

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Adam Peck



VICE CHAIRPERSON:

Brett Taylor

COMMISSIONERS: Adam Peck, Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen

MONDAY, JULY 11, 2016, 7:00 PM REGULAR MEETING,
COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. SWEARING IN OF NEW COMMISSIONERS-
 - Marvin Hansen
 - Brett Taylor
 - Liz Wynn
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.
 - No Items on Consent Calendar
6. PUBLIC HEARING – Anna Salvador
Conditional Use Permit No. 2016-16: A request by Alexander Ledezma to establish a large appliance, sale and repair, store in the Central Business District Retail (CDT) zone. The site is located at 515 W. Murray Avenue (APN 093-175-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2016-30
7. PUBLIC HEARING –Paul Scheibel
ZTA 2016-07- A request by the City of Visalia to amend Municipal Code Title 17 (Zoning Ordinance) and the City Zoning Map to create a Micro-brewery/Micro-winery Overlay District, and amending Zoning Ordinance Section 17.18.050 (Zoning Use Matrix) pertaining to Micro-breweries. The proposed Overlay District encompasses approximately 220 acres generally bounded by Murray Ave. to the North, Ben Maddox Way to the East, Mineral King to the South, and Court St. to the west. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2016-34

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 THURSDAY, JULY 21, 2016 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 220 N. Santa Fe, Visalia, CA 93292. 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.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JULY 25, 2016



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: July 11, 2016

PROJECT PLANNER: Anna Salvador, Planner Intern (phone: 713-4492)

SUBJECT: Conditional Use Permit No. 2016-16: A request by Alexander Ledezma to establish a large appliance, sale and repair, store in the Central Business District Retail (CDT) zone. The site is located at 515 W. Murray Avenue (APN 093-175-008).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2016-16, based on the findings in Resolution No. 2016-35.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2016-16, based on the findings in Resolution No. 2016-35.

PROJECT DESCRIPTION

Conditional Use Permit No. 2016-16 is a request to establish a large appliance, sales and repair, store within an existing building located at 515 W. Murray Avenue. The store will occupy approximately 2,000 sq. ft. of floor space, sharing the building and parking lot with a massage business that is located in the rear of the building. The parking lot has 12 parking stalls, with an access drive onto Murray Avenue.

As shown in the Floor Plan in Exhibit "B", there would be typical retail display of used large appliances. Store operations include the sale and repair of large appliances. Store hours will be from 8am-6pm Monday thru Friday and 8am-2pm on Saturday, as contained in the Operational Statement (Exhibit "C"). The store would be operated by two employees. There are no plans for outdoor display or other non-retail activities at the site.

BACKGROUND INFORMATION

General Plan Land Use:	Downtown Mixed Use
Zoning:	Central Business District Retail (CDT)
Surrounding Land Use and Zoning:	North: Office/Office Conversion The Lockwood Agency
	South: Downtown Mixed Use / Central Business District Retail Bravo Farms Restaurant
	East: Downtown Mixed Use/ PA Currently a private residence.
	West: Downtown Mixed Use /Central Business District Retail Shopping Center
Environmental Review:	Categorical Exemption No. 2016-30, Class 15301
Special Districts / Designations:	Parking Zone "A" and Historical District
Site Plan:	Site Plan Review No. 2016-011

RELATED PLANS & POLICIES

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

RELATED PROJECTS

A massage business (Site Plan No. 2016-002) is located in the back portion of the building at 515 W Murray. The two businesses will share the parking lot.

PROJECT EVALUATION

Staff recommends approval of Conditional Use Permit No. 2016-16, as conditioned, based on the project's consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

The site is zoned C-DT (Central Business District Retail). The C-DT zone allows sales of large appliances subject to approval of a conditional use permit by the Planning Commission. The subject site has commercial to the west (liquor store), and a restaurant directly south. To the east and southeast are single-family residences. Staff finds the proposed appliance store to be compatible with the existing commercial/office development on the site. As proposed and conditioned, the use would be compatible with the adjacent commercial and residential uses.



Parking

An existing block wall runs along the east property line and protects the adjacent single-family residence from the parking lot. There is a 12 stall parking lot, and a condition has been added to maintain the parking lot on the site. The applicant has indicated that there will also be two small service trucks parked on the site. Appliance stores require one stall per 500 sq. ft. resulting in a four stall requirement, plus one for each work truck. The appliance store will need six stalls, with six remaining for the other lease space.

Historic Preservation

The Historic Preservation Advisory Committee (HPAC) supports the requested CUP to occupy the tenant space with an appliance store. Any exterior changes to the structure, such as a sign, would require HPAC review.

Environmental Review

The project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2016-30)

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of 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.
3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2016-30)

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed consistent with the comments and conditions of the Site Plan Review No. 2016-011
2. That the site shall be developed and operated in compliance with the approved Floor Plan (Exhibit "A") and operational statement in Exhibit "B" and Exhibit "C".
3. That the outdoor display of appliances shall be prohibited.
4. That the store frontage and parking lot shall not be used for the storage, service or repair of appliances.
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. 2016-16.

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 220 N. Santa Fe Street, Visalia, CA 93292. 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.visalia.city or from the City Clerk.

Attachments:

- **Related Plans and Policies**
- **Resolution No. 2016-35**
- **Exhibit "A" – Site Plan**
- **Exhibit "B" – Floor Plans**
- **Exhibit "C" – Operation Statement**
- **Site Plan Review No. 2016-011 Comments**
- **General Plan Land Use Map**
- **Zoning Map**
- **Aerial Map**
- **Location Sketch**

RELATED PLANS AND POLICIES

Zoning Ordinance Conditional Use Permits

Chapter 17.38: Conditional Use Permits

17.38.010 Purposes and powers.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

RESOLUTION NO. 2016-035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2016-16, A REQUEST BY ALEXANDER LEDEZMA TO ESTABLISH A LARGE APPLIANCE, SALE AND REPAIR, STORE IN THE CENTRAL BUSINESS DISTRICT RETAIL (CDT) ZONE. THE SITE IS LOCATED AT 515 W. MURRAY AVENUE (APN 093-175-008).

WHEREAS, Conditional Use Permit No. 2016-16, is A request by Alexander Ledezma to establish a large appliance, sale and repair, store in the Central Business District Retail (CDT) zone. The site is located at 515 W. Murray Avenue (APN 093-175-008); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on July 11, 2016; and

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

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

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2002-24)
4. That there is no evidence before the Planning Commission that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

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

1. That the site be developed consistent with the comments and conditions of the Site Plan Review No. 2016-011
2. That the site shall be developed and operated in compliance with the approved Floor Plan (Exhibit "A") and operational statement in Exhibit "B" and Exhibit "C".
3. That the outdoor display of appliances shall be prohibited.
4. That the store frontage and parking lot shall not be used for the storage, service or repair of appliances.
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. 2016-16.

