

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

MONDAY, FEBRUARY 27, 2017; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –

2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and providing your street name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.

3. CHANGES OR COMMENTS TO THE AGENDA–

4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.

- Housing Element Annual Progress Report for 2016

5. PUBLIC HEARING – Brandon Smith

Variance No. 2017-01: A request by West End Partners, LLC to allow a variance to the minimum landscape setbacks in Design District 'A' associated with a new retail building with drive-through lane in the C-R (Regional Retail Commercial) Zone. The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2016-46

6. PUBLIC HEARING – Andy Chamberlain

Change of Zone No. 2010-11: A request by MP Bruno Family L.P. to amend Conditional Zoning Agreement No. 2003-01, to remove approximately 15 acres north of the Hurley Avenue alignment from the development standards for the Visalia Auto Plaza, allowing development with CS zone uses and standards. The Visalia Auto Plaza is located on the west side of Neely Street, north of Camp Drive to Mill Creek Ditch, the affected properties are APNs' 081-020-085, 071, 072, 084, 078, 064. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-07

7. PUBLIC HEARING – Andy Chamberlain

- a. Conditional Use Permit No. 2017-05: A request by Verizon Wireless to install a new 70-foot high Monopine with a 65-foot high telecommunications tower, and outdoor equipment enclosure at the base of the tower. The site is in the Colonial Shopping Center, zoned NC (Neighborhood Commercial), located at 3535 W. Walnut Avenue. (APN: 121-181-002, 003, 004, and 005) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-08
- b. Variance No. 2017-03: A request by Verizon Wireless to install a new 70-foot high Monopine with a 65-foot high telecommunications tower which is less than the required 1 to 5 vertical height to horizontal separation from a property line. The site is in the Colonial Shopping Center, zoned NC (Neighborhood Commercial), located at 3535 W. Walnut Avenue. (APN: 121-181-002, 003, 004, and 005) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2017-08

8. PUBLIC HEARING – Brandon Smith

Conditional Use Permit No. 2017-03: A request by Dye Hard Social Club (Joe Luis, property owner), to allow a beauty salon within a 900 square foot suite in the PA (Professional / Administrative Office) zone. The project site is located at 911 W. Center Avenue, on the south side of Center Avenue between Jacob and Conyer Streets. (APN: 093-225-003) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2017-06

9. PUBLIC HEARING –Paul Bernal

Conditional Use Permit No. 2017-04: A request by Visalia Development Holdings, LTD, to amend Conditional Use Permit No. 2007-10 and construct a Chevron Service Station development consisting of a 4,250 square foot commercial building, and a 4,500 square foot fuel canopy. The 4,250 square foot commercial building will be used as a convenience store. The site is part of the Country Club Shopping Center and zoned C-N (Neighborhood Commercial). The parcel for the proposed Chevron service station is located on the southeast corner of North Demaree Street and West Houston Avenue (APN: 089-490-029). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2017-11

10. 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, MARCH 9, 2017 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, MARCH 13, 2017

City of Visalia



To: Planning Commission

From: Paul Scheibel, AICP, Principal Planner 713-4369 *PS*

Date: February 27, 2017

Re: Housing Element Annual Progress Report for 2016

Background:

The State of California requires all cities and counties to report annually their progress in meeting their assigned regional housing needs allocations (RHNA). The Annual Progress Report (APR) also includes a self-evaluation of the jurisdiction's success in implementing the policies contained in the Housing Element. Further, the APR requires that the report be presented in a public forum. This Planning Commission meeting qualifies as a public forum for report presentation purposes.

Summary

New Housing Permits: The City issued 721 new residential building permits in Calendar Year 2016. Included in that total are 135 multi-family unit permits. Of these 721 units, 475 units qualified as affordable, broken down as follows:

- Very Low Income Affordability (78 units)
- Low Income Affordability (118 units)
- Moderate Income Affordability (279 units)

The remaining 246 units qualified as Above-Moderate Income Affordable units. Unit affordability is determined using a formula derived from the State established household income levels by County, balanced against the declared total valuation of the unit at the time the permit was issued, and the number of bedroom the unit contains. The percentage (65.8%) of Very Low to Moderate Income affordable units in 2016 represents a laudable achievement in the City's goals to provide affordable housing for all income category, size, and special needs households.

Housing Element Policies and Programs Implementation: The Housing Element Update was completed in September 2016, and certified by the State in October 2016. Consequently, the new policies and programs to be implemented under the new Housing Element are being implemented beginning in Calendar Year 2017.

Attachment:

2016 Annual Progress Report (APR)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction VISALIA
Reporting Period 01/01/2016 - 12/31/2016

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

Governor's Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction VISALIA
 Reporting Period 01/01/2016 - 12/31/2016

Table A

**Annual Building Activity Report Summary - New Construction
 Very Low-, Low-, and Mixed-Income Multifamily Projects**

1	2	3	4				5	5a	6		7	8
			Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions			
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R-Renter O-Owner	Affordability by Household Incomes			Total Units per Project	Est. # Infill Units	Assistance Programs for Each Development	Deed Restricted Units	Housing without Financial Assistance or Deed Restrictions		
			Very Low- Income	Low- Income	Moderate- Income						Above Moderate- Income	
2160 N. Stokes Ct.	SF	Owner	0	0	1	0	0					
2009 W. Crystal Ave.	SF	Owner	0	0	1	0	0					
2012 W. Crystal Ave.	SF	Owner	0	0	1	0	0					
2449 S. Laguna	SF	Owner	0	0	1	0	0					
2439 S. Laguna	SF	Owner	0	0	1	0	0					
2433 S. Laguna	SF	Owner	0	0	1	0	0					
2107 Silvervale Ct	SF	Owner	0	0	1	0	0					
2828 Sady Ct	SF	Owner	0	0	1	0	0					
2527 Mendonca	SF	Owner	0	0	1	0	0					

Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.

\$282,580 6br unit
 \$260,171 4br unit
 \$219,503 3br unit
 \$216,110 4br unit
 \$181,026 3br unit
 \$220,990 3br unit
 \$255,909 4br unit
 \$211,880 4 br unit
 \$250,493 4br unit

3743 W. Vine	SF	Owner	0	0	0	1	0	1	0	0	4br \$221,782
2236-2238 W. Lark	2 to 4	Owner	0	2	0	0	0	2	0	0	Duplex Two 2-br units total valuation \$219,608, Each unit meets cost to qualify for Low income occupancy.
2232-2234 W. Lark	2 to 4	Owner	0	2	0	0	0	2	0	0	Duplex Two 2-br units total valuation \$219,608, Each unit meets cost to qualify for Low income occupancy.
1922 W. Corvina	SF	Owner	0	0	1	0	0	1	0	0	3br \$183,933
1918 W. Corvina	SF	Owner	0	0	1	0	0	1	0	0	3br \$216,963
2336 N. Park	SF	Owner	0	0	1	0	0	1	0	0	3br \$183,363
3241W. Lark	SF	Owner	0	0	1	0	0	1	0	0	4br \$250,493
1035 N. Ranch Ct.	SF	Owner	0	0	1	0	0	1	0	0	4br \$231,547
1900 W. Crystal	SF	Owner	0	0	1	0	0	1	0	0	4br \$260,170
1920 W. Crystal	SF	Owner	0	0	1	0	0	1	0	0	3br 209,990
1921 W. Crystal	SF	Owner	0	0	1	0	0	1	0	0	4br \$260,170
626 E. Babcock	SF	Owner	1	0	0	0	0	1	0	0	EL Income qualification using Section 6932 2016 Income Limits
4409-4411 W. Myrtle Ave.	2 to 4	Owner	0	2	0	0	0	2	0	0	Duplex. Each unit meets threshold for Low income.
4427-4429 W. Myrtle	2 to 4	Owner	0	2	0	0	0	2	0	0	Duplex each unit cost meets HUD threshold for Low income category for 2 br unit.
4405-4407 W. Myrtle	2 to 4	Owner	0	2	0	0	0	2	0	0	Duplex. Low Income price threshold
4423-4425 W. Myrtles	2 to 4	Owner	0	2	0	0	0	2	0	0	Low income price threshold
1704 N. Willis	SF	Owner	0	1	0	0	0	1	0	0	\$139,515 Total Valuation meets threshold for Low income
2026 E. Copper Ct.	SF	Owner	0	1	0	0	0	1	0	0	\$170,000 valuation. is below Low income threshold
414-416 E. Harter	2 to 4	Owner	0	2	0	0	0	2	0	0	Duplex meets cost and density threshold for Low income

2106 S. Garden St	SF	Owner	1	0	0	0	0	0	1	0		\$90,000 total valuation 2 br unit . Meets Very Low income cost threshold.
2005 E. Monte Verde	SF	Owner	0	0	1	0	0	1	1	0		total value \$208,669 is below Moderate limit for 3 br unit
2016 E. Monte Verde	SF	Owner	0	0	1	0	0	1	1	0		\$216,341 total valuation is below Moderate income threshold for 3br unit
2004 E. Monte Verde	SF	Owner	0	0	1	0	0	1	1	0		\$181,425 is below Moderate threshold for 3 br unit
4332 Lark St.	SF	Owner	0	0	1	0	0	1	1	0		\$228,541 4br is below threshold for Moderate income
2521 Sady Ct	SF	Owner	0	0	1	0	0	1	1	0		\$174,471 3br unit.
2535 W. Cecil Ave.	SF	Owner	0	0	1	0	0	1	1	0		\$174,471 3br unit
3950 E. Evergreen	SF	Owner	0	0	1	0	0	1	1	0		\$214,766 4br: unit
2524 S. Grand	SF	Owner	0	0	1	0	0	1	1	0		\$181,026 3br unit
2012 N. Silvevale Ct	SF	Owner	0	0	1	0	0	1	1	0		\$228,162 4br unit
2119 N. Silvevale Ct.	SF	Owner	0	0	1	0	0	1	1	0		\$226,482 4br unit
2535 W. Sady Ct.	SF	Owner	0	0	1	0	0	1	1	0		\$174,471 3 br unit
1921 W. Crystal	SF	Owner	0	0	1	0	0	1	1	0		4br \$260,170
1911 W. Crystal	SF	Owner	0	0	1	0	0	1	1	0		3br \$209,990
2708 W. Stewart	SF	Owner	0	0	1	0	0	1	1	0		4br \$231,547
2628 W. Connelly	SF	Owner	0	0	1	0	0	1	1	0		4br \$211,880
2318 N. Central	SF	Owner	0	0	1	0	0	1	1	0		3br 209,990
1834 W. Crystal	SF	Owner	0	0	1	0	0	1	1	0		3br \$209,990
1842 W. Crystal	SF	Owner	0	0	1	0	0	1	1	0		3br \$223,545
2812 W. Connelly	SF	Owner	0	0	1	0	0	1	1	0		3br \$231,547
3606 W. Harold Ct.	SF	Owner	0	0	1	0	0	1	1	0		3br \$220990

1105 N. Linda Vista ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$231,547
2013 W. Flagstaff	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$221,429
2038 W. Corvina	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$217,159
2148 E. Delta	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$194,538
2202 E. Delta	SF	Owner	0	1	0	0	0	1	0	1	0	0	3br total cost \$168,494. Meets cost criteria for Low Income for 4-person household
2214 E. Delta	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$248,500
6258 W. Harold	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$231,697
1937 W. Flagstaff	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$218,160
1049 N. Woodland	5+	Renter	0	8	0	0	0	0	0	8	0	0	8-plex meets Low income housing per unit cost (\$755,000)and development density
1125 N. Woodland	5+	Renter	0	8	0	0	0	0	0	8	0	0	8-plex meets Low income housing per unit cost (\$755,000)and development density
2930 S. Edison Ct	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$165,761
2132 N. Silvergate Cl.	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$224,522
2181 N. Linwood	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$141,802
6250 W. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$210,755
6242 W. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$210,684
6236 W. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$229,345
6226 w. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$210,755
6216 W. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$231,697
6208 W. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$252,670
2927 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$195,243
2913 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$249,489
2203 N. Fairway	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$260,170

2214 N. Fairway Ct	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$260,170
2427 N. Shady Ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$223,545
2856 S. Bradley Ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$240,056
2904 S. Bradley	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$185,229
6248 W. Eflowin Ave	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$229,345
2855 S. Bradley Ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$185,113
2127 E. Delta Ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$185,127
2113 E. Delta	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$194,538
1417 N. Irma	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$185,127
1423 N Irma St	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$168,494
1435 N. Irma	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$185,127
1449 N. Irma	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$194,397
1511 N Irma	SF	Owner	0	1	0	0	0	0	0	1	0	0	3br Meets cost criteria (\$168,494) for 4-person household in Low income affordability category.
3740 W. Clinton Ave	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$259,343
3807 W. Clinton	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$235,011
3849 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$242,029
349 S. Holland Ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$183,889
352 S. Wild	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$183,889
3830 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$198,449
4303 W. Oriole Ct.	SF	Owner	0	0	1	0	0	1	0	1	0	0	5br \$281,824
4314 W. Oriole	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$228,554
3442 S. Villa	SF	Owner	1	0	0	0	0	0	0	1	0	0	3br, \$100,000 meets cost criteria for housing for 4-person household in VL income category
3446-3448 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	2	0	0	duplex with one 3br unit and one 2br

6259 W. Prospect	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$250,150
3815 W. Clinton	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$230,804
3816 W. Clinton	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$259,343
3828 W. Clinton	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$255,433
3902 W. Clinton	SF	Owner	0	0	1	0	0	1	0	1	0	0	4tr \$230,804
1127 N. Linda Vista Ct	SF	Owner	0	0	1	0	0	1	0	1	0	0	4tr \$236,025
3404 S. Villa	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$170,992
3406-3408 S. Villa	2 to 4	Owner	0	2	0	0	0	0	2	0	0	0	duplex density and cost (\$292,106-\$146,00/unit) meets Low income criteria for one 3-person and one 4-person households.
3916 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	4tr \$255,693
3910 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$224,661
4348 W. Oriole	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$199,710
2926 S. Bradley	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$240,068
2912 S. Bradley	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$198,789
2911 S. Bradley	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$240,068
2925 S. Bradley	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$240,068
3933 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$224,661
741 S. Belmont	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$223,904
3934 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$223,316
3911 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$223,316
733 S. Belmont	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$211,775
3919 E. College	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$211,775
3605 W. Ceres	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$241,110
2936 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$185,761
2941 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$222,812

6253 W. Prospect	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$210,684
6227 W. Prospect	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$183,557
3736 W. Ceres	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$241,110
2144 N. Fulgham	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$241,110
3922 W. Clinton	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$241,110
3931 W. Clinton	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$241,110
3735 W. Ceres	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$250,272
3910 W. Clinton	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$250,272
3936 W. Clinton	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$250,272
831 S. Belmont	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$255,273
933 s. belmont	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$255,904
3915 E Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$255,904
4001 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$255,904
4017 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$233,904
815 S. Belmont	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$233,316
4029 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$211,019
3929 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$211,775
2044 W. Corvina	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$195,242
3906 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$255,693
3901 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	4br \$255,963
2039 W. Flagstaff	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$230,141
4002 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$223,904
3909 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$224,661
825 S. Summit	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$223,316
4016 E. Cypress	SF	Owner	0	0	1	0	0	1	0	0	1	0	0	3br \$211,145

6341 W Prospect	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$193,375
6346 W. Prospect	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$193,081
1734 N. Mae Carden St	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$197,999
1100 N Vickie Ct	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$191,434
1100 N Linda Vista	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$191,434
2534 W. Allen	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				4br \$236,025
2447 W Allen	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				4br \$236,025
1806 W. Sedona	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$240,312
3116 Elm St	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$233,503
2938 S. Bradley	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				4br \$196,242
2933 S. Bradley	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$209,371
2939 S. Bradley Ct	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$240,068
4335 W. Oriole	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$216,432
4351 W. Oriole	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$216,138
839 S. Belmont	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$223,316
2126 E. Delta	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$207,2
1523 N. Irma	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$238,976
1121 E. Vine	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$184,138
1127 E. Vine Ct	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				4br \$174,682
2421-2443 N. Highland	5+	Rentler	36	0	0	0	0	0	0	0	36	0	0		Housing Investment Partnership Program	36	Partnership project with Self-Help Enterprises.
3734 W. Clinton	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$235,011
3741 W. Clinton Ave.	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				4br \$230,813
2435 N. Shady St	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				3br \$209,990
2436 N. Shady St.	SF	Owner	0	0	0	1	0	0	1	0	1	0	0				4br \$260,170

2940 S. Edison	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$239,466
2931 S. Edison	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$185,113
2937 S. Edison	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$249,365
6252 W. Harold Ave.	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$209,173
6217 W. Prospect	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$210,755
6300 W. Prospect	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$229,345
3500-3502 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Duplex, meets density and cost (\$110,000/unit) criteria for VL income for two 3 member households
3504-3506 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3522-3524 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3534-3536 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3530-3532 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3526-3528 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3346-3348 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3340-3342 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
3334-3336 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.

