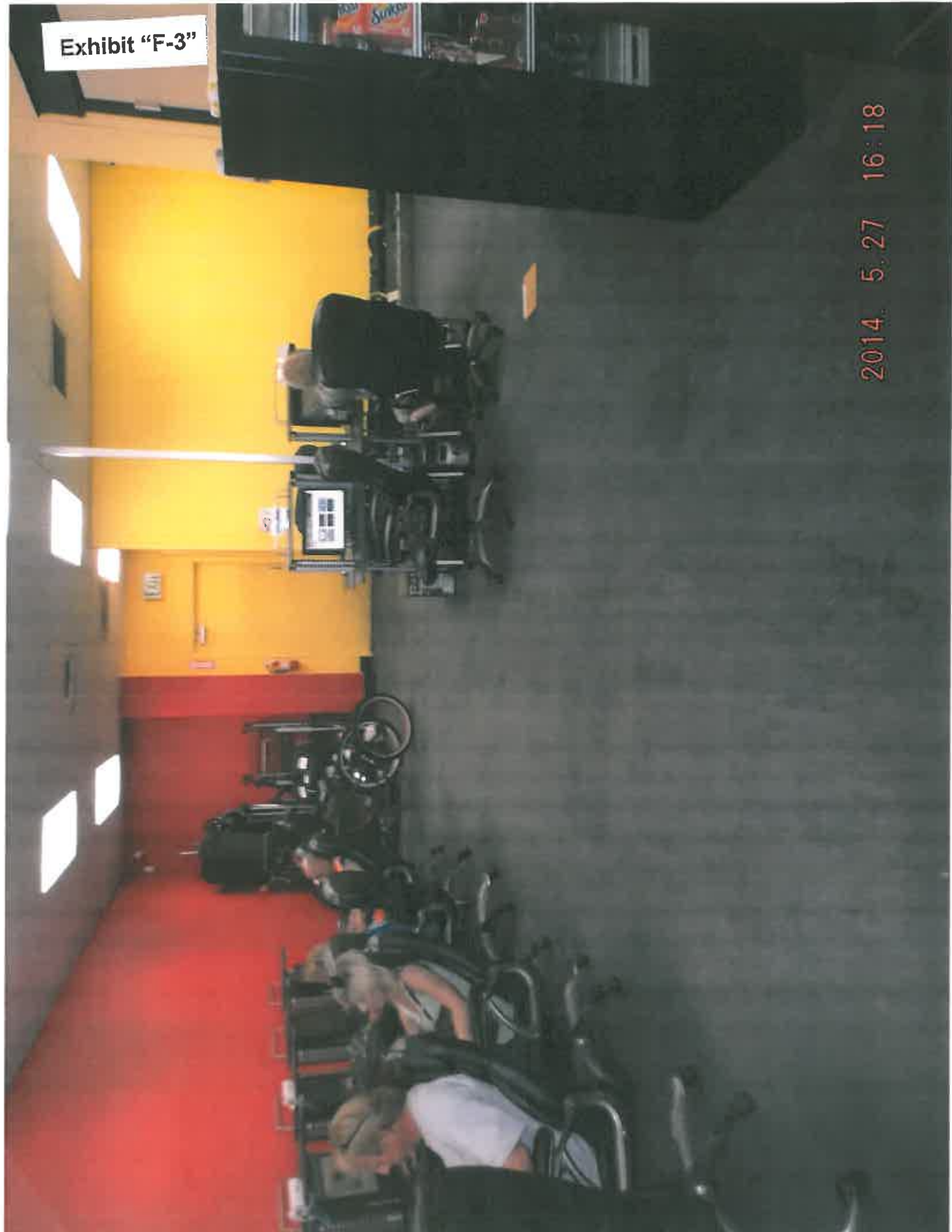


Exhibit "F-4"

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)

Verizon

The image shows a workstation with three computer monitors. Each monitor is accompanied by a nameplate featuring a photo of a woman and the name 'S. NIEL'. The left monitor displays a blue-themed interface with a large '100%' indicator. The middle monitor shows a grid of four service icons. The right monitor displays a grid of six service icons. A white sign with blue text is positioned above the monitors, listing service features. A blue sign with the Verizon logo is visible in the bottom left corner.