City of Visalia



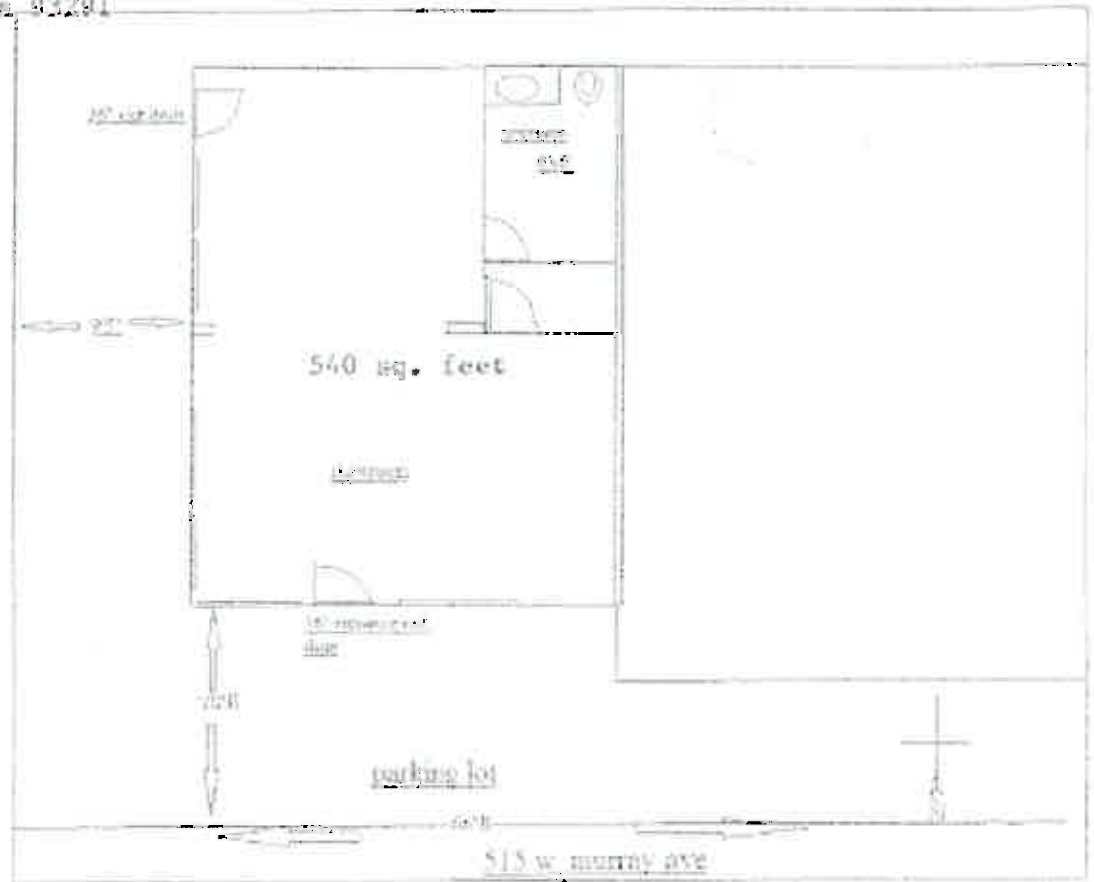
Aerial Photo

0 5 10 20 30 40 Feet

Exhibit - A
Site Plan

**Exhibit- B
Floor Plan**

Project: Penguin Appliances
515 W. Murray Ave.
Visalia, Ca 93291



Owners : Mounib & Salam Dakhil
2534 W. Memory Lane
Porterville, Ca 93257

**Exhibit-C
Operation Statement**

June 3, 2016

I would like to open a business to sell and repair used appliances such as used washers, dryers and refrigerators. The business would consist of 2 employees, and two service trucks. I think if given the opportunity to sell this will allow me to grow my new business and eventually purchase my own place of business.

Thank you

Alex Ledezma

Hours of Operation: Monday- Friday 8:00am-6:00pm Saturday 8:00am-2:00pm



MEETING DATE January 27, 2016
SITE PLAN NO. 16-011
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
- | | | |
|--------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Planning | <input type="checkbox"/> Engineering | <input type="checkbox"/> Fire Dept. |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks and Recreation | |

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 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

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

ADDITIONAL COMMENTS :

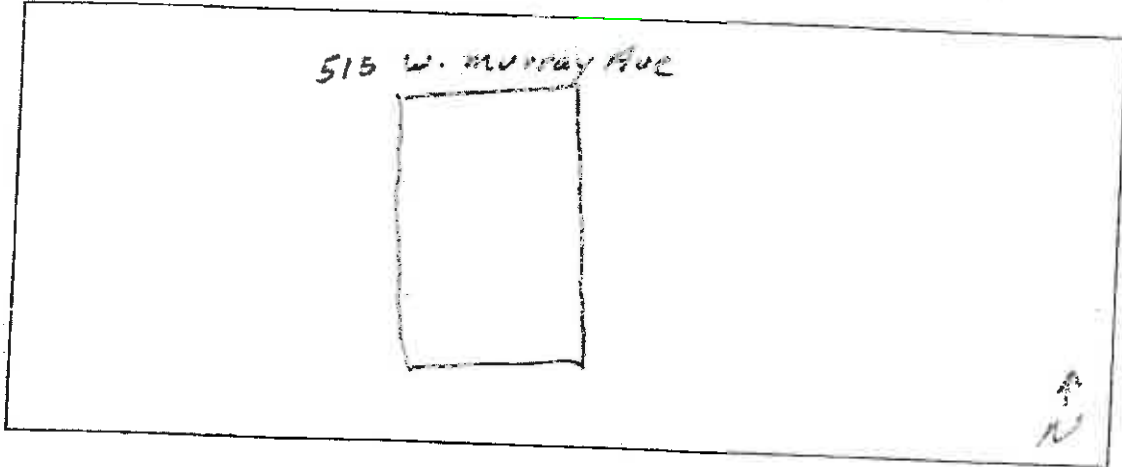
If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.

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

Date: 1-27-16

Site Plan Review # 16011


SITE PLAN REVIEW COMMENTS



COMMENTS: See Below None

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

Other Comments: _____


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

Email: jhooyer@ci.visalia.ca.us

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 3	DATE: JANUARY 27, 2016
SITE PLAN NO.:	16-011
PROJECT TITLE:	PENGUINS APPLIANCES
DESCRIPTION:	RETAIL SALE OF APPLIANCES, REFRIGERATORS, STOVES, WASHERS AND DRYERS. (CDT) (X) (DRD)
APPLICANT:	LEDEZMA ALEXANDER J
PROP OWNER:	DAKHIL MOUNIB & SALAM
LOCATION:	515 W MURRAY AVE
APN:	093-175-008

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)**
- Install curb return with ramp, with _____ radius;
- Install curb; _____ gutter;
- Drive approach size: _____ Use radius return;
- Sidewalk: _____ width; _____ parkway width at _____;
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required.**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact 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. Site plan does not clearly depict the existing parking lot layout. New tenant improvement shall meet site accessibility standards - an accessible path of travel from the existing accessible stall to the building entrance is required. Refer to ADA and City standards.**
- 2. The interior layout will require further details to satisfy Building and Fire Dept. conditions.**
- 3. Proposed retail sales within the existing building will not incur additional impact fees.**
- 4. A building permit for a minor tenant improvement is required. Standard plan check and inspection fees apply.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: 16-011
Date: 1/27/2016

**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: 9/4/2015)
(Project type for fee rates: RETAIL)

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

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

Reimbursement:

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



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

January 27, 2016

ITEM NO: 3
SITE PLAN NO: SPR16011
PROJECT TITLE: PENGUINS APPLIANCES
DESCRIPTION: RETAIL SALE OF APPLIANCES, REFRIGERATORS, STOVES, WASHERS AND DRYERS, (COT
(K) (DRT)
APPLICANT: LEDEZMA ALEXANDER J
PROP. OWNER: DAKHIL MOUNIS & SALAM
LOCATION: 815 W MURRAY AVE
APN/S: 093-175-006

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

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

Additional Comments:



Leslie Blair

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: January 27, 2016

SITE PLAN NO: 2016-011
PROJECT TITLE: PENGUINS APPLIANCES
DESCRIPTION: RETAIL SALE OF APPLIANCES, REFRIGERATORS, STOVES, ASHERS AND DRYERS. (CDT) (X) (DRD)
APPLICANT: LEDEZMA ALEXANDER J
PROP. OWNER: DAKHIL MOUNIB & SALAM
LOCATION TITLE: 515 W MURRAY AVE
APN TITLE: 093-175-008
GENERAL PLAN: Mixed Use Downtown
EXISTING ZONING: CDT – Central Business District

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Conditional Use Permit (CUP)
- Parking District "A"
- Building Permits
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: 01/27/2016

1. A CUP is required for this proposed business.
2. Per Line No. 359 & 361, a CUP is required for businesses that sell large appliances (i.e., refrigerators, stoves, ovens, etc.).
3. Provide a site plan that depicts all existing improvements on this site.
4. Clearly depict the existing parking stalls along the north side of the building.
5. Provide the square footage of the tenant space leased for this applicant store.
6. Displaying appliances outdoors shall be prohibited.

