

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Roland Soltesz

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

MONDAY, DECEMBER 8, 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. Project Update and Revised Resolution Conditions for the Square at Plaza Drive project (Conditional Use Permit No. 2014-19 & Tentative Parcel Map No. 2014-04)
  - b. Planning Commission Meetings for 2015
5. PUBLIC HEARING-Paul Bernal  
Variance No. 2014-06: A request by Redwood Veterinary Hospital to allow a variance to the five-foot side yard landscape planter as required by Design District "C" in the Service Commercial (C-S) zone. The site is located at 1727 East Mineral King Avenue (APN: 100-040-040). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2014-76
6. PUBLIC HEARING-Andy Chamberlain  
Conditional Use Permit No. 2014-30: A request by Rance Mulliniks to allow a Baseball School in an existing 4,000 sq. ft. building in the Light Industrial (IL) zone. The site is located at 6804 W. Pershing Avenue. (APN: 085-520-002).The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2014-71

7. PUBLIC HEARING-Andy Chamberlain  
Conditional Use Permit No. 2014-29: A request by Tulare County Housing to allow the expansion of the existing non-medical licensed care facility for clients with mental illness at 546 E. Tulare Avenue to add three existing residential units for an increase from 40 to 54 clients. The site is within the Medium Density Multiple Family Residential (R-M-2) zone. The expansion units are located at 625 E. Laurel Avenue, 1136 S. Liberty Court, and 1142 S. Liberty Court. (APN: 097-094-060, 097-094-066, 097-094-068).The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2014-70
  
8. PUBLIC HEARING-Paul Scheibel  
Conditional Use Permit No. 2014-28: A request by Scott Kendal (Sequoia Brewing Company) to establish a 4,622 square-foot restaurant with full bar and live entertainment in the C-DT (Central Business District Retail) zone. The site is located at 124 W. Main Street (APN: 094-324-001)The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2014-68

9. 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, DECEMBER 18, 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, JANUARY 12, 2014**

# City of Visalia



**To:** Planning Commission

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

**Date:** December 8, 2014

**Re:** Project Update and Revised Resolution Conditions for the Square at Plaza Drive project (Conditional Use Permit No. 2014-19 & Tentative Parcel Map No. 2014-04)

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## INFORAMTION

This memorandum is intended to inform the Planning Commission on the latest development regarding the Commissions' approval of CUP No. 2014-19 and Tentative Parcel Map No. 2014-04 for the Square at Plaza Drive project.

The City Clerk's Office received an appeal of the Planning Commission's approval of CUP No. 2014-19 and Tentative Parcel Map No. 2014-04. The appellant, Mr. Gregory Collins, noted on the appeal form that the project lacks consistency with Visalia's General Plan Land Use Element. The appeal hearing has been set for the City Council's December 15, 2014 meeting. Copies of the staff report will be available to the Planning Commission on Friday December 12, 2014.

As the Planning Commissioners may recall, during the November 10, 2014 meeting, Chair Peck noted that the project should be conditioned to mirror the same development conditions that were adopted for the Plaza Business Park development, which is located directly to the north of the Square at Plaza Drive project. In its approval, the Planning Commission included a condition requiring a minimum 10,000 square foot building size for office buildings, consistent with the General Plan Land Use Element and with prior project approvals in the BRP zone. The Commission further directed staff to return with the specific language of the new condition.

Staff has attached the revised Resolution No. 2014-29 (CUP No. 2014-19), which incorporates the following condition:

COA No. 12: That approval of an amendment to Conditional Use Permit No. 2014-19 is required to allow any general office building with an area less than 10,000 square feet within the project area boundaries.

Now that the project has been appealed, this condition will be included in the City Council's resolution for their consideration when the project is presented at their December 15, 2014 meeting.

## **ATTACHMENTS**

- Revised Planning Commission Resolution No. 2014-50 (CUP No. 2014-19)
- Exhibit "A" – Revised Site Plan depicting 10,000 sq. ft. office buildings
- Appeal form

RESOLUTION NO. 2014-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-19, A REQUEST BY 4CREEKS, TO ESTABLISH A 25-ACRE MASTER-PLANNED MULTI-USE BUSINESS PARK DEVELOPMENT IN THE BRP (BUSINESS RESEARCH PARK) ZONE. THE SITE IS LOCATED ON THE SOUTHWEST CORNER OF NORTH PLAZA DRIVE AND WEST CROWLEY AVENUE (APNS: 081-170-001, 081-170-002, 081-170-003, 081-170-009, 081-170-010, AND 081-170-014)

**WHEREAS**, Conditional Use Permit No. 2014-19, is a request by 4Creeks, to establish a 25-acre master-planned multi-use business park development in the BRP (Business Research Park) zone. The site is located on the southwest corner of North Plaza Drive and West Crowley Avenue (APNs: 081-170-001, 081-170-002, 081-170-003, 081-170-009, 081-170-010, and 081-170-014); and

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

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2014-19, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

**NOW, THEREFORE, BE IT RESOLVED**, that Mitigated Negative Declaration No. 2014-53 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the proposed Project is consistent with the Visalia General Plan, and in particular, satisfactorily meets the intent of Policy 3.6.3 of the Land Use Element of the General Plan.
4. That the project as presented in the Design Guidelines for the Square at Plaza Drive Master Plan document (Exhibit "B") and conditioned herein meets the intent of the codified requirements and policies for development in the Business Research Park zone.
5. That the proposed location is in close proximity to public transit facilities, which will link the site to related citywide and regional public transportation facilities.
6. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined not significant with mitigation incorporated into the project, and that Mitigated Negative Declaration No. 2014-53, incorporating the Mitigation Measures, is hereby adopted.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed in substantial compliance with the site plan in Exhibit "A" and the Square at Plaza Drive Master Plan document in Exhibit "B", unless otherwise specified in this use permit. Planning Commission review for subsequent project development will be required for changes, which result in an increased intensity of 10% or greater than provided in Exhibits "A" and "B", and for any uses which are subject to the conditional use permit process.
2. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review Nos. 2013-198 and 2014-039, incorporated herein by reference.
3. That a shared parking and maintenance agreement pursuant to Section 17.34.050 of the Zoning Ordinance shall be recorded against the property prior to the issuance of a building permit or recorded with the final parcel map. The shared parking agreement between the principal parties and the city shall be entered into which restrict the shared parking area to a parking use only. The shared parking agreement shall also address property owners' responsibility for repair and maintenance of the shared parking stalls.
4. That CC&R's including vehicular access, landscaping and permanent maintenance of all common areas such as the public street parkways and perimeter landscaping (bio-swale), project identification signage and walls, and all similar infrastructure agreements shall be recorded with the final parcel map. The CC&R's and/or vehicular access agreements shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures. All property owners' are equally responsible for these requirements. The City Planner and City Engineer shall review for approval these CC&R's or vehicular access agreements verifying compliance with these requirements prior to the CC&R's recordation. The CC&R's shall be recorded prior to the issuance of any building permits on the master planned site.

5. That development proposals for all parcels shall go through the Site Plan Review process, and shall conform to the adopted requirements for this conditional use permit.
6. That all offsite improvements including right-of-way dedication along Crowley Avenue shall be installed with the first phase of any development proposed within the Square at Plaza Drive project.
7. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2014-53 are hereby incorporated as conditions of Conditional Use Permit No. 2014-19.
8. That landscape and irrigation plans be submitted with the building permit, designed by a professional landscape architect. Landscape and irrigation plans shall comply with the State Model Water Efficient Landscape Ordinance by submittal of Landscape Documentation Packages and Certificates of Compliance certified by a California licensed landscape architect with sections signed by appropriately licensed or certified persons as required by ordinance.
9. That all of the conditions and responsibilities of Conditional Use Permit No. 2014-19 shall run with the land, and subsequent owners/operators shall also be subject to all of the conditions herein, unless amended or revoked.
10. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-19, prior to the issuance of any building permit for this project.
11. That all other federal and state laws and city codes and ordinances be complied with.
12. That approval of an amendment to Conditional Use Permit No. 2014-19 is required to allow any general office building with an area less than 10,000 square feet within the project area boundaries.





#467-  
Check # 1470

APPEAL OF PLANNING COMMISSION ACTION

(The fee to file an Appeal is \$467. Applicants who meet specific income guidelines may be eligible to waive this fee. A fee waiver application can be obtained from the Planning Department located at 315 E. Acequia. All Appeal forms with applicable fees or waivers must be submitted to the Office of the City Clerk at 425 E. Oak Ave. Ste. 301, within ten (10) days after the action which is the subject of the appeal. If the final day to file falls on a weekend or holiday the deadline to file is extended to the next business day by 5:00 p.m.)

Planning Commission Public Hearing Date: 11/10/14  
Appellant Name: ~~Gregory & Co. Inc~~ Gregory & Co. Inc  
Address: 708 Edwards St Visalia, CA 93277  
Phone: 559 732 5725

Please check the actions appealed and provide the action number. The action number may be obtained from the Planning Division at 713-4359.

- Conditional Use Permit No. 2002 2012-19 (Section 17.02.145)
- Variance/Exception No. \_\_\_\_\_ (Section 17.02.145)
- Change of Zone No. \_\_\_\_\_ (Section 17.44.030)
- Tentative Subdivision Map \_\_\_\_\_ (Section 16.04.040)
- Tentative Parcel Map No. 2014-04 (Section 16.04.040)
- Site Plan Review Committee Determination \_\_\_\_\_ (Section 17.28.050)

In accordance with the Municipal Code of the City of Visalia, decisions by the Planning Commission may be appealed to the City Council within ten (10) days after the action which is the subject of the appeal. The appeal must state specifically where it is claimed that there was an error or abuse of discretion by the Planning Commission or whether the decision of the Commission is not supported by the evidence in the record.

List reason for appeal in accordance with the above requirements (Additional pages and/or supporting documentation may be attached)

lack of consistency with Visalia General Plan, Land Use Element

Signature: Gregory E. Celli Date: 11/20/14

Office Use Only

Received By: [Signature]  
Date: 11/20/14  
Faxed to City Planner: 11/20/14  
City Council Hearing Date: 12/15/14

Received
NOV 20 2014
City of Visalia
City Clerk's Office
Date Stamp



# City of Visalia

## **Memo**



**To:** Planning Commission  
**From:** Susan Currier, Planning Assistant  
**Date:** November 17, 2014  
**Re:** Planning Commission Meetings for 2015

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The following dates are tentatively set for Planning Commission meetings for 2015:

January 12  
January 26  
February 9  
February 23  
March 9  
March 23  
April 13  
April 27  
May 11  
May 26 **Tuesday Meeting** (Offices Closed for Memorial Day)  
June 8  
June 22  
July 13  
July 27  
August 10  
August 24  
September 14  
September 28  
October 12  
October 26  
November 9  
December 14



# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** December 8, 2014

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

**SUBJECT: Variance No. 2014-06:** A request by Redwood Veterinary Hospital to allow a variance to the five-foot side yard landscape planter as required by Design District "C" in the Service Commercial (C-S) zone. The site is located at 1727 East Mineral King Avenue (APN: 100-040-040).

## STAFF RECOMMENDATION

Staff recommends approval of Variance No. 2014-06, as conditioned, based upon the findings and conditions in Resolution No. 2014-50. Staff's recommendation is based on the conclusion that the required findings for granting of a variance can be met and the recommendation is consistent with past landscape variance approvals.

## RECOMMENDED MOTION

I move to approve Variance No. 2014-06, based on the findings and conditions in Resolution No. 2014-50.

## PROJECT DESCRIPTION

Redwood Veterinary Hospital is requesting a variance to the required five-foot landscape planter along the west property line per Design District "C" development standards (see Exhibit "A"). The veterinary hospital submitted their development plan through the Site Plan Review (SPR) process. SPR No. 2013-070 depicted major renovations to the site including a 1,895 square foot building addition to their existing 3,019 square foot building, landscaping upgrades, ADA path of travel, parking stalls and ADA compliant drive-approaches (see Exhibit "A").

The City has issued a building permit for the work depicted per the applicant's SPR No. 2013-070 submittal. The applicant has completed a majority of the onsite improvements but realized the need for additional pavement along the westerly drive aisle where the five-foot landscape planter is required. The additional pavement is to accommodate vehicular turning movements, access and parking. As a result, the landscaping planter was not installed and staff informed the applicant that a variance to the landscape setback is required, and would need to be approved by the Planning Commission prior to any building and/or onsite final. The five-foot landscape planter along the west property line would equate to approximately 860 square feet of landscaping.

## BACKGROUND INFORMATION

General Plan Land Use Designation	Service Commercial
Zoning	C-S (Service Commercial)
Surrounding Zoning and Land Use	North: Mineral King Avenue & C-S (Service Commercial) / Motel
	South: State Route 198
	East: C-S (Service Commercial) / Commercial building

Environmental Review	West: C-S (Service Commercial) / P & C Auto Retail Use
Design District	Categorical Exemption No. 2014-76
Site Plan	Design District "C"
	N/A

### **RELATED PROJECTS**

**Variance No. 2003-11** was a request for the reduction to building and landscape setbacks (street side setback of 25 feet to seven feet and front building setback of 35 feet to 15 feet) in the C-R (Regional Retail Commercial) zone for property located at 1807 & 1813 West Caldwell Avenue. The variance was approved by the Planning Commission on August 11, 2003.

**Variance No. 2004-10** was a request to reduce the setback and landscaping standards from 15-feet to 6-feet in the C-SO (Shopping/Office Commercial) zone for property located at the corner of NW 3<sup>rd</sup> and Houston Avenue. The variance was approved by the Planning Commission on December 13, 2004.

**Variance No. 2006-03** was a request for the reduction of a 10-foot street side landscape setback on a corner lot (from ten to three feet), and from the required parking spaces (from six to four spaces) in the Service Commercial (C-S) Zone. The variance was approved by the Planning Commission on August 28, 2006.

**Variance No. 2008-07** was a request to allow an encroachment into the front and side yard setbacks as required by Design District E for a proposed commercial building located at 504 North Giddings Street. The Planning Commission approved the variance on August 11, 2008.

### **PROJECT EVALUATION**

Staff supports the requested variance based on the project's consistency with past approvals of similar variance request.

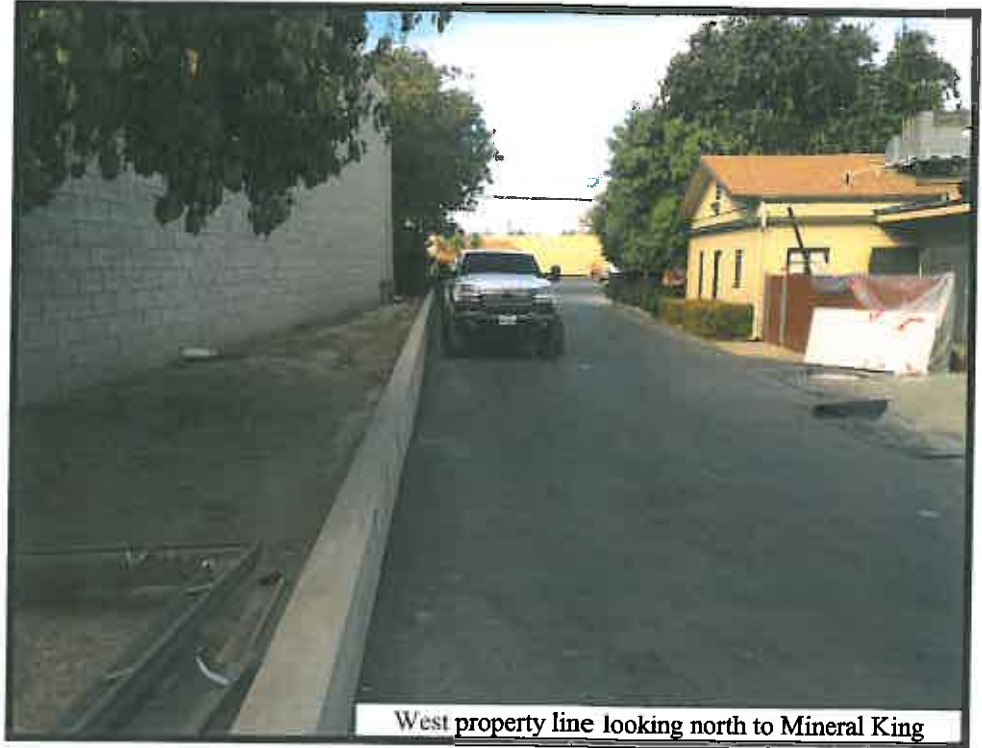
#### **Visual Impact**

The applicant is requesting the removal of the five-foot landscape planter along the west property line. The primary landscaping planters along the two most visible areas including Mineral King Avenue and from State Route 198 will be refurbished as noted in the landscaping plans for the building addition. Staff concurs, according to the findings below, a variance to the five-foot side yard would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone.

Staff concludes an exception to the five-foot landscape planter can be made since other properties in the vicinity enjoy the privilege of setback exceptions. As shown in the inset photo below, the property abutting the project site to the west contains a two-foot high retaining wall along the property line and the adjoining buildings east façade is a CMU block wall with no window or openings. The removal of the five-foot planter will not have a significant effect on the neighboring property.

## Design District C Development Standards

The site is located within Design District "C", which requires five feet of landscaping on side property lines. Per the site plan (see Exhibit "A"), the applicant has paved this area to facilitate vehicular turning movements and to provide a wider drive aisle along the west side of the new building addition. The additional five-feet of pavement provides for a 22-foot wide driveway. The 22-foot driveway provides ample width to accommodate vehicles exiting the site.



It should also be noted, Design District "C" permits buildings to be constructed on property line thereby removing the requirement for the five-foot landscape planter. Given the nature of the site, including the existing retaining wall along the west property line and the placement of the adjoining neighbor's building, the property owner elected to improve their site to meet the daily operating demands of the veterinary hospital. This resulted in the applicant maximizing areas dedicated to onsite vehicular circulation and parking. The applicant retained the overall onsite vehicular traffic pattern rather than removing the westerly driveway by locating the new building addition along the west property line.

Staff is recommending Condition No. 2 be incorporated into the Conditions of Project Approval. This condition requires replanting any dead redwood trees located along the south property line and that any barren landscape planters be covered with bark. A survey of this site noted trees had been removed and had not been replaced.



## **Findings for the Variance**

Variances are intended to prevent unnecessary hardships resulting from strict or literal interpretation of regulations while not granting a special privilege to the applicant. The applicant has provided the variance findings (see Exhibit "B") which identifies their need retain the pavement rather than installing the five-foot landscape planter.

Staff supports the applicant's request based upon the findings in Exhibit "B", as follows:

### **Applicant Findings**

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

Applicant: The site's unique size and the existing placement of the building situated in the center of the parcel resulted in the applicant designing the building addition directly to the south of the building. To retain the existing onsite vehicular circulation pattern, while providing the minimum 20-foot wide drive lane, the property owner opted to utilize the landscape area by paving the required five-foot landscape planter to accommodate vehicular circulation along the west side of the building. The additional five-feet of pavement area provides adequate drive aisle width thereby allow vehicles to maneuver around the building and egress the site safely.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. As a result, to maintain an adequate drive aisle width of 20-feet, the five-foot landscape planter was removed. This has resulted in the site retaining the existing onsite circulation pattern while providing adequate space for vehicles exiting along the west side of the building.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. In addition, several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements.



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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. In addition, several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements.

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

Applicant: The granting of the variance will not create an unsightly view. The site is undergoing major renovations, including upgrading the drive approaches along Mineral King Avenue, to accommodate a new ADA path of travel. The project will ultimately improve the project area.

6. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-76)

### **Environmental Review**

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-76).

## **RECOMMENDED FINDINGS**

The Planning Commission is required to make findings for approval of a variance to City standards. Staff recommends the following findings for approval of the application:

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

Applicant: The site's unique size and the existing placement of the building situated in the center of the parcel resulted in the applicant designing the building addition directly to the south of the building. To retain the existing onsite vehicular circulation pattern, while providing the minimum 20-foot wide drive lane, the property owner opted to utilize the landscape area by paving the required five-foot landscape planter to accommodate vehicular circulation along the west side of the building. The additional five-feet of pavement area provides adequate drive aisle width thereby allow vehicles to maneuver around the building and egress the site safely.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary

hospital, the practical location for the new addition was directly south of the existing veterinary hospital. As a result, to maintain an adequate drive aisle width of 20-feet, the five-foot landscape planter was removed. This has resulted in the site retaining the existing onsite circulation pattern while providing adequate space for vehicles exiting along the west side of the building.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. In addition, several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. In addition, several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements.

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

Applicant: The granting of the variance will not create an unsightly view. The site is undergoing major renovations, including upgrading the drive approaches along Mineral King Avenue, to accommodate a new ADA path of travel. The project will ultimately improve the project area.

6. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-76)

## RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed in substantial compliance with the site plan (Exhibit "A") attached herein.
2. That the existing landscape planters be refurbished with bark and that any dead or removed redwood trees located along the south property line be replanted.
3. That all applicable federal, state and city laws, codes and ordinances be met.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2014-06, prior to the issuance of any sign permits for this project.

## APPEAL INFORMATION

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

### Attachments:

- Related Plans and Policies
- Resolution No. 2014-50
- Exhibit "A" – Site Plan
- Exhibit "B" – Applicant's Variance Findings
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

## RELATED PLANS AND POLICIES

### Section 17.42 Variance

#### **Section 17.42.010 Variance purposes.**

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

#### **Section 17.42.030 Variance powers of city planning commission.**

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

#### **Section 17.42.050 Application procedures.**

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

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property, is the authorized agent of the owners, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. Statement of the precise nature of the variance or exception requested and the hardship or practical difficulty which would result from the strict interpretation and enforcement of this title;
5. The application shall be accompanied by such sketches or drawings which may be necessary to clearly show applicant's proposal;
6. Additional information as required by the historic preservation advisory board;
7. When reviewing requests for an exception associated with a request for density bonus as provided in Chapter 17.32, Article 2, the applicant shall submit copies of the comprehensive development plan, sketches and plans indicating the nature of the request and written justification that the requested modifications result in identifiable cost reductions required for project to reach target affordability.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7559)

#### **Section 17.42.090 Variance action of the city planning commission**

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

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

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

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

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

#### **17.42.110 Appeal to City Council**

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145. (Ord. 2006-18 §7, 2007; Ord. 2001-13 § 4 (part), 2001: prior code § 7565)

#### **17.42.120 Lapse of Variance**

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure which was the subject of the variance application. A variance may be renewed for an additional period of one year; provided, that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance. (Prior code § 7567) (Ord. 2006-18 § 7, 2007)

#### **17.42.130 Revocation**

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with. (Prior code § 7568) (Ord. 2006-18 § 7, 2007)

#### **17.42.140 New application**

Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same variance on the same or substantially the same site shall be filed within one year of the date of denial of the variance application or revocation of the variance. (Prior code § 7569) (Ord. 2006-18 § 7, 2007)



RESOLUTION NO. 2014-50

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2014-06, A REQUEST BY REDWOOD VETERINARY HOSPITAL TO ALLOW A VARIANCE TO THE FIVE-FOOT SIDE YARD LANDSCAPE PLANTER AS REQUIRED BY DESIGN DISTRICT "C" IN THE SERVICE COMMERCIAL (C-S) ZONE. THE SITE IS LOCATED AT 1727 EAST MINERAL KING AVENUE (APN: 100-040-040)

**WHEREAS**, Variance No. 2014-06, is a request by Redwood Veterinary Hospital to allow a variance to the five-foot side yard landscape planter as required by Design District "C" in the Service Commercial (C-S) zone. The site is located at 1727 East Mineral King Avenue (APN: 100-040-040); and

**WHEREAS**, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on December 8, 2014; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2014-06, as conditioned by staff, to be in accordance with Section 17.42 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

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

Applicant: The site's unique size and the existing placement of the building situated in the center of the parcel resulted in the applicant designing the building addition directly to the south of the building. To retain the existing onsite vehicular circulation pattern, while providing the minimum 20-foot wide drive lane, the property owner opted to utilize the landscape area by paving the required five-foot landscape planter to accommodate vehicular circulation along the west side of the building. The additional five-feet of pavement area provides adequate drive aisle width thereby allow vehicles to maneuver around the building and egress the site safely.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. As a result, to maintain an adequate drive aisle width of 20-feet, the five-foot landscape planter was removed. This has resulted in the site retaining the existing onsite circulation pattern while providing adequate space for vehicles exiting along the west side of the building.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. In addition, several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements.

