

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

COMMISSIONERS: Lawrence Segroe, Adam Peck, Roland Soltesz, Brett Taylor, Liz Wynn

MONDAY, OCTOBER 13, 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
  - a. No Items on Consent Calendar
5. PUBLIC HEARING- Andy Chamberlain  
Tentative Parcel Map No. 2014-05: A request by Isaac and Monica Hull property owners, Randy Forester - agent, to subdivide a 25,380 sq. ft. parcel into two parcels in the Single Family Residential (R-1-6) zone. The parcel is located at 2045 N. Burke Street (APN: 091-100-028) The project is Categoricaly Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2014-62
6. APPEAL HEARING- Brandon Smith  
Appeal of Condition No. 8 of Temporary Conditional Use Permit No. 2014-78, restricting the operation of cannon in association with an approved haunted house. Appellant: Rollin George. The site is zoned C-SO (Shopping / office Commercial) and is located at 6420 S. Mooney Boulevard. (APN: 126-340-008)
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, OCTOBER 23, 2014 BEFORE 5 PM.**

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, OCTOBER 27, 2014**



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** October 13, 2014

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

**SUBJECT: Tentative Parcel Map No. 2014-05:** A request by Isaac and Monica Hull property owners, and Forester – Webber agent, to subdivide a 25,380 sq. ft. parcel into two parcels in the Single Family Residential (R-1-6) zone. The parcel is located at 2045 N. Burke Street (APN: 091-100-028)

## STAFF RECOMMENDATION

Staff recommends approval of Tentative Parcel Map No. 2014-05, as conditioned, based upon the findings and conditions in Resolution No. 2014-15. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan, Zoning & Subdivision Ordinances.

## RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2014-05, based on the findings and conditions in Resolution No. 2014-42.

## PROJECT DESCRIPTION

This is a request to divide a 25,380 sq. ft. parcel into two parcels as shown in Exhibit "A". Proposed Parcel No. One would be 15,930 sq. ft. with frontage on both Burke Street and Buena Vista Avenue. The site contains the existing primary dwelling unit with driveways on Burke and Buena Vista, with curb/gutter and sidewalk improvements in place.

Proposed Parcel No. 2 would be 9,450 sq. ft. and have frontage onto Buena Vista Avenue. This proposed parcel has curb/gutter and sidewalk improvements, and contains a storage building which would be removed prior to the recordation of the final map.

There are existing easements along Burke and Buena Vista which would be dedicated to the City of Visalia along with a corner cut. The existing curb/gutter and sidewalk improvements would remain in their present location.

## BACKGROUND INFORMATION

**General Plan Land Use Designation:** Low Density Residential  
**Zoning:** R-1-6 (Low Density Residential)  
**Surrounding Zoning and Land Use:** North: R-1-6 (Low Density Residential)  
South: R-1-6 (Low Density Residential)  
East: R-1-6 (Low Density Residential)  
West: R-1-6 (Low Density Residential)  
**Environmental Review:** Categorical Exemption No. 2014-62  
**Site Plan:** Site Plan Review No. 2014-106

## RELATED PLANS & POLICIES

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

## RELATED PROJECTS

None

## **PROJECT EVALUATION**

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

### Land Use Compatibility

Staff has determined that the proposed division of property is compatible with General Plan policies and the Zoning Ordinance for the Low Density Residential designation with R-1-6 zoning which requires a minimum of 6,000 sq. ft. of net site area per parcel. The project is located in a residential neighborhood with predominantly single family development.

### Lot Configuration and Site Improvements

The division of property is the time when site improvements may be required. On vacant parcels some of the improvements may be deferred to the time of building permit. On developed parcels, improvements are required prior to the recordation of the final map. The existing parcel is configured such that the front property line faces Burke Street and the street side of the parcel is along Buena Vista. This follows the Zoning Ordinance definition of the front property line being the narrow side of the lot facing the public street, regardless of the house configuration and address.



Parcel No. One - As proposed, Parcel No. One would now have its front property line along Buena Vista (118 feet) and the street side property line would be along Burk Street (135 feet). This creates a non-conforming setback along Buena Vista Avenue for the existing unit on Parcel No. One, which should have a minimum of 15 feet, but will be approximately 14 feet to the habitable space. The existing 6/7-foot high fence would also be non-conforming since it would be approximately three feet from the property line instead of having the required 15-foot setback.



Staff is not recommending a condition that the fence be relocated on Parcel No. One based upon the existing configuration of the house, fence and yard which retains the character of a front out to Burke Street. Staff has included Condition No. 4 that a minimum of three street trees be planted in the parkway along Buena Vista Avenue for Parcel No. One prior to the recordation of the final map.

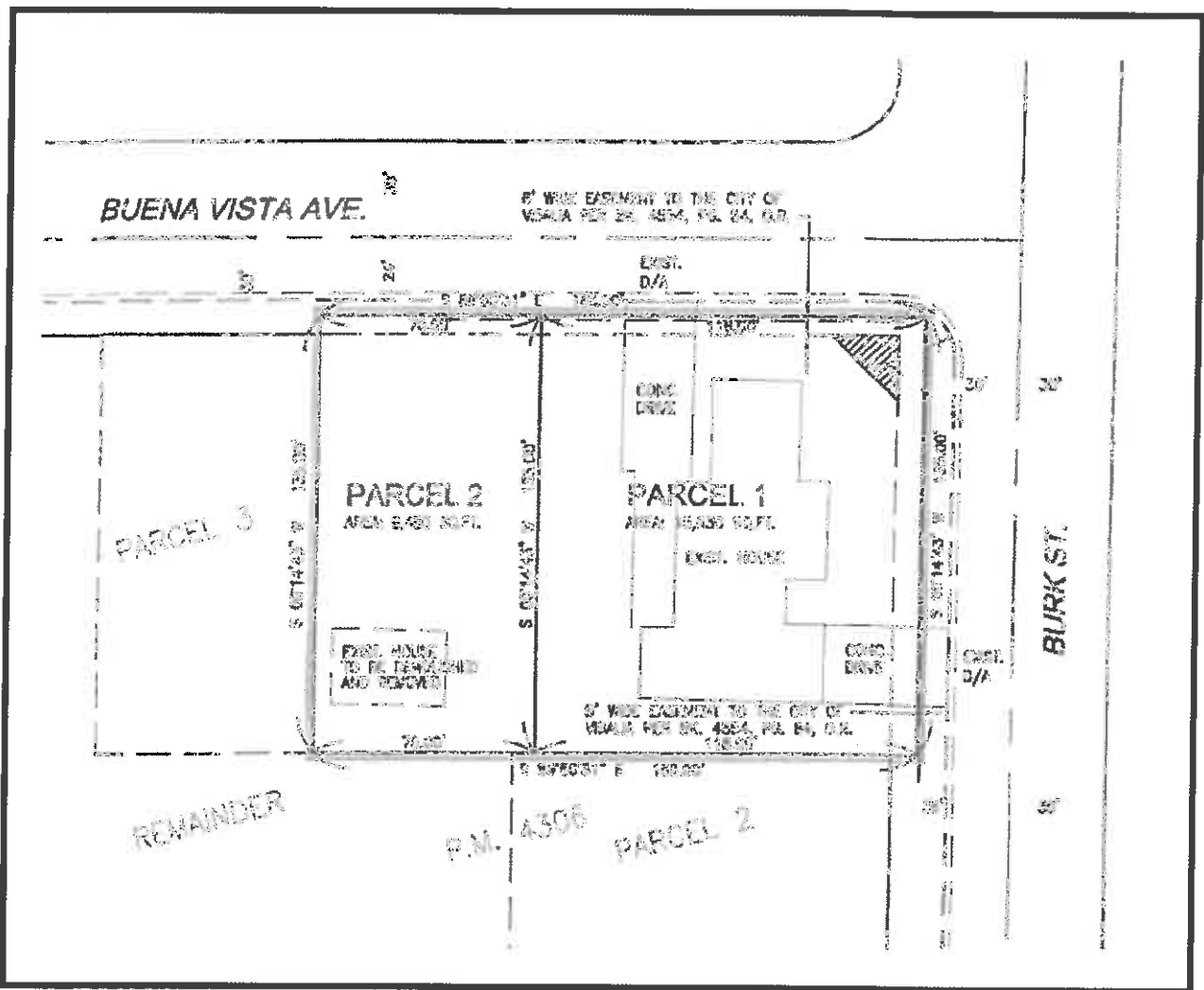
Parcel No. Two - As shown in Exhibit "A", Parcel No. Two will front onto Buena Vista Avenue. As previously described, the existing shed is conditioned for removal prior to the recordation of the final map. Since the existing fence would be significantly non-conforming, approximately 3 feet

instead of 15 feet from property line, staff has also included Condition No. 5 which requires that the fence along Buena Vista Avenue be removed or relocated to a minimum of 15 feet behind the new property line (per the map dedication) prior to the recordation of the final map.

The required street trees in the parkway for Parcel No. Two would be deferred to building permits since they would need to be on the irrigation for the new parcel, which is not present at this time.

**Map Dedications and Street Improvements**

There are existing easements along Burke and Buena Vista which would be dedicated to the City of Visalia along with a corner cut. The existing curb/gutter and sidewalk improvements would remain in their present location. These improvements are identified in Exhibit "A".



**Environmental Review**

A property division resulting in four or fewer parcels is categorically exempt. Therefore, the project is considered Categorical Exempt under Section 15315 (Minor Land Divisions) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2014-62)

## RECOMMENDED FINDINGS

1. That the proposed tentative parcel map is consistent with the policies and intent of the General Plan, Zoning, and Subdivision Ordinances.
2. That the proposed tentative parcel map would be consistent with similar divisions of property in the Low Density Residential designation and R-1-6 zoning.
3. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the project is considered Categorical Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-62).

## RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2014-106.
2. That the site be subdivided in substantial compliance with the tentative parcel map shown in Exhibit "A".
3. That the existing shed on proposed Parcel No. Two be removed prior to the recordation of the final map.
4. That a minimum of three street trees be planted in the parkway along Buena Vista Avenue for Parcel No. One prior to the recordation of the final map.
5. That the fence along Buena Vista for proposed Parcel No. Two be removed or relocated to a minimum of 15 feet behind the new property line (per the map dedication) prior to the recordation of the final map.
6. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
7. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2014-05.

## APPEAL INFORMATION

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

**Attachments:**

- **Related Plans and Policies**
- **Resolution No. 2014-42**
- **Exhibit "A" – Tentative Parcel Map**
- **Site Plan Review Comments**
- **General Plan Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Location Map**

## RELATED PLANS AND POLICIES

### **Section 16.28 Parcel Maps**

#### **16.28.070 Consideration of tentative parcel maps.**

The commission shall review the tentative parcel map and approve, conditionally approve, or disapprove the map within thirty (30) days after the receipt of such map, or at such later date as may be required to concurrently process the appurtenant environmental impact require documents required by state law and local regulations adopted in implementation thereof. (Prior code § 9240)

#### **16.28.080 Appeals.**

If the applicant is dissatisfied with the decision of the planning commission, he may, within ten days after the decision of the planning commission, appeal in writing to the council for a hearing thereon. Such hearing need not be concluded on the day thus set but may be continued. (Prior code § 9245)

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

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

#### **16.04.040 Appeals.**

A. Planning Commission Actions. The subdivider or any interested person adversely affected may appeal any decision, determination or requirement of the planning commission by filing a notice thereof in writing with the city clerk, setting forth in detail the action and the grounds upon which the appeal is based within ten days after the action which is the subject of the appeal. An appeal shall state specifically where it is claimed there was an error or abuse of discretion by the planning commission.

B. Hearing of Appeals. Upon the filing of such an appeal, the city council shall set the matter for hearing. Such hearings shall be held within thirty (30) days after the date of filing the appeal. Within ten days following the conclusion of the hearing, the city council shall render written decision on the appeal. (Prior code § 9015)

### **Chapter 17.12 - R-1 SINGLE-FAMILY RESIDENTIAL ZONE (Excerpts – see ZO for complete text)**

#### **Article 1. General**

#### **17.12.010 Purpose and intent.**

In the R-1 single-family residential zone, the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions which require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use. (Ord. 9717 § 2 (part), 1997: prior code § 7270)

#### **17.12.020 Permitted uses.**

In the R-1 single-family residential zone, permitted uses include:

- A. One-family dwellings;

#### **17.12.030 Accessory uses.**

In the R-1 single-family residential zone, accessory uses include:

- A. Home occupations subject to the provisions of Section 17.32.030;



- B. Accessory buildings subject to the provisions of Section 17.12.100B. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7272)

17.12.040 Conditional uses.

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

- A. Planned unit development subject to the provisions of Chapter 17.26;
- B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
- C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
- D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;

17.12.050 Site area.

In the R-1 single-family residential zone, the minimum site area shall be as follows:

Zone	Permitted or Conditional Use
R-1-6	6,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

- A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

Zone	Interior Lot	Corner Lot
R-1-6	60 feet	70 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

- B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet. (Ord. 9717 § 2 (part), 1997: prior code § 7274)

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site. (Ord. 9717 § 2 (part), 1997: prior code § 7275)

17.12.080 Front yard.

In the R-1 single-family residential zone:

- A. The minimum front yard shall be as follows:

Zone	Minimum Front Yard
R-1-6	25 feet
R-1-12.5	30 feet
R-1-20	35 feet

- B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.
- C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than twenty (20) feet, with an average of twenty-five (25) foot setback. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

**17.12.090 Side yards.**

In the R-1 single-family residential zone:

- A. The minimum side yard shall be five feet in the R-1-6 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet.
- B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.
- C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.
- D. On corner lots, all garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.
- E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.
- F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions. (Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7278)

**17.12.100 Rear yard.**

In the R-1 single-family residential zone, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

- A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.
- B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

**17.12.110 Height of structures.**

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty (30) feet, with the exception of structures specified in Section 17.12100B. (Ord. 9717 § 2 (part), 1997: prior code § 7280)

**17.12.120 Off-street parking.**

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34. (Ord. 9717 § 2 (part), 1997: prior code § 7281)

**17.12.130 Fences, walls and hedges.**

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030. (Ord. 9717 § 2 (part), 1997: prior code § 7282)

RESOLUTION NO 2014-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2014-05, A REQUEST BY ISAAC AND MONICA HULL PROPERTY OWNERS, AND FORESTER – WEBBER AGENT, TO SUBDIVIDE A 25,380 SQ. FT. PARCEL INTO TWO PARCELS IN THE SINGLE FAMILY RESIDENTIAL (R-1-6) ZONE. THE PARCEL IS LOCATED AT 2045 N. BURKE STREET (APN: 091-100-028)

**WHEREAS**, Tentative Parcel Map No. 2014-05 is a request by Isaac and Monica Hull property owners, and Forester – Webber agent, to subdivide a 25,380 sq. ft. parcel into two parcels in the Single Family Residential (R-1-6) zone. The parcel is located at 2045 N. Burke Street (APN: 091-100-028); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on October 13, 2014; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the project is considered Categorically Exempt under Section 15315 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-62).