- 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.

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

1. The parking lot shall be re-stripped and this use shall requires parking to be provided at one space per 500 square feet of building area (see Zoning Ordinance Section 17.34.020).

Parking:

1. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
2. No repair work or vehicle servicing allowed in a parking area (Zoning Ordinance Section 17.34.030.L).
3. It is highly recommended that bicycle rack(s) be provided on site plan.

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.

DOWNTOWN RETAIL DESIGN DISTRICT BUILDING DESIGN CRITERIA

Amended April 1996

A. General

The following standards shall apply to all building alterations or new construction within the downtown retail design district

1. Definitions

- a. Owner: Shall mean the person or persons in actual charge of the structure or a portion of the structure. It Includes:

1. The agent or agents of the owner specifically charged with responsibility for maintenance of the structure by a written contractual agreement.
2. The Occupants specifically charged with responsibility for maintenance of the structure by a written contractual agreement.
3. May, should and preferred are permissive in nature and indicate that compliance is discretionary on the part of the applicant. Where these are not used, compliance is mandatory.

2. Color – section deleted

3. Signs – signs should contribute to the commercial quality and character of the district. Within the district, the following standards for signage are prescribed:

a. Primary Signage

- 1) Material: Plastic is prohibited as a primary sign material.
- 2) Size:

- a. Two (2) square feet of sign area is permitted for each one (1) foot of linear occupancy frontage top a maximum of fifty (50) square feet.
- b. The sign area as calculated for the occupancy frontage may be used on the occupancy frontage, or may be divided between the occupancy frontage And any other exterior wall. (see DRD for more)

- 3) Location: Users may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area. The exterior side chosen is the primary occupancy frontage. The building sign so calculated shall be mounted on the primary occupancy frontage.

- b. On Awnings: A building sign may be affixed to or incorporated as a part of the design of the front valance only of an awning; however, such sign area shall be deducted

from that calculated for the exterior building wall to which the awning is attached. Numerals used for the purpose of identifying street addresses need not be deducted from the calculated sign area.

- c. Street addresses
- d. Additional signs of a maximum twenty-five percent of the sign area calculated for the primary occupancy frontage will be allowed for each remaining exterior wall, provided that the sign for any given wall does not exceed two square feet per linear foot of the wall length. This subsection does not apply to alley frontages visible from center or Acequia streets.
- e. Pedestrian oriented sign: one double faced sign not exceeding an area of three (3) square feet per face, to be constructed of wood, with a carved and/or painted logo. Pedestrian oriented signs shall be a minimum of 8 feet above the sidewalk and shall not exceed a maximum height of 12 feet.
- f. A pedestrian oriented sign may also be affixed to or incorporated into the design of the side valance of awnings which are perpendicular to the store frontage. Both side valances of an awning may be so utilized, however, only one sign face per awning side is allowed. Each sign face shall not exceed three (3) square feet. If this option is chosen, no other pedestrian oriented sign is allowed.
- g. The building sign area as calculated on the primary occupancy frontage may also be used on the alley frontage for those businesses with direct pedestrian entrances from alleyways, where such entrances and frontages are visible from center or Acequia streets. In no case shall the sign area used on the alley frontage exceed that permitted for the primary occupancy frontage.
- h. Each building may display a reader board of a maximum area of twenty (20) square feet indicating the name, address and type of business of the businesses within the building. If the reader board is located on a part of the building qualifying as an occupancy frontage for which sign area is calculated, the sign area used for the reader board shall be deducted from the total permitted for that building.

Reader boards shall be designed as one with each copy panel consisting of similar materials and designs. Permits for reader boards shall not be issued without consent of the property owner.
- i. Within the district, internally illuminated signs are prohibited, with the exception of neon.
- j. Plastic is prohibited as a primary sign material.
- k. Each commercial use which has direct pedestrian access through an exterior building wall which is visible from a public right-of-way, shall be allowed at least ten (10) square feet of building sign area, regardless of building occupancy frontage. Commercial uses having a sole access from the interior of any building or from an enclosed lobby or court shall not be allowed the minimum building sign area referred to in this section.
- l. Permanent signage painted or affixed to the surface of retail display windows shall cover no more than twenty percent (20%) of the display window area and shall be allowed in addition to the calculated building sign area.
- m. Temporary signs pertaining to special store events or sales lasting no more than thirty (30) days may be painted or affixed to display windows provided that their total area shall not exceed thirty percent (30%) of the window. Such temporary sign or signs shall be removed within seven (7) days of the completion of said event or sale. No permit is required for such temporary sign(s).

4. Awnings – awnings attached above street level storefronts and/or upper-story windows are encouraged. Size and scale shall be appropriate to the building, however, and significant elements of the building's architecture should be obscured by upper-story awnings. Ground floor awnings shall project a minimum of five (5) feet over the sidewalk. Awning materials shall be cloth or canvas. Awning colors shall be limited to a blue, burgundy, tan or tones and/or prints of these. White may be incorporated into the design of awnings for contrast or valance signage, but shall not compromise a majority of the color theme of any awning.
5. Prohibited material and elements.
 - a. Use of wood siding, cladding or wood shingles, in excess of ten percent (10%) of the total area of any building façade.
 - b. Mansard form roof tiles.
 - c. Unbroken masses of split face, slump stone or concrete unit masonry.
 - d. Use of reflective or mirrored surface cladding, in excess of then percent (10%) of the total area of any building façade.
 - e. Exposed utility conduit, junction boxes, meters, or fuse boxes on the front façade of buildings.

B. Renovation

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

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

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

C. New building standards

The objective of this section is to ensure that contemporary design is compatible with the traditional theme and character of the downtown retail district. The effect of the proposed design of new construction on the overall character of the district should be the first frame of reference for such compatibility. The next consideration should be the effect of the proposed design on the adjacent buildings and streetscape.

1. New construction shall maintain the continuity of existing rows of buildings; facades shall be constructed at the property line facing the street, or at a setback even with that of adjacent buildings.
2. New buildings shall be constructed to within ten percent (10%) of the maximum height of adjacent buildings; however, in no case shall a building exceed fifty (50) feet in height. The scale of new architectural elements should be consistent with that of adjacent structures.
3. Brick is the preferred exterior building material for new construction. The color texture should be similar to that of brick traditionally used in the district.
4. The scale of window and door openings in new buildings should approximate that of the traditional architecture of the district. The base of window openings shall be a maximum of 30 inches above ground level.

