

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

**MONDAY, JUNE 11, 2018; 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 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.
  - No Items on the Consent Calendar
5. PUBLIC HEARING – Brandon Smith  
Tentative Parcel Map No. 2018-02: A request by Aditya Verma M.D. Inc. to subdivide a 19,604 square foot parcel into two parcels for office use. The proposed parcels created by this project will utilize the public access easement and easement for public utilities created through the planned office development that was established with the approval of Conditional Use Permit No. 9612. The proposed parcels are consistent with Conditional Use Permit No. 9612. The project is zoned O-PA (Professional / Administrative Office), located at 5448 and 5510 W. Avenida De Los Robles, on the northwest corner of Avenida De Los Robles and Tamarack Street approximately 600 feet west of Akers Street. (APN: 085-240-022) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315, Categorical Exemption No. 2018-21.
6. PUBLIC HEARING – Andy Chamberlain  
Conditional Use Permit No. 2018-10: A request by Courthouse Square Ventures LLC to establish a 34 room hotel with rooftop lounge in an existing building in the D-MU (Downtown Mixed Use) zone. The site is located at 210 N. Court Street. (APN: 094-287-001) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-83.

7. PUBLIC HEARING – Andy Chamberlain  
Conditional Use Permit No. 2018-08: A request by Arnulfo Gonzalez to amend Conditional Use Permit No. 97-05 for the existing assisted living facility, increasing the number of residents from 52 to 59 in the R-M-2 (Medium Density Residential) zone. The site is located at 2948 & 2950 E. Douglas Avenue. (APN: 103-290-030) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-22
8. PUBLIC HEARING – Paul Bernal  
Teagan Ranch Tentative Subdivision Map No. 5568 is a request to subdivide 1.59-acres into an eight lot residential subdivision located in the R-1-5 (Single-Family Residential 5,000 sq. ft. minimum lot area) zone. The project site is located on the east side of N. Rono Ct. between W. Douglas and W. Grove Avenues (APN: 085-390-042). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2018-27
9. PUBLIC HEARING – Paul Scheibel  
SUBJECT: Zoning Text Amendment No. 2018-03: A request by the City of Visalia to amend Chapter 17.63 of the City of Visalia Zoning Ordinance pertaining to Micro-brewery/Micro-winery uses, Citywide. The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2018-28.

#### 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 Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

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, JUNE 21, 2018 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](http://www.visalia.city) or from the City Clerk.

#### **THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JUNE 25, 2018**



## REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** June 11, 2018

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

**SUBJECT: Zoning Text Amendment (ZTA) No. 2018-03:** A request by the City of Visalia to amend Chapter 17.63 of the City of Visalia Zoning Ordinance pertaining to Micro-brewery/Micro-winery uses, Citywide

### STAFF RECOMMENDATION

Staff recommends approval of Zoning Text Amendment (ZTA) No. 2018-03, based on the findings and conditions in Resolution No. 2018-25. Staff's recommendation is based on the conclusion that the ZTA is consistent with the goals, objectives, and policies of the City's General Plan and Zoning Ordinance.

### RECOMMENDED MOTION

I move to recommend approval of Zoning Text Amendment No. 2018-03, based on the findings Resolution No. 2018-25.

### PROJECT DESCRIPTION AND ANALYSIS

#### Summary

Zoning Text Amendment (ZTA) No. 2018-03 will amend the current Zoning provisions regarding micro-brewery/micro-winereries, as follows:

- Establish minimum patron age of 21 years old for new micro-breweries/micro-winereries that desire to be permitted by right.
- Require Conditional Use Permit (CUP) approvals for new micro-brewery/micro-winereries that desire to allow underage (under 21 year old) patrons.
- Establish standard operating conditions to be applied to CUPs for new micro-brewery/micro-winereries that desire to allow underage (under 21 year old) patrons.

#### Background

The ZTA was directed for initiation by the City Council in a Worksession on February 5, 2018. On that date, the City Council met to receive a report on implementation of the Micro-brewery/Micro-winery Overlay District, and related Zoning Code revisions that were adopted in 2016. In

particular, the City Council heard testimony from the Visalia Police Department, City staff, commercial stakeholders, and members of the public.

Ultimately, the City Council, by a vote of 4-1 (VM Link- No), directed staff to prepare this revision to the Zoning Code to require a Conditional Use Permit (CUP) for new micro-brewery (and micro-winery) establishments that desire to allow underage patrons. The City Council further directed staff to formulate standard conditions of approval for these venues to ensure they have features that lend themselves to maintaining a “family-friendly” ambiance.