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

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

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2014-106.
2. That the site be subdivided in substantial compliance with the tentative parcel map shown in Exhibit "A".
3. That the existing shed on proposed Parcel No. Two be removed prior to the recordation of the final map.
4. That a minimum of three street trees be planted in the parkway along Buena Vista Avenue for Parcel No. One prior to the recordation of the final map.
5. That the fence along Buena Vista for proposed Parcel No. Two be removed or relocated to a minimum of 15 feet behind the new property line (per the map dedication) prior to the recordation of the final map.
6. That all applicable federal, state, regional, county and city laws, codes and ordinances be met.
7. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Tentative Parcel Map No. 2014-05.

# TENTATIVE PARCEL MAP

Being a portion of the West half of the Southwest quarter of Sec. 26 T20 S, R28 E, M.D.88A in the City of Veneta, County of Veneta, State of California.

July 2014

**OWNERS:** ISAAC & MONICA MARIE HULL  
1250 N. Santa Fe St.  
Veneta, CA 95982

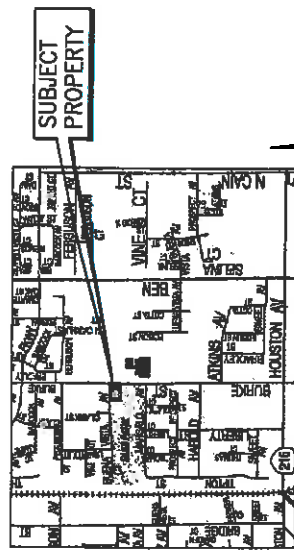
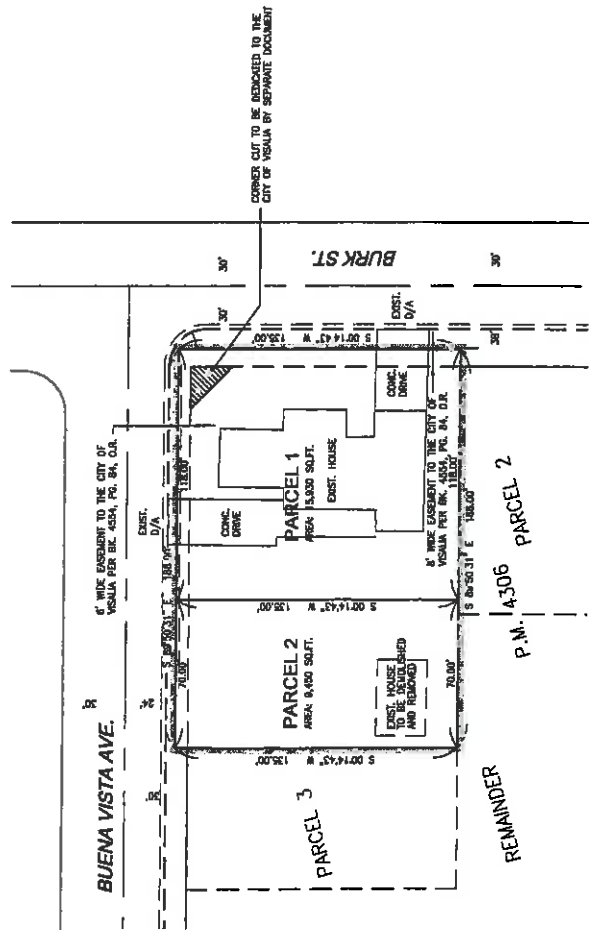
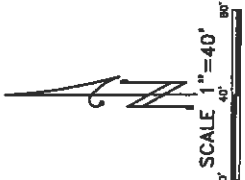
**SURVEYOR:** FORESTER, WEBER & ASSOCIATES, LLC  
1530 W. Memorial King Ave., Suite B  
Veneta, CA 95981  
(530) 735-0100  
e-mail: fred@forester-weber.com

**NOTES:**

EXISTING PROPERTY USE: RESIDENTIAL  
PROPOSED PROPERTY USE: SAME  
S.M.C. CODE: 091-100-02B  
A.P.N.: R-1-5  
ZONING: RESIDENTIAL WATER SERVICE  
SEWERAGE: CITY OF VENETA  
FLOOD ZONE: AE 8FE-3.83A

**ADDITIONAL NOTES:**

SITE PLAN NO. 14-106 REVISE & PROCEED DATE 8-06-2014  
LANDSCAPING W/STREET TREES TO BE INSTALLED IN THE PARKWAY  
ALONG BUENA VISTA AVE. (PARCEL 2 TO BE DEFERRED UNTIL DEVELOPMENT)  
EXISTING RIGHT OF WAY EASEMENTS TO BE DEDICATED IN FEE  
TO THE CITY OF VENETA  
DEVELOPMENT IMPACT FEES FOR PARCEL 2 DUE AT THE TIME OF DEVELOPMENT  
SEWER LATERAL TO PARCEL 2 DEFERRED UNTIL DEVELOPMENT  
DRIVE APPROACH FOR PARCEL 2 DEFERRED UNTIL DEVELOPMENT



Vicinity Map  
NO SCALE

Exhibit "A"



MEETING DATE 8/6/2014  
SITE PLAN NO. 14-106  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.



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

**RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.

- During site plan design/policy concerns were identified, schedule a meeting with
- Planning  Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste  Parks and Recreation  Fire Dept.

**REVISE AND PROCEED** (see below)

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

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

Your plans must be reviewed by:

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

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

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

City of Visalia  
 Building: Site Plan  
 Review Comments

ITEM NO: 4 DATE: August 06, 2014  
 SITE PLAN NO: SPR14106  
 PROJECT TITLE: PARCEL MAP  
 DESCRIPTION: PARCEL MAP TO CREATE 2 PARCELS ON 25,380 SF AREA (R16 ZONED) (X)  
 APPLICANT: FORESTER WEBER & ASSOCIATES  
 PROP OWNER: HULL ISAAC AARON & MONICA MARIE (TRS)  
 LOCATION: 2045 N BURKE ST  
 APN(S): 091-100-028

NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project. Please refer to the applicable California Code & local ordinance for additional requirements.

- A building permit will be required. *For information call (559) 713-4444*
- Submit 5 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans prepared by an architect or engineer. Must comply with 2013 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone \_\_\_\_\_ \*  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$146.40) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- Park Development fee \$ \_\_\_\_\_, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

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

Clay Clark  
 Signature

ITEM NO: 4

DATE: August 06, 2014

SITE PLAN NO: SPR14106  
PROJECT TITLE: PARCEL MAP  
DESCRIPTION: PARCEL MAP TO CREATE 2 PARCELS ON 25,360 SF AREA (R16 ZONED) (X)  
APPLICANT: FORESTER WEBER & ASSOCIATES  
PROP OWNER: HULL ISAAC AARON & MONICA MARIE (TRS)  
LOCATION: 2045 N BURKE ST  
APN(S): 091-100-028



**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*

**The following comments are applicable when checked:**

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

**General:**

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2013 CFC 505.1*
- A Knox Box key lock system is required. Where access to or within a structure or an area is restricted because of secured openings (doors and/or gates) or for fire-fighting purposes, a key box is to be installed in an approved location. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.) *2013 CFC 506.1*
- All hardware on exit doors shall comply with Chapter 10 of the 2013 California Fire Code. This includes all locks, latches, dolt locks, and panic and fire exit hardware.
- Provide Illuminated exit signs and emergency lighting through-out building. *2013 CFC 1011*
- When portion of the building are built upon a property line or in close proximity to another structure the exterior wall shall be constructed as to comply *2013 California Building Code Table 508.4 and Table 602.*



- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2013 CFC 304.3.3*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2013 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

**Water Supply:**

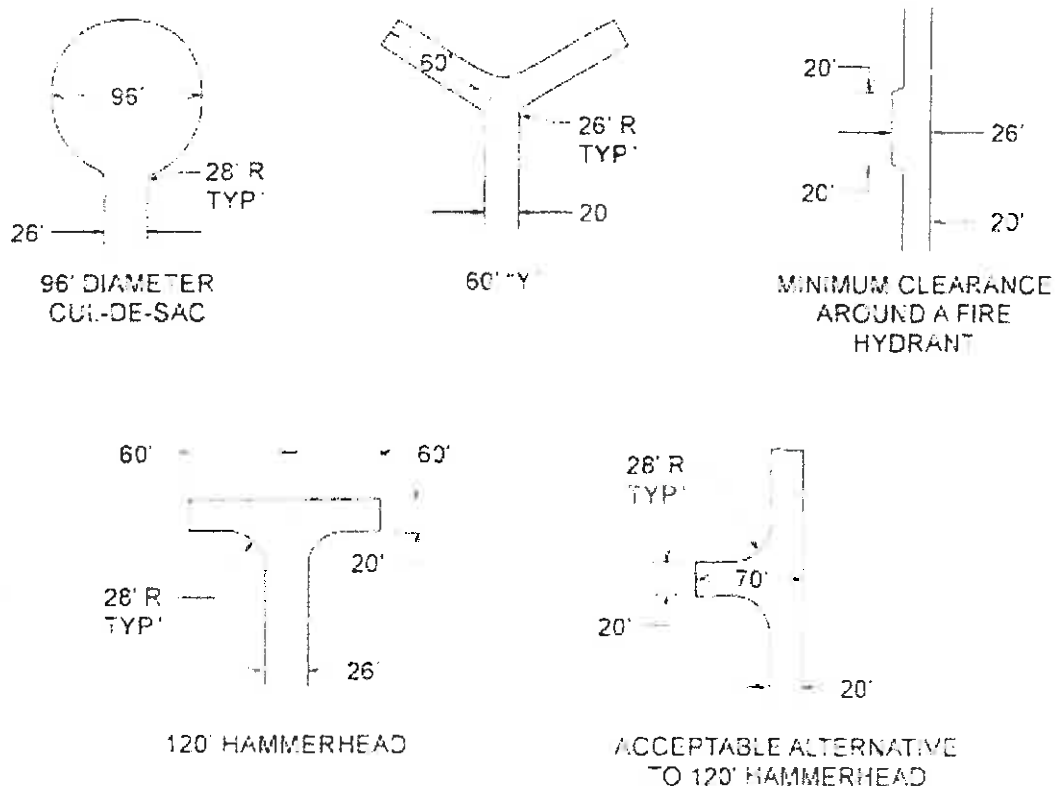
- Construction and demolition sites shall have an approved water supply for fire protection, either temporary or permanent, and shall be made available as soon as combustible material arrives on the site. *2013 CFC 3312*
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- Fire hydrant spacing shall comply with the following requirements:

The exact location of fire hydrants and final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120 & 16.36.120(8)*

  - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
  - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
  - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
  - Commercial or industrial developments shall be provided with fire hydrants every three hundred (300) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
  - Commercial or industrial developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred (500) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
- When any portion of a building is in excess of one hundred fifty (150) feet from a water supply on a public street there shall be provided on site fire hydrants and water mains capable of supplying the required fire flow. *Visalia Municipal Code 16.36.120(6)*

**Emergency Access:**

- A construction access road is required and shall be a minimum of 20 feet wide. The road shall be an all-weather driving surface accessible prior to and during construction. The access road shall be capable of holding 75,000 pound piece of fire apparatus, and shall provide access to within 100 feet of temporary or permanent fire department connections. *2013 CFC 3310*
- Buildings or portions of buildings or facilities with a vertical distance between the grade plans and the highest roof surface exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders. Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. *2013 CFC D105*
- A fire apparatus access roads shall be provide and must comply with the CFC and extend to within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2013 CFC 503.1.1*
- Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Length 151-500 feet shall be a minimum of 20 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC. Length 501-750 feet shall be 26 feet in width and have a 120 foot Hammerhead, 60-foot "Y" or 96-Foot diameter Cul-de-sac in accordance with Figure D103.1 of the 2013 CFC.