3330-3332 S. Villa	2 to 4	Owner	2	0	0	0	0	0	0	0	2	0	Meets density and cost (\$112,500/unit) criteria for VL income for two 3-member households.
2016 W. Corvina	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$183,933
2024 W. Corvina	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$217,159
6224 W. Harold	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$183,557
6214 W. Harold	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$231,714
6236 W. Harold Ave.	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$210,512
6312 W. Prospect	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$210,684
3205 W. Lark	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$250,493
3436 W. Lark	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$267,868
1113 N. Linda Viola	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$174,471
6536 W. Oriole Ct	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$265,448
6320 W. Prospect	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$210,937
6246 W. Harold Ave.	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$231,697
6352 W. Prospect	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$229,345
2308 N. Park	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$183,123
2011 E. Copper Ct	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$240,000
2003 E. Copper Ct	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$250,000
22028 E. Monte Verde	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$240,000
2025 E. Copper Ct	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$250,000
3938 W. Vine	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$259,343
3941 W. Vine	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$230,804
2833 S. Edison	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$195,229
2944 S. Bradley Ct.	SF	Owner	0	0	1	0	0	0	0	1	0	0	4br \$249,281
2945 S. Bradley Ct	SF	Owner	0	0	1	0	0	0	0	1	0	0	3br \$222,812

2007 W. Flagstaff	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3br \$220,428
2032 W. Corvina	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3br \$185,753
2002 W. Flagstaff	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3br \$218,160
1422 W. Crystal	SF	Owner	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	3br \$156,057
1744 Mae Carden	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$229,345
6206 W. Harold ct	SF	Owner	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	6br, meets cost criteria (\$282,580) for 7 member household
2609 N. Mendonca	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$250,493
2848 S. Bradley Ct.	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3br \$195,229
2842 S. Bradley Ct	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	\$185,113
2834 S. Bradley Ct.	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$185,113
2835 S. Bradley Ct	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	3br \$185,761
6200 W. Prospect Ave.	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$229,345
6235 W. Harold Ave.	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$231,697
2114 N. Fulgham	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$255,433
3726 W. Clinton	SF	Owner	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	4br \$230,804
1129 N. Woodland	5+	Renter	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	8-plex meets Low income housing per unit cost (\$755,000)and development density
1129 N. Woodland	5+	Renter	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	8-plex meets Low income housing per unit cost (\$755,000)and development density
1133 N. Woodland	5+	Renter	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	8-plex meets: Low income housing per unit cost (\$755,000)and development density
1041 N. Woodland	5+	Renter	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	8-plex meets Low income housing per unit cost (\$755,000)and development density
1045 N. Woodland	5+	Renter	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	8-plex meets Low income housing per unit cost (\$700,000)and development density

1109 N Ranch	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$231,547
2858 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$222,812
2857 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	\$239,575 4br
2613 W. Fairview	SU	Owner	0	1	0	0	0	0	0	1	0	0	1br SU \$70,000
3634 W. Harold	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$223,006
3009 W. Cecil	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$231,547
3919 W. Vine	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$230,804
3911 W. Vine	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$230,804
3905 W. Vine	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$239,343
3912 W. Vine	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$259,343
322-324 E Harter Ct.	2 to 4	Owner	2	0	0	0	0	0	0	2	0	0	2 one-bedroom units, meets density and cost (\$56,000 per unit) criteria for very low income housing for 2-person households
336-338 E. Harter	2 to 4	Owner	2	0	0	0	0	0	0	2	0	0	2 one-bedroom units, meets density and cost (\$56,000 per unit) criteria for very low income housing for 2-person households
400-402 E. Harter Ct.	2 to 4	Owner	2	0	0	0	0	0	0	2	0	0	2 one-bedroom units, meets density and cost (\$56,000 per unit) criteria for very low income housing for 2-person households
2539 W. Connelly	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$211,880
4008 S. Atwood	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$199,496
2905 S. Edison	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$195,279
2900 W. Corvina	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$183,793
1950 W. Corvina	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$214,695
2008 W. Corvina	SF	Owner	0	0	1	0	0	1	0	1	0	0	3br \$214,891
2547 W. Connelly	SF	Owner	0	0	1	0	0	1	0	1	0	0	4br \$231,547

1835 W. Flagstaff	SF	Owner	0	0	1	0	1	0	1	0		3br \$219,084	
2306 N. Fairway Ct.	SF	Owner	0	0	1	0	1	0	1	0		3br \$209,990	
3020 W. Vine	SF	Owner	0	0	1	0	1	0	1	0		4br \$255,433	
2232 N. Fairway Ct	SF	Owner	0	0	1	0	1	0	1	0		3br \$223,545	
226 N. Fairway Ct.	SF	Owner	0	0	1	0	1	0	1	0		3br \$209,990	
2225 N. Fairway Ct	SF	Owner	0	0	1	0	1	0	1	0		4br \$260,170	
3937 W. Vine	SF	Owner	0	0	1	0	1	0	1	0		4br \$230,813	
2914 S. Edison Ct	SF	Owner	0	0	1	0	1	0	1	0		3br \$185,761	
2133 N. Silvervale Ct	SF	Owner	0	0	1	0	1	0	1	0		4br \$224,522	
2223 N. Divisadero	SF	Owner	0	0	1	0	1	0	1	0		3br \$223,545	
(9) Total of Moderate and Above Moderate from Table A3					279	246							
(10) Total by Income Table A/A3			78	118	279	246							
(11) Total Extremely Low-Income Units*										5			

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §8202)

Jurisdiction VISALIA
Reporting Period 01/01/2016 - 12/31/2016

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				TOTAL UNITS	(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65503.1
	Extremely Low-Income*	Very Low-Income	Low-Income			
(1) Rehabilitation Activity	0	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	0	
(5) Total Units by Income	0	0	0	0	0	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction VISALIA
 Reporting Period 01/01/2016 - 12/31/2016

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
 (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of Infill units*
No. of Units Permitted for Moderate	0	0	0	0	0	0	0
No. of Units Permitted for Above Moderate	246	0	0	0	0	246	0

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction VISALIA
 Reporting Period 01/01/2016 - 12/31/2016

Table B
Regional Housing Needs Allocation Progress
 Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example. Income Level	RHNA Allocation by Income Level										Total Units to Date (all years)	Total Remaining RHNA by Income Level		
	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 0				
Very Low	Deed	9	36	0	0	0	0	0	0	0	0	0	87	0
	Restricted Non-	0	42	0	0	0	0	0	0	0	0	0		
Low	Deed	106	0	0	0	0	0	0	0	0	0	0	224	0
	Restricted Non-	0	118	0	0	0	0	0	0	0	0	0		
Moderate		132	279	0	0	0	0	0	0	0	0	0	411	0
Above Moderate		367	246	0	0	0	0	0	0	0	0	-	613	0
Total RHNA by COG. Enter allocation number:		614	721	0	0	0	0	0	0	0	0	0	1335	0
Total Units														
Remaining Need for RHNA Period														

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction VISALIA
 Reporting Period 01/01/2016 - 12/31/2016

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Objective	Timeframe in H.E.	Status of Program Implementation
2016 Housing Element Update	Adopt 5th Cycle Housing Element Update, Consistent with the Comprehensive General Plan Update of 2014, to incorporate the RHNA allocations assigned to the City in 2015, and to incorporate all new State mandates assigned to the City since the implementation of the 4th Cycle Housing Element.	2016-2023	Housing Element adopted by the City Council in September 2016, and certified by State HCD in October 2016. The HE Update contains 49 individual Programs to be implemented within one year of certification of the Housing Element, in accordance with State law, and for which implementation is in process.

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction VISALIA
Reporting Period 01/01/2016 - 12/31/2016

General Comments:

New Housing Affordability Calculations: Derived from the HSH Mortgage Calculator. Entries for each calculation are: \$10,000 down payment (translates to between 4.8% and 7.5% of all units meeting the Moderate to Very Low income categories), household debt assumed to be a uniform 10% of gross income, 4% interest on a 3-0-year term mortgage, Household income categories are based on the May 24, 2016 State Income Limits for 2016, for Tulare County, issued by State HCD.



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 27, 2017

PROJECT PLANNER: Brandon Smith, Senior Planner
Phone No.: 713-4636, Email: brandon.smith@visalia.city

SUBJECT: Variance No. 2017-01: A request by West End Partners, LLC to allow a variance to the minimum landscape setbacks in Design District 'A' associated with a new retail building with drive-through lane in the C-R (Regional Retail Commercial) Zone. The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Variance No. 2017-01 based upon the conditions and findings in Resolution No. 2017-04. Staff's recommendation is based on the required variance findings and the project's consistency with the policies and intent of the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Variance No. 2017-01, based on the findings and conditions in Resolution No. 2017-04.

PROJECT DESCRIPTION

The request by West End Partners, LLC is a variance to the 25-foot front and 5-foot side and rear landscape yard (setback) requirements for the redevelopment of a commercial site at the southeast corner of Mooney Boulevard and Walnut Avenue, illustrated in Exhibit "A".

The project site is currently developed with a 23,214 square foot commercial building vacant since 2016, previously occupied by retailer Weatherby's Furniture Guild. The developed site is nonconforming with respect to circulation, parking, and landscape setbacks, and the only landscaped setback existing on the site is a five-foot planter in the street side setback along Walnut Avenue. The existing building and improvements on the site will be removed to accommodate the site's redevelopment.

The applicants propose to develop the site with an 8,813 square foot building with a drive-through lane and parking lot. The building will be divided into three tenant spaces wherein two tenant spaces are planned for retail uses and one tenant space is planned for restaurant use. The site backs up on two sides to existing buildings so that cross-access is unattainable.

The proposed building meets the development standards for building setbacks in the C-R zone and Design District 'A'. The minimum building setback is 20 feet on the front (Mooney frontage) and 10 feet (in the Draft Zoning Ordinance) on the street side (Walnut frontage). The proposed building setback is between 25'-6" and 29'-6" on the front and is 40'-10" on the street side.

The landscape setback requirement for the Mooney side, shown at 12'-6", is not met due to the inclusion of the drive-through lane. The landscape setback on the side and rear is shown at 0' and at 3'-4" with some areas extended to accommodate tree planters. The side and rear setback areas are proposed to accommodate parking spaces and the required back-up areas for the parking stalls.

The applicants have prepared a response to the five required variance findings to support their request, included as Exhibit "B". The applicant's findings cite the existing built condition of the property, a nearby drive-through restaurant site developed with a lesser setback, and a lack of interior landscape setbacks on the adjacent shopping center property.

BACKGROUND INFORMATION

General Plan Land Use Designation	Commercial Regional
Zoning	Regional Commercial (C-R)
Surrounding Zoning and Land Use	North: C-SO (Shopping/Office Commercial) – Walnut Avenue, Flyers gas station, Smog Check center South: C-R – Back side of commercial shops in Park Place Promenade East: C-R – Back side of commercial shops in Park Place Promenade West: C-R – Mooney Boulevard, Union Bank, Blaze Pizza restaurant
Environmental Review	Categorical Exemption No. 2017-05
Design District	"A"
Site Plan Review	2016-131

RELATED PROJECTS

Variance No. 93-11 was approved by the Planning Commission on August 23, 1993, to allow a restaurant with drive-through lane (In-N-Out Burger) with landscape setbacks less than the Design District 'A' standard, located on the northwest corner of Mooney Boulevard and Walnut Avenue. The approved landscape setbacks were 31' (13' after right-of-way dedication) along Mooney Boulevard and 41' (18' after right-of-way dedication) along Walnut Avenue.

PROJECT EVALUATION

Staff supports the variance to reduce the front landscape yard from 20' to 12'-6" and the side and rear landscape yards from 5' to between 0 and 3'-4", based on the project's proposed findings (see Exhibit "B") and the compromise of adding a landscaped setback to a developed site where there is currently no landscaping.

Site Reconfiguration

The property has been developed for many years with a retail store for home furnishing sales. The site's existing parking configuration is nonconforming since the parking lot and paving extend into the landscape setback area and to the perimeter of the property. The site is also nonconforming with regards to current parking lot design & improvement standards required by the Building and Engineering divisions. These substandard conditions include back-out areas that encroach on to the access driveway and that back out into opposing on-site circulation.

The site's redevelopment will include the construction of a new parking lot that conforms to building and engineering standards. All back-up and maneuvering areas will be on-site. The



*Aerial photo with site plan imposed on site
Not to scale.*

proposed drive-through lane will also meet the City's performance standard of fitting ten vehicles entirely within the queuing lane.

Landscape setbacks are included on all street frontages and on one interior side. No landscaping is being added to the south-facing side yard. A primary reason for the reduced landscaping is to accommodate the required parking and maneuverability in the limited amount of space available.

Landscape Setback Development Standards

The currently applicable development standards to the site are the Design District ‘A’ standards. The Draft Zoning Ordinance Update will substitute design district-based standards for zone-based standards and will reduce some of the minimum standards. Application of either set of development standards to the project will still require a variance. The two sets of development standards and the proposed landscape setbacks are summarized as follows:

	<u>Current Ordinance</u> <u>(Design District ‘A’)</u>	<u>Draft Ordinance</u> <u>(C-R Zone)</u>	<u>Proposed</u>
➤ Front (Mooney Boulevard)	25 Feet	20 Feet	12 Feet 6 Inches
➤ Street side (Walnut Avenue)	25 Feet	10 Feet	22 Feet 10 Inches
➤ Side (South side)	5 Feet	5 Feet	0 Feet
➤ Rear (East side)	5 Feet	5 Feet	3 Feet 4 Inches

Off-street Parking Facilities

The Site Plan Review Committee determined that the proposed commercial building will require 44 parking stalls based on the proposed tenant uses. The following table delineates the land use, floor area, and required parking for each tenant space:

<u>Space</u>	<u>Land Use</u>	<u>Floor Area</u>	<u>Parking Ratio</u>	<u>Required Stalls</u>
Tenant ‘A’	Restaurant with drive-thru	2,240 sq. ft.	1 space / 100 sq. ft.	22
Tenant ‘B’	Retail	2,450 sq. ft.	1 space / 300 sq. ft.	8
Tenant ‘C’	Retail	4,123 sq. ft.	1 space / 300 sq. ft.	14
Total		8,813 sq. ft.	1 space / 200 sq. ft.	44

The parking provided with the site redevelopment is 36 parking spaces, which is eight stalls short of the minimum requirement. The provided parking does not include the drive-through lane’s ten vehicle stacking measured from pick-up window to the lane entrance.

The applicant has submitted an administrative adjustment application to allow for a minor adjustment to the required development standard for parking stall count. This request would be for an 18% deviation to the parking requirement.

The City Planner has the authorization to approve, conditionally approve, or deny administrative adjustments based on the meeting of certain criteria. The decision on this administrative adjustment application is on hold pending the outcome of the proposed variance.

Staff has reviewed the proposed development’s on-site parking and circulation and deems that the site would not be able to accommodate all required parking stalls even if the site were to incorporate the minimum landscape setbacks. Meeting the full parking requirement would require reconfiguring the parking field or reducing the building’s floor area.

Required Variance Findings

The Planning Commission is required to make five findings before a variance can be granted. The applicant has provided response to the variance findings and staff has included the analysis for each finding below. The applicant’s responses to the variance findings are also included in Exhibit “B”.

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

Applicant’s Findings: The objectives of the zoning ordinance are to provide a landscape buffer between the public way and the nearest paved area. The existing built condition has a paved parking and vehicular circulation area between the public way and the existing building, with no

landscape area provided. It would be an unnecessary hardship due to the previous expansion of South Mooney by CalTrans which has limited the existing site area available. The elimination of the side and rear landscape setback would be consistent with what was allowed for the adjacent shopping center at the east and south property lines.

Analysis: Concur with applicant. The Zoning Ordinance requires a suitable landscape setback to be provided from public right-of-way and a minor landscape setback from interior property lines. The site has almost equal frontages along Mooney and Walnut, but due to the Zoning Ordinance definition of a corner lot, a greater setback is applied on the Mooney frontage than the Walnut frontage. The proposed development does apply a suitable setback on both street frontages – more than what currently exists – but by definition the Mooney setback must be larger. The Zoning Ordinance may therefore result in an unnecessary hardship of a greater setback on Mooney even though the front landscape setback is being met on Walnut. Additionally, a five-foot setback is already applied along interior property lines by neighboring properties.

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

Applicant's Findings: This is an existing non-conforming site that is land-locked due to previous development to the east and south, and the previous expansion of South Mooney by CalTrans which has limited the area available. In addition, the existing shopping center to the east and south was not required to provide the landscape setbacks.

Analysis: Concur with applicant. The landlocked condition of the parcel does pose some difficulty in the site's ability to meet current standards. For example, current CalTrans and City standards require a minimum 200-foot driveway separation from street corners. Although the site is not large enough to achieve this separation, minimizing the side and rear setbacks help to maximize the driveways' separation from the corner. The Mooney Boulevard widening project undertaken by CalTrans and the Mooney-Walnut intersection improvements undertaken by the City in the late 2000s have also further reduced the land available on the site.

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

Applicant's Findings: The In-N-Out property to the northwest currently enjoys a landscape setback at their drive thru lane that is less than the required for the zone along South Mooney Boulevard. In addition, the shopping center that borders the property on the east and south was not required to provide landscaping along those common property lines.

Analysis: Concur with applicant. The Planning Commission has previously approved a setback to landscape standards on the In-N-Out Burger property on the northwest corner of the intersection (see related projects). The adjacent shopping center on the east and south has provided a minimum five-foot separation from the property, however this area has been filled in with concrete sidewalks and therefore lacks landscaping.

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

Applicant's Findings: The granting of the variance will allow the property to conform more closely to the intent and objectives of the zoning ordinance and does not provide any privilege beyond that currently enjoyed by other similar and adjacent properties.

Analysis: Concur with applicant. All other properties located at the intersection of Mooney and Walnut (Union Bank, In-N-Out Burger, and Flyers) have reduced or no landscape setbacks along their street frontages. Thus, the variance will not constitute a grant of special privilege compared to other properties in the same zone and will result in landscape setbacks that are still greater than 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.

Applicant's Findings: The granting of the variance will provide more protection of the public by re-orienting the entries to the south and east sides of the building and will provide compliant accessible paths from the public way to the new building entries. Granting of the elimination of landscape setbacks on the side and rear will provide for greater visibility to the adjacent property that currently exists for public safety.

Analysis: Concur with applicant. The variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity as the variance will still provide adequate visibility for vehicles and pedestrians approaching the intersection. Even with the proposed variance, the proposed setbacks will be greater than what exists on the site today.

Environmental Review

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. 2016-46).

RECOMMENDED FINDINGS

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

The Zoning Ordinance requires a suitable landscape setback to be provided from public right-of-way and a minor landscape setback from interior property lines. The site has almost equal frontages along Mooney and Walnut, but due to the Zoning Ordinance definition of a corner lot, a greater setback is applied on the Mooney frontage than the Walnut frontage. The proposed development does apply a suitable setback on both street frontages – more than what currently exists – but by definition the Mooney setback must be larger. The Zoning Ordinance may therefore result in an unnecessary hardship of a greater setback on Mooney even though the front landscape setback is being met on Walnut. Additionally, a five-foot setback is already applied along interior property lines by neighboring properties.

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 landlocked condition of the parcel does pose some difficulty in the site's ability to meet current standards. For example, current CalTrans and City standards require a minimum 200-foot driveway separation from street corners. Although the site is not large enough to achieve this separation, minimizing the side and rear setbacks help to maximize the driveways' separation from the corner. The Mooney Boulevard widening project undertaken by CalTrans

and the Mooney-Walnut intersection improvements undertaken by the City in the late 2000s have also further reduced the land available on the site.

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;

The Planning Commission has previously approved a setback to landscape standards on the In-N-Out Burger property on the northwest corner of the intersection (see related projects). The adjacent shopping center on the east and south has provided a minimum five-foot separation from the property, however this area has been filled in with concrete sidewalks and therefore lacks landscaping.

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;

The granting of the variance will allow the property to conform more closely to the intent and objectives of the zoning ordinance and does not provide any privilege beyond that currently enjoyed by other similar and adjacent properties.

All other properties located at the intersection of Mooney and Walnut (Union Bank, In-N-Out Burger, and Flyers) have reduced or no landscape setbacks along their street frontages. Thus, the variance will not constitute a grant of special privilege compared to other properties in the same zone and will result in landscape setbacks that are still greater than 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.

The variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity as the variance will still provide adequate visibility for vehicles and pedestrians approaching the intersection. Even with the proposed variance, the proposed setbacks will be greater than what exists on the site today.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2016-46).

RECOMMENDED CONDITIONS OF APPROVAL

1. That Variance No. 2017-01 shall be developed consistent with the site plan included as Exhibit "A".
2. That the comments of Site Plan Review Item No. 2016-131 shall apply.
3. That the site plan and building configuration as shown in Exhibit "A" requires and shall obtain a separate administrative adjustment or variance to comply with minimum on-site parking requirements.
4. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.
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. 2017-01, prior to the issuance of a building permit.