During February and March 2018, City staff, including Visalia Police Department drafted the Code revisions that constitute this ZTA in compliance with the City Council’s direction of February 5<sup>th</sup>. On May 8, 2018, City staff presented the draft Code revisions to the Visalia Chamber of Commerce, Governmental Affairs Committee (GAC). The GAC provided a letter dated May 30, 2018 (please see Attachment 3) that provides its commentary and recommended alternative to the proposed ZTA.

### **Draft Code Revisions**

Proposed Zoning Code Revisions, Section 16.63.040:

#### A. Uses within the Overlay District

1. All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the micro-brewery/micro-winery overlay district and within the C-R (Regional Commercial) Zone District shall be permitted by right, ***provided that such establishments limit their patronage to persons 21 years of age or older.***

The current Code follows the basic State Alcohol Beverage Control (ABC) regulations for a Type 23 license which allows micro-brewery/micro-winery patrons to be all ages. Currently, micro-brewery/micro-winery establishments are permitted by right in the C-R (Regional Commercial) Zone District, and within the Micro-brewery/ Micro-winery Overlay District (generally in the East Downtown area), and there are no limits or restrictions on the age of patrons. The revision would continue to permit these uses by right, but only if the minimum age of patrons is 21 or over (similar to other establishments that serve alcohol without food service). New establishments that desire to allow underage patrons would be required to have an approved CUP.

2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District; except as follows:
  - a) Alcoholic beverages sold on site shall be only that produced by the operator.
  - b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
  - c) Venting of brewing process shall be directed away from sidewalks and residences.

- d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.
- e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.

There are no changes being proposed to Section 17.63.040.A.2, which establishes basic operating standards for all micro-brewery/micro-winery establishments. These standards have proven to be mutually acceptable to the City Council and business stakeholders since the inception of the current Ordinance in 2016.

**3. *Micro-brewery/micro-winery establishments proposing to allow underage patrons (Under 21 years of age) shall require approval of a Conditional Use Permit, subject to the standard operating procedures contained in this Chapter, and as conditioned by the Planning Commission as follows:***

- a) ***Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.***
- b) ***Minor patrons (under 18 years of age) shall be accompanied by a parent or legal guardian at all times.***
- c) ***Underage patrons shall not sit at the bar or serving counter areas of the establishment.***
- d) ***The establishment shall provide games, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.***
- e) ***The floor area devoted to games and activities shall be a minimum of 20% of the public area of the establishment.***

Section 17.63.040.A.3. is added to specify the minimum standards to achieve a “family-friendly” atmosphere for establishments that desire to have underage patrons, instead of patronage limited to patrons 21 years and older. Under the proposed revision, underage patrons would not be allowed after 10:00pm nightly. Patrons under 18 years of age are to be accompanied by a parent or guardian. These are intended facilitate family gatherings at the establishments, while discouraging these becoming underage gathering places.

The remaining three standard conditions are intended to ensure that establishments that allow underage patrons provide an adequate physical space devoted to non-alcoholic beverage consumption, activities, snacks, and non-alcoholic beverages for underage patrons.

### **Governmental Affairs Committee Review**

City staff presented these draft revisions to the GAC on May 8, 2018. The GAC's comments and recommended alternative is provided in Attachment 3. The GAC contends that adding a CUP requirement to new establishments that desire to allow underage patrons will have the effect of unnecessarily complicating the process, which will incur added time and expense to the permitting process. The CAG's recommendations are summarized, as follows:

- Maintain basic adherence to the Type 23 Alcohol licenses by continuing to permit micro-brewery/micro-winery establishments to have underage patrons without the need for a CUP in the Overlay District and C-R Zone District.
- Codify the proposed new special conditions in ZTA 2018-03 (with certain modifications) and apply them to all new micro-brewery/micro winery establishments, rather than differentiating between establishments allowing only patrons over 21 years, and those desiring to allow underage patrons.
- Allow underage patrons to be accompanied by a "responsible adult over the age of 25", as an additional option for adult supervision.

Staff has reviewed these recommendations in the context of the City Council's earlier direction. Staff has determined that the GAC's recommendations are generally consistent with the City Council's direction, specifically with regard to adequately managing the potential presence of underage patrons in these establishments. However, staff's conclusion is that the proposed alternatives would fail to fully address the Council's intent relative to underage patrons. Further, eliminating the requirement for a CUP would limit the City's ability to review each of these new establishments individually, including the Planning Commission's discretionary authority to review them on a case by case basis.

## **BACKGROUND INFORMATION**

**RELATED PLANS & POLICIES** Please see attached summary of related plans and policies. The proposed project is consistent with applicable plans and policies.

### **RELATED PROJECTS**

On September 6, 2016, the City Council adopted Ordinance No. 2016-22 which amended the Zoning Ordinance pertaining to micro-breweries and micro-wineries, including creation of the Micro-brewery/Micro-winery Overlay District within the East Downtown area.