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

- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:  
*2013 CFC D103.5*
- Typical chain and lock shall be the type that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system.
  - Gates shall be of the swinging or sliding type.
  - Gates shall allow manual operation by one person. (power outages)
  - Gates shall be maintained in an operative condition at all times.
  - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)
- In any and all new One- or two-family dwellings residential developments regardless of the number of units, street width shall be a minimum of 36 feet from curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

**Fire Protection Systems:**

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

**Special Comments:**



Kurtis A. Brown  
Assistant Fire Marshal

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

ITEM NO: 4                      DATE: August 06, 2014

SITE PLAN NO:                SPR14106

PROJECT TITLE:             PARCEL MAP

DESCRIPTION:                PARCEL MAP TO CREATE 2 PARCELS ON 25,380 SF AREA (R16 ZONED) (X)

APPLICANT:                 FORESTER WEBER & ASSOCIATES

PROP OWNER:                HULL ISAAC AARON & MONICA MARIE (TRS)

LOCATION:                    2045 N BURKE ST

APN(S):                     091-100-028

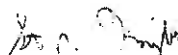
YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

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 – ¼ 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

8-4-14

\_\_\_\_\_  
DATE

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

SITE PLAN NO: SPR14106  
PROJECT TITLE: PARCEL MAP  
DESCRIPTION: PARCEL MAP TO CREATE 2 PARCELS ON 25,380 SF  
AREA (R16 ZONED) (X)  
APPLICANT: FORESTER WEBER & ASSOCIATES  
PROP OWNER: HULL ISAAC AARON & MONICA MARIE (TRS)  
LOCATION: 2045 N BURKE ST  
APN(S): 091-100-028

**COMMERCIAL BIN SERVICE**

- No comments.
- Same comments as as
- Revisions required prior to submitting final plans. See comments below.
- Resubmittal required. See comments below.
- Customer responsible for all cardboard and other bulky recyclables to be broken down  
be fore disposing of in recycle containers.
- ALL refuse enclosures must be R-3 or R-4
- Customer must provide combination or keys for access to locked gates/bins
- Type of refuse service not indicated.
- Location of bin enclosure not acceptable. See comments below.
- Bin enclosure not to city standards double.
- Inadequate number of bins to provide sufficient service. See comments below.
- Drive approach too narrow for refuse trucks access. See comments below.
- Area not adequate for allowing refuse truck turning radius of :  
Commercial ( X ) 50 ft. outside 36 ft. inside; Residential ( ) 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other  
items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards

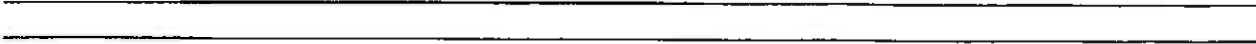


The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.



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



Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

August 5, 2014

ITEM NO: 4  
SITE PLAN NO: SPR14106  
PROJECT TITLE: PARCEL MAP  
DESCRIPTION: PARCEL MAP TO CREATE 2 PARCELS ON 25,380 SF AREA (R16 ZONED) (X)  
APPLICANT: FORESTER WEBER & ASSOCIATES  
PROP. OWNER: HULL ISAAC AARON & MONICA MARIE (TRS)  
LOCATION: 2246 N BURME ST  
APN(S): 091-100-029

**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 Analysis required.

**Additional Comments:**

•

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

**SUBDIVISION & PARCEL MAP  
REQUIREMENTS  
ENGINEERING DIVISION**

Jason Huckleberry 713-4259  
 Adrian Rubalcaba 713-4271

ITEM NO: 4 DATE: AUGUST 6, 2014

SITE PLAN NO.: 14-106  
PROJECT TITLE: PARCEL MAP  
DESCRIPTION: PARCEL MAP TO CREATE 2 PARCELS ON  
25,380 SF AREA (R16 ZONED) (X)  
APPLICANT: FORESTER WEBER & ASSOCIATES  
PROP. OWNER: HULL ISAAC AARON & MONICA MARIE (TRS)  
LOCATION: 2045 N BURKE ST  
APN: 091-100-028

**SITE PLAN REVIEW COMMENTS**

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work;  Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership.  by map  by deed  
**Current easements to be dedicated to the City by map.**
- City Encroachment Permit Required which shall include an approved traffic control plan. **Sewer connection**
- CalTrans Encroachment Permit Required.  CalTrans comments required prior to tentative parcel map approval. CalTrans contacts: David Deel (Planning) 488-4088
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy.  Access required on ditch bank, 12' minimum.  Provide wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site



basin: maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

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

**Additional Comments:**

- 1. Parcels shall have separate sewer laterals installed. The existing residence on Parcel 1 shall be conditioned to connect to City sewer and pay connection fees at time of septic failure or new development. Construction of new sewer lateral to Parcel 2 can be deferred until time of development (Condition to be stated on the map for Parcel 2).***
- 2. Existing easements shall be superseded by new right-of-way dedication on parcel map. Right-of-way dedication shall include corner cut for City standard ramp return (NEC of Parcel 1).***
- 3. Parcel 2 is required to have a separate drive approach, to City standards, at time of development.***
- 4. Existing shed on Parcel 2 will need to be demolished as part of map requirements prior to recordation.***
- 5. Street trees and landscaping is required to be installed in the parkway on Buena Vista. Parcel 1 will be required to complete improvements prior to map recordation. Parcel 2 frontage can be deferred until time of development; condition to be stated on the map.***
- 6. Development impact fees are due at time of development on Parcel 2; to be stated on map.***
- 7. Engineering conditions will need to be shown with on Tentative Parcel Map filing.***

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 14-106  
Date: 8/6/2014

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

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

(Fee Schedule Date:7/1/2014)  
(Project type for fee rates:R16)

Existing uses may qualify for credits on Development Impact Fees.

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$683.20/UNIT, TREATMENT PLANT FEE: \$677.50/UNIT
<input checked="" type="checkbox"/> Sewer Front Foot Fee	\$37.04/LF X 60 = \$2,222.40/UNIT
<input checked="" type="checkbox"/> Storm Drainage Acquisition Fee	
<input checked="" type="checkbox"/> Park Acquisition Fee	
<input type="checkbox"/> Northeast Acquisition Fee Total	
Storm Drainage	
Block Walls	
Parkway Landscaping	
Bike Paths	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	

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

**City Reimbursement:**

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



Adrian Rubalcaba

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: August 6, 2014

SITE PLAN NO: 2014-106  
PROJECT TITLE: PARCEL MAP  
DESCRIPTION: PARCEL MAP TO CREATE 2 PARCELS ON 25,380 SF AREA (R16 ZONED) (X)  
APPLICANT: FORESTER WEBER & ASSOCIATES  
PROP. OWNER: HULL ISAAC AARON & MONICA MARIE (TRS)  
LOCATION TITLE: 2045 N BURKE ST  
APN TITLE: 091-100-028

General Plan: RLD – Residential Low Density  
Existing Zoning: R-16 – Single-Family Residential 6,000 sq. ft. min. site area

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Tentative Parcel Map
- Additional Information as needed

## **PROJECT SPECIFIC INFORMATION: 08/06/2014**

1. A tentative parcel map is required for the proposed subdivision.
2. The accessory structure on Parcel 2 shall be removed prior to recordation of the parcel map.
3. A Demolition Permit is required for the removal of the accessory structure. Contact the Building Division regarding the demolition permit process.
4. Parcel 1 is required to install street trees in the park strip adjacent to Buena Vista prior to Final Map recordation. Street trees for Parcel 2 shall be installed at the time of development for Parcel 2.
5. Parcels 1 and 2 shall comply with the R-1-6 Development Standards.

## CITY GENERAL PLAN CONSISTENCY

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

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

### Maximum Building Height: 35 Feet

### Minimum Setbacks:

	<b>Building</b>	<b>Landscaping</b>
➤ Front	15 Feet	15 Feet
➤ Front Garage (garage w/door to street)	22 Feet	22 Feet
➤ Side	5 Feet	5 Feet
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet*	25 Feet

Minimum Site Area: 6,000 square feet

**Accessory Structures:**


Maximum Height: 12 feet (as measured from average grade next to the structure)

Maximum Coverage: 20% of required Rear Yard (last 25 feet by the width)

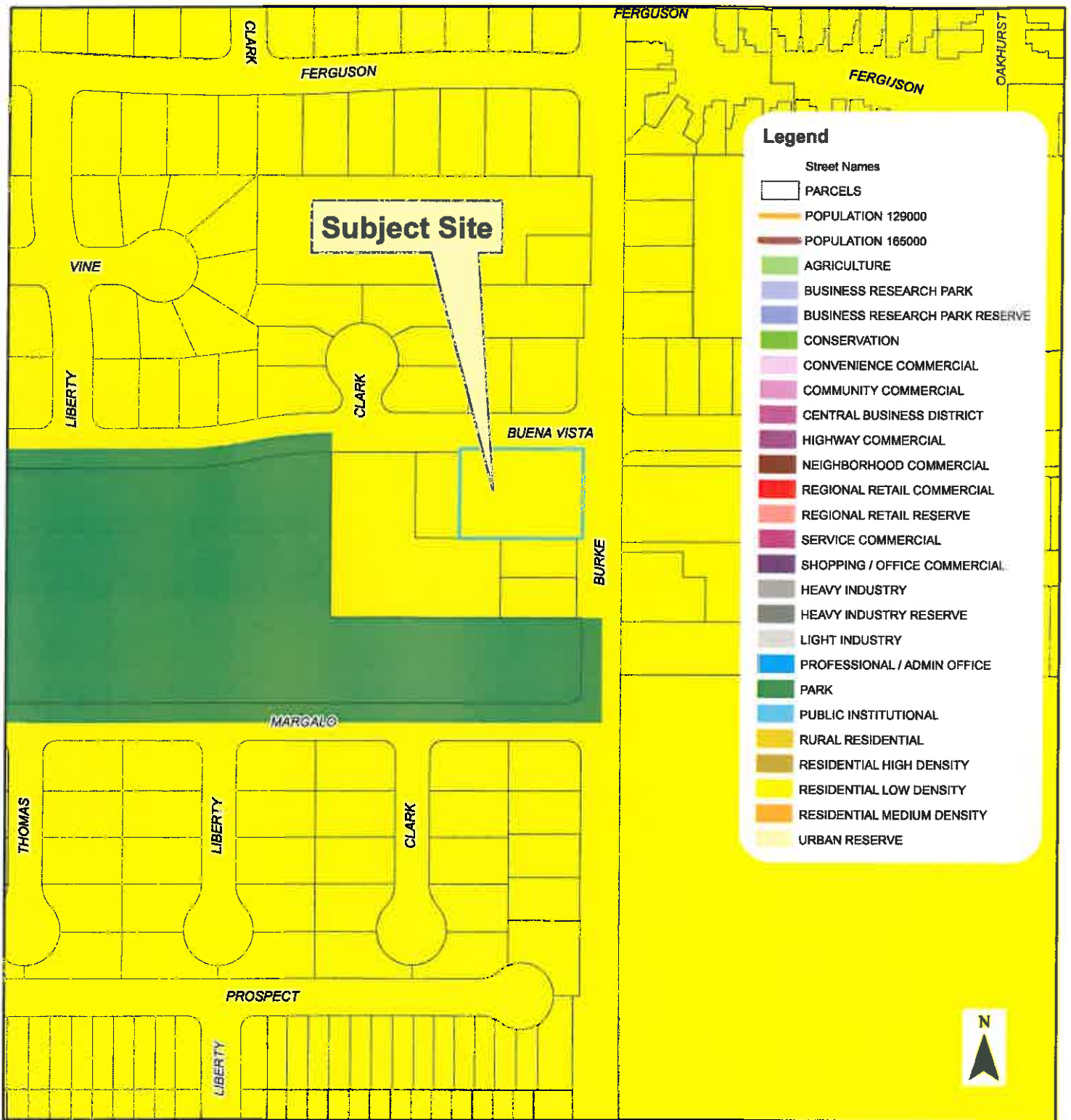
Reverse Corner Lots: No structure in the 25 feet of adjacent lot's front yard area, see Zoning Ordinance Section 17.12.100 for complete standards and requirements.