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

Applicant: Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the existing property configuration, and to meet the growing demands of the veterinary hospital, the practical location for the new addition was directly south of the existing veterinary hospital. In addition, several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements.

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

Applicant: The granting of the variance will not create an unsightly view. The site is undergoing major renovations, including upgrading the drive approaches along Mineral King Avenue, to accommodate a new ADA path of travel. The project will ultimately improve the project area.

6. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2014-76)

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Variance No. 2014-06, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.48.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed in substantial compliance with the site plan (Exhibit "A") attached herein.
2. That the existing landscape planters be refurbished with bark and that any dead or removed redwood trees located along the south property line be replanted.
3. That all applicable federal, state and city laws, codes and ordinances be met.
4. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Variance No. 2014-06, prior to the issuance of any sign permits for this project.





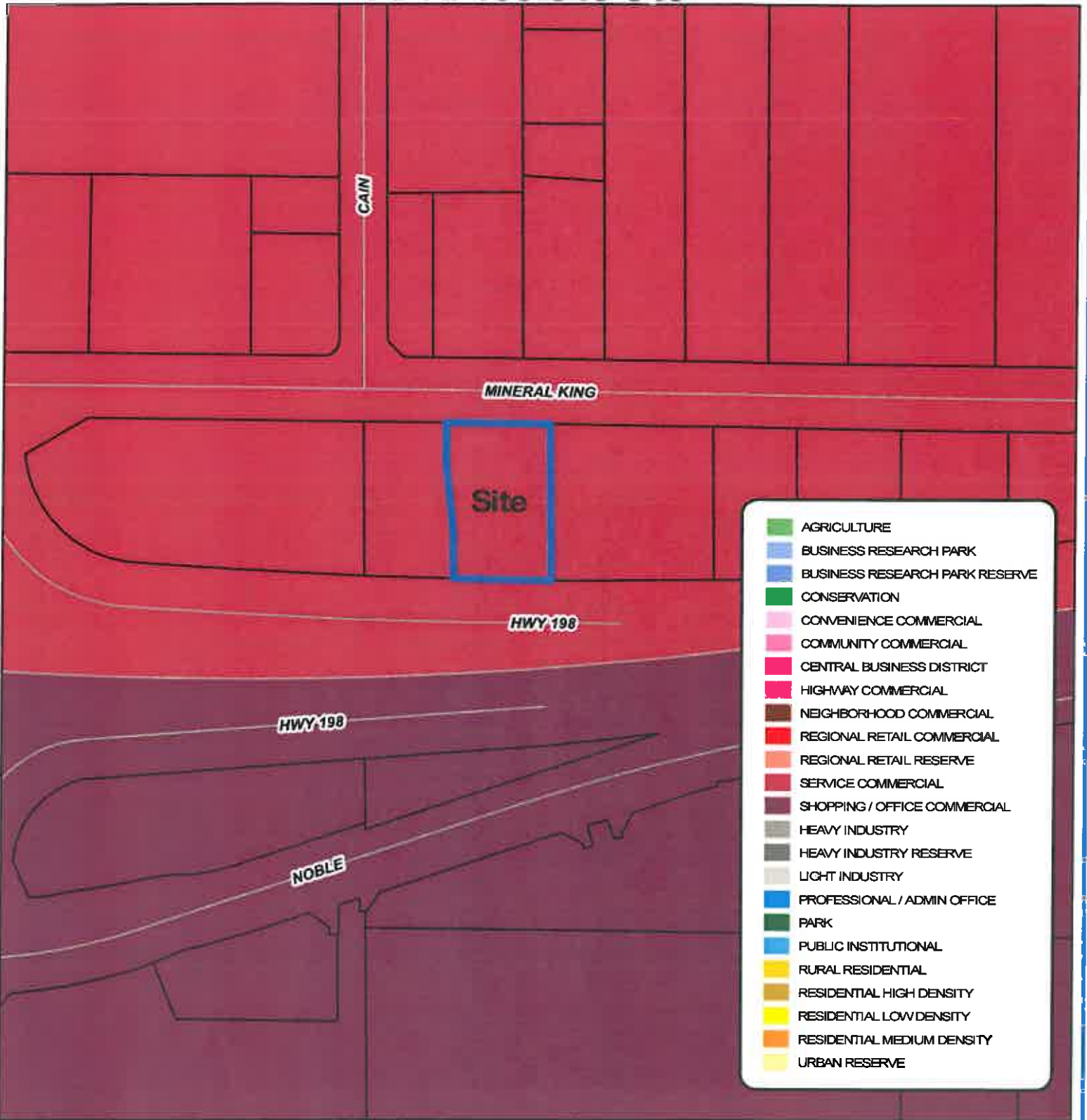
## Exhibit B

1. The site's unique size and the existing placement of the building situated in the center of the parcel resulted in the applicant designing the building addition directly to the south of the building. To retain the existing onsite vehicular circulation pattern, while providing the minimum 20-foot wide drive lane, the property owner opted to utilize the landscape area by paving the required five-foot landscape planter to accommodate vehicular circulation along the west side of the building. The additional five-feet of pavement area provides adequate drive aisle width thereby allow vehicles to maneuver around the building and egress the site safely. As business has increased over the years parking on site has become a problem. As part of this addition the parking was redone. The parking on the south side was changed from diagonal to 90 degree. Also the owner wishes to eliminate the planter on the west side along the existing retaining wall thereby gaining 3 additional spaces.
2. Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the property to meet the needs of the veterinary hospital, the practical location to add to the building was directly south of the existing veterinary hospital. As a result, to retain an adequate drive aisle width of 20-feet, the five-foot landscape planter was removed and paved retaining the 20-foot minimum driveway width. This has resulted in the site retaining the existing onsite circulation pattern while providing adequate space for vehicles exiting along the west side of the building. This facility has been in Visalia for many years and wishes to stay at this location in Visalia, but needs more parking. They have a large, almost 20 foot wide planter along the back of the property. Not being able to retain the 3 additional parking spaces along the west side will cause a hardship for the business.
3. Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the property to meet the needs of the veterinary hospital, the practical location to add to the building was directly south of the existing veterinary hospital. Several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements. Other property owners with newer facilities have had a chance to provide adequate parking, but the age of this facility and limited land will force the owner to consider moving.
4. Design District "C" allows buildings or structures to be erected on side property lines thereby eliminating the required five-foot landscape planter. To utilize the property to meet the needs of the veterinary hospital, the practical location to add to the building was directly south of the existing veterinary hospital. Several parcels in the area were developed prior to the adoption of the 1996 Zoning Ordinance, which established the Design District development standards. As a result, several parcels do not comply with the minimum side yard and/or front yard landscape setback requirements. Significant improvements to these properties will often result in sites not complying the current requirements. The large landscape area in the back will be maintained which provides adequate landscaping for the parking lot.
5. The granting of the variance will not create an unsightly view by not installing the five-foot landscape planter along the west property line. The site is undergoing major renovations, including upgrading the drive approaches along Mineral King Avenue, to accommodate new ADA paths of travel. The project will ultimately improve the project area. Additionally, the building to the west side is a solid CMU wall with no openings thereby eliminating visibility to the east from this site.



# Variance No. 2014-06

APN: 100-040-040



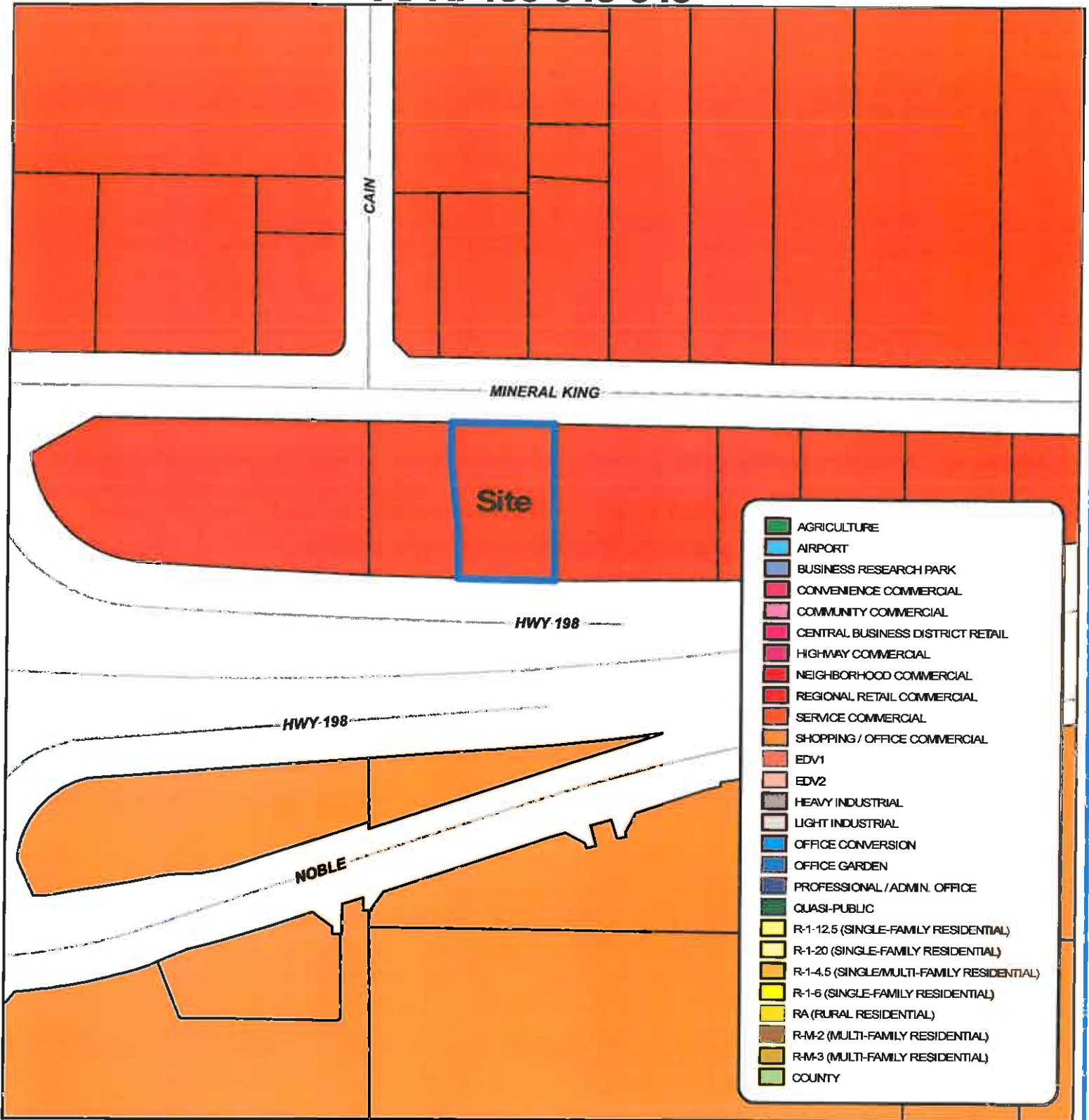
## General Plan Land Use Map

200 100 0 200 400 Feet



# Variance No. 2014-06

APN: 100-040-040



## Zoning Map





# Variance No. 2014-06

APN: 100-040-040

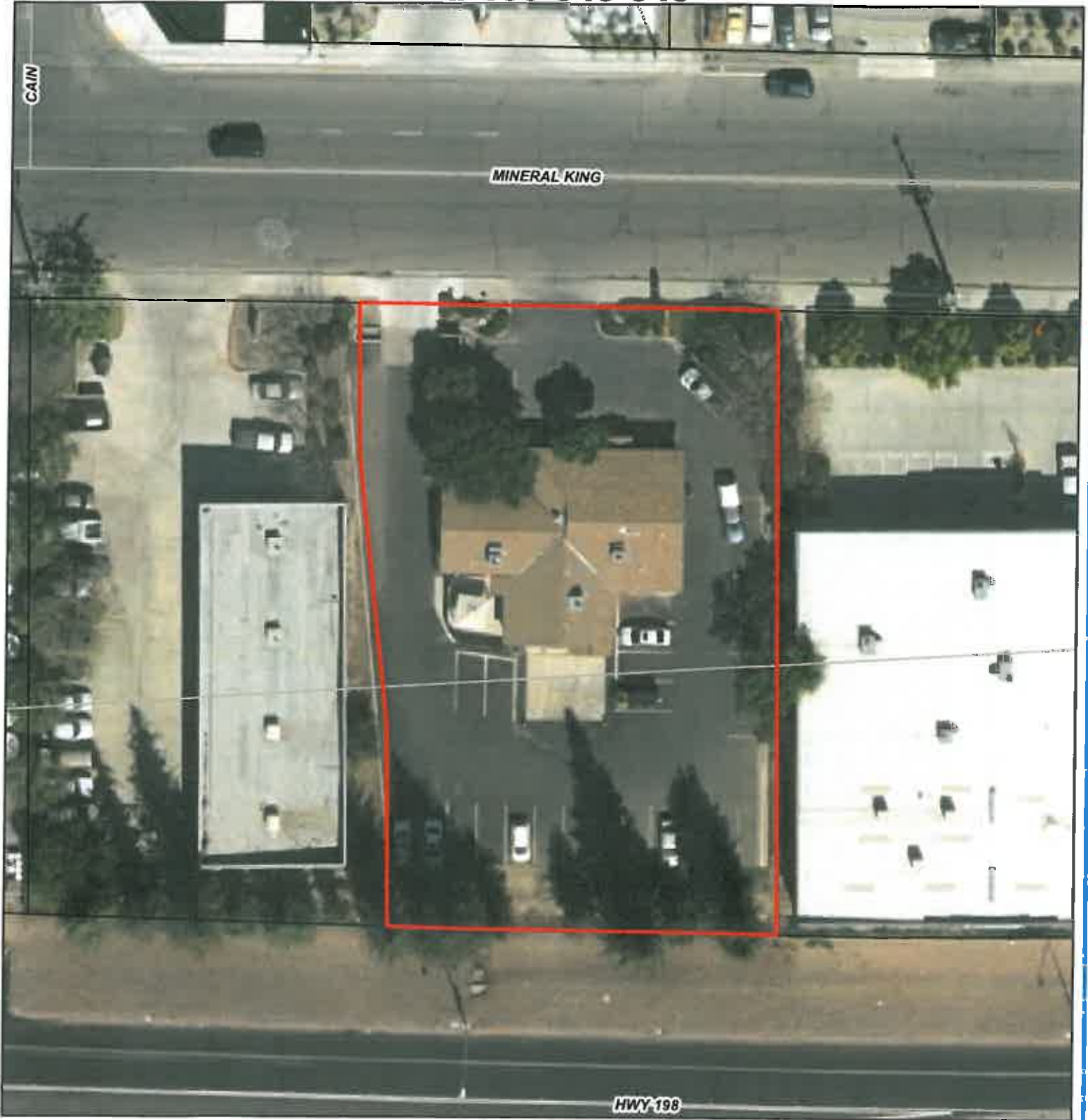


## Aerial Photo

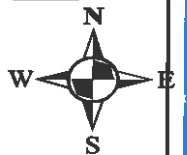


# Variance No. 2014-06

APN: 100-040-040



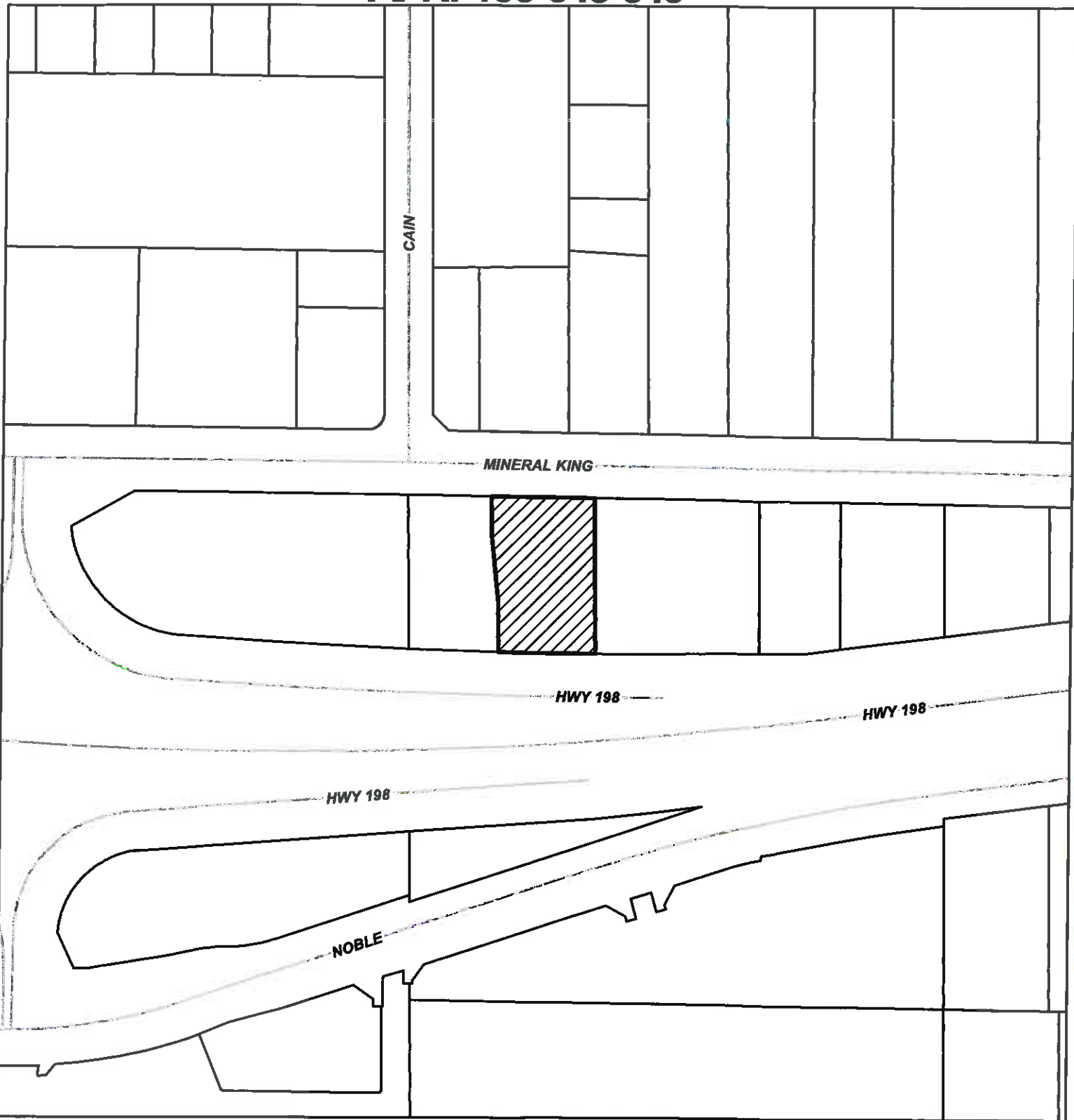
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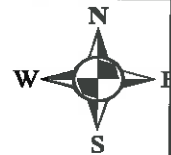


# Variance No. 2014-06

APN: 100-040-040



## Vicinity Map







## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** December 8, 2014

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

**SUBJECT: Conditional Use Permit No. 2014-30:** A request by Rance Mulliniks to allow a Baseball School in an existing 4,000 sq. ft. building in the Light Industrial (IL) zone. The site is located at 6804 W. Pershing Avenue. (APN: 085-520-002).

### STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-30 based on the findings and conditions in Resolution No. 2014-51. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

### RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-30 based on the findings and conditions in Resolution No. 2014-51.

### PROJECT DESCRIPTION

Conditional Use Permit No. 2014-30 is a request to establish an indoor baseball school at 6804 West Pershing Avenue. The proposed baseball facility will occupy an entire 4,000 sq. ft. building, as shown in Exhibit "A". The building is part of a four-building complex with shared access and parking. There are no exterior improvements proposed for this project.

The floor plan in Exhibit "B" shows the proposed use of the building which would begin with a single batting cage. The Operational Statement in Exhibit "C" provides the proposed scope of the facility which begins with one student and instructor and may expand to two students and two instructors at one time. Younger clients would be accompanied by a parent/guardian, and others would be driving their own vehicles.

The hours of operation will be Monday through Friday, 3:00 p.m. to 9:00 p.m., and Saturday by appointment. No walk-up customers will be allowed.

### BACKGROUND INFORMATION

**General Plan Land Use Designation:** Light Industrial  
**Zoning:** I-L (Light Industrial)  
**Surrounding Land Use and Zoning:** North: I-L (Light Industrial) / shops/ warehouses  
South: I-L (Light Industrial) / shops/ warehouses  
East: I-L (Light Industrial) / shops/ warehouses  
West: I-L (Light Industrial) / shops/ warehouses  
**Environmental Review:** Categorical Exemption No. 2014-71 Class 15301  
**Special Districts:** Design District "H"

### **RELATED PLANS & POLICIES**

Conditional Use Permit No. 2012-11 was approved by the Planning Commission on March 26, 2012 to allow a 3,200 sq. ft. baseball training facility at 6747 W. Pershing Avenue.

Conditional Use Permit No. 2008-08, a 10,000 sq. ft. indoor baseball training facility at 6707 W. Goshen Avenue, was approved by the Planning Commission on March 24, 2008.

Conditional Use Permit No. 2007-55, a personal fitness and training studio in the I-L zone at 7046 W. Pershing Court, was approved by the Planning Commission on November 13, 2007.

Conditional Use Permit No. 2007-43, a children's dance studio at 7022 W. Pershing Court, was approved by the Planning Commission on October 8, 2007.

Conditional Use Permit No. 2007-34, a children's birthday party facility in the I-L zone at 7131 W. Pershing Avenue, was approved by the Planning Commission on August 27, 2007.

Conditional use Permit No. 94-14, allowing a gymnastics, dance and daycare facility for youth in the I-L Zone at 9514 West Pershing Avenue, was approved by the Planning Commission in 1994.

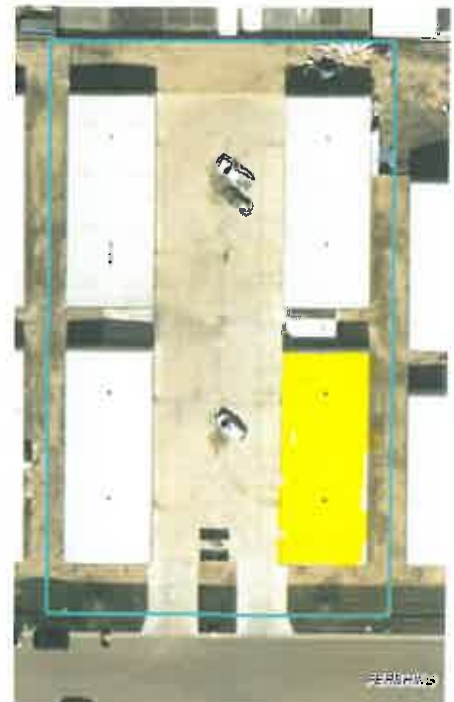
## **PROJECT EVALUATION**

Staff recommends approval of Conditional Use Permit No. 2014-30, as conditioned, based on the project's consistency with the Visalia General Plan and the Zoning Ordinance.

### **Land Use Compatibility**

The City Planner has determined that an indoor baseball training facility is similar in nature to the "Other Recreational Facilities" category in the Zoning Ordinance Matrix. "Other Recreational Facilities" are listed as conditional uses in the I-L zone. See attached summary of related plans and policies for CUP requirements.

Staff has concluded that a minor overlap in operation schedules will exist between the proposed indoor baseball academy and the typical light industrial uses surrounding the site. However, use of the baseball facility is limited to clients that are scheduled to be at the facility during the hours of operation with minimal interference with users in the light industrial area. Thus, other light industrial uses in the immediate area would not be affected by the proposed facility. Staff has also not identified any hazardous materials or conditions in the proposed Light Industrial area which would adversely impact the proposed facility.



Based upon the operational statement in Exhibit "C", the use of the facility will be limited to two instructors and two students, which would not create vehicle trips or numbers of users at the site beyond that of a typical light industrial use.