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. 2017-04
- Exhibit "A" – Site Plan
- Exhibit "B" – Variance Findings Prepared by Applicant
- Site Plan Review Item No. 2016-131 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Sketch

RELATED PLANS AND POLICIES

Zoning Ordinance DEVELOPMENT STANDARDS

Current Zoning Ordinance: Section 17.30.160: Design District A

Draft Zoning Ordinance Update: Section 17.18.070: C-R zone

Minimum Site Area: 5 acres

Maximum Building Height: 50 Feet

<u>Minimum Setbacks:</u>	<u>Building Setbacks</u>		<u>Landscape Setbacks</u>	
	<u>Current Ord.</u>	<u>Draft Ord.</u>	<u>Current Ord.</u>	<u>Draft Ord.</u>
➤ Front	20 Feet	20 Feet	25 Feet	20 Feet
➤ Street side on corner lot	20 Feet	10 Feet	25 Feet	10 Feet
➤ Side	0 Feet	0 Feet	5 Feet	5 Feet
➤ Rear	0 Feet	0 Feet	5 Feet	5 Feet

Zoning Ordinance Chapter 17.42 VARIANCES AND EXCEPTIONS

17.42.010 Variance purposes.

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

17.42.020 Exception purposes.

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

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

17.42.030 Variance powers of city planning commission.

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

17.42.040 Exception powers of city planning commission.

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

- A. Second dwelling units, pursuant to Sections 17.12.140 through 17.12.200;
- B. Downtown building design criteria, pursuant to Section 17.58.090;
- C. Fences, walls and hedges; and

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

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

17.42.050 Application procedures.

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

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

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

17.42.060 Hearing and notice.

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

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing. (Prior code § 7560)

17.42.070 Investigation and report.

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

17.42.080 Public hearing procedure.

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

17.42.090 Variance action of the city planning commission.

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

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

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

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

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

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

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

17.42.100 Exception action of the city planning commission.

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

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

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

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

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

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

17.42.110 Appeal to city council.

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

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

17.42.120 Action of city council.

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

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

17.42.130 Lapse of variance.

A variance shall lapse and become void one year following the date on which the variance became effective, unless prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued by the building official for the site or structure which was the subject of the variance application. A variance may be renewed for an additional period of one year; provided,

that prior to the expiration of one year from the date when the variance became effective, an application for renewal of the variance is made to the commission. The commission may grant or deny an application for renewal of a variance. (Prior code § 7567)

17.42.140 Revocation.

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

17.42.150 New application.

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

RESOLUTION NO. 2017-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2017-01, A REQUEST BY WEST END PARTNERS, LLC TO ALLOW A VARIANCE TO THE MINIMUM LANDSCAPE SETBACKS IN DESIGN DISTRICT 'A' ASSOCIATED WITH A NEW RETAIL BUILDING WITH DRIVE-THROUGH LANE IN THE C-R (REGIONAL RETAIL COMMERCIAL) ZONE. THE SITE IS LOCATED AT 2032 S. MOONEY BOULEVARD, ON THE SOUTHEAST CORNER OF MOONEY BOULEVARD AND WALNUT AVENUE. (APN: 122-040-052).

WHEREAS, Variance No. 2017-01 is a request by West End Partners, LLC to allow a variance to the minimum landscape setbacks in Design District 'A' associated with a new retail building with drive-through lane in the C-R (Regional Retail Commercial) Zone. The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052); and

WHEREAS, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on February 27, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2017-01, as conditioned by staff, to be in accordance with Chapter 17.42 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 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 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 Zoning Ordinance requires a suitable landscape setback to be provided from public right-of-way and a minor landscape setback from interior property lines. The site has almost equal frontages along Mooney and Walnut, but due to the Zoning Ordinance definition of a corner lot, a greater setback is applied on the Mooney frontage than the Walnut frontage. The proposed development does apply a suitable setback on both street frontages – more than what currently exists – but by definition the Mooney setback must be larger. The Zoning Ordinance may therefore result in an unnecessary hardship of a greater setback on Mooney even though the front landscape setback is

being met on Walnut. Additionally, a five-foot setback is already applied along interior property lines by neighboring properties.

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 landlocked condition of the parcel does pose some difficulty in the site's ability to meet current standards. For example, current CalTrans and City standards require a minimum 200-foot driveway separation from street corners. Although the site is not large enough to achieve this separation, minimizing the side and rear setbacks help to maximize the driveways' separation from the corner. The Mooney Boulevard widening project undertaken by CalTrans and the Mooney-Walnut intersection improvements undertaken by the City in the late 2000s have also further reduced the land available on the site.

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.

The Planning Commission has previously approved a setback to landscape standards on the In-N-Out Burger property on the northwest corner of the intersection (see related projects). The adjacent shopping center on the east and south has provided a minimum five-foot separation from the property, however this area has been filled in with concrete sidewalks and therefore lacks landscaping.

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.

The granting of the variance will allow the property to conform more closely to the intent and objectives of the zoning ordinance and does not provide any privilege beyond that currently enjoyed by other similar and adjacent properties.

All other properties located at the intersection of Mooney and Walnut (Union Bank, In-N-Out Burger, and Flyers) have reduced or no landscape setbacks along their street frontages. Thus, the variance will not constitute a grant of special privilege compared to other properties in the same zone and will result in landscape setbacks that are still greater than 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.

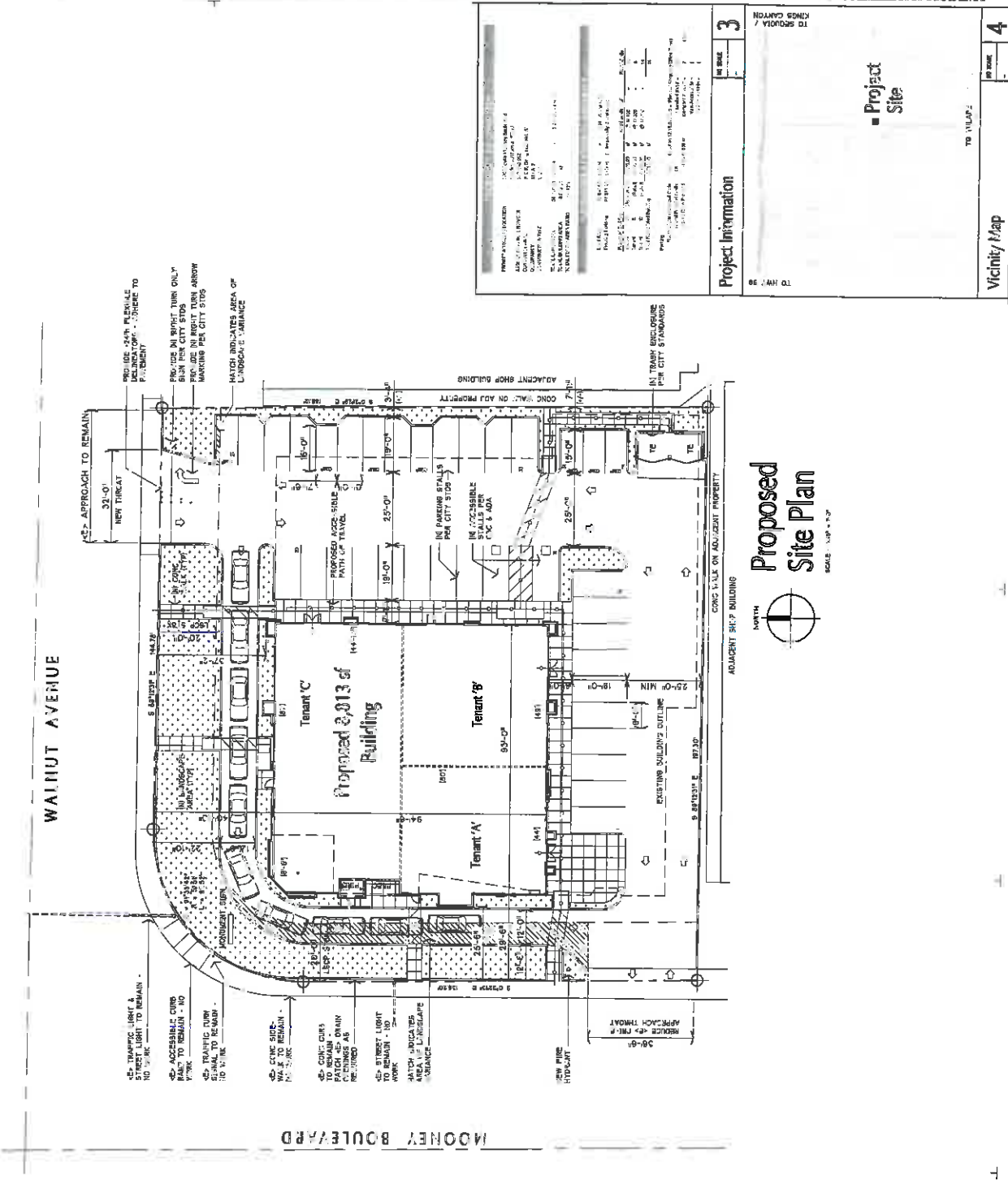
The variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity as the variance will still provide adequate visibility for vehicles and pedestrians approaching the intersection. Even with the proposed variance, the proposed setbacks will be greater than what exists on the site today.

6. That the project is considered Categorical Exempt under Section 15305 of the Guidelines for Implementation of CEQA (Categorical Exemption No. 2016-46).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves Variance No. 2017-01, as conditioned, on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.42.090 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That Variance No. 2017-01 shall be developed consistent with the site plan included as Exhibit "A".
2. That the comments of Site Plan Review Item No. 2016-131 shall apply.
3. That the site plan and building configuration as shown in Exhibit "A" requires and shall obtain a separate administrative adjustment or variance to comply with minimum on-site parking requirements.
4. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.
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. 2017-01, prior to the issuance of a building permit.

Exhibit "A"



PROPOSED RENOVATION
OROSCO
10 Harris Court, Ste B-1
Monterey, California 93940
Tel: 831.648.0220



A1.1
A Proposed Remodel of an Existing Retail Building
2032 South Mooney Boulevard
Visalia, California 93277
APN: 122-040-052
August 11, 2012, JLB
Sheet 3 of 3
AS NOTED
AS NOTED

TO WALNUT AVENUE
TO HWY 99
TO HIGHWAY 99
TO HIGHWAY 99
TO HIGHWAY 99

2032 SOUTH MOONEY BLVD, VISALIA, CA

VARIANCE FINDINGS:

The applicant is requesting a variance from the required 20'-0" landscaping setback along South Mooney Boulevard, a small area at the parking field along West Walnut Avenue and elimination of the side and rear landscape setbacks per existing Code Standard 17.30.160.

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.*
 - a. The objectives of the zoning ordinance are to provide a landscape buffer between the public way and the nearest paved area. The existing built condition has a paved parking and vehicular circulation area between the public way and the existing building, with no landscape area provided. It would be an unnecessary hardship due to the previous expansion of South Mooney by CalTrans which has limited the existing site area available. The elimination of the side and rear landscape setback would be consistent with what was allowed for the adjacent shopping center at the east and south property lines.
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.*
 - a. This is an existing non-conforming site that is land-locked due to previous development to the east and south, and the previous expansion of South Mooney by CalTrans which has limited the area available. In addition, the existing shopping center to the east and south was not required to provide the landscape setbacks.
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.*
 - a. The In-N-Out property to the northwest currently enjoys a landscape setback at their drive thru lane that is less than that required for the zone along South Mooney Boulevard. In addition, the shopping center that borders the property on the east and south was not required to provide landscaping along those common property lines.
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.*
 - a. The granting of the variance will allow the property to conform more closely to the intent and objectives of the zoning ordinance and does not provide any privilege beyond that currently enjoyed by other similar and adjacent properties.
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.*
 - a. The granting of the variance will provide more protection of the public by re-orienting the entries to the south and east sides of the building and will provide compliant accessible paths from the public way to the new building entries. Granting of the elimination of landscape setbacks on the side and rear will provide for greater visibility to the adjacent property than currently exists for public safety.

Exhibit "B"



MEETING DATE November 09, 2016
SITE PLAN NO. 16-131
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 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 checked="" type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> PARK/RECREATION |
| <input checked="" type="checkbox"/> VARIANCE | |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER - |

ADDITIONAL COMMENTS:

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.2
Site Plan Review Committee



RECYCLED PAPER

QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS

ITEM NO: 4 DATE: November 09, 2016
SITE PLAN NO: SPR16131 **RESUBMIT**
PROJECT TITLE: WEST END PARTNERS LLC -RETAIL SHELL
DESCRIPTION: REHABILITATION OF THE EXISTING STRUCTURE TO
 ACCOMMODATE MULTIPLE TENANTS AND
 RESTAURANT (CR) (X) (A)
APPLICANT: WEST END PARTNERS, LLC
PROP OWNER: HAZEN JOANNE (TR)
LOCATION: 2032 S MOONEY BLVD
APN(S): 122-040-052

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

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION FOR TENANT A RESTAURANT
- SAND AND GREASE INTERCEPTOR - 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL FOR TENANT A RESTAURANT
- GARBAGE GRINDER - 3/4 HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED - NO COMMENTS

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

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

Jan Kim
AUTHORIZED SIGNATURE
11-4-16
DATE



CITY OF VISALIA
NONSIGNIFICANT WASTEWATER
DISCHARGE PERMIT APPLICATION

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

PLEASE PRINT OR TYPE

APPLICANT BUSINESS NAME: _____ PHONE: _____

BUSINESS ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

BUSINESS OWNER: _____ PHONE: _____

MAILING ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____

CONTACT PERSON: _____ TITLE: _____

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

NO. OF EMPLOYEES: _____ HOURS OPEN: _____ AM/PM TO _____ AM/PM

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

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

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

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

Signature Date

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

CITY OF VISALIA
ORDINANCE 13.08

13.08.570 Traps required.

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

13.08.580 Construction of traps.

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

13.08.590 Maintenance of traps.

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



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

ITEM NO: 4

SITE PLAN NO:
PROJECT TITLE:
DESCRIPTION:

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

DATE: November 09, 2016

RESUBMIT
SPR16131
WEST END PARTNERS LLC -RETAIL SHELL
REHABILITATION OF THE EXISTING STRUCTURE TO
ACCOMMODATE MULTIPLE TENANTS AND
RESTAURANT (CR) (X) (A)
WEST END PARTNERS, LLC
HAZEN JOANNE (TR)
2032 S MOONEY BLVD
122-040-052

The following comments are applicable when checked:

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

General:

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

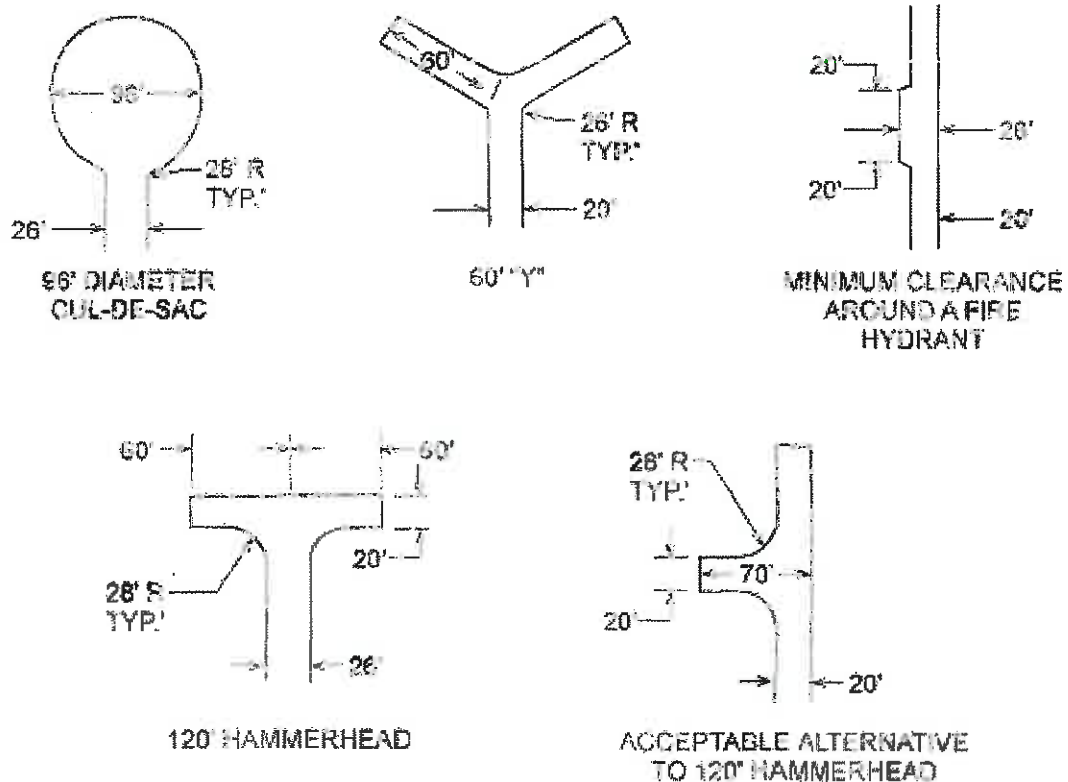
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2013 CFC 304.3.3*
- If your business handles hazardous material in amounts that exceed the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

Water Supply:

- Construction and demolition sites shall have an approved water supply for fire protection, either temporary or permanent, and shall be made available as soon as combustible material arrives on the site. *2013 CFC 3312*
- No additional fire hydrants are required for this project; however, additional fire hydrants may be required for any future development.
- There is/are 1 fire hydrants required for this project. (See marked plans for fire hydrant locations.)
- Fire hydrant spacing shall comply with the following requirements:
The exact location of fire hydrants and final decision as to the number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120 & 16.36.120(8)*
 - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Commercial or industrial developments shall be provided with fire hydrants every three hundred (300) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Commercial or industrial developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every five hundred (500) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
- When any portion of a building is in excess of one hundred fifty (150) feet from a water supply on a public street there shall be provided on site fire hydrants and water mains capable of supplying the required fire flow. *Visalia Municipal Code 16.36.120(6)*

Emergency Access:

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



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

Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2013 CFC D103.5

- Typical chain and lock shall be the type that can be cut with a common bolt cutter, or the developer may opt to provide a Knox Box key lock system.
- Gates shall be of the swinging or sliding type.
- Gates shall allow manual operation by one person. (power outages)
- Gates shall be maintained in an operative condition at all times.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved application that can be found at Fire Administration Office located at 707 W. Acequia Ave. Please allow adequate time for shipping and installation.)

In any and all new One- or two-family dwellings residential developments regardless of the number of units, street width shall be a minimum of 36 feet from curb to curb to allow fire department access and to permit parking on both sides of the street. A minimum of 20 feet shall be provided for developments that don't allow parking on the streets. *2013 CFC D107.2*

Fire Protection Systems:

An automatic fire sprinkler system will be required for this building. Also a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). *2013 CFC 903 and Visalia Municipal Code 16.36.120(7)*

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

Special Comments:



Kurtis A. Brown
Fire Marshal

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: November 09, 2016

SITE PLAN NO: 2016-131 RESUBMITTAL
PROJECT TITLE: WEST END PARTNERS LLC -RETAIL SHELL BUILDING
DESCRIPTION: REHABILITATION OF THE EXISTING STRUCTURE TO ACCOMMODATE MULTIPLE TENANTS AND RESTAURANT (CR) (X) (A)
APPLICANT: WEST END PARTNERS, LLC
PROP. OWNER: HAZEN JOANNE (TR)
LOCATION TITLE: 2032 S MOONEY BLVD
APN TITLE: 122-040-052
GENERAL PLAN: Regional Commercial
EXISTING ZONING: C-R – Regional Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Variance to Landscape Setbacks
- Administrative Adjustment for parking reduction
- Building Permits
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: 11/09/2016

1. Include "Chevron" landscape pop-outs to offset the 80-ft. landscape island requirement for the parking stalls located along the east property line.
2. The drive-thru complies with the Drive-thru Performance Standards.
3. Comply with Engineering Division's design requirement for the drive thru lane opening and the right turn only restrictions for the Walnut Ave. drive-approach.
4. Comply with the Sign Ordinance for signage requirements for this site.