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

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

Signature  \_\_\_\_\_

# City of Visalia

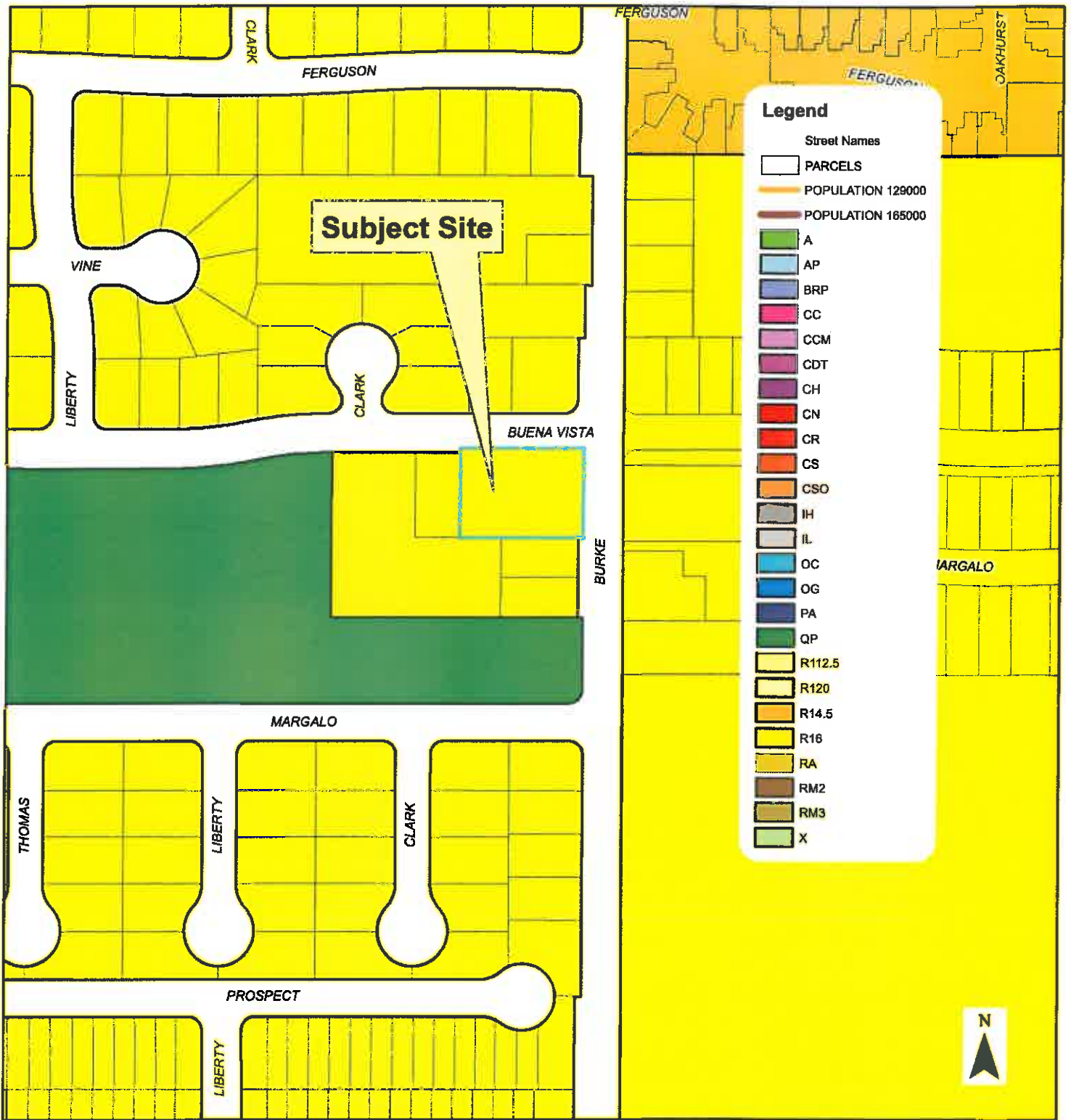


## Land Use Designations

0 45 90 180 270 360 Feet

TPM No. 2014-05

# City of Visalia



## Zoning Designations

0 45 90 180 270 360 Feet

TPM No. 2014-05

# City of Visalia

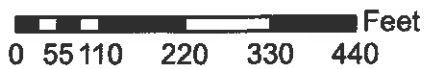
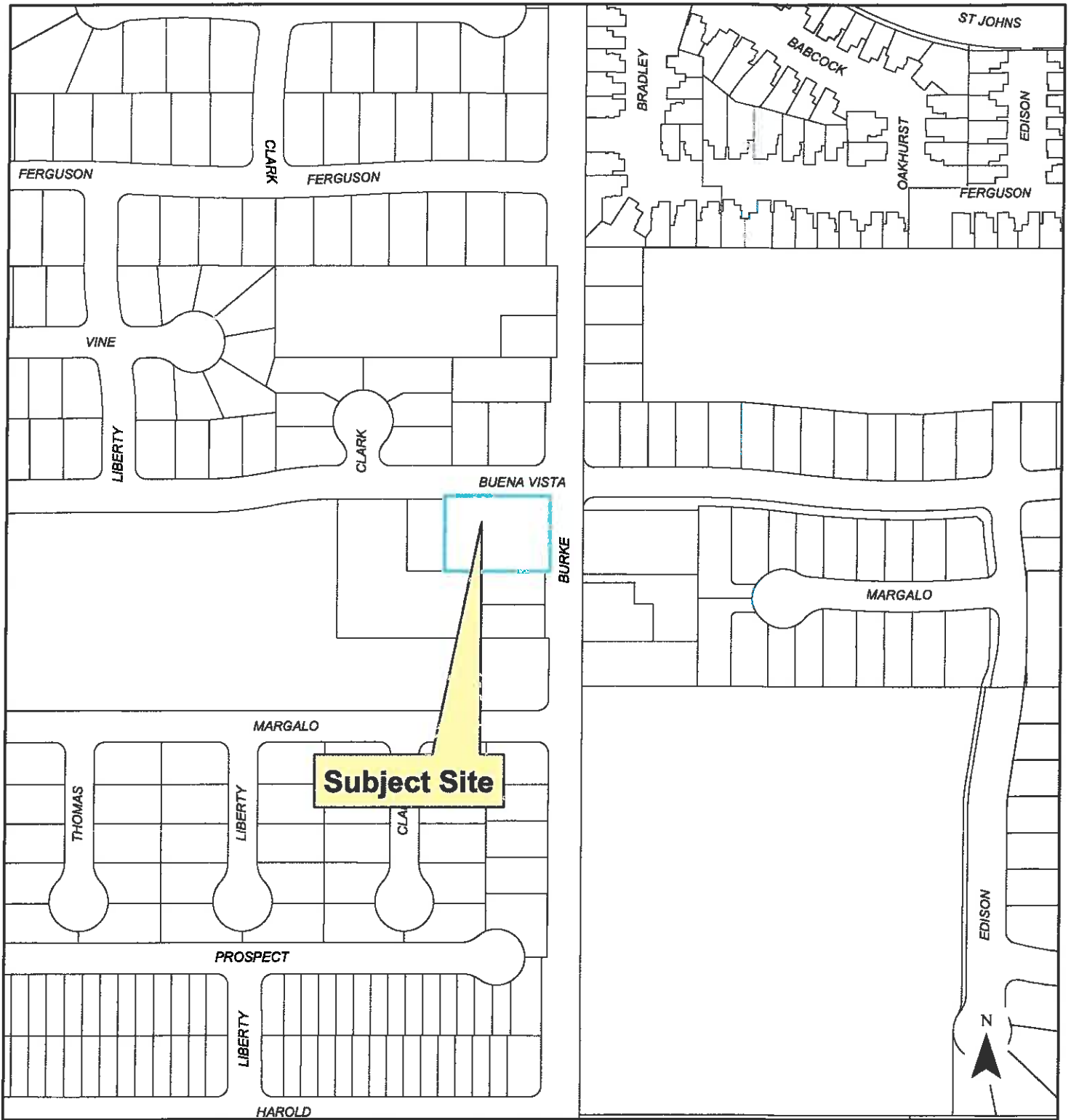


## Aerial Photo

0 5 10 20 30 40 Feet

TPM No. 2014-05

# City of Visalia



## Location Map

TPM No. 2014-05





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** October 13, 2014

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

**SUBJECT:** Appeal of Condition No. 8 of Temporary Conditional Use Permit No. 2014-78, restricting the operation of cannon in association with an approved haunted house. Appellant: Rollin George. The site is zoned C-SO (Shopping / Office Commercial) and is located at 6420 S. Mooney Boulevard. (APN: 126-340-008)

## STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

- Uphold the conditions imposed by Temporary Conditional Use Permit No. 2014-78 and deny the Appeal.

## RECOMMENDED MOTION

I move to adopt Resolution No. 2014-47 denying the Appeal and upholding the conditions imposed by Temporary Conditional Use Permit No. 2014-78, based on the findings in Resolution No. 2014-47.

## PROJECT DESCRIPTION

The appellant, Rollin George, is appealing a condition related to the use of a cannon within a Temporary Conditional Use Permit administratively approved by the Planning Division for a haunted house.

The appellant seeks to operate a cannon at one-hour intervals on Fridays and Saturdays from October 10 to November 1 (eight days total) between the hours of 6:00 p.m. and 9:00 p.m. (see operation statement within the approved TCUP, Exhibit "A"). The Planning Division in past years has approved TCUP applications for a haunted house at the location, including the use of a cannon at the intervals specified. For at least the last two years, the City has received numerous calls and/or complaints from nearby residents and persons upon hearing the blast of the cannon. Based on these complaints and the proximity of residential uses (which are identified by the Noise Ordinance as a noise sensitive land use), the City placed limitations on the cannon's operation as specified in Condition No. 8 of Temporary Conditional Use Permit No. 2014-78 approved on October 6, 2014. Condition No. 8 reads as follows:

8. Based on the proximity of noise sensitive land uses, the cannon addressed in the attached operation statement shall only be operated if the applicant can demonstrate in writing that either one of the following conditions have been met:

- The cannon does not exceed the exterior noise standards for a fixed noise source as measured at the property line of a developed residential site. (70 dB before 7 p.m., 65 dB after 7 p.m. Refer to Visalia Municipal Code Section 8.36.040 for full noise standards.)
- Residents in every housing unit inside the Mooney Grove Manufactured Home Community (26814 S. Mooney Boulevard) have signed and consented to use of the cannon at specified hours on a City of Visalia Special Event Petition Good Neighbor Policy form.

On October 8, 2014, the appellant filed a letter with the City of Visalia requesting reconsideration of the condition regarding use of the cannon (see Exhibit "B"). The letter challenges the restrictions based on several points, including longevity of the haunted house event with use of a cannon, impacts on other special events, interpretation of the Noise Ordinance, and proximity to residential uses. The same day, the City Planner issued a letter which responded to the points and denied the request (see attached letter from City Planner, Exhibit "C"). On October 9, 2014, a written request to appeal the City Planner's decision was filed by the appellant (see Exhibit "D").

The Planning Division's approval for the temporary use of the haunted house would stand, notwithstanding Planning Commission's final determination regarding the cannon. The City's Municipal Code does not restrict the use of a cannon within the City limits, although the sound of the blast would be subject to the provisions of the City's Noise Ordinance.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Shopping Office Commercial
Zoning:	C-SO (Shopping Office Commercial)
Surrounding Land Use and Zoning:	North: C-SO – The Works Center / offices East: County – Calvary Chapel church South: C-SO – Milan Institute Beauty School West: County – Pumpkin patch / corn maze, residences
Environmental Review:	Ministerial Exempt
Special Districts:	Design District "A"
Site Plan:	N/A

### RELATED PROJECTS

None.

## PROJECT EVALUATION

Staff recommendation of upholding the TCUP approval as conditioned is based on land use compatibility with surrounding uses and enforcement of the City's Noise Ordinance.

As described above, the operation of the cannon in association with past years' events has resulted in at least four complaints on file with the Police Department in the last two years and verbal complaints received by Planning Staff.

The Noise Ordinance contains noise level standards that are applicable when measured at the property line of a noise sensitive land use such as residences (Section 8.36.050) and that are applicable inside a dwelling unit (Section 8.36.060). Condition No. 8 imposed by the Planning Division will ensure that the temporary use would operate in compliance with noise standards and the objectives of the Noise Ordinance.

Staff has determined that the closest residences under City jurisdiction most affected by the temporary event use are located approximately 900 feet north of the site of the haunted house.

## RECOMMENDED FINDINGS

1. That the proposed Temporary Conditional Use Permit No. 2014-78 without Condition No. 8 will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2014-78 without Condition No. 8 is not consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will not be consistent with the required findings of the Zoning Ordinance Section 17.38.110:
  - a) The proposed location of the temporary conditional use without Condition No. 8 is not in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Special events are temporarily permitted in the C-SO Zone in accordance with Line 61 of the Zoning Matrix of Allowed Uses, and the use of a haunted house at this location is and has been demonstrated in prior years to be a compatible use at this location. However, the use of a cannon which exceeds noise standards established for exterior noise standards and residential interior noise standards is not considered to be a vital component of the haunted house and is not justified in association with the use of the haunted house.
  - b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained, without Condition No. 8, are detrimental to the public health, safety, or welfare, and materially injurious to properties or improvements in the vicinity. Pursuant to the City's General Plan Noise Element and the Noise Ordinance and absent written evidence to the contrary, use of the cannon will exceed noise standards established for exterior noise standards and residential interior noise standards. This has been upheld by calls for service and complaints on file for the sound of the cannon blast on previous occasions with the haunted house.

## APPEAL INFORMATION

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

### Attachments:

- Related Plans and Polices (Noise Ordinance & TCUPs)
- Resolution
- Exhibit "A" – TCUP No. 2014-78
- Exhibit "B" – Applicant's Letter Protesting Restrictions Toward Cannon
- Exhibit "C" – Letter from City Planner dated October 8, 2014
- Exhibit "D" – Appeal Letter
- Aerial Map

## Related Plans & Policies

### Chapter 8.36 Noise

#### **8.36.010 Purpose.**

A. The city council of the city declares and finds that excessive levels of noise are detrimental to the public health, welfare and safety and are contrary to the public interest as follows:

1. By interfering with sleep, communication, relaxation and the full use of one's property;
  2. By interfering with noise sensitive land uses;
  3. By contributing to hearing impairment and a wide range of adverse physiological stress conditions;
- and
4. By adversely affecting the value of real property.