## Parking

There are approximately 28 parking stalls shared among four industrial buildings on the parcel, one of which will accommodate the project. A total of eight parking spaces would be required for the proposed use, based on one space per 500 square feet of gross floor area for gyms which is used for small training facilities. The 1/500 parking ratio is similar to that for other general light industrial or service commercial uses and a 1/1,000 ratio is used for storage. There is a mix of storage and related users in the remaining buildings. Based on the limited use described in the operational statement and other users, there is adequate parking for the proposed use.

Through the Site Plan Review process, it was determined that an ADA parking stall needs to be striped and signed, along with the path of travel, between this building and the building to the north. Condition No. 2 has been included requiring the striping and signage for the ADA parking stall.

## Environmental Review

The requested action is Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-71).

### **RECOMMENDED FINDINGS**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-71).

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2014-143.
2. That an ADA parking stall, with path of travel, be striped and signed for this use.
3. That the use be operated in substantial compliance with the floor plan shown in Exhibit "B".

4. That the facility be operated consistent with the Operational Statement in Exhibit "C". Changes to the operational statement shall be submitted to the City Planner for approval.
5. That walk-in customers shall not be allowed use of the facility.
6. That any retail associated with this use be incidental to the primary use and not be intended to draw retail customers to the site.
7. That building signage shall be applied for and issued under a separate building permit.
8. That all federal, state, regional, and city codes and ordinances be met.
9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-30.

### **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 & Policies
- Resolution
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

## **Related Plans & Policies**

### **Visalia Zoning Ordinance – Title 17 of the Visalia Municipal Code**

#### **Chapter 17.38 (Conditional Use Permits)**

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

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

##### **17.38.020 Application procedures.**

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

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

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

##### **17.38.040 Revocation.**

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be



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

**17.38.050 New application.**

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

**17.38.060 Conditional use permit to run with the land.**

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

**17.38.065 Abandonment of conditional use permit.**

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

**17.38.070 Temporary uses or structures.**

**17.38.080 Public hearing--Notice.**

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

**17.38.090 Investigation and report.**

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

**17.38.100 Public hearing--Procedure.**

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

**17.38.110 Action by planning commission.**

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

**17.38.120 Appeal to city council.**

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

**17.38.130 Effective date of conditional use permit.**

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

RESOLUTION NO. 2014-51

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-30, A REQUEST BY RANCE MULLINIKS TO ALLOW A BASEBALL SCHOOL IN AN EXISTING 4,000 SQ. FT. BUILDING IN THE LIGHT INDUSTRIAL (IL) ZONE. THE SITE IS LOCATED AT 6804 W. PERSHING AVENUE. (APN: 085-520-002)

**WHEREAS**, Conditional Use Permit No. 2014-30, is a request by Rance Mulliniks to allow a Baseball School in an existing 4,000 sq. ft. building in the Light Industrial (IL) zone. The site is located at 6804 W. Pershing Avenue. (APN: 085-520-002); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 8, 2014; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2014-30, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the project is Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2014-71).

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2014-143.
2. That an ADA parking stall, with path of travel, be striped and signed for this use.
3. That the use be operated in substantial compliance with the floor plan shown in Exhibit "B".
4. That the facility be operated consistent with the Operational Statement in Exhibit "C". Changes to the operational statement shall be submitted to the City Planner for approval.
5. That walk-in customers shall not be allowed use of the facility.
6. That any retail associated with this use be incidental to the primary use and not be intended to draw retail customers to the site.
7. That building signage shall be applied for and issued under a separate building permit.
8. That all federal, state, regional, and city codes and ordinances be met.
9. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-30.

# LOT # 2

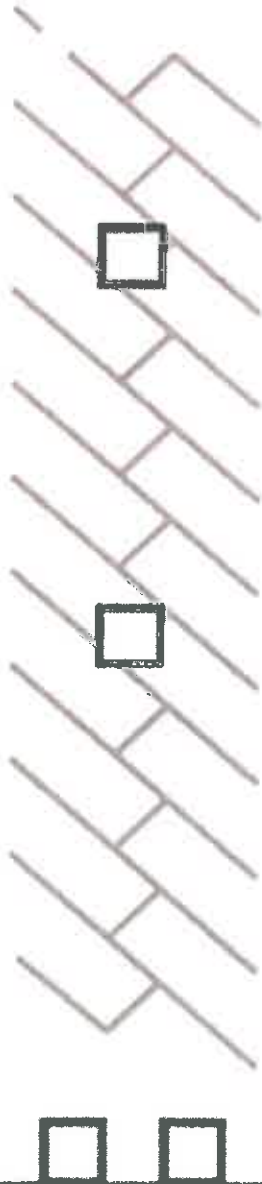
**6830**  
Sq. Ft.: 4,000

**6808B**  
2,000 sq.ft  
**Sq. Ft.: 2,000**  
**6808A**

**6826B**  
Sq. Ft.: 2,000

**Sq. Ft.: 2,000**  
**6826A**

MULLINIKS  
**6804**  
4,000Sq.Ft



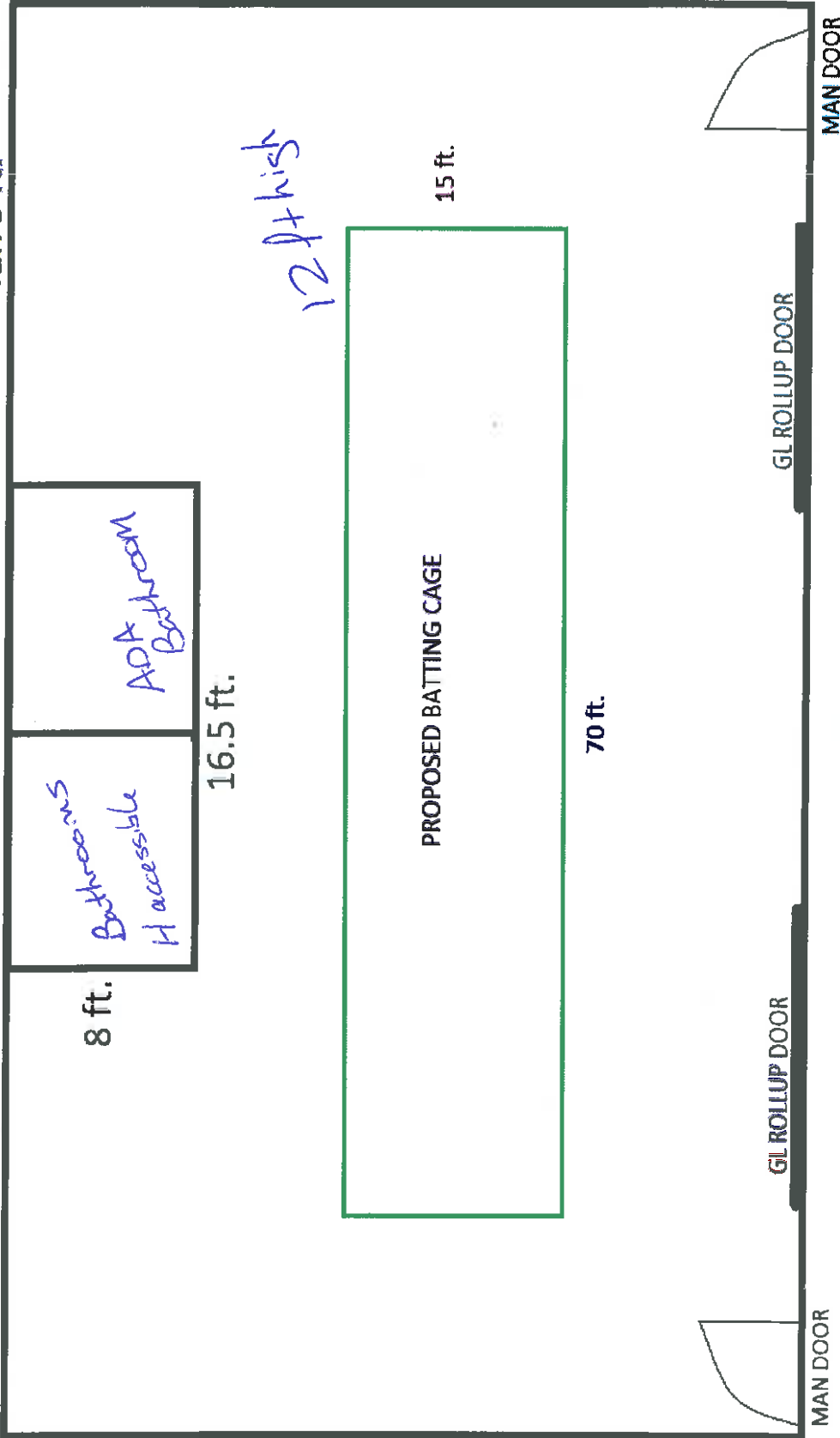
*H Parking*



FLOOR PLAN 6804 PERSHING

41.75 ft.

41.75 ft.



8 ft.

ADA accessible  
Bathroom

ADA Bathroom

16.5 ft.

12 ft high

PROPOSED BATTING CAGE

15 ft.

70 ft.

GI ROLLUP DOOR

GI ROLLUP DOOR

MAN DOOR

MAN DOOR

100 ft.

Exhibit "B"

## STATEMENT OF OPERATION

### **6804 West Pershing**

The purpose of the business is to give baseball instruction only. There are no special events planned. The number of people on the site at any given time will be approximately five, this includes parents. There will be only one employee giving instructions at a time. In the future there may be two instructors and two students.

The hours of operation will be Monday through Friday 3pm. to 9pm. occasionally there may be a client on a Saturday morning. The other units on this particular lot at Pershing are used for storage so there is not a lot of business parking or traffic.

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: October 22, 2014

SITE PLAN NO: 2014-143  
PROJECT TITLE: MULLINIKS PROFESSIONAL BASEBALL SCHOOL  
DESCRIPTION: PROFESSIONAL BASEBALL SCHOOL IN EXISTING 4,000 SF BUILDING ON 43,560 SF AREA (IL ZONED) (AE) (DISTRICT H)  
APPLICANT: MULLINIKS RANCE  
PROP. OWNER: FERRERO ROBERT JR & CAROLYN  
LOCATION TITLE: 6804 W PERSHING AVE  
APN TITLE: 085-520-002  
GENERAL PLAN: IL – Light Industrial  
EXISTING ZONING: IL – Light Industrial

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Minor Conditional Use Permit (CUP)
- Operational Statement
- Additional Information as needed

## **PROJECT SPECIFIC INFORMATION: 10/22/2014**

1. A Minor CUP is required for the indoor baseball training facility.
2. Provide additional information on the operational plan identify the number of employees, and the maximum number of clients onsite during training sessions.
3. Provide a floor plan depicting how the interior space will be utilized for this use.

## CITY GENERAL PLAN CONSISTENCY

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

**Design District: "H" (See Chapter 17.24 For BRP Zoned Sites) [17.30.230]**

**Maximum Building Height:** 75 Feet

### Minimum Setbacks:

	Building	Landscaping
➤ Frontage on major roads	40 Feet	40 Feet
➤ Frontage on minor roads	25 Feet	25 Feet
➤ Frontage on interior roads	15 Feet	15 Feet
➤ Side	0 Feet	0 Feet
➤ Side abutting railroad right-of-way	40 Feet	40 Feet
➤ Side abutting residential zone	20 Feet	10 Feet
➤ Rear	0 Feet	0 Feet
➤ Rear abutting residential zone	20 Feet	10 Feet

*Major roads are defined as arterials and collectors such as Goshen Ave., Plaza Dr., etc.*

*Minor roads are defined as local streets such as Elowin Ct., Clancy Dr., etc.*

*Interior roads provide access to parcels within development*

**Minimum Site Area:** 5 acres minimum site area. If site less than this minimum area is approved in accordance with section No. 17.30.130 (A) of this chapter, it is required that setbacks be determined at the time of parceling the property. The parcels being created shall be designed to accommodate the landscape areas and building setbacks as required by this section.

Properties subdivided into less than 5 acre sites shall provide a common or joint storm drainage facility to be maintained through a property owners association formed at the time of subdivision.

**Parking:** As prescribed in Chapter 17.34

**Screening requirement:** An eight foot masonry wall is required along a property line that abuts a residentially zoned property. (See also 17.36, 17.36.050, 17.36.070)

**Parking:**

1. Parking for indoor recreational facilities is one space per 500 square feet of floor area (see Zoning Ordinance Section 17.34.020).
2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
3. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).

**Landscaping:**

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

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

A handwritten signature in black ink, appearing to be "J. D. [unclear]", written over a horizontal line.



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

Jason Huckleberry 713-4259  
 Adrian Rubalcaba 713-4271

ITEM NO: 4 DATE: OCTOBER 22, 2014

SITE PLAN NO.: 14-143  
PROJECT TITLE: MULLINIKS PROFESSIONAL BASEBALL SCHOOL  
DESCRIPTION: PROFESSIONAL BASEBALL SCHOOL IN EXISTING 4,000 SF BUILDING ON 43,560 SF AREA (IL ZONED) (AE) (DISTRICT H)  
APPLICANT: MULLINIKS RANCE  
PROP OWNER: FERRERO ROBERT JR & CAROLYN  
LOCATION: 6804 W PERSHING AVE  
APN: 085-520-002

**SITE PLAN REVIEW COMMENTS**

REQUIREMENTS (indicated by checked boxes)

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

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

- CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_ : \_\_\_\_\_ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests:            each at
- Written comments required from ditch company            Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum  Provide            wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations.  Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an Oak tree evaluation or permit to remove.  A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments.  Resubmit with additional information.  Redesign required.

**Additional Comments:**

***1. Site plan does not depict an existing accessible stall to the proposed business; applicant shall refresh or designate, to City & ADA standards, the accessible stall exclusive to the business.***

***2. Building permit plan check and inspection fees apply.***

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 14-143  
Date: 10/22/2014

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

(Fee Schedule Date:8/15/2014)  
(Project type for fee rates:SERV.COMM.)

Existing uses may qualify for credits on Development Impact Fees.

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

**Reimbursement:**

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

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

ITEM NO: 4

DATE: October 22, 2014

SITE PLAN NO:

SPR14143

PROJECT TITLE:

MULLINIKS PROFESSIONAL BASEBALL SCHOOL

DESCRIPTION:

PROFESSIONAL BASEBALL SCHOOL IN EXISTING 4,000 SF BUILDING ON 43,560 SF AREA (IL ZONED) (AE) (DISTRICT H)

APPLICANT:

MULLINIKS RANCE

PROP OWNER:

FERRERO ROBERT JR & CAROLYN

LOCATION:

6804 W PERSHING AVE

APN(S):

085-520-002

# City of Visalia Police Department

303 S. Johnson St.  
Visalia, Ca. 93292  
(559) 713-4370

## Site Plan Review Comments

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

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

- Not enough information provided. Please provide additional information pertaining to:  
\_\_\_\_\_
- Territorial Reinforcement: Define property lines (private/public space).  
\_\_\_\_\_
- Access Controlled / Restricted etc:  
\_\_\_\_\_
- Lighting Concerns:  
\_\_\_\_\_
- Landscaping Concerns:  
\_\_\_\_\_
- Traffic Concerns:  
\_\_\_\_\_
- Surveillance Issues:  
\_\_\_\_\_
- Line of Sight Issues:  
\_\_\_\_\_
- Other Concerns:  
\_\_\_\_\_

Visalia Police Department



MEETING DATE 10/22/2014  
SITE PLAN NO. 14-143  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

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

**REVISE AND PROCEED** (see below)

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

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

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: October 22, 2014

SITE PLAN NO:

SPR14143

PROJECT TITLE:

MULLINIKS PROFESSIONAL BASEBALL SCHOOL

DESCRIPTION:

PROFESSIONAL BASEBALL SCHOOL IN EXISTING  
4,000 SF BUILDING ON 43,560 SF AREA (IL ZONED)  
(AE) (DISTRICT H)

APPLICANT:

MULLINIKS RANCE

PROP OWNER:

FERRERO ROBERT JR & CAROLYN

LOCATION:

6804 W PERSHING AVE

APN(S):

085-520-002

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 2012 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 permit.



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: \_\_\_\_\_

\_\_\_\_\_  
Signature



**Site Plan Review Comments For:**  
**Visalia Fire Department**  
 Kurtis A. Brown,  
 Assistant Fire Marshal  
 707 W Acequia  
 Visalia, CA 93291  
 559-713-4261 *office*  
 559-713-4808 *fax*

SITE PLAN NO: SPR14143  
 PROJECT TITLE: MULLINIKS PROFESSIONAL BASEBALL SCHOOL  
 DESCRIPTION: PROFESSIONAL BASEBALL SCHOOL IN EXISTING  
 4,000 SF BUILDING ON 43,560 SF AREA (IL ZONED)  
 (AE) (DISTRICT H)  
 APPLICANT: MULLINIKS RANCE  
 PROP OWNER: FERRERO ROBERT JR & CAROLYN  
 LOCATION: 6804 W PERSHING AVE  
 APN(S): 085-520-002

**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.

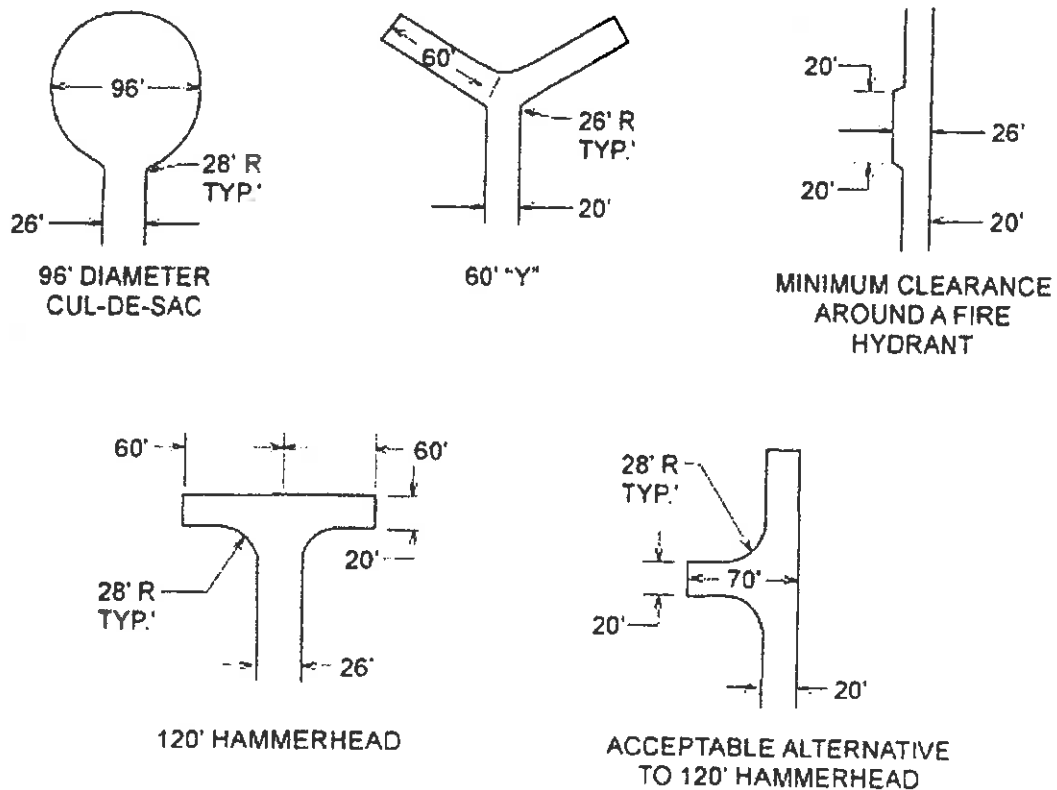


FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

- 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:**

  
\_\_\_\_\_  
Maribel Vasquez  
Fire Inspector





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

**COMMERCIAL BIN SERVICE**

SITE PLAN NO: SPR14143  
PROJECT TITLE: MULLINIKS PROFESSIONAL BASEBALL SCHOOL  
DESCRIPTION: PROFESSIONAL BASEBALL SCHOOL IN EXISTING  
4,000 SF BUILDING ON 43,560 SF AREA (IL ZONED)  
(AE) (DISTRICT H)  
MULLINIKS RANCE  
APPLICANT:  
PROP OWNER: FERRERO ROBERT JR & CAROLYN  
LOCATION: 6804 W PERSHING AVE  
APN(S): 085-520-002

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

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

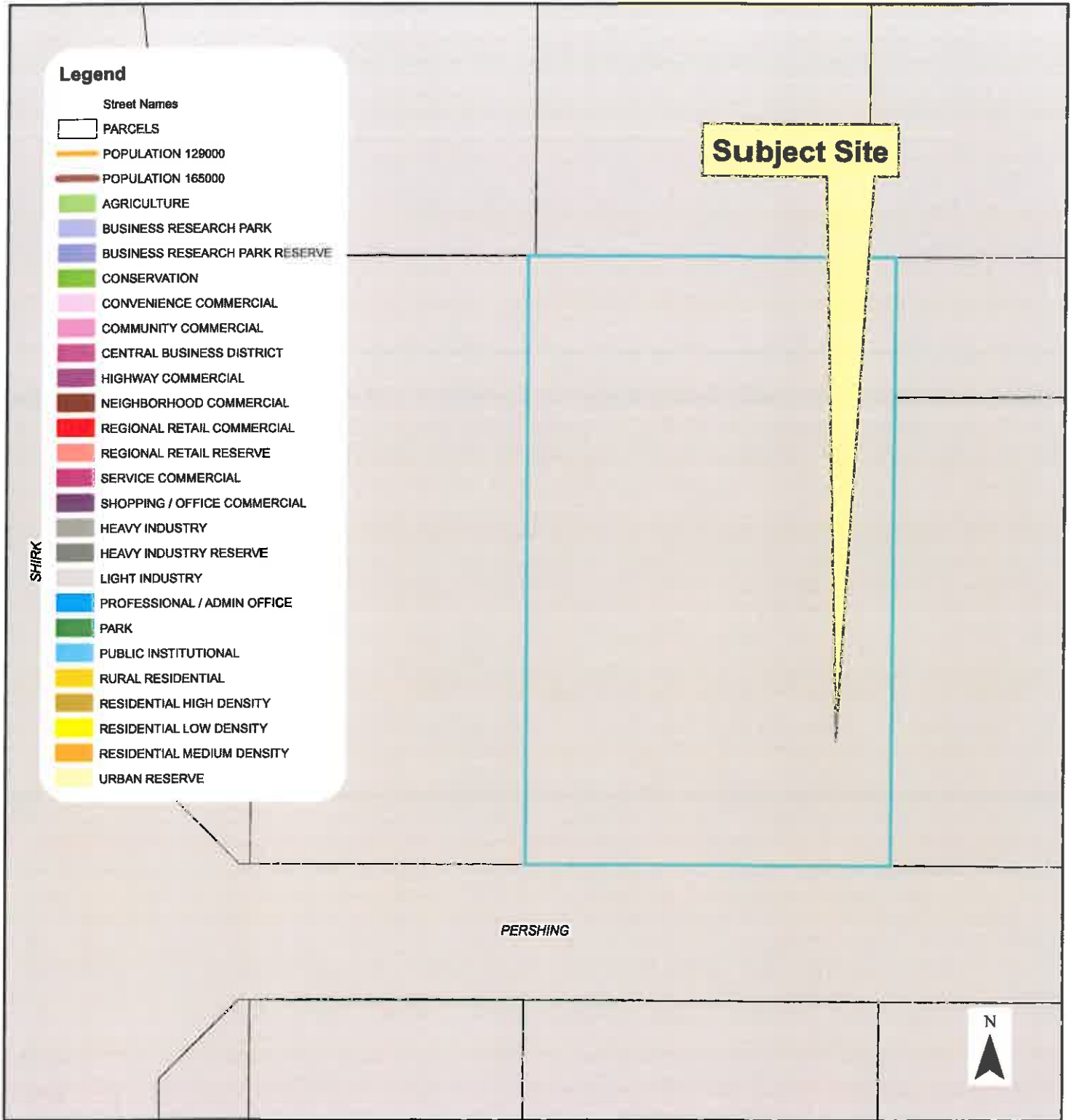
Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.