9

11110

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

FTCA

Swarm
SECURITY
24 HOUR
VIDEO SURVEILLANCE
PROPERTY PROTECTION
Call for details
800-877-7273

SECURITY

Exhibit "F-11"

We no longer
provide internet
services
- Management

2014 5 27 16:23

FFCP

Swarm SECURITY
24 HOUR
VIDEO SURVEILLANCE
PROTECTION
VISUALIZA POR VIDEO
LAS ACTIVIDADES
www.swarmsecurity.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:
- | | |
|---|--|
| <input type="checkbox"/> CITY COUNCIL | <input type="checkbox"/> REDEVELOPMENT |
| <input checked="" type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> PARK/RECREATION |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER _____ |

- ADDITIONAL COMMENTS** 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 Huckleberry at (559) 713-4259.

Site Plan Review Committee



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:
PROJECT TITLE:
DESCRIPTION:

SPR14060
RETAIL STORE
RETAIL STORE IN EXISTING 1,700 SF BUILDING ON
PORTION OF 4.5 ACRE AREA (CR ZONED) (DISTRICT
A)

APPLICANT:
PROP OWNER:
LOCATION:
APN(S):

RAMALLO-YOUNG MONICA
VISALIA NUMBER ONE LTD
3324 S MOONEY BLVD
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 combustibile walls, openings, or a combustibile 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 combustibile 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.