Conditional Use Permit No. 2017-23 was approved by the Planning Commission on June 26, 2017. The project is a request by Barrelhouse Brewing Company to allow live entertainment within an approved 5,500 square foot tap room and beer garden in the D-MU (Downtown Mixed Use) zone, and within the Micro-brewery/micro-winery Overlay District, located at 521 E. Main Street.

Conditional Use Permit No. 2017-27 was approved by the Planning Commission on September 11, 2017. The project is a request by Vise Brewing Company, Inc. to allow a 3,650 square foot nano-brewery and taproom in the C-S (Service Commercial) zone, located at 210 S. Cain Street, Suites N & O, outside of the Micro-brewery/Micro-winery Overlay District

## **RECOMMENDED FINDINGS**

### **Zoning Text Amendment Zone (ZTA) No. 2018-03**

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That applying the proposed Code standards to future developments will support uses in Commercial Zoned Districts, and within the Micro-brewery/micro-winery Overlay District.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15305 (Minor Change in Land Use Limitations).

### **Attachments:**

1. Related Plans and Policies
2. Resolution No. 2018-25 (Zoning Text Amendment No. 2018-03)
3. Governmental Affairs Committee (GAC) letter dated May 30, 2018
4. Map of the Micro-brewery/micro-winery Overlay District
5. Categorical Exemption No. 2018-16
6. City Council Worksession Report, February 5, 2018

## RELATED PLANS AND POLICIES

### **Chapter 17.44 AMENDMENTS**

#### **Section 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)

#### **Section 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)

#### **Section 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)

#### **Section 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)

#### **Section 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)



**Section 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)

**Section 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 minutes of the public hearing, the report of the city engineer and the findings of the commission. (Prior code § 7586)

**Section 17.44.080 Appeal to city council.**

A. Within five calendar 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 there was an error or abuse of discretion by the commission 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)

**Section 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 §

## Chapter 17.63

### MICRO-BREWERY/MICRO-WINERY OVERLAY DISTRICT

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#### Sections:

- 17.62.010 Purpose and intent.**
- 17.63.020 Components of the Chapter.**
- 17.63.030 Definitions.**
- 17.63.040 Standard Operating Conditions.**
- 17.63.010 Purpose and Intent.**

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

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

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

#### **17.63.020 Components of the Chapter.**

This chapter shall include:

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

#### **17.63.030 Definitions.**

“Micro-brewery” An establishment that produces the range of brewed beer, ale, mead, hard cider and similar brewed beverages in quantities totaling 15,000 barrels or less per year (all beverage types combined) that are served on site and/or sold for off-site consumption. Service and sale of brewed beverages must be in conjunction with the regulations of the Alcohol Beverage Control (ABC) and Bureau

of Alcohol, Tobacco, and Firearms (ATF). Service of brewed beverages may be conducted with or without the service of food. Taproom, Nano-brewery, Craft brewery, and Brewpub are included in this definition.

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

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

#### **17.63.040 Standard Operating Conditions.**

##### **A. Uses within the Overlay District**

1. All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the micro-brewery/micro-winery overlay district and within the C-S (Service Commercial) or the D-MU (Mixed Use Downtown) Zone District shall be permitted by right.
2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District; except as follows:
  - a) Alcoholic beverages sold on site shall be only that produced by the operator.
  - b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
  - c) Venting of brewing process shall be directed away from sidewalks and residences.
  - d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.
  - e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.

## Chapter 17.38

### CONDITIONAL USE PERMITS

#### Sections:

- 17.38.010 Purposes and powers.
- 17.38.020 Application procedures.
- 17.38.030 Lapse of conditional use permit.
- 17.38.040 Revocation.
- 17.38.050 New application.
- 17.38.060 Conditional use permit to run with the land.
- 17.38.065 Abandonment of conditional use permit.
- 17.38.070 Temporary uses or structures.
- 17.38.080 Public hearing—Notice.
- 17.38.090 Investigation and report.
- 17.38.100 Public hearing—Procedure.
- 17.38.110 Action by planning commission.
- 17.38.120 Appeal to city council.
- 17.38.130 Effective date of conditional use permit.
- 17.38.010 Purposes and powers.

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

#### 17.38.020 Application procedures.

A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
5. The purposes of the conditional use permit and the general description of the use proposed;
6. Additional information as required by the historic preservation advisory committee.
7. Additional technical studies or reports, as required by the Site Plan Review Committee.
8. A traffic study or analysis prepared by a certified traffic engineer, as required by the Site Plan Review Committee or Traffic Engineer, that identifies traffic service levels of surrounding arterials, collectors, access roads, and regionally significant roadways impacted by the project and any required improvements to be included as a condition or mitigation measure of the project in order to maintain the required services levels identified in the General Plan Circulation Element.