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

EXISTING REFUSE SERVICE OK.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

# City of Visalia

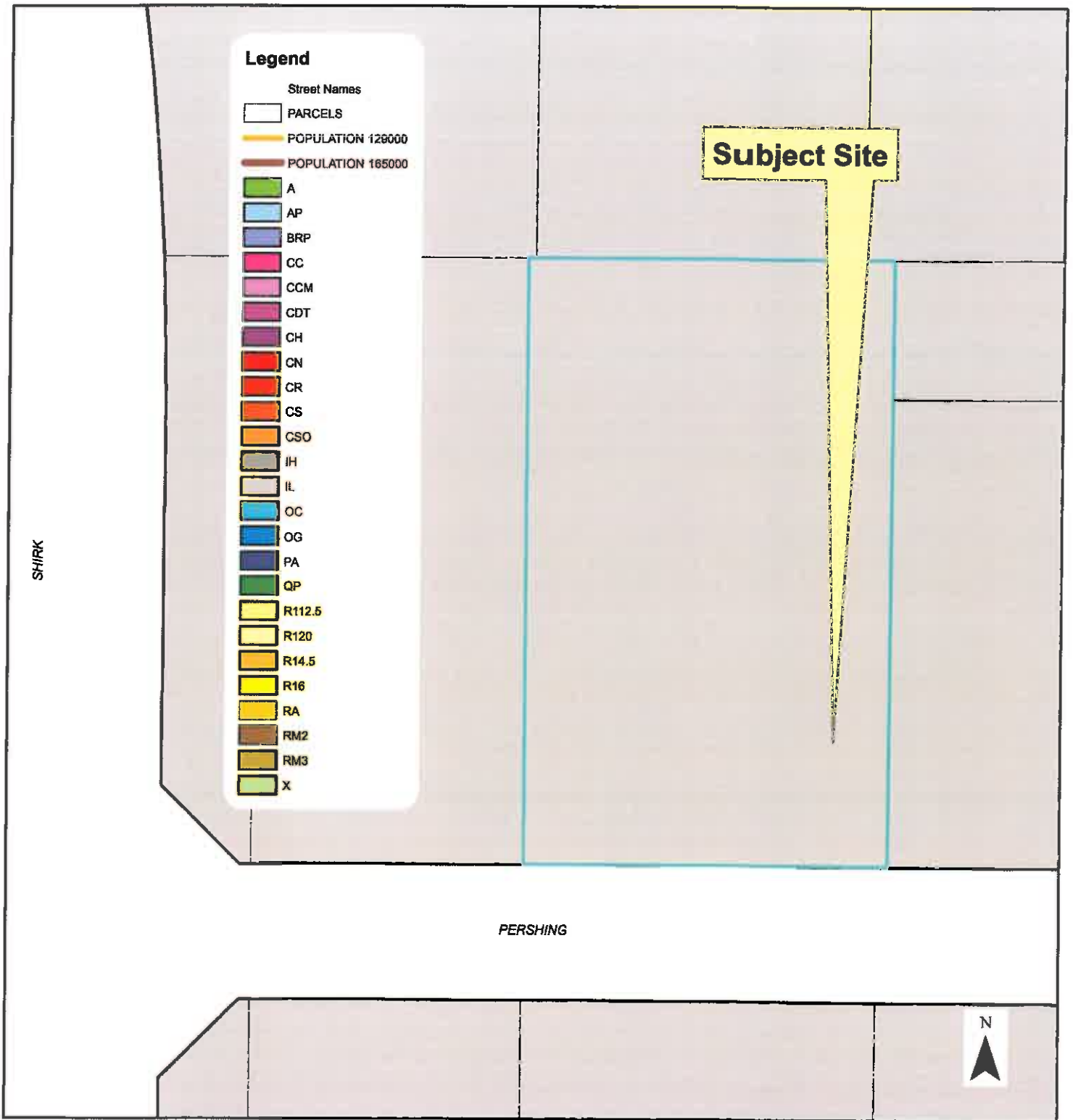


## Land Use Designations

0 12.525 50 75 100 Feet

CUP No. 2014-30

# City of Visalia



## Zoning Designations

0 12.5 25 50 75 100 Feet

CUP No. 2014-30



# City of Visalia



**Subject Site**

PERSHING

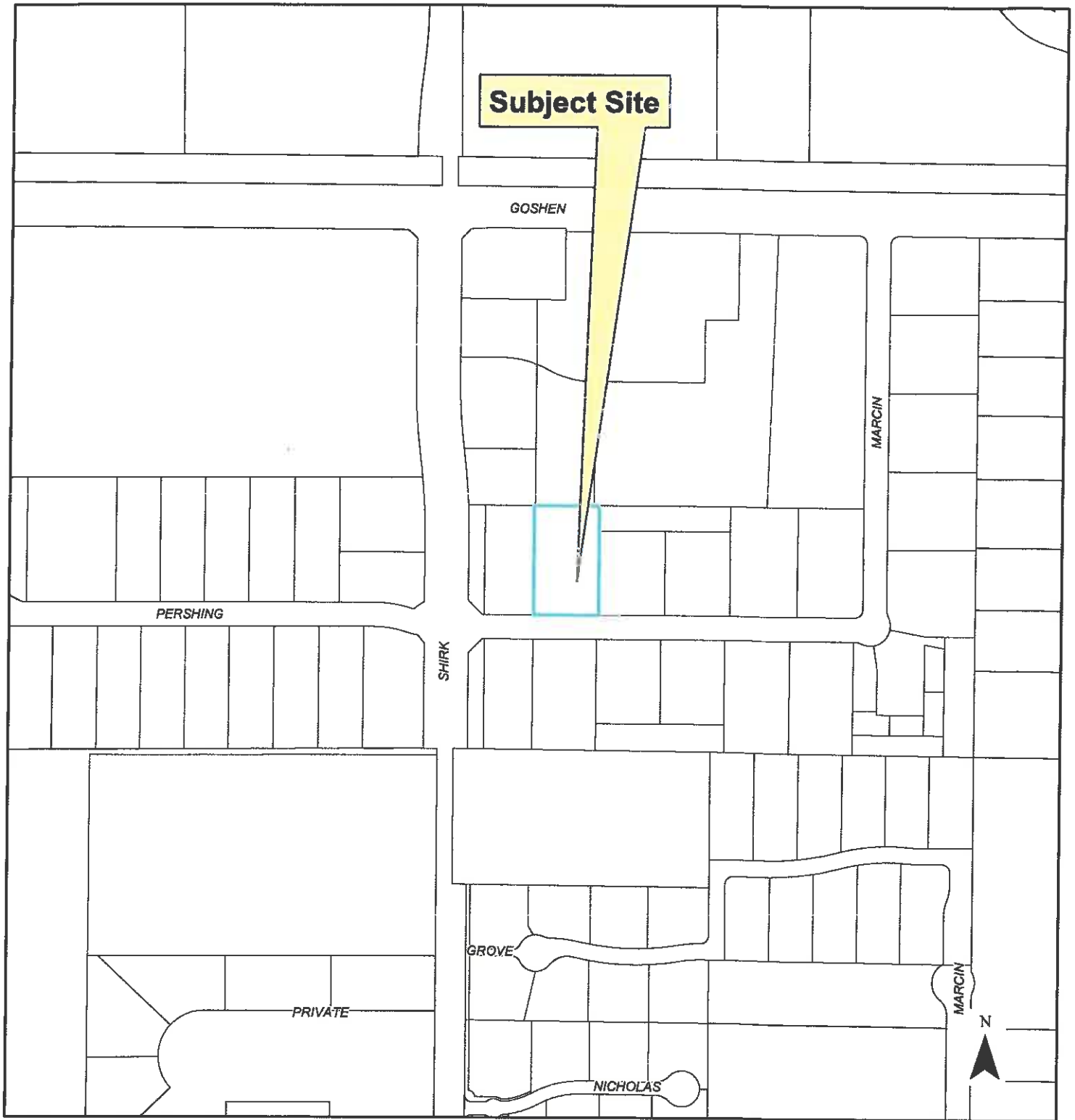


## Aerial Photo

0 5 10 20 30 40 Feet

**CUP No. 2014-30**

# City of Visalia



## Location Map

0 75 150 300 450 600 Feet

CUP No. 2014-30



## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** December 8, 2014

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

**SUBJECT: Conditional Use Permit No. 2014-29:** A request by Tulare County Housing to allow the expansion of the existing non-medical licensed care facility for clients with mental illness at 546 E. Tulare Avenue to add three existing residential units for an increase from 40 to 54 clients. The site is within the Medium Density Multiple Family Residential (R-M-2) zone. The expansion units are located at 625 E. Laurel Avenue, 1136 S. Liberty Court, and 1142 S. Liberty Court. (APN: 097-094-060, 097-094-066, 097-094-068).

### STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-29, as conditioned, based upon the findings and conditions in Resolution No. 2014-49. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

### RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-29, based on the findings and conditions in Resolution No. 2014-49.

### PROJECT DESCRIPTION

Conditional Use Permit No. 2014-29 is a request by the Tulare County Housing Authority to allow the expansion of the existing non-medical licensed care facility for clients with mental illness at 546 E. Tulare Avenue by adding three adjacent residential units located at 625 E. Laurel Avenue, 1136 S. Liberty Court, and 1142 S. Liberty Court. This would increase the residential clients from 40 to 54 persons for the total facility.

The facility at 546 E. Tulare Avenue is comprised of a primary administration and housing building, apartment complex, and a recreation center. Originally approved through several conditional use permits, the facility now acts as a transitional living center for 40 clients of Tulare County Mental Health Services from high restrictive levels of care (i.e. hospitals, Institutions of Mental Disease (IMD)) to less restrictive levels of care (i.e. self-sufficiency with case management and medication monitoring).

The proposal is to expand the facility by adding three existing residential units as shown in Exhibit "A", to add 14 more clients for a total of 54 clients. The units are located on the northeast side of the existing facility and have frontage on Liberty Court. The units would have security fencing between them and neighboring residences to prevent casual ingress/egress out to Liberty Court. The daily activities of the clients and support staff would be oriented back into the main facility as shown in Exhibit "A" with pedestrian sidewalk connections between the main facility and the proposed residential units.

The program for care and monitoring would not change, with only an increase in clients and the addition of minimal staff for the increased numbers of clients. An operational statement has been provided in Exhibit "B".

The clients are not permitted to have personal vehicles. The onsite parking needs for employees would be met at the existing facility on Tulare Avenue. All clients are ambulatory and the facility will operate in a residential manner. The clients may have occasional supervised visits from family and friends. Floor plans have been provided in Exhibit "C" for the units which would be added by this proposal.

## BACKGROUND INFORMATION

General Plan Land Use Designation:	Residential Medium Density (No Change GPLUE Update 2014)
Zoning:	R-M-2 Multi-family residences
Surrounding Land Use and Zoning:	North: R-1-6 / Single-family residences South: R-M-2 / Single-family residences East: R-M-2 / Single and Multi-family residences West: NC (Neighborhood Commercial) – County Offices and parking lot
Environmental Review:	Categorical Exemption No. 2014-70
Special District & Design District:	N/A
Site Plan Review No:	2014-148

### **RELATED PLANS & POLICIES**

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

### **RELATED PROJECTS**

**Conditional Use Permit No. 248** was approved in 1973 to allow a mentally handicapped group home for 15 women. In 1974, an unlimited time extension was approved for the facility and the maximum number of girls for the group home was raised to 18.

**Conditional Use Permit No. 337** was approved in 1975 to allow the construction of an additional 8 units to the existing facility, and to add a population of 16 women for the purpose of educational training towards self-care and independent living. This was in addition to the existing 18 women inside the group home.

**Conditional Use Permit No. 389** was approved in 1976 to change the site layout for the previously approved apartments and to add one additional unit. The permit increased the allowed number of women inside the apartments from 16 to 18 (2 women per unit), while the number of women in the group home remained unchanged, thus allowing a total of 36 women on the site for 24-hour residential care.

**Conditional Use Permit No. 424** was approved in 1976 to allow afternoon and/or evening classes to be held at the site, under the direction of the Adult Educational Department of the Visalia Unified Schools.

**Conditional Use Permit No. 2003-02** was approved in 2003 amending previous use permits to allow a licensed 24-hour residential care facility for up to 40 mentally ill clients.

## PROJECT EVALUATION

Staff supports the conditional use permit, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance policies for approval of conditional use permits.

### Land Use Compatibility

The proposed project is an expansion of a residential transitional living facility into existing residential units. The units would be fenced from Liberty Court with all the primary vehicular and pedestrian traffic and activity occurring through the primary facility to the west as shown in Exhibit "A". As proposed and conditioned herein the expansion of the transitional living facility would be consistent with the existing facility and adjacent single family residential land uses.

### Parking and Access

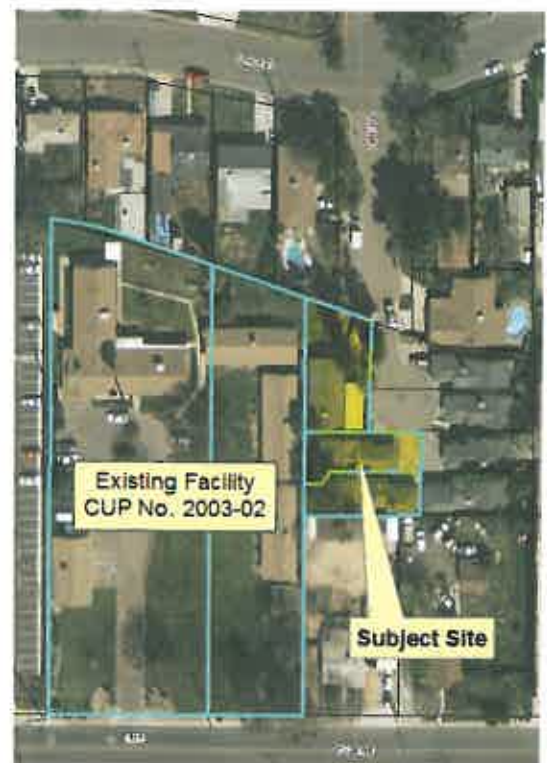
The primary facility has existing vehicular and pedestrian access directly to Tulare Avenue and would be where all of the primary pedestrian and vehicle trips would occur. The proposal would not increase the parking demand for the facility since the clients are not allowed to have vehicles at the site.

### Good Neighbor Policy Condition

The previous use permit included a "Good Neighbor Policy" condition, and it has been included in the recommended conditions of approval for this project. The inclusion of the Good Neighbor Policies as part of the project's Conditions of Approval is to ensure that this facility maintains the site and residential structure in a visually compatible manner with respect to the surrounding residential properties. This condition has been applied to several similar facilities located throughout the community.

### Visalia Police Department Review

The Visalia Police Department reviewed the applicant's proposal during the Site Plan Review process, and did not recommend inclusion of any other conditions/recommendations beyond those identified through the CUP process.





## **Environmental Review**

This project is considered Categorical Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for approval of new construction or conversion of small structures including single-family residence in an urbanized area that are consistent with the general plan designation and applicable zoning designations and regulations (Categorical Exemption No. 2014-70).

## **RECOMMENDED FINDINGS**

### **Conditional Use Permit No. 2014-29**

1. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The proposed conditional use permit is compatible with adjacent land uses, subject to compliance with the Operational Statement and Conditions of Project Approval. The daily operating requirements and project conditions, including the "Good Neighbor Conditions" ensure that the facility maintains the residential character and that the site be maintained.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The conditions adopted for the recovery facility ensure that the site is properly maintained and does not fall into a state of disrepair. Failure to comply with the conditions may result in a revocation process for the CUP.
3. That the project is Categorical Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2014-70).

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **Conditional Use Permit No. 2014-29**

1. That the site be developed consistent with the comments and conditions of the Site Plan Review No. 2014-148.
2. That the site be developed in substantial compliance with the site plan and floor plans in Exhibits "A" and "C".
3. That the facility operates as outlined in the operational statement in Exhibit "B", and as conditioned per the conditions of approval.

4. That the facility be limited to a maximum of 54 clients.
5. That the clients, with the exception of employees and/or staff, are prohibited from bringing personal vehicles to the facility.
6. That any changes in the operational profile and/or the site of the facility be submitted to the Planning Division for review to determine consistency with the conditional use permit or if an amendment to this use permit would be warranted.
7. That all applicable conditions of CUP No. 2003-02 shall be in effect as a part of this use permit.
8. That the operator of the facility shall notify the City of Visalia Planning Division in writing within 30 days of any change in licensing status.
9. That if the licensing for this facility is revoked, this conditional use permit shall terminate.
10. That the owner/operator shall be subject to the following "good neighbor" policy conditions:
  - a. All development standards, city codes and ordinances shall be continuously met for this use. Buildings and premises, including paint/siding, roofs, windows, fences, and landscaping shall be kept in good repair. Premises shall be kept free of junk and debris.
  - b. Provide a regular program for the control of infestation by insects, rodents, and other pests.
  - c. Maintain all electrical, plumbing, heating, and other facilities in good working order.
  - d. Maintain all structures in reasonably weather tight condition and good exterior appearance.
  - e. Remove graffiti on the site or in the public right of way in front of the site within 24 hours of it having been observed.
  - f. That the site shall always be maintained in keeping with the residential character of the surrounding neighborhood.
  - g. All on-site landscaping shall be maintained in a well groomed residential character.
  - h. At least one operator of the program shall be available on-site or by phone at all times to respond to management and maintenance issues raised by any concerned individual.
  - i. Provide 24-hour access for Visalia Police Department to facility staff. Staff shall be either on-site or available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
11. That the operator of the facility shall not allow loitering in front of the facility or on the adjacent properties by the clients.
12. That the applicant/operator will be responsible for ensuring that any staff shift changes during the evening hours are conducted in an orderly manner with little or no disturbance to the adjacent neighbors.
13. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2014-29.

14. That all applicable federal, state and city codes and ordinances be met.
15. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-29.

### **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 & Policies
- Resolution No. 2014-49
- Exhibit "A" – Site Plan
- Exhibit "B" – Operational Statement
- Exhibit "C" – Floor Plans
- Site Plan Review No. 2014-148
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Vicinity Map

## **RELATED PLANS AND POLICIES**

### **Conditional Use Permits**

(Section 17.38)

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

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

#### **17.38.020 Application procedures.**

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

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

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

#### **17.38.040 Revocation.**

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be

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

**17.38.050 New application.**

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

**17.38.060 Conditional use permit to run with the land.**

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

**17.38.065 Abandonment of conditional use permit.**

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

**17.38.070 Temporary uses or structures.**

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
  1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
  2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
  3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
  4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
  5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.



6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
7. Signing for temporary uses shall be subject to the approval of the city planner.
8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

**17.38.080 Public hearing--Notice.**

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

**17.38.090 Investigation and report.**

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

**17.38.100 Public hearing--Procedure.**

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

**17.38.110 Action by planning commission.**

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
  1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
  2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)\

**17.38.120 Appeal to city council.**

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

**17.38.130 Effective date of conditional use permit.**

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

RESOLUTION NO. 2014-49

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-29, A REQUEST BY TULARE COUNTY HOUSING TO ALLOW THE EXPANSION OF THE EXISTING NON-MEDICAL LICENSED CARE FACILITY FOR CLIENTS WITH MENTAL ILLNESS AT 546 E. TULARE AVENUE TO ADD THREE EXISTING RESIDENTIAL UNITS AT 625 E. LAUREL AVENUE, 1136 S. LIBERTY COURT, AND 1142 S. LIBERTY COURT, FOR AN INCREASE FROM 40 TO 54 PERSONS. THE EXISTING SITE IS WITHIN THE MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-M-2) ZONE. THE EXPANSION UNITS ARE LOCATED AT 625 E. LAUREL AVENUE, 1136 S. LIBERTY COURT, AND 1142 S. LIBERTY COURT, IN THE MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL (R-M-2) ZONE. (APN: 097-094-060, 097-094-066, 097-094-068)

**WHEREAS**, Conditional Use Permit No. 2014-29, is a request by Tulare County Housing to allow the expansion of the existing non-medical licensed care facility for clients with mental illness at 546 E. Tulare Avenue to add three existing residential units at 625 E. Laurel Avenue, 1136 S. Liberty Court, and 1142 S. Liberty Court, for an increase from 40 to 54 persons. The existing site is within the Medium Density Multiple Family Residential (R-M-2) zone. The expansion units are located at 625 E. Laurel Avenue, 1136 S. Liberty Court, and 1142 S. Liberty Court in the Medium Density Multiple Family Residential (R-M-2) zone. (APN: 097-094-060, 097-094-066, 097-094-068); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 8, 2014; and

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2014-29, as conditioned by staff, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15303.

**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 conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use permit is in accordance with the

objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The proposed conditional use permit is compatible with adjacent land uses, subject to compliance with the Operational Statement and Conditions of Project Approval. The daily operating requirements and project conditions, including the "Good Neighbor Conditions" ensure that the facility maintains the residential character and that the site be maintained.

- The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The conditions adopted for the recovery facility ensure that the site is properly maintained and does not fall into a state of disrepair. Failure to comply with the conditions may result in a revocation process for the CUP.
3. That the project is Categorically Exempt under Section 15303 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2014-70)).

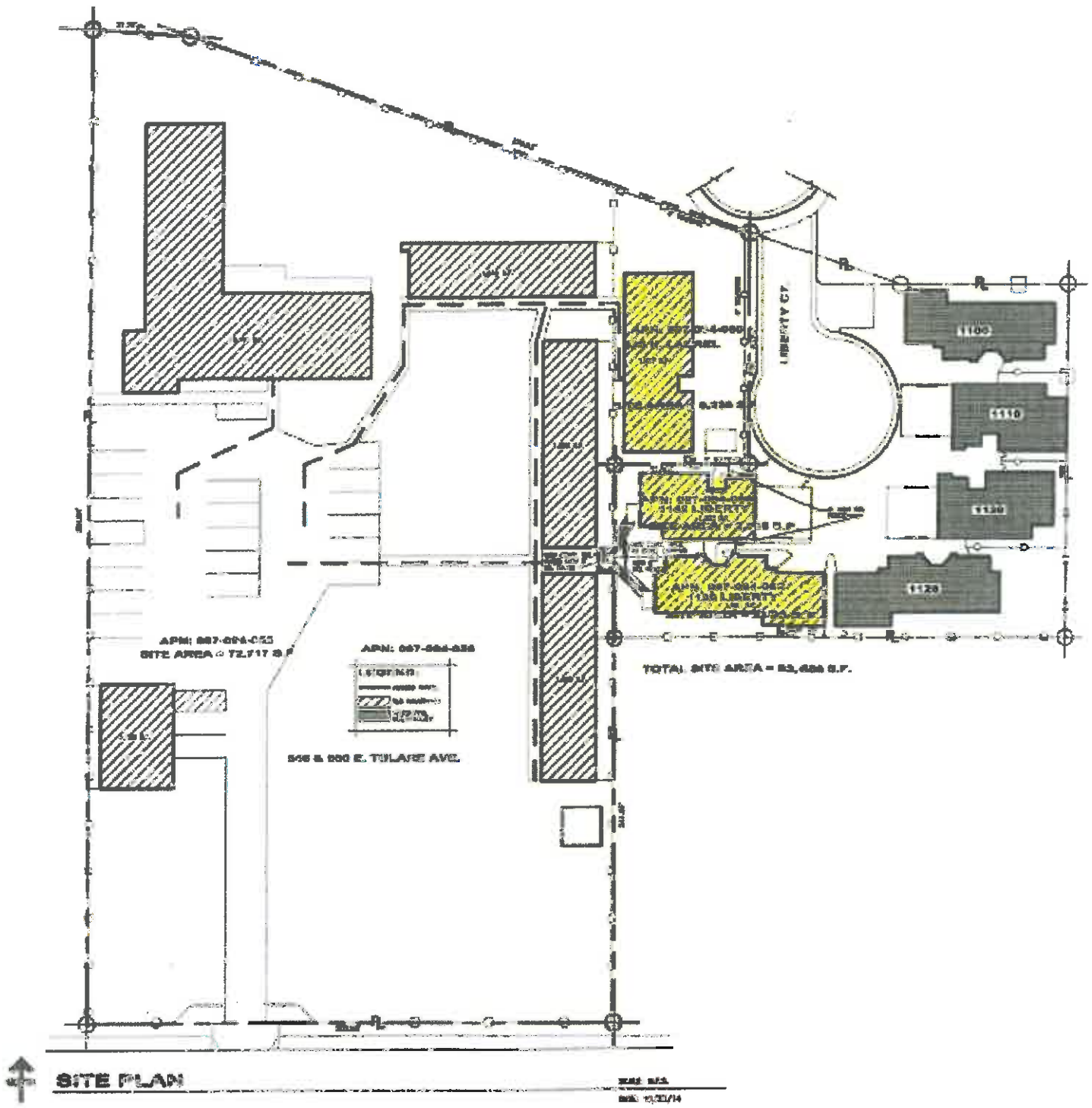
**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed consistent with the comments and conditions of the Site Plan Review No. 2014-148.
2. That the site be developed in substantial compliance with the site plan and floor plans in Exhibits "A" and "C".
3. That the facility operates as outlined in the operational statement in Exhibit "B", and as conditioned per the conditions of approval.
4. That the facility be limited to a maximum of 54 clients.
5. That the clients, with the exception of employees and/or staff, are prohibited from bringing personal vehicles to the facility.
6. That any changes in the operational profile and/or the site of the facility be submitted to the Planning Division for review to determine consistency with the conditional use permit or if an amendment to this use permit would be warranted.
7. That all applicable conditions of CUP No. 2003-02 shall be in effect as a part of this use permit.
8. That the operator of the facility shall notify the City of Visalia Planning Division in writing within 30 days of any change in licensing status.
9. That if the licensing for this facility is revoked, this conditional use permit shall terminate.
10. That the owner/operator shall be subject to the following "good neighbor" policy conditions:
  - a. All development standards, city codes and ordinances shall be continuously met for this use. Buildings and premises, including paint/siding, roofs, windows, fences, and landscaping shall be kept in good repair. Premises shall be kept free of junk and debris.