B. It is the intent of this chapter to protect persons from excessive levels of noise within or near noise sensitive land uses such as residences, schools, churches, hospitals or public libraries, or other uses as may be determined by the city council of the city. (Prior code § 5090.1)

#### **8.36.020 Definitions.**

The following words, phrases and terms as used in this chapter shall have the following meanings:

"Abutting" means physically adjacent to or coterminous with or separated by means of an alley or a private street less than thirty (30) feet in width.

"Ambient noise level" means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.

"A weighted sound level" means the sound level in decibels as measured with a sound level meter using the A:P weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dB(A).

"Construction" means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

"Cumulative period" means an additive period of time composed of individual time segments which may be continuous or interrupted.

"Decibel" means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

"Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

"Fixed noise source" means a device, machine or combination thereof which creates sounds which is affixed or installed on real property, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

"Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including rest homes and nursing homes.

"Impulsive noise" means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

"Intruding noise level" means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

"Mobile noise source" means any source other than a fixed noise source.

"Noise disturbance" means any sound which violates the standards set forth in this chapter.

"Noise sensitive land use" means residential uses, churches, hospitals, schools, public library, or other such uses which are identified in the noise element of the general plan.

"Pure tone noise" means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purpose of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band which the tone exceeds the arithmetic average of the sound pressure levels of the two continuous one-third octave bands by five dB for center frequencies of five hundred (500) Hz

and above and by eight dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for frequencies less than or equal to one hundred twenty-five (125) Hz.

“Residential property” means a parcel of real property which is zoned in whole or in part of residential purposes.

“School” means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

“Sound level meter” means an instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. (Prior code § 5090.2)

**8.36.030 Noise measurement criteria.**

A. Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the “A” weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) reference calibration levels shall be performed immediately prior to recording noise level data.

B. Exterior noise levels shall be measured within fifty (50) feet of the affected residence, school, hospital, church or public library. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

C. Interior noise levels shall be measured within the affected dwelling unit, at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the normal seasonal configuration. Reported interior noise levels shall be determined by taking the arithmetic average of the readings taken at the various microphone locations. (Prior code § 5090.3)

**8.36.040 Exterior noise standards--Fixed noise sources.**

A. It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level, when measured at the property line of any affected noise sensitive land use, to exceed any of the categorical noise level standards as set forth in the following table:

**NOISE LEVEL STANDARDS, dBA**

Category	Cumulative Number of minutes in any one-hour time period	Evening and Daytime 6 a.m. to 7 p.m.	Nighttime 7 p.m. to 6 a.m.
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards. (Prior code § 5090.4.1)

**8.36.050 Exterior noise standards--Mobile noise sources prohibition against use.**

It is unlawful to operate any of the below-listed devices, appliances, equipment or vehicles on public or private property abutting noise sensitive land uses between the weekday hours of seven p.m. and six a.m., and between the weekend hours of seven p.m. and nine a.m.

A. Power-assisted leaf blowers, lawn mowers, edgers or other power equipment used for the maintenance of property;

B. Vehicle equipment, which equipment is not expressly regulated by state or federal statute, such as car radios or sound amplification equipment which is audible more than twenty-five (25) feet from the exterior of the vehicle;

C. Construction equipment including jackhammers, portable generators, pneumatic equipment, trenchers, or other such equipment, except for emergency repair purposes as provided in Section 8.36.070;

D. Any other noises made by crying, shouting, or by means of whistle, rattle, bell, gong whether or not for the purpose of advertising or other such purposes. (Prior code § 5090.4.2)

### **8.36.060 Residential interior noise standards.**

A. It is unlawful for any person, at any location within the city, to operate or cause to be operated, any source of sound or to allow the creation of any noise which causes the noise level when measured inside a dwelling unit to exceed any of the categorized noise level standards as set forth in the following table:

#### **NOISE LEVEL STANDARDS, dBA**

<b>Category</b>	<b>Cumulative Number of minutes in any one-hour time period</b>	<b>Evening and Daytime 6 a.m. to 7 p.m.</b>	<b>Nighttime 7 p.m. to 6 a.m.</b>
1	5	45	35
2	1	50	40
3	0	55	45

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or four recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

E. If the source of noise is of an impulse or voluntary nature such as shouting, loud conversation, playing or operation of audio and video equipment and is audible in a dwelling unit, the noise level in the above table shall conclusively be determined to be exceeded. (Prior code § 5090.6)

### **8.36.070 Noise source exemptions.**

The following activities shall be exempted from the provisions of this chapter:

A. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events during normal hours of instruction;

B. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work;

C. Noise sources associated with the infrequent, occasional and unusual maintenance of residential property provided such activities take place between the hours of six a.m. and nine p.m. on any day except Saturday or Sunday, or between the hours of eight a.m. and nine p.m. on Saturday or Sunday;

D. Noise sources associated with a lawful commercial or industrial activity caused by installed mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter; that this exception shall expire twelve months after the effective date of the chapter. This exception shall not apply to such mechanical devices which are not in good repair;

E. Noise sources associated with the collection of waste or garbage from commercially zoned or industrially zoned property by the city or its authorized franchisee;

F. Any activity to the extent regulation thereof has been preempted by state or federal law;

G. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, where the intruding noise source when measured as provided in Section 8.36.030 is an existing residential air conditioning or refrigeration system or associated equipment, the exterior noise level at the property line shall not exceed fifty-five (55) dBA. For residential air conditioning or refrigeration systems or associated equipment installed after the effective date of this chapter, the exterior noise level at the property line when measured as provided in Section 8.36.030 shall not exceed fifty (50) dBA;

H. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, the collection of waste or garbage from residentially zoned property or from persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before six a.m. or after seven p.m. The noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standard:

1. Eighty-five (85) dBA for equipment in use, purchased or leased prior to the effective date of this chapter,

2. Eighty (80) dBA for new equipment purchased or leased after the effective date of this chapter;

I. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dBA when measured as provided in Section 8.36.030. (Prior code § 5090.6)

#### **8.36.080 Warning signs in places of public entertainment.**

It is unlawful for any person to permit the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound for public entertainment within a building or structure wherein the noise level exceeds ninety-five (95) dBA as determined using the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT." (Prior code § 5090.7)

#### **8.36.090 Variances.**

A. The owner or operator of a noise source for which it has been determined violates any of the provisions of this chapter may file an application for variance from strict compliance with any particular provisions of this chapter where such variance will not result in a hazardous condition or a nuisance and strict compliance would be unreasonable in view of all the circumstances. The owner or operator shall set forth all actions taken to comply with such provisions, and the reasons why immediate compliance cannot be achieved. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or fixed sources under common ownership on a single property may be combined into one application.

B. Upon receipt of the application and within thirty (30) days, the community development director shall either: (1) approve such request in whole or in part; (2) deny the request; or (3) refer the request directly to the city council for action thereon in accordance with the provisions of this chapter. In the event the variance is approved, reasonable conditions may be imposed which may include restrictions on noise level, noise duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation. The decision of the community development director is subject to appeal to the city council upon recommendation of the planning commission by filing a written appeal not later than fifteen (15) days following the mailing of the decision to the applicant.

C. Factors which the community development director or city council must consider shall include but not be limited to the following:

1. Uses of property within the area affected by the noise;

2. Factors related to initiating and completing all remedial work;

3. Age and useful life of the existing noise source;

4. The general public interest, welfare and safety.

D. The city council may grant variances from provisions of this chapter subject to such term, conditions and requirement as may be deemed reasonable to achieve compliance with the provisions and intent of this chapter.

E. A fee may be charged to recover the actual costs in processing such variances.

F. The approved noise ordinance variance must be in the possession of any operator of mobile noise sources during otherwise prohibited by the provisions of this chapter. An approved noise ordinance variance shall also be in the possession of a fixed noise source which would otherwise violate the provisions of this chapter. Failure to have the variance in the possession of the operator or property occupant when the provisions of this chapter are violated, as indicated above, shall constitute a violation of this chapter, enforceable as provided in Section 8.36.100. (Prior code § 5090.8)

#### **8.36.100 Violation--Enforcement.**

A. The violation of any of the provisions of this chapter shall be a misdemeanor punishable as provided in Section 1.12.010. Each hour of activity which violated the provisions herein shall constitute a sole and separate violation. The provisions of this chapter may also be enforced by an injunction issued out of the court of jurisdiction. Any violation of the provisions of this chapter shall be deemed to be a public nuisance.

B. The community development director, or a designee, shall be responsible for the enforcement of Section 8.36.040 and Section 8.36.060(A) through (D) inclusive. The chief of police shall be responsible for the enforcement of Sections 8.36.050 and 8.36.060(E). (Prior code § 5090.9)

#### **8.36.110 Emergency equipment.**

The provisions of this chapter shall have no application to the sounding of a siren or the making of other usual signal or signals by any police or other peace officers in the performance of their duties, nor to the sounding of any siren or the making of any other usual signal upon any ambulance or firefighting equipment in the usual and customary manner. (Prior code § 5091)

### **Chapter 17.38 Conditional Use Permits**

#### **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).

RESOLUTION NO. 2014-47

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA DENYING THE APPEAL AND UPHOLDING THE CONDITIONS IMPOSED BY TEMPORARY CONDITIONAL USE PERMIT NO. 2014-78 PERTAINING TO A REQUEST FOR A HAUNTED HOUSE AND OPERATION OF A CANNON. APPELLANT: ROLLIN GEORGE. THE SITE IS ZONED C-SO (SHOPPING / OFFICE COMMERCIAL) AND IS LOCATED AT 6420 S. MOONEY BOULEVARD. (APN: 126-340-008)

**WHEREAS**, on September 25, 2014, Temporary Conditional Use Permit (TCUP) No. 2014-78 was filed with the City of Visalia; and

**WHEREAS**, Temporary Conditional Use Permit No. 2014-78 is a request by Rollin George to allow a haunted house and use of a cannon. The site is zoned C-SO (Shopping / Office Commercial) and is located at 6420 S. Mooney Boulevard. (APN: 126-340-008); and

**WHEREAS**, on October 6, 2014, the Planning Division approved Temporary Conditional Use Permit No. 2014-78 as conditioned, including Condition No. 8 which placed restrictions on the use of a cannon as requested by the applicant; and

**WHEREAS**, on October 8, 2014, the appellant filed a letter with the City of Visalia requesting reconsideration of Condition No. 8 of TCUP No. 2014-78 regarding use of the cannon; and

**WHEREAS**, on October 8, 2014, the City Planner of the City of Visalia issued a letter which responded to the points described in the appellant's letter and denied the reconsideration; and

**WHEREAS**, on October 9, 2014, Rollin George, applicant, appealed the determination of the City Planner on October 8, 2014 to uphold the conditions of TCUP No. 2014-78; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Temporary Conditional Use Permit is not consistent with the City of Visalia General Plan goals, objectives, and policies and Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report; 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:

1. That the proposed Temporary Conditional Use Permit No. 2014-78 without Condition No. 8 will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed Temporary Conditional Use Permit No. 2014-78 without Condition No. 8 is not consistent with the policies and intent of the General Plan and the Zoning Ordinance. Specifically, the project will not be consistent with the required findings of the Zoning Ordinance Section 17.38.110:
  - a) The proposed location of the temporary conditional use without Condition No. 8 is not in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. Special events are temporarily permitted in the C-SO Zone in accordance with Line 61 of the Zoning Matrix of Allowed Uses, and the use of a haunted house at this location is and has been demonstrated in prior years to be a compatible use at this location. However, the use of a cannon which exceeds noise standards established for exterior noise standards and residential interior noise standards is not considered to be a vital component of the haunted house and is not justified in association with the use of the haunted house.
  - b) The proposed location of the temporary conditional use and the conditions under which it would be operated or maintained, without Condition No. 8, are detrimental to the public health, safety, or welfare, and materially injurious to properties or improvements in the vicinity. Pursuant to the City's General Plan Noise Element and the Noise Ordinance and absent written evidence to the contrary, use of the cannon will exceed noise standards established for exterior noise standards and residential interior noise standards. This has been upheld by calls for service and complaints on file for the sound of the cannon blast on previous occasions with the haunted house.

**BE IT FURTHER RESOLVED** that the Planning Commission denies the appeal of the City Planner's upholding of the conditions of Temporary Conditional Use Permit No. 2014-78 on the real property described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia.

City of Visalia

**PLANNING DIVISION**



**Temporary Conditional Use Permit No. 2014-78  
COMMENTS & CONDITIONS  
Haunted House (The Haunted Doom)  
(Rollin George, applicant. Phone No.: 737-1848)**

STAFF: Brandon Smith, Senior Planner  
DATE: October 6, 2014

<b>ACTIVITY:</b>	Haunted House (Rollin George, applicant)
<b>LOCATION:</b>	6420 S. Mooney Boulevard (APN: 126-340-008)
<b>DATE:</b>	October 10 to November 2, 2014
<b>EVENT TIME:</b>	6:30 pm to 9:00 pm (Mon – Thurs), 6:30 pm to 11:00 pm (Fri & Sat)
<b>CURRENT STATUS:</b>	Approved with Conditions and Site Plan
<b>REQ. INSPECTIONS:</b>	See Conditions No. 1 & 2 below

**Inspections, Licenses, and Permits**

1. Fire Department inspection and approval is required prior to start of this temporary use.  
Please contact Kurtis Brown at 713-4261 at least 72 hours prior to the event to make arrangements.
2. A building inspection is required for generators and/or tents used in conjunction with this event.  
Please contact Building Inspections at 713-4452 at least 72 hours prior to the event to make arrangements.
3. All required licenses and permits shall be obtained from the Police, Fire, Building, Business Tax, and/or Health Departments. Proper permits and/or licenses must be obtained for operation of food booths.