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.

#### 17.38.030 Lapse of conditional use permit.

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site that was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned

residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section.

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.

B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:

1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.

2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.

3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.

4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.

5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.

6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.

7. Signing for temporary uses shall be subject to the approval of the city planner.

8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.

9. Fruit/Vegetable stands shall be subject to site plan review.

C. The City Planner shall deny a temporary use permit if findings cannot be made, or conditions exist that would be injurious to existing site, improvements, land uses, surrounding development or would be detrimental to the surrounding area.

D. The applicant or any interested person may appeal a decision of temporary use permit to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing with applicable fees, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The commission shall review the temporary use permit and shall uphold or revise the decision of the temporary use permit, based on the findings set forth in Section 17.38.110. The decision of the commission shall be final unless appealed to the council pursuant to Section 17.02.145.

E. A privately owned parcel may be granted up to six (6) temporary use permits per calendar year.

17.38.080 Public hearing--Notice.

A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.

B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing, and by publication in a newspaper of general circulation within the city.

17.38.090 Investigation and report.

The planning staff shall make an investigation of the application and shall prepare a report thereon that shall be submitted to the planning commission. The report can recommend modifications to the application as a condition of approval.

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;

2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to

the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.

C. The commission may deny an application for a conditional use permit.

17.38.120 Appeal to city council.

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of section 17.02.145.

17.38.130 Effective date of conditional use permit.

A conditional use permit shall become effective immediately when granted or affirmed by the council, or ten days following the granting of the conditional use permit by the planning commission if no appeal has been filed.

RESOLUTION NO. 2018-25

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF VISALIA, RECOMMENDING APPROVAL OF ZONING TEXT  
AMENDMENT NO. 2018-03, A REQUEST BY THE CITY OF VISALIA TO AMEND  
CHAPTER 17.63 OF THE CITY OF VISALIA ZONING ORDINANCE PERTAINING TO  
MICRO-BREWERY/MICRO-WINERY USES, CITYWIDE

**WHEREAS**, Zoning Text Amendment (ZTA) No. 2018-031 is a request by the City of Visalia to amend Chapter 17.63 of the City of Visalia Zoning Ordinance pertaining to Micro-brewery/Micro-winery uses, Citywide; and,

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on June 11, 2018; and,

**WHEREAS**, the Planning Commission of the City of Visalia considered the Zoning Text 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 of the City of Visalia recommends approval to the City Council of the proposed Zoning Text Amendment based on the following specific findings and evidence presented:

1. That the Zoning Text Amendment is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That applying the proposed Code standards to future developments will support uses in Commercial Zoned Districts, and within the Micro-brewery/micro-winery Overlay District.
3. That the project is exempt from further review under the California Environmental Quality Act (CEQA) Guidelines section 15305 (Minor Change in Land Use Limitations).

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the Zoning Text Amendment as shown on Attachment "A" of this Resolution, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

Resolution No. 2018-25

ATTACHMENT "A"

[Additions (*italicized*) are denoted in **bold font**]

AN ORDINANCE OF THE CITY COUNCIL  
AMENDING CHAPTER 17.63 OF THE VISALIA MUNICIPAL CODE PERTAINING TO  
MICRO-BREWERY/MICRO-WINERY USES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:

**Section 1 – Amendment of Chapter 17.63** pertaining to Micro-brewery/Micro-winery uses is hereby amended as follows:

Zoning Ordinance Section 16.63.040 is amended as follows:

- A.1 All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the micro-brewery/micro-winery overlay district and within the C-R (Regional Commercial) Zone District shall be permitted by right, ***provided that such establishments limit their patronage to persons 21 years of age or older.***
- A.2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District; except as follows:
  - a) Alcoholic beverages sold on site shall be only that produced by the operator.
  - b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
  - c) Venting of brewing process shall be directed away from sidewalks and residences.
- A.3 ***Micro-brewery/micro-winery establishments proposing to allow underage patrons (Under 21 years of age) shall require approval of a Conditional Use Permit, subject to the standard operating procedures contained in this Chapter, and as conditioned by the Planning Commission as follows:***
  - a) ***Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.***
  - b) ***Minor patrons (under 18 years of age) shall be accompanied by a parent or legal guardian at all times.***
  - c) ***Underage patrons shall not sit at the bar or serving counter areas of the establishment.***



- d) The establishment shall provide games, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.*
- e) The floor area devoted to games and activities shall be a minimum of 20% of the public area of the establishment.*

**Section 2: Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is or any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 3: Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section 4: Effective Date.** This Ordinance shall take effect thirty days after its adoption.

