

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

COMMISSIONERS: Adam Peck, Brett Taylor, Liz Wynn, Lawrence Segrue, Chris Gomez

MONDAY, AUGUST 10, 2015; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE --
2. ELECTION OF CHAIR AND VICECHAIR --
3. 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.
4. CHANGES OR COMMENTS TO THE AGENDA--
5. 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. Finding of Consistency No. 2015-002 for the First Assembly of God Church to allow an office trailer as a part of Conditional Use Permit No. 97-17. The site is located at 3737 S. Akers Street (APN: 119-100-013).
 - b. Time Extension for Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17
6. PUBLIC HEARING -- Andy Chamberlain
Conditional Use Permit No. 2015-22: A request by Russell Horine to allow a 3,000 sq. ft. chiropractic office in the Regional Retail (CR) Zone. The site is located at 1813 W. Caldwell Avenue. (APN: 126-061-051) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2015-41
7. PUBLIC HEARING -- Brandon Smith
Variance No. 2015-04: A request by Gateway Plaza Partners, L.P., to allow a variance to the maximum sign areas associated with building and freestanding signs in Design District A in the Regional Retail Commercial (C-R) Zone. The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2015-37

8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS FRIDAY, AUGUST 20, 2015, BEFORE 5 PM

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

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, AUGUST 24, 2015

City of Visalia



To: Planning Commission

From: Andrew Chamberlain, Senior Planner (713-4003)

Date: August 10, 2015

Re: Finding of Consistency No. 2015-002 for the First Assembly of God Church to allow an office trailer as a part of Conditional Use Permit No. 97-17. The site is located at 3737 S. Akers Street (APN: 119-100-013).

RECOMMENDATION

Staff recommends that the Planning Commission make a Finding of Consistency allowing the use of an office trailer at 3737 S. Akers Street as a part of previously approved Conditional Use Permit No. 97-17.

DISCUSSION

Conditional Use Permit 97-17 was approved on September 22, 1997 allowing the establishment of a multiple phase church facility at the southwest corner of Akers Street and Caldwell Avenue. The church is in the process of permitting and beginning construction on the sanctuary portion of the site consistent with CUP No. 97-17, Exhibit "A".

The applicant is requesting that they be allowed to establish a temporary office trailer as shown in Exhibit "B", for use by Administrative Services staff members as discussed in the Operational Statement in Exhibit "C". The duration of use for the trailer may be several years as the church goes through its final major phase of construction. The Zoning Ordinance provides for the issuance of a Temporary Conditional Use Permit (T-CUP) for this type of use up to 6 months as approved by the City Planner, which would require them to file a new T-CUP every 6 months. The church has indicated they would be willing to get a T-CUP every 6 months, though if the City is willing to allow the trailer as a consistent part of the original use permit, it would eliminate the need for multiple T-CUPs.

Staff finds the inclusion of a 1,440 sq. ft. office trailer consistent with the overall scope of the original CUP for this project. The long term use of office trailers on large campus type facilities has become a common practice.

In this case, the proposed trailer would be located on the south side of the existing classroom buildings, west of the multi-use building which currently contains the sanctuary and offices. This location is not readily visible from the public right-of-way and would have pedestrian access to the multi-purpose building and parking lots. Based upon the original use permit, parking has been provided to cover all of the administrative services which would include the proposed trailer. Exhibit "D" is an elevation of the trailer, which would have five offices, restrooms and a common area.

The applicant has indicated that the trailer is intended to house existing programs which have expanded over time. It would not be used for assembly, but could be used for counseling and related services. The hours of operation would be the same as the overall facility.

The staff recommendation to approve this Finding of Consistency is based upon the overall scope of the project which is a large campus style setting with ample room to accommodate an office trailer outside of parking and required landscape areas. The trailer is subject to the Site Plan Review process to assure that it meets all City codes and requirements. If approved, this finding of Consistency would recognize the trailer as a permanent building on the site. Should the church request to relocate the trailer in the future, it would be subject to the Site Plan Review process at that time.

ATTACHMENTS

- Exhibit "A" – CUP No. 97-17 - Site Plan
- Exhibit "B" – Site Plan for Trailer
- Exhibit "C" – Operation Statement
- Exhibit "D" – Trailer Elevations
- Aerial Photo

CUP No. 97-17

VISALIA
FIRST ASSEMBLY OF GOD
NEW CHURCH CAMPUS

SITE PLAN
REVIEW SUBMITTA

GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE VISALIA CITY ZONING ORDINANCES AND THE CALIFORNIA BUILDING CODE.
2. THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE SUBMITTER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE SUBMITTER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
5. THE SUBMITTER SHALL MAINTAIN ALL EXISTING TREES UNLESS OTHERWISE NOTED.
6. THE SUBMITTER SHALL MAINTAIN ALL EXISTING DRIVEWAYS AND SIDEWALKS UNLESS OTHERWISE NOTED.
7. THE SUBMITTER SHALL MAINTAIN ALL EXISTING FENCES AND BARRIERS UNLESS OTHERWISE NOTED.
8. THE SUBMITTER SHALL MAINTAIN ALL EXISTING SIGNAGE UNLESS OTHERWISE NOTED.
9. THE SUBMITTER SHALL MAINTAIN ALL EXISTING LANDSCAPING UNLESS OTHERWISE NOTED.
10. THE SUBMITTER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.



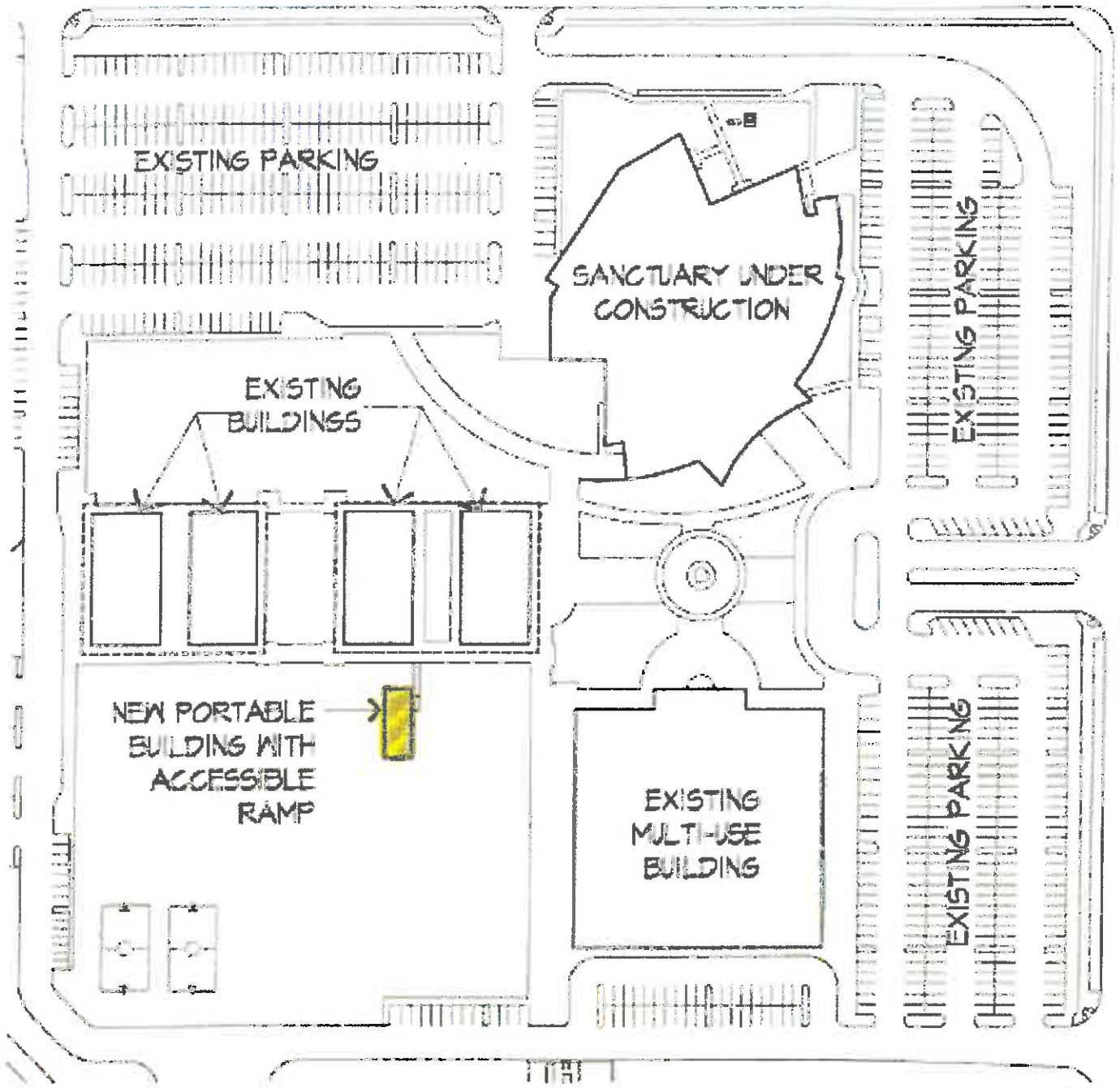
PLANNING DEPARTMENT
1000 WEST 100th STREET, SUITE 100, VISALIA, CA 93278
PHONE: (559) 233-1234
FAX: (559) 233-1235
WWW.VISALIA.CA.GOV



Planning Commission Staff Report
September 22, 1997 - Agenda
Conditional Use Permit No. 97-17

Staff Report
Exhibit "A"

CALDWELL AVE.



AKERS AVE.

PARTIAL SITE PLAN PLAN

NTS.

NORTH



Exhibit "B"

OPERATIONAL STATEMENT:

A new leased relocatable office building (temporary), located proximate to the existing Administrative Services wing is intended to provide needed space for additional church staff members. The building will not function as an assembly building although it is expected that individual other than staff will have occasion to visit the staff within the building for one-on-one meetings (could be three or four), counseling, or other services consistent with the pastoral staff positions. Normal hours of operations for the overall facility will not be changed from what currently exists as these staff members are simply an extension of the programs that operate at the Church and for the congregants that attend or are anticipated in the near future.

The current CUP accommodates the expansion (a large assembly facility) that is in progressing - that project currently in the beginnings of construction and will likely continue into 2016. The request is to allow this office building (not addressed on the current CUP) to be placed and maintained for the duration of the construction and for an indeterminate extension beyond that until further office facilities can be approved or the need for staff decreases. A TCUP is an acceptable method of approval for this building, acknowledging the necessity of renewal every six months.

BUILDING DESCRIPTION: The building is a 24x60 relocatable office building, set above grade, delivered in two section trailer, with painted wood siding, a low-slope metal roof, and is set on braced metal stands, with matching skirting. Interior configuration consists of an entry, offices, a staff break room and two single accommodation toilets. ADA access will be provided throughout the building with entrance to the facility provided from existing accessible routes via a wood ramp with an interconnecting concrete walk. All of this will be confirmed through the normal permitting process.

Utilities including phone, data, power and lighting, plumbing, burg alarm, and stand-alone fire alarm (no fire sprinklers) will be provided as needed.

City of Visalia



Aerial Photo

City of Visalia

Memo



To: Planning Commission
From: Brandon Smith, Senior Planner
Date: August 10, 2015
Re: Time Extension for Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17

RECOMMENDATION

Staff recommends that the Planning Commission approve a one-year time extension of Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17, to expire on September 23, 2016.

BACKGROUND

On September 23, 2013, the Visalia Planning Commission approved Diamond Oaks Vesting Tentative Subdivision Map No. 5547 and Conditional Use Permit No. 2013-17 through adoption of Resolution Nos. 2013-44 and 45. The Tentative Subdivision Map was a request to subdivide 55.9 gross acres into a 180 lot Planned Unit Development subdivision with 168 lots in the R-1-6 zone and 12 lots in the R-M-2 and R-M-3 zones. The Conditional Use Permit (CUP) was a request to create a Planned Residential Development for the Diamond Oaks Subdivision with modified lot sizes, setbacks, and the redistribution of R-M-2 and R-M-3 zoned property adjacent to Caldwell Avenue. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way.

In May 2015 improvement plans and a final map were submitted for the first phase of the subdivision. The Engineering Division is currently reviewing the plans and final map.

STATE LEGISLATURE TIME EXTENSIONS

The expiration date for the Tentative Subdivision Map and CUP is September 23, 2015, two years from the date of approval by the Planning Commission. Although the California State Legislature has recently passed several bills providing statewide time extensions to all active tentative subdivision maps, no such bills have been adopted since approval of this project.

At this time Assembly Bill 1303 has been proposed to allow another two-year automatic time extension. The bill passed the Senate on July 16 and was re-referred to Committee on Appropriations for an August 17 hearing date.

REQUEST

The proponents of the Tentative Subdivision Map and CUP have submitted a written request dated July 23, 2015, for a time extension (no length of time specified). Time extensions may be granted pursuant to Section §66452.6 of the Subdivision Map Act (SMA) and Section 17.38.030 of the Zoning Ordinance for a maximum of three years. This would be the first time extension granted under these codes for the Tentative Subdivision Map and CUP.

Staff recommends that a one-year time extension be granted at this time in keeping with the City's practice of recommending time extensions only one year at a time. The extension request, if approved by the Planning Commission for one year, will extend the expiration date of the Tentative Subdivision Map and CUP from September 23, 2015 to September 23, 2016.

The Planning Commission has the authority to approve or deny this request. If the request is approved, the applicant would have until the new expiration date to file final subdivision maps or to file for another extension. If the request is denied, the applicant would have to re-file a new tentative subdivision map application for any lots that are not finalized prior to expiration.

ATTACHMENTS

1. Letter of Request for the Time Extensions
2. Approved Resolution No. 2013-044 for CUP No. 2013-17
3. Approved Resolution No. 2013-045 for Subdivision Map No. 5547
4. Tentative Subdivision Map / CUP Site Plan
5. Location Map



Lane Engineers, Inc.
Civil • Structural • Surveying

July 23, 2015

Mr. Josh McDonnell
City of Visalia Community Development
Planning Division
315 E. Acequia Ave.
Visalia, CA 93291

Dear Mr. McDonnell:

On behalf of our client, Diamond Oaks, LP, Lane Engineers, Inc. respectfully requests an extension for Diamond Oaks Vesting Tentative Map No. 5547 and Conditional Use Permit No. 2013-17 (approved by Planning Commission on September 23, 2013). Improvement plans for the first phase have been submitted and are currently are being processed; however, additional time is required to complete the plan approval process. This is the first extension request pursuant to Visalia Municipal Code (VMC) Section 16.16.130.B. Please forward this request to the planning commission for action as soon as possible.

Attached is a check payable to the City of Visalia in the amount of \$208.00 to process the extension request. If you should have any questions, or need additional information, please contact the undersigned engineer.

Respectfully,

A handwritten signature in blue ink, appearing to read "Lawrence J. Simonetti", written over a horizontal line.

Lawrence J. Simonetti, P.E.

cc: Kevin Fistolera



**CITY OF VISALIA
RECEIPT**

RECEIPT NUMBER: Rec-641227
PERMIT TYPE: MISC RECEIPT

DESCRIPTION: TIME EXTENSION FEE FOR DIAMOND OAKS PROJECT

APD #: M-Rec09303
SITE ADDRESS: 901 E CALDWELL AVE VISA
PARCEL: 126-100-012
LOCATION:

PAYMENT MADE BY: LANE ENGINEERS INC
TRANSACTION DATE: 07/27/2015
TOTAL PAYMENT: 208.00

Payment Type	Payment Method	Check No/Description	Amount
Payment	Check	9709	208.00

Item#	Description	Account Code	Total Paid	Prior Pymt.	Current Pymt.
1526	Time Extension	1821-46526	208.00	.00	208.00

RECEIVED BY: JTREJO, JT

DATE: 07/27/2015, 04:17 PM

RESOLUTION NO 2013-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA
APPROVING CONDITIONAL USE PERMIT NO. 2013-17:

A REQUEST BY DIAMOND OAKS, LP TO ALLOW A PLANNED RESIDENTIAL
DEVELOPMENT, WITH RELOCATION OF APPROXIMATELY 13.8 GROSS ACRES
OF R-M-2 (MULTI-FAMILY RESIDENTIAL 3,000 SQUARE FEET PER DWELLING
UNIT) AND R-M-3 (MULTI-FAMILY RESIDENTIAL 1,500 SQUARE FEET PER
DWELLING UNIT) ZONED PROPERTY AND MODIFIED DEVELOPMENT
STANDARDS. THE SITE IS LOCATED ON THE SOUTH SIDE OF EAST CALDWELL
AVENUE BETWEEN SOUTH BURKE STREET AND SOUTH BEN MADDOX WAY
(APN: 126-100-012)

WHEREAS, Conditional Use Permit No. 2013-17 is a request by Diamond Oaks, LP to allow a Planned Residential Development, with relocation of approximately 13.8 gross acres of R-M-2 (Multi-Family Residential 3,000 square feet per dwelling unit) and R-M-3 (Multi-Family Residential 1,500 square feet per dwelling unit) zoned property and modified development standards. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 23, 2013; and

WHEREAS, the Planning Commission of the City of Visalia finds the conditional use permit to be in accordance with Section 17.38.110 and Section 17.26 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED, that a Mitigated Negative Declaration No. 2013-059 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

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

2. That the proposed conditional use permit would be compatible with adjacent land uses.
3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-059, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the conditional use permit is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the project shall be developed and maintained in substantial compliance with the site plans in Exhibit "B", unless otherwise specified in the conditions of approval.
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C" or as mutually agreed to by the City Planner / City Engineer and the applicant.
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
 - House Plan 1580 – 19-feet
 - House Plan 1358 – 23-feet
 - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standard.
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision shall be established per Exhibit "B" with the following exceptions:
 - Lot 173: Rear Yard – 17-feet
 - Lot 174: Rear Yard – 16-feet, 9-inches
 - Lot 175: Rear Yard – 18-feet, 6-inches
 - Lot 176: Rear Yard – 18-feet, 6-inches

6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.
7. That the raised median in Caldwell Avenue between Burke Street and Ben Maddox Way shall be constructed with Phase 1 of the Diamond Oaks Subdivision development, including the construction of curb, gutter sidewalk, park strip, bus turnout, and travel lanes across Lots 177, 178, 179 and 180 of the Diamond Oaks Subdivision Map.
8. That the Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead," shall be removed subject to the issuance of a Valley Oak Tree Removal Permit. Removal of Valley Oak Trees located in the County of Tulare shall be subject to their requirements.
9. That Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", to remain on-site, shall be properly maintained, trimmed and watered as stated in the evaluation. Development around Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit. Valley Oak Trees located in the County of Tulare shall be subject to the rules and requirements of Tulare County.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 shall be approved, and that requirements of the subdivision map which relate to this CUP shall be fulfilled.

15. That this Conditional Use Permit No. 2013-17 become null and void unless the Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is approved.
16. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timelines for the Diamond Oaks Vesting Tentative Subdivision Map No. 5547.
17. That all applicable federal, state, regional, and city policies and ordinances be met.
18. 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. 2013-17.


Commissioner Taylor offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:

AYES: Commissioners Peck, Soltész, Segrue, Salinas, Taylor
NOES:
ABSTAINED:
ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2013-44, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 23, 2013.