PROJECT SPECIFIC INFORMATION: 09/21/2016

1. The existing Whetherby's site is considered non-conforming to landscaping and parking. The City Planner has determined that the reuse of the site, including removal of more than 50% of the existing building requires the site to comply with the current development standards.
2. A variance to the required 20-foot landscape planter along Mooney Blvd. is required. The site plan depicts a 12-foot landscape planter. A variance is not required if the site installs the 20-foot landscape planter.
3. Redesign the drive approach on Walnut Avenue to facilitate only "Right In" and "Right Out" for vehicular turn movements from the site onto Walnut Avenue. This will preclude vehicles in the westbound turn lane in Walnut Avenue from entering the site.
4. An Administrative Adjustment is required for the 20% parking reduction requested based on the site plan exhibit dated September 21, 2016. Reduction to parking limits future uses on the site. Any further reduction to required parking will require a variance.
5. Redesign trash enclosure to meet Solid Waste Division's comments.
6. Comply with the Drive-thru Performance Standards (see below).

- 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

Drive-thru Performance Standards (Section 17.32.162)

A. **Purpose and Intent:** It is the purpose of this section to specify performance standards applicable to uses that seek to incorporate a drive-thru lane in associate with specified use. This section does not apply to carwashes and lube and oil changing stations.

B. Performance Standards:

1. **Separation from residences:** The drive-thru lane shall be no less than 250 feet from the nearest residence or residentially zoned property.
2. **Stacking:** The drive-thru lane shall contain no less than ten vehicle stacking, measured from the pickup window to the designated entrance to the drive-thru lane. There shall be no less than three vehicles spaces distance from the order menu/speaker (or like device) to the designated entrance to the order window.
3. **Circulation:** No portion of the drive-thru lane shall obstruct any drive aisles or required on-site parking. The drive thru shall not take ingress or egress from a local residential road.
4. **Noise:** no component or aspect of the drive-thru lane or its operation shall generate noise levels in excess of 60db between the hours of 7:00 p.m. and 6:00 a.m. daily.
5. **Screening:** The entire drive-thru lane shall be screened from adjacent street and residential view to a height of three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the City Planner.
6. **Menu boards and signage:** Shall be oriented or screened to avoid direct visibility from adjacent public streets.

Parking:

1. Provide parking for the restaurant use at one space per 100 square feet of building area and one space per 300 square feet of building area for the retail uses (see Zoning Ordinance Section 17.34.020).
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot (Zoning Ordinance Section 17.34.030.I).
3. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).
5. It is highly recommended that bicycle rack(s) be provided on site plan.

6. No parking shall be permitted in a required front/rear/side yard (Zoning Ordinance Section 17.34.030.F).
7. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street.
8. Provide off-street loading facility (Zoning Ordinance Section 17.34.070 & 17.34.080).

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
3. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
4. Outdoor retail sales prohibited.

Landscaping:

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELO standards is required indicating that the landscaping has been installed to MWELO standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.130.C).
3. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
4. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
5. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
6. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
7. 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. 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 

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

COMMERCIAL BIN SERVICE

16-131

2032 s moony

No comments.

Same comments 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)
with no less than 38' clear space in front of the bin, included the front concrete pad.

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.

X

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

COMMENTS

Project looks good with refuse enclosure set up for a direct slab.

Javier Hernandez, Solid Waste Front Load Supervisor 713-4338
Earl Nielsen, Solid Waste Manager

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

November 9, 2016

ITEM NO: 4	RESUBMITL
SITE PLAN NO:	SPR18131
PROJECT TITLE:	WEST END PARTNERS LLC -RETAIL SHELL BUILDING
DESCRIPTION:	REHABILITATION OF THE EXISTING STRUCTURE TO ACCOMMODATE MULTIPLE TENANTS AND RESTAURANT (CR) (X) (A)
APPLICANT:	WEST END PARTNERS, LLC
PROP. OWNER:	HAZEN JOANNE (TR)
LOCATION:	2032 S MOONEY BLVD
APNS):	122-040-052

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 *driveway exit* Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required.
 - Provide more traffic information such as number of trips generated by change in use. Depending on development size, characteristics, etc., a TIA may be required.

Additional Comments:

- Revise driveway off Walnut and access to drive thru as marked on plan. Drive thru aisle may only be accessed from the South. Driveway off Walnut shall be right in and right out only. These revisions will prevent drive thru traffic from backing up onto Walnut Ave and allow for stacking of vehicles thru parking lot.



Leslie Blair

City of Visalia
Building: Site Plan
Review Comments

ITEM NO: **4** DATE: **November 09, 2016**
SITE PLAN NO: SPR16131 **RESUBMIT**
PROJECT TITLE: WEST END PARTNERS LLC -RETAIL SHELL
DESCRIPTION: REHABILITATION OF THE EXISTING STRUCTURE TO ACCOMMODATE MULTIPLE TENANTS AND RESTAURANT (CR) (X) (A)
APPLICANT: WEST END PARTNERS, LLC
PROP OWNER: HAZEN JOANNE (TR)
LOCATION: 2032 S MOONEY BLVD
APN(S): 122-010-052

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 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 \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.56 per square foot. Residential \$3.75 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: **MEET THE MWELO REQUIREMENT FOR LEAKCHECKING. PROVIDE EXIT DISCHARGE FROM ALL EXTERIOR EXIT DOORS.**

 Date: **11/9/16**
Signature

**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 4 DATE: NOVEMBER 9, 2016

SITE PLAN NO.: 16-131 RESUBMITTAL
PROJECT TITLE: WEST END PARTNERS LLC - RETAIL SHELL BUILDING
DESCRIPTION: REHABILITATION OF THE EXISTING STRUCTURE TO ACCOMMODATE MULTIPLE TENANTS AND RESTAURANT (CR) (X) (A)
APPLICANT: WEST END PARTNERS LLC
PROP OWNER: HAZEN JOANNE (TR)
LOCATION: 2032 S MOONEY BLVD
APN: 122-040-052

SITE PLAN REVIEW COMMENTS

REQUIREMENTS (indicated by checked boxes)

- Install curb return with ramp, with radius; **TBD - REFER TO CALTRANS REQUIREMENTS**
- Install curb; gutter
- Drive approach size: Use radius return; **REFER TO CALTRANS STDS AND REQUIREMENTS**
- Sidewalk: width; parkway width at **TBD - REFER TO CALTRANS REQUIREMENTS**
- 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 ALL WORK WITHIN WALNUT AVE 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; **FOR ALL WORK WITHIN MOONEY BLVD RIGHT-OF-WAY**
- 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. Proposed new shell building will incur impact fees associated with the type of tenant improvements. Credit from the demo of existing retail building will be applied towards fee assessments.**
- 2. Proposed development is subject to Caltrans conditions of approval. Refer to Caltrans comments, revise accordingly.**
- 3. Comply with City parking lot standards and site accessibility.**
- 4. Proposed refuse enclosure location is adequate. Refuse enclosure shall meet City standard 24' enclosure with concrete apron and gates.**
- 5. Additional design work is necessary at the drive through entrance for a more directional and controlled entry of vehicles. Entry shall be controlled from south of parking lot only, allowing the Walnut Ave. driveway access to function properly.**
- 6. The driveway on Walnut will be restricted to right in/out movements. Additional delineators (yellow reflective flex posts) shall be used with proper signage and striping.**
- 7. Project shall properly size sewer lateral and connection for proposed uses.**
- 8. All backflow preventers or other private apparatus shall be installed on private property and not within public right-of-way.**
- 9. Storm drain run-off will need to be directed to City storm drain system in Walnut Ave. Additional requirement may be necessary for run-off onto Caltrans right-of-way.**

10. Site improvement and building permits required. Standard plan check and inspection fees will apply.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **16-131 RESUBMITTAL**

Date: **11/9/2016**

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: **10/1/2016**)

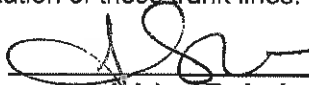
(Project type for fee rates: **RETAIL/RESTAURANT**)

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 checked="" type="checkbox"/> Trunk Line Capacity Fee	FAST FOOD \$4,300/EACH RESTAURANT \$62/SEAT TREATMENT PLANT FEES: FAST FOOD \$18,859/EACH RESTAURANT \$276/SEAT
<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	

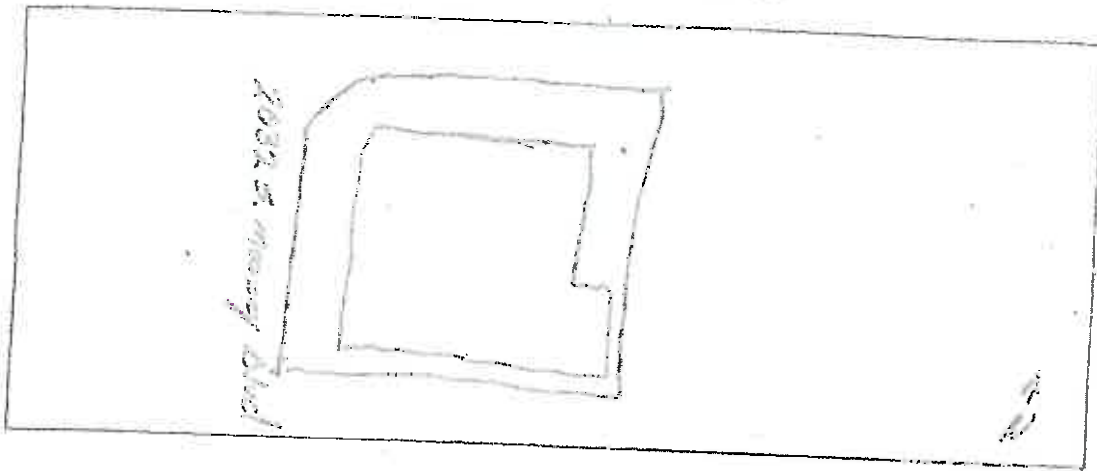
Reimbursement:

- 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



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
Joel Hooyer
Parks and Urban Forestry Supervisor
559 713-4295 Fax 559 713-4810

Email: jhooyer@ci.visalia.ca.us

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

ITEM NO: 4 DATE: November 09, 2016
SITE PLAN NO: SPR16131 **RESUBMIT**
PROJECT TITLE: WEST END PARTNERS LLC -RETAIL SHELL
DESCRIPTION: REHABILITATION OF THE EXISTING STRUCTURE TO
 ACCOMMODATE MULTIPLE TENANTS AND
 RESTAURANT (CR) (X) (A)
APPLICANT: WEST END PARTNERS, LLC
PROP OWNER: HAZEN JOANNE (TR)
LOCATION: 2032 S MOONEY BLVD
APN(S): 122-040-052

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:
 1166

Visalia Police Department

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE

P.O. BOX 12616

FRESNO, CA 93778-2616

PHONE (559) 445-5868

FAX (559) 488-4088

TTY 711

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October 20, 2016

06-TUL-63-6.99

2135-IGR/CEQA

SPR 16131

WEST END PARTNERS

AGENDA 9/21/2016

Ms. Susan Currier, Planning Assistant
City of Visalia – Community Development – Site Plan Review
315 East Acequia Avenue
Visalia, CA 93291

Dear Ms. Currier:

Thank you for the opportunity to review Site Plan Review 16131 (West End Partners) proposing to modify an existing building to accommodate multiple tenants and a restaurant located on the southeast corner of State Route (63) and Walnut Avenue in the City of Visalia. Caltrans has the following comments:

The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development - Intergovernmental Review (LD-IGR) Program reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

- Based on the preliminary site plan, Caltrans would like to request that a minimum of 6 parking stalls shown on the south side of the proposed building be removed to avoid the possible queuing at the driveway on SR 63.
- Sidewalks within the State facility should be 10 feet wide as specified by Topic 105.2 of the Caltrans Highway Design Manual (HDM).
- Existing or proposed curb, gutter, sidewalk, and access ramp rehabilitation shall be required to comply with current ADA requirements or other applicable State or Federal law. Existing concrete sidewalk that is damaged or broken (cracked) may need to be rehabilitated.
- Driveway access within the State facility shall be constructed per State standards.

Ms. Susan Currier

October 20, 2016

Page 2 of 2

- The sidewalk and any landscaping shall be maintained per a "District 6" approved maintenance agreement.
- The applicant will need to submit any pedestrian improvements proposed in the state right-of-way to the Division of State Architect (DSA) for certification. The encroachment permit authorizing the work will not be issued until the pedestrian improvements in the State right of way are certified by the DSA. The applicant needs to contact Saher Yassa at (916) 323-2643 for the submittal requirements
- Dust control measures shall be implemented on the site in a manner to prevent dust from entering the State right-of-way.
- No water from the proposed project shall flow into the State right-of-way without approval from the District Hydraulic Engineer.
- An encroachment permit must be obtained for all proposed activities for placement of encroachments within, under or over the State highway right-of-way ie. Activity and work planned in the state right-of-way shall be performed to State standards and specifications at no cost to the State. Engineering plans, calculations, specifications, and reports (documents) shall be stamped and signed by a licensed Engineer or Architect. Engineering documents for encroachment permit activity and work in the State right-of-way may be submitted using English units. Permit Department and the Environmental Planning Branch will review and approved the activity and work in the State right-of-way before an encroachment permit is issued. Encroachment permit will be issued in accordance with Streets and Highway Codes, Section 671.5, "Time Limitations."
(Revision: 02/23/05).

If you have any other questions, please call Lorena Mendibles, Associate Transportation Planner at (559) 445-5421.

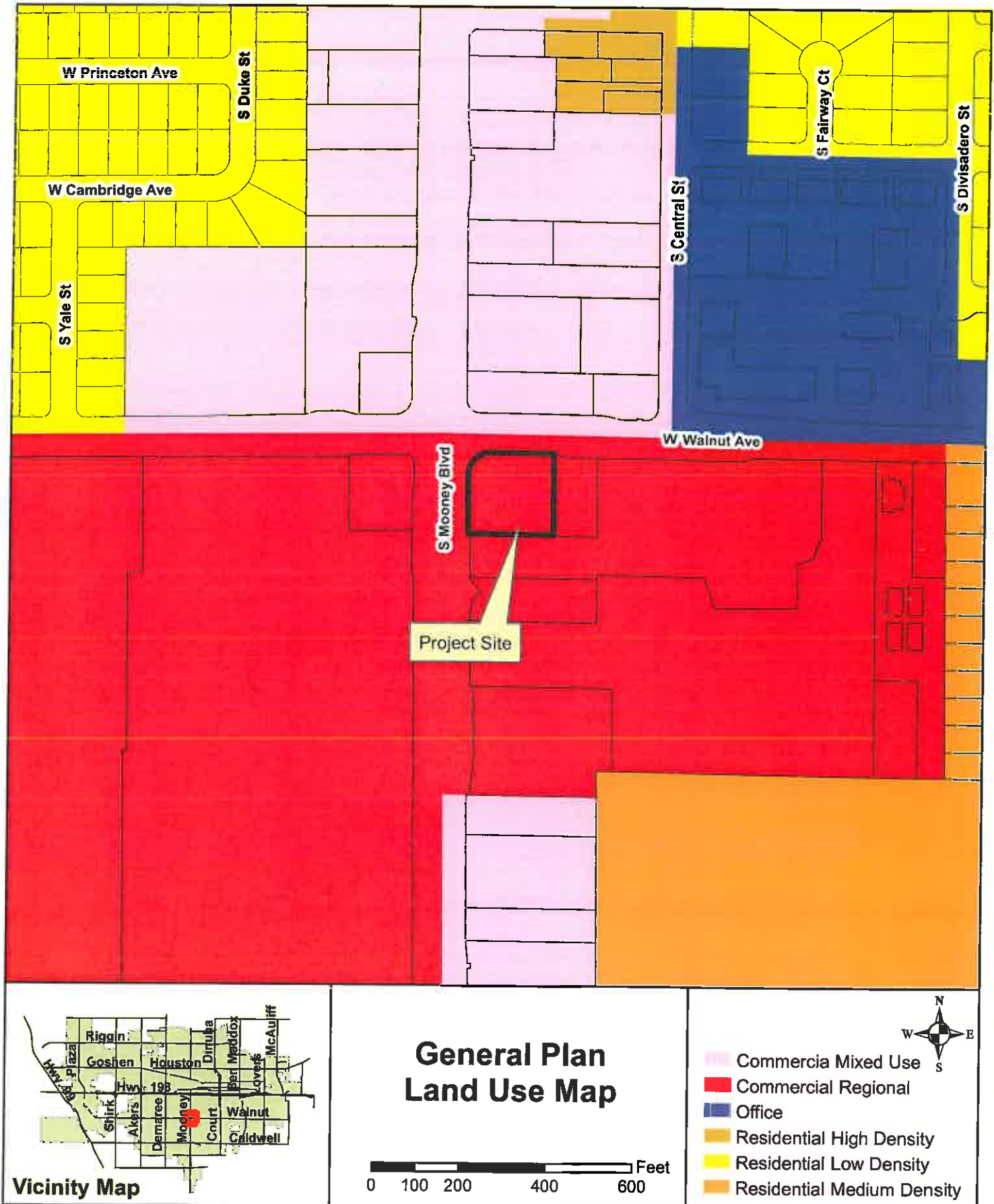
Sincerely,



MICHAEL NAVARRO, Chief
Planning North Branch

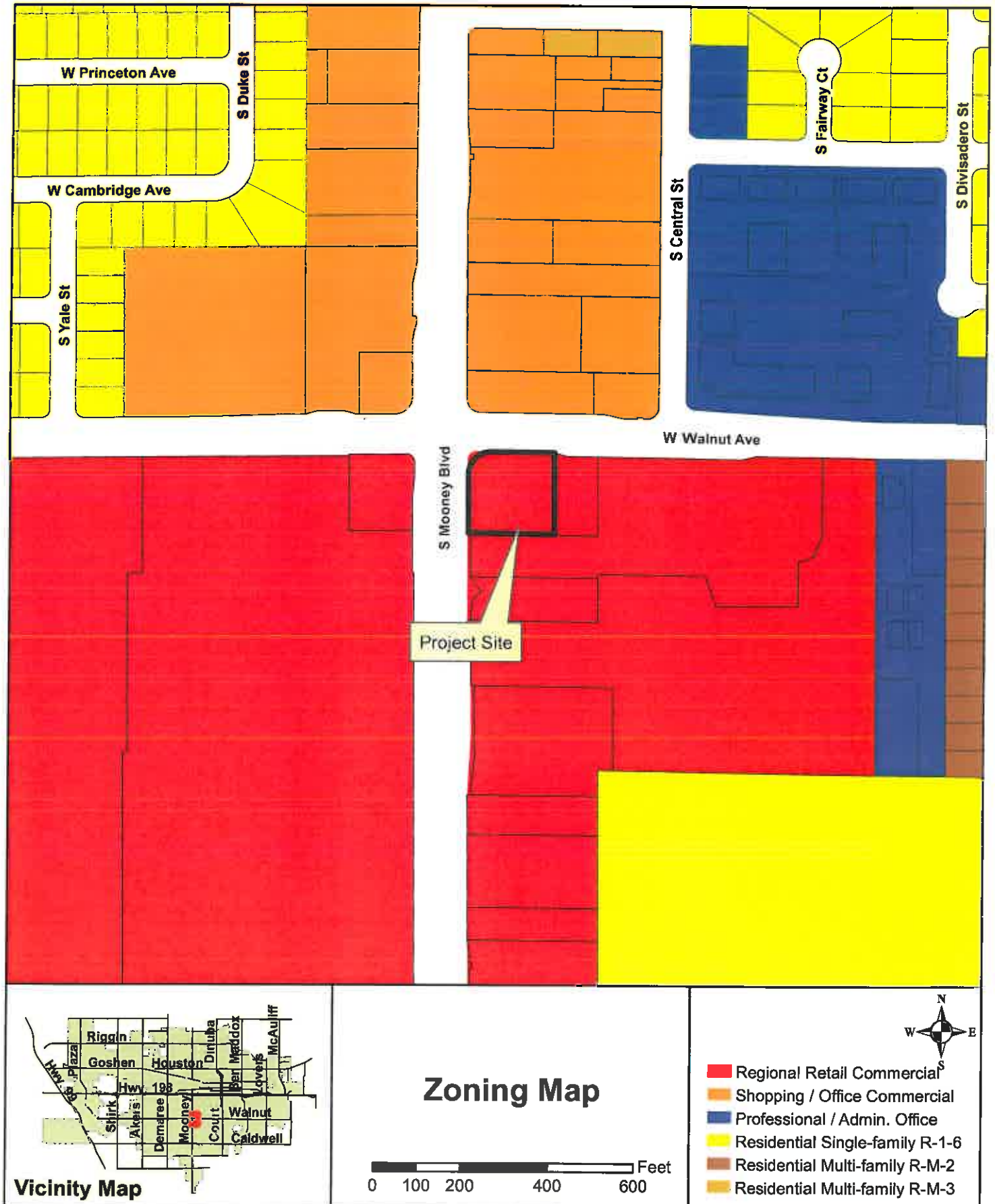
Variance No. 2017-01

The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052).