**Section 5: Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.



VISALIA CHAMBER  
OF COMMERCE

*Driving an opportunity economy, the Visalia Chamber is a catalyst, convener, and champion of local business.*

---

May 30, 2018

Dear City of Visalia Community Development Staff, Planning Commission and Visalia City Council,

Representing current and future businesses in our community, it is our goal to make opening and maintaining a business in Visalia as streamlined as possible. The development of the microbrewery/microwinery district is a wonderful example of the Visalia Chamber's efforts to serve as a catalyst, convener and champion of local business. As this district has taken hold, we are proud of the new businesses, development, and jobs created while creating a community asset enjoyed by residents and tourists alike.

We applaud the Visalia City Council's desire to maintain this district's successful environment and to ensure that future development will also thrive. It is the recommendation of the Government Affairs Committee, confirmed by our Board of Directors that the items included in the Conditional Use Permit be entered directly into the ordinance. It is our belief that doing so will streamline the process, and encourage development while maintaining Council's desire for a safe family friendly environment. Adding the Conditional Use Permit into the process is an unnecessary time and financial deterrent for businesses looking to develop within this new district. We recommend the following changes be made to the ordinance:

Amend Chapter 17.63.040 (Standard Operating Procedures) as follows:

A.1 All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the microbrewery/micro-winery overlay district and within the C-R (Regional Commercial) Zone District shall be permitted by right.

A.2. Zoning regulations for micro-brewery/micro-winery locations shall be those of their underlying Zone District; except as follows:

- a) Alcoholic beverages sold on site shall be only that produced by the operator.
- b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
- c) Venting of brewing process shall be directed away from sidewalks and residences.
- d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured always and shall be fully screened from view.
- e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.
- f) Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.
- g) Minor patrons (under 18 years of age) shall be accompanied by a parent, legal guardian, or responsible adult over the age of 25 at all times.
- h) Underage patrons shall not sit at the bar or serving counter areas of the establishment.
- i) The establishment shall provide games, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.
- j) The floor area devoted to games and activities shall be a minimum of 20% of the public area of the establishment.

We appreciate the continued partnership as we all strive to make Visalia an amazing place to live and work.