Josh McDonnell, Assistant Director / City Planner



Adam Peck, Chairperson

RESOLUTION NO 2013-45

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING DIAMOND OAKS VESTING TENTATIVE SUBDIVISION MAP NO. 5547 IS A REQUEST BY DIAMOND OAKS, LP, TO SUBDIVIDE 55.9 GROSS ACRES INTO 180 LOTS FOR RESIDENTIAL USE, WITH 168 LOTS IN THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONE AND 12 LOTS IN THE IN THE R-M-2 AND R-M-3 (MEDIUM AND MEDIUM HIGH DENSITY RESIDENTIAL) ZONE. THE SITE IS LOCATED ON THE SOUTH SIDE OF EAST CALDWELL AVENUE BETWEEN SOUTH BURKE STREET AND SOUTH BEN MADDOX WAY (APN: 126-100-012)

WHEREAS, Diamond Oaks Vesting Tentative Subdivision Map No. 5547 is a request by Diamond Oaks, LP to subdivide 55.9 gross acres into 180 lots for residential use, with 168 lots in the R-1-6 (Single-Family Residential) zone and 12 lots in the in the R-M-2 and R-M-3 (Medium and Medium High Density Residential) zone. The site is located on the south side of East Caldwell Avenue between South Burke Street and South Ben Maddox Way (APN: 126-100-012); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice held a public hearing before said Commission on September 23, 2013; and

WHEREAS, the Planning Commission of the City of Visalia finds the vesting tentative subdivision map in accordance with Section 16.16 of the Subdivision Ordinance of the City of Visalia, and with Section 17.26 of the Zoning Code of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED, that a Mitigated Negative Declaration No. 2013-059 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

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

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

3. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant with mitigation and that Mitigated Negative Declaration No. 2013-059, incorporating the Mitigation Monitoring Program included within, is hereby adopted.
4. That the vesting tentative subdivision map is consistent with the intent of the General Plan, Subdivision Ordinance, and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 16.04.040 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2013-025.
2. That the vesting tentative subdivision map be prepared in substantial compliance with Exhibit "A".
3. That the project shall be developed per the Phasing Plan depicted on Exhibit "C" or as mutually agreed to by the City Planner / City Engineer and the applicant.
4. That the setbacks for the single-family residential lots shall comply with the R-1-6 (Single-Family Residential 6,000 sq. ft. min. site area) standards for the front, side and street side yard setbacks, except for the rear yards. The rear yards shall comply with the rear yard setback depicted on Exhibit "B". Rear yard setbacks depicted in Exhibit "B" are as follows:
 - House Plan 1580 – 19-feet
 - House Plan 1358 – 23-feet
 - All other housing plans/options shall conform to the 25-foot setback requirement per the R-1-6 standards
5. That the setbacks for the triplex multi-family lots (Lots 169 – 176) in the Diamond Oaks subdivision be established per Exhibit "B" with the following exceptions:
 - Lot 173: Rear Yard – 17-feet
 - Lot 174: Rear Yard – 16-feet, 9-inches
 - Lot 175: Rear Yard – 18-feet, 6-inches
 - Lot 176: Rear Yard – 18-feet, 6-inches
6. That the Caldwell Avenue / Burke Street intersection shall be fully signalized and that the traffic signals shall be installed to accommodate the ultimate widening of the intersection, or installed concurrent with the ultimate intersection improvements. The installation of the traffic signals shall occur with Phase 1 of the Diamond Oaks Subdivision development.

7. That the raised median in Caldwell Avenue between Burke Street and Ben Maddox Way shall be constructed with Phase 1 of the Diamond Oaks Subdivision development, including the construction of curb, gutter sidewalk, park strip, bus turnout, and travel lanes across Lots 177, 178, 179 and 180 of the Diamond Oaks Subdivision Map.
8. That the Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", as "Very Poor/Dead," shall be removed subject to the issuance of a Valley Oak Tree Removal Permit. Removal of Valley Oak Trees located in the County of Tulare shall be subject to their requirements.
9. That Valley Oak Trees located within the jurisdiction of the City of Visalia, and as identified in the Valley Oak Tree Evaluation, Exhibit "F", to remain on-site, shall be properly maintained, trimmed and watered as stated in the evaluation. Development around Valley Oak Trees is subject to the City's Standard Specification for Building Around Valley Oak Trees. Any Valley Oak Tree identified for tree trimming shall be subject to a Valley Oak Tree Trimming Permit. Valley Oak Trees located in the County of Tulare shall be subject to the rules and requirements of Tulare County.
10. An amendment to this conditional use permit will be required for the multi-family development on Lots 177 through 180. The multi-family development shall require the submittal of precise site and elevation plans. Approval of this amended conditional use permit will be at the discretion of the Planning Commission prior to the development of the multi-family development.
11. That the intersections of Russell Avenue at Burke Street and Cameron Avenue at Burke Street operate as stop sign controlled intersections on the westbound approach with shared turning movements.
12. That the developer shall inform and have future home owners of the Diamond Oaks subdivision sign and acknowledge the "Right to Farm" Act. This informs future residential owners that the surrounding farming operations are protected and cannot be declared a nuisance if operating in a manner consistent with proper and accepted customs and standards.
13. That the mitigation measures found within the Mitigation Monitoring Plan for Mitigated Negative Declaration No. 2013-059 are hereby incorporated as conditions of this Vesting Tentative Subdivision Map.
14. That Conditional Use Permit No. 2013-17 shall be approved, and that requirements of the use permit which relate to this map shall be fulfilled.
15. That this Vesting Tentative Subdivision Map become null and void unless Conditional Use Permit No. 2013-17 is approved.

16. That the timeline for the lapse of this Conditional Use Permit shall be tied to the timelines for the Diamond Oaks Vesting Tentative Subdivision Map No. 5547.
17. That all applicable federal, state, regional, and city policies and ordinances be met.
18. 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 Vesting Tentative Subdivision Map No. 5547.

Commissioner Taylor offered the motion to this resolution. Commissioner Salinas seconded the motion and it carried by the following vote:

AYES: Commissioners Peck, Soltesz, Segrue, Salinas, Taylor
NOES:
ABSTAINED:
ABSENT:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF VISALIA)

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2013-45, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on September 23, 2013.



Josh McDonnell, Assistant Director / City Planner



Adam Peck, Chairperson

NO.	DATE	REVISIONS

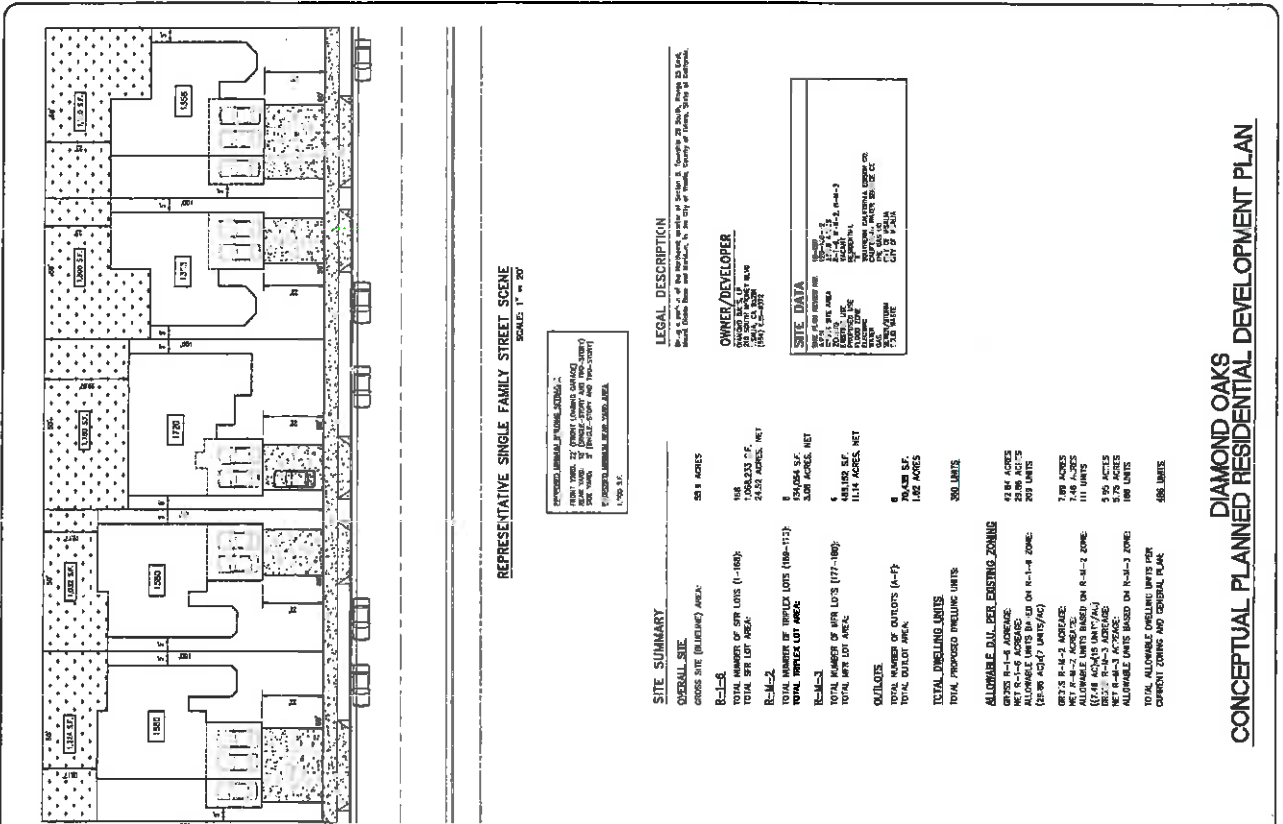


LANE ENGINEERS INC.
CIVIL, STRUCTURAL & SURVEYING
978 N. Blackstone Street
Tulsa, California 92774
(505) 688-5283



A CONCEPTUAL P&ID PLAN FOR
DIAMOND OAKS, LP
VISALIA, CALIFORNIA

DATE	11-18-13
SCALE	AS SHOWN
CHECKED	LJS
DESIGNED	LJS
PROJECT	PRD11
LOT	1
SUB	1
DATE	10/12



REPRESENTATIVE SINGLE FAMILY STREET SCENE
SCALE: 1" = 20'

PROPOSED LUMBER FINISH LOTTERY...
TOTAL NUMBER OF LOTS: 140
TOTAL AREA: 1,200 SF

LEGAL DESCRIPTION
Block 1, Lot 1 of the subdivision of Section 18, Township 29 North, Range 23 East, Meridian 11E and Section 19, Township 29 North, Range 23 East, Meridian 11E, State of California.

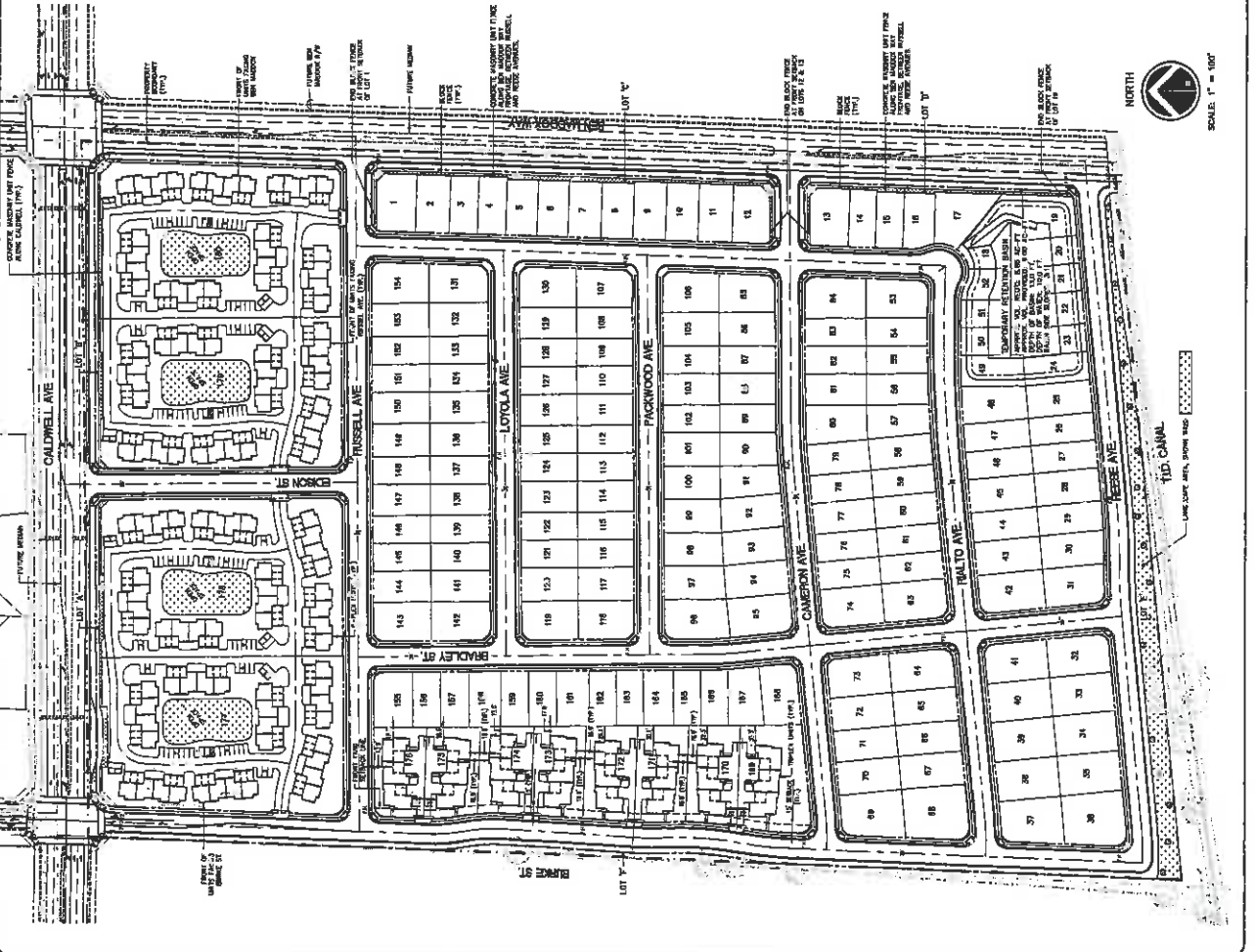
OWNER/DEVELOPER
DIAMOND OAKS, LP
11111 N. 111th St.
Tulsa, OK 74134

SITE DATA
TOTAL AREA: 11.14 ACRES
TOTAL LOTS: 140
TOTAL AREA PER LOT: 79.57 SF
TOTAL AREA PER LOT: 11.14 ACRES

SITE SUMMARY
OVERALL SITE: 58.8 ACRES
GROSS SITE (BUILDING) AREA: 1,200,000 SF
TOTAL NUMBER OF LOTS: 140
TOTAL LOT AREA: 11,140,000 SF

ALLOWABLE DUAL DENSIFYING ZONING
NET 75-1-2 ZONING
ALLOWABLE UNITS BASED ON R-1-2 ZONING: 200 UNITS
ALLOWABLE UNITS BASED ON R-1-1 ZONING: 100 UNITS

ALLOWABLE UNITS BASED ON R-1-1 ZONING: 100 UNITS
ALLOWABLE UNITS BASED ON R-1-2 ZONING: 200 UNITS
TOTAL ALLOWABLE UNITS PER CURRENT ZONING AND ORIGINAL PLAN: 488 UNITS



NORTH
SCALE: 1" = 100'

100' CANAL

11/18/2013 11:18:10 6487 M.P.T.

NO.	DATE	REVISIONS



LANE ENGINEERS INC.
 CIVIL STRUCTURE & SURVEYING
 929 N. Blodgett Street
 Tulare, California 93274
 (559) 864-6283

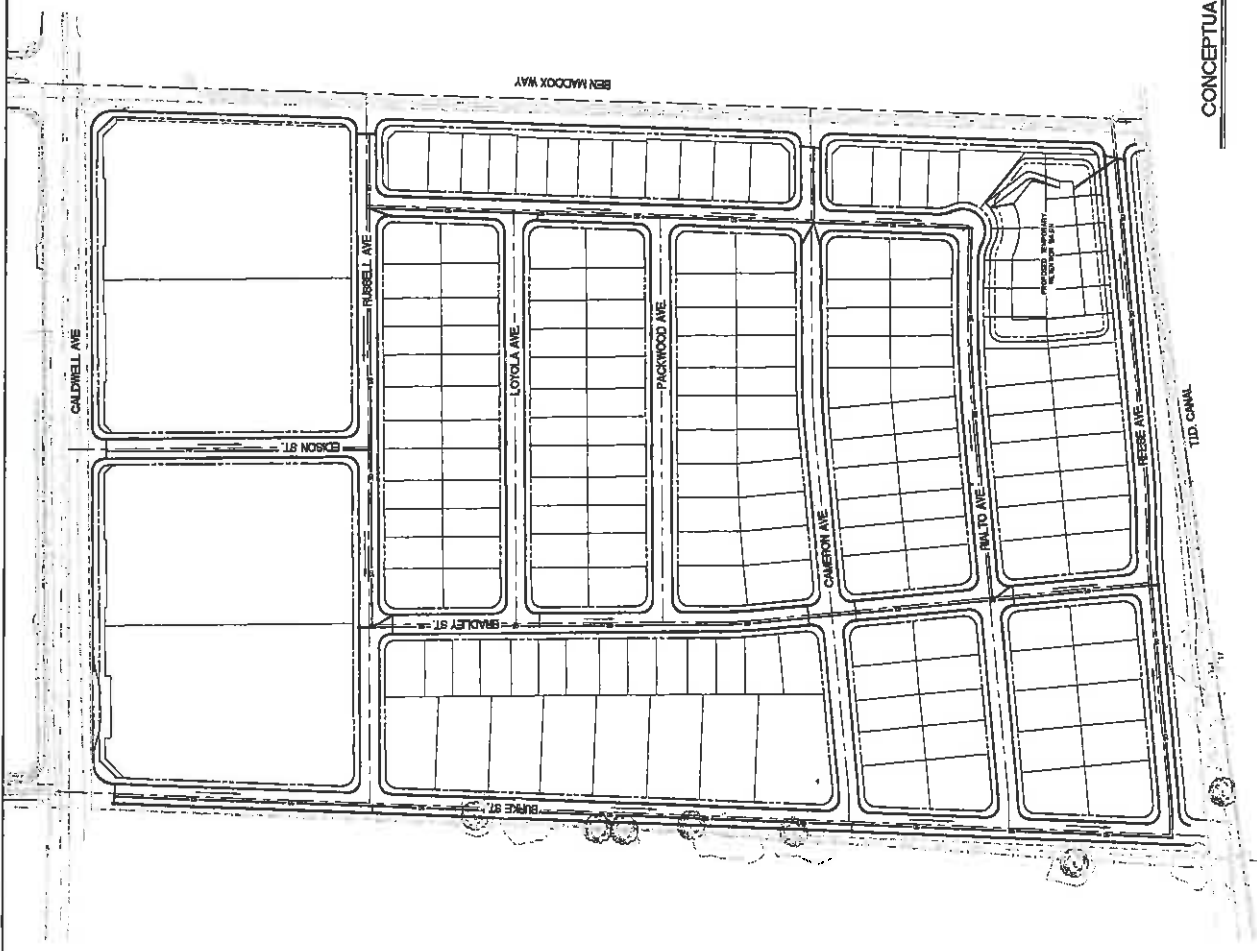
A STORM DRAIN INFRASTRUCTURE EXHIBIT FORM
 CALIFORNIA
 DIAMOND OAKS, LP
 VISALIA, CALIFORNIA