**Operations**

4. Haunted House shall be operated in accordance with Site Plan Review No. 09-113, and in accordance with the site plan, floor plan, and operational statement attached to this permit.
5. Comply with all local, County, regional, State and Federal laws, codes, ordinances, policies, standards, regulations, and requirements.
6. No excessive amplified music outside of enclosed buildings is permitted due to the proximity of existing residential neighborhood(s).
7. Hours of operation for all activities are to be no later than 9:00 p.m. excepting on Friday and Saturday nights and on the last five days of the event hours of operation for all activities are to be no later than 11:00 p.m.
8. Based on the proximity of noise sensitive land uses, the cannon addressed in the attached operation statement shall only be operated if the applicant can demonstrate in writing that either one of the following conditions have been met:
  - The cannon does not exceed the exterior noise standards for a fixed noise source as measured at the property line of a developed residential site. (70 dB before 7 p.m., 65 dB after 7 p.m. Refer to Visalia Municipal Code Section 8.36.040 for full noise standards.)
  - Residents in every housing unit inside the Mooney Grove Manufactured Home Community (26814 S. Mooney Boulevard) have signed and consented to use of the cannon at specified hours on a City of Visalia Special Event Petition Good Neighbor Policy form.
9. If the applicant demonstrates compliance with Condition #8, the use of the cannon shall comply with the following conditions:

Exhibit "A"

## City of Visalia

- Hours of operation for the outdoor cannon are restricted to Friday and Saturday nights and October 31 no later than 9pm, and no more frequent than one shot per hour.
  - Gunpowder or related propellants shall be stored in a mobile or off-site location. There shall be only enough gunpowder exposed for one shot at a time. Gunpowder for a subsequent shot shall be stored in a fire-safe ready box.
  - The location and aim of the cannon shall be identified on the site plan.
10. A temporary banner is authorized to face Mooney Boulevard for the duration of the event.
  11. No searchlights for this event are permitted on/near site, or in the public right-of-way.
  12. A contact name and phone number (mobile phone) shall be provided to the Police Department Watch Commander and Fire Department at least three days prior to the event and shall be accessible for the duration of the concert and post event teardown. The number is: **Rollin George: phone – 737-1848**

### Parking and Access

13. Provide adequate, and clearly designated, parking areas and supervision.
14. The access points to the haunted house and business center must be maintained, clear, and unobstructed to allow emergency vehicle access at all times. In the parking lots, turn-arounds to the next row are required so that at no time shall vehicles have to back down an aisle to exit the aisle.  
**NOTE:** The event-designated fire lanes shall be maintained completely clear and unobstructed at all times throughout the whole duration of the event activity.
15. No activity, including parking, is allowed within 150 feet of the adjacent residential areas. The haunted house operator is responsible for keeping this distance clear of public and event personnel.
16. A 20-foot distance must be kept between public improvements along the Mooney Blvd. frontage and the haunted house area.

### Landscape

17. The landscape areas and sidewalks along public right-of-ways are to be kept clear of any obstacles or equipment at all times of event duration.
18. Both the event site and any public areas must be kept clean of trash and debris. The applicant is responsible for the proper disposal of all litter from the event which may end up in public areas, the public right-of-way, and/or on adjacent properties on a daily basis.
19. No signs may be placed in the public right-of-way along and/or adjacent to Mooney Blvd.

A copy of this permit has been referred to the Police, Fire, and Building Departments.

**NOTE:** Issuance of this permit does not relieve the applicant of any other responsibilities for permitting and compliance with established rules and regulations, nor does it necessarily provide approvals for any activity which is not specifically listed upon and discussed in the application as submitted by the applicant.

If you have any questions regarding these comments, please feel free to contact me.  
City Hall East, 315 E. Acequia Ave, Visalia CA, 93291 (559) 713-4359, Fax # (559) 713-4814.

  
\_\_\_\_\_  
Approved Planning Division  
Brandon Smith, Senior Planner

\_\_\_\_\_  
October 6, 2014  
Date

A copy of this permit must be kept on-site and maintained for the purpose to be provided upon by demand for the duration of this event.

#### Attachments:

- 1) Temporary Conditional Use Permit Application
- 2) Agency Authorization
- 3) Operational Statement
- 4) Site Plan
- 5) Haunted House Floor Plan



TCUP NO 2014-70

APPLICATION FOR TEMPORARY CONDITIONAL USE PERMIT

- 1. Name of Applicant (s): Rollin George Phone: 737-1840
- 2. Applicant is the  Agent of the property owner  Owner

Note: If the applicant is not the current owner (e.g., property is in escrow), an agency authorization from the current owner is required.

- 3. Name of all owners, partners, proprietors, principals, etc.: John George - Peggy (Margaret Petersen)

4. Address of Property: 6420 S. MOONEY BLVD

5. Assessors Parcel No.: 1210-340-008

6. Location of Property: MOONEY BLVD Street, between 264 & 272 and \_\_\_\_\_

7. Legal Description of Property: RESIDENTIAL COMMERCIAL

8. Existing Zoning of Property: \_\_\_\_\_

9. REQUEST: The applicant requests a Conditional Use Permit to use the above described property for the following purposes: HAUNTED HOUSE  
MONTH OF OCT. 2014

10. Operational Statement: Attach a written narrative outlining the proposed operation including days and hours of operation, number of employees, and any other pertinent information regarding your use that will assist in evaluation of your request.

11. Plans and Drawings: Attach sketches or drawings to clearly show proposal.

12. STATEMENT:

I, Rollin George declare under penalty of perjury, that I have completed this application and all other documents to the best of my ability, and all statements and documents are true and correct to the best of my knowledge. I also declare under penalty of perjury that I am the legal owner, lessee or authorized agent of the property involved in this application.

Dated 10-27-14

Signed [Signature]

3520 S. OAK PARK CT  
Address 115

Visalia, CA 93277  
City and Zip Code



Pursuant to Zoning Ordinance Section 17.36.070, the City Planner, may refer this application to the Planning Commission for consideration, which will generate additional fees and time to process the application.

**AGENCY AUTHORIZATION**

**OWNER:**

I, Margaret E. Peterman (Owners Name) care as follows:

I am the owner of certain real property bearing assessor's parcel number (APN):

6420 S. Mooney 126-340-008

**AGENT:**

I designate Rollin George (Agent's Name) (Please type or print) to act as my duly authorized

agent for all purposes necessary to file an application for, and obtain a permit to

ICVP FOR HAUNTED HOUSE - Oct 1-31, 2014 (Action Sought)

relative to the property mentioned herein.

I declare under penalty of perjury the foregoing is true and correct.

Executed this Sept day of 24, 20 14.

<b>OWNER</b> <u>Margaret E. Peterman</u> (Signature of Owner)	<b>AGENT</b> <u>Rollin George</u> (Signature of Agent)
<u>21296 Rd 140</u> (Owner Mailing Address)	<u>3920 S. Oak Park Ct</u> (Agent Mailing Address)
<u>Visalia, Ca. 93278</u>	<u>Visalia, Ca. 93277</u>
<u>732 8502</u> (Owner Telephone)	<u>559 627 5353</u> (Agent Telephone)

**APPROVED:**  
CITY OF VISALIA

By: [Signature]  
(Signature)

Date: 10/3/14

\*NOTE: OWNER'S SIGNATURE MUST BE NOTARIZED. Attach acknowledgment of signature(s) by Notary Public.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA

County of Tulare

On 9-22-14 before me Christine A. Sanchez, Notary Public  
Here Insert Name and Title of the Officer

personally appeared Margaret E. Peterson  
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/its authorized capacity(ies), and that by his/her/its signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal  
Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document  
Title or Type of Document: Agency Authorization  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

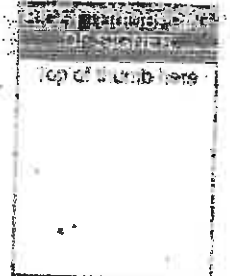
Signer(s) Other Than Those Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer is Representing: \_\_\_\_\_



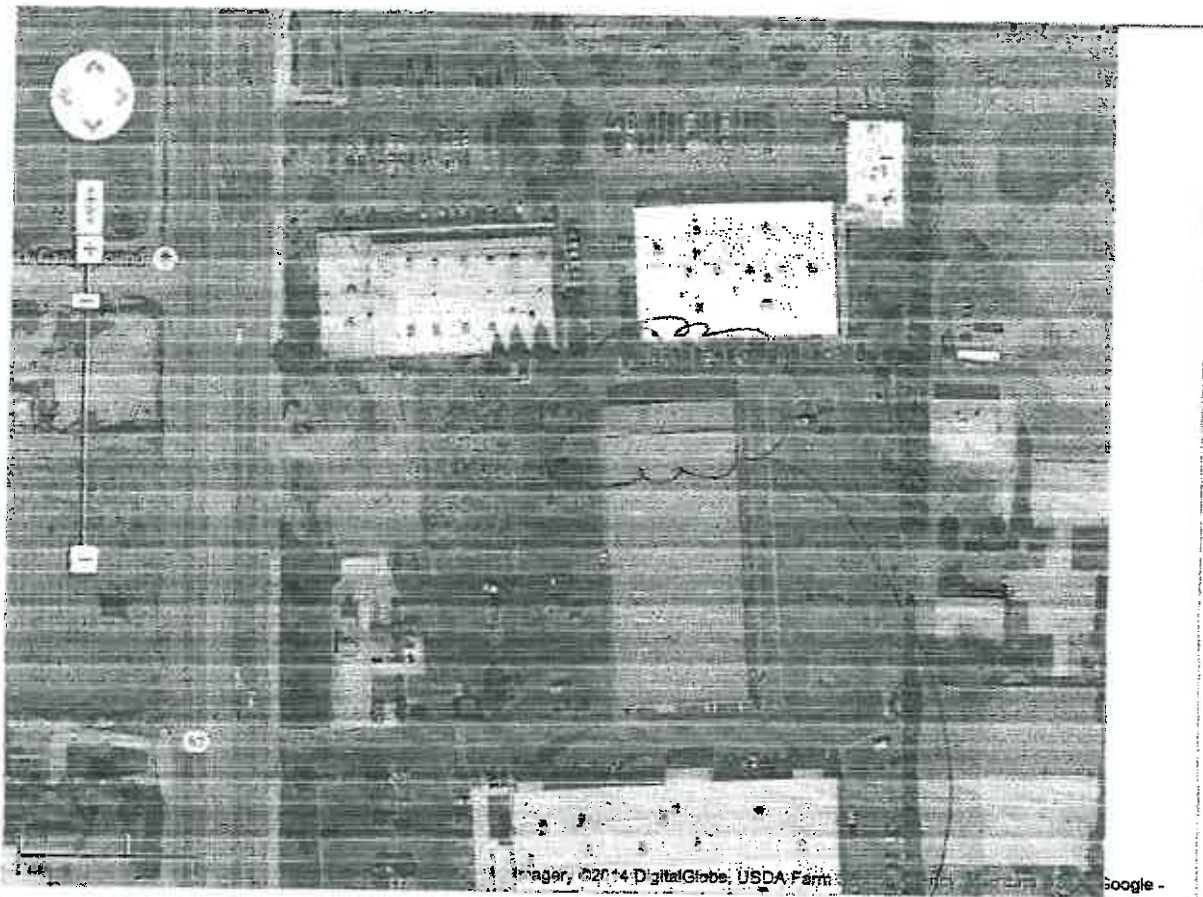
Signer's Name: \_\_\_\_\_  
 Individual  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer is Representing: \_\_\_\_\_