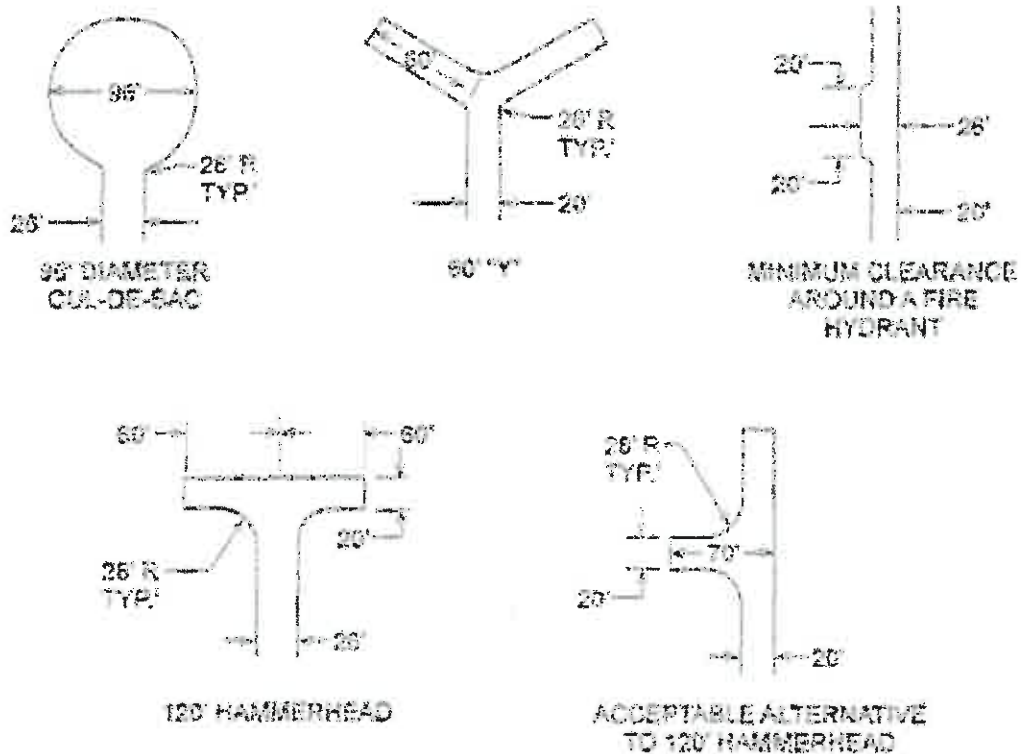


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

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

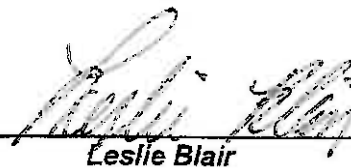
May 7, 2014

ITEM NO:	1
SITE PLAN NO:	SPR14060
PROJECT TITLE:	RETAIL STORE
DESCRIPTION:	RETAIL STORE IN EXISTING 1,700 SF BUILDING ON PORTION OF 4.3 ACRE AREA (CR ZONED) (DISTRICT A)
APPLICANT:	RAMALLO-YOUNG MONICA
PROP. OWNER:	VISALIA NUMBER ONE LTD
LOCATION:	2324 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

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

Minimum Setbacks:

	Building	Landscaping
➤ 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

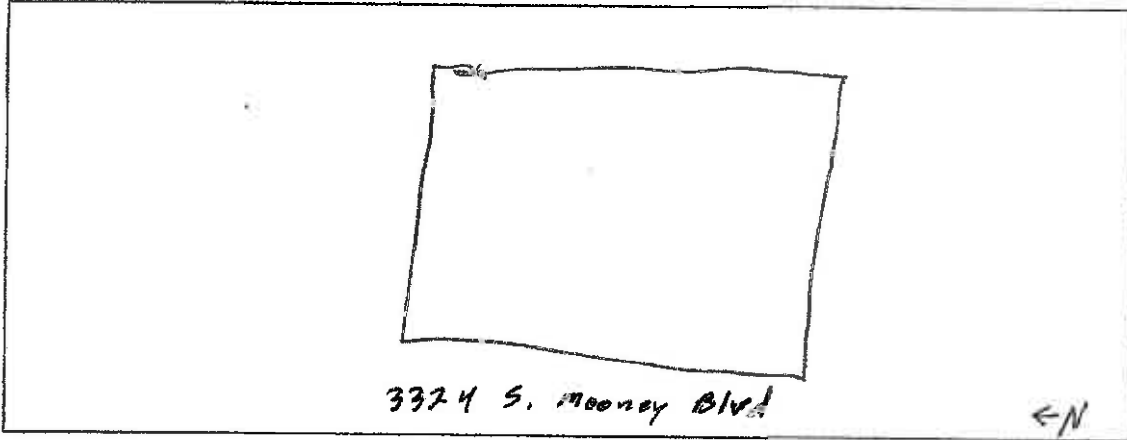


City of Visalia
Parks and Urban Forestry
336 N. Ben Maddox Way
Visalia, CA 93292

Date: 5-5-11

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

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 1	DATE: MAY 7, 2014
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**

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

Reimbursement:

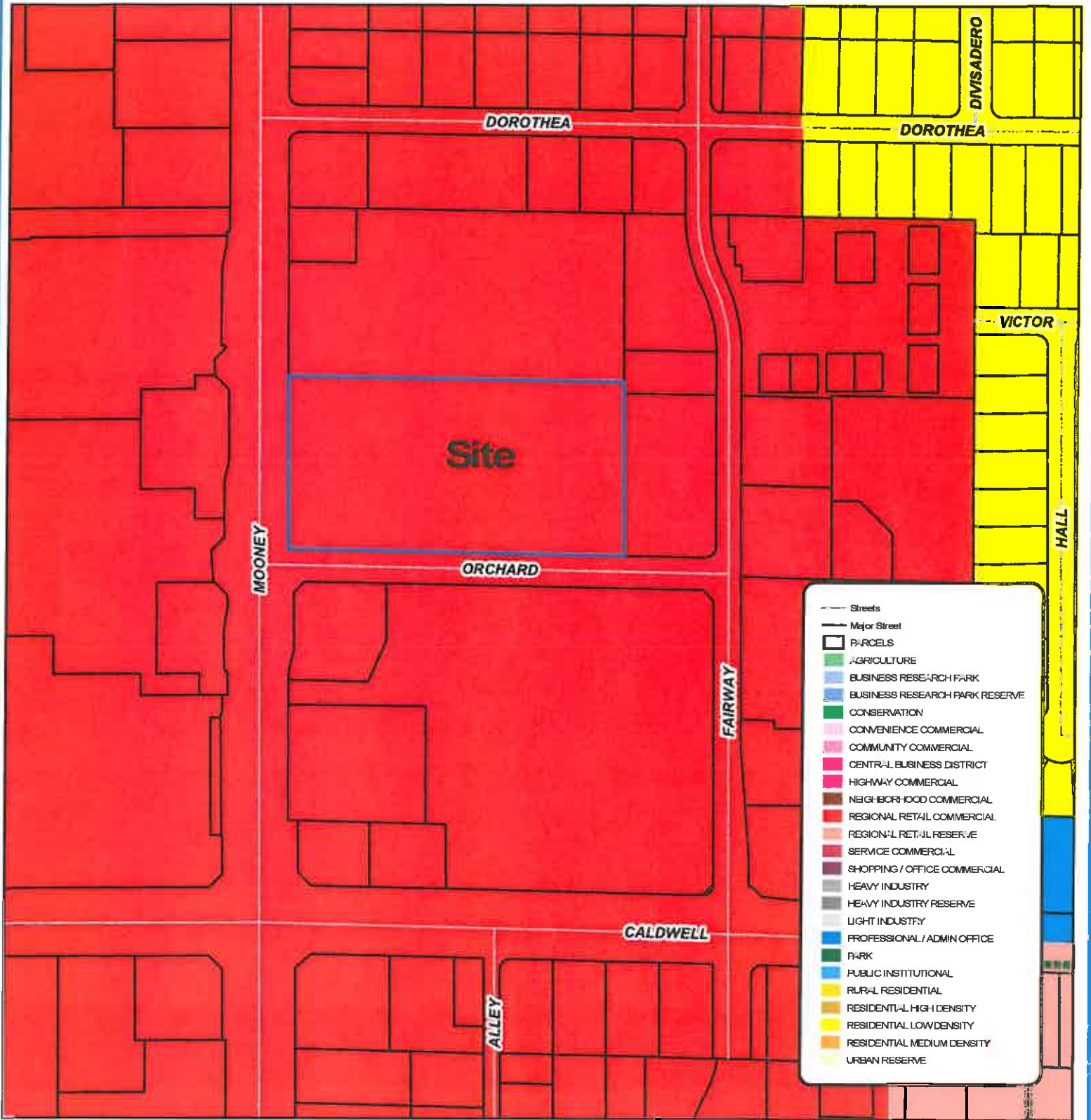
- 1.) No reimbursement shall be made except as provided in a written reimbursement agreement between the City and the developer entered into prior to commencement of construction of the subject facilities.
- 2.) Reimbursement is available for the development of arterial/collector streets as shown in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