DATE	1-18-13
SCALE	NOTED
CHECKED BY	LF
PROJECT	
NO.	SD111
OF	1 SHEET
SUB NO.	101.1

Exhibit "D"



CONCEPTUAL STORM DRAIN PIPING
 SCALE: 1" = 100'



NO.	DATE	REVISIONS

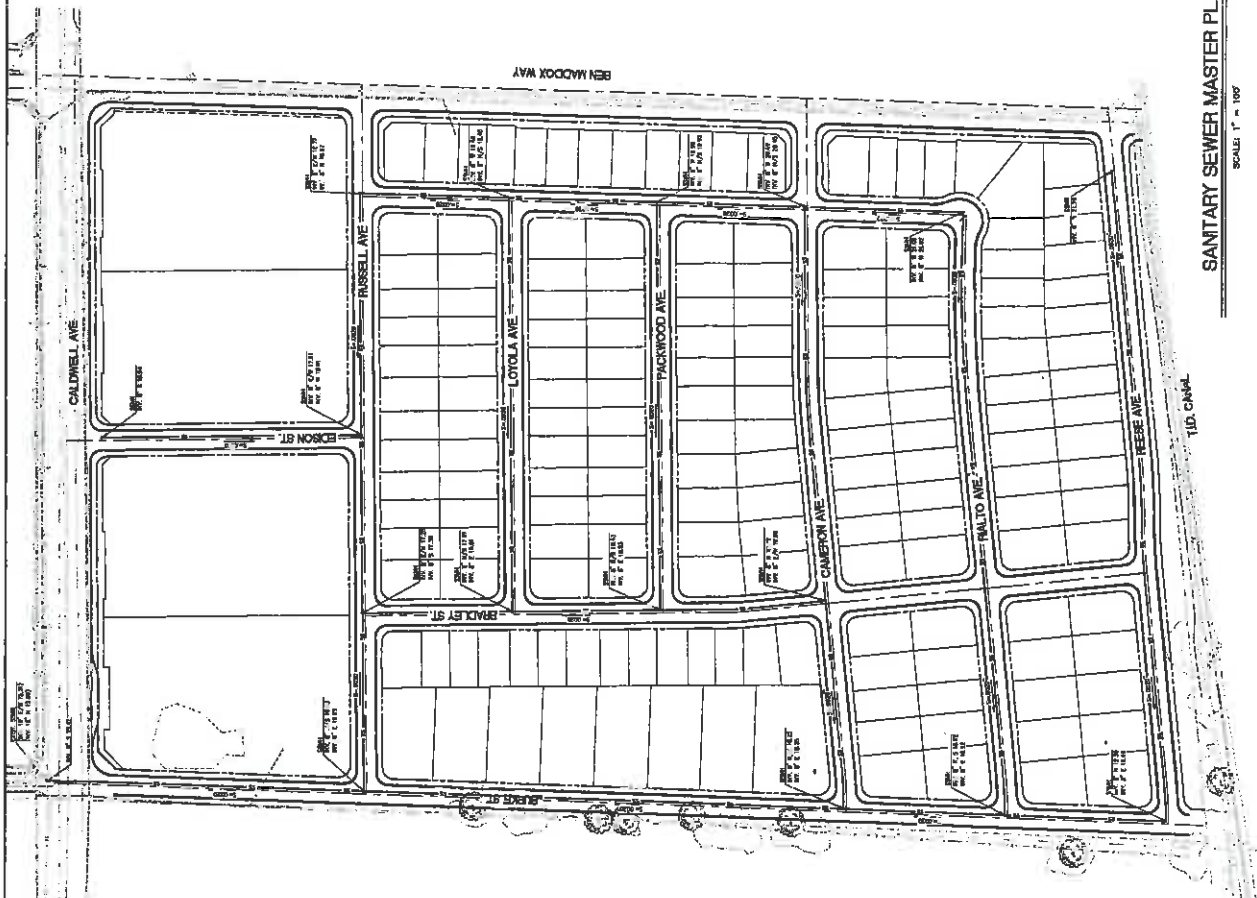


LANE ENGINEERS INC.
 CIVIL, STRUCTURAL & SURVEYING
 878 N. Shakerline Street
 Tulare, California 93274
 (559) 888-6833

DIAMOND OAKS, LP
 VISALIA, CALIFORNIA

A SEWER INFRASTRUCTURE EXHIBIT FOR:
 DATE: 1-18-11
 DRAWN BY: J. J. BIRGER
 CHECKED BY: L.S.
 SHEET NO. 15 OF 17

Exhibit "E"



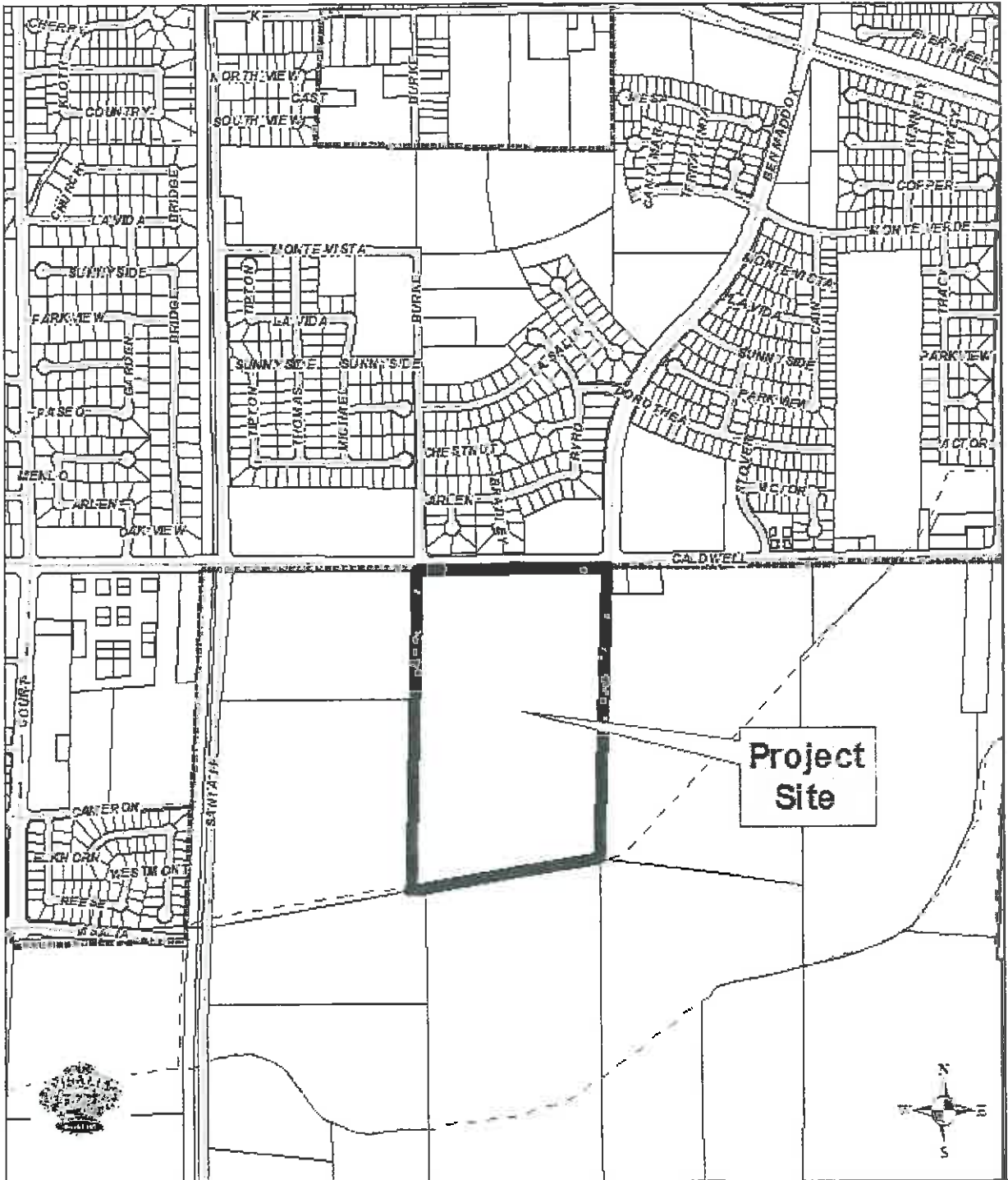
SANITARY SEWER MASTER PLAN

SCALE: 1" = 100'

T.D. CHAN

Environmental Document No. 2013-59 for Development and subdivision of the Diamond
Oaks Subdivision consisting of Diamond Oaks Vesting Tentative Subdivision Map No. 5547
and Conditional Use Permit No. 2013-17

Vicinity Map





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 10, 2015

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

SUBJECT: Conditional Use Permit No. 2015-22: A request by Russell Horine to allow a 3,000 sq. ft. chiropractic office in the Regional Retail (CR) Zone. The site is located at 1813 W. Caldwell Avenue. (APN: 126-061-051)

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2015-22 based upon the findings and conditions in Resolution No. 2015-41. 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. 2015-22 based on the findings and conditions in Resolution No. 2015-41.

PROJECT DESCRIPTION

The applicant is requesting approval of a chiropractic office in the Regional Retail zone, which requires a conditional use permit. The office would be approximately 3,000 sq. ft. utilizing the south half of the existing 6,500 sq. ft. building located at 1813 W. Caldwell Avenue, as shown in Exhibit "A". The building currently houses the Roger Dunn Golf retail store, which would remain in the north half of the building.

As described in the operational statement in Exhibit "B", the chiropractic office would have approximately four employees and would operate Monday through Friday from 9 am to 6 pm. During peak treatment times there would be two doctors providing patient services. Patient appointments are approximately 15 minutes, with 40 to 45 patients per day receiving services.

The site has direct access to Caldwell Avenue and Fairway Street, with 22 parking stalls provided on-site. The applicant will also be requesting an administrative adjustment to parking as described below.



BACKGROUND INFORMATION

General Plan Land Use Designation:	Regional Retail
Zoning:	CR (Regional Retail)
Surrounding Land Uses and Zoning:	North: CR / Regional Retail South: CR / Regional Retail East: CR / Regional Retail West: CR / Regional Retail
Environmental Review:	Categorical Exemption No. 2015-41
Special Districts:	Design District "A"
Site Plan:	2015-113
Property Owner:	Mike & Nancy Robertson, Visalia.

RELATED PLANS & POLICIES

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

RELATED PROJECTS

CUP No. 2009-26 allowed the establishment of an orthopedic office in the CR zone at 1441 S. Mooney Boulevard.

CUP No. 2007-65 allowed the establishment of a medical office in the CR zone at 3342 S. Fairway Street.

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2015-22, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

Chiropractic services are a conditional use in the Regional Retail (CR) zone. Based upon the existing site and the proposed operational statement, staff finds that the proposed project is consistent with the intent of the zone and adjacent retail land uses.

The Planning Commission has approved medical and dental offices in the Regional Retail and Community Commercial zones, finding them compatible with the surrounding retail uses.



Parking

The site has an existing 22-stall parking lot. Chiropractic offices are a medical use with a parking ratio of one space per 200 square feet of gross floor area (3,000 sq. ft. @ 1/200). This

parking ratio requires 15 parking spaces for the chiropractor use. The remaining tenant space, which is occupied by a golf store, has a retail parking requirement of one space per 300 square feet of building area (3,500 sq. ft. @ 1/300). This tenant space is required to have 12 stalls dedicated to this use. The total requirement is 27 parking stalls for which there are only 22 on-site. The applicant is eligible for an administrative adjustment for parking up to 20%.

Based on the operational statement, staff supports an Administrative Adjustment, which would authorize a 20% parking reduction to the site for both uses. A 20% reduction in the required parking would be 22 stalls to serve the site. Should the Planning Commission choose to approve the requested conditional use permit, staff would process an administrative adjustment.

Site Improvements

There are no exterior site improvements proposed as a part of this action. The applicants will work with the Building Department to secure any permits for interior work which may be required for this use.

Environmental Review

The requested action is considered Categorically Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-41).

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 chiropractic use is consistent with the adjacent retail uses in the regional retail zone.
3. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required finding of the Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
4. 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. 2015-41).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed in substantial compliance with the comments from the approved Site Plan Review No. 2015-113.
2. That the facility be operated in compliance with the operational statement in Exhibit "B", and any proposed changes to the operation be reviewed through the Site Plan Review process for consistency and related requirements prior to the change.
3. That an administrative adjustment to allow a 20% reduction in required parking be processed prior to the issuance of any permit or occupancy for this use.

4. That all other Federal, State, Regional, and City codes and ordinances be met.
5. 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. 2015-22.

APPEAL INFORMATION

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

Attachments:

- Related Plans & Policies
- Resolution 2015-41
- Exhibit "A" – Site Plan
- Exhibit "B" – Operation Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

Related Plans & Policies

Conditional Use Permits - (Excerpts from Section 17.38)

17.38.010 Purposes and powers.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

RESOLUTION NO. 2015-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2015-22, A REQUEST BY RUSSELL HORINE TO ALLOW A 3,000 SQ. FT. CHIROPRACTIC OFFICE IN THE REGIONAL RETAIL (CR) ZONE. THE SITE IS LOCATED AT 1813 W. CALDWELL AVENUE. (APN: 126-061-051)

WHEREAS, Conditional Use Permit No. 2015-12 is a request by Russell Horine to allow a 3,000 sq. ft. chiropractic office in the Regional Retail (CR) Zone. The site is located at 1813 W. Caldwell Avenue. (APN: 126-061-051); and

WHEREAS, after published notice, a public hearing was held before the Planning Commission on August 10, 2015; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit, as conditioned, 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 15305.

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

4. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2015-41).

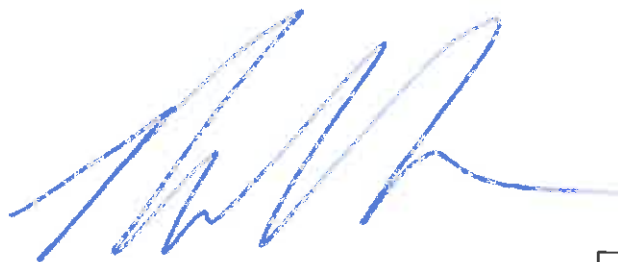
BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Conditional Use Permit on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.38.110 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed in substantial compliance with the comments from the approved Site Plan Review No. 2015-113.
2. That the facility be operated in compliance with the operational statement in Exhibit "B", and any proposed changes to the operation be reviewed through the Site Plan Review process for consistency and related requirements prior to the change.
3. That an administrative adjustment to allow a 20% reduction in required parking be processed prior to the issuance of any permit or occupancy for this use.
4. That all other Federal, State, Regional, and City codes and ordinances be met.
5. 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. 2015-22.

Exhibit – B
Operational Statement

Horine Chiropractic Operations Statement

- Horine Chiropractic has provided chiropractic services to Visalia residents and the surrounding communities for over 28 years.
- Our Office is open 9:00 AM to 6:00 PM Monday through Friday
- Peak treatment times are typically 9:45 AM to 12:30 PM and 3:00PM to 5:30 PM
- During peak treatment times two doctors will be providing patient services
- We have a maximum of four employees during our peak treatment times
- For most patient services our 'door to door' time is 15 minutes (time from check in to check out).
- Approximately 20% of our patient services have extended door to door times of 25-30 minutes
- Our projected average patient volume is 40-45 patient visits per day





MEETING DATE July 15, 2015
SITE PLAN NO. 15-113
PARCEL MAP NO.
SUBDIVISION
LOT LINE ADJUSTMENT NO.

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

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

REVISE AND PROCEED (see below)

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

ADDITIONAL COMMENTS _____

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

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: July 15, 2015

SITE PLAN NO: 2015-113
PROJECT TITLE: HORINE CHIROPRACTOR
DESCRIPTION: CONVERT EXISTING 2977 SF BUILDING RETAIL SPACE INTO OFFICES FOR CHIROPRACTORS OFFICE (CR) (X) (A)
APPLICANT: HORINE RUSSELL
PROP. OWNER: ROBERTSON MICHAEL D & NANCY L (TRS)
LOCATION TITLE: 1813 W CALDWELL AVE
APN TITLE: 126-061-051
GENERAL PLAN: Regional Retail Commercial
EXISTING ZONING: C-R – Regional Retail Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Additional Information as Needed
- Minor Conditional Use Permit (CUP)

PROJECT SPECIFIC INFORMATION: 07/15/2015

1. A Minor CUP is required for a chiropractor's office in the C-R zone.
2. Provide detailed site and floor plan exhibit's with the CUP application.
3. Provide a detailed operational statement. The operational statement shall include a description of the business, hours of operations, number of employees and an average number of patients seen during operating hours.
4. The chiropractor use is assigned a parking ratio of one space per 200 square feet of gross floor area (see Zoning Ordinance Section 17.34.020). This parking ratio requires 15 parking spaces for the chiropractor use. The remaining tenant space, which is occupied by a golf store, has a parking requirement of one space per 300 square feet of building area. This tenant space is required to have 12 stalls dedicated to this use. The number of stalls provided on-site, 22 parking stalls, is less than the 27 parking stalls required for the chiropractor and retail uses. Based on the operational statement, staff may support an Administrative Adjustment, which would authorize a 20% parking reduction to the site for both uses. Staff will analyze the parking requirements as part of the CUP process.
5. All signs require a separate building permit. Signs shall comply with the Sign Standards for Design District "A".

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

Maximum Building Height: 50 Feet

Minimum Setbacks:

	Building	Landscaping
➤ Front (Building site)	20 Feet**	20 Feet** (only building)

➤ Front (Parking)	25 Feet**	25 Feet**
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	25 Feet	25 Feet
➤ Side abutting residential zone	15 Feet	5 Feet
➤ Rear	0 Feet	5 Feet*
➤ Rear abutting residential zone	15 Feet	5 Feet

*(Except where building is on property line)

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

Minimum Site Area: 5 acres

Parking: As prescribed in Chapter 17.34

Parking:

1. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot (Zoning Ordinance Section 17.34.030.I).
2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
3. It is highly recommended that bicycle rack(s) be provided on site plan.

Landscaping:

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

Lighting:

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

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

ITEM NO: 2

DATE: July 15, 2015

SITE PLAN NO:

SPR15113

PROJECT TITLE:

HORINE CHIROPRACTOR

DESCRIPTION:

CONVERT EXISTING 2977 SF BUILDING RETAIL
SPACE INTO OFFICES FOR CHIROPRACTORS
OFFICE (CR) (X) (A)

APPLICANT:

HORINE RUSSELL

PROP OWNER:

ROBERTSON MICHAEL D & NANCY L (TRC)

LOCATION:

1813 W CALDWELL AVE

AFN(S):

126-061-051

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
before disposing of in recycle containers.