Google

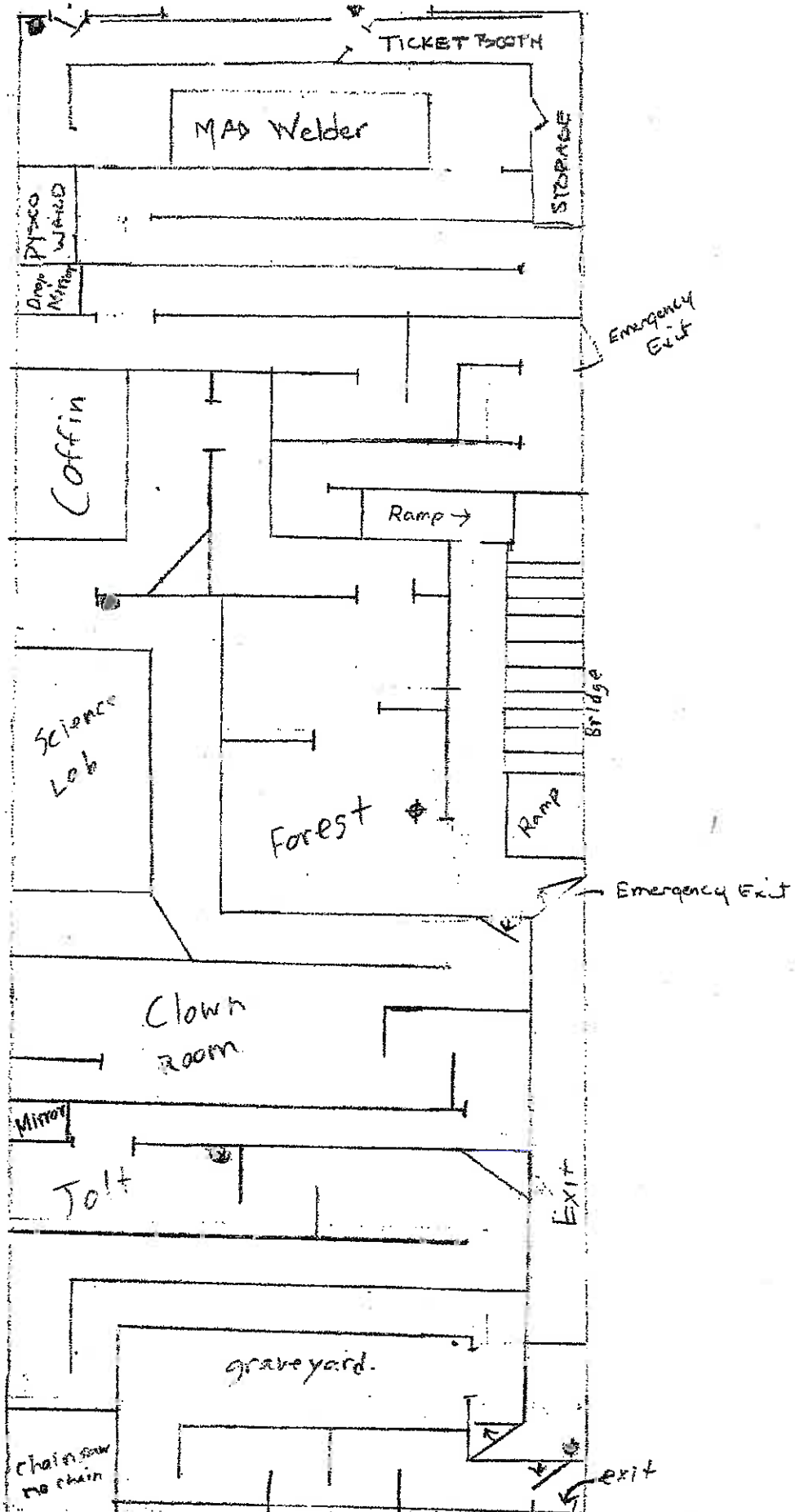
To see all the details that are visible on the screen, use the "Print" link next to the map.



Blvd  
↑  
Museum

THE HAUNTED DOOM

Fire Extinguisher



# MOONEYS HAUNTED DOOM

6420 S. Mooney Blvd, Visalia, Ca. 93277

9-29-2014

The Haunted doom is a fund raising event designed to allow students from both Band and Choir (but not limited to) to volunteer their time in a point exchange that at the end of the even, after costs of the year are deducted, that balance is dispursed into student account to be used for uniform, book, school trips etc. but the monies are never given to the school or the student directly.

The Doom is a Haunted house comprised of a series of a twisting maze that lead to various "themed rooms" where a "no touch" policy is strictly enforced.

Before each night, a meeting is held to discuss the rules of the event and a secret word is announced to only be used in case of emergency at wich time all lights are turn on and all activities turned off so the issue can be address be adult supervision.

Starting at 6pm we have a Civil War cannon that is fired to announce the start of the event and is shot at 6, 7, 8 and 9. Although 10 is designated within the hours allowed, we feel it's a bit late and do not impede on that.

This year out hours of operation shall begin on Friday Oct10 and run Friday and Saturday nights until the week of Halloween where we shall run Tuesday through Friday. School night hours are 6:30 till 9, Fridays and Saturday 6:30 to 11 with Halloween being the only open ended night that attendance will dictate the closing. Being indoors, we do no have a sound issue, and we are fully sprinkled and safty is our #1 concern for both our student and the public.

Contact information: Rollin George 559-737-1848

Respectively

  
Rollin George





PAID  
SEP 25 2014  
CITY OF VISALIA

## CITY OF VISALIA RECEIPT

RECEIPT NUMBER: Rec-630191  
PERMIT TYPE: MISC RECEIPT

DESCRIPTION: CONDITIONAL USE PERMIT

APD #: M-Rec08870  
SITE ADDRESS:  
PARCEL:  
LOCATION: 6420 S MOONEY BLVD

PAYMENT MADE BY: ROLLIN D GEORGE  
TRANSACTION DATE: 09/25/2014  
TOTAL PAYMENT: 136.00

Payment Type	Payment Method	Check No/Description	Amount
Payment	Credit Crd	VISA 3065	136.00

Item#	Description	Account Code	Total Paid	Prior Pymt.	Current Pymt.
1513	Cond Use Permit Appl	1821-46513	136.00	.00	136.00

RECEIVED BY: CXCOST, CAC

DATE: 09/25/2014, 01:55 PM

# MOONEYS HAUNTED DOOM

6420 S. Mooney Blvd, Visalia, Ca. 93277

10-8-2014

Re:TCUP and use of the Cannon


To Whom it may concern,

The Cannon is the same implement used for the previous 6 years of this event, and following the protocol as established by Police and Fire, we have always adhered to their request for prior knowledge of its use. This same Cannon is also the key element at each December 7<sup>th</sup> Dedication of the WWII monument to honor our fallen soldiers not only from the WWII was but to remember all of those who have paid the ultimate sacrifice to protect our Liberties and the one in question here is our Freedom of expression. Below please find a few line items to consider.

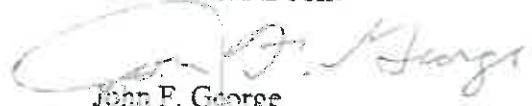
- This is our 7<sup>th</sup> year doing exactly the same previously approved procedure, with never a problem that was ever discussed with us (see attached 2012 TCUP permit)
- This Cannon is used by the Veterans each year to re-dedicate the WWII monument, and your attempts to impose restrictions on us WILL have effect on their event as it is only 150' away (this event is attended by state and local dignitaries that have experienced this first hand for 9+ years)
- Your own "Noise ordinance" excluded (on page 3) "Impulse Noise" which is exactly the noise we fall under. A quick loud burst of less than 1 second duration, with an abrupt onset and rapid decay.
- We also fall into the category a "Mobile noise source" as our cannon sits on top of a trailer and is not an a fixed piece of equipment.
- There are no residential on the properties and those across the street are vacant.
- There is no city property with residential within 2000 feet of our event.

WE would appreciate your quick review and approval of this issue as our charity event is set to open this week.

Respectfully



Rollin George  
The Haunted Doom



John F. George  
Property owner

Exhibit "B"

City of Visalia

PLANNING DIVISION



Temporary Conditional Use Permit No. 20 12-62  
COMMENTS & CONDITIONS  
Haunted House (The Haunted Doom)  
(Rollin George, applicant. Phone No.: 737-1848)

STAFF: Brandon Smith, Senior Planner  
DATE: September 26, 2012

ACTIVITY: Haunted House (Rollin George, applicant)  
LOCATION: 6420 S. Mooney Boulevard (APN: 126-540-008)  
DATE: October 1 – 31, 2012  
EVENT TIME: 6:30 pm to 9:00 pm (Mon – Thurs), 6:30 pm to 11:00 pm (Fri & Sat),  
6:30 pm to 11:00 pm (Oct. 27 to 31)  
CURRENT STATUS: Approved with Conditions and Site Plan  
REQ. INSPECTIONS: See Conditions No. 1 & 2 below

Inspections, Licenses, and Permits

1. Fire Department inspection and approval is required prior to start of this temporary use. Please contact Kuria Brown at 713-4261 at least 72 hours prior to the event to make arrangements.
2. A building inspection is required for generators and/or tents used in conjunction with this event. Please contact Kuria Brown at 713-4261 at least 72 hours prior to the event to make arrangements.
3. All required licenses and permits shall be obtained from the Police, Fire, Building, Business Tax, and/or Health Departments. Proper permits and/or licenses must be obtained for operation of food booths.

Operations

4. Haunted House shall be operated in accordance with Site Plan Review No. 08-113, and in accordance with the site plan, floor plan, and operational statement attached to this permit.
5. Comply with all local, County, regional, State and Federal laws, codes, ordinances, policies, standards, regulations, and requirements.
6. No excessive amplified music outside of enclosed buildings is permitted due to the proximity of existing residential neighborhoods).
7. Hours of operation for all activities are to be no later than 9:00 p.m. excepting on Friday and Saturday nights and on the last five days of the event hours of operation for all activities are to be no later than 11:00 p.m.
8. Hours of operation for the outdoor cannon are restricted to Friday and Saturday nights and October 31 no later than 10pm, and no more frequent than one shot per hour.
9. No searchlights for this event are permitted on/near site, or in the public right-of-way.
10. A contact name and phone number (mobile phone) shall be provided to the Police Department Watch Commander and Fire Department at least three days prior to the event and shall be accessible for the duration of the concert and post event tear-down. Those numbers are:

Rollin George, phone – 737-1848

Parking and Access

11. Provide adequate, and clearly designated, parking areas and supervision.

## City of Visalia

- The access points to the haunted house and business center must be maintained, clear, and unobstructed to allow emergency vehicle access at all times. In the parking lots, turn-arounds to the next row are required so that at no time shall vehicles have to back down an aisle to exit the aisle.

**NOTE:** The event-designated fire lanes shall be maintained completely clear and unobstructed at all times throughout the whole duration of the event activity.

- No activity, including parking, is allowed within 150 feet of the adjacent residential areas. The haunted house operator is responsible for keeping this distance clear of public and event personnel.
- A 20-foot distance must be kept between public improvements along the Mooney Blvd. frontage and the haunted house area.

### Landscape

- The landscape areas and sidewalks along public right-of-ways are to be kept clear of any obstacles or equipment at all times of event duration.
- Both the event site and any public areas must be kept clean of trash and debris. The applicant is responsible for the proper disposal of all litter from the event which may end up in public areas, the public right-of-way, and/or on adjacent properties on a daily basis.
- No signs may be placed in the landscape areas and/or public right-of-way along and/or adjacent to Mooney Blvd.

A copy of this permit has been referred to the Police, Fire, and Building Departments.

**NOTE:** Issuance of this permit does not relieve the applicant of any other responsibilities for permitting and compliance with established rules and regulations, nor does it necessarily provide approvals for any activity which is not specifically listed upon and discussed in the application as submitted by the applicant.

If you have any questions regarding these comments, please feel free to contact me.  
City Hall East, 315 E. Acequia Ave, Visalia CA, 93291 (559) 713-4359, Fax # (559) 713-4514.

  
\_\_\_\_\_  
Approved Planning Division  
Brandon Smith, Senior Planner

September 26, 2012  
\_\_\_\_\_  
Date

A copy of this permit must be kept on-site and maintained for the purpose to be provided upon demand for the duration of this event.

#### Attachments:

- Temporary Conditional Use Permit Application
- Agency Authorization
- Operational Statement
- Site Plan
- Haunted House Floor Plan

## Chapter 8.36

### NOISE

#### Sections:

8.36.010	Purpose.
8.36.020	Definitions.
8.36.030	Noise measurement criteria.
8.36.040	Exterior noise standards--Fixed noise sources.
8.36.050	Exterior noise standards--Mobile noise sources prohibition against use.
8.36.060	Residential interior noise standards.
8.36.070	Noise source exemptions.
8.36.080	Warning signs in places of public entertainment.
8.36.090	Variances.
8.36.100	Violation--Enforcement.
8.36.110	Emergency equipment.

#### 8.36.010 Purpose.

A. The city council of the city declares and finds that excessive levels of noise are detrimental to the public health, welfare and safety and are contrary to the public interest as follows:

1. By interfering with sleep, communication, relaxation and the full use of one's property;
2. By interfering with noise sensitive land uses;
3. By contributing to hearing impairment and a wide range of adverse physiological stress conditions; and
4. By adversely affecting the value of real property.

B. It is the intent of this chapter to protect persons from excessive levels of noise within or near noise sensitive land uses such as residences, schools, churches, hospitals or public libraries, or other uses as may be determined by the city council of the city. (Prior code § 5090.1)

#### 8.36.020 Definitions.

The following words, phrases and terms as used in this chapter shall have the following meanings:

"Abutting" means physically adjacent to or coterminal with or separated by means of an alley or a private street less than thirty (30) feet in width.

"Ambient noise level" means the composite of noise from all sources excluding the alleged offensive noise. In this context it represents the normal or existing level of environmental noise at a given location for a specific time of the day or night.

"A weighted sound level" means the sound level in decibels as measured with a sound level meter using the A-F weighted network (scale) at slow meter response. The unit of measurement is referred to herein as dB(A).

"Construction" means construction, erection, enlargement, alteration, conversion or movement of any building, structures or land together with any scientific surveys associated therewith.

"Cumulative period" means an additive period of time composed of individual time



segments which may be continuous or interrupted.

"Decibel" means a unit for measuring the amplitude of a sound, equal to twenty (20) times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals.

"Emergency work" means the use of any machinery, equipment, vehicle, manpower or other activity in a short term effort to protect, or restore safe conditions in the community, or work by private or public utilities when restoring utility service.

"Fixed noise source" means a device, machine or combination thereof which creates sounds which is affixed or installed on real property, including but not limited to residential, agricultural, industrial and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment.

"Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including rest homes and nursing homes.

"Impulsive noise" means a noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

"Intruding noise level" means the sound level created, caused, maintained or originating from an alleged offensive source, measured in decibels, at a specified location while the alleged offensive source is in operation.