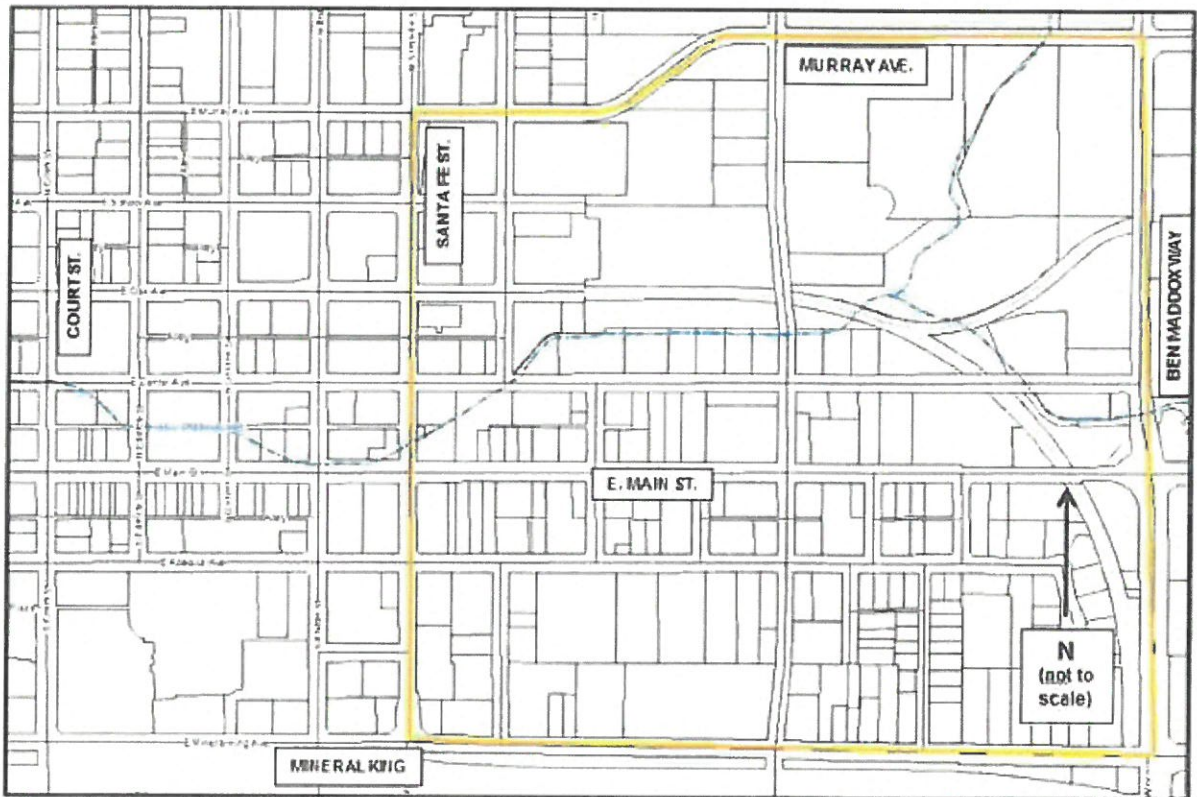
In Partnership,

Gail Zurek, A.C.E.  
President/CEO

ATTACHMENT 3

EXHIBIT A  
ZTA 2016-07

**Micro-Brewery/Micro-Winery Overlay District**



**NOTICE OF EXEMPTION**

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

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

Zoning Text Amendment (ZTA) No. 2018-03

**PROJECT TITLE**

ZTA 2018-03 is Citywide.

**PROJECT LOCATION**

Visalia, CA

Tulare

**PROJECT LOCATION - CITY**

**COUNTY**

Zoning Text Amendment (ZTA) No. 2018-03: A request by the City of Visalia to amend Chapter 17.63 of the City of Visalia Zoning Ordinance pertaining to Micro-brewery/Micro-winery uses, Citywide

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

City of Visalia, 315 E. Acequia, Visalia, CA 93291 , ATTN: Paul Scheibel (559) 713-4369

**NAME AND CONTACT INFORMATION OF LEAD AGENCY APPROVING PROJECT**

City of Visalia, 315 E. Acequia, Visalia, CA 93291 , ATTN: Paul Scheibel (559) 713-4369

**NAME AND CONTACT INFORMATION OF APPLICANT CARRYING OUT PROJECT**

City of Visalia, 315 E. Acequia, Visalia, CA 93291 , ATTN: Paul Scheibel (559) 713-4369

**NAME AND CONTACT INFORMATION OF AGENT CARRYING OUT PROJECT**

**EXEMPT STATUS:** (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15305**
- Statutory Exemptions- State code number:

The ZTA portion of the project is a minor change in land use limitations.

**REASON FOR PROJECT EXEMPTION**

Paul Scheibel, Principal Planner

(559) 713-4369

**CONTACT PERSON**

**AREA CODE/PHONE**

**DATE**

**Paul Scheibel, AICP  
ENVIRONMENTAL COORDINATOR**

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** 2/5/2018

**Agenda Item Number (Assigned by City Clerk):** 5.

**Agenda Item Wording:** Review and Consideration of Potential Revisions to the Micro-brewery/Micro-winery Overlay District and related Zoning Code Provisions.

**Deadline for Action:** None

**Submitting Department:** Community Development

**Contact Name and Phone Number:**

Paul Scheibel, Principal Planner, 713-4369, [paul.scheibel@visalia.city](mailto:paul.scheibel@visalia.city)

Brent Abbott, Lieutenant, Visalia Police Department, 713-4154, [brent.abbott@visalia.city](mailto:brent.abbott@visalia.city)

Paul Bernal, City Planner, 713-4025, [paul.bernal@visalia.city](mailto:paul.bernal@visalia.city)

Jason Huckleberry, Assistant Director, 713-4259, [jason.huckleberry@visalia.city](mailto:jason.huckleberry@visalia.city)

Nick Mascia, Community Development Director, 713-4323, [nick.mascia@visalia.city](mailto:nick.mascia@visalia.city)

**Department Recommendation:** The City Council receive a presentation and staff report and provide direction on whether to initiate possible revisions to the current Zoning Ordinance related to micro-breweries/micro-winereries as well as the overlay district. Possible options including but not limited to the following:

1. Take no further action at this time, or
2. Direct staff to initiate a Zone Text Amendment (ZTA) to address age restrictions for micro-breweries/micro-winereries.