ALL refuse enclosures must be R-3 or R-4

Customer must provide combination or keys for access to locked gates/bins

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

Inadequate number of bins to provide sufficient service. See comments below.

Drive approach too narrow for refuse trucks access. See comments below.

Area not adequate for allowing refuse truck turning radius of :
Commercial (X) 50 ft. outside 36 ft. inside; Residential () 35 ft. outside, 20 ft. inside.

Paved areas should be engineered to withstand a 55,000 lb. refuse truck.

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

Cul - de - sac must be built per city standards.

Bin enclosures are for city refuse containers only. Grease drums or any other
items are not allowed to be stored inside bin enclosures.

Area in front of refuse enclosure must be marked off indicating no parking

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)

Customer will be required to roll container out to curb for service.

Must be a concrete slab in front of enclosure as per city standards

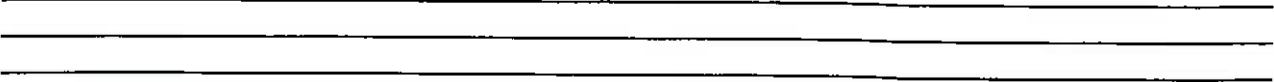


The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

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



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



Javier Hernandez, Solid Waste Front Load Supervisor 713-4338



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

- Jason Huckleberry 713-4259
 Adrian Rubalcaba 713-4271

ITEM NO: 2 DATE: JULY 15, 2015

SITE PLAN NO.: 15-113
PROJECT TITLE: HORINE CHIROPRACTOR
DESCRIPTION: CONVERT EXISTING 2977 SF BUILDING RETAIL SPACE INTO OFFICES FOR CHIROPRACTORS OFFICE (CR) (X) (A)
APPLICANT: HORINE RUSSELL
PROP OWNER: ROBERTSON MICHAEL D & NANCY L (TRS)
LOCATION: 1813 W CALDWELL AVE
APN: 126-061-051

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. FOR ANY WORK NECESSARY IN 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 Encroachment Tech. at 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. Existing accessible stall and path of travel shall meet current accessibility standards. Modify/Remove & Replace accordingly. Stall dimensions to comply with van-accessible specifications.**
- 2. Retail conversion to chiropractor/medical use will incur development impact fees. Credit for previous retail will be included in the Medical impact fee assessment. Refer to page 3 for fee summary.**
- 3. Building permit plan check and inspection fee apply.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 15-113
Date: 7/15/2015

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.)

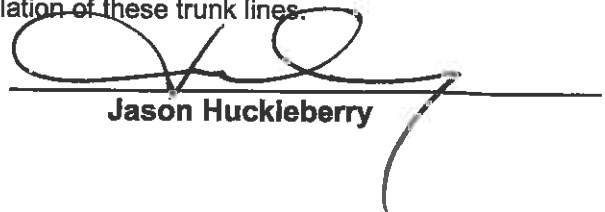
(Fee Schedule Date:7/7/2015)
(Project type for fee rates:MEDICAL OFFICE)

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 checked="" type="checkbox"/> Transportation Impact Fee	\$1,180/1KSF X 2.98 = \$3,516.40
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$67/1KSF X 2.98 = \$199.66, TREATMENT PLANT FEE: \$158/1KSF X 2.98 = \$470.84
<input type="checkbox"/> Sewer Front Foot Fee	
<input type="checkbox"/> Storm Drain Acq/Dev Fee	
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input type="checkbox"/> Waterways Acquisition Fee	
<input type="checkbox"/> Public Safety Impact Fee: Police	
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input type="checkbox"/> Public Facility Impact Fee	
<input type="checkbox"/> Parking In-Lieu	

Reimbursement:

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

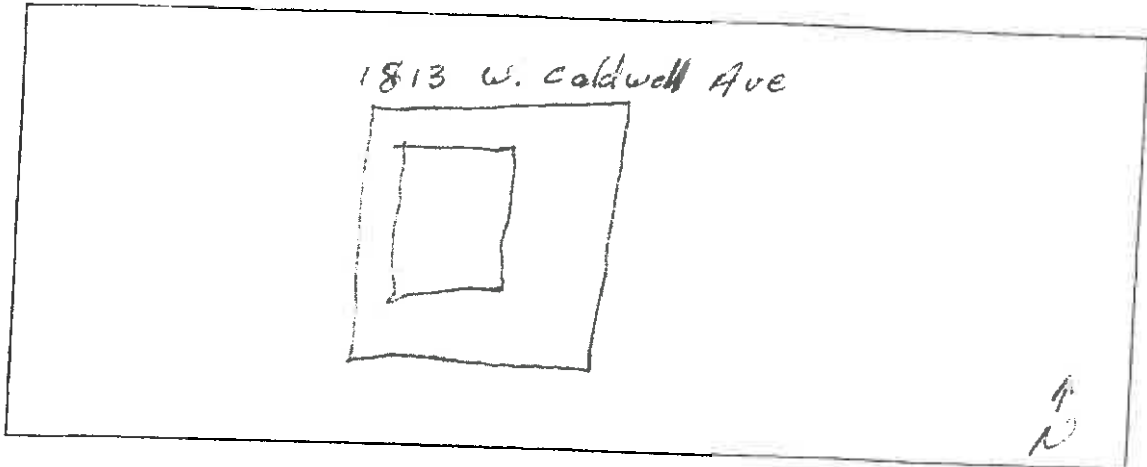

Jason Huckleberry

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

Date: 7-15-15

Site Plan Review # 15113

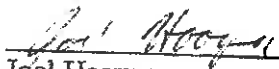
SITE PLAN REVIEW COMMENTS



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

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

July 15, 2015

ITEM NO: 2
SITE PLAN NO. SPR15113
PROJECT TITLE: HORINE CHIROPRACTOR
DESCRIPTION: CONVERT EXISTING 2977 SF BUILDING RETAIL SPACE INTO OFFICES FOR CHIROPRACTORS OFFICE (CR) (X) (A)
APPLICANT: HORINE RUSSELL
PROP. OWNER: ROBERTSON MICHAEL D & NANCY L (TRS)
LOCATION: 1813 W CALDWELL AVE
APN(S): 126-061-051

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:

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Leslie Blair

City of Visalia
Building: Site Plan
Review Comments

ITEM NO: 2 DATE: July 18, 2015
 SITE PLAN NO: SPR15113
 PROJECT TITLE: HORINE CHIROPRACTOR
 DESCRIPTION: CONVERT EXISTING 2877 SF BUILDING RETAIL SPACE INTO OFFICES FOR CHIROPRACTORS OFFICE (CR) (X) (A)
 APPLICANT: HORINE RUSSELL
 PROP OWNER: ROBERTSON MICHAEL D & NANCY L (TRS)
 LOCATION: 1818 W CALDWELL AVE
 APN(S): 126-061-051

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

- Business Tax Certification is required. *For information call (559) 713-4326*
- A building permit will be required. *For information call (559) 713-4444*
- Submit 4 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 4 sets of plans prepared by an architect or engineer. Must comply with 2013 California Building Code Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking, common area and public right of way must comply with requirements for access for persons with disabilities.
- Multi family units shall be accessible or 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 clearance from San Joaquin Valley Air Pollution Board. Prior to any demolition work
For information call (661) 392-5500
- Location of cashier must provide clear view of gas pump island
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-7400*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$151.90) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.54 per square foot. Residential \$3.36 per square foot.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments
- See previous comments dated: _____

Special comments: _____

City of Visalia
Building: Site Plan
Review Comments

G. FERRERO _____ Date: 7-15-15
Signature

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

PERM NO: 2 DATE: JUN 15, 2016
SITE PLAN NO: SPR13113
PROJECT TITLE: HORINE CHIROPRACTOR
DESCRIPTION: CONVERT EXISTING 2977 SF BUILDING RETAIL
SPACE INTO OFFICES FOR CHIROPRACTORS
OFFICE (CR) (X) (A)
APPLICANT: HORINE RUSSELL
PROP OWNER: ROBERTSON MICHAEL D & NANCY L (TRP)
LOCATION: 1813 W CALDWELL AVE
APN(S): 126-081-051

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:

BWINTER L98

**Site Plan Review Comments For:**

City of Visalia
Fire Department
707 W Acequia
Visalia, CA 93291
559-713-4261 office
559-713-4808 fax

ITEM NO: 2 DATE: Nov 18, 2015
SITE PLAN NO: SPF 15113
PROJECT TITLE: HORINE CHIROPRACTOR
DESCRIPTION: CONVERT EXISTING 2977 SF BUILDING RETAIL SPACE INTO OFFICES FOR CHIROPRACTORS OFFICE (CR) (X) (A)
APPLICANT: HORINE RUSSELL
PROP OWNER: ROBERTSON MICHAEL D & NANCY L (TRS)
LOCATION: 1813 W CALDWELL AVE
APN(S): 126-061-051

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 are served 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, bolt 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.

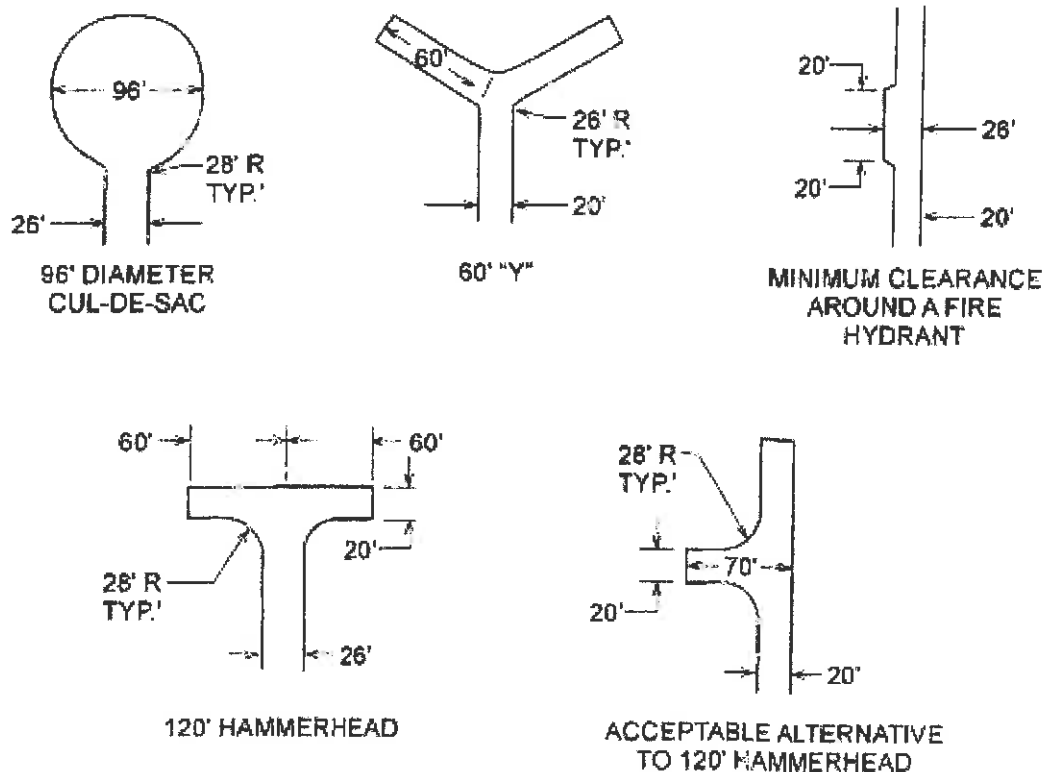


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

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)*

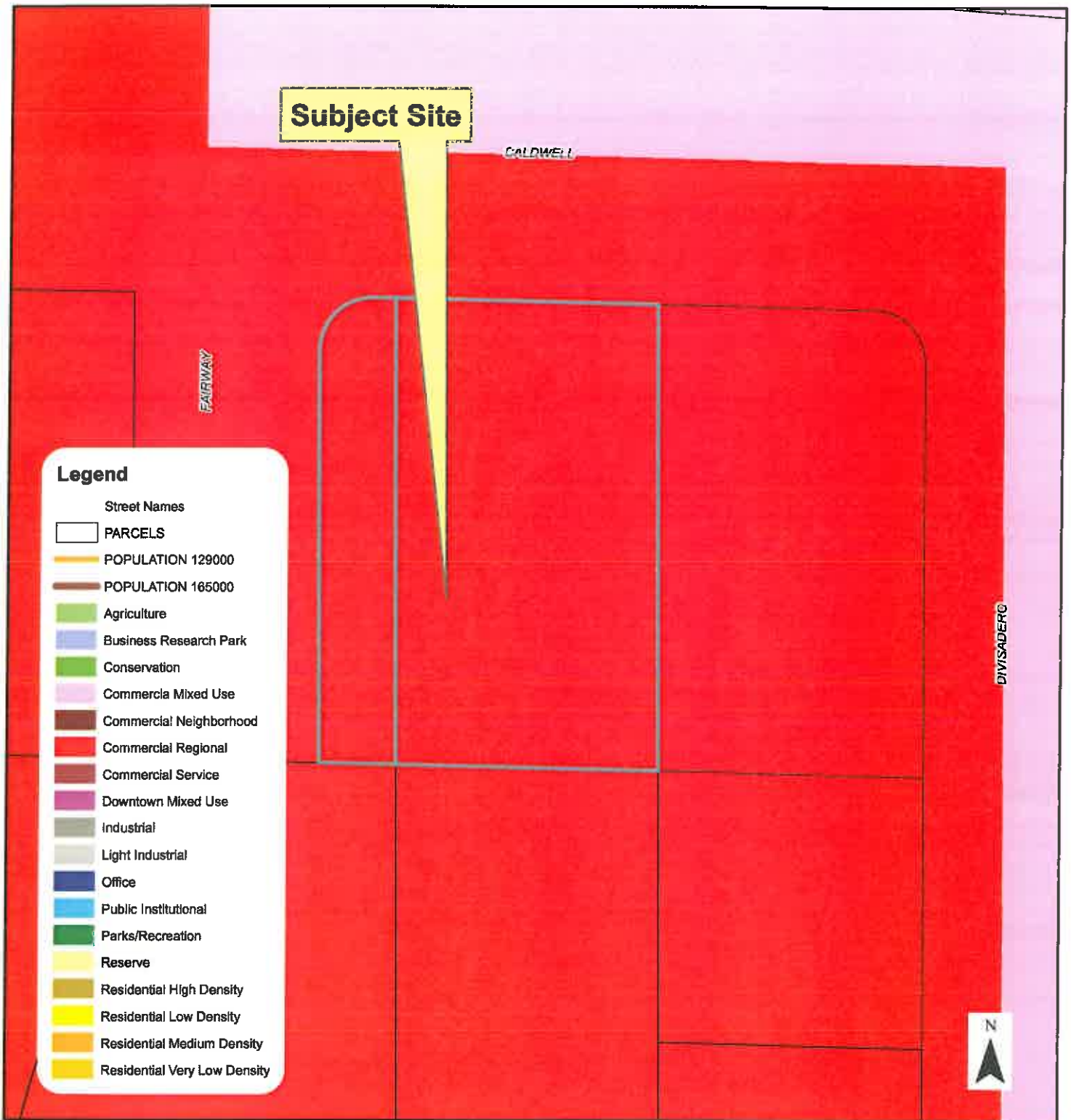
Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2013 CFC 904.11 & 609.2*

Special Comments:



Maribel Vasquez
Fire Inspector

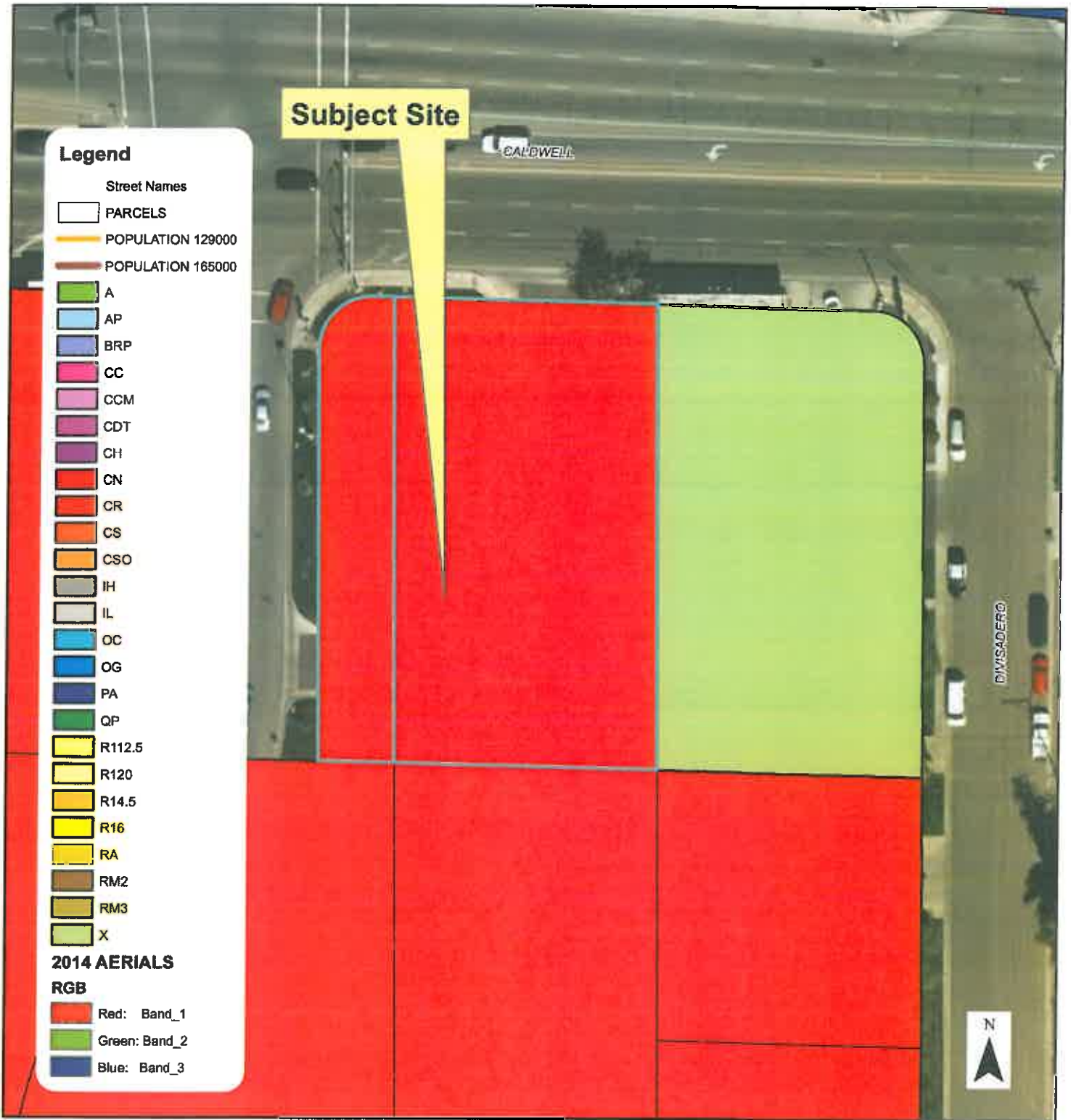
City of Visalia



Land Use Designations

CUP 2015-22

City of Visalia



Zoning Designations

CUP 2015-22

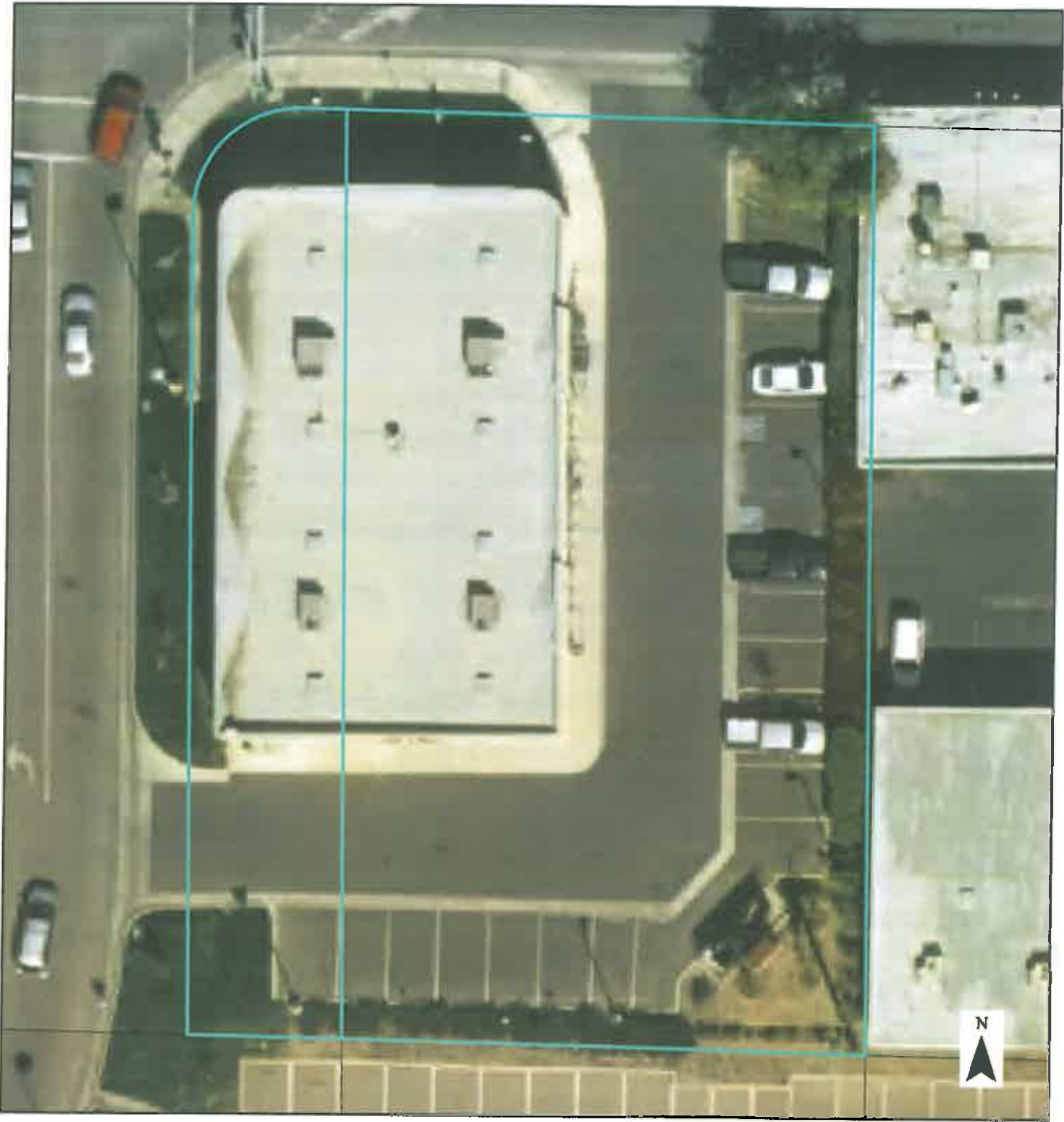
City of Visalia



Aerial Photo

CUP 2015-22

City of Visalia



Aerial Photo

CUP 2015-22

City of Visalia

Memo



To: Planning Commission

From: Brandon Smith, Senior Planner

Date: August 10, 2015

Re: Continuation from July 13, 2015 for Variance No. 2015-04: A request by Gateway Plaza Partners, L.P., to allow a variance to the maximum sign areas associated with building and freestanding signs in Design District A in the Regional Retail Commercial (C-R) Zone. The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063)

BACKGROUND

At the Planning Commission's consideration of Variance No. 2015-04 on July 13, 2015, the Commission approved a request to continue the item to August 10, 2015, without opening the public hearing. The continuance was recommended by staff and requested by the applicant to allow additional time to coordinate with staff to resolve any and all issues pertaining to the sign variance request.

DISCUSSION

Following the item's continuance, the applicant submitted a revised monument sign elevation to staff as a formal amendment to Variance No. 2015-04. The revised monument sign – attached as Exhibit "1" – is similar in design and more slim in appearance with an overall sign copy area of 50 square feet per side, down from 70 square feet per side in the original submittal. The height of the monument sign has not changed from the requested 12 feet. The City's regulations allow a maximum of 35 square feet of sign copy per side and a maximum height of 10 feet at this location. The monument signs will be located on Mooney Boulevard and Caldwell Avenue.

As described in the July 13 staff report, staff did not support granting a variance for a monument sign with 70 sq. ft. of sign copy on each side. The recommendation in the July 13 staff report was therefore a modified approval to allow a monument sign with 50 sq. ft. of sign copy on one side, consistent with the sign copy area granted for the Packwood Creek Shopping Center's multi-tenant monument sign.

Staff therefore recommends approval of the revised monument sign request at 50 sq. ft. of sign copy per side, and concurs with the findings provided by the applicant with respect to the revised monument sign. Resolution No. 2015-35 has been modified to incorporate the revised monument sign request and the revised findings.

There is no change to staff's recommendation in favor of the wall sign as previously submitted by the applicant.

RECOMMENDED MOTION

Move to approve Variance No. 2015-04 based on the findings in Resolution No. 2015-35.

RECOMMENDED FINDINGS

1. That the strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to the other properties classified in the same zone.
3. That the strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.
4. That the granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties 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.
6. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2015-37).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the allowed signage under Variance No. 2015-04 shall be as follows:
 - A maximum amount of 50 square feet of sign copy is allowed on each side of the two shopping center monument signs identified in Exhibit "A". These signs shall be developed as depicted in the elevation plans in Exhibit "1".
 - A maximum height of 12 feet is allowed on the two shopping center monument signs identified in Exhibit "A". These signs shall be developed as depicted in the elevation plans in Exhibit "1".
 - A maximum amount of 163 square feet of building sign copy is allowed on the east elevation of the proposed Home Goods site identified in Exhibit "B".
2. That any additional signage on the subject building and on the subject monument signs shall conform to Zoning Ordinance Chapter 17.48.
3. All building and monument signage shall require a separate building permit.
4. That all applicable federal, state and city laws, codes and ordinances be met.
5. 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. 2015-04, prior to the issuance of any sign permits for this project.

ATTACHMENTS

- Exhibit "1" – Elevation of Revised Monument Sign
- Resolution No. 2015-35 (Revised), recommending approval of Variance No. 2015-04
- Planning Commission staff report dated July 13, 2015 (previously distributed and incorporated by reference)

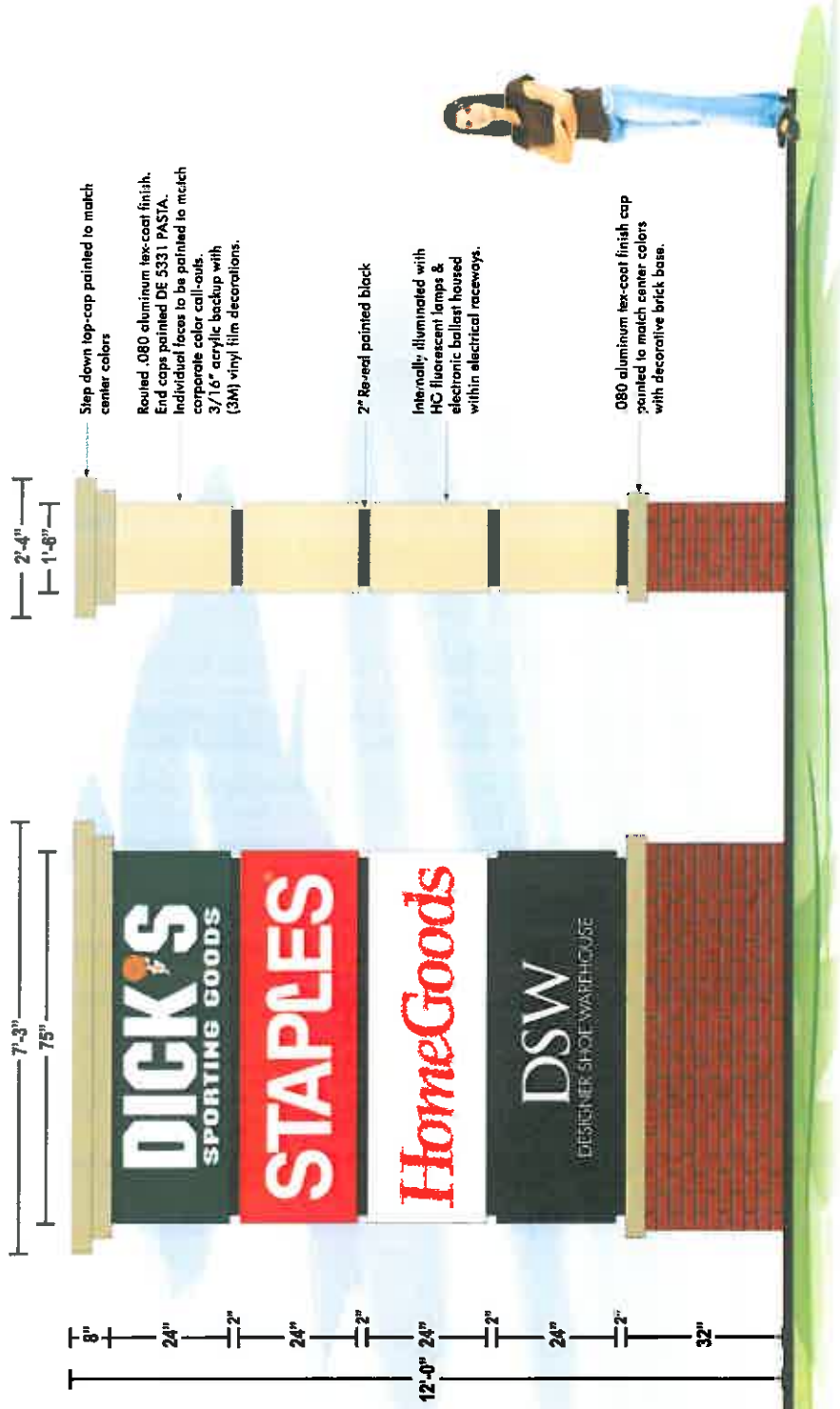


EXHIBIT 1

GATEWAY PLAZA - INTERNALLY LIGHTED MONUMENT SIGN

1/2" = 1'



9901 E. CLINTON AVE. FRESNO, CA. 93727
 TEL (559)292-2844 | FAX (559) 292-2880
 www.fresneon.com | sales@fresneon.com

PROJECT: Submittal Package
 CONTRACT: 500 5-10-05
 SALES PERSON: Erin Fox
 DATE: 2/15/2015

CUSTOMER APPROVAL:

 DATE: _____

PROPERTY OWNER APPROVAL:

 DATE: _____

DRAWING NUMBER:
GP-MS4

THIS DESIGN IS THE PROPERTY OF
 FRESNO NEON SIGN CO.
 NO UNAUTHORIZED USE OR
 REPRODUCTION IS ALLOWED.

RESOLUTION NO. 2015-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2015-04: A REQUEST BY GATEWAY PLAZA PARTNERS, L.P., TO ALLOW A VARIANCE TO THE MAXIMUM SIGN AREAS ASSOCIATED WITH BUILDING AND FREESTANDING SIGNS IN DESIGN DISTRICT A IN THE REGIONAL RETAIL COMMERCIAL (C-R) ZONE. THE SITE IS LOCATED AT THE SOUTHWEST CORNER OF MOONEY BOULEVARD AND CALDWELL AVENUE. (APN: 126-041-055, 063)

WHEREAS, Variance No. 2015-04 is a request by Gateway Plaza Partners, L.P., to allow a variance to the maximum sign areas associated with building and freestanding signs in Design District A in the Regional Retail Commercial (C-R) Zone. The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on July 13, 2015, and continued said public hearing to a date specific of August 10, 2015; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2015-04, as conditioned by staff, to be in accordance with Section 17.48.110 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 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 15305.

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 the strict or literal interpretation and enforcement of the Zoning Ordinance would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the Zoning Ordinance.
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property, which do not apply to the other properties classified in the same zone.
3. That the strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.

4. That the granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties 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.
6. That the project is considered Categorically Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2015-37).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2015-04, 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 allowed signage under Variance No. 2015-04 shall be as follows:
 - A maximum amount of 50 square feet of sign copy is allowed on each side of the two shopping center monument signs identified in Exhibit "A". These signs shall be developed as depicted in the elevation plans in Exhibit "1".
 - A maximum height of 12 feet is allowed on the two shopping center monument signs identified in Exhibit "A". These signs shall be developed as depicted in the elevation plans in Exhibit "1".
 - A maximum amount of 163 square feet of building sign copy is allowed on the east elevation of the proposed Home Goods site identified in Exhibit "B".
2. That any additional signage on the subject building and on the subject monument signs shall conform to Zoning Ordinance Chapter 17.48.
3. All building and monument signage shall require a separate building permit.
4. That all applicable federal, state and city laws, codes and ordinances be met.
5. 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. 2015-04, prior to the issuance of any sign permits for this project.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: July 13, 2015

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

SUBJECT: Variance No. 2015-04: A request by Gateway Plaza Partners, L.P., to allow a variance to the maximum sign areas associated with building and freestanding signs in Design District A in the Regional Retail Commercial (C-R) Zone. The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063)

STAFF RECOMMENDATION

Staff recommends that Variance No. 2015-04 be approved with regard to building signs and approved as modified by staff with regard to freestanding signs, based upon the findings in Resolution No. 2015-35.

RECOMMENDED MOTION

I move to approve the request to building signage and allow a modified approval to freestanding signs in Variance No. 2015-04, based on the findings in Resolution No. 2015-35.

PROJECT DESCRIPTION

The applicant is requesting a variance to building and freestanding sign standards in conjunction with the occupancy of two new retail stores – Home Goods and DSW Shoes – in the Gateway Plaza Shopping Center, as illustrated in Exhibits “A” and “B”. The applicant has submitted written findings in support of the request in Exhibit “G”.

The variance to building sign standards is to allow a single wall sign on the front elevation of the proposed Home Goods store totaling 162.9 square feet, as illustrated in Exhibit “C”. The regulations for Design District “A” allow a maximum of 150 square feet of sign copy for a single frontage of occupancy.

The variance to freestanding sign standards is to increase the sign copy and height of two existing freestanding signs on the north and east sides of the shopping center facing Caldwell Avenue and Mooney Boulevard. The objective is to add two new tenant identification plates to the existing signs shown in Exhibits “E” and “F”. Both signs would be increased from 35 square feet to 70 square feet per side and from 10’ 6” to 12’ 0” in height. The regulations for Design District “A” allow a maximum of 35 square feet of sign copy per side and a maximum height of 10 feet.

The applicant’s request is based upon the finding that the front of the proposed retail stores, formerly Staples office supply and Rent-A-Center furniture, is obscured by other buildings and is difficult to see from Mooney Boulevard. The applicant also notes that the City has previously granted larger signs that result in more site and building signage visibility.

BACKGROUND INFORMATION

General Plan Land Use Designation	Regional Retail Commercial
Zoning	C-R (Regional Retail Commercial)
Surrounding Zoning and Land Use	North: C-R (Regional Retail Commercial) / Retail Commercial South: C-R (Regional Retail Commercial) / Retail Commercial East: C-R (Regional Retail Commercial) / Retail Commercial West: R-M-3 (High Density Multiple-Family Residential) / Multiple Family Units
Environmental Review	Categorical Exemption No. 2015-37
Special Districts:	Design District "A"
Site Plan Review	N/A

RELATED PROJECTS

The Planning Commission considered and approved **Variance No. 2011-10** on December 12, 2011. This was a request by Gateway Plaza Partners LP to allow 439.2 square feet of building signage for Dick's Sporting Goods at 3631 S. Mooney Boulevard, located within the same shopping center north of the proposed Home Goods and DSW Shoes.

The Planning Commission has previously considered and taken action on several sign variances pertaining to sites along Mooney Boulevard in Design District "A". These actions are summarized in the Project Evaluation below.

PROJECT EVALUATION

There are two components to the applicant's request for sign variance – the request for the wall sign and the request for the monument/freestanding sign addition. Staff has prepared separate analyses and recommendations for each component, which are below. The applicant has provided a single set of variance findings which apply to the overall request.

Gateway Plaza Shopping Center

The Gateway Plaza shopping center has no established sign program, and signage within the center must comply with Zoning Ordinance standards. With regards to monument / freestanding signs there are two identical existing signs (the subject of the variance request) that advertise the center's anchor tenants. There are six additional monument signs associated with the shopping center's outpad buildings – Visalia Community Bank, Sizzler, Valero, the former Cask & Cleaver, Wells Fargo, and Taco Bell. These signs are all located on separate parcels fronting Mooney Boulevard, and are neither affiliated with nor under the same ownership as the shopping center.

Staff Analysis – Wall Sign

Each occupancy within Design District "A" is permitted two square feet of building signage per linear foot of occupancy frontage to maximum of 150 square feet. The occupancy frontage for the Home Goods store is 126' 6", which would entitle the occupancy to the full 150 square feet.

The applicant has provided five findings for the variance in Exhibit "G" which discuss the requested signage, with the primary basis for the increased signage being that the building frontage is the furthest from Mooney Boulevard in the shopping center and is obscured by outpad buildings along Mooney Boulevard. Staff visited the property and found that the storefront is in fact visible only from a narrow view at the drive approach but is otherwise obscured by buildings and parking lot trees.

Staff finds that the 163 square foot wall sign proposed through the variance would not be inconsistent with signs found on other properties in the same zone. While there are no known similar-sized buildings in the same zone that have received a variance, some slightly larger buildings have received variances for signs of similar size (see analysis below). For example, the JoAnn's store at 35,000 sq. ft. in size was approved for a 159 square foot wall sign.

Comparison of other wall sign variances

Over the past several years, many large-sized occupancies along Mooney Boulevard have been approved for more than the maximum allowed 150 square foot sign copy. The following table provides a history of recent wall sign variances and specific plan approvals along Mooney Boulevard.