D. Maintenance and repair required

Neither the owner of nor the person(s) in actual charge of a structure within the district shall permit such structure to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural features so as to produce, or tend to produce, in the judgment of the planning commission, a detrimental effect on the character of the district as a whole or the life and character of the structure in question, including, but not limited to;

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

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

The city's zoning compliance officer, or other designated enforcement official shall serve written notice upon the owner and/or other person in actual charge of any structure deemed to be in violation of these provision. Said written notice shall specify the nature of the condition or conditions which are in violation of the maintenance and repair requirement and direct that said conditions be repaired or corrected within an appropriately reasonable period of time. Said notice shall further advise the owner and/or the person in actual charge of said

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

E. Minimum alterations required

At a minimum, all structures and architectural features of structures, including awnings, marquees, and other appurtenances within the district shall conform to the color and repair requirements stated in paragraphs a.1., A.3., And d. Above. Any improvement or architectural feature found not meeting these standards shall be repainted or otherwise changed to reflect appropriate colors and appearance within one (1) year, provided that the estimated cost of bringing a structure into compliance is in excess of \$2000. The colors of cloth or canvas awnings shall be changed by replacement of the awning fabric, rather than painting. The time limits for complying with paragraphs a.1. And d. shall begin to run from the date of adoption of all these building design criteria by the city council. The responsibility for meeting the standards of this paragraph shall rest with the person(s) in actual charge of any structure. The person(s) in actual charge is(are) deemed to be the owner(s) of the structure or any portion thereof, unless the occupant(s) or agent(s) or the owner(s) are specifically charged with responsibility for maintenance of the structure by a lease or other written contractual agreement between the owner(s) and the occupant(s) or agent(s).

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

Signature

A handwritten signature in black ink, appearing to be "J. B. ...", written over a horizontal line.

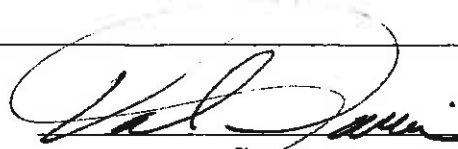
City of Visalia
Building: Site Plan
Review Comments

ITEM NO: 3 DATE: January 27, 2016
SITE PLAN NO: SP-16011
PROJECT TITLE: PENGUINS APPLIANCES
DESCRIPTION: RETAIL SALE OF APPLIANCES, REFRIGERATORS, STOVES, WASHERS AND DRYERS. (CDT) (X) (DRD)
APPLICANT: LEDEZMA ALEXANDER J
PROP OWNER: DAKHIL MOUNIB & SALAM
LOCATION: 515 W MURRAY AVE
APN(S): 093-175-008

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 Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking, 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 am 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 \$3.48 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: _____


Signature Date: 1/25/16



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: 3

DATE: January 27, 2016

SITE PLAN NO:

SPR16011

PROJECT TITLE:

PENGUINS APPLIANCES

DESCRIPTION:

RETAIL SALE OF APPLIANCES, REFRIGERATORS, STOVES, WASHERS AND DRYERS. (CDT) (X) (DRD)

APPLICANT:

LEDEZMA ALEXANDER J

PROP OWNER:

DAKHIL MOUNIB & SALAM

LOCATION:

515 W MURRAY AVE

APN(S):

093-175-008

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.

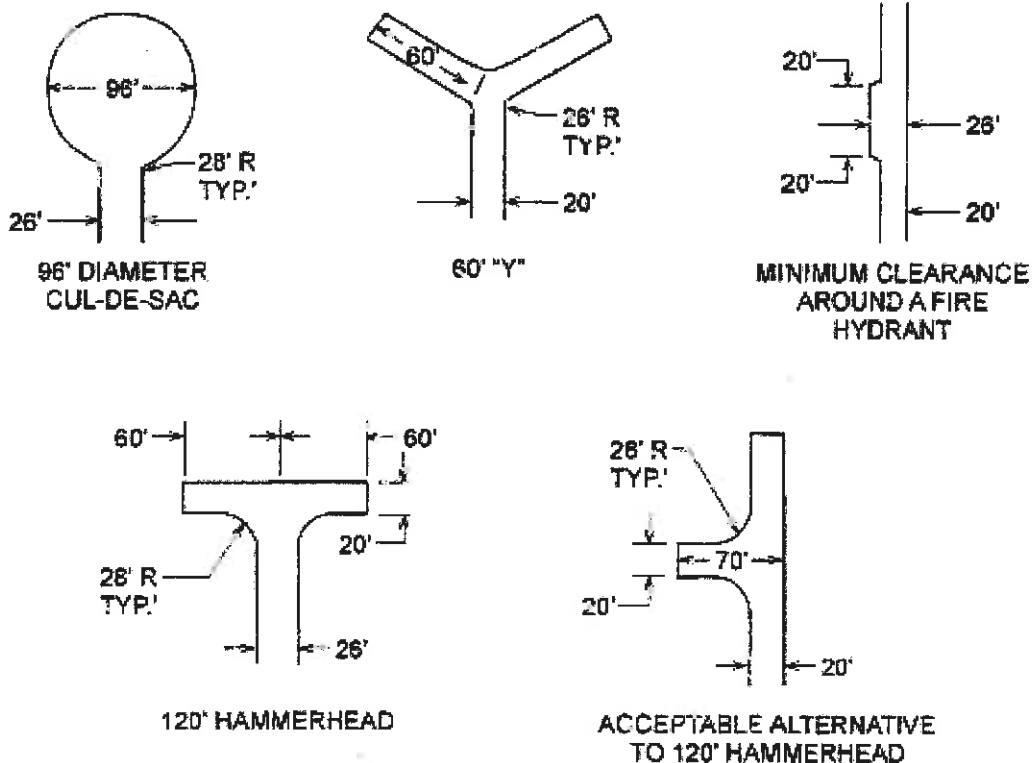


FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

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.)

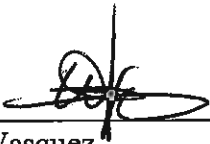
In any and all new One- or two-family dwellings residential developments regardless of the number of units, street width shall be a minimum of 36 feet from curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments 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

ITEM NO: 3 DATE: January 27, 2016
 SITE PLAN NO: SPR16011
 PROJECT TITLE: PENGUINS APPLIANCES
 DESCRIPTION: RETAIL SALE OF APPLIANCES, REFRIGERATORS,
 STOVES, WASHERS AND DRYERS. (CDT) (X) (DRD)
 APPLICANT: LEDEZMA ALEXANDER J
 PROP OWNER: DAKHIL MOUNIB & SALAM
 LOCATION: 515 W MURRAY AVE
 APN(S): 093-175-008

**City of Visalia
 Police Department**

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

Site Plan Review Comments

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

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

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

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

- Access Controlled / Restricted etc:

- Lighting Concerns:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:
 _____ *242*

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

SITE PLAN NO: SPR16011
PROJECT TITLE: PENGUINS APPLIANCES
DESCRIPTION: RETAIL SALE OF APPLIANCES, REFRIGERATORS,
STOVES, WASHERS AND DRYERS. (CDT) (X) (DRD)
APPLICANT: LEDEZMA ALEXANDER J
PROP OWNER: DAKHIL MOUNIB & SALAM
LOCATION: 515 W MURRAY AVE
APN(S): 093-175-008

COMMERCIAL BIN SERVICE

No comments.

Same comments as as

Revisions required prior to submitting final plans. See comments below.

Resubmittal required. See comments below.

Customer responsible for all cardboard and other bulky recyclables to be broken down
be fore disposing of in recycle containers.