Variance No. 2017-01

The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052).



Variance No. 2017-01

The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052).



Aerial Photo

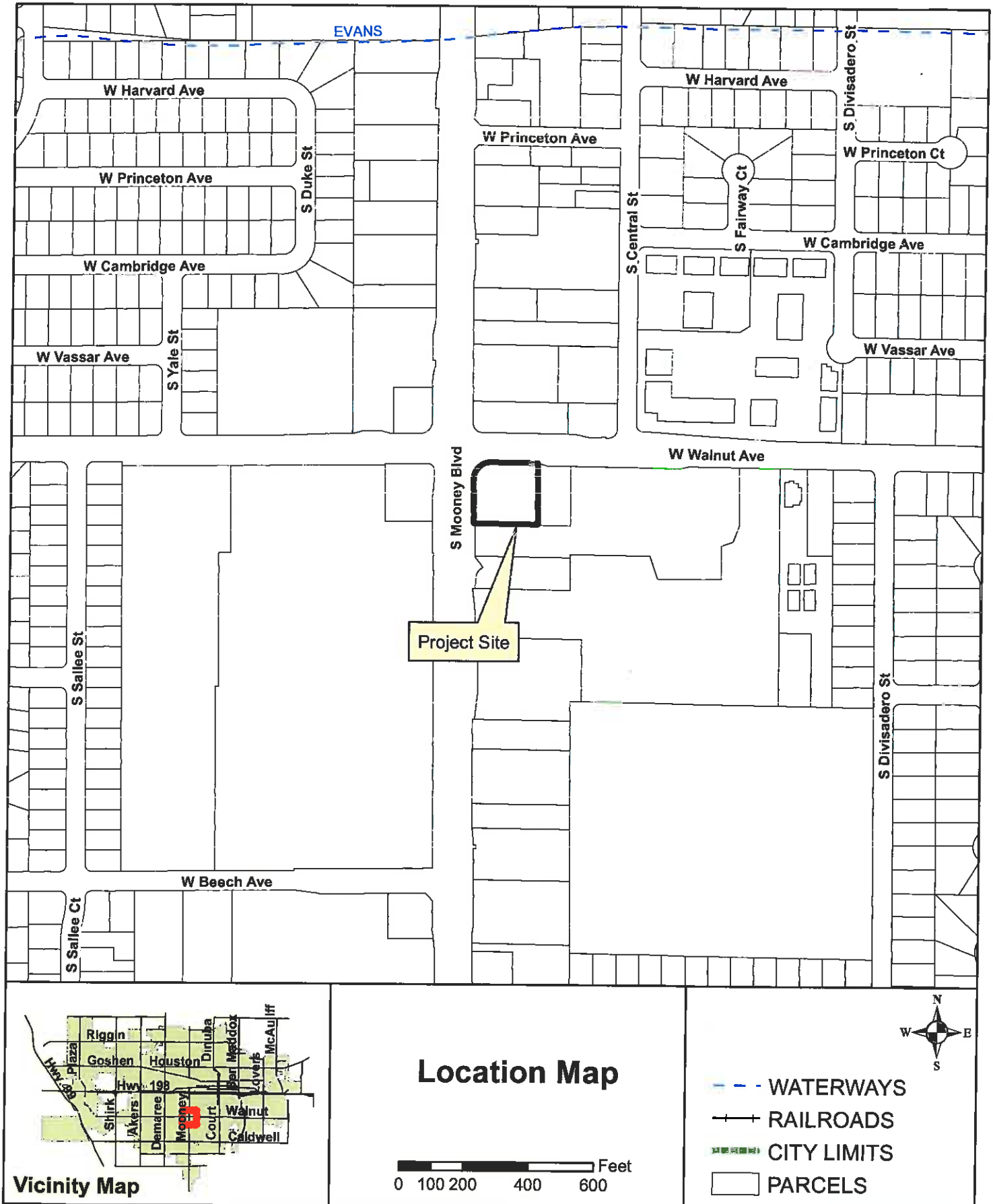
Photo Taken March 2016



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS

Variance No. 2017-01

The site is located at 2032 S. Mooney Boulevard, on the southeast corner of Mooney Boulevard and Walnut Avenue. (APN: 122-040-052).





REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 27, 2017

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

SUBJECT: Change of Zone No. 2010-11: A request by MP Bruno Family L.P. to amend **Conditional Zoning Agreement No. 2003-01**, to remove approximately 15 acres north of the Hurley Avenue alignment from the development standards for the Visalia Auto Plaza, allowing development with CS zone uses and standards.

Location: The Visalia Auto Plaza is located on the west side of Neely Street, north of Camp Drive to Mill Creek Ditch, the affected properties are APNs' 081-020-085, 071, 072, 084, 078, 064.

STAFF RECOMMENDATION

Staff recommends approval of Change of Zone No. 2010-11, based upon the findings in Resolution No. 2017-05. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan, Zoning Ordinance, and Conditional Zoning Agreement No. 2003-01.

Staff recommends specifically that the portion of Parcel APN 081-020-085, on the north side of Hurley Avenue alignment, approximately 15 acres, be allowed to develop with the uses and development standards of the Service Commercial (CS) zone.

RECOMMENDED MOTION

I move to recommend to the City Council that they approve Change of Zone No. 2010-11 amending Conditional Zoning Agreement No. 2003-01, to allow the area north of the Hurley Avenue alignment to be developed with the uses and standards for the Service Commercial (CS) zoning designation, based on the findings and conditions in Resolution No. 2017-05.

PROJECT DESCRIPTION

The requested action is to amend Conditional Zoning Agreement No. 2003-01, allowing the area north of the Hurley Avenue alignment, Exhibit "A", to be developed with the uses and standards for the Service Commercial (CS) zoning designation, rather than the Visalia Auto Plaza Architectural Design Guidelines. This would facilitate the development of a proposed 125,000 sq. ft. distribution center/warehouse facility.

This request would allow the area north of the Hurley Avenue alignment west of Neeley Street to be developed as a Service Commercial zoned site. The applicant's letter requesting this change is provided in Exhibit "B". The balance of the Visalia Auto Plaza south of Hurley Avenue would still be subject to the development standards of the Visalia Auto Plaza Architectural Design Guidelines as shown in Exhibit "C", which were established by Conditional Zoning Agreement No. 2003-01.

The Visalia Auto Plaza is a 72 acre master planned commercial development for new auto sales, with development standards and architectural guidelines adopted as CZA No. 2003-01. Currently there are two new auto dealers on approximately 11 acres, a 2.6 acre ponding basin, and the balance of the area vacant agricultural land.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Service Commercial
Zoning:	Service Commercial (CS)
Surrounding Zoning and Land Use:	North: IL (Light Industrial) South: Highway 198 (Plaza Interchange) East: Business Research Park (BRP) West: County Area (City LU designation Agricultural) Agricultural (A)
Environmental Review:	Categorical Exemption 2017-07 Class 15305
Special Districts:	Visalia Auto Plaza Architectural Design Guidelines - CZA 2003-01
Site Plan:	Site Plan Review No. 2017-03

RELATED PLANS & POLICIES

NA

RELATED PROJECTS

Conditional Zoning Agreement No. 2003-01, this conditional zoning agreement established the Visalia Auto Plaza Architectural Design Guidelines, Exhibit "C".

The Visalia Auto Plaza is a 72 acre master planned commercial development for new auto sales, with development standards and architectural guidelines adopted as CZA No. 2003-01. Currently there are two new auto dealers on approximately 11 acres, a 2.6 acre ponding basin, and the balance of the area in vacant agricultural land.

Parcel Map No. 2003-10 #4627 - Approved by the Planning Commission on November 10, 2003, this map established the two parcels which are occupied by the existing auto dealers, and the ponding basin parcel acquired by the City at the southwest corner of the site.

PROJECT EVALUATION

Staff recommends approval of the requested action to allow the development of the area north of the Hurley Avenue alignment west of Neeley Street, to be developed as a Service Commercial zoned site, not subject to the uses and standards of the Visalia Auto Plaza Architectural Design Guidelines.

The proposed action would allow the use of approximately 15 acres north of the Hurley Avenue alignment to be developed for Service Commercial uses, subject to the development standards in the Service Commercial zoning designation. Staff support of the request is based upon the development of only two new auto dealerships on 11 acres since the adoption of the 72 acre Auto Plaza in 2003. The current Visalia Auto Plaza Architectural Design Guidelines limit the uses on the subject site to a new auto dealership subject to the accompanying design standards.

Land Use Compatibility

As Service Commercial designated property, the site allowed uses would be similar in nature and intensity to the existing restrictions for a new auto sales dealership. The requested action would not change the underlying Service Commercial land use or zoning. Rather, it would only modify the use restrictions to allow other Service Commercial uses, along with the new auto sales use.

Change of Zone and Conditional Zoning Agreements

Conditional Zoning Agreements are sometimes established as a part of a Change of Zone action, wherein an applicant is committing to actions and standards called out in the zoning agreement, in exchange for which a new zoning designation is conferred upon the site. Should the applicant not be able to meet the zoning agreement requirements, the land may revert to the original zoning designation.

This proposed action is to amend the existing zoning agreement, leaving the subject site still as a part of the Visalia Auto Plaza, but removing the land use and development standards, which accompany the zoning agreement.

Consistency with Visalia Auto Plaza Architectural Design Guidelines

The Visalia Auto Plaza Architectural Design Guidelines contained in Exhibit "C", limit the land uses to new auto dealerships. The related architectural design guidelines establish building and landscaping setbacks, with architectural standards for buildings, fences and signage.

The proposed action would result in the 15 acres on the north side of Hurley Avenue being allowed to develop as warehouse/distribution or other uses which are provided for in the CS zone. This area would also be subject to the CS zone's setbacks and standards.

<u>Service Commercial (CS) zone [17.18.0980]</u>	<u>New Zoning Ordinance Standards 2017</u>	
Minimum Setbacks:	Building	Landscaping
➤ Front	10 Feet	10 Feet
➤ Side	0 Feet	5 Feet*
➤ Street side on corner lot	10 Feet	10 Feet
➤ Rear	0 Feet	5 Feet*
*(Except where building is on property line)		
<u>Minimum Site Area:</u> 5 acres		
<u>Maximum Building Height:</u> 60 Feet		

<u>Visalia Auto Plaza Architectural Design Guidelines</u>		
Minimum Setbacks:	Building	Landscaping
➤ Front (Hurley, Camp Neeley)	30 Feet	30 Feet
➤ Front (Crowley, Century)	15 Feet	15 Feet
➤ Side	5 Feet	5 Feet
➤ Rear	5 Feet	5 Feet
<u>Minimum Site Area:</u> 5 acres		
<u>Maximum Building Height:</u> 30 Feet		

One primary development standard difference is the front setback, which will be 30 feet on the south side of Hurley Avenue under the Auto Plaza standards, and 10 feet on the north side of Hurley Avenue under the new CS zoning standards. The other major differences are the architectural standards contained in the Auto Plaza guidelines, which will not apply to the north side of Hurley Avenue.

Service Commercial Zone Uses

The Service Commercial zone contains a broad variety of Permitted and Conditional uses, which center on service providers such as plumbers, tile/glass shops, a toll rentals and related contractor services. Automotive is the other major category providing new/used auto-truck-boat-motorcycle sales and service, auto repair, towing yards, and auto paint and body, to name a few. The complete list of uses may be found in the Zoning Ordinance Matrix in Chapter 17.25. The uses provided for in the CS zone are similar in nature and intensity to the new auto dealership uses in the Auto Plaza.

Currently there are no large service or industrial warehouse/distribution facilities south of Mill Creek along Plaza Drive.

General Plan Objectives & Policies – The General Plan Land Use Element contains several objectives and policies related to the area at Highway 198, Highway 99, and Plaza Drive, which the subject site abuts. The proposed action does not conflict with any of the policies.

Open Space and Conservation Policy 23 does contain requirements for a minimum 25-foot riparian corridor along Mill Creek Ditch, which runs along the north side of the subject site proposed for Service Commercial uses and standards. The City already has a 70-foot wide easement along this corridor, which was dedicated as a part of a previous parcel map action. The dedicated easement would be addressed at the time of development of the parcel.

The proposed action does not conflict with the identified General Plan Land Use Element Policies.

Policies

LU-P-15 Ensure high-quality, master-planned development at State Highway 198 and Plaza Drive and update or repeal the West Visalia Specific Plan to eliminate unnecessary restrictions and streamline the review and approval process.

Because development plans and agreements for this area are in place and the updated General Plan and zoning will apply to all new development, a specific plan may no longer be needed.

Highway 198 Scenic Corridor

LU-P-37 Adopt specific development standards for scenic entryways (gateways) and roadway corridors into the City, including special setback and landscape standards, open space and park development, and/or land use designations.

These standards will apply to the west and east entries into Visalia along Highway 198 and to the “gateway boulevards” identified in the Transportation Element: Caldwell and Riggan Avenues; Shirk Road; and Lovers Lane.

OSC-P-23 Where no urban development exists, maintain a minimum riparian habitat development setback from the discernible top of the bank—50 feet for both sides of the Mill, Packwood and Cameron Creek corridors and 25 feet for both sides of Modoc, Persian and Mill Creek Ditches—provided that where riparian trees are located within 100 feet of the discernible top of the banks of the Creek corridors and 50 from the banks for the ditches, the setback shall be wide enough to include five feet outside the drip line of such trees. Restore and enhance the area within the setback with native vegetation.

• Where existing development or land committed to development prohibits the 50 foot setback on Mill, Packwood and Cameron Creek corridors, provide the maximum amount of land available for a development setback

- Where existing development or land committed to development prohibits the 25 foot setback along Modoc, Persian, and Mill Creek Ditches, provide the maximum amount of land available for a development setback.

An exception to these setback requirements also may be allowed to permit piping of the ditch where necessary to meet City standards, and where no riparian trees will be lost.

CZA Amendment Process

Conditional zoning agreements are processed as a change of zone, with the final zoning action contingent upon the completion and recordation of the CZA document. The Planning Commission forwards a recommendation to the City Council for their final action on the proposal.

If approved, the amendment would be an additional page added to the existing CZA No. 2003-01, describing the process, area, and action. This would not remove the subject area from the CZA, only change its development uses and standards.

Correspondence

The correspondence in Exhibit "E" is from Mr. Lampe, one of the auto dealers in the Visalia Auto Plaza. The letter describes the intent and vision of the Auto Plaza to create a hub of new auto dealers, which may be adversely affected if Visalia Auto Plaza property is utilized for other purposes. Mr. Lampe closes by indicating that if this is the only part of the auto plaza to be used for other purposes, he would not protest the request, as long as the rest of the site is maintained for the Auto Plaza.

Environmental Review

The requested action is a revision in a minor land use limitation which does not change the zoning or land use designation of the site. Therefore, the project is considered Categorically Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2017-07)

RECOMMENDED FINDINGS

Change of Zone No. 2010-11 / Conditional Zoning Agreement No. 2003-01 - Visalia Auto Plaza Architectural Design Guidelines

1. That the requested amendment to Conditional Zoning Agreement No. 2003-01 is consistent with the intent of the General Plan and Zoning Ordinance in accordance with Chapter 17.44 Amendments, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed amendment to CZA No. 2003-01 to allow Service Commercial zone uses and development standards, on the portion of the Visalia Auto Plaza north of the Hurley Avenue alignment, is consistent and compatible with adjacent land uses, and the Visalia Auto Plaza.
3. That the proposed revision to Conditional Zoning Agreement No. 2003-01 (Exhibit "C") as described in Exhibit "D", will facilitate development on the site compatible with Conditional Zoning Agreement No. 2003-01.
4. That Conditional Zoning Agreement No. 2003-01 shall be amended, to allow the Visalia Auto Plaza area north of the Hurley Avenue alignment to be developed with the uses and development standards of the Service Commercial zoning designation.

5. That the requested action is a revision in a minor land use limitation which does not change the zoning or land use designation of the site. Therefore, the project is considered Categorically Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2017-07).

APPEAL INFORMATION

Change of Zone No. 2010-11 – Amending Conditional Zoning Agreement No. 2003-01 (Visalia Auto Plaza Architectural Design Guidelines) will automatically go forward to the City Council for final action through a public hearing process. For further information on this process, contact the City of Visalia, Planning Division, 315 E. Acequia Avenue, Visalia CA 93291, 559-713-4359.

Attachments:

- Related Plans and Policies
- Resolution No. 2017-05 for Change of Zone No. 2010-11
- Exhibit "A" – Site Plan
- Exhibit "B" – Applicant Letter
- Exhibit "C" – CZA No. 2003-01 - Visalia Auto Plaza Architectural Design Guidelines
- Exhibit "D" – Addendum to CZA No. 2003-01
- Exhibit "E" - Correspondence
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

City of Visalia Zoning Ordinance – Excerpts [Title 17 of Visalia Municipal Code]

Chapter 17.44: AMENDMENTS

17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Prior code § 7580)

17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the

procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed. (Prior code § 7581)

17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and which said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, 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. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Prior code § 7582)

17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing. (Prior code § 7583)

17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon which shall be submitted to the city planning commission. (Prior code § 7584)

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Prior code § 7585)

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission. (Ord. 2001-13 § 4 (part), 2001: prior code § 7586)

17.44.080 Appeal to city council.

A. Within five working days following the date of a decision of the city planning commission on a zone change 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 state specifically wherein it is claimed there was an error or

abuse of discretion by the commission or wherein it is claimed or wherein its decision is not supported by the evidence in the record.