	Design District A Standards	Home Goods	Dick's Sporting Goods	Mor	Ashley	CostCo	JoAnn's	Target	Lowes
Entitlement		VAR 2015-04	VAR 2011-10	VAR 2014-04	VAR 2014-02	SPA 2007-11	VAR 2005-16 / Admin Adj	Specific Plan	Admin Adj
Primary Sign Area (sq. ft.)	150	163	281	198 (123+45+30)	187.5 (150+37.5)	252	159 (Proposed @ 215)	217	165
Distance from St. (ft.)		415	395	140	750	430	495	800	770
Building size (sq. ft.)		20,000	48,100	40,000	42,507	152,595	35,000	147,109	165,375
Building Occupancy Frontage(ft.)		127	260	163	200	470	154	400	445
Ratio- Sign Area : Frontage		1.28	1.08	1.21	0.94	0.54	1.03	0.54	0.37

The entitlements have been granted to occupancies having larger building size, larger frontage, and in some cases greater distance from the street than the Home Goods store. Although the Home Goods store is a smaller building size by comparison, the requested sign area would appear to be consistent in scale (i.e. ratio of sign area to occupancy frontage) with that of other occupancies.

Staff Analysis – Freestanding Sign

Each commercial site within Design District "A" is permitted one double-faced freestanding sign, not exceeding an area of 35 square feet of sign copy per face nor exceeding a height of ten feet. The subject site has two signs – one fronting Mooney and one fronting Caldwell – which is typical of shopping centers on corners of major roadways.

The findings provided by the applicant in Exhibit "G" discuss the requested signage, with the primary basis for the additional signage being limited visibility on the site which cause this site and other retailers on Mooney to need additional signage for visibility along the corridor.

Staff finds the granting of a variance as requested may result in the granting of special privilege inconsistent with the limitations on other properties in the same zone. This is for the reason that tenant identification signs belonging to other shopping centers in the same zone do not have as much sign area as is being requested.

Staff is therefore recommending a modified approval of the portion of Variance No. 2015-04 pertaining to freestanding signage, to allow 50 square feet rather than 70 square feet of sign copy per side which is more consistent with other approvals along Mooney Boulevard (see analysis below). Staff is also recommending a 12' sign height consistent with other approved signs.

Comparison of other monument sign variances

Over the past several years, many commercial sites along Mooney Boulevard have been approved for additional monument signs and/or additional sign area. The following table provides a history of recent monument sign variances and specific plan approvals.

	Design District A Standards	Gateway Plaza Proposed Signs	Packwood Creek Specific Plan	Sequoia Mall Existing Signs	OSH
Entitlement		VAR 2015-04	Specific Plan	VAR 99-26	VAR 2009-10
Sign Copy Per Side (sq. ft.)	35 sq. ft.	70 sq. ft.	50 sq. ft.	38 sq. ft.	42 sq. ft.
Sign Area Per Side (sq. ft.)	70 sq. ft.	99 sq. ft.	100 sq. ft.	84 sq. ft.	77 sq. ft.
Height (ft.)	10' (changing to 12')	12' 6"	10'	13' 6"	16'
# of Tenants Advertised		4 tenants	6 tenants	8 tenants	1 tenant

Staff finds that the shopping centers above, developed within the last 20 years, have been permitted between 38 to 50 square feet of sign copy. In most cases, the larger copy size was to accommodate multiple tenants within the shopping center. Staff further finds that the subject site faces similar limitations as the other shopping centers evaluated above, however its limitations do not justify sign area greater than what has been approved for these centers. It is staff's recommendation that the variance be approved for no more than 50 square feet of sign copy per side.

Planning Commission Variance Findings

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 Planning Commission has the power to grant variances to regulations prescribed in the Zoning Ordinance. The applicant has provided proposed variance findings in Exhibit "G" intended to justify their goal of having increased signage as summarized below:

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;

The existing site signage consists of two panels on each monument sign which are used by Dick's Sporting Goods and Staples. The expectation of Home Goods and DSW to join in the site signage for the shopping center is significant towards their branding and identification. The limited visibility of their building frontage creates an unnecessary hardship and disadvantage, which can be overcome by the permitting of two additional sign panels and a larger building sign for Home Goods. The size and total square footage are consistent with signage at other Home Goods and DSW locations throughout the Central Valley.

Analysis: Concur with applicant. The specified regulation may result in an unnecessary hardship for the shopping center to identify multiple major tenants within the allowed monument sign copy. The site also has limited visibility from the primary street frontage which can provide justification for a larger building sign for Home Goods. The hardship is overcome by the larger monument sign and larger wall sign being requested through the variance.

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;

The location of their building frontage sits in the southwest corner of the shopping center and is the furthest away from Mooney Blvd in the shopping center. Their building frontage is blocked by buildings we do not own or control. Without site signage visibility on Mooney Blvd and Caldwell Ave and larger building signage for Home Goods, it will be extremely difficult to re-tenant this building which has been vacant for two years or bring new national businesses in of their caliber into this shopping center.

Analysis: Concur with applicant. The deep setback of the major tenant stores and the existing buildings along Mooney Boulevard which obscure the major tenant stores represent an exceptional circumstance to the intended use of the property.

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;

Other retailers on Mooney Blvd. have much more site and building signage visibility. There have been other variances granted in this regional zone district and the granting of this variance would allow for consistency with other retailers.

Analysis: Concur with applicant. Other properties within the Regional Retail Commercial zone along Mooney Boulevard have been granted variances to building and monument signage for the same reasons of site visibility which occur as a result of obscured visibility and exceptionally large setbacks.

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

Other properties that may be in the same zone will not have the same problematic visibility issues that are specific to this location. Visibility is limited which makes the need for additional sign panels on the monument signs and building signage for Home Goods critical.

Analysis: Concur with applicant but not on all points. The granting of a variance to building signage would not constitute a grant of special privilege since other properties in the same zone have been granted variances to building signage. Although these instances have involved properties with greater building size and occupancy frontage than the Home Goods store, the proposed sign size is proportional to the signs and the respective building sizes and occupancy frontages of past approvals.

The granting of a variance to monument signage may constitute a grant of special privilege in that no other sites in the same zone have been granted 70 square feet of sign copy on a single side of a monument sign under the current Ordinance. The Packwood Creek shopping center has been able to achieve advertising up to six tenants with 50 square feet of sign copy on a single side of a monument sign. Therefore, allowing 50 square feet of sign copy would not be considered a grant of special privilege.

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.

The addition of Home Goods and DSW stores is very much a positive for the City of Visalia and enhances the entire City. There will be little or no impact for the variance in signage to other retail properties on Mooney Blvd. in this same zone district. There are no residential properties in the area that will be impacted by the granting of the requested variance.

Analysis: Concur with applicant. The granting of a variance to setbacks is not considered detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity. The variance would assist in advertising stores which represent a draw to the Regional Retail Commercial zone.

Environmental Review

The project is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended, minor alterations to land use limitations, such as variances, that do not result in changes in land use or density. (Categorical Exemption No. 2015-37).

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 variance application:

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

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

3. That the strict or literal interpretation and enforcement of the ordinance would deprive the applicant of privileges enjoyed by the owners of the other properties classified in the same zone.
4. That the granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties 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.
6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2015-37).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the allowed signage under Variance No. 2015-04 shall be as follows:
 - A maximum amount of 50 square feet of sign copy is allowed on each side of the two shopping center monument signs identified in Exhibit "A".
 - A maximum height of 12 feet is allowed on the two shopping center monument signs identified in Exhibit "A". These signs shall be developed as depicted in the elevation plans in Exhibit "D".
 - A maximum amount of 163 square feet of building sign copy is allowed on the east elevation of the proposed Home Goods site identified in Exhibit "B".
2. That any additional signage on the subject building and on the subject monument signs shall conform to Zoning Ordinance Chapter 17.48.
3. All building and monument signage shall require a separate building permit.
4. That all applicable federal, state and city laws, codes and ordinances be met.
5. 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. 2015-04, 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 or from the City Clerk.

Attachments:

- Summary of Related Plans & Policies
- Resolution
- Exhibit "A" – Site Plan of Site Signage
- Exhibit "B" – Site Plan of Proposed Home Goods store
- Exhibit "C" – Elevation Plan of Home Goods building signage
- Exhibit "D" – Elevation of Proposed Monument Sign
- Exhibit "E" – Elevation of Existing Mooney Blvd. Monument Sign
- Exhibit "F" – Elevation of Existing Caldwell Ave. Monument Sign
- Exhibit "G" – Variance Findings
- Land Use Map
- Zoning Map
- Aerial Photo
- Location Sketch

RELATED PLANS AND POLICIES

ZONING ORDINANCE

Chapter 17.48 Signs.

17.48.080 Sign regulations for design districts.

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

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

a. Permitted Sign Area. Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum area of one hundred fifty (150) square feet. A building sign may not exceed the height of the roof line or parapet wall upon which it is mounted. Building signs may not exceed eighty (80) percent of the surface upon which it is mounted.

b. Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The building signs, however, shall be mounted on the building used to calculate the permitted sign area.

c. Additional signs of a maximum twenty-five (25) percent of the sign area as calculated in Section 17.48.080(A)(2)(b) shall be allowed for each remaining exterior wall provided that the sign area for any given wall does not exceed two square feet per linear foot of the wall length.

d. Commercial buildings which occupy the entire depth of a city block shall be eligible to apply for signing on each of the street exposures.

e. Commercial buildings which have alley access shall be eligible to apply for signing on both the street and the alley frontages.

f. Building signs shall be mounted flush against or be oriented parallel to the wall of the structure on which it is located. No part of the sign shall extend more than eighteen inches (18) from the surface of the structure except in those cases as specified in Section 17.48.040(C).

g. Signs may be mounted on a mansard or angled roof. The sign shall not, however, extend higher than the peak of the roof.

h. 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 walls; provided, that the total sign area does not exceed that as calculated for the occupancy frontage or that the sign area on any exterior wall does not exceed two square feet per one foot of linear occupancy frontage.

i. Each building of shopping center may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business or 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 may be calculated, the sign area used for the reader board shall be deducted from the total permitted for that occupancy.

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

3. Freestanding Sign.

a. Each commercial site, excluding highway commercial uses along Highway 198 and Highway 99 is permitted one double-faced freestanding sign, not exceeding an area of thirty-five (35) square feet of sign copy per face. The total area of the aggregate surface of the sign face and the sign structure, as viewed from one side, may not exceed seventy square feet. The freestanding sign shall not exceed a height of ten feet.

b. The total area of the sign faces of a multi-sided freestanding sign shall not exceed seventy (70) square feet, and the total area of the aggregate surface of the sign faces and the sign structure shall not exceed one hundred forty (140) square feet.

c. Freestanding signs may be located within the required setback areas without the required variance procedure as long as all parts of the freestanding sign are located more than five feet from the front property line and public or private right-of-way line, except in design districts E and D in which signs may be located up to the property line upon approval of the planning department.

d. A freestanding sign shall be set back a minimum of twenty (20) feet from any interior side property line. Encroachment into the twenty (20) foot setback may be approved by the planning department where the location of existing improvements presents a functional hardship to compliance with the required setback.

e. Highway commercial uses along Highway 198 and Highway 99 are permitted one double-faced freestanding sign per commercial site not exceeding a sign area of seventy (70) square feet per face or a height of twenty (20) feet.

f. Freestanding signs ten feet or less in height shall be mounted on a base, the width of which is not less than fifty (50) percent of the width of the widest part of the sign.

17.48.110 Variance and exceptions.

A. Variance Purposes. The 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 chapter. 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 street locations or traffic conditions in the immediate vicinity that would affect the signing of said site or building.

B. Exception Purposes. The planning commission may grant an exception to the physical design standards if it can be demonstrated that such an exception is necessary to facilitate an improved aesthetic relationship between the signs and the structures upon which they are mounted.

C. Variance Powers of City Planning Commission. The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.

D. Exception Powers of City Planning Commission. The city planning commission may grant exceptions to the regulations prescribed in this chapter, in accordance with the procedures prescribed in this chapter.

E. Application Procedures. 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 chapter;
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. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application;
8. The application shall be filed with the city planner. He shall give notice to the applicant of the time when the application will be considered by the commission, and he may give notice of the time to any other interested party.

F. Hearing and Notice.

1. The city planning commission shall hold a public hearing on an application for a variance.
2. Notice of a 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.

G. Investigation and Report. The city planner shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the city planning commission.

H. Public Hearing Procedure. At a public hearing the city planning commission shall review the application and the statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 17.42.090.

I. Variance Action of the City Planning Commission.

1. The city planning commission may grant a variance to a regulation prescribed within this chapter. The variance may be granted as applied for, or as modified by the commission; provided that, on the basis of the application and staff report and/or evidence submitted, the commission is able to make the following findings:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the sign and zoning ordinance;
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property which do not apply generally to other properties classified in the same zoning district;
- c. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- d. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district;
- e. 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.

2. 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.

3. The city planning commission may deny a variance application.

J. Exception Action of the City Planning Commission. The planning commission may approve, conditionally approve or deny a request for an exception to the physical design standards of this chapter. For the planning commission to approve an exception, the following findings must be made:

1. That the granting of the exception is necessary to attain a high aesthetic sign design which would be restricted if the provisions of this chapter were strictly applied;

2. That the granting of an exception would not adversely affect the visibility of signing on adjacent properties;

3. That the granting of an exception would not constitute a granting of a special privilege.

K. Appeal to City Council.

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

2. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council.

L. Action of City Council.

1. The city council shall review and may affirm, reverse or modify a decision of the city planning commission on a variance or exception application; provided, that if a decision denying a variance or exception is modified, the city council shall, on the basis of the record transmitted by the city planner and such additional evidence as may be submitted, make the findings prerequisite to the granting of a variance or exception as prescribed in Section 17.48.110(I)(1), (I)(2) or (J), whichever is applicable.

2. A variance or exception which has been the subject of an appeal to the city council shall become effective immediately after review and affirmative action by the city council.

M. Revocation. A variance or exception granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

N. New Application. Following the denial of a variance or exception application or the revocation of a variance or exception, no application for the same or substantially the same site shall be filed within one year of the date of denial of the variance or exception application or revocation of the variance or exception. (Ord. 9605 § 30 (part), 1996: prior code § 7620)

GATEWAY PLAZA SHOPPING CENTER

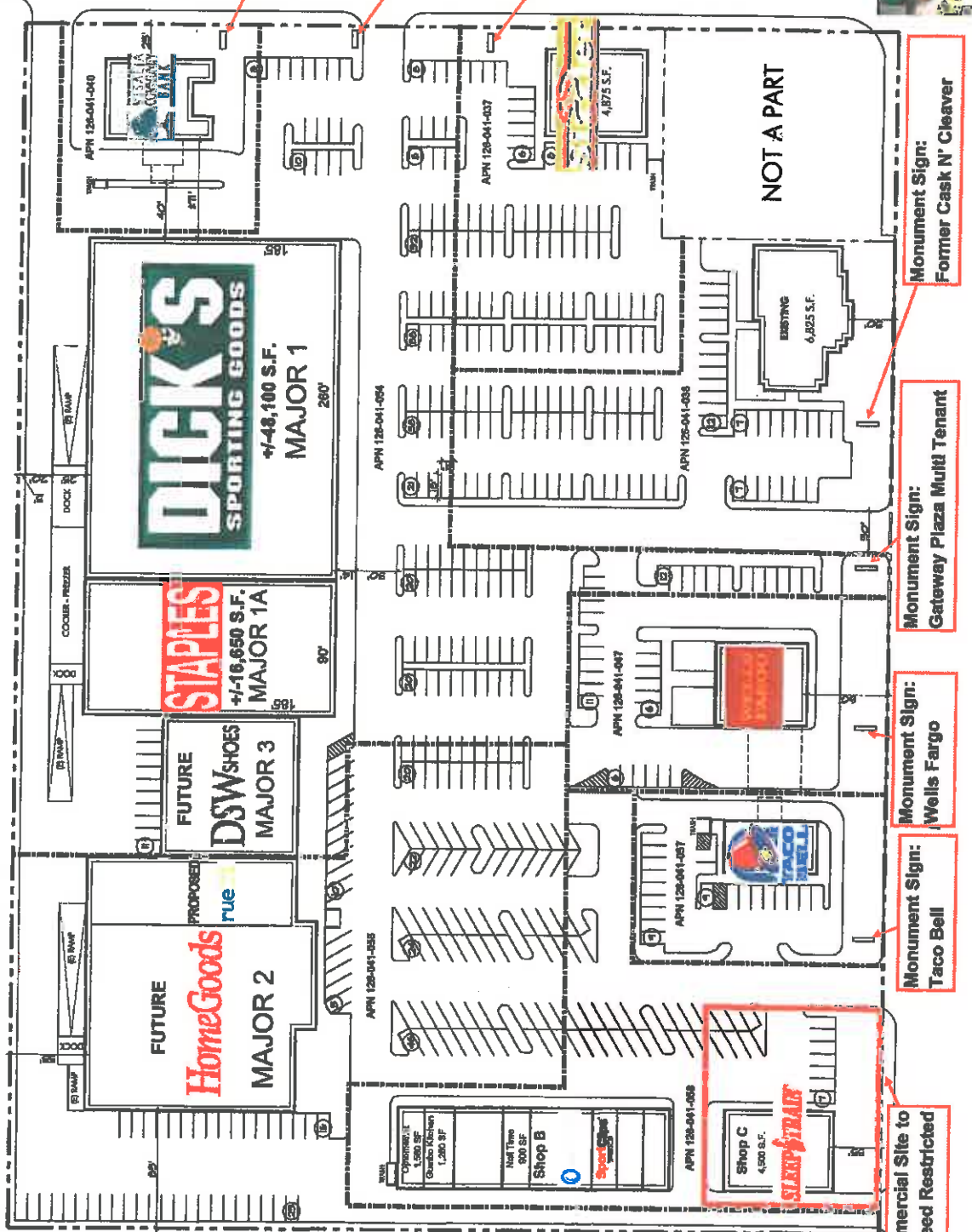
SITE SIGNAGE SITE PLAN

SWC MOONEY BLVD
& CALDWELL AVE
VISALIA, CA

CALDWELL AVENUE



PAYNTER
LANDSCAPE ARCHITECTS, P.C.