If the City Council directs that a Zone Text Amendment be pursued, the revisions that may be considered include:

- A. Requiring a minimum age of 21 years and older for patronage at all microbrewery taprooms; or,
- B. Requiring a Conditional Use Permit (CUP) for microbrewery taprooms that are proposed to be open to "all-ages" either Citywide, except in the Overlay District; or Citywide, including in the Overlay District; or,
- C. Identifying new codified standard operational conditions for "all-ages" taprooms, such as:
  - i. Requiring availability of food & non-alcoholic drinks,
  - ii. Requiring games and activities geared toward underage patrons, such as table top games,
  - iii. Restricting hours of operation when underage patrons may be present, and/or
  - iv. Requiring a detailed plan for verifying age of individual patrons.
- D. Limit "all-ages" (under 21 years of age) venues to the Micro-brewery/Micro-winery Overlay District

*ATTACHMENT G*

**Summary:** On September 6, 2016, the City Council adopted Ordinance No. 2016-22 which amended the Zoning Ordinance pertaining to micro-breweries and micro-wineries. The Ordinance streamlined the existing Code provisions for establishing these venues Citywide. Most notably the Ordinance does the following:

- Eliminated the requirement for a food service component Citywide for micro-breweries and micro-wineries,
- Established the Micro-brewery/Micro-winery Overlay District (Overlay District) encompassing the East Downtown area where such uses are permitted by right (see attached Micro-brewery/Micro-winery Overlay District Map).
- Identified other zoning designations where micro-brewery/micro-winery uses are conditionally allowed, or permitted by-right in the case of the C-R (Regional Commercial) zone (see Zoning Matrix below).

USE	Commercial and Mixed Use Zones					Office Zones			Industrial Zones		Special Use Standards (See identified Chapter or Section)
	C-N	C-R	C-S	C-MU	D-MU	O-PA	O-C	BRP	I-L	I	
<b>E</b>											
EATING & DRINKING ESTABLISHMENTS											
E1	Bars/Taverns - within 300 feet of any residence/public use										
	C	C		C							
E2	Bars/Taverns - not within 300 feet of any residence/public use										
		P		C							
E3	Micro-breweries / micro-wineries (with or without restaurants)										
	C	P	C	C	C			C	C	C	17.63

Since the micro-brewery/micro-winery ordinance was adopted, the City has approved two micro-brewery taprooms. As a result of these two new businesses going through the discretionary review process, concerns have arisen with regard to the lack of age restrictions for patronage of these establishments, as is allowed by the Type 23 alcohol sale licenses that regulate micro-brewery/micro-winery venues by the State Alcohol Beverage Control (ABC) Department. In both cases, the Visalia Police Department recommended age restrictions be imposed on the taproom approvals, while Community Development Department staff expressed concern that

doing so might conflict with the City Council's original intent to encourage these venues locating in the City.

The Planning Commission became concerned that it lacked clear policy direction in approving the discretionary aspects of these venues (such as for live entertainment, or when the microbrewery requires a CUP approval due to the location's underlying Zone District), and in setting appropriate conditions on these venues. Consequently the City Council is being requested to review this issue in the context of whether the age of patrons is a concern that warrants further Zoning Code revisions in order to conclusively articulate its policy relative to these venues for the mutual benefit of City staff, the Planning Commission, and future applicants.

**Background Discussion:** The Type 23 alcohol license (Small Beer Manufacturer) which regulates micro-breweries/micro-wineries allows "all ages" patronage at microbrewery taprooms. At the time of adoption, the new Zoning Code provisions did not place age restrictions on these venues. This was in order to avoid added local restrictions on these venues. The City can impose codified restrictions above and beyond the basic ABC regulations, such as age limitations on License Type 23 venues (taprooms). Conversely, a city cannot reduce ABC regulations, such as allowing patrons under 21 years of age in bars and taverns (License Type 48).

However, concerns arose about the propriety of having underage patrons at the first two establishments proposed subsequent to the new Zoning Code provisions (Barrelhouse Brewing Company and Vise Brewing) when their respective Conditional Use Permits (CUP) came before the Planning Commission. Please note that Barrelhouse Brewing Company is a "Permitted" use due this venue's location in the Overlay District. However, Barrelhouse Brewing Company applied for and was granted approval of a CUP for live entertainment as part of their establishment. Whereas, Vise Brewing required a CUP for their micro-brewing business because their site is located in the C-S (Service Commercial) zone and outside the micro-brewery/micro-winery overlay district.

**Visalia Police Department Concerns:** The Visalia Police Department proposed limiting the "all-ages" aspect of the businesses, contending that the operation of micro-brewery taprooms are indiscernible from those of bars and nightclubs which require patrons to be 21 years or older. Without implementing reasonable restrictions regarding age limits, minors would be allowed inside a Type-23 establishment (e.g. micro-brewery taproom) but not a Type-48 establishment (e.g. bar or tavern) even though both types of establishments have similar operational features.

The Visalia Police Department further contended that allowing minors in micro-brewery/micro-winery establishments presents an increased risk for minors to have access to alcohol. An example of this is a recent ABC Minor Decoy detail conducted on January 20, 2018, in Downtown Visalia. The Visalia Police Department and Alcoholic Beverage Control Board visited thirteen licensed establishments. During the detail, four of the 13 establishments (30.8%) sold an alcoholic beverage to a minor decoy. This illustrates the ease by which minors can obtain alcoholic beverages.