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

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

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

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

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

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

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

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

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

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

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

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

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

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

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

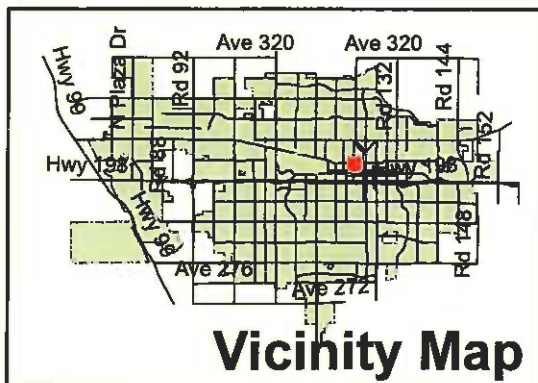
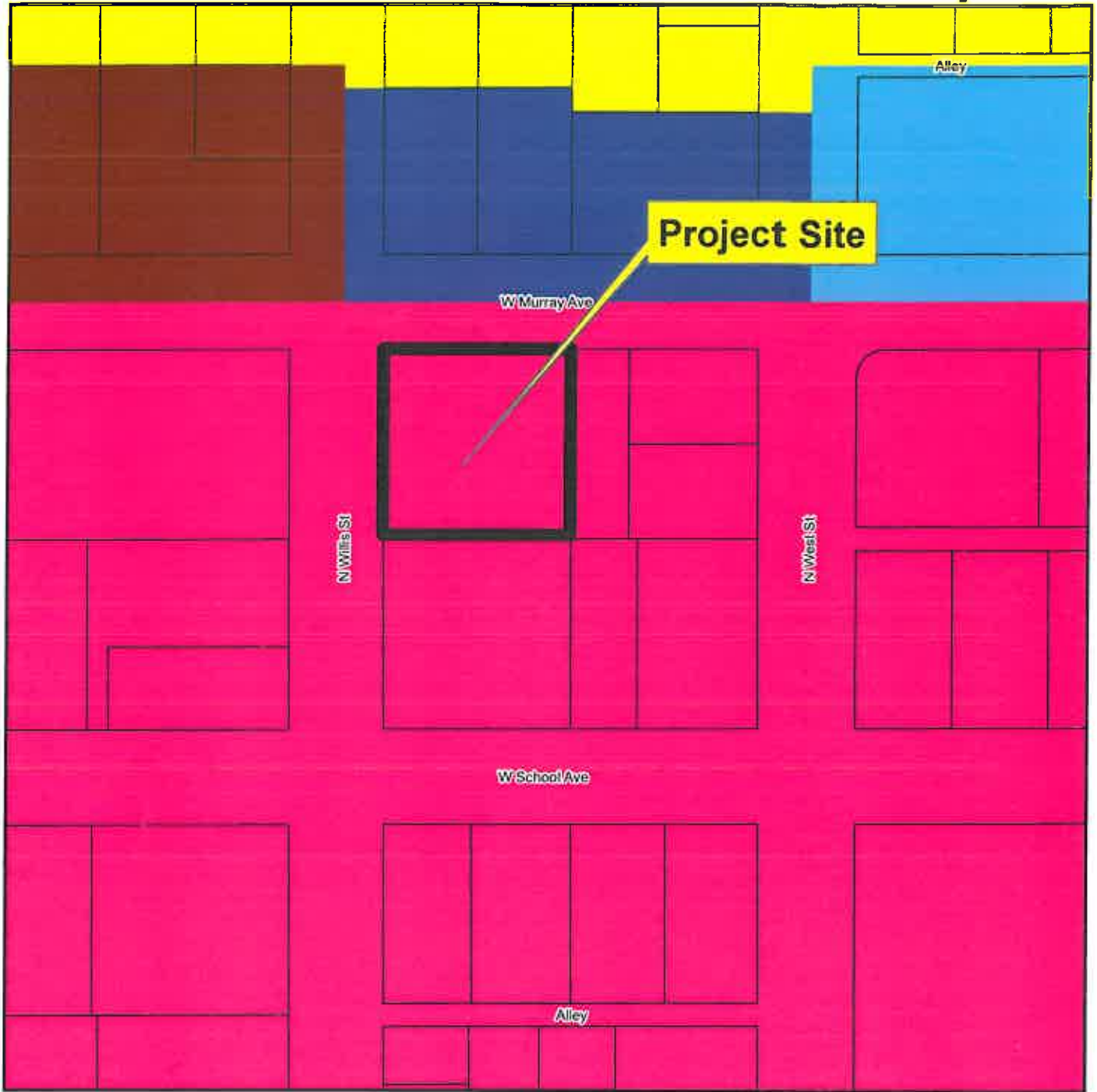
Bin enclosure gates must open 180 degrees and also hinges must be mounted in front of post see page 2 for instructions

TYPE OF SERVICE NOT INDICATED.

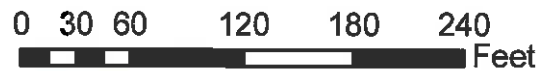
Javier Hernandez, Solid Waste Front Load Supervisor 713-4338






CUP 2016-16

General Plan Land Use Map



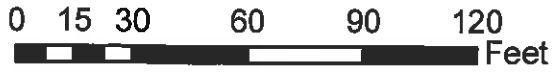
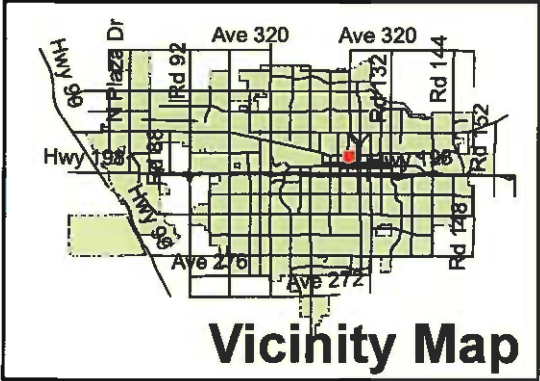
Vicinity Map



-  Commercial Neighborhood
-  Downtown Mixed Use
-  Office
-  Public Institutional
-  Residential Low Density