Monument Sign:
Visalia Community Bank

Monument Sign:
Gateway Plaza Multi Tenant

Monument Sign:
Sizzler

Monument Sign:
Former Cask N' Cleaver

Monument Sign:
Gateway Plaza Multi Tenant

Monument Sign:
Wells Fargo

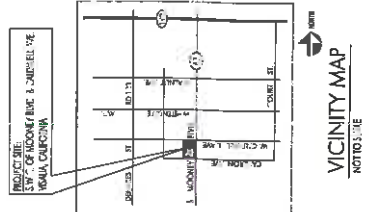
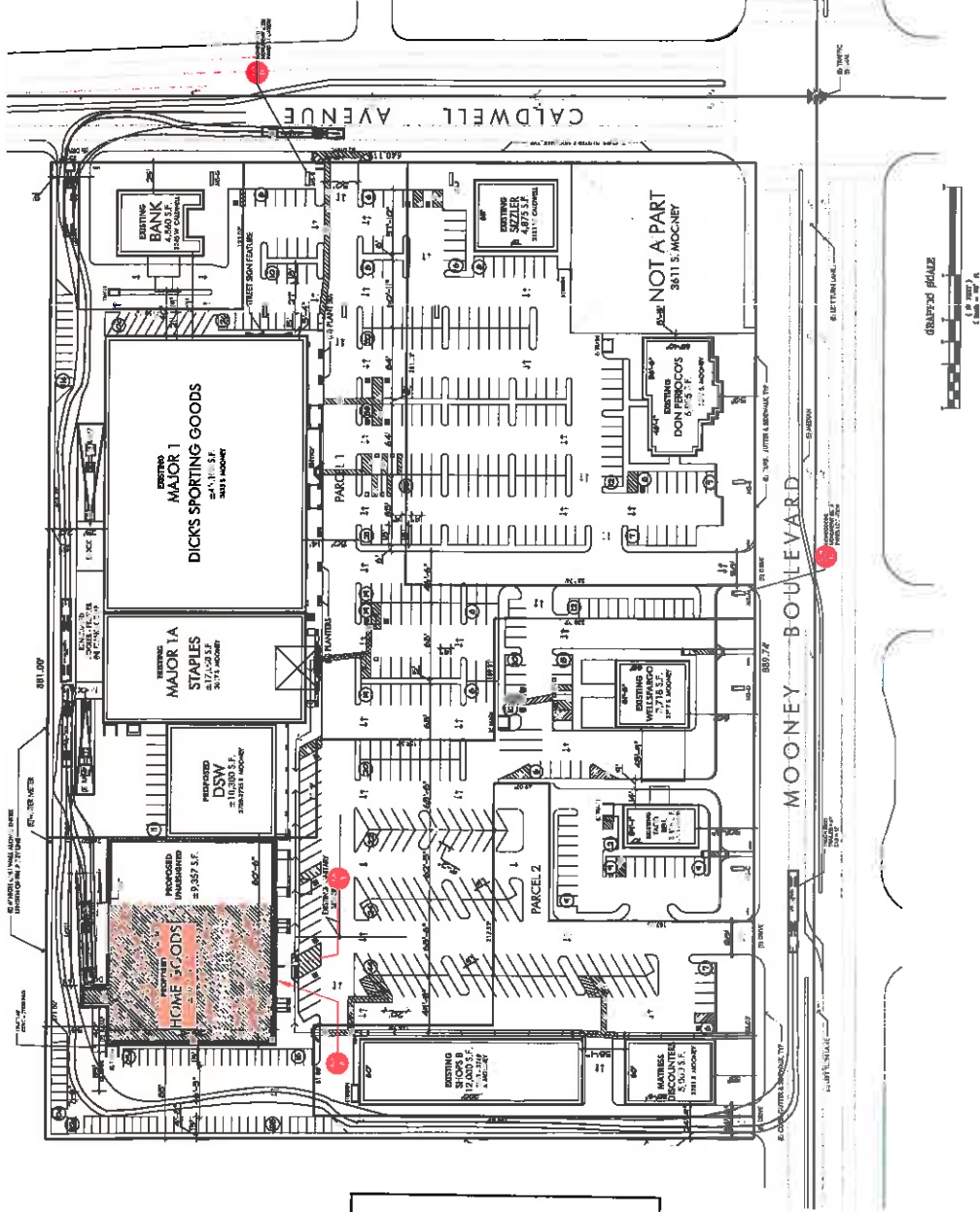
Monument Sign:
Taco Bell

Commercial Site to
be Deed Restricted

Exhibit "A"

DESIGN REVISIONS:	
Rev#	DATE:
	NAME:
	NOTES:

SIGN INVENTORY:		
L.D.	DESCRIPTION:	QTY:
A)	Interior-Illuminated Channel Letters	1
B)	Interior-Illuminated Under-Canopy Sign (Susp'd)	1
C)	Sign Face Panel Replacements / Existing Pylon	2
D)	Sign Face Panel Replacements / Existing Pylon	2



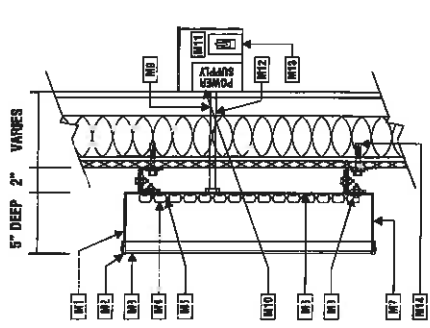
S SITE PLAN / PHOTO IMAGE OF SIGN LOCATION

Exhibit "B"

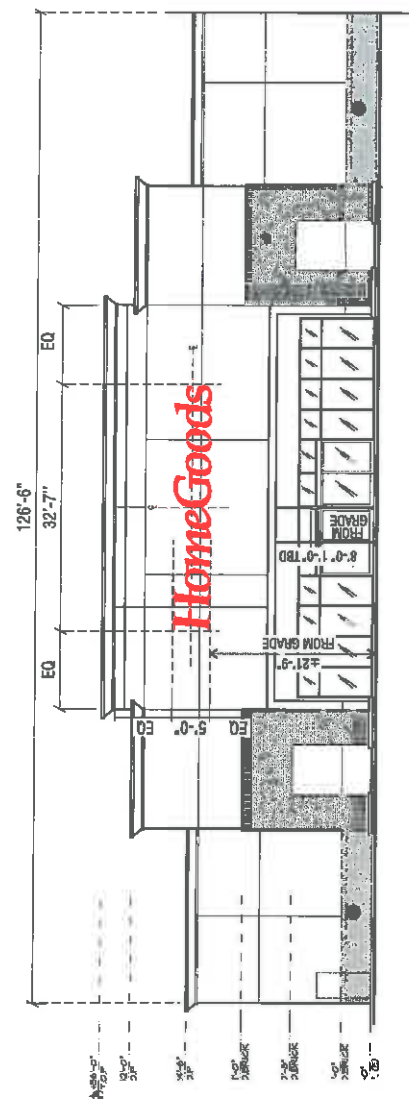
<p>Project Name: TJK Companies HomeGoods</p> <p>Project Address: Mooney Blvd/Caldwell Ave Visalia, CA 93277</p> <p>Representative: Dave Terrace Designer: Laurence Hendrix</p>	<p>Design Date: 05.11.15</p>	<p>Design Number: 02</p>
	<p>Customer Approval:</p>	<p>Scale: NTS</p>

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SIGNS AND SERVICES
phone: 1.800.745.8842
www.signsandservices.com



- MT1 .040 ALUMINUM RETURNS. EXTERIOR FINISH TO BE BLACK. ONS ALUMINUM BACKS HELIARC-WELDED TO RETURNS WITH CONTINUOUS CAULK @ INSIDE SEAM. LETTER INTERIORS TO BE SPRAY-PAINTED GLOSS WHITE
- MT2 1" WIDE BLACK TRIMCAP MATERIAL
- MT3 3/16" THICK #2788 RED TRANSLUCENT ACRYLIC PLASTIC LETTER FACES
- MT4 RED LED STRIPS (6 L.E.D.S PER FOOT) @ 1/2" ON CENTER (NO LESS THAN 2 1/2" FROM RETURN EDGES)
- MT5 INTER-CONNECT CABLES BETWEEN L.E.D. MODULES
- MT6 L.E.D. STRIPS TO BE MOUNTED TO INSIDE-BACKS OF CHANNEL LETTERS WITH 3M VHB TAPE AND TO BE MECHANICALLY FASTENED WITH RIVETS AT THE BEGINNING AND END OF EACH STRIP EVERY 18" ON CENTER
- MT7 1/4" WOOD KILES AS REQUIRED IN LOWEST SPOT OF LETTERS (NO KEEP-HOLE'S FOR INTERIOR WALLSTONE BRIMS)
- MT8 2" O.D. (R) 3/16" METAL CLIPS WITH MOUNTING HARDWARE (TYPE, DEPENDING UPON WALL CONSTRUCTION MATERIALS)
- MT9 1/2" DIAMETER EMT CONDUIT AND CONNECTORS WITH WATER-TIGHT CAULK
- MT10 120 VOLT L.E.D. (60 WATT) POWER SUPPLIES (REMOVELY LOCATED ON LETTERS 9'-0" (H) AND SMALLER) SELF-CONTAINED OVER 9'-0" TALL (QUANTITY TO BE DETERMINED BY SEE)
- MT11 (20 AMP) (120 VOLT) POWER DISCONNECT SWITCH ON OUTSIDE OF LETTERS
- MT12 PRIMARY ELECTRICAL LEADS. POWER TO LETTERS TO BE SUPPLIED BY OTHERS
- MT13 RACEWAY BEHIND WALL-HOUSES POWER SUPPLIES WITH DISCONNECT SWITCH
- MT14 1/4" DIAMETER TOGGLE BOLT ATTACHMENTS (MINIMUM FOUR (4) PER LETTER)



TERIOR ELEVATION
 1/16" = 1'-0"

32'-7"

HomeGoods

What Does CODE Allow?
 253.2 Sq Ft Maximum
 (or) 50% Of Storefront
 162.9 Sq Ft Proposed

SIGN SIGN ELEVATION DETAIL / Manufacture & Install One (1) Set Face-Illuminated Channel Letter Wall Sign (162.9 Square Feet Proposed)
A Scale: 1/4" = 1'-0"

SIGNS AND SERVICES
 phone: 1.800.743.8942
 www.signandservice.com

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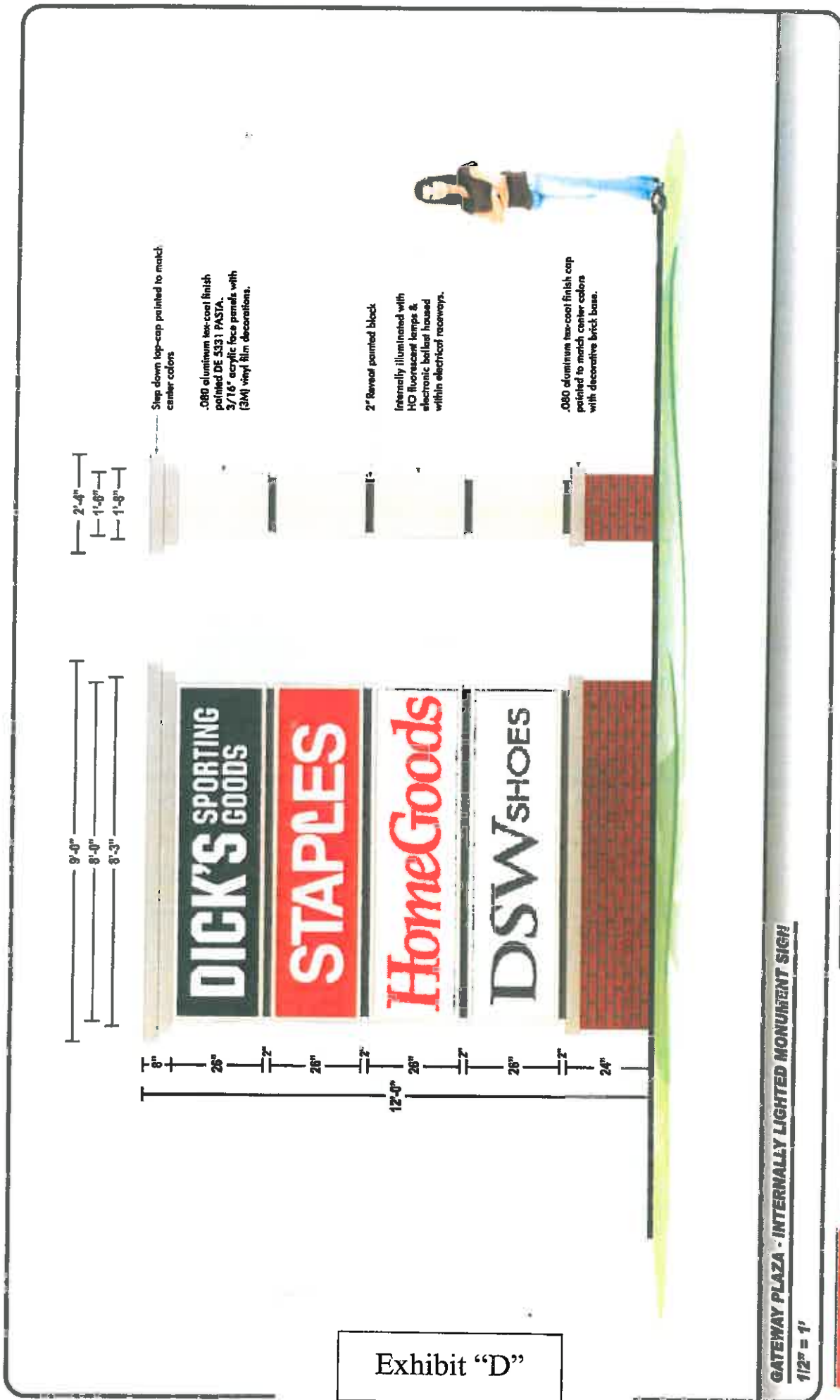
Project Name:
 TX Companies
 HomeGoods

Project Address:
 Mooney Blvd/Caldwell Ave
 Visalia, CA
 93277

Representative: Dana Terrack
Designer: B. Perbman

Customer Approval:

Exhibit "D"



GATEWAY PLAZA - INTERNALLY LIGHTED MONUMENT SIGN
1/2" = 1'



5901 E. CLINTON AVE. FRESNO, CA. 93727
TEL: (559) 292-2944 | FAX: (559) 292-2989
www.gatewayplaza.com | info@gatewayplaza.com

Customer: **Gateway Plaza**
Salesperson: **Jim Sanders**
Salesperson Email: **jsanders@gatewayplaza.com**
Phone: **559-292-2944**

CUSTOMER APPROVAL:
DATE: _____

PROPERTY OWNER APPROVAL:
DATE: _____

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NO UNAUTHORIZED USE OR
REPRODUCTION IS ALLOWED.

DESIGNING NUMBER:
GP-MS2

MOONEY BLVD

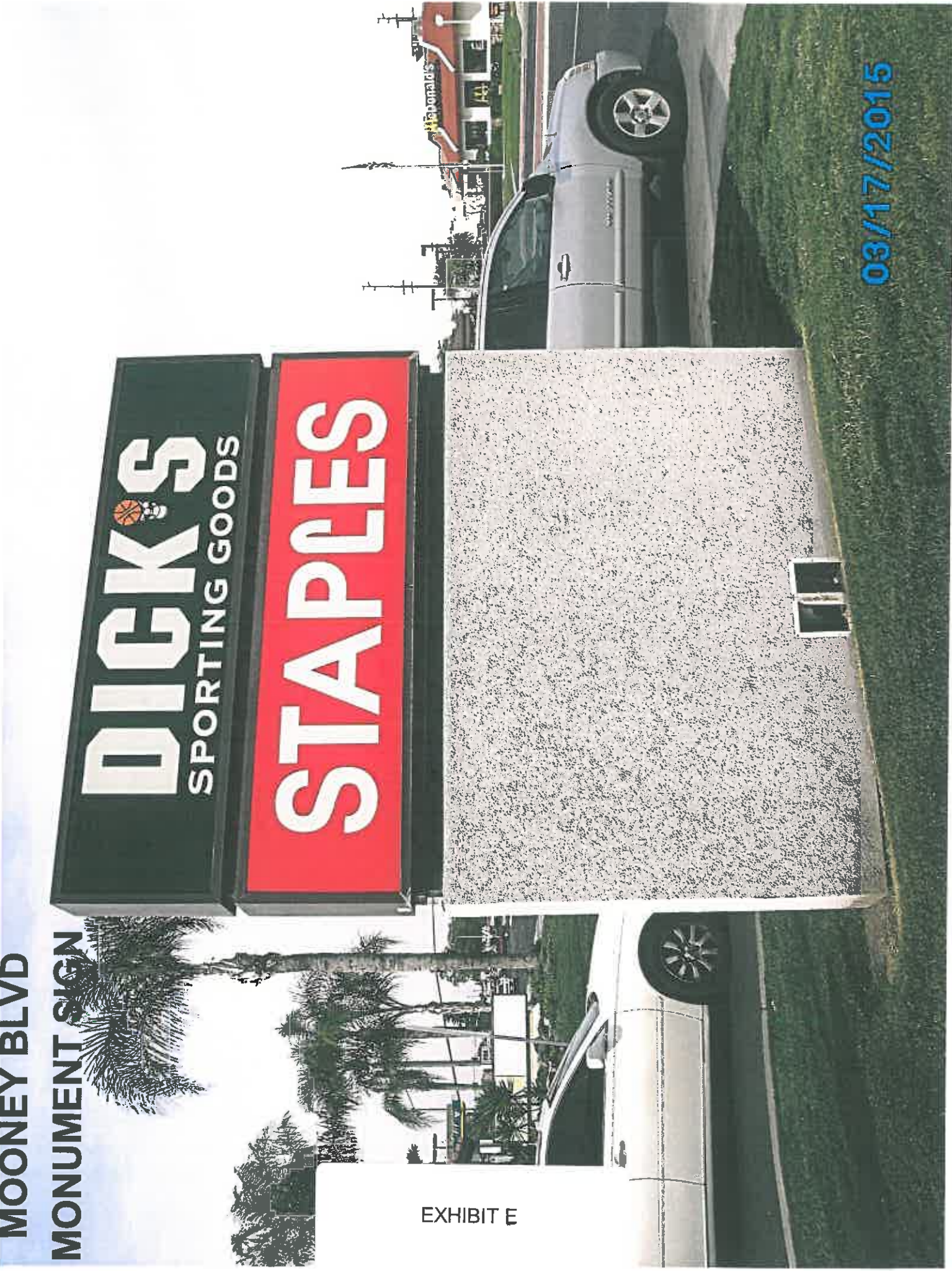
MONUMENT SIGN

DICK'S
SPORTING GOODS

STAPLES

EXHIBIT E

03/17/2015



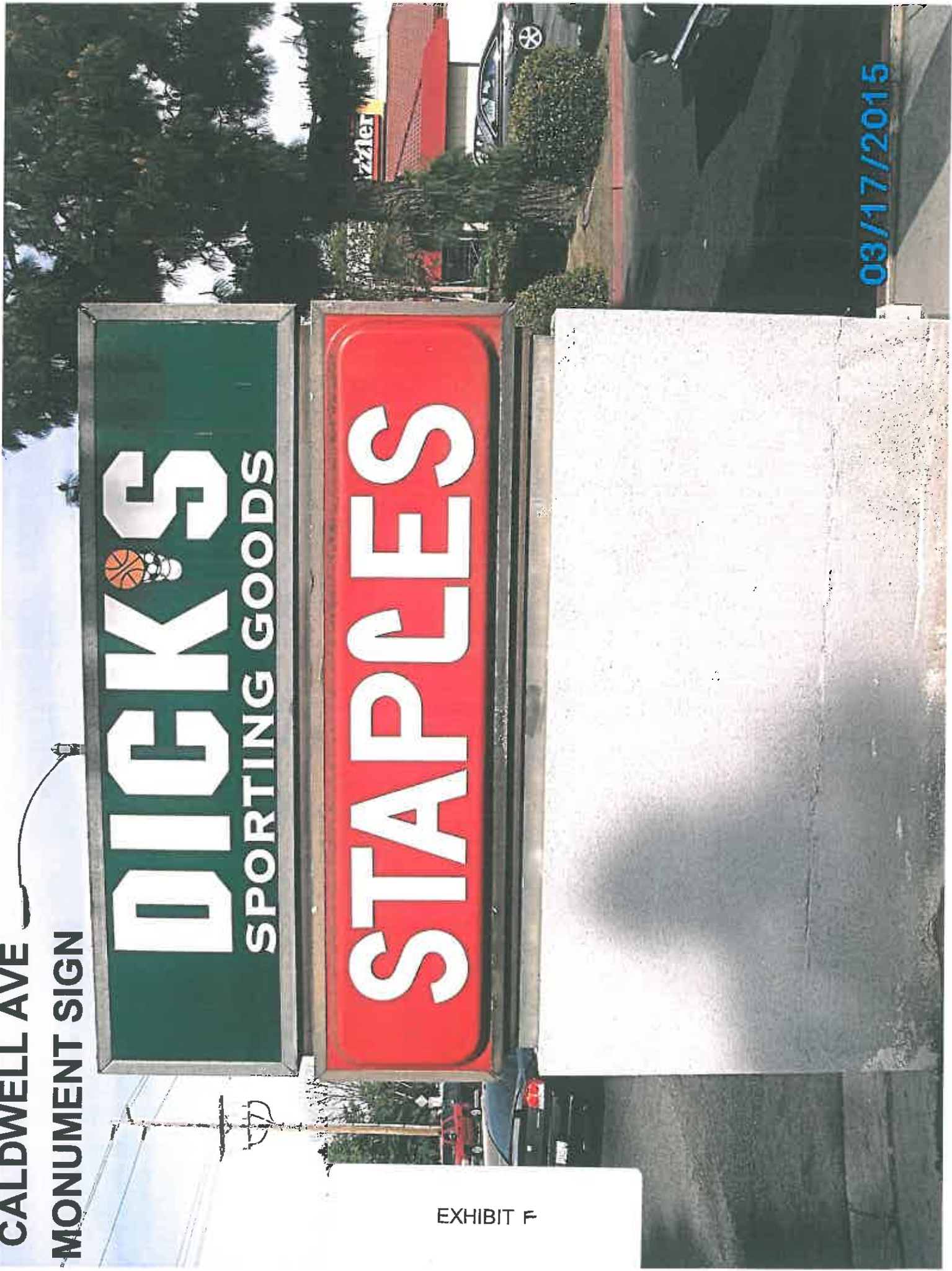
**CALDWELL AVE
MONUMENT SIGN**

DICK'S
SPORTING GOODS

STAPLES

EXHIBIT F

03/17/2015



SIGN VARIANCE REQUEST
Gateway Plaza Shopping Center
SWC Mooney Blvd. and Caldwell Ave.
Visalia, CA