Adrian Rubalcaba

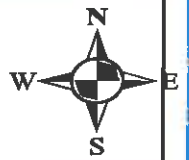
Appeal of SPR No. 2014-060

APN: 122-300-050



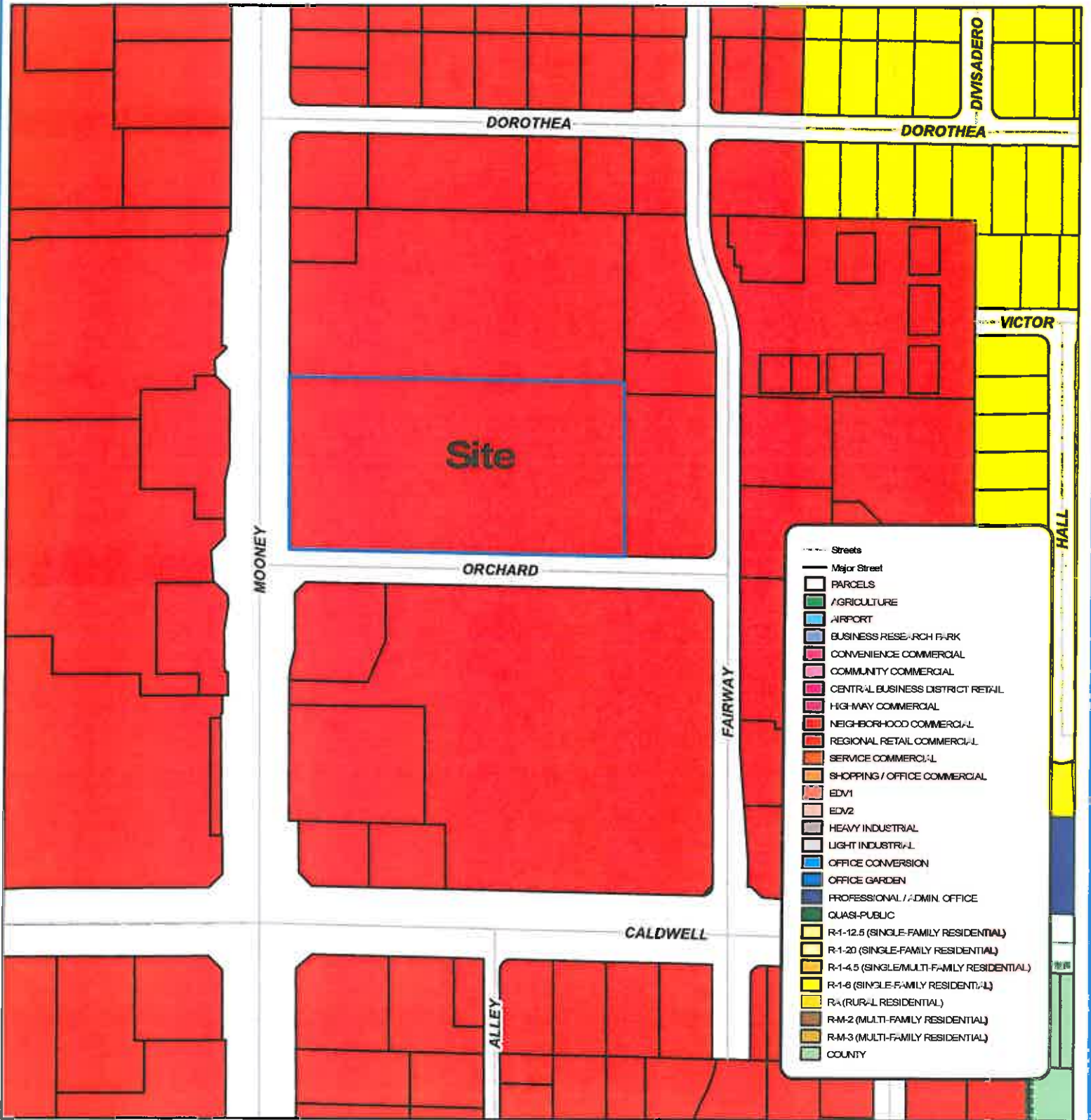
General Plan Land Use Map

300 150 0 300 600 Feet

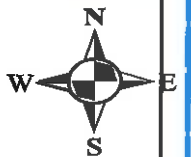