B. The city clerk shall give notice to the applicant and the appellant (if the applicant is not the appellant) and may give notice to any other interested party of the time when the appeal will be considered by the city council. (Prior code § 7587)

17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Prior code § 7588)

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map. (Prior code § 7589)

17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Prior code § 7590)

RESOLUTION NO. 2017-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE 2010-11, AN AMENDMENT TO CONDITIONAL ZONING AGREEMENT (CZA) 2003-01: A REQUEST BY MP BRUNO FAMILY L.P. TO REMOVE APPROXIMATELY 15 ACRES NORTH OF THE HURLEY AVENUE ALIGNMENT FROM THE DEVELOPMENT STANDARDS FOR THE VISALIA AUTO PLAZA, ALLOWING DEVELOPMENT WITH CS ZONE USES AND STANDARDS. THE VISALIA AUTO PLAZA IS LOCATED ON THE WEST SIDE OF NEELY STREET, NORTH OF CAMP DRIVE TO MILL CREEK DITCH, THE AFFECTED PROPERTIES ARE APNS' 081-020-085, 071, 072, 084, 078, 064

WHEREAS, Change of Zone No. 2010-11 is a request by MP Bruno Family L.P. to amend Conditional Zoning Agreement 2003-01, to remove approximately 15 acres north of the Hurley Avenue alignment from the development standards for the Visalia Auto Plaza, allowing development with CS zone uses and standards. The Visalia Auto Plaza is located on the west side of Neely Street, north of Camp Drive to Mill Creek Ditch, the affected properties are APNs' 081-020-085, 071, 072, 084, 078, 064; and,

WHEREAS, the requested amendment would only affect the portion of APN No. 081-020-085, approximately 15 acres on the north side of the Hurley Avenue Alignment; and,

WHEREAS, the requested action is a revision in a minor land use limitation which does not change the zoning or land use designation of the site. Therefore, the project is considered Categorically Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2017-07); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on February 27, 2017; and,

WHEREAS, the Planning Commission of the City of Visalia considered the CZA Amendment 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,

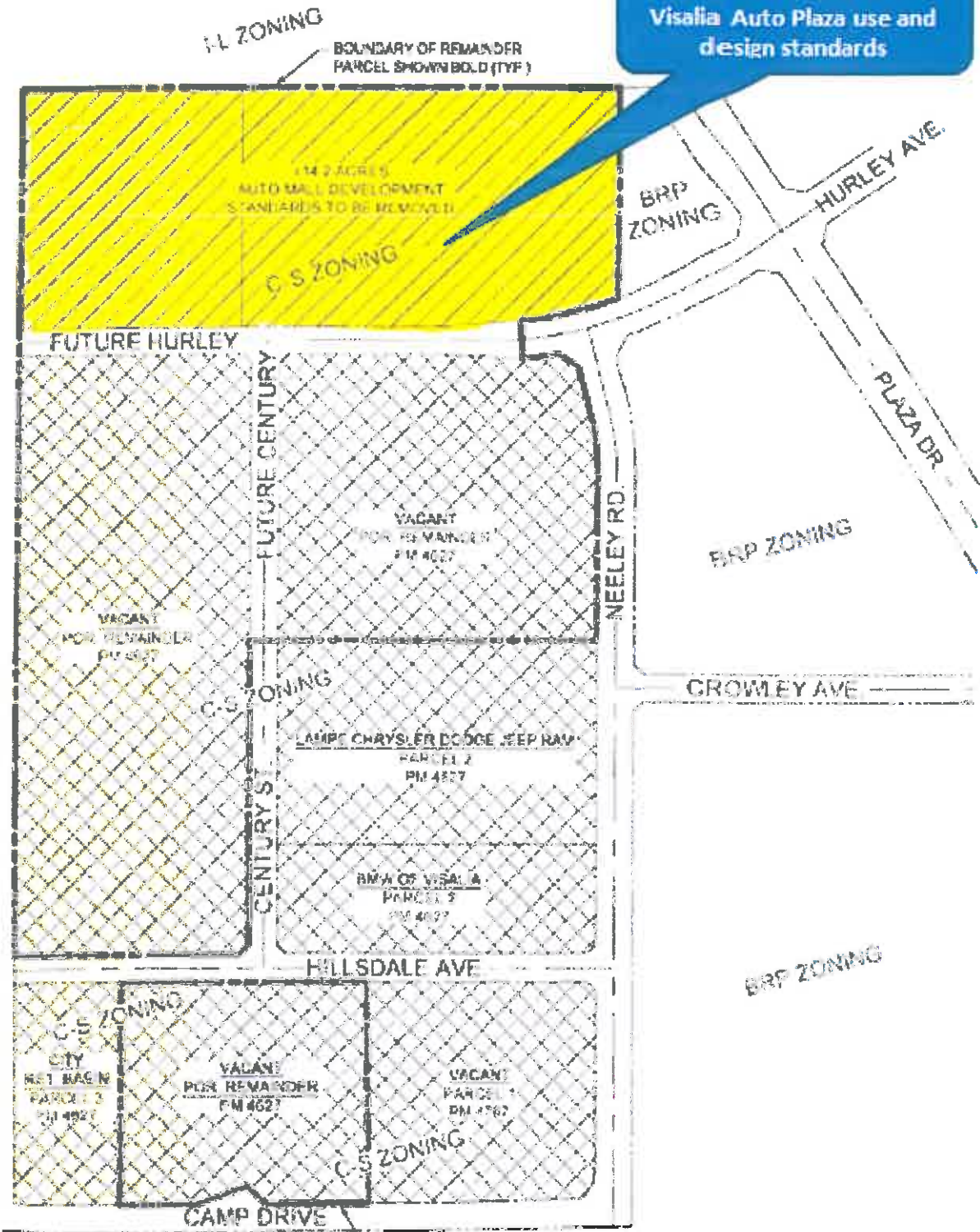
NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council find that the proposed action is Categorically Exempt under Article 19, Section 15305, Minor Alterations in Land Use Limitations, certifying Categorical Exception No. 2017-07:

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2010-11, amending Conditional Zoning Agreement No. 2003-01 based on the following specific findings and evidence presented:

1. That the requested amendment to Conditional Zoning Agreement No. 2003-01 is consistent with the intent of the General Plan and Zoning Ordinance in accordance with Chapter 17.44 Amendments, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed amendment to CZA No. 2003-01 to allow Service Commercial zone uses and development standards, on the portion of the Visalia Auto Plaza north of the Hurley Avenue alignment, is consistent and compatible with adjacent land uses, and the Visalia Auto Plaza.
3. That the proposed revision to Conditional Zoning Agreement No. 2003-01 (Exhibit "C") as described in Exhibit "D", will facilitate development on the site compatible with Conditional Zoning Agreement No. 2003-01.
4. That Conditional Zoning Agreement No. 2003-01 shall be amended, to allow the Visalia Auto Plaza area north of the Hurley Avenue alignment to be developed with the uses and development standards of the Service Commercial zoning designation.
5. That the requested action is a revision in a minor land use limitation which does not change the zoning or land use designation of the site. Therefore, the project is considered Categorically Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended. (Categorical Exemption No. 2017-07.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2010-11, amending Conditional Zoning Agreement No. 2003-01, as shown in Exhibit "C", on the real property as described in Exhibit "D", in accordance with the terms of this resolution and under the provisions of Chapter 17.44 of the Ordinance Code of the City of Visalia.

Area to be removed from Visalia Auto Plaza use and design standards



SR-198

EXHIBIT 'A'

NORTH



SCALE: 1" = 300'

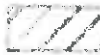

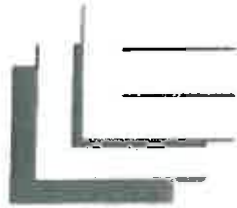
LEGEND	
	AUTOMALL DEV STDS TO BE REMOVED
	AUTOMALL DEV STDS TO REMAIN

Exhibit - A



LANE ENGINEERS, INC.
Civil • Structural • Surveying

January 17, 2017

Andrew Chamberlin
City of Visalia Community Development Department
315 E Acequia Street
Visalia, CA 93292

Reference: Request to Amend Conditional Zoning Agreement 2003-01

Dear Mr. Chamberlin:

The purpose of this letter, is to request on behalf of BP Pearla Properties LP and MP Bruno Family LP, to amend conditional zoning agreement 2003-01, in order to remove all the auto mall development standards for approximately 14.2 acres of land located north of future Hurley Avenue, on APN 085-020-085; and as depicted in Exhibit 'A'. After completion of the amendment, the subject property will be governed by the underlying Service Commercial (C-S) Zoning.

All the auto mall standards will stay in place for the remaining land located south of future Hurley Avenue.

This amendment is being requested to allow for a new 125 KSF distribution facility for Heiland Electronics. Heiland is currently located at 700 North Plaza Drive in Visalia, and is in need of a bigger space for their operations. The successful entitling and permitting of this site will help to ensure over 60 jobs will remain in Visalia.

Respectfully,

LANE ENGINEERS, INC.

Aaron P. Oliver, PE

Enclosure

Copy: Tony Bruno
Mathew Bruno
Chad McCordell

Exhibit "C"

NO FEE REQUIRED PURSUANT
TO GOVT. CODE SECTION 27383
RECORDING REQUESTED BY
AND MAIL RESPONSE TO:

City of Visalia
Planning Division
315 East Acequia
Visalia, CA 93291

CONDITIONAL ZONING AGREEMENT NO. 2003-01

THIS CONDITIONAL ZONING AGREEMENT NO. 2003-01 (the "Agreement") made this ____ day of ____ 2003, by American Property Holdings, L.L.C, a California limited liability company, hereinafter called "Owner" and the CITY OF VISALIA, a municipal corporation and charter law city of the State of California, hereinafter called, "City."

WITNESSETH

WHEREAS, the Owner is the owner of real property, herein called the "Property" situated in the City of Visalia, which Property is described in Item (d) of Exhibit I of this Agreement; and

WHEREAS, the Property is now zoned as specified in Item (a) of Exhibit I; and

WHEREAS, Mangano Homes / Westland Development, agent of the Owner, have applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present classification to the classification or classifications specified in Item (b) of Exhibit I; and

WHEREAS, hearings have been held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said Property must be imposed so as not to endanger the health, safety, and the general welfare of the City of Visalia and its residents.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I is being granted, the rezoning shall be subject to the conditions specified in the following paragraphs:

1. That Exhibit I, as completed and attached hereto, is incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That the Owner shall comply with the additional conditions specified in Item (e) of Exhibit I of this Agreement.
3. In the event the Owner, any successor in interest of the Owner, or any person in possession of the Property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City may institute legal proceedings to enforce the provisions of this Agreement. Any failure by the Owner to perform or comply with any of the conditions under Item (e) of Exhibit I of this Agreement within thirty (30) days after written notification from City to do so, shall constitute a default in this Agreement by the Owner. In addition to any other remedy it may have at law or equity, City may, but is not obligated to, perform any such conditions or requirements set forth in Item (e) of Exhibit I of this Agreement either through its own employees or through parties with whom it may contract, and assess the full costs and expenses thereof to the Owner. The

Owner shall reimburse City said costs and expenses within thirty (30) days after a written invoice from the City.

4. The prevailing party in any legal action arising from the failure of either party to perform the duties and obligations required by and contained in this Agreement shall be entitled to reasonable attorney's fees, expert witness fees and costs of suit.
5. Notice of violation of provisions of this Agreement shall be sent to the Owner at the address specified in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the Property shall also receive notice if they are reflected on the tax roll.
6. Each and every one of the provisions of this Agreement herein contained shall run with the land and shall bind and inure to the benefit of the successors in interest, heirs and assigns, in the same manner as if they had herein been expressly named.
7. Zoning of the Property as indicated in Item (b) of Exhibit I shall not be consummated until such time as the Agreement has been recorded in the office of the Tulare County Recorder.
8. This Agreement is the product of negotiation and compromise on the part of each party and the parties agree, notwithstanding Civil Code § 1654, that in the event of uncertainty the language will not be construed against the party causing the uncertainty to exist.
9. This Agreement may be amended by mutual consent if in writing and, in the case of City, authorized by its City Council.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

"Owner"

American Properties Holdings, LLC,
a California limited liability company

Land Securities Investors, LTD.,
a Colorado limited partnership

By: Supra Management Services, Inc.
a Colorado Corporation, General Partner
By: Alan R. Fishman
Alan R. Fishman, President

"City"

City of Visalia,
a municipal corporation

By: _____
City Manager

ATTEST: _____
Clerk of the City Council

Velma Dyck

EXHIBIT 1
CONDITIONAL ZONING AGREEMENT NO. 2003-01

(a) The Property prior to the rezone contemplated in this agreement is now zoned:

Agriculture (A)

(b) The zoning reclassification of a portion of the Property is from its present zoning to:

Service Commercial (CS)

(c) Notice to the Owner pursuant to Paragraph No. 4, shall be addressed to:

Mr. Will Dyck
2025 N. Gateway, Suite 101
Fresno, CA 93727

(d) "Property" as used in this Agreement, includes:

APN No's. 081-020-063 and 081-020-068.

(e) The additional conditions with which the Owner shall comply, pursuant to Paragraph No. 2, of this Agreement, are as follows:

That the Design Guidelines attached as Exhibit II apply to the subject parcels and any future parcels.

VISALIA AUTO PLAZA

Architectural Design Guidelines

August 19, 2003

Prepared By:

QK4

Architecture.Engineering.Construction.

Exhibit "C"

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INTRODUCTION

Visalia Auto Plaza (VAP) is a 70 acre, state of the art, regional automotive shopping and service experience for customers in the greater Visalia / Tulare / Hanford area. Modeled after retail concepts of the regional shopping mall, the VAP provides shoppers a unique destination where multiple vehicle dealerships are consolidated on one property of facilitate their purchase and service needs. Variety and selection are the two primary goals of any shopping experience and the VAP through the introduction of separate vehicles brands on properties ranging from approximately 4 to 13.5 acres.

The following architectural design standards have been created as guidelines for the development of the auto plaza and to create continuity between each facet of the project as it is designed and constructed.

SITE MASTER PLAN

The overall Site Master Plan for the Visalia Auto Plaza is shown with all of the proposed phases, is reduced and shown on the next page, Exhibit 1.

SITE IMPROVEMENT

Site improvements will be constructed as each individual dealership develops. These improvements will include construction of ½ streets, plus a 12 foot wide travel lane as well as frontage improvements such as curb and gutter, landscaping and street lighting along the project side only.

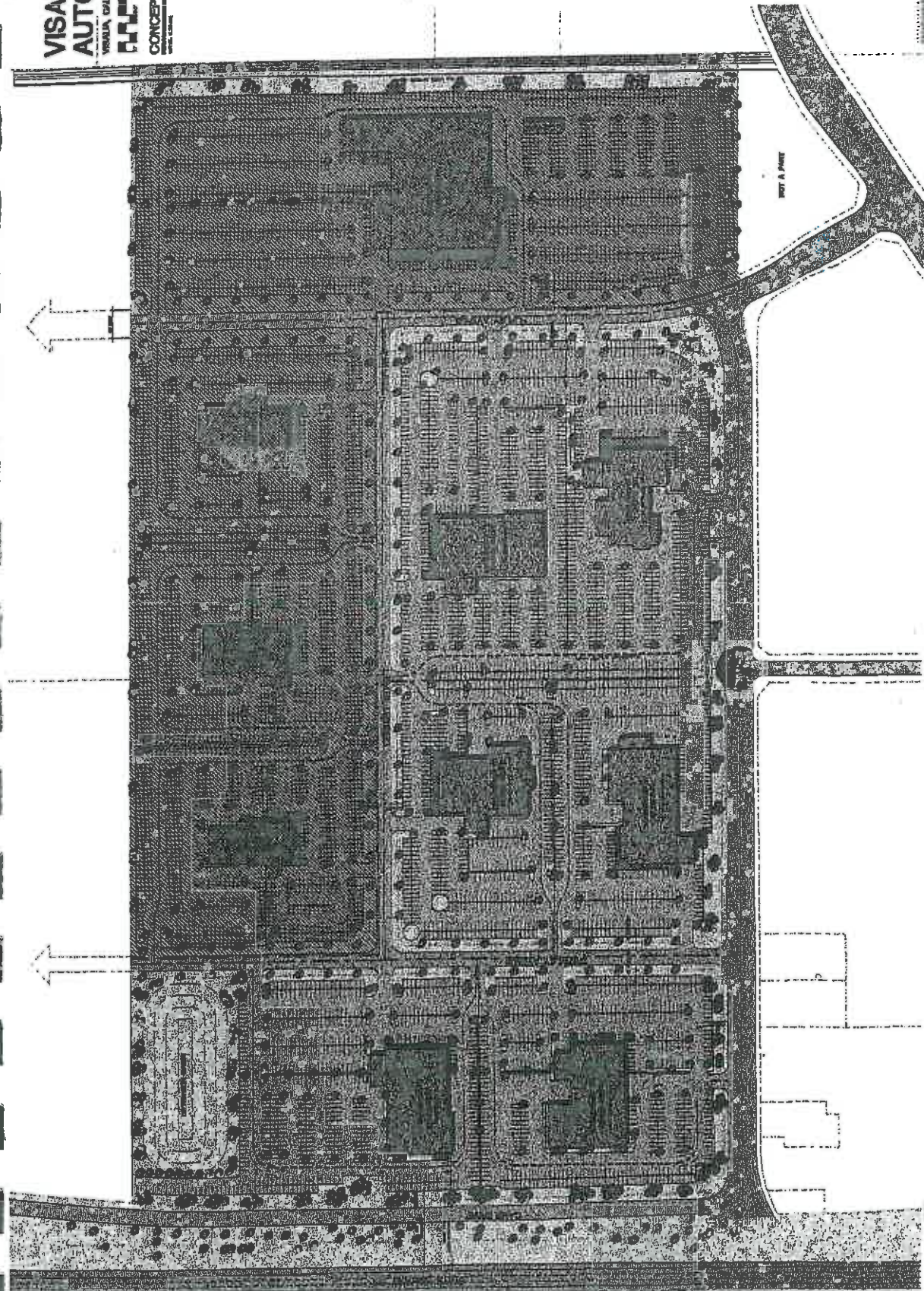
**VISALIA
AUTO PLAZA**

VISALIA, CALIFORNIA



CONCEPT PLAN

1525
1525



Autopilot

455 S. 49th Street
Bldg 101
Tulare, CA 93281
Ph. 819-377-2222
Ft. 819-377-2220
www.autopilot.com



Exhibit "C"

SITE PLANNING CONCEPTS

- A. Building location and open spaces; Visalia Auto Plaza auto mall is planned on a parcel of land that is within the gateway to the City of Visalia along State Highway 198. Careful consideration was given to the appearance and site lines from the highway. The building orientation and land uses that abut the highway were purposely laid out to enhance this scenic corridor. Therefore the intent was not to back the project up to the highway, but to open it up and allow site lines with views into the center. To enhance the concept, peripheral building elements (landscape, hardscape, screen walls, sign bases, etc.) will have unifying architectural styles. Buildings will be built on stand-alone pads.
- B. Proposed uses; Uses within the project and restricted to new car dealerships with ancillary used car sales and normal service components. No stand alone used car facilities will be allowed in the project.
- C. Access; Access to the Auto Plaza will be from Plaza Drive. Ingress and egress for individual dealerships will be from Neeley, Hurley, Century, and Crowley Streets. No access to individual parcels will be permitted from Camp Drive.
- D. Phasing of Construction; The project will be constructed in two phases. The developer will construct all improvements to the public streets, underground utilities, common area landscaping, and signage at each phase. Construction of improvements for each parcel would be the responsibility of individual parcel owner. Each individual parcel will provide the required parking for their building. Site drainage will designed so that each phase will work independently of the other phases.