The Gateway Plaza Shopping Center on South Mooney Blvd was constructed 25 years ago. In 2011, we purchased a portion of the 12.88 acre shopping center. In 2012 Dick's Sporting Goods opened and we remodeled the other existing shop buildings. In 2013, we relocated Staples within the shopping center to be adjacent to Dick's Sporting Goods and purchased the last remaining anchor building to be remodeled, the 30,000 square foot former Payless Drug Store building which Staples use to own and operate. The position of the buildings as originally constructed on the Shopping Center site plus the construction of additional out parcel buildings severely limits the visibility to buildings in the back of the center. The 30,000 s.f building has been empty for 2 years. We have procured two new retailers to join the Visalia community: Home Goods, a national home furnishing retailer with over 485 stores nationwide, to occupy 20,000 square feet; and DSW, Designer Show Warehouse, a shoe retailer with over 430 stores nationwide, to occupy 10,000 square feet. Both national retailers recognize signage visibility as of utmost importance in any new location they choose to operate in.

Variance being requested:

The request will allow for site signage and building signage for Home Goods, both of which exceeds what is normally allowable in the PCR zone district. Specifically, the request is for the addition of two equal sized panels (8'0" by 2'2") to the existing Gateway Plaza Shopping Center monument signs on both Mooney Blvd and Caldwell Ave. The total added square footage of signage on Mooney Blvd would be 34.67 square feet and the total added square footage of signage on Caldwell Ave would be 34.67 square feet. The sign to be mounted on the front of the building (facing Mooney Blvd) for Home Goods would be 233.10 square feet.

Findings:

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

The existing site signage consists of two panels on each monument sign which are used by Dick's Sporting Goods and Staples. The expectation of Home Goods and DSW to join in the site signage for the shopping center is significant towards their branding and identification. The limited visibility of their building frontage

creates an unnecessary hardship and disadvantage, which can be overcome by the permitting of two additional sign panels and a larger building sign for Home Goods. The size and total square footage are consistent with signage at other Home Goods and DSW locations throughout the Central Valley.

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

The location of their building frontage sits in the southwest corner of the shopping center and is the furthest away from Mooney Blvd in the shopping center. Their building frontage is blocked by buildings we do not own or control. Without site signage visibility on Mooney Blvd and Caldwell Ave and larger building signage for Home Goods, it will be extremely difficult to re-tenant this building which has been vacant for two years or bring new national businesses in of their caliber into this shopping center.

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

Other retailers on Mooney Blvd. have much more site and building signage visibility. There have been other variances granted in this regional zone district and the granting of this variance would allow for consistency with other retailers.

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

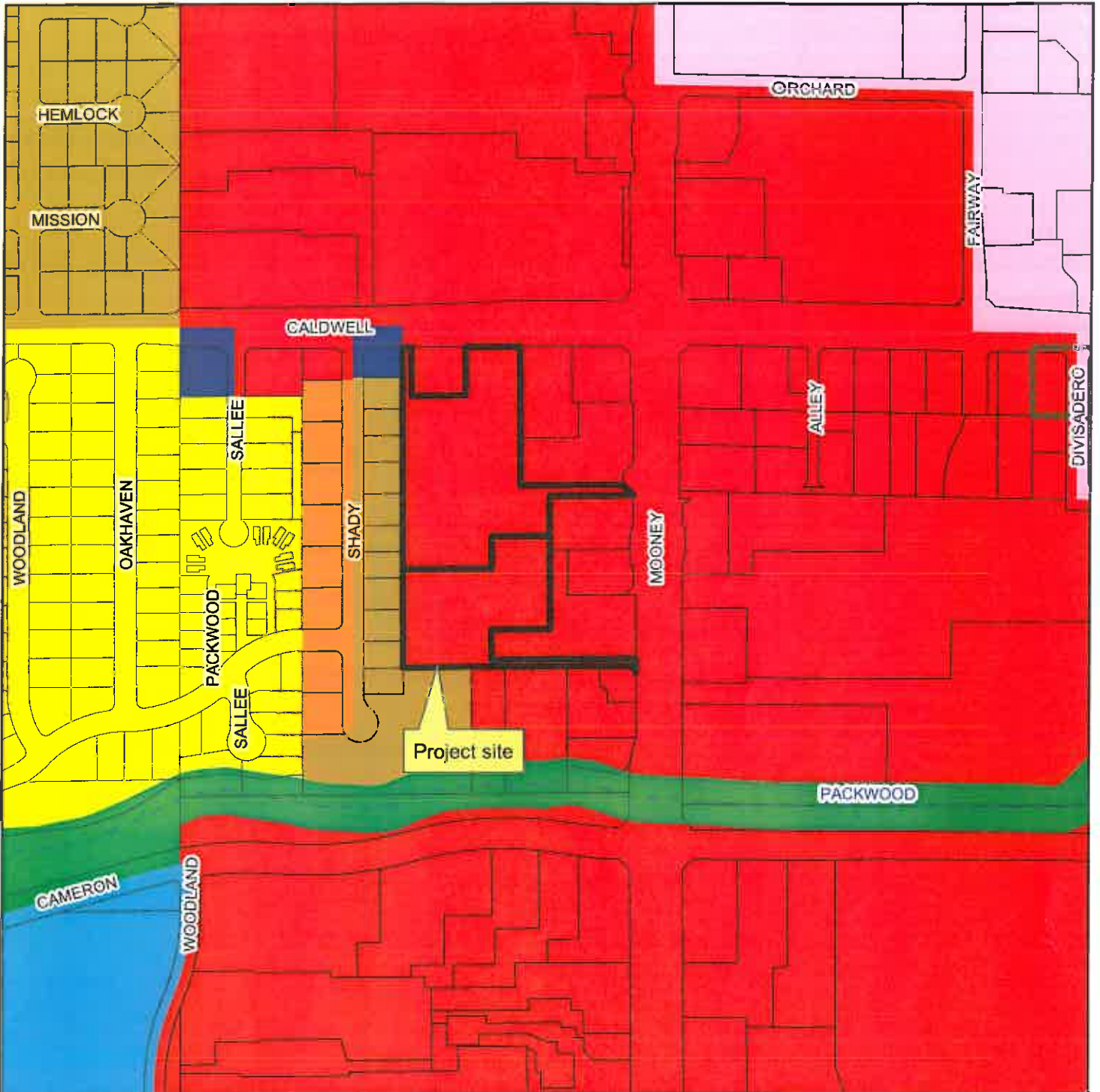
Other properties that may be in the same zone will not have the same problematic visibility issues that are specific to this location. Visibility is limited which makes the need for additional sign panels on the monument signs and building signage for Home Goods critical.

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.

The addition of Home Goods and DSW stores is very much a positive for the City of Visalia and enhances the entire City. There will be little or no impact for the variance in signage to other retail properties on Mooney Blvd. in this same zone district. There are no residential properties in the area that will be impacted by the granting of the requested variance.

Variance No. 2015-04

The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063)



General Plan Land Use Map

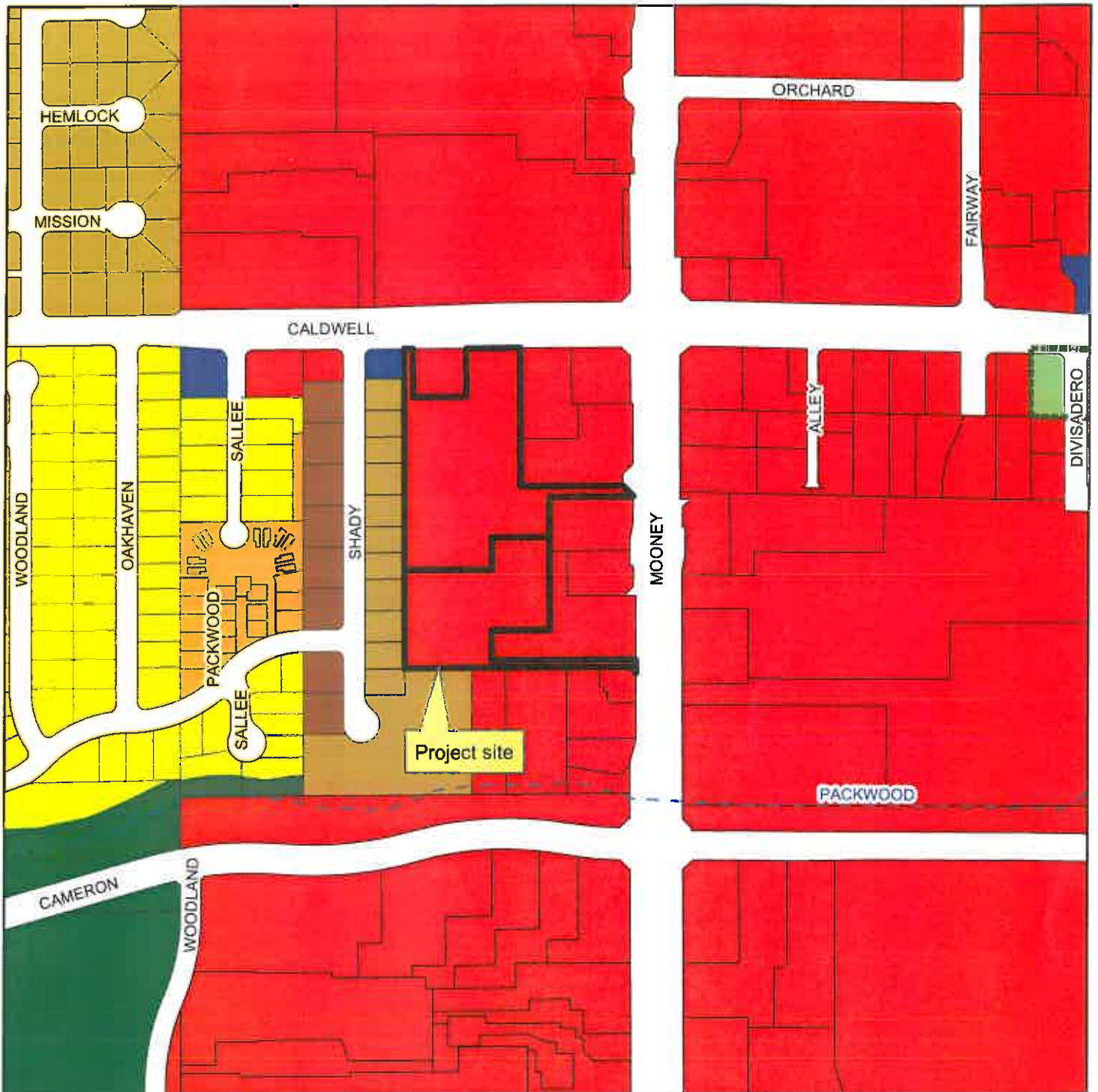


- Conservation
- Commercial Mixed Use
- Commercial Regional
- Office
- Public Institutional
- Residential High Density
- Residential Low Density
- Residential Medium Density



Variance No. 2015-04

The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063)



Zoning Map



- REGIONAL RETAIL COMMERCIAL
- PROFESSIONAL / ADMIN. OFFICE
- QUASI-PUBLIC
- SINGLE-FAMILY RESIDENTIAL, R-1-4.5
- SINGLE-FAMILY RESIDENTIAL, R-1-6
- MULTI-FAMILY RESIDENTIAL, R-M-2
- MULTI-FAMILY RESIDENTIAL, R-M-3
- COUNTY AREAS



Variance No. 2015-04

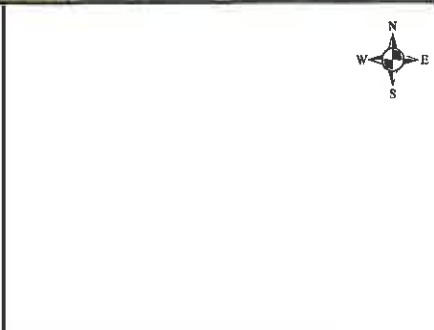
The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063)



Vicinity Map

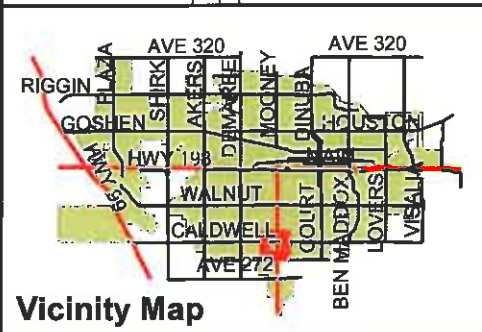
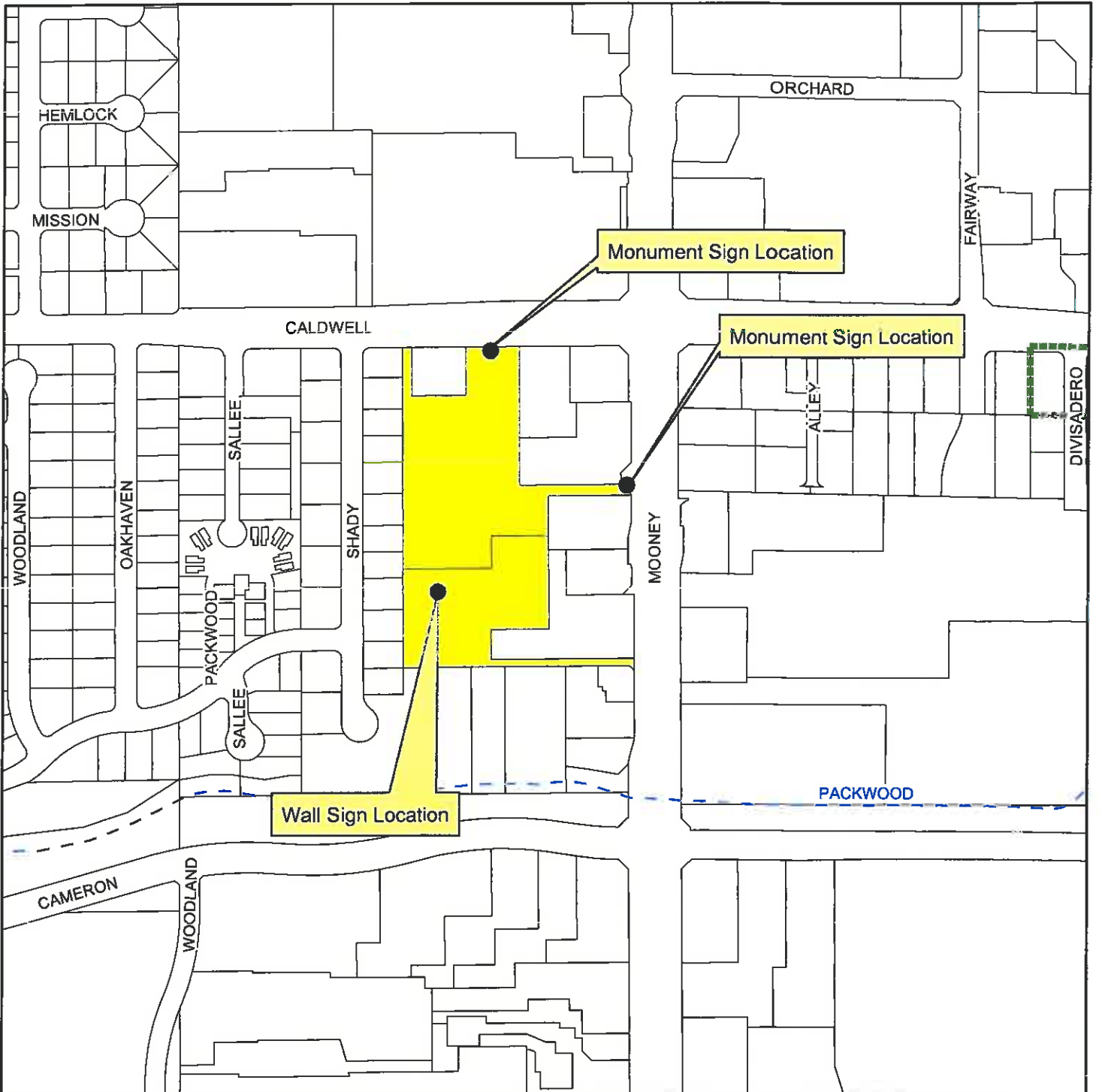
Aerial Photo
Photo Taken March 2014

0 25 50 100 150 200 Feet



Variance No. 2015-04

The site is located at the southwest corner of Mooney Boulevard and Caldwell Avenue. (APN: 126-041-055, 063)



Location Map