Appeal of SPR No. 2014-060

APN: 122-300-050



Zoning Map

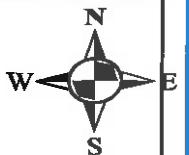


Appeal of SPR No. 2014-060

APN: 122-300-050

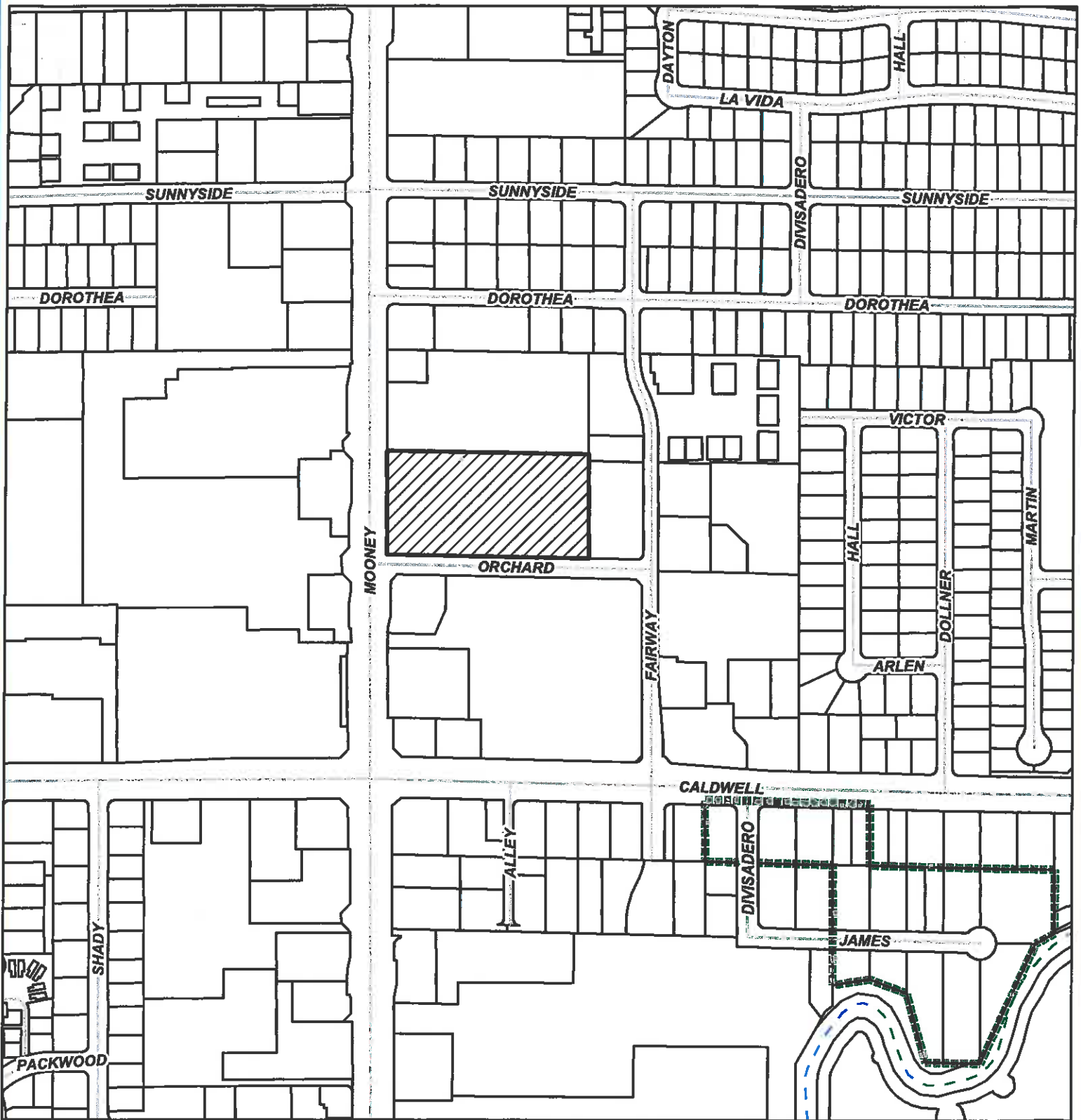


Aerial Map



Appeal of SPR No. 2014-060

APN: 122-300-050



Vicinity Map