REQUIRED SETBACKS

Building and landscape setbacks are required and will be established through the Architectural Design Guidelines. Setbacks are to be measured from the edge of the property boundary unless otherwise indicated.

A. Building Setbacks:

- Hurley, Camp & Neeley 30' Minimum
- Century, & Crowley 15' Minimum
- Mill Creek 5' Minimum from edge of Conservation Easement
- Side Yard 5' Minimum
- Rear Yard 5' Minimum

B. Landscaping Setback:

- Camp, Hurley & Neeley 30' Minimum
- Century, Crowley 15' Minimum
- Mill Creek Ditch 5' Minimum from edge of Conservation Easement
- Side Yard 5' Minimum
- Rear Yard 5' Minimum

C. Building Coverage:

- Each site shall have a maximum building coverage of fifty (50) percent of the net site area.

D. Building Height:

- Showroom building height shall be to a maximum of thirty (30) feet. The height shall be measured from the finished surface grade level to the highest point of the roof.

PARKING REQUIREMENTS

A. Customer and employee parking shall be incorporated on the site plans and shall clearly be identified by on-site signage.

B. Minimum parking requirements are as follows:

- Automobile dealerships; One parking space for each two employees during the time of maximum employment, plus one parking space for each two thousand (2,000) square feet of lot and building area used for the display or storage of automobiles.
- No parking of vehicles for sale will be allowed in the public right of way or landscape setbacks (with the exception of raised dealer display pads)

C. Loading and Unloading Facilities:

- Each Dealership site shall provide a loading and unloading area which shall be a minimum of twelve (12) feet by 105 feet. This special area shall be designated on the site plan and shall be in conjunction with the inventory storage area. The design of the loading and unloading area shall provide for the following:
 - Incorporate ease of ingress and egress for safety and efficiency.
 - The loading and unloading facilities shall not adversely interfere with on-site circulation.

Visalia Auto Plaza

Auto Mall

- The loading and unloading facilities shall be designed to accommodate vehicle carrier truck maneuvers on site, without backing from or into a public street.

DESIGN REVIEW / SUBMITTAL PROCESS / GENERAL ARCHITECTURE

A design review and submittal process has been established to ensure that all elements of the development within the Visalia Auto Plaza meet the requirements set forth in these design guidelines. All plans and specifications will be submitted through City of Visalia's Site Plan Review process.

- A. No building, exterior signs or structures shall be erected or exterior alterations or additions made on any site unless such improvements are in conformance with the plans and specifications approved by the Architectural Review Committee. The approval shall encompass landscaping and architecture as specified by these standards.
- B. The Architectural Review Committee shall be established prior to development of the auto dealership and will consist of the following members:
 - Two (2) Developer representatives – Auto Plaza Associates, LLC
 - Two (2) Dealership representatives –
 - One (1) Architectural representative –
 - One (1) City representative as appointed by the City Planner -
- C. Processing through the Auto Plaza Architectural Review Committee will be in addition to the reviews and submittals required by the City of Visalia. Approval or disapproval shall be made in writing within 30 days of application.
- D. Submittals to the Architectural Review Committee shall include:
 - A Site Plan showing the location of all of the buildings, landscaped areas, on-site parking areas, vehicular and pedestrian access ways, accessory structures and signage.
 - Drawings shall be submitted showing elevations of all buildings from all ground level views together with landscaping, accessory structures, building colors and rim materials.
 - A color board of all the surface materials of the buildings and accessory structures.
 - All plans shall be prepared by licensed, registered personnel appropriate to the designs being submitted.

- Additional supporting material shall be submitted which adequately demonstrate, to the satisfaction of the Architectural Review Committee, that the provisions of these guidelines are met.
- Landscaping plans shall be submitted which show plant selection and usage, conceptual grading, drainage and irrigation improvements.

E. Architectural Theme:

- The Visalia Auto Plaza intends to encourage a Modern/Contemporary architectural theme. The intent of these standards is not to limit innovative design approaches, nor is it to have all dealerships look exactly alike. Manufacturer image programs are acceptable.
- All buildings should be simple in form and should emphasize geometric shapes and horizontal line qualities. The use of curved surfaces is encouraged.

F. Colors:

- The color scheme shall emphasize earth tones and warm gray shades. The buildings' body color that is selected shall be used through each individual dealership and shall work to integrate all elements of the individual dealerships.

G. Building Materials Acceptable:

- Concrete masonry units
- Stucco
- Exposed timbers
- Precast concrete tilt-up panels.
- Ornamental iron
- New brick of rust color
- Flush surface metal panels

H. Buildings Materials Unacceptable:

- Exposed wood siding
- Corrugated metal siding
- Unpainted metal trim or flashing
- Shake or shingle roof

I. Building Orientation and Views:

- The dealership showrooms and exterior covered areas shall be oriented toward Hurley, Century, and Crowley Streets. Public entrances should be identified by color or form.
- Building and exterior display areas should be sited to complement existing topography, site configuration and adjacent uses. Onsite grading should be kept at a minimum.
- Service bays and repair areas are to be enclosed and located to the rear of the site area. Loading areas, storage areas and trash collection areas should be screened from view from public streets, pedestrian walks or common customer parking areas. The screen wall should be a minimum of six (6) feet in height and shall be masonry concrete or stucco construction consistent with the buildings materials used on the main building. Site fencing, where such fencing is not visible from public streets, may be chain link to maximum height of seven (7) feet with an eighteen (18) inch spiral razor barbed wire cap. No fencing shall be permitted in the front yard setback.
- Roof mounted mechanical equipment, ductwork, vents and access ladders shall be screened from view from the public streets, State Highway 198, pedestrian walks and common parking areas. The equipment shall be screened by the building from itself using parapets, roofs, etc. Individual equipment screens are not encouraged unless they are determined to be consistent with the general building design and materials by the Architectural Review Committee.
- Views from Highway 198; Six (6) foot screen walls will be used to minimize views of the service bays from the highway.
- Large wall masses are to be broken-up through the use of a combination of varying colors and or materials.

J. Vehicle Display Pads:

- Each parcel may have, except on Camp Drive frontages, two (2) raised vehicle display pads for each manufacturer line to a maximum of six (6) per parcel. All display pad shall be constructed consistent with the design in Exhibit 2 and may be located in the required landscape area a minimum of five (5) from property line and shall not create a site distance impact to vehicle traffic when exiting. Suggested distance from vehicle access drives is twenty-five (25) feet.
- Vehicle Display pads may also be used to enhance the Visalia Auto Plaza Center Identification Sign Area as shown in Exhibit 3 if the property owner/dealership association includes a mechanism for the sharing of these pads by all the dealerships on a rotating basis. Otherwise, raised pads are not allowed within 50 feet of the center identification signs.

LANDSCAPING

The primary objective of the landscape guidelines is to promote a visual separation between the dealers, parking lots and adjacent properties. The goal is to promote an environment within the auto mall that is pleasing, inviting, and unified.

A. Landscaping:

- All landscaping will be in accordance with section 17.30.130 of the City of Visalia's Zoning Ordinance, with a provision for clustering of trees.
- Every site on which a building is placed shall be landscaped and maintained thereafter in a well kept condition. A landscaping plan shall be submitted to the Architectural Review Committee. Such landscaping plan shall be prepared by a landscape architect licensed in the State of California.
- Interior landscaping shall be utilized to break up large paved areas and soften building lines.
- The thirty (30) foot front landscaping shall be gently mounded to maximum height of eighteen (18) inches utilizing a turf or ground cover treatment. Trees and shrubs shall be used at common property lines to define site separations.
- The Mill Creek Conservation Easement will be landscaped with riparian plantings.

B. Soil Preparation:

- To ensure proper root growth, soil tests shall be performed and soil additives used to provide adequate nutrients, rooting environmental and soil Ph.

C. Irrigation:

- All landscaped planting areas shall be fully irrigated with complete coverage. All systems/circuits shall be underground. Detailed landscaping and irrigation plans shall be submitted to the City of Visalia Planning Department for review and approval prior to issuance of building permits.
- All irrigation systems shall be automatically controlled with electromechanical or solid state controllers able to have variable length timing circuits.
- Water conservation systems are recommended.
- All valves (remote control valves, quick coupler valves, shut-off valves, etc.) shall be installed in valve boxes which are flush to finished landscaped grade.

Visalia Auto Plaza

Auto Mall

D. Fencing:

- On-site fencing may include a chain fence to a maximum total height of seven (7) feet with an optional eighteen (18) inch spiral razor ribbon barbed wire cap, where such fencing is not visible from the public right of way, public walkways and where it does not extend into the thirty (30) foot front yard setback. Masonry walls of the same height may be substituted at owner's option, or where required by the City of Visalia. This requirement is designed to ensure security for individual properties.

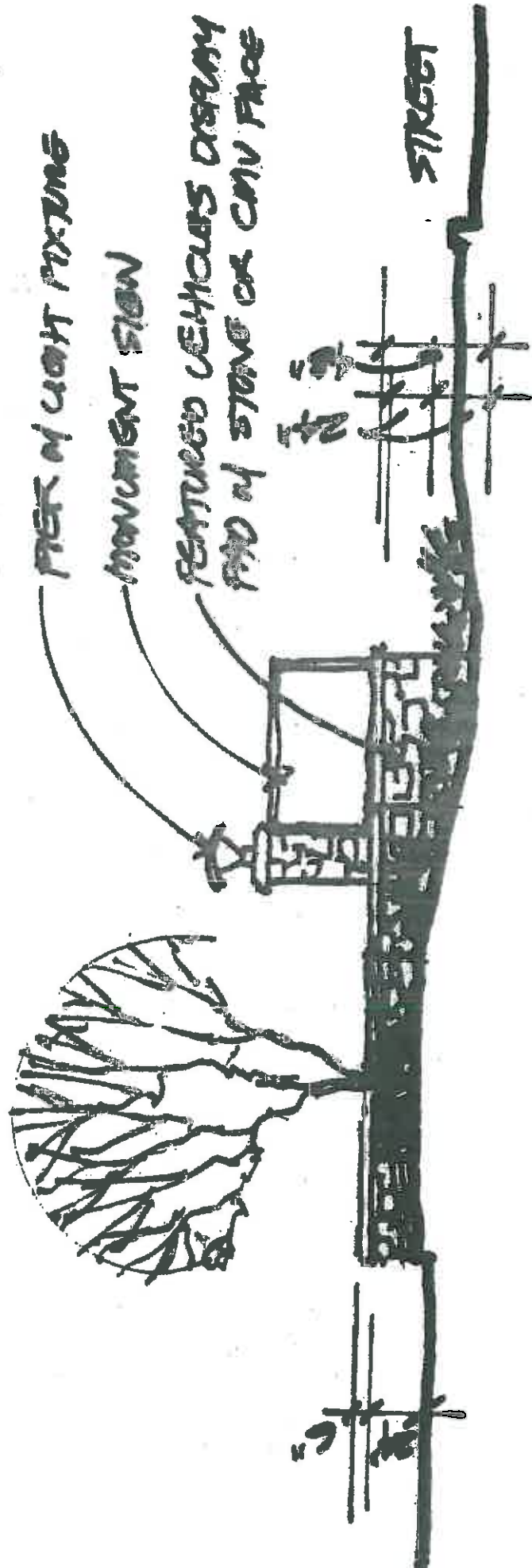
SIGNAGE

A. General Requirements

- Each dealership shall be allowed only those signs that are necessary for identification of the franchise, the premises, the department uses on site an directional signing. The design size, location, color and materials of construction shall be submitted to the Architectural Review Committee for approval prior to construction. All dealerships shall comply with the City of Visalia Sign Ordinance except as provided herein. Billboards, streamers, temporary signs, revolving signs, flashing signs and moving signs are specifically prohibited.
- No signs visible from outside the property may be placed, parked, attached to or displayed from the site except as provided herein. No signs projecting from the roof line of any building or painted on the sides of buildings or roof without approval of the Architectural Review Committee.
- No temporary signs or advertising materials such as balloons, streamers, flags, and inflatable advertising shall be permitted.
- Center identification signs shall only be allowed at the southwest corner of Hurley and Neeley Streets and the T-intersection of Crowley and Neeley as shown in Exhibit 3.

B. Free Standing Monument Signs

- Each dealership shall be allowed one double faced monument sign for each auto line to a maximum of two per parcel consistent with the sign design in Exhibit 4. The sign shall be located on the primary street frontage. Such sign shall be ground-mounted containing the dealership name and manufacture name of the new automobiles sold on the site. The maximum height of the sign shall not exceed ten (10) feet. The total illuminated sign area shall not exceed thirty-five (35) square feet of sign copy per face. The total aggregate surface area of the sign faces and the structure shall not exceed on hundred forty (140) square feet.



PART OF LIGHT FIXTURE

MONUMENT SIGN

FEATURED CIRCULAR DISPLAY
PART OF STONE OR CONCRETE

STREET

MONUMENT SIGN DETAIL

- Freestanding monument signs shall be setback a minimum of five (5) feet from front property lines and a minimum of twenty (20) feet from any interior side property line.
- Freestanding signs are not allowed on the Camp Drive frontage.

C. Building Signs

- Each dealership shall be allowed building signage identifying the dealership name and manufacture name of new automobiles sold on the site. The sign(s) shall be located on the top showroom fascia facing the primary street or on a flat wall surface. The signs shall be preformed, individual illuminated letters with Plexiglas faces in deep channel cans. The maximum height of the letters shall be thirty-six (36) inches. Logo signs shall not exceed ten (10) square feet in area.
- Building signs along Camp Drive shall be limited to secondary signage only.
- Primary Sign - Two square feet of sign area is permitted for each foot of linear occupancy frontage to a maximum of one hundred fifty (150) square feet. Dealerships may choose which exterior side of the building will be used for the purpose of calculating the permitted sign area.
- Secondary Sign - Additional signs of a maximum of twenty-five (25) percent of the sign area as calculated for the primary sign shall be allowed for each remaining exterior wall provided that the sign area for any given wall shall not exceed two square feet per linear foot of the wall length.
- Variances to building sign area may be approved by the Planning Commission in accordance with Section 17.48.110 of the City of Visalia Zoning Ordinance. Approval of a variance shall be based on providing adequate signage for all manufacturer lines at a single dealership.

D. Department Identification Signs

- One wall sign is allowed for each department (e.g., use card, service, parts, body shop, etc). The maximum height of such signs shall be eight (8) inches with a maximum total area of three square feet per sign.

E. Directional signs

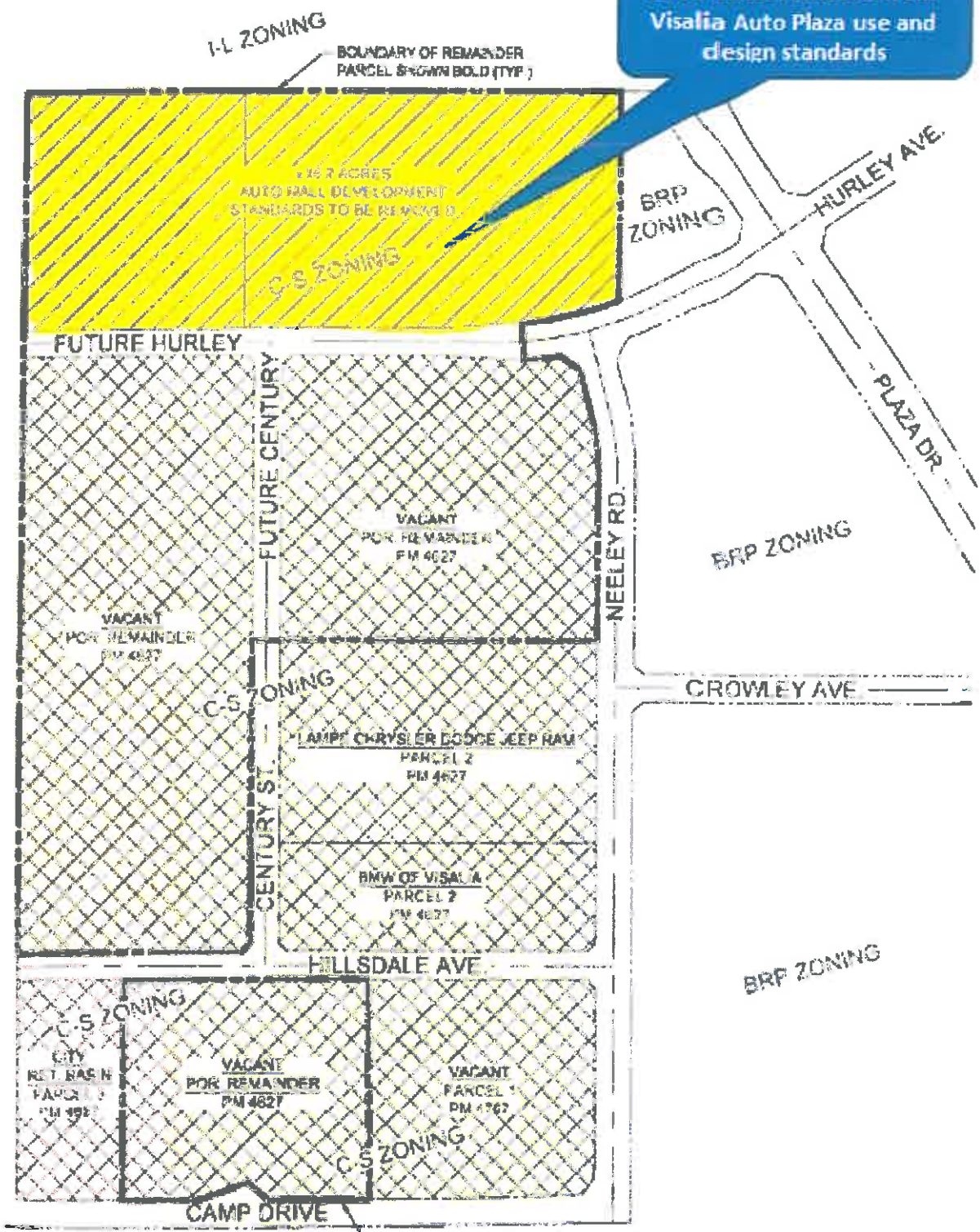
- Dealership directional signs shall be limited to "Enter", "Exit", "Service Entrance", "Customer Parking", and "Employee Parking". Sign height shall not exceed four (4) feet with a maximum sign area of four (4) square feet.