- b. Provide a regular program for the control of infestation by insects, rodents, and other pests.
  - c. Maintain all electrical, plumbing, heating, and other facilities in good working order.
  - d. Maintain all structures in reasonably weather tight condition and good exterior appearance.
  - e. Remove graffiti on the site or in the public right of way in front of the site within 24 hours of it having been observed.
  - f. That the site shall always be maintained in keeping with the residential character of the surrounding neighborhood.
  - g. All on-site landscaping shall be maintained in a well groomed residential character.
  - h. At least one operator of the program shall be available on-site or by phone at all times to respond to management and maintenance issues raised by any concerned individual.
  - i. Provide 24-hour access for Visalia Police Department to facility staff. Staff shall be either on-site or available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.
11. That the operator of the facility shall not allow loitering in front of the facility or on the adjacent properties by the clients.
12. That the applicant/operator will be responsible for ensuring that any staff shift changes during the evening hours are conducted in an orderly manner with little or no disturbance to the adjacent neighbors.
13. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2014-29.
14. That all applicable federal, state and city codes and ordinances be met.
15. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and/or property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-29.



# Exhibit "A"



SITE PLAN

SCALE: 1/8" = 1'-0"  
DATE: 12/22/14

# Exhibit "A"

## **Exhibit - B**

### **Operational Statement** for the Transitional Living Center (TLC) Location: 546 & 550 East Tulare Avenues.

The TLC has been operating at its current location and capacity since 2003, approximately eleven years. The property is a non-medical, State licensed residential care facility that houses up to 40 persons with mental disabilities that require the structure of a board and care home for evaluation or treatment. This is not an acute care facility that requires lock down, although there is a curfew enforced by Tulare County Mental Health, who operates the facility with 24/7 supervision, providing meals and counseling. In addition, there is a 24/7 security position provided at the site. The TLC is considered part of the "Community of Care" approach by Tulare County Mental Health, that maintains the Wellness Center bordering the TLC top the West.

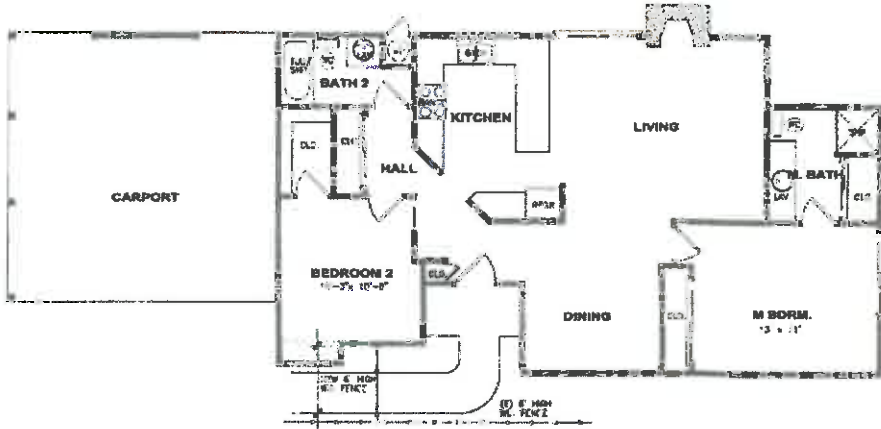
The program operates at the site of the former Good Shepherd Home board and care facility for handicapped or developmentally disabled persons. The purpose of requesting an amendment to the current CUP is to expand the operation by incorporating three contiguous multifamily residential units to the East of the current TLC facility. This will increase potential client load from 40 to 54 persons.

There is no change in the nature or operation of this residential, non-medical licensed care facility.

Tim Sciacqua

**Exhibit - B**

# Exhibit "C"



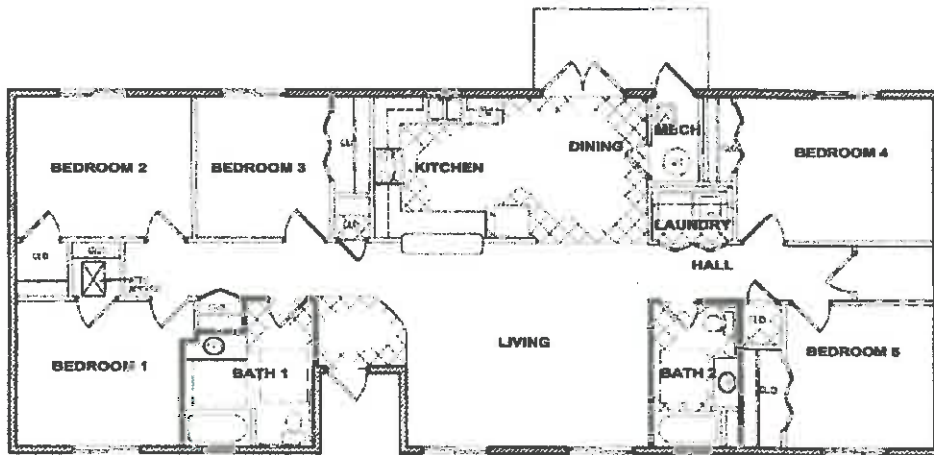
**1142 Liberty St. FLOOR PLAN**

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

(2 BEDROOM, 2 BATH)

1,027 S.F.

PROJECT # 1414



**625 E. Laurel St. FLOOR PLAN**

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

(5 BEDROOM, 2 BATH)

1,827 S.F.

PROJECT # 1414

WALL LEGEND	
	2 x 6 WOOD STUD WALL
	8 x 8 WOOD STUD WALL
	2 x 4 WOOD STUD WALL PARTITIONS, CLOSETS, BATH WALL
	2 x 4 WOOD STUD WALL NO STUDS



**1138 Liberty St. FLOOR PLAN**

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

(2 BEDROOM, 1 BATH)

1,091 S.F.

PROJECT # 1414

# Exhibit "C"



MEETING DATE 10/29/2014  
SITE PLAN NO. 14-148  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

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

**REVISE AND PROCEED** (see below)

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

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

Your plans must be reviewed by:

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

**ADDITIONAL COMMENTS** Conditional Use Permit amendment.

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: 6 DATE: October 29, 2014  
SITE PLAN NO: SPR14148  
PROJECT TITLE: TRANSITIONAL LIVING CENTER (TLC)  
DESCRIPTION: RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED  
FACILITY CARE FACILITY FOR CLIENTS WITH  
MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED)  
(AE)  
APPLICANT: HAYSLETT TOM  
PROP OWNER: TULARE COUNTY OF HOUSING AUTH  
LOCATION: 546 E TULARE AVE  
APN(S): 097-094-055

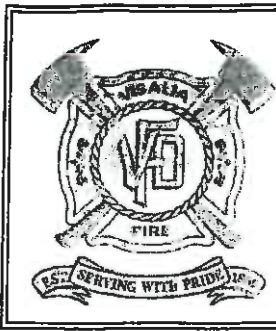
NOTE: These are general comments and DO NOT constitute a complete plan check for your specific project  
Please refer to the applicable California Code & local ordinance for additional requirements.

- 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 Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone AE \*  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$146.40) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.47 per square foot. Residential \$2.97 per square foot.
- 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: \_\_\_\_\_

J. Federico  
Signature





**Site Plan Review Comments For:**

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

ITEM NO: 6

DATE: October 29, 2014

SITE PLAN NO: SPR14148  
PROJECT TITLE: TRANSITIONAL LIVING CENTER (TLC)  
DESCRIPTION: RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED FACILITY CARE FACILITY FOR CLIENTS WITH MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED) (AE)  
APPLICANT: HAYSLETT TOM  
PROP OWNER: TULARE COUNTY OF HOUSING AUTH  
LOCATION: 546 E TULARE AVE  
APN(S): 097-094-055

**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.

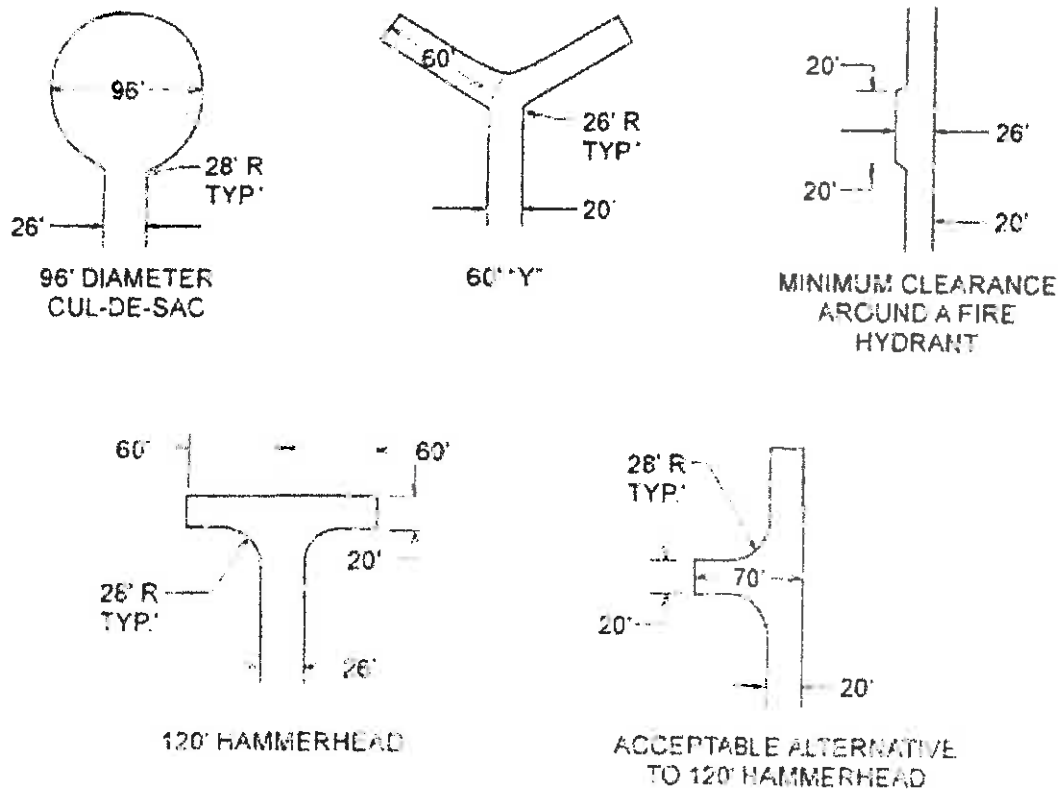


FIGURE D103.1  
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

- 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:**

*REQUIREMENTS MAY VARY DEPENDING ON COMPLEXITY.*

  
\_\_\_\_\_  
Maribel Vasquez  
Fire Inspector

ITEM NO: 6

DATE: October 29, 2014

SITE PLAN NO:

SPR14148

PROJECT TITLE:

TRANSITIONAL LIVING CENTER (TLC)

DESCRIPTION:

RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED FACILITY CARE FACILITY FOR CLIENTS WITH MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED) (AE)

APPLICANT:

HAYSLETT TOM

PROP OWNER:

TULARE COUNTY OF HOUSING AUTH

LOCATION:

546 E TULARE AVE

APN(S):

097-094-055

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

### Site Plan Review Comments

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

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

- Not enough information provided. Please provide additional information pertaining to:  
\_\_\_\_\_
- Territorial Reinforcement: Define property lines (private/public space).  
\_\_\_\_\_
- Access Controlled / Restricted etc:  
\_\_\_\_\_
- Lighting Concerns:  
\_\_\_\_\_
- Landscaping Concerns:  
\_\_\_\_\_
- Traffic Concerns:  
\_\_\_\_\_
- Surveillance Issues:  
\_\_\_\_\_
- Line of Sight Issues:  
\_\_\_\_\_
- Other Concerns:  
\_\_\_\_\_

Visalia Police Department

242



# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

October 29, 2014

ITEM NO: 6  
SITE PLAN NO: SPR14148  
PROJECT TITLE: TRANSITIONAL LIVING CENTER (TLC)  
DESCRIPTION: RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED FACILITY CARE FACILITY FOR CLIENTS WITH MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED) (AE)  
APPLICANT: HAYSLETT TOM  
PROP. OWNER: TULARE COUNTY OF HOUSING AUTH  
LOCATION: 548 E TULARE AVE  
APN(S): 097-094-055

**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

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

ITEM NO: 6      DATE: October 29, 2015  
SITE PLAN NO:      SPR14148  
PROJECT TITLE:      TRANSITIONAL LIVING CENTER (TLC)  
DESCRIPTION:      RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED  
                                 FACILITY CARE FACILITY FOR CLIENTS WITH  
                                 MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED)  
                                 (AE)  
APPLICANT:      HAYSLETT TOM  
PROP OWNER:      TULARE COUNTY OF HOUSING AUTH  
LOCATION:      546 E TULARE AVE  
APN(S):      097-094-055

**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

EXISTING SERVICE OK.

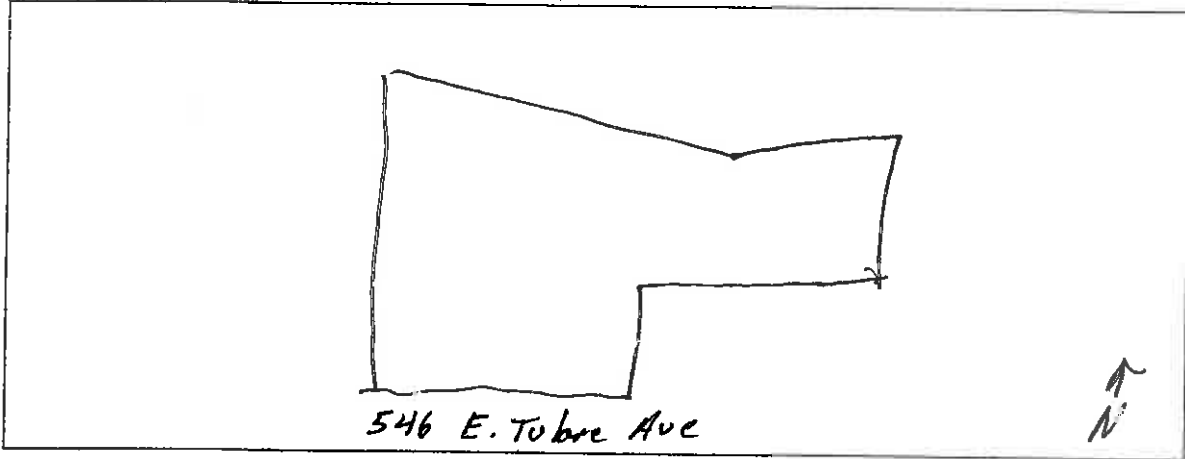
Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

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

Date: 10-28-14

Site Plan Review # 14-148

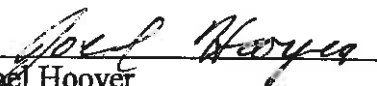
**SITE PLAN REVIEW COMMENTS**



COMMENTS:      See Below       None

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

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

  
Joel Hooyer

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

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

QUALITY ASSURANCE DIVISION  
SITE PLAN REVIEW COMMENTS

ITEM NO: 6                      DATE: October 28, 2014  
SITE PLAN NO:                      SPR14148  
PROJECT TITLE:                      TRANSITIONAL LIVING CENTER (TLC)  
DESCRIPTION:                      RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED  
   FACILITY CARE FACILITY FOR CLIENTS WITH  
   MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED)  
   (AE)  
APPLICANT:                              HAYSLETT TOM  
PROP OWNER:                            TULARE COUNTY OF HOUSING AUTH  
LOCATION:                                546 E TULARE AVE  
APN(S):                                 097-094-055

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

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

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

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

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

*[Handwritten Signature]*

\_\_\_\_\_  
AUTHORIZED SIGNATURE

10-28-14

\_\_\_\_\_  
DATE

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: October 29, 2014

SITE PLAN NO: 2014-148  
PROJECT TITLE: TRANSITIONAL LIVING CENTER (TLC)  
DESCRIPTION: RESIDENTIAL 15,078 SF NON-MEDICAL LICENSED FACILITY CARE FACILITY FOR CLIENTS WITH MENTAL ILLNESS ON 1.92 ACRES (RM2 ZONED) (AE)  
APPLICANT: HAYSLETT TOM  
PROP. OWNER: TULARE COUNTY OF HOUSING AUTH  
LOCATION TITLE: 546 E TULARE AVE  
APN TITLE: 097-094-055  
GENERAL PLAN: RMD – Residential Medium Density  
EXISTING ZONING: R-M-2 – Multi-Family Residential 3,000 sq. ft. min. site area per unit

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Amendment to previous Conditional Use Permit
- Operational Statement
- Additional Information as needed

## **PROJECT SPECIFIC INFORMATION: 10/29/2014**

1. A CUP amendment is required for the additional transitional housing units.
2. The site plan shall depict the improvements associated with the existing site and the additional housing units to the east.
3. Vehicular access along S. Liberty St. via the private access drive shall be retained for the remaining units east of the project site. Access to the driveway cannot be restricted.
4. Provide a detailed operational statement identifying who these additional units will be used incorporated into Tulare County's transitional housing development.
5. Clearly depict fences on the existing and new site.

## 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.

## DEVELOPMENT STANDARDS - R-M-2 [17.16]

### Maximum Building Height: 35 Feet

### Minimum Setbacks:

	<b>Building</b>	<b>Landscaping</b>
➤ Front	15 Feet	15 Feet
➤ Side (per story)	5 Feet	5 Feet*
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	25 Feet	25 Feet

### Minimum Site Area: 3,000 square feet per unit

- Common open space



- Screen 2<sup>nd</sup> story windows when adjacent to an R-1 Site, Single-Family Residential
- Conditional Use Permit for 60 or more units
- Alley exception for rear setback to parking structure, open space still needed
- Minimum site area 2 acres, unless CUP, zoning action, or Master Plan approved by SPR
- Screen all parking areas adjacent to public streets. Parking subject to Chapter 17.34
- See Zoning Ordinance Section 17.16 for complete standards and requirements.

**Parking:**

1. Parking is provided for each unit.

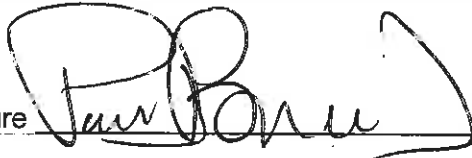
**Landscaping:**

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

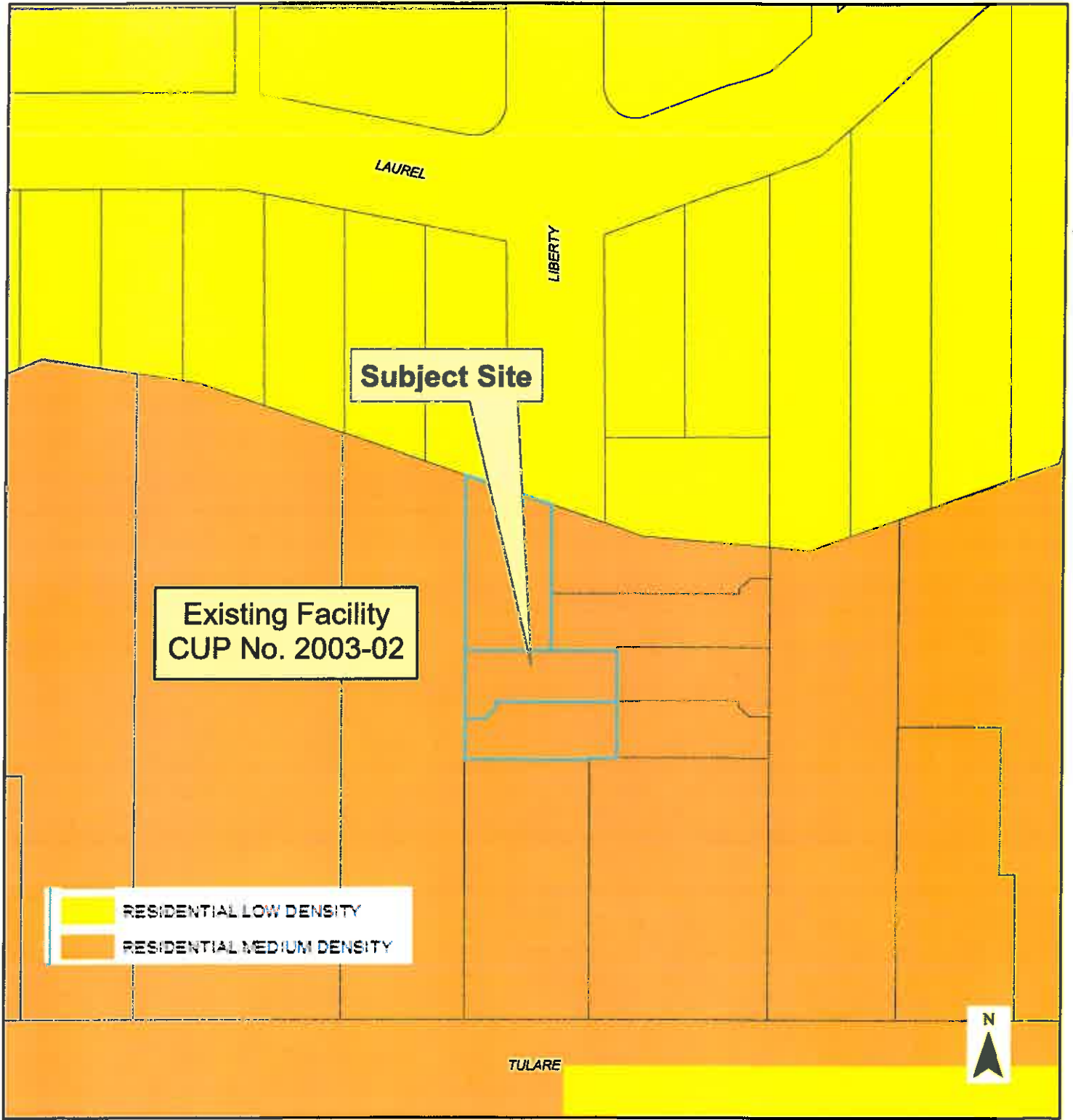
The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