CUP 2016-16

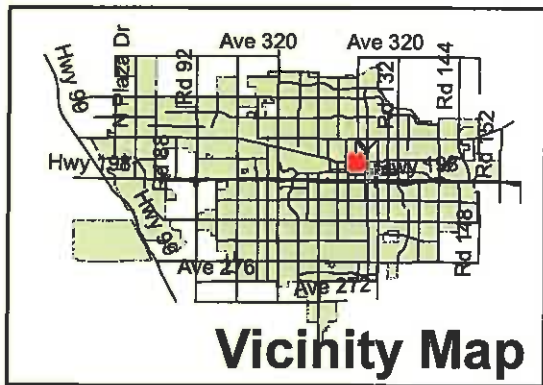
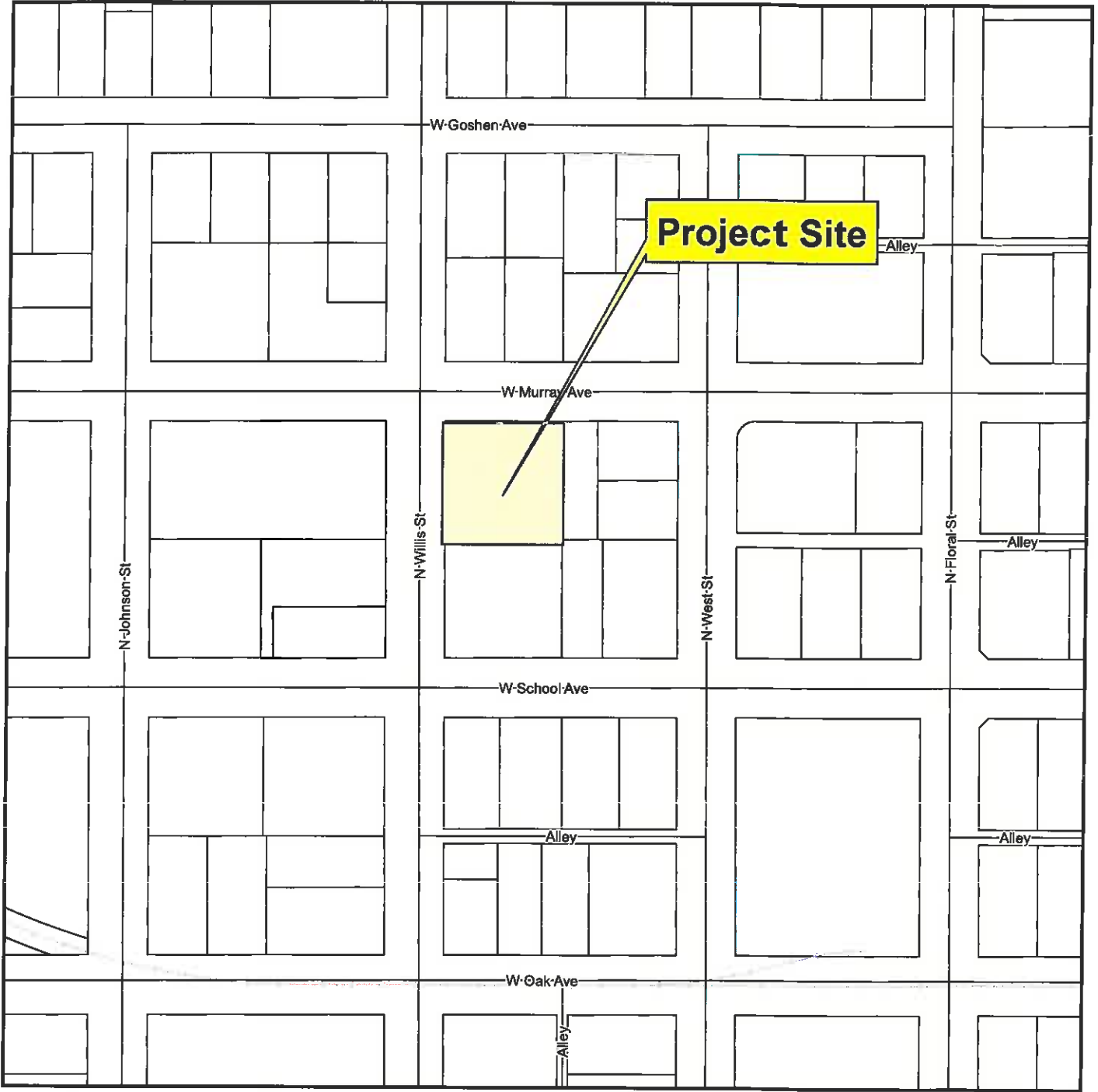
Aerial Photo



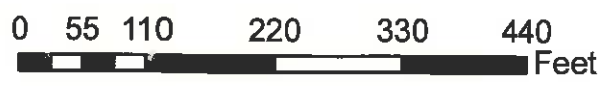
- Streets
- Railroad
- Waterways
- Parcels





CUP 2016-16

Location Map



Vicinity Map



-  Streets
-  Railroad
-  Waterways
-  Parcels



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: July 11, 2016

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

SUBJECT: ZTA 2016-07- A request by the City of Visalia to amend Municipal Code Title 17 (Zoning Ordinance) and the City Zoning Map to create a Micro-brewery/Micro-winery Overlay District, and amending Zoning Ordinance Section 17.18.050 (Zoning Use Matrix) pertaining to Micro-breweries. The proposed Overlay District encompasses approximately 220 acres generally bounded by Murray Ave. to the North, Ben Maddox Way to the East, Mineral King to the South, and Court St. to the west.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation of approval to the City Council to create the Micro-brewery/Micro-winery Overlay District, and to amend the Zoning Use Matrix pertaining to micro-breweries. The recommendation is based on the project's consistency with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Resolution No. 2016-41, recommending that the City Council approve ZTA 2016-07, to create a Micro-brewery/Micro-winery Overlay District, and amending Zoning Ordinance Section 17.18.050 (Zoning Use Matrix) pertaining to Micro-breweries.

PROJECT EVALUATION

Background

On January 19, 2016, the City Council held a worksession to hear testimony from the Visalia Chamber of Commerce and other persons interested in establishing microbrewery businesses in Visalia. Micro-brewery proponents assert that promoting this relatively new business model achieves a number of benefits to the host community, including:

- Promotes entrepreneurship in the Community
- Craft beers brewed by microbreweries are a burgeoning business model
- The products are unique and help create a positive image of the host community
- Microbreweries are a valuable tool in promoting tourism and renewed interest in Downtowns
- Microbreweries are instrumental in revitalizing underutilized buildings and distressed areas.

Proponents further assert that the Visalia Zoning Code currently limits their ability to start up and operate a business where beer can be commercially brewed on-site for off-site resale, and for individual service to customers on-site in a taproom setting; but without having a restaurant service as a component of the micro-brewery. Further, proponents assert that restricting commercial breweries to the Industrial zones fails to recognize the small-scale nature of micro-breweries, and limits the ability to capitalize on their presence in strategic destinations within the City, such as the East Downtown area.

The City Council voted 5-0 to direct staff to initiate a Zoning Text Amendment to establish a Micro-brewery/Micro-winery Overlay District. The City Council's direction included setting the locational

boundaries for the District, and establishing code standards for these establishments within the District. Finally, the City Council directed staff to review the current Zoning Code provisions pertaining to micro-breweries to ensure they are consistent with and supportive of the Overlay District.

Staff conducted extensive research, including reviewing the zoning provisions of similar cities, and worked with the Chamber of Commerce and local constituencies with knowledge in micro-brewery operations. Further, the draft Ordinance Amendment has been reviewed with other City departments who would be involved in implementing the new provisions, including Police, Fire, and Code Enforcement staff.

An overlay district is a specialized land use tool that is common to many communities throughout the State and the United States. The primary purpose of an overlay district is to apply special use provisions or standards to a geographic area in such a manner that it transcends and preempts the underlying zoning standards that would otherwise apply to sites or uses within the overlay district.