LIGHTING

Illumination of the auto mall is important for the safety and security of the pedestrian, and motorist. The quality of the lighting needs to be maintained throughout the center and reinforced through the consistent use height, spacing, color and type of fixture used with in the area.

- Although lighting plans for the auto mall have not yet been developed, a general concept for project lighting to be employed in the phase I development has been established. The plan for night lighting for phase I development would provide for sufficiently bright lighting for security and safety purposes, but would avoid offensive glare and direct illumination of off-site locations. This would be accomplished by specifying the use of metal halide lighting in the parking lots, display areas, and internal circulation areas, by recessing light source completely within their fixture, and through the use of cut-off shields on light standards to block direct illumination beyond the parcel boundaries.
- Search Lights (temporary or permanent) are prohibited.

Area to be removed from Visalia Auto Plaza use and design standards



SR-198

EXHIBIT 'A'

NORTH



SCALE:
1" = 300'

LEGEND



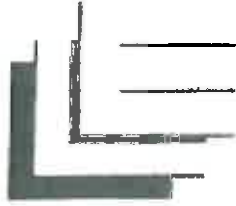
-  AUTOMALL DEV. STDS TO BE REMOVED
-  AUTOMALL DEV. STDS TO REMAIN

Exhibit - A



LANE ENGINEERS, INC.
Civil • Structural • Surveying

January 17, 2017

Andrew Chamberlin
City of Visalia Community Development Department
315 E Acequia Street
Visalia, CA 93292

Reference: Request to Amend Conditional Zoning Agreement 2003-01

Dear Mr. Chamberlin:

The purpose of this letter, is to request on behalf of BP Pearla Properties LP and MP Bruno Family LP, to amend conditional zoning agreement 2003-01, in order to remove all the auto mall development standards for approximately 14.2 acres of land located north of future Hurley Avenue, on APN 055-020-085; and as depicted in Exhibit 'A'. After completion of the amendment, the subject property will be governed by the underlying Service Commercial (C-S) Zoning.

All the auto mall standards will stay in place for the remaining land located south of future Hurley Avenue.

This amendment is being requested to allow for a new 125 KSF distribution facility for Heilind Electronics. Heilind is currently located at 700 North Plaza Drive in Visalia, and is in need of a bigger space for their operations. The successful entitling and permitting of this site will help to ensure over 80 jobs will remain in Visalia.

Respectfully,

LANE ENGINEERS, INC.

Aaron P. Oliver, PE

Enclosure

Copy: Tony Bruno
Mathew Bruno
Chad McCardell

Exhibit - D

**Amending Language for
Conditional Zoning Agreement No. 2003-01**

By action of the City Council, on March 20, 2017, in Ordinance No. 2017-____, Conditional Zoning Agreement No. 2003-01 is amended as follows:

That the portion of the Visalia Auto Plaza north of the Hurly Avenue alignment, as shown below;

- a. Shall not be subject to the Visalia Auto Plaza Architectural Design Guidelines established by Conditional Zoning Agreement No. 2003-01; and
- b. Shall remain a part of the Visalia Auto Plaza; and
- c. Shall be subject to the land uses and development standards in place at the time of development. The site is currently zoned Service Commercial (CS); and
- d. Shall be subject to all other codes and ordinances.

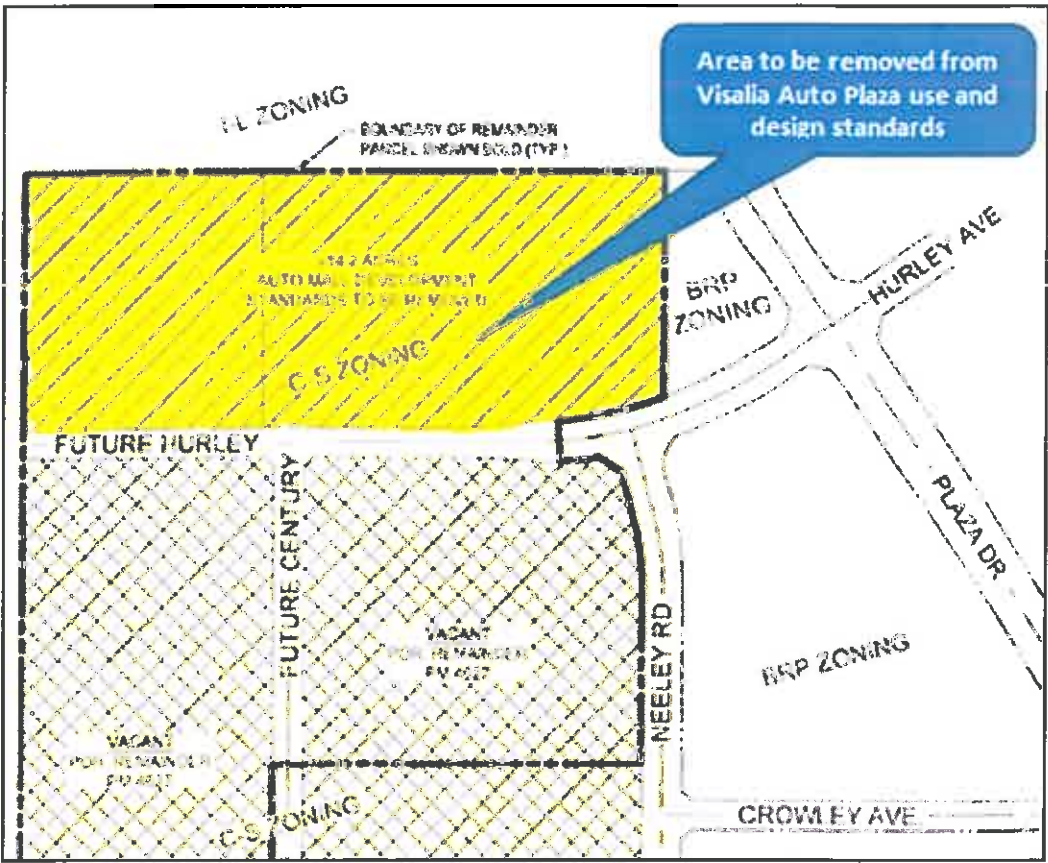


Exhibit - D

Exhibit - E

Correspondence Received via e-mail on February 22, 2017

Planning Commission,

Following are our thoughts and comments regarding the proposed changes to the Visalia Auto Plaza.

We believe that the Auto Plaza is strategically located, near highways 99 & 198, to attract automotive commerce from several communities in the South Valley. Many auto manufacturers are currently not represented in the Visalia market. Volkswagen, Subaru, Mazda, Audi, Lexus, & Infiniti to name a few. As Visalia, and the South Valley, continue to grow these manufacturers will eventually want to expand into the Visalia market and the Auto Plaza is a perfect location for this expansion.

The proposed zoning change to the property north of Hurley removes a substantial portion of the Auto Plaza for future expansion. The removal of approximately 14.2 acres from the Auto Plaza represents two to three auto dealerships that will never be developed in the Auto Plaza. The remaining Auto Plaza property will eventually support development of four to six auto dealerships, depending upon their size.

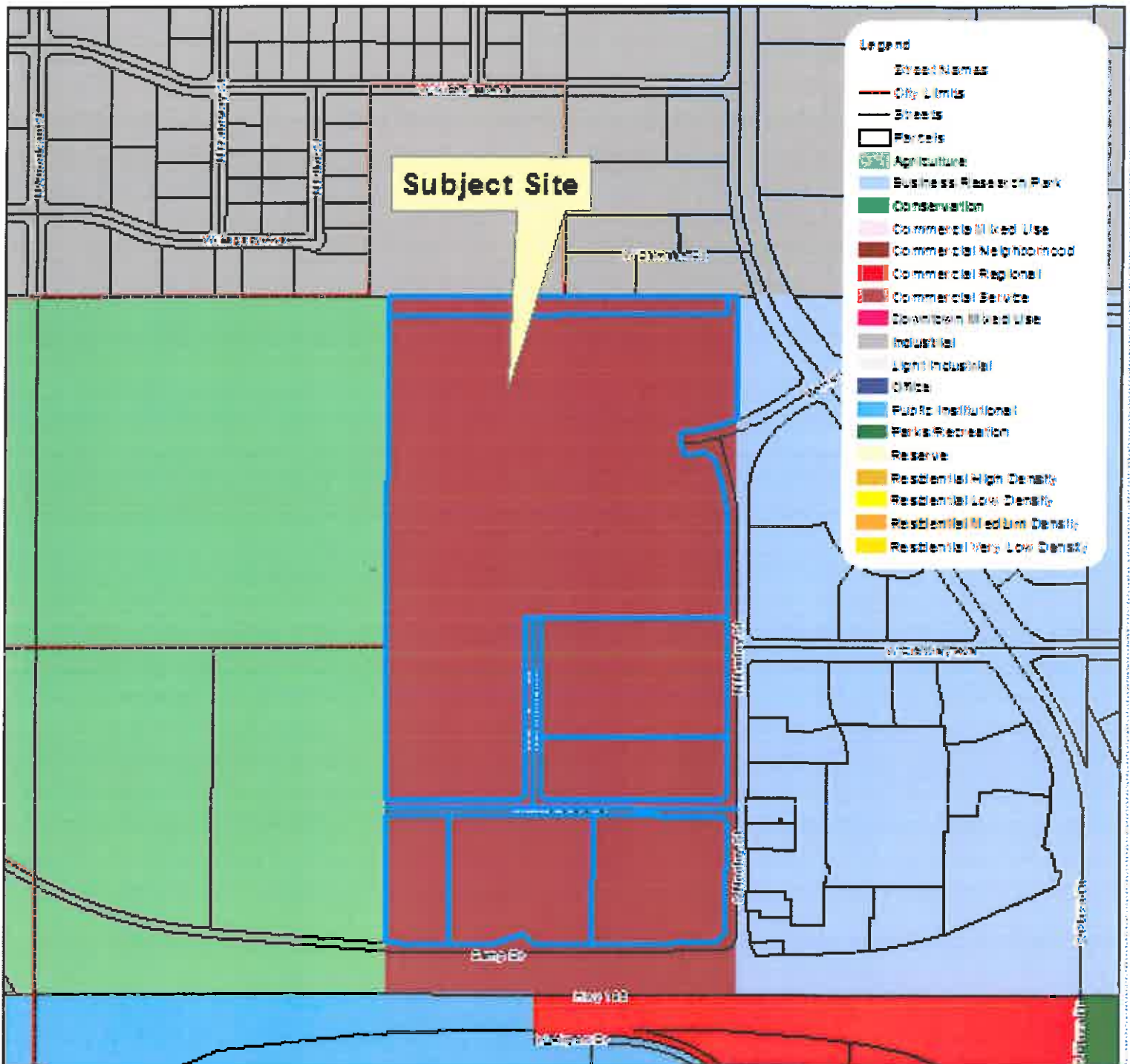
Our concern is the removal of the 14.2 acres from the Auto Plaza maybe the beginning of the end of the Auto Plaza. If the rezoning were to continue, further shrinking the size of the Auto Plaza, future dealerships could not develop in the Auto Plaza and would be forced to look elsewhere, possibly in the County or other nearby cities and not Visalia.

If the owners and the City will agree to no further zoning changes of the remaining property within the Auto Plaza we will not protest this change. The remaining property should allow the Auto Plaza to develop into a viable auto mall as originally intended.

Sincerely,
David Lampe, President
Lampe Chrysler Dodge Jeep Ram
559-737-6400

Exhibit - E

City of Visalia

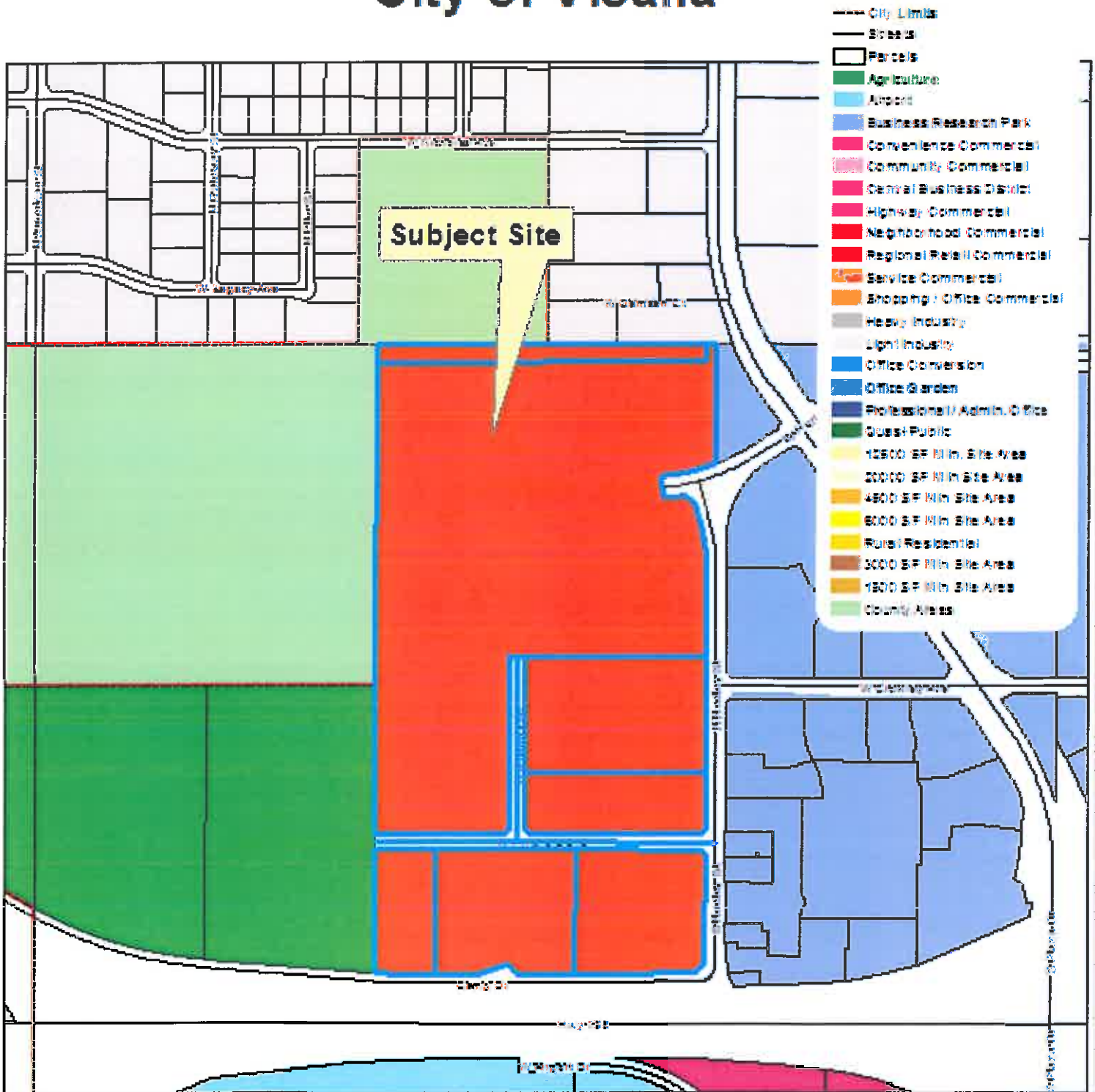


Land Use Designations



COZ No. 2010-11

City of Visalia



Zoning Designations

COZ No. 2010-11

City of Visalia

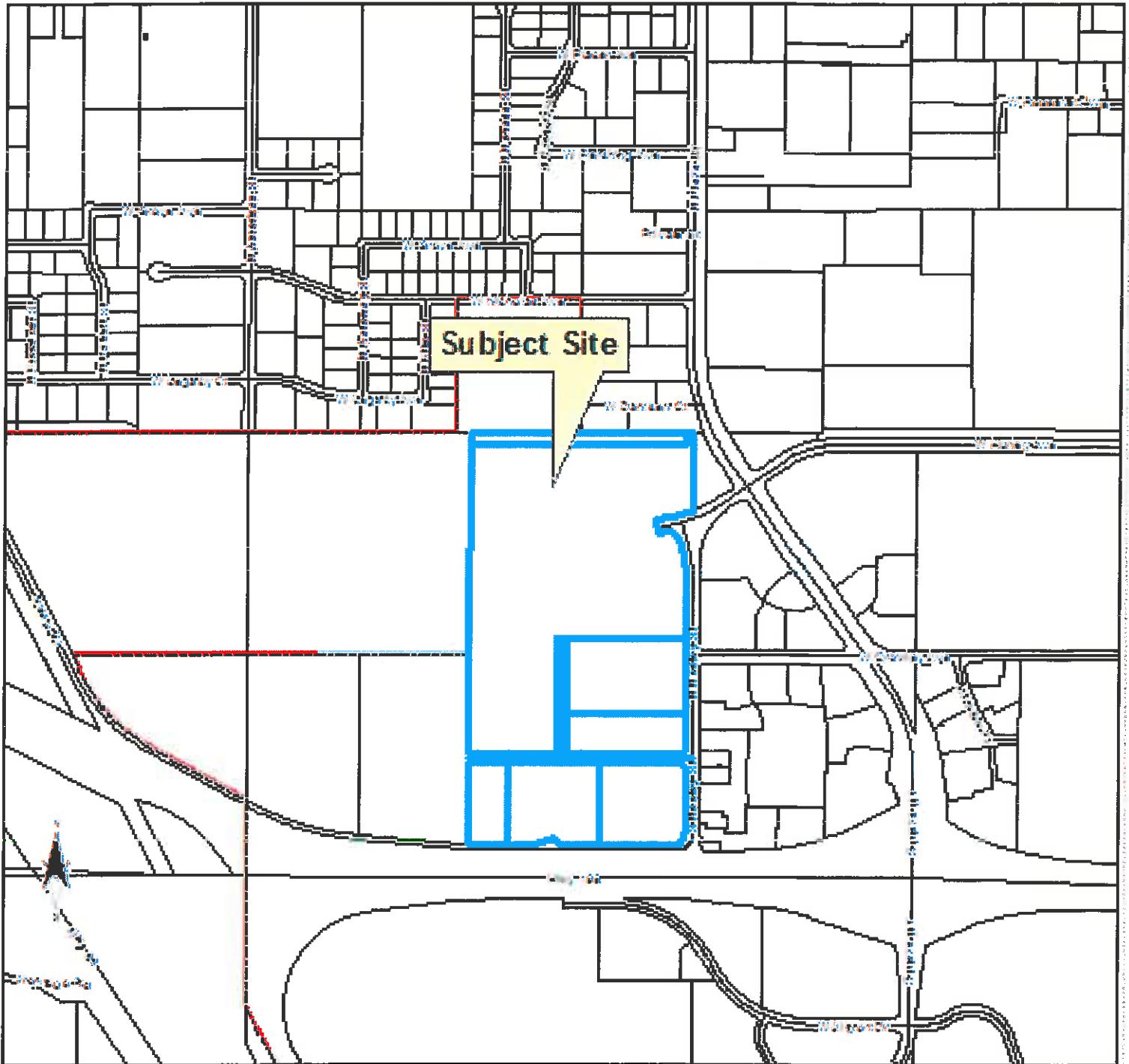


Aerial Photo



COZ No. 2010-11

City of Visalia



Location Map

0 156390 780 1,170 1,560 Feet

COZ No. 2010-11