**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

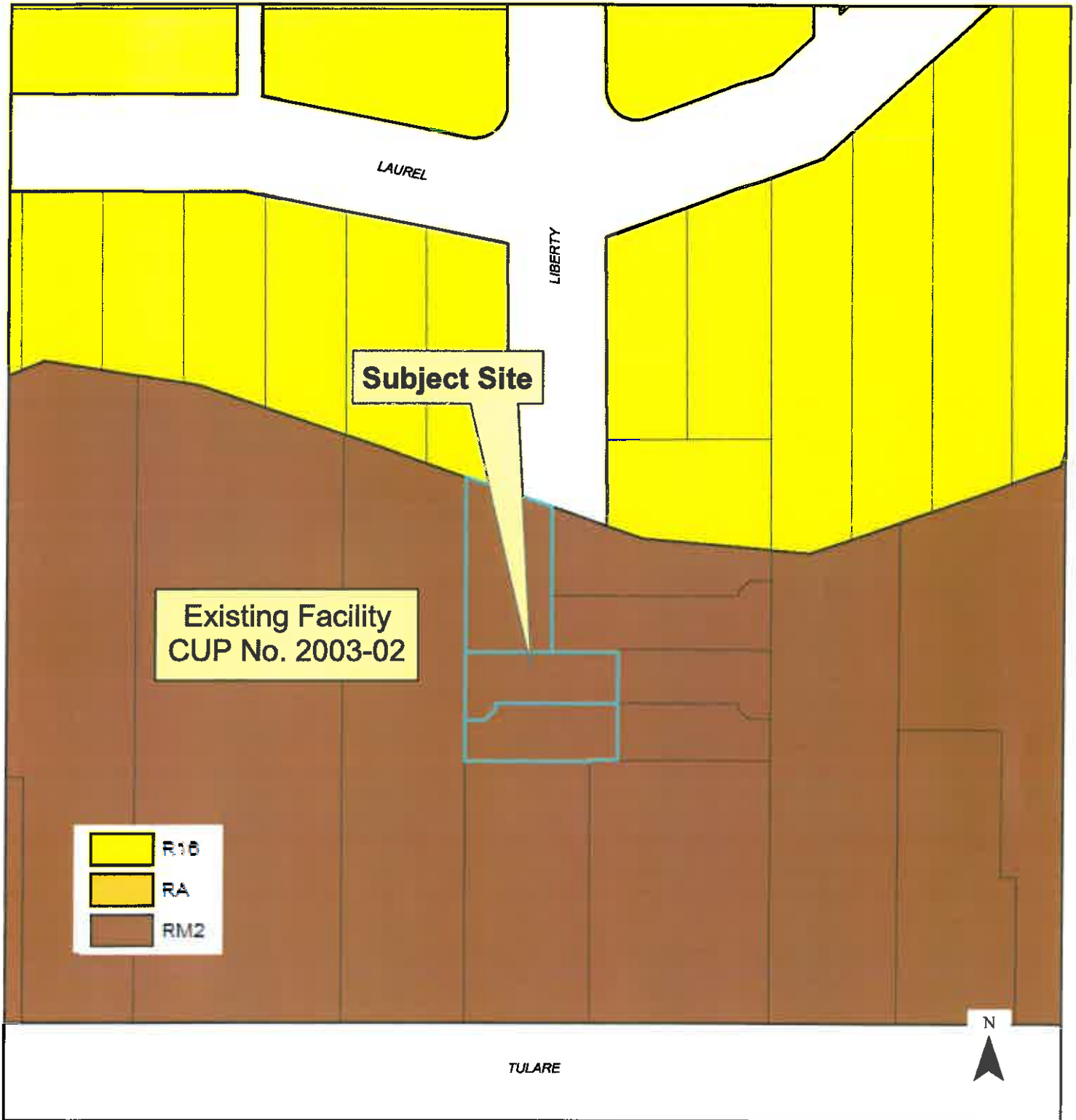


## Land Use Designations

0 1530 60 90 120 Feet

CUP No. 2014-29

# City of Visalia

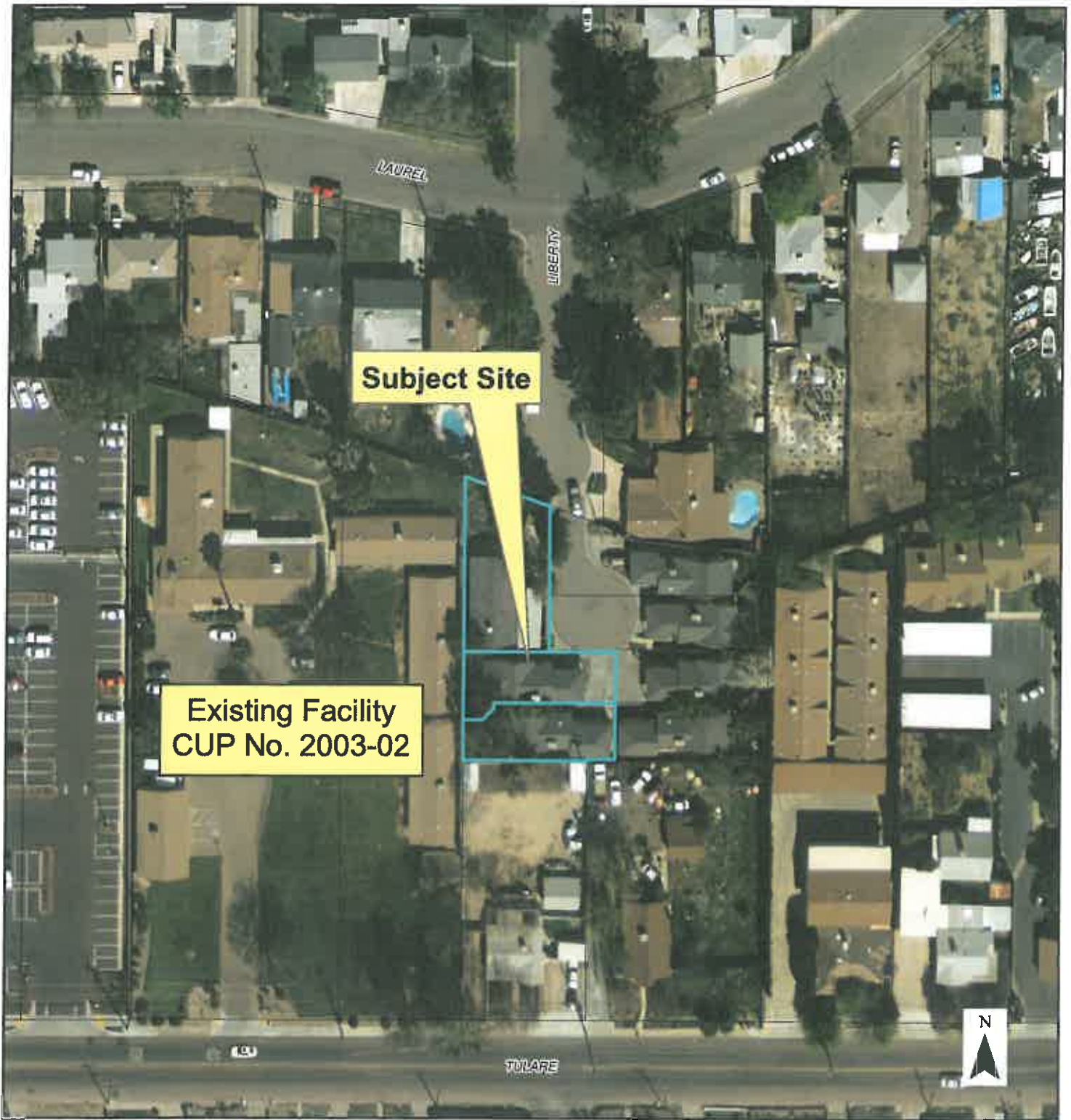


## Zoning Designations

0 1530 60 90 120 Feet

CUP No. 2014-29

# City of Visalia

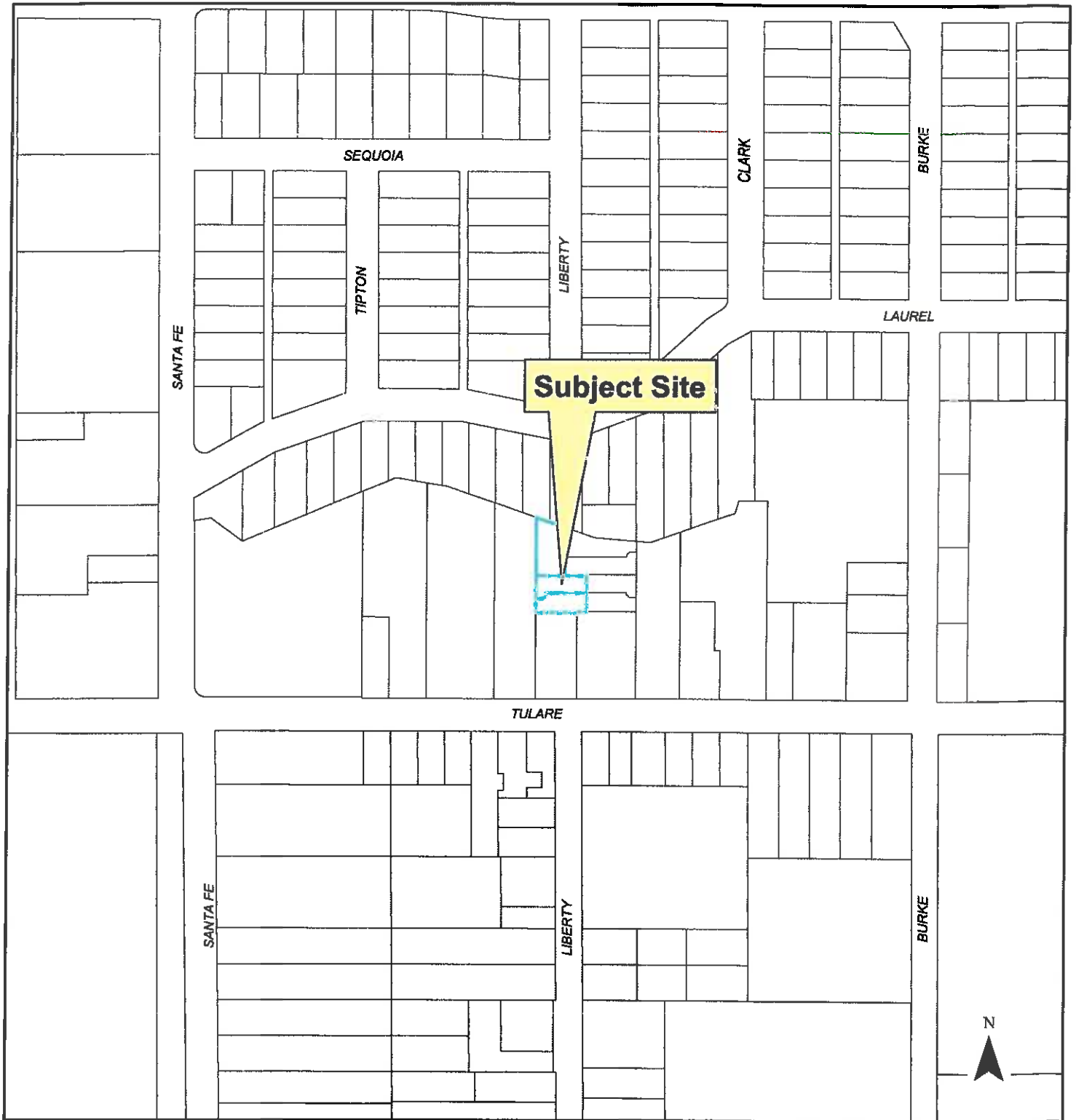


## Aerial Photo

0 1530 60 90 120 Feet

CUP No. 2014-29

# City of Visalia



## Location Map

0 55 110 220 330 440 Feet

CUP No. 2014-29





## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** December 8, 2014

**PROJECT PLANNER:** Paul Scheibel, Project Planner  
Phone No.: (559) 713-4369

**SUBJECT: Conditional Use Permit No. 2014-28:** A request by Scott Kendal (Sequoia Brewing Company) to establish a 4,622 square-foot restaurant with full bar and live entertainment in the C-DT (Central Business District Retail) zone. The site is located at 124 W. Main Street (APN: 094-324-001)

### STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2014-28, as conditioned, based on the findings and conditions in Resolution No. 2014-48. Staff's recommendation is based on the conclusion that the request is consistent with the City General Plan and Zoning Ordinance.

### RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2014-28, based on the findings and conditions in Resolution No. 2014-48.

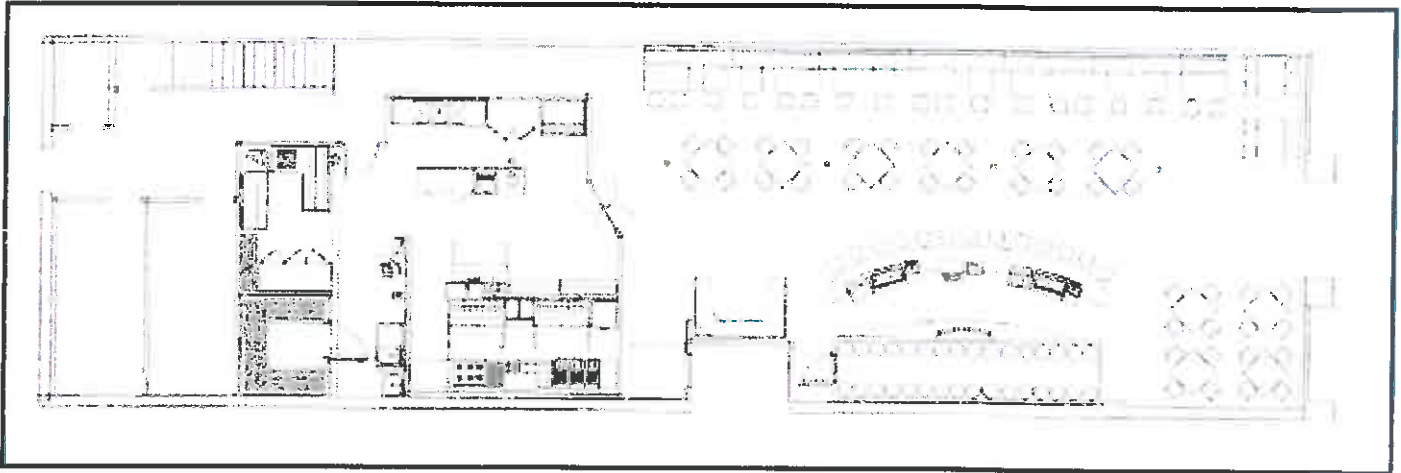
### PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow live entertainment in conjunction with a bona fide restaurant in the CDT zone, located at 124 W. Main Street. These uses constitute a "nightclub" use under the Zoning Matrix line 204. There is a small stage in the main dining area. However, there is no open floor area for dancing or similar activities. The applicant's operational plan (Exhibit A) states the restaurant menu is available during all business hours, and there is no age limit for patrons at any time. Live entertainment is intended to complement the dining and bar aspects of the restaurant, as opposed to live performances intended to attract a non-dining patronage. Consequently, the potential for conversion of the restaurant to a nightclub after dining hours is not proposed by this CUP application.



The project site is a one-story building with a half-mezzanine and full basement, located at the northeast corner of Main Street and Locust. The building is not on the local or national register of historic buildings. The interior layout is illustrated in Exhibit "B". The main street-level floor will be the primary bar and dining area. The mezzanine and basement areas are also proposed to serve as dining areas.





The operation is subject to the Americans With Disabilities (ADA) Act, requiring handicap access and equal services within all portions of the building used for customer service

### BACKGROUND INFORMATION

General Plan Land Use Designation:	Commercial Downtown
Draft General Plan Land Use Desig:	Downtown Mixed Use
Zoning:	CDT (Central Business District Retail Zone)
Surrounding Land Use and Zoning	North: CDT/ Commercial South: CDT/ Commercial East: CDT/ Commercial West: CDT/ Commercial
Environmental Review:	Categorical Exemption No. 2014-68
Special Districts:	Design District "DRD"
Site Plan:	2014-114

### **RELATED PROJECTS**

Over the years several conditional use permits have been approved for entertainment, dancing and similar activities:

**Conditional Use Permit No. 2011-18** was approved by the Planning Commission on 9/12/11, to allow live entertainment and dancing within a bona-fide restaurant in the CDT (Commercial Downtown) zone at 215 E. Main St. (Rookies Sports Bar).

**Conditional Use Permit No. 2010-06** was approved by the Planning Commission on 6/28/2010, allowing live entertainment and weekly bike nights at Howie and Sons Pizza.

**Conditional Use Permit No. 2009-44** was approved by the Planning Commission on 12/14/2009, allowing live entertainment at the Depot Restaurant.

**Conditional Use Permit No. 2009-17** was approved by the Planning Commission on 2/23/2009, allowing live entertainment at the Cellar Door.

**Conditional Use Permit No. 2005-40** was approved by the Planning Commission on 9/26/2005, allowing live entertainment at Crawdaddy's.

## PROJECT EVALUATION

### Land Use Compatibility

Staff has concluded that the proposed restaurant with bar and live entertainment, as conditioned, will not have a negative impact on surrounding uses. The Visalia Zoning Matrix identifies nightclubs as a conditional use in the CDT zone, and requires the submittal and approval of a CUP application. Through the CUP process, potential land uses impacts can be addressed, thereby ensuring compatibility between the proposed use and existing surrounding uses.

It should be noted that if CUP No. 2014-28 is denied, the restaurant could continue to function as a permitted use of a restaurant with less than 25% of the public area of the restaurant designated for alcohol sales area. However, no live entertainment activities would be allowed.

### Inter Departmental Review

The Visalia Police Department, Neighborhood Preservation, Fire, Building, and Planning staffs have reviewed the proposed conditions of approval with the applicant who has indicated their ability and willingness to implement and comply with the proposed conditions. The proposed conditions of approval are taken from previous CUP approvals, but tailored to address the minimal live entertainment/night club aspects of the business, as addressed in the operational plan.

In staffs analysis the proposed conditions are reasonable and necessary for the specific uses proposed by the CUP. Further, they can also be used as the basis for potential modifications to this CUP or similar CUP applications to address the particular circumstances that may arise.

Failure by the property owner or establishment operator to comply with declared activities included in this CUP, or failure to comply with the adopted conditions may result in a hearing to revoke the CUP. Condition No. 14 requires that the property owner also indicate knowledge of, and acceptance of, the proposed conditions by recording a copy of the Planning Commission Resolution prior to commencing any nightclub activities. This is to provide assurance that all present and future parties agree to the conditions of this CUP, and that subsequent property owners are also tied to the conditions of this CUP. The recordation of the signed letter of acceptance does not extend the lapse period for the CUP which is 180 continuous days without entertainment or dancing as provided in this CUP.

### Conditional Use Permit Revocation Process

Pursuant to Visalia Municipal Code Section 17.38.040, a failure by the owner/operator to comply with the conditions of project approval will result in a Notice of Conditional Use Permit Suspension Order to Cease and Desist. The City of Visalia has the authority to automatically suspend a Conditional Use Permit (CUP) for failure to comply with the condition(s) of the permit. Upon suspending a CUP the Planning Commission shall hold a public hearing within 60 days, in accordance with the Public Hearing Notice producers, and if not satisfied that the regulation, general provision, or conditions are being complied with, may revoke the permit, or take action as may be necessary to insure compliance with the regulation, general provision, or condition(s).

### Environmental Review

The requested action is considered a minor alteration in land use limitations as provided in the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section

15305, and is therefore Categorically Exempt from a full environmental review. (Categorical Exemption No. 2011-68).

### **RECOMMENDED FINDINGS**

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-68)

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. That the site be developed and maintained in substantial conformance with the site plan in Exhibit "B", and the operational plan in Exhibit "A", and any applicable conditions of Site Plan Review No. 2014-114.
2. Live entertainment shall be restricted only to live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
3. That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal business hours, the site shall act as a bona fide restaurant with a full menu offering complete meals.
4. There shall be no adult entertainment as defined in Visalia Municipal Code Section 17.63, and including no lingerie/bathing suit shows.
5. During live entertainment or dancing, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall keep the public sidewalk area directly in front of the business open for public pedestrian use. This waiting area shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use area of the sidewalk. The operator shall regularly maintain the area under their control free of alcohol and litter.
6. That the maximum occupancy limits established by the Visalia Building Department and Fire Marshal shall be posted and not exceeded.
7. All of the conditions and responsibilities of Conditional Use Permit No. 2014-28 shall run with the land. The property owner and business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.

8. Inspections by City representatives on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
9. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
10. No video/arcade games, pool or billiard tables shall be maintained upon the premises unless approved through the site plan review and any required City entitlement process.
11. The City Planner may initiate a CUP revocation hearing pursuant to Visalia Municipal Code Section No. 17.38.040, based on documented evidence of failure to comply with any conditions of:
  - a. Conditional Use Permit No. 2014-28.
  - b. Conditions and Requirements of the Alcoholic Beverage Control license for the business.
  - c. All applicable federal, state and city laws, codes and ordinances.
12. That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
  - a) Prior to any type of entertainment or dancing identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP No. 2014-28.
  - b) The Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the District Commander, and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Plan shall also provide the telephone number for direct contact with the business during business hours.
  - c) The burglar and fire alarm shall be monitored by a security company 24 hours a day, seven days a week.
  - d) The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Visalia Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department, and may be used as the basis for VPD to review and require revisions to the security plan.
  - e) The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises, and shall present the Security Plan immediately upon request by a peace officer or code enforcement officer.
  - f) During times of entertainment or dancing, the Manager shall maintain a count of and accurately report the total number of persons in the building upon official request.
  - g) In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment or dancing shall occur until such time as a security plan has been approved by the Police Department and City Planner.

- h) Half an hour prior to, during, and half an hour after the times of entertainment and/or dancing a fully functional color digital video camera must be in place to record the activities of patrons on the premises. The interior of the business must have at least one camera placed to focus on each area where alcoholic beverages are being dispensed (this shall include any outside patio area where alcoholic beverages are dispensed), Additionally, there shall be at least one camera placed to focus on each of the following areas; front door (s) and/or entry area, any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.
13. The camera storage capacity should be for at least one week (seven calendar days), The System must continuously record, store, be capable of playing back images and be fully functional at all times.
14. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-28.
15. That subsequent owners/operators of the restaurant facility who chose to utilize this CUP for entertainment and dancing shall sign a letter of acceptance stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-28.
16. That the property owner shall record in the office of the Tulare County Clerk-Recorder's Office a document in a form acceptable to the City which includes the Planning Commission's resolution of, and conditions for, approval for the proposed uses granted through this Conditional Use Permit. A confirmed copy of said recorded document shall be provided to the City's Planning Division prior to commencing operation of the proposed uses.

#### APPEAL INFORMATION

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

#### Attachments:

- Related Plans and Policies
- Categorical Exemption No. 2014-68i
- Resolution No. 2014-48
- Exhibit "A" – Operational Plan
- Exhibit "B" – Floor Plan
- Site Plan Review Comments/Conditions
- Zoning Map
- Aerial Photo
- Vicinity Map



## **Related Plans & Policies**

### **Conditional Use Permits**

(Section 17.38)

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

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

#### **17.38.020 Application procedures.**

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

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

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

#### **17.38.040 Revocation.**

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



### **17.38.050 New application.**

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

### **17.38.060 Conditional use permit to run with the land.**

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

### **17.38.065 Abandonment of conditional use permit.**

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

### **17.38.070 Temporary uses or structures.**

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

**17.38.080 Public hearing--Notice.**

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

**17.38.090 Investigation and report.**

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

**17.38.100 Public hearing--Procedure.**

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

**17.38.110 Action by planning commission.**

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

**17.38.120 Appeal to city council.**

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

**17.38.130 Effective date of conditional use permit.**

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

**17.58.010 Purposes and intent.**

- A. There is created a downtown retail design district the boundaries of which are shown on the map entitled, "Downtown Retail Design District," which is on file at city hall. Said map is adopted and made a part of this ordinance.
- B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to express the commitment of the city toward the continued vitality and stabilization of

regional retail commercial activity within the area traditionally known as Downtown Visalia. This commitment seeks to:

1. Protect and enhance existing buildings and improvements in the Downtown area.
2. Enhance the character and physical environment of the Downtown area by establishing specific design compatibility criteria for new and remodeled buildings within the District.
3. Ensure that new development is compatible with existing and future plans for the area.
4. Involve both design professionals and area residents, property owners and merchants, in the implementation of the Visalia Downtown Framework Plan and the continued viability of the downtown retail economy. (Prior code § 7720)

#### **17.58.020 Components of the chapter.**

This chapter shall include:

- A. The ordinance text, which specifies the downtown retail design district overlay designation, design evaluation criteria, and establishes the formation, powers and duties of the downtown design review board;
- B. A map designating the downtown retail district overlay, which shall be depicted on the official zoning map of the city. (Prior code § 7721)

#### **17.58.030 Definitions.**

A. All definitions, general and specific, set forth in Section [17.04.030](#), shall be applicable to this chapter.

B. Word Usage.

1. The word “shall” is prescriptive in nature and indicates that compliance is mandatory.
2. The words “may,” “should” and “preferred” are permissive in nature and indicate that compliance is discretionary on the part of the applicant.