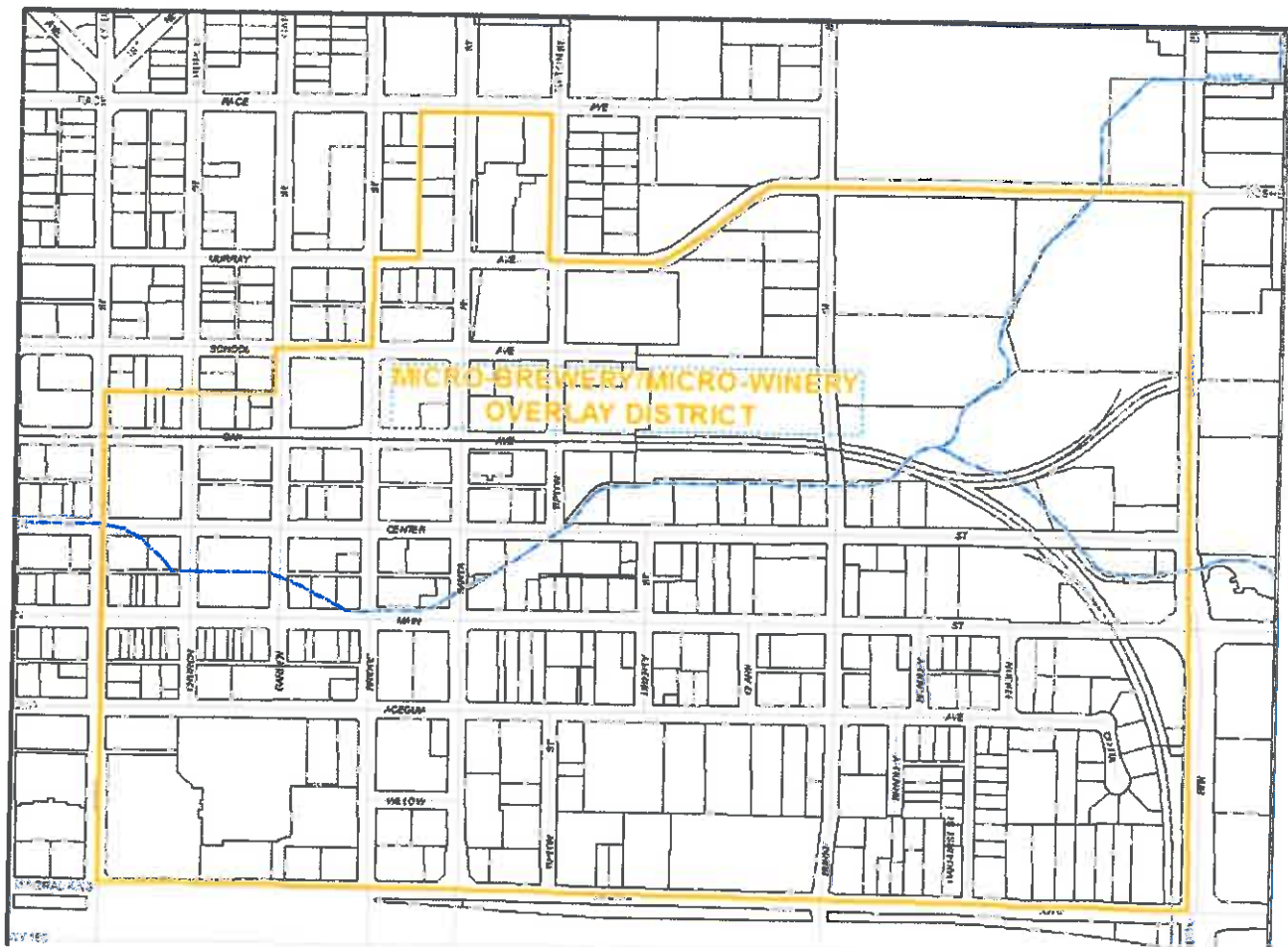
The City's Zoning Code and Map contain two Overlay Districts. The Historic Preservation District, adopted in November 1979; and, the Downtown Retail District, established in 1985. Additionally, the City presently uses Design Districts to apply setback, height, and other quantifiable development standards to projects that occur in non-residential zone districts.

Discussion and Analysis

Micro-Brewery/Micro-Winery Overlay District:

Under the current Zoning Ordinance, micro-breweries are only permitted by right in the C-R (Regional Retail Commercial) Zone District. Micro-breweries are allowed [with a Conditional Use Permit (CUP)] the remaining Commercial zone designations, except in the CC (Convenience Commercial) Zone District. However, a micro-brewery must also contain a restaurant component, and retail sale for off-site consumption are presently prohibited. Micro-breweries are not presently allowed in any Industrial zone district.

The Overlay District would set the geographic boundaries within which micro-brewery and micro-winery establishments are permitted by right, subject to development and use standards that are codified within a new Zoning Code Chapter 17.63 that establishes the Overlay District.



The proposed Overlay District will permit micro-breweries and micro-wineries by right within the Overlay District, regardless of the underlying Zone District designation. The Overlay District boundaries were selected based on the City Council's direction that micro-breweries be in proximity to the Downtown area, but that the Overlay District not appreciably change the nature of the existing Downtown District, or directly compete with similar venues in the Downtown District.

The text of new Chapter 17.63 is as follows:

17.63.010 Purpose and Intent

A. *There is created a Micro-brewery/Micro-winery Overlay District, the boundaries of which are shown on the map entitled, "Micro-brewery/Micro-winery Overlay District", which is on file at city hall. Said map is adopted and made a part of this ordinance.*

B. *This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to facilitate businesses that specialize in the small-scale production and sale of crafted beverages. This chapter is also enacted to encourage the location of micro-brewery and micro-winery businesses in the East Downtown area. This is to:*

- 1. Encourage Protect and enhance existing buildings, their productive re-use, and improvements in the East Downtown area.*
- 2. Promote the vibrancy and sense of destination and place of the East Downtown area by establishing this area as the recognized center for craft brewing establishments.*
- 3. Ensure that these establishments are compatible with each other and with existing and future uses within the East Downtown area, and with existing sensitive uses such as residences, schools, places of worship and attractions for youths.*

17.63.020 Components of the Chapter.

This chapter shall include:

- A. The Ordinance text which specifies the micro-brewery/micro-winery overlay district and establishes specific standards pertaining to the district.*
- B. A map designating the micro-brewery/micro-winery overlay district, which shall be depicted on the official zoning map of the city.*

17.63.030 Definitions

"Micro-brewery" An establishment that produces the range of brewed beer, ale, mead, hard cider and similar brewed beverages in quantities totaling 15,000 barrels or less per year (all beverage types combined) that are served on site and/or sold for off-site consumption. Service and sale of brewed beverages must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages may be conducted with or without the service of food. Taproom, Nano-brewery, Craft brewery, and Brewpub are included in this definition.

"Micro-winery" An establishment that produces fermented fruit wine in quantities totaling 10,000 cases or less per year (all varieties and labels combined) that are served on site and/or sold for off-site consumption. Service and sale of wine must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF). Service of wine may be conducted with or without the service of food. Tasting room and Boutique winery are included in this definition.

"Background entertainment" Non-amplified live music or performance intended to complement the primary venue, and for which no alteration of the physical or operational aspect of the primary use is made.

17.63.040 Standard Operating Conditions

- A. Uses within the Overlay District*

1. All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the Overlay District and within the C-S (Service Commercial) and C-DT Zone District shall be permitted by right.
2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District and Design District; except as follows:
 - a) Micro-brewery/micro-winery locations shall be separated by at least 200 feet from any school intended for minor children, children's museums, parks, and places of worship. Distance shall be measured by the most direct pedestrian path of travel from both the front entrance and rear exit to the edge of parcel of the sensitive use.
 - b) Product sold on site shall be only that produced by the operator.
 - c) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
 - d) Venting of brewing process shall be directed away from sidewalks and residences
 - e) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.
 - f) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in VMC Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.

The proposed operating standards have been reviewed and endorsed by the Chamber of Commerce, by persons knowledgeable in micro-brewing operations, and by commercial real estate professionals. The proposed provisions have also been reviewed and found to be acceptable by City public safety and development staffs.

Zoning Use Matrix Amendment:

The Zoning Use Matrix (VMC Section 17.18.050) is recommended to be revised as follows:

		CC	C-N	C-SO	C-CM	C-R	C-DT	C-H	C-S	B-R-P	I-L	I-H
87	Microbreweries/micro-winery restaurant: brewing, limited bottling or packaging. Consumption on premises or distribution locally in kegs (not for resale)		C	C	C	P	C	C	C	C	C	C
357	Wine Tasting		C	C	C	P	C	C	C	C	C	C

The revision would eliminate the requirement for a restaurant component for micro-breweries and micro-wineries. These uses would be permitted by right in the CR (Regional Commercial) Zone District. They

would be conditionally allowed (CUP) uses in all Industrial and Commercial Zones, except for the CC (Convenience Commercial) Zone District. In addition, there would no longer be restrictions on off-site sales of brewed or vented product. Persons knowledgeable with the micro-brewery business contend that food service in conjunction with a micro-brewery is an onerous requirement that diverts the operator's focus and working capital away from the primary micro-brewery operation. Further, a State of California Type 23 license (Small Beer Manufacturer) and Type 75 (On-sale General Brew Pub) allow retail serving and sale of product without food service. The same is true of winetasting and limited retail sales (Type 2-Winegrower).