Planning staff was reluctant to recommend special conditions that would impose age restrictions on the basis that such conditions might be contrary to the City Council's intent of imposing minimal local conditions as a way of encouraging these venues, particularly in the East Downtown overlay district.

During the public hearing process for both micro-breweries, the project applicants voiced their concerns related to imposing the age restrictions as being contrary to the City's Council's original direction based on their approval of amending the Zoning Ordinance for micro-breweries and micro-wineries. The taprooms were ultimately approved to operate with no age limitations. However, in the case of Vise Brewery (located outside of the Overlay District, and thus requiring a CUP) the Planning Commission, by a split vote of 3-2, added special conditions that included having an activity and game area within the venue, and requiring that packaged food and non-alcoholic beverages be available at the venue.

**Outreach and Stakeholder Input:** City staff internally reviewed and discussed the perceived conflicts among staff with the condition recommendations presented to the Planning Commission during the public hearings on the two microbrewery projects. This internal review included City management, City Attorney, and Police and Community Development leadership and implementing staff members. In addition, staff reached out to the stakeholder business community to solicit their input on potential microbrewery Code revisions, and to specifically receive their views on the possibility of revising the City's Code to restrict under-age patronage of microbreweries.

On January 9, 2018, Visalia Police and Community Development Department staffs provided a brief overview of the issue to the Visalia Chamber of Commerce Government Affairs Committee (GAC). Staff fielded numerous questions posed by the attendees (including representatives of the Barrelhouse Brewing Company and Vise Brewing Company). The Chamber of Commerce, and the GAC Committee in particular, was selected for this outreach because the Chamber was the primary proponent and stakeholder participant in originally promoting the Micro-brewery/Micro-winery Ordinance. The questions included the frequency and nature of police calls to the Barrelhouse Brewing Company related to underage patrons, and by comparison with other alcohol sale and nightclub venues.

The GAC took no formal action on the issue, including the options noted above. Individual comments were received from members of the GAC, and from representatives of the two microbrewery venues discussed previously. The general consensus of comments received is that the Code revisions that established the Overlay District and eliminated the requirement for a restaurant component of a microbrewery have been a success thus far. This is evidenced by the general upgrade occurring in the East Downtown area, by the success of the Barrelhouse Brewing Company venue, and by the increased interest by other microbrewery operators in coming to the City.

With regard to the specific question of potentially limiting the age of patrons to over 21 years old, the general consensus was that age restrictions are unnecessary at this time. The attendees were generally in agreement with the arguments made by the representative of



Barrelhouse Brewing Company. The representative stated that the all-ages aspect of the business is necessary to facilitate its family-oriented theme. The representative further stated their experience over five years at two other locations has led them to conclude that the presence of children at the venue tends to reduce the incidents of alcohol-related behavior.

They further stated that they would not consider locating in the City if an age restriction had been imposed on their business. However, the operator and those in attendance at the GAC acknowledged the potential for public safety concerns related to alcohol consumption, the primacy of preserving public safety, and they expressed their appreciation to the Visalia Police Department in their dedication to ensuring for public safety throughout the Community. The session was beneficial for all concerned because it provided public safety information and provided an early, transparent forum for policy discussion to seek input from business stakeholders.

**Potential Options for City Council Consideration:** The options presented to the GAC related to age restrictions have been included in this work session staff report for the City Council's further consideration and direction. If the City Council directs staff to initiate action on one or more options, staff will process a Zoning Text Amendment (ZTA) that reflects the City Council's direction. Beyond the option of taking no new action at this time, the potential options for the City Council's consideration include:

- 1. Restrict patronage at all new micro-brewery/micro-winery venues to 21 years and older** (Shown in the Recommendations section of this report as Revision A). Barrelhouse Brewing and Vise Brewing allowance for "all-ages" patrons would be grandfathered (unless their respective permits are revoked or amended in the future) since they are already entitled to do so through their respective operating permits.
- 2. Require all new micro-brewery/micro-winery venues to obtain a Conditional Use Permit (CUP) if they desire to be an all-ages venue** (Shown in the Recommendations section of this report as Revisions B and C, i thru iii). This would allow the Planning Commission to apply special conditions, appealable to the City Council that it deems necessary for the safe operation of the establishment in light of the under-age patronage. This could include: Limitations on hours when under-age patrons can be present, mandatory games or activities geared for under-age patrons, and/or on-site food service. Micro-breweries that intended to limit their patrons to 21 years and older would continue to be permitted by right in the Micro-brewery/Micro-winery Overlay District and in the C-R Zone District.
- 3. Limit "all-ages" venues to the Micro-brewery/