C. Definitions.

“Construction” means any building activity requiring the issuance of a building permit which affects the exterior appearance of a structure.

“Enlargement” means construction which results in the expansion of the gross floor area of a structure.

“Exterior architectural feature” means the architectural elements embodying the style, design, general arrangement, and components of all of the outer surfaces of an improvement; the kind, color, and texture of the building materials; and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

“Improvement” means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment. (Prior code § 7722)

#### **17.58.040 Regulation of improvements.**

No improvement or exterior architectural feature of any improvement shall be constructed, altered or enlarged which is located in the downtown retail district unless a permit is issued pursuant to the terms of this chapter. This section shall not apply to any interior alteration which has no effect on the condition or appearance of any exterior architectural feature of an improvement. (Prior code § 7723)

#### **17.58.050 Creation of downtown design review board.**

In order to execute the purposes declared in this chapter, there is created a downtown design review board.

A. Board Membership.

1. The downtown design review board shall consist of seven members appointed by the city council to serve without compensation. All board members shall be residents of the city at the time of their

appointment and will lose their position if they move outside the city limits during their term of office. Members shall be appointed on the basis of the following qualifications:

- a. At least three members shall have professional design or architectural experience or background, one of which shall be a licensed architect;
- b. At least four members shall own property or have businesses within the area;
- c. Exceptional civic interest relating to the downtown area.
- d. Terms of office shall be for two years, except that initial appointments shall be three years for three members, two years for two members, and one year for two members.

2. Vacancies which may occur on the board shall be filled by appointment of a new member by the city council for the duration of the unexpired term of office. The council shall also have the power to remove any member from the board by an affirmative vote of three council members.

3. Four members of the board shall constitute a quorum for the transaction of business.

B. Procedures for the Review of Applications. The operating procedures of the board shall be prescribed from time to time by resolution of the city council, for the purpose of carrying into effect the standards and specifications of this chapter. The board may adopt, amend and repeal rules and regulations governing the conduct of its meetings, as long as said rules do not violate the procedures established by the city council or the terms of this chapter.

C. Duties and Responsibilities. The board shall review applications only as specified in this chapter, consistent with the rules and regulations adopted from time to time by resolution of the city council (as referred to in Section [17.58.050\(B\)](#)). Applications shall be approved or disapproved based solely on those building design criteria adopted pursuant to Section [17.58.080](#), for which compliance is mandatory. The board may suggest that building design criteria which are permissive be followed; however, applications shall not be approved or disapproved on the basis of any such nonmandatory criteria. The duties and responsibilities of the downtown design review board shall include the following:

1. At the option of the planning commission, the board may review proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the district. The board may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the character of the affected improvement(s), neighboring properties, or the entire district. The board's recommendation shall be forwarded to the planning commission for its consideration.

2. It shall be the duty of the board to review all applications for the construction or exterior alteration or enlargement of improvements within the district. The board shall have the power to approve, modify or disapprove such applications before a building permit can be issued.

3. It shall be the duty of the board to review all applications for sign permits within the district. Applications for sign permits shall be obtained from and filed with city pursuant to [Chapter 17.48](#), and thereafter the application shall immediately be referred to the downtown design review board for their review and recommendation. The board may recommend approval, conditional approval or denial of the sign permit application. The application shall then be presented to the proper issuing authority for sign permits, pursuant to [Chapter 17.48](#) of the Municipal Code. Sign permits shall be issued only in compliance with the recommendation of the board. Approval by the board in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to [Chapter 17.48](#).

4. It shall be the duty of the board to review all applications for the moving or demolition of structures within the district. The board shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section [17.58.060](#).

5. Permits may be issued for air conditioners, electrical work and plumbing work which is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the Board applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered.



This subsection shall not apply to the following types of permit applications:

- a. Reroofing with like materials;
- b. Residing with like materials;
- c. Masonry repairs with like materials;
- d. Chimney repair with like materials. (Prior code § 7724)

**17.58.060 Appeal to the city council.**

Any person or persons jointly or severally aggrieved by a decision of the downtown design review board may make an appeal in writing therefrom to the city council. Such appeal shall be filed with the city clerk within ten days of said action. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the decision of the board and may reverse, affirm, modify or affirm as modified the action of the board. The decision of the council shall be final. (Prior code § 7725)

**17.58.070 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within any district; provided, such work involves no change in the exterior appearance of a structure. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or demolition of any feature which in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition. (Prior code § 7727)

**17.58.080 Building design criteria.**

The city council is empowered to adopt by resolution specific criteria and guidelines for review of applications for new construction and sign permits within the downtown retail district. These criteria and guidelines shall also apply to any rehabilitation, renovation, alteration, reconstruction, repainting or enlargement affecting the exterior appearance of any improvement within the district. The council may amend these standards from time to time, by resolution. (Prior code § 7728)

**17.58.090 Exceptions.**

Within the downtown retail district, design and construction conditions exist which are unique and are not generally found elsewhere in the city. Structures were often constructed on or near lot lines and abut one another in many cases. Storefronts and building facades have often been redesigned, covered or otherwise subjected to major alterations over the years. Due to these peculiar conditions, it is sometimes in the interest of enhancing the character of the district to make an exception to the building design criteria adopted pursuant to Section [17.58.080](#) and/or signage, landscaping, setbacks, fencing and screening requirements of the Visalia zoning ordinance. Where it is deemed that the physical and economic well-being of the district would be better served by such an exception rather than the strict application of the above mentioned building design criteria and other ordinance requirements, the downtown design review board may initiate and/or recommend to the planning commission that such exception be made, pursuant to Section 17.42.040. (Prior code § 7729)

**17.58.100 Role of building official.**

A. The building official shall refuse to issue all building or sign permits based upon an application disapproved by the board, unless such application is later approved by the city council. The building official may approve any application approved or conditionally approved by the board at such time as any conditions specified in such conditional approval are clearly indicated by the applicant on the plans presented to the building official for approval. If an appeal to the city council is filed within ten days from the date of board approval of an application, no permit shall be issued until the outcome of said appeal is finally determined by the city council.

B. After a building permit has been issued, the building official shall from time to time inspect the construction, alteration or enlargement approved by the board and shall take such action as is necessary to assure compliance with the approved plans. (Prior code § 7730)

**17.58.110 Separability.**

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions. (Prior code § 7726)



**NOTICE OF EXEMPTION**

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

To: County Clerk  
County of Tulare  
County Civic Center  
Visalia, CA 93291-4593

Conditional Use Permit No. 2014-28

**PROJECT TITLE**

124 W. Main Street

**PROJECT LOCATION**

Visalia

**PROJECT LOCATION - CITY**

Tulare

**COUNTY**

A request to establish a restaurant with full service bar and live entertainment in the CDT (Commercial Downtown) zone.

**DESCRIPTION - Nature, Purpose, & Beneficiaries of Project**

City of Visalia

**NAME OF PUBLIC AGENCY APPROVING PROJECT**

Scott Kendall, Sequoia Brewing Company, 1188 E. Champlain Dr., # 101, Fresno, CA 93720

**NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT**

N/A

**NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT**

**EXEMPT STATUS: (Check one)**

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - Section 15301
- Statutory Exemptions- State code number:

Minor land use limitation for an existing structure

**REASON FOR PROJECT EXEMPTION**

  
**Paul Scheibel, AICP**  
**CONTACT PERSON**

**(559) 713-4369**  
**AREA CODE/PHONE**

**December 8, 2014**  
**DATE**

  
**Paul Scheibel, AICP**  
**ENVIRONMENTAL COORDINATOR**

RESOLUTION NO. 2014-48

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2014-28, A REQUEST TO ESTABLISH A 4,622 SQUARE-FOOT RESTAURANT WITH FULL BAR AND LIVE ENTERTAINMENT IN THE C-DT (CENTRAL BUSINESS DISTRICT) ZONE. THE SITE IS LOCATED AT 124 W. MAIN STREET (APN: 094-324-001)

**WHEREAS**, Conditional Use Permit No. 2014-28 is a request by Scott Kendall (Sequoia Brewing Company) to establish a 4,622 square-foot restaurant with full bar and live entertainment in the C-DT (Central Business District) Zone. The site is located at 124 W. Main Street (APN: 094-324-001); and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on December 8, 2014; and,

**WHEREAS**, the Planning Commission of the City of Visalia finds the Conditional Use Permit to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

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

**NOW, THEREFORE, BE IT RESOLVED** that the project is exempt from further environmental review pursuant to CEQA Section 15301.

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

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2014-63)

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed and maintained in substantial conformance with the site plan in Exhibit "B", and the operational plan in Exhibit "A", and any applicable conditions of Site Plan Review No. 2014-114.
2. Live entertainment shall be restricted only to live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature of the live entertainment shall require an amendment to the Conditional Use Permit.
3. That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal business hours, the site shall act as a bona fide restaurant with a full menu offering complete meals.
4. There shall be no adult entertainment as defined in Visalia Municipal Code Section 17.63, and including no lingerie/bathing suit shows.
5. During live entertainment or dancing, the public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business and shall keep the public sidewalk area directly in front of the business open for public pedestrian use. This waiting area shall be defined by a solid visible line on the ground or a portable non-permanent rope style system that creates a separation between the area patrons wait in line and the public use area of the sidewalk. The operator shall regularly maintain the area under their control free of alcohol and litter.
6. That the maximum occupancy limits established by the Visalia Building Department and Fire Marshal shall be posted and not exceeded.
7. All of the conditions and responsibilities of Conditional Use Permit No. 2014-28 shall run with the land. The property owner and business operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall also be subject to all of the conditions herein, unless amended or revoked.
8. Inspections by City representatives on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
9. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
10. No video/arcade games, pool or billiard tables shall be maintained upon the premises unless approved through the site plan review and any required City entitlement process.

11. The City Planner may initiate a CUP revocation hearing pursuant to Visalia Municipal Code Section No. 17.38.040, based on documented evidence of failure to comply with any conditions of:
  - a. Conditional Use Permit No. 2014-28.
  - b. Conditions and Requirements of the Alcoholic Beverage Control license for the business.
  - c. All applicable federal, state and city laws, codes and ordinances.
12. That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
  - a) Prior to any type of entertainment or dancing identified in this use permit the owner/operator shall prepare and submit to the Visalia Police Department District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP No. 2014-28.
  - b) The Plan shall identify the establishment's designated contact person for all safety and security management which shall be provided to the District Commander, and shall include the telephone numbers and e-mail address where the contact person may be reached 24 hours a day, seven days a week. The Plan shall also provide the telephone number for direct contact with the business during business hours.
  - c) The burglar and fire alarm shall be monitored by a security company 24 hours a day, seven days a week.
  - d) The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Visalia Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department, and may be used as the basis for VPD to review and require revisions to the security plan.
  - e) The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises, and shall present the Security Plan immediately upon request by a peace officer or code enforcement officer.
  - f) During times of entertainment or dancing, the Manager shall maintain a count of and accurately report the total number of persons in the building upon official request.
  - g) In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment or dancing shall occur until such time as a security plan has been approved by the Police Department and City Planner.
  - h) Half an hour prior to, during, and half an hour after the times of entertainment and/or dancing a fully functional color digital video camera must be in place to record the activities of patrons on the premises. The interior of the business must have at least one camera placed to focus on each area where alcoholic

beverages are being dispensed (this shall include any outside patio area where alcoholic beverages are dispensed), Additionally, there shall be at least one camera placed to focus on each of the following areas; front door (s) and/or entry area, any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.

13. The camera storage capacity should be for at least one week (seven calendar days), The System must continuously record, store, be capable of playing back images and be fully functional at all times.
14. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-28.
15. That subsequent owners/operators of the restaurant facility who chose to utilize this CUP for entertainment and dancing shall sign a letter of acceptance stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-28.
16. That the property owner shall record in the office of the Tulare County Clerk-Recorder's Office a document in a form acceptable to the City which includes the Planning Commission's resolution of, and conditions for, approval for the proposed uses granted through this Conditional Use Permit. A confirmed copy of said recorded document shall be provided to the City's Planning Division prior to commencing operation of the proposed uses.

**SEQUOIA BREWING COMPANY BAR & GRILL**

**OPERATIONAL PLAN**

Hours of operation: Sunday-Thursday 11am-10pm Friday & Saturday 11am-midnight - open 7 days per week

Closed Christmas Day, Thanksgiving Day, New Years Day

Capacity: 100 / 500 Customers expected per day

Theme: Sequoia Brewing Company is primarily a Restaurant for all ages with a focus on Handcrafted Ales, Lagers and homemade Root beer

Employees: 10-20 Daily

Training: All employees are required to have Serv Safe as well as Ca. ABC Alcohol Training.

Management: A Manager or owner will be on site at all times and will be responsible for entire operation.

Food Menu: The full menu will be available during all business hours with no exceptions

Customers: Sequoia is an all age's venue

Live Music: We will offer live music on Fridays & Saturday nights with no Dance floor. Our music consists of Country, Classic Rock, Blues & Bluegrass with bands as well as acoustic.

Deliveries- Mon & Fri before 11am

Peak Hours 12 noon & 4-8pm

*EXHIBIT A*



A

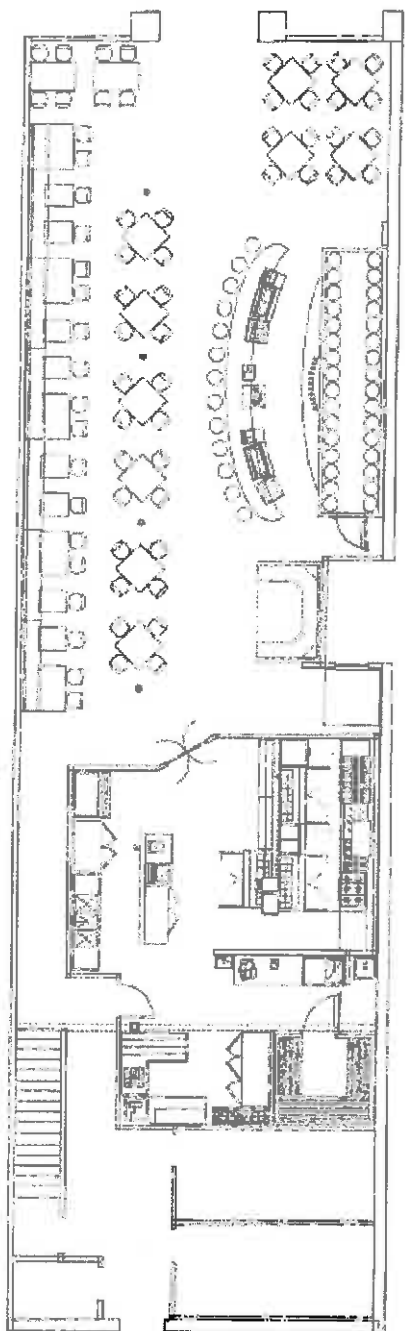


EXHIBIT B



MEETING DATE August 20, 2014  
SITE PLAN NO. 14-114  
PARCEL MAP NO.  
SUBDIVISION  
LOT LINE ADJUSTMENT NO.

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

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

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

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

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



MEETING DATE *Aug 20, 2014*  
SITE PLAN NO. *14-114*  
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.

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Your plans must be reviewed by:

CITY COUNCIL

REDEVELOPMENT

PLANNING COMMISSION *CAF*

PARK/RECREATION

HISTORIC PRESERVATION

OTHER \_\_\_\_\_

---

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

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

*Site Plan Review Committee*

City of Visalia  
Building: Site Plan  
Review Comments

ITEM NO: 2      DATE: August 20, 2014  
SITE PLAN NO:      SPR14114  
PROJECT TITLE:      SIERRA BREWING COMPANY  
DESCRIPTION:      NEW RESTAURANT IN EXISTING 4,555 SF BUILDING  
   ON 7,692 SF AREA (CDT ZONED) (AE) (DISTRICT  
   DRD)  
APPLICANT:      GRAHAM MATTHEW  
PROP OWNER:      120 W MAIN ST LLC  
LOCATION:      124 W MAIN ST  
APN(S):      094-324-001

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

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

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

G. FERRERO

Signature



**Site Plan Review Comments For:**

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

ITEM NO: 2

DATE: August 20, 2014

SITE PLAN NO:

SPR14114

PROJECT TITLE:

SIERRA BREWING COMPANY

DESCRIPTION:

NEW RESTAURANT IN EXISTING 4,555 SF BUILDING ON 7,892 SF AREA (CDT ZONED) (AE) (DISTRICT DRD)

APPLICANT:

GRAHAM MATTHEW

PROP OWNER:

120 W MAIN ST LLC

LOCATION:

124 W MAIN ST

APN(S):

094-324-001

**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.*

- 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



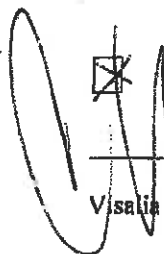
ITEM NO: 2                      DATE: August 20, 2014  
 SITE PLAN NO:                SPR14114  
 PROJECT TITLE:              SIERRA BREWING COMPANY  
 DESCRIPTION:                NEW RESTAURANT IN EXISTING 4,555 SF BUILDING  
    ON 7,692 SF AREA (CDT ZONED) (AE) (DISTRICT  
    DRD)  
 APPLICANT:                    GRAHAM MATTHEW  
 PROP OWNER:                 120 W MAIN ST LLC  
 LOCATION:                    124 W MAIN ST  
 APN(S):                        094-324-001

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

**Site Plan Review Comments**

- No Comment at this time.
- Request opportunity to comment or make recommendations as to safety issues as plans are developed.
- Public Safety Impact fee:  
 Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code  
 Effective date - August 17, 2001  
  
 Impact fees shall be imposed by the City pursuant to this Ordinance as a condition of or in conjunction with the approval of a development project. "New Development or Development Project" means any new building, structure or improvement of any parcels of land, upon which no like building, structure of improvement previously existed. \*Refer to Engineering Site Plan comments for fee estimation.
- Not enough information provided. Please provide additional information pertaining to:  
 \_\_\_\_\_
- Territorial Reinforcement: Define property lines (private/public space).  
 \_\_\_\_\_
- Access Controlled / Restricted etc:  
 \_\_\_\_\_
- Lighting Concerns:  
 \_\_\_\_\_
- Landscaping Concerns:  
 \_\_\_\_\_
- Traffic Concerns:  
 \_\_\_\_\_
- Surveillance Issues:  
 \_\_\_\_\_
- Line of Sight Issues:  
 \_\_\_\_\_

Other Concerns: *MUST ABIDE BY ABC AND CUP CONDITIONS FOR LIVE ENTERTAINMENT AND ALCOHOL SALES*  
*192*

  
 Visalia Police Department

# SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: August 20, 2014

SITE PLAN NO: 2014-114  
PROJECT TITLE: SIERRA BREWING COMPANY  
DESCRIPTION: NEW RESTAURANT IN EXISTING 4,555 SF BUILDING ON 7,692 SF AREA (CDT ZONED) (AE) (DISTRICT DRD)  
APPLICANT: GRAHAM MATTHEW  
PROP. OWNER: 120 W MAIN ST LLC  
LOCATION TITLE: 124 W MAIN ST  
APN TITLE: 094-324-001  
GENERAL PLAN: CDT – Central Business District  
EXISTING ZONING: CDT – Central Business District

---

## Planning Division Recommendation:

- Revise and Proceed  
 Resubmit

## Project Requirements

- Conditional Use Permit for Live Entertainment
- Restaurant with a bar less than 25% of public area is "Permitted" in CDT zone
- Operational Statement
- Additional Information as needed

## **PROJECT SPECIFIC INFORMATION: 08/20/2014**

1. A Conditional Use Permit is required for live entertainment. Live entertainment CUP's are conditioned with an emphasis on providing security and maintaining a safe and friendly environment for patrons to the establishment. Examples of the conditions that may/will be applied to the CUP are provided below (see CUP Live Entertainment Conditions section below).
2. A CUP is required if the bar area exceeds 25% of the public area. Clearly define the bar area and identify if the bar area exceeds 25% of the public area. Public area is the area assessable to the public.
3. Signage is subject to the DRD standards (see DRD Section below).
4. A restaurant with a bar area less than 25% of the public area is a "Permitted Use".
5. Provide a floor plan & site plan with the CUP application submittal.

## CITY GENERAL PLAN CONSISTENCY

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

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## Downtown Retail Design District Guidelines –

1. The proposal shall comply with Downtown Retail Design district signage requirements.
2. All signs require a building permit.

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

1. Site is located in Parking District "A" and the property is part of the Property Based Improvement District. This is a "Change in Use" project and will not be assessed the Parking In-lieu based on the City and PBID agreement for "Change of Use" projects.

**Live Music**

1. The plan also indicates "Light Music" which is considered one or two musicians with non-amplified instruments and no cover charge. Regular live music, DJ, dancing or similar entertainment requires a conditional use permit prior to any activity. Please contact staff with any questions regarding music and entertainment.

**Example of Live Entertainment Conditions**

- 1) That the project will be required to maintain the noise standards found in Section 8.36.040 of the Municipal Code for their site, including the parking lot and areas of common use by their patrons.
- 2) That the hours of operation for live entertainment and dancing shall be between the hours of 9:00 pm to 1:00 am. Live entertainment shall be restricted only to live musical acts, disc jockeys, karaoke, or similar activities in nature and intensity as determined by the City Planner. Any subsequent change to the nature or hours of the live entertainment shall require an amendment to the Conditional Use Permit.
- 3) Live entertainment shall be allowed on a non-amplified basis with no dancing before 9:00 pm.
- 4) During Live entertainment performances nightclub patrons are to be 21 years of age and older. When no live entertainment is taking place, nightclub patrons are to be 21 years and older between 9:00 p.m. and 2:00 a.m., unless otherwise allowed by a Temporary Conditional Use Permit for special events. Persons employed by the establishment or performers shall be exempt from this condition.
- 5) That the establishment be maintained as a bona fide restaurant. The bar area shall not exceed 25% of the public area within the leasable area of the establishment. At all times during normal meal hours the site shall act as a bona fide restaurant with a full menu offering complete meals. During times of live entertainment food service shall be provided until 12:00 midnight as identified in the operational statement.
- 6) There shall be no adult entertainment as defined in Visalia Municipal Code Section 17.63, including no lingerie/bathing suit shows.
- 7) During entertainment and/or dancing, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
- 8) During live entertainment and/or dancing the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.
- 9) Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business.
- 10) The parking lot and public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any nightclub activities.
- 11) That the maximum occupancy limit shall be posted and not exceeded.

- 12) That all of the conditions and responsibilities of Conditional Use Permit No. 2014-09 run with the land. The owner operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators who shall be subject to all of the conditions herein unless amended or revoked.
- 13) That all applicable federal, state and city laws, codes and ordinances be met, including all necessary licenses from the California Department of Alcoholic Beverage Control.
- 14) Official inspections on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
- 15) All exterior doors shall remain closed at all times when the premises are providing entertainment or music. Doors may not solely consist of a screen door or ventilated security door.
- 16) Patrons shall use only the main entrances of the business to enter and exit the nightclub and restaurant except in the event of an emergency.
- 17) There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
- 18) The site shall be limited to two pool tables.
- 19) No video/arcade games shall be maintained upon the premises unless approved through the site plan review and any subsequent entitlement process.
- 20) Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2014-09, Visalia Municipal Code Section No. 17.38.040.
- 21) The owner/operator shall provide proof that employees who sell alcohol have completed the following, either:
  - a) Completed training from the State of California Department of Alcoholic Beverage Control-Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,
  - b) Completed equivalent training acceptable to the ABC Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.
- 22) That the owner/operator shall prepare and implement an approved Security Plan that includes the following:
  - a) Prior to any type of entertainment or dancing identified in this use permit the owner/operator shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the Security Plan shall be incorporated as conditions of approval of CUP. The owner/operator shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the CUP. The establishment is responsible for providing both the District Commander and the Planning Department a copy of the approved security plan.
  - b) Identify the establishment's designated contact person for all safety and security management and shall provide the telephone numbers where the contact person may be reached 24 hours a day, seven days a week.
  - c) Confirm that a manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.
  - d) Identify all managers of the establishment and their contact telephone numbers.