These persons also state that food service in conjunction with a micro-brewery may be a key component of the micro-brewery operation (such as Brewbakery), but this generally comes after the micro-brewery is already well-established. Consequently, micro-brewery experts advocate for allowing micro-breweries without food service, in favor of allowing the decision to rest with venue operator.

Environmental Review:

The requested action is considered Categorical Exempt under Section 15305 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). Minor Alterations In Land Use Limitations (Categorical Exemption No. 2016-34).

RECOMMENDED FINDINGS

1. That the proposed Zoning Text and Map Amendment No. 2016-07 is in conformance with the purposes, intent, and policies of the General Plan and Zoning Ordinance of the City of Visalia.
2. That the proposed Zoning Text and Map Amendment No. 2016-07 has been prepared in accordance with all applicable portions of State of California Planning and Zoning Law.
3. That the Planning Commission recommend to the City Council adoption of Zoning Text and Map Amendment No. 2016-07.

APPEAL INFORMATION

The Planning Commission's recommendation on the General Plan Amendment is advisory only and is automatically referred to the City Council for final action.

Attachments:

1. Resolution No. 2016-41
2. Notice of Exemption No. 2016-34

RESOLUTION NO. PC 2016-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENT NO. ZTA 2016-07- A REQUEST BY THE CITY OF VISALIA TO AMEND MUNICIPAL CODE TITLE 17 (ZONING ORDINANCE) AND THE CITY ZONING MAP TO CREATE A MICRO-BREWERY/MICRO-WINERY OVERLAY DISTRICT, AND AMENDING ZONING ORDINANCE SECTION 17.18.050 (ZONING USE MATRIX) PERTAINING TO MICRO-BREWERIES. THE PROPOSED OVERLAY DISTRICT ENCOMPASSES APPROXIMATELY 220 ACRES GENERALLY BOUNDED BY MURRAY AVE. TO THE NORTH, BEN MADDOX WAY TO THE EAST, MINERAL KING TO THE SOUTH, AND COURT ST. TO THE WEST.

WHEREAS, Change of Zone No. 2016-07 is a request by the City of Visalia to amend Municipal Code Title 17 (Zoning Ordinance) and the City Zoning Map to create a micro-brewery/micro-winery overlay district, and amending Zoning Ordinance Section 17.18.050 (Zoning Use Matrix) pertaining to micro-breweries. The proposed overlay district encompasses approximately 220 acres generally bounded by Murray Ave. to the north, Ben Maddox Way to the east, Mineral King to the south, and Court St. to the west, which is contained in Exhibit A of this Resolution; and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on July 11, 2016; and,

WHEREAS, the Planning Commission of the City of Visalia considered the change of zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15305, Minor Alteration in Land Use Limitations.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Zoning Text Amendment No. ZTA 2016-07, based on the following specific findings and evidence presented:

1. That the proposed Zoning Text and Map Amendment No. 2016-07 is in conformance with the purposes, intent, and policies of the General Plan and Zoning Ordinance of the City of Visalia.
2. That the proposed Zoning Text and Map Amendment No. 2016-07 has been prepared in accordance with all applicable portions of State of California Planning and Zoning Law.

EXHIBIT A
ZTA 2016-07

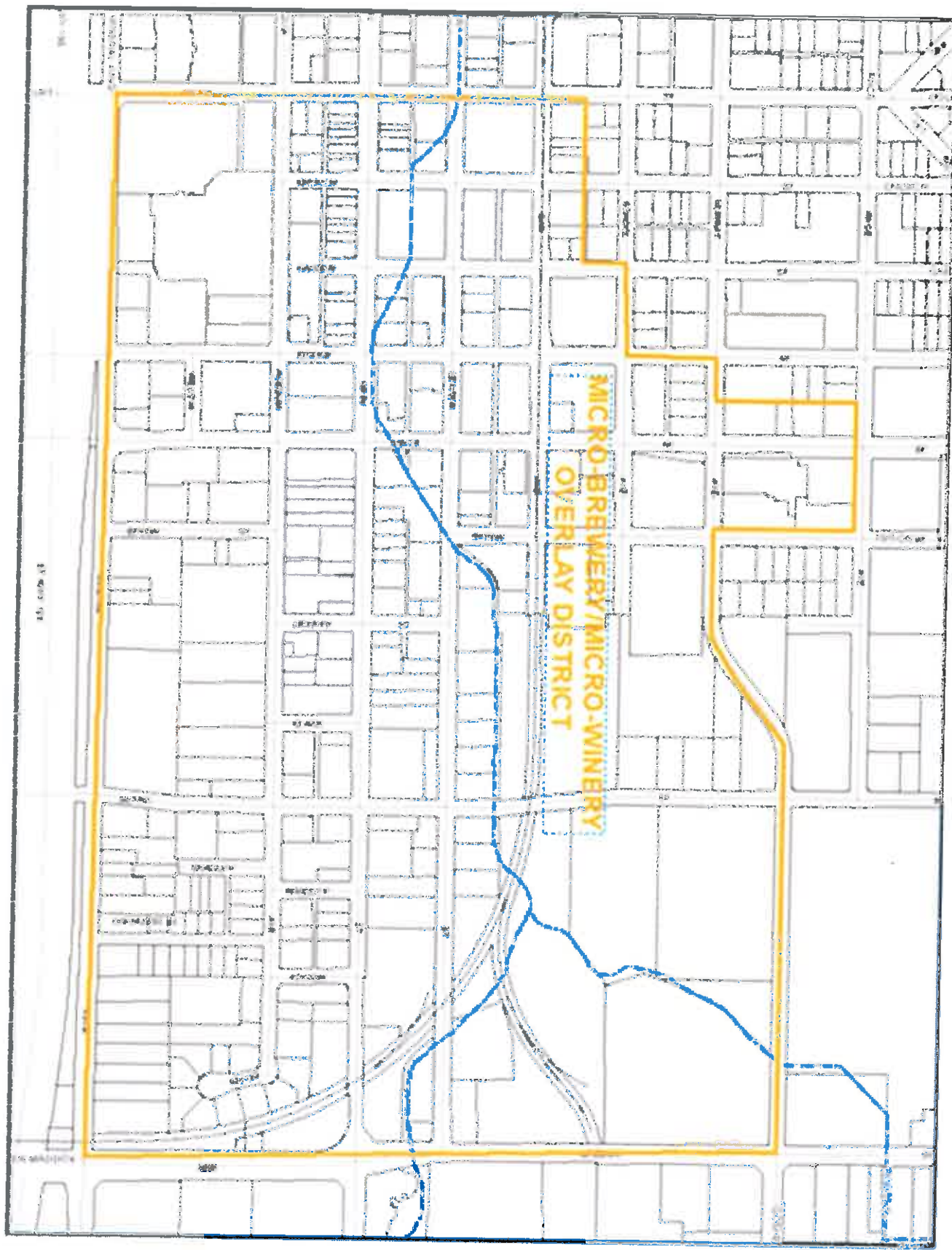


EXHIBIT A
ZTA 2016-07

New Chapter 17.63 is added as follows:

17.63.010 Purpose and Intent

A. There is created a Micro-brewery/Micro-winery Overlay District, the boundaries of which are shown on the map entitled, "Micro-brewery/Micro-winery Overlay District", which is on file at city hall. Said map is adopted and made a part of this ordinance.

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Section 17.18.050 (Zoning Use Matrix) is amended as follows:

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