"Mobile noise source" means any source other than a fixed noise source.

"Noise disturbance" means any sound which violates the standards set forth in this chapter.

"Noise sensitive land use" means residential uses, churches, hospitals, schools, public library, or other such uses which are identified in the noise element of the general plan.

"Pure tone noise" means any noise which is distinctly audible as a single pitch (frequency) or set of pitches. For the purpose of this chapter, a pure tone shall exist if the one-third octave band sound pressure level in the band which the tone exceeds the arithmetic average of the sound pressure levels of the two continuous one-third octave bands by five dB for center frequencies of five hundred (500) Hz and above and by eight dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for frequencies less than or equal to one hundred twenty-five (125) Hz.

"Residential property" means a parcel of real property which is zoned in whole or in part of residential purposes.

"School" means public or private institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary or collegiate levels.

"Sound level meter" means an instrument meeting American National Standard Institute (ANSI) Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data. (Prior code § 5000.2)

#### 8.26.050 Noise measurement criteria.

A. Any noise measurement made pursuant to the provisions of this chapter shall be made with a sound level meter using the "A" weighted network (scale) at slow meter response. Fast meter response shall be used for impulsive type sounds. Calibration of the measurement equipment utilizing an acoustical calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) reference calibration levels shall be performed immediately prior to recording noise level data.

B. Exterior noise levels shall be measured within fifty (50) feet of the affected residence, school, hospital, church or public library. Where practical, the microphone shall be positioned three to five feet above the ground and away from reflective surfaces.

C. Interior noise levels shall be measured within the affected dwelling unit, at points at least four feet from the wall, ceiling or floor nearest the noise source, with windows in the

nominal seasonal configuration. Reported interior noise levels shall be determined by taking the arithmetic average of the readings taken at the various microphone locations. (Prior code § 5090.3)

**8.36.040 Exterior noise standards--Fixed noise sources.**

A. It is unlawful for any person at any location within the city to create any noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person which causes the exterior noise level, when measured at the property line of any affected noise sensitive land use, to exceed any of the categorical noise level standards as set forth in the following table:

**NOISE LEVEL STANDARDS, dBA**

Category	Cumulative Number of minutes in any one-hour time period	Daytime	Evening and Nighttime
		6 a.m. to 7 p.m.	6 a.m. to 7 p.m.
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards. (Prior code § 5090.4.1)

**8.36.050 Exterior noise standards--Mobile noise sources prohibition against use.**

It is unlawful to operate any of the below-listed devices, appliances, equipment or vehicles on public or private property abutting noise sensitive land uses between the weekday hours of seven p.m. and six a.m., and between the weekend hours of seven p.m. and nine a.m.

A. Power-assisted leaf blowers, lawn mowers, edgers or other power equipment used for the maintenance of property;

B. Vehicle equipment, which equipment is not expressly regulated by state or federal statute, such as car radios or sound amplification equipment which is audible more than twenty-five (25) feet from the exterior of the vehicle;

C. Construction equipment including jackhammers, portable generators, pneumatic equipment, trenchers, or other such equipment, except for emergency repair purposes as provided in Section 8.36.070;

D. Any other noises made by crying, shouting, or by means of whistle, rattle, bell, gong whether or not for the purpose of advertising or other such purposes. (Prior code § 5090.4.2)

**8.36.060 Residential interior noise standards.**

A. It is unlawful for any person, at any location within the city, to operate or cause to be operated, any source of sound or to allow the creation of any noise which causes the noise level when measured inside a dwelling unit to exceed any of the categorized noise level standards as set forth in the following table:

**NOISE LEVEL STANDARDS, dBA**

Category	Cumulative Number of minutes in any one-hour time period	Daytime	Evening and Nighttime
		6 a.m. to 7 p.m.	6 a.m. to 7 p.m.
1	5	45	35
2	1	50	40
3	0	55	45

B. In the event the measured ambient noise level without the alleged offensive source in operation exceeds an applicable noise level standard in any category above, the applicable standard or standards shall be adjusted so as to equal the ambient noise level.

C. Each of the noise level standards specified above shall be reduced by five dB for pure tone noises, noises consisting primarily of speech or music, or few recurring impulsive noises.

D. If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the ambient noise level without the source can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards.

E. If the source of noise is of an impulse or voluntary nature such as shouting, loud conversation, playing or operation of audio and video equipment and is audible in a dwelling unit, the noise level in the above table shall conclusively be determined to be exceeded. (Prior code § 5090.6)

**8.36.070 Noise source exemptions.**

The following activities shall be exempted from the provisions of this chapter:

A. Activities conducted in public parks, public playgrounds and public or private school grounds, including but not limited to school athletic and school entertainment events during normal hours of instruction;

B. Any mechanical device, apparatus or equipment used, related to, or connected with emergency activities or emergency work;

C. Noise sources associated with the infrequent, occasional and unusual maintenance of residential property provided such activities take place between the hours of six a.m. and nine p.m. on any day except Saturday or Sunday, or between the hours of eight a.m. and nine p.m. on Saturday or Sunday;

D. Noise sources associated with a lawful commercial or industrial activity caused by installed mechanical devices or equipment, including air conditioning or refrigeration systems, installed prior to the effective date of this chapter, that this exception shall expire twelve months after the effective date of the chapter. This exception shall not apply to such mechanical devices which are not in good repair;

E. Noise sources associated with the collection of waste or garbage from commercially zoned or industrially zoned property by the city or its authorized franchisee;

F. Any activity to the extent regulation thereof has been preempted by state or federal law;

G. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, where the intruding noise source when measured as provided in Section 8.36.030 is an existing residential air conditioning or refrigeration system or associated equipment, the exterior noise level at the

property line shall not exceed fifty-five (55) dBA. For residential air conditioning or refrigeration systems or associated equipment installed after the effective date of this chapter, the exterior noise level at the property line when measured as provided in Section 8.36.030 shall not exceed fifty (50) dBA;

H. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, the collection of waste or garbage from residentially zoned property or from persons authorized to engage in such activity, and who are operating truck-mounted loading or compacting equipment, shall not take place before six a.m. or after seven p.m. The noise level created by such activities when measured at a distance of fifty (50) feet in an open area shall not exceed the following standard:

1. Eighty-five (85) dBA for equipment in use, purchased or leased prior to the effective date of this chapter,
2. Eighty (80) dBA for new equipment purchased or leased after the effective date of this chapter,

I. Notwithstanding the provisions of Sections 8.36.040 and 8.36.050, noise sources associated with the operation of electrical substations shall not exceed fifty (50) dBA when measured as provided in Section 8.36.030. (Prior code § 5090.6)

#### **8.36.060 Warning signs in places of public entertainment.**

It is unlawful for any person to permit the operation or playing of any loudspeaker, musical instrument, motorized racing vehicle, or other source of sound for public entertainment within a building or structure wherein the noise level exceeds ninety-five (95) dBA as determined using the slow response of a sound level meter at any point normally occupied by a customer, without a conspicuous and legible sign stating "WARNING! SOUND LEVELS WITHIN MAY CAUSE HEARING IMPAIRMENT." (Prior code § 5090.7)

#### **8.36.090 Variances.**

A. The owner or operator of a noise source for which it has been determined violates any of the provisions of this chapter may file an application for variance from strict compliance with any particular provisions of this chapter where such variance will not result in a hazardous condition or a nuisance and strict compliance would be unreasonable in view of all the circumstances. The owner or operator shall set forth all actions taken to comply with such provisions, and the reasons why immediate compliance cannot be achieved. A separate application shall be filed for each noise source; provided, however, that several mobile sources under common ownership or fixed sources under common ownership on a single property may be combined into one application.

B. Upon receipt of the application and within thirty (30) days, the community development director shall either (1) approve such request in whole or in part; (2) deny the request; or (3) refer the request directly to the city council for action thereon in accordance with the provisions of this chapter. In the event the variance is approved, reasonable conditions may be imposed which may include restrictions on noise level, noise duration and operating hours, an approved method of achieving compliance and a time schedule for its implementation. The decision of the community development director is subject to appeal to the city council upon recommendation of the planning commission by filing a written appeal not later than fifteen (15) days following the mailing of the decision to the applicant.

C. Factors which the community development director or city council must consider shall include but not be limited to the following:

1. Uses of property within the area affected by the noise;
  2. Factors related to initiating and completing all remedial work;
  3. Age and useful life of the existing noise source;
  4. The general public interest, welfare and safety.
- D. The city council may grant variances from provisions of this chapter, subject to

such term, conditions and requirement as may be deemed reasonable to achieve compliance with the provisions and intent of this chapter.

E. A fee may be charged to recover the actual costs in processing such variances.

F. The approved noise ordinance variance must be in the possession of any operator of mobile noise sources during otherwise prohibited by the provisions of this chapter. An approved noise ordinance variance shall also be in the possession of a fixed noise source which would otherwise violate the provisions of this chapter. Failure to have the variance in the possession of the operator or property occupant when the provisions of this chapter are violated, as indicated above, shall constitute a violation of this chapter, enforceable as provided in Section 8.36.100. (Prior code § 5090.8)

#### 8.36.100 Violation--Enforcement.

A. The violation of any of the provisions of this chapter shall be a misdemeanor punishable as provided in Section 1.12.010. Each hour of activity which violated the provisions herein shall constitute a sole and separate violation. The provisions of this chapter may also be enforced by an injunction issued out of the court of jurisdiction. Any violation of the provisions of this chapter shall be deemed to be a public nuisance.

B. The community development director, or a designee, shall be responsible for the enforcement of Section 8.36.040 and Section 8.36.050(A) through (D) inclusive. The chief of police shall be responsible for the enforcement of Sections 8.36.030 and 8.36.030(E). (Prior code § 5090.9)

#### 8.36.110 Emergency equipment.

The provisions of this chapter shall have no application to the sounding of a siren or the making of other usual signal or signals by any police or other peace officers in the performance of their duties, nor to the sounding of any siren or the making of any other usual signal upon any ambulance or firefighting equipment in the usual and customary manner. (Prior code § 5091)



October 8, 2014

Mooneys Haunted Doom  
Attn: Rollin George  
6420 S. Mooney Blvd.  
Visalia, CA 93277

RE: Request to Reconsider Condition of Temporary Conditional Use Permit No. 2014-78

Mr. George:

The City has received and reviewed your letter dated October 8, 2014, requesting reconsideration of the Temporary Conditional Use Permit's (TCUP's) limitations on the use of the cannon during operation of the Mooneys Haunted Doom haunted house. With regard to the line items presented in your letter, the following responses are provided:

- Regarding no problems with past TCUPs: Dating back at least two years, the Police Department has received numerous calls and/or complaints regarding the use of the cannon.
- Regarding use of the cannon for the WWII monument: The TCUP conditions apply strictly to the Haunted House and the cannon's repeated use during the event.
- Regarding the Noise Ordinance: The City Noise Ordinance does not include "Impulsive noise" or "Mobile noise source" in the list of exempt noise sources (Section 8.36.070). Page 3 of the ordinance presents definitions of these terms. Section 8.36.060.E notes that if an impulse noise is audible in a dwelling unit, then the noise standard can be conclusively determined to have exceeded acceptable levels. Based on multiple complaints received during the last two years, and in the absence of evidence provided by the applicant to the contrary, the City has determined that the cannon exceeds the acceptable level.
- Regarding nearby residences: There are no residences on the subject property and residences across the street may be vacant. The City has measured the distance between the haunted house location and the nearest residence in City jurisdiction (within the Mooney Grove Manufactured Home Park) and finds this distance to be approximately 900 feet. However, the Noise Ordinance standards are applicable to all noise sensitive land uses (such as residences) regardless of distance from the noise source.

Upon analysis of the presented items and of the City's Noise Ordinance, we have determined that the TCUP's standards are reasonable and shall continue to be enforced. Please note that the use of the Haunted House is still permitted under the TCUP notwithstanding the conditions regarding the cannon.

Exhibit "C"

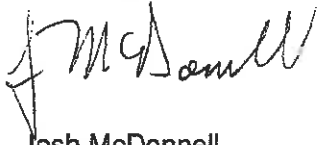
Mooneys Haunted Doom TCUP

October 8, 2014

Page 2

The Planning Commission is the designated body for appeals of the City Planner's determination. Please notify me within 10 days of receipt of this communication if you wish to pursue an appeal to that body.

Sincerely,

A handwritten signature in black ink, appearing to read "J McDonnell". The signature is written in a cursive, somewhat stylized font.

Josh McDonnell  
City Planner

cc: Chris Young, Community Development Director  
Brandon Smith, Senior Planner

MOONEYS HAUNTED DOOM  
6420 S. Mooney Blvd, Visalia, Ca. 93277

In response to your letter of October 8, 2014, please accept this as my formal request to dispute your finding on the review of the use of the "CANNON" at our event.

We would like to be place on the schedule for Monday, Oct 13, 2014 as Brandon stated that we could be heard at that time.

I look forward to a friendly exchange and a realistic resolution to this issue.

*This request is to appeal the decision of your letter.*

Contact information: Rollin George 559-737-1848

*RG*

Respectively

  
Rollin George

RECEIVED

OCT 09 2014

COMM. DEVELOP.  
CITY OF VISALIA

Exhibit "D"





AVE 268

AVE 266

HARRISON

MOONEY MOONEY

MOONEY

Haunted House

AVE 264



City of Visalia  
Aerial Photo

0 100 200 400 Feet