- e) Confirm that all bartenders and other employees shall be trained to recognize the symptoms of an obviously intoxicated patron, to refuse serving alcoholic beverages to obviously intoxicated patrons, and to report emergencies to the manager on duty and to law enforcement.
- f) Confirm that first aid supplies and operational fire extinguishers are located in the kitchen (if applicable), service areas and the manager's office.
- g) Confirm that the burglar and fire alarm is monitored by a security company 24 hours a day, seven days a week.
- h) Identify an adequate number of acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building, the parking lot and any adjacent property under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a security firm. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.
- i) Confirm that the security personnel shall regularly monitor the parking lot (if applicable) and any adjacent property under the establishment's control to ensure the areas are free of people loitering or causing a disturbance.
- j) The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Visalia Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department.
- k) The applicant shall maintain a copy of the current Security Plan and CUP conditions of approval on the premises and shall present the Security Plan immediately upon request by a peace officer or code enforcement personnel.
- l) During times that security guards are required they must be able to provide the number of persons in the building when requested.
- m) If it is determined that the establishment becomes a public nuisance as outlined in Visalia Municipal Code 8.40.030 the Visalia Police Department may initiate proceedings to amend these conditions to require additional state licensed uniformed security and/ or to recommend suspension or revocation proceeding.
- n) In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment or dancing shall occur until such time as a security plan which has been approved by the Police Department and City Planner is in effect.

### 23) Video Camera

- a) Half an hour prior to, during, and half an hour after the times of entertainment and/or dancing a fully functional color digital video camera must be in place to record the activities of patrons on the premises. The interior of the business must have at least one camera placed to focus on each area where alcoholic beverages are being dispensed (this shall include any outside patio area where alcoholic beverages are dispensed), Additionally, there shall be at least one camera placed to focus on each of the following areas; front door (s) and/or entry area, any area outside where patrons wait to enter the establishment and the majority of the open floor space area in the establishment.
- b) The camera storage capacity should be for at least ten (10) calendar days, The System must continuously record, store, be capable of playing back images and be fully functional



at all times. Any recordings of criminal activity shall be provided to the Visalia Police Department within 24 hours of the initial request.

- 24) That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2014-09.

**DOWNTOWN RETAIL DESIGN DISTRICT  
BUILDING DESIGN CRITERIA**

Amended April 1996

**A. General**

- 1) Signs – signs should contribute to the commercial quality and character of the district. Within the district, the following standards for signage are prescribed:
- 2) Primary Signage
  - i) Material: Plastic is prohibited as a primary sign material.
  - ii) Size:
    - (1) Two (2) square feet of sign area is permitted for each one (1) foot of linear occupancy frontage up to a maximum of fifty (50) square feet.
    - (2) The sign area as calculated for the occupancy frontage may be used on the occupancy frontage, or may be divided between the occupancy frontage and any other exterior wall. (see DRD for more)
  - iii) Location: Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The exterior side chosen is the primary occupancy frontage. The building sign so calculated shall be mounted on the primary occupancy frontage.
- 3) On Awnings: A building sign may be affixed to or incorporated as a part of the design of the front valance only of an awning; however, such sign area shall be deducted from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.
- 4) Street addresses
- 5) Additional signs of a maximum twenty-five percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages visible from center or Acequia streets.
- 6) Pedestrian oriented sign: one double faced sign not exceeding an area of three (3) square feet per face, to be constructed of wood, with a carved and/or painted logo. Pedestrian oriented signs shall be a minimum of 8 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
- 7) A pedestrian oriented sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three (3) square feet. If this option is chosen, no other pedestrian oriented sign is allowed.
- 8) The building sign area as calculated on the primary occupancy frontage may also be used on the alley frontage for those businesses with direct pedestrian entrances from alleyways, where such entrances and frontages are visible from center or Acequia streets. In no case



shall the sign area used on the alley frontage exceed that permitted for the primary occupancy frontage.

- 9) Each building may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building.

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

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

## **B. Renovation**

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

### **1. Facades**

- a. Where originally constructed buildings facades remain, their appearance shall not be altered. Such facades shall be repaired and preserved. Where facades have been altered, as much original material and detail shall be retained in the rehabilitation as possible.
  - b. Where most of the existing architectural design dated from an interim remodeling and where such remodeling adds to the traditional character of the district, rehabilitation shall conform to the period of such remodeling and not to the original design.
  - c. Where the original design cannot be determined or where financial considerations preclude full-scale rehabilitation of a façade which has previously been altered, a design which is not a pure rehabilitation but which is in keeping of the structure are prohibited.
  - d. Where originally constructed facades and/or architectural details have been covered by an interior remodeling, the removal of coverings is encouraged. When original materials, facades and/or architectural details are uncovered, these shall not be recovered.
2. Windows and doors – where they still exist, the original sills, lintels, frames, sash, muntins and glass of windows and transoms shall be preserved. The original doorway elements, including sill, lintels, frames, and the doors shall also be retained. Where possible, replacements should duplicate the originals in design and materials. The blocking or covering of any portion of an existing window or door opening with permanent materials is prohibited. When new window or door openings are created the scale of these should approximate that of the traditional architecture of the district. The base of new window opening shall be a maximum of 30 inches above ground level. Whenever the size and/or scale of any existing window openings are altered, the base of all the window openings in the storefront shall be brought into conformance with the maximum 30-inch standard. This section shall not apply to ordinary repair or replacement of window glass or frames where the size and/or scale of window openings are not altered.

3. Building materials

- a. Brick is most dominant traditional building material within the district and is preferred as a replacement material. Brick shall not be covered by any synthetic material, asbestos. Or wood shingles, wood or aluminum siding, or any other synthetic materials. Where brick has been painted, repainted in a color which matches the natural color of the brick as closely as possible is preferred. Where brick remains unpainted, the use of paint in the exterior is prohibited, since unpainted brick is a crucial element of the traditional character of the district.
- b. Stuccoed brick surfaces should be retained, unless held in place with wire mash, in which case the stucco should be removed. Where retained, stucco should be repainted in a brick color.

C. Maintenance and repair required

Neither the owner of nor the person(s) in actual charge of a structure within the district shall permit such structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural features so as to produce, or tend to produce, in the judgment of the planning commission, a detrimental effect on the

character of the district as a whole or the life and character of the structure in question, including, but not limited to;

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

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

The city's zoning compliance officer, or other designated enforcement official shall serve written notice upon the owner and/or other person in actual charge of any structure deemed to be in violation of these provision. Said written notice shall specify the nature of the condition or conditions which are in violation of the maintenance and repair requirement and direct that said conditions be repaired or corrected within an appropriately reasonable period of time. Said notice shall further advise the owner and/or the person in actual charge of said structure of his/her right to request a hearing before the planning commission to review the determination of the city's enforcement officer. The planning commission shall adopt reasonable rules and regulations comporting with appropriate due process for the notice and conduct of such hearings pursuant to this provision. The planning commission may approve, modify, or reject the determination of the city's enforcement officer at the conclusion of such hearing. Should the owner and/or person in actual charge of subject structure fail and/or refuse to request a hearing, should the planning commission determine at the conclusion of such a hearing that there is a violation of this provision, the planning commission shall require that the structure in question be brought into compliance within an appropriately reasonable period of time. Thereafter, any person who fails to comply with the requirements of this provision shall be deemed to be guilty of an infraction and shall be subject to the provisions and penalties provided in the city's ordinance code relating to zoning.

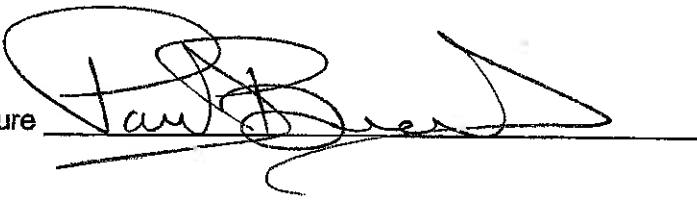
**Noise:** NOISE ORDINANCE (Municipal Code Chapter 8.36)

The City's Noise Ordinance has standards for maximum noise levels near sensitive land uses. The project, as with all other uses in the City, will be required to meet the standards of the Noise Ordinance during construction of the project and during operation of the use on the site. It is the property owner's responsibility to ensure that the Ordinance is being met. Copies of the Noise Ordinance are available at the Community Development Department front counter or online at [www.ci.visalia.ca.us](http://www.ci.visalia.ca.us). (Click on Municipal Code and then go to Chapter 8.36.)

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

A handwritten signature in black ink, written over a horizontal line. The signature is highly stylized and cursive, appearing to read "T. B. [unclear]".

**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

Jason Huckleberry 713-4259  
 Adrian Rubalcaba 713-4271

ITEM NO: 2 DATE: AUGUST 20, 2014

SITE PLAN NO.: 14-114  
PROJECT TITLE: SIERRA BREWING COMPANY  
DESCRIPTION: NEW RESTAURANT IN EXISTING 4,555 SF BUILDING ON 7,692 SF AREA (CDT ZONED) (AE) (DISTRICT DRD)  
APPLICANT: GRAHAM MATTHEW  
PROP OWNER: 120 W MAIN ST LLC  
LOCATION: 124 W MAIN ST  
APN: 094-324-001

**SITE PLAN REVIEW COMMENTS**

REQUIREMENTS (indicated by checked boxes)

Install curb return with ramp, with \_\_\_\_\_ radius;

Install curb;  gutter

Drive approach size:  Use radius return;

Sidewalk: \_\_\_\_\_ width;  parkway width at \_\_\_\_\_

Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.

Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.

Right-of-way dedication required. A title report is required for verification of ownership.

Deed required prior to issuing building permit;

**City Encroachment Permit Required. ANY WORK WITHIN PUBLIC RIGHT-OF-WAY**

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

CalTrans Encroachment Permit required.  CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;

Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.

Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.

Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades.  Prepared by registered civil engineer or project architect.  All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a)  directed to the City's existing storm drainage system; b)  directed to a permanent on-site basin; or c)  directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: \_\_\_\_\_ : \_\_\_\_\_ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.

Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.

Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)

Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.

All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.

Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests:                    each at
- Written comments required from ditch company                    Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum    Provide                    wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations.    Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an Oak tree evaluation or permit to remove.    A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments.    Resubmit with additional information.    Redesign required.

**Additional Comments:**

***1. Sanitary sewer impact fees will apply to proposed restaurant use in previous retail building space. Fees are based on a rate per seat; number of seats to be determined at time of building permit submittal. Refer to page 3 for fee summary.***

***2. Where possible, backflow preventers or other utility structures, shall be placed outside of public right-of-way and on private property. Developer shall coordinate placement of utility apparatus within building envelope when possible.***

***3. Building permit plan review and inspection fees apply.***



**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: 14-114  
Date: 8/20/2014

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


(Fee Schedule Date: 8/15/2014)  
(Project type for fee rates: RESTAURANT)

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

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	<b>\$59/SEAT, TREATMENT PLANT FEE: \$263/SEAT</b>
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

**Reimbursement:**

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

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

# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

August 20, 2014

ITEM NO:	2
SITE PLAN NO:	SPR14114
PROJECT TITLE:	SIERRA BREWING COMPANY
DESCRIPTION:	NEW RESTAURANT IN EXISTING 4,555 SF BUILDING ON 7,592 SF AREA (CD1 ZONED) (AE) (DISTRICT DFD)
APPLICANT:	GRAHAM MATTHEW
PROP. OWNER:	120 W MAIN ST LLC
LOCATION:	124 W MAIN ST
APN(S):	094-324-001

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

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

**Additional Comments:**

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

**QUALITY ASSURANCE DIVISION  
SITE PLAN REVIEW COMMENTS**

ITEM NO: 2                      DATE: August 20, 2014  
SITE PLAN NO:                 SPR14114  
PROJECT TITLE:                SIERRA BREWING COMPANY  
DESCRIPTION:                 NEW RESTAURANT IN EXISTING 4,555 SF BUILDING  
   ON 7,692 SF AREA (CDT ZONED) (AE) (DISTRICT  
   DRD)  
APPLICANT:                     GRAHAM MATTHEW  
PROP OWNER:                  120 W MAIN ST LLC  
LOCATION:                        124 W MAIN ST  
APN(S):                         084-324-001

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

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

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

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

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

*[Handwritten Signature]*

\_\_\_\_\_  
AUTHORIZED SIGNATURE

8-15-14

\_\_\_\_\_  
DATE

SP8 14114



### CITY OF VISALIA NONSIGNIFICANT WASTEWATER DISCHARGE PERMIT APPLICATION

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

**PLEASE PRINT OR TYPE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**13.08.570 Traps required.**

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

**13.08.580 Construction of traps.**

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

**13.08.590 Maintenance of traps.**

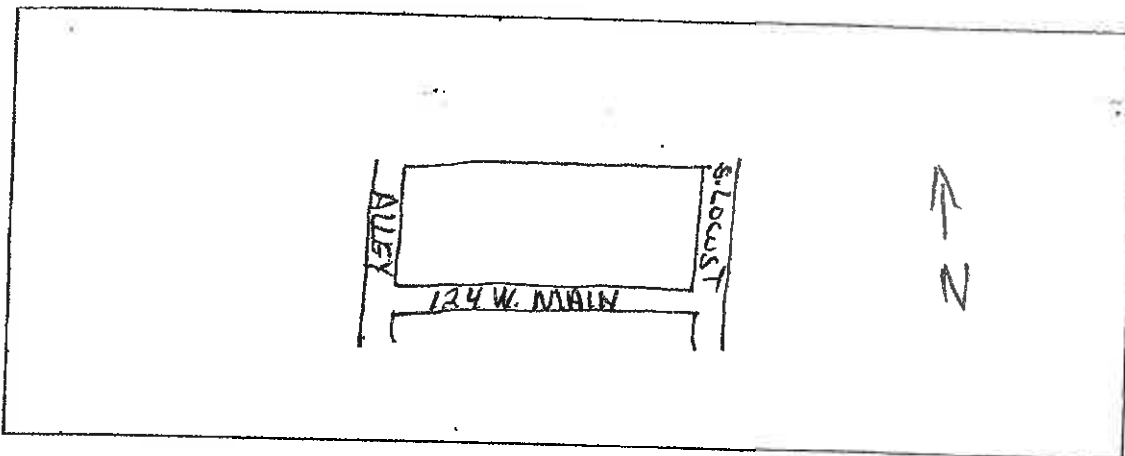
When installed, all grease, oil and sand traps shall be maintained by the owner, at owner's expense, in continuously efficient operation at all times. (Prior code § 4256)

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

Date: 8-19-14

Site Plan Review # 14-114

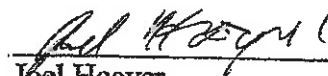
SITE PLAN REVIEW COMMENTS



COMMENTS: See Below  None

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

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

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

Email: jhooyer@ci.visalia.ca.us



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

SITE PLAN NO: SPR14114  
PROJECT TITLE: SIERRA BREWING COMPANY  
DESCRIPTION: NEW RESTAURANT IN EXISTING 4,555 SF BUILDING  
ON 7,692 SF AREA (CDT ZONED) (AE) (DISTRICT  
DRD)  
APPLICANT: GRAHAM MATTHEW  
PROP OWNER: 120 W MAIN ST LLC  
LOCATION: 124 W MAIN ST  
APN(S): 094-324-001

**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

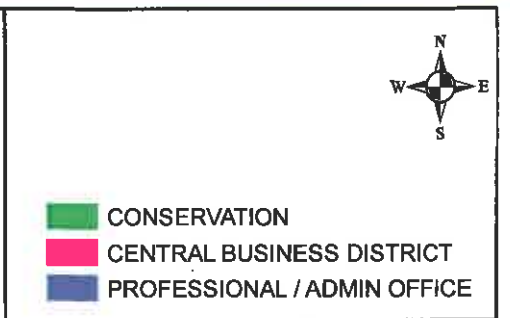
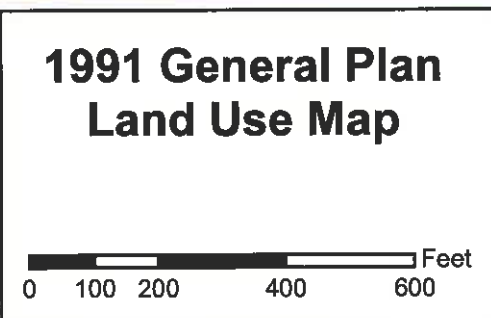
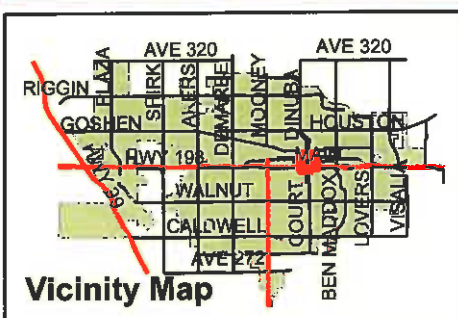
EXISTING SERVICE OK.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338

[ ]

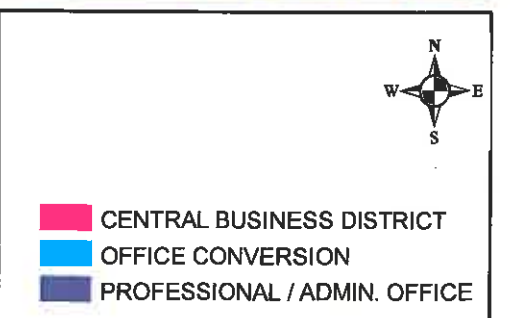
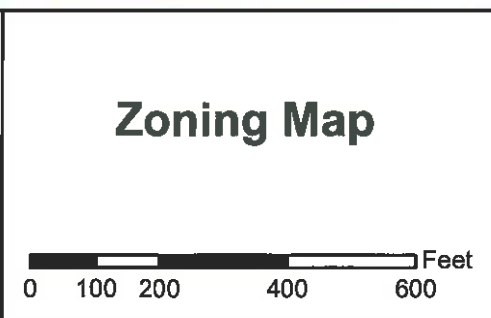
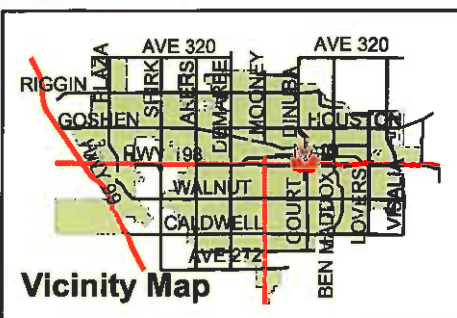
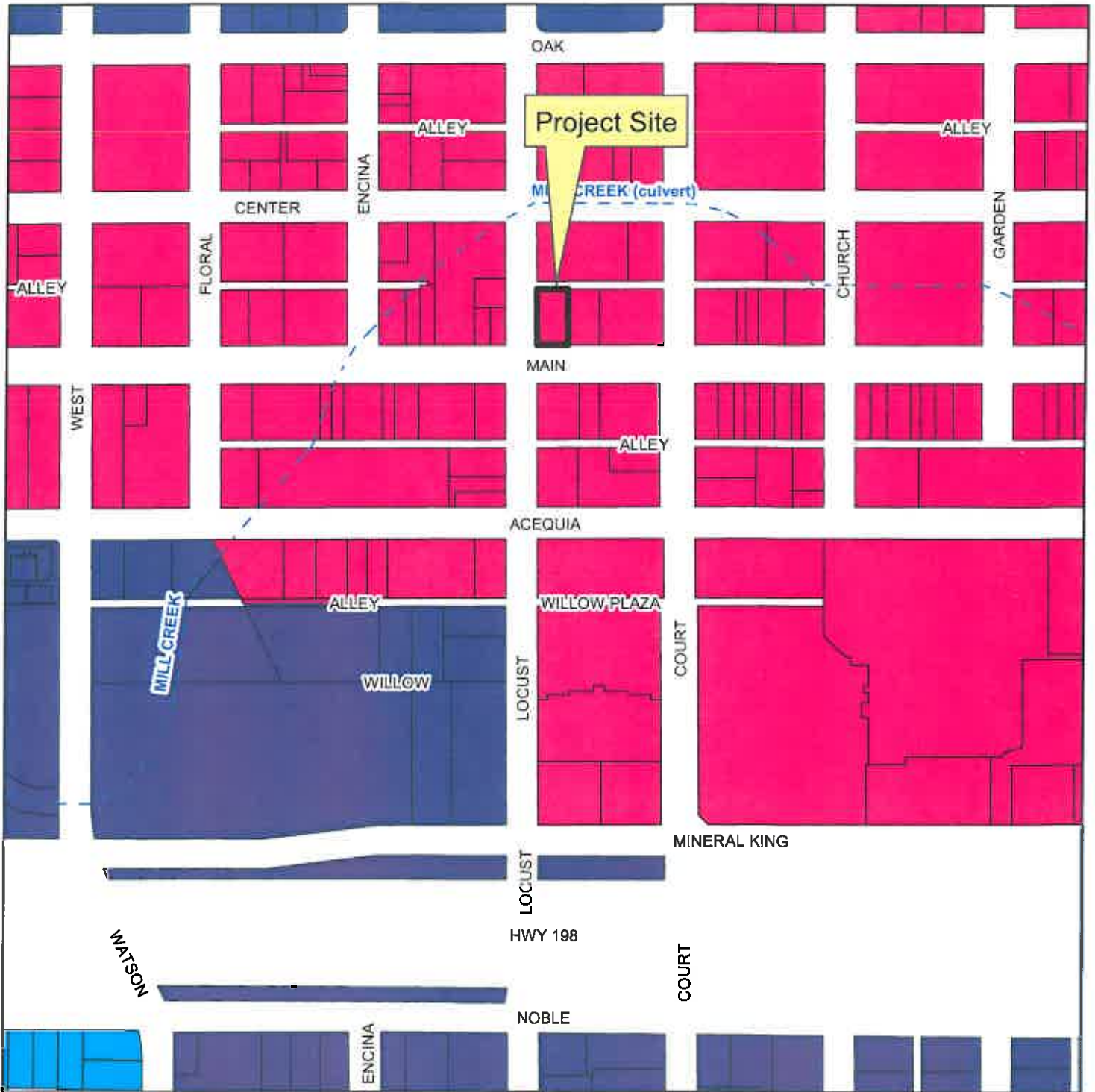
# Conditional Use Permit No. 2014-28

The site is located at 124 W. Main Street. (APN: 094-324-001)



# Conditional Use Permit No. 2014-28

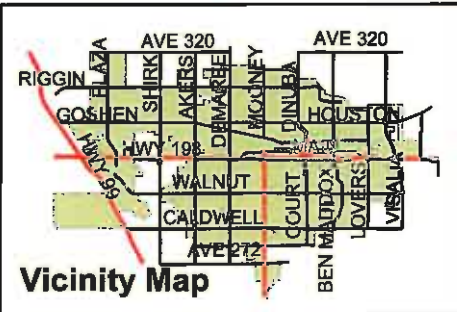
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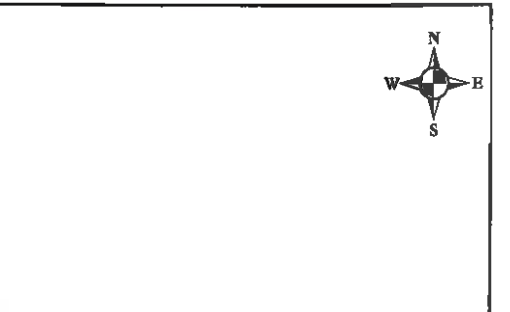
# Conditional Use Permit No. 2014-28

The site is located at 124 W. Main Street. (APN: 094-324-001)



**Aerial Photo**  
Photo Taken March 2014

0 50 100 200 Feet



# Conditional Use Permit No. 2014-28

The site is located at 124 W. Main Street. (APN: 094-324-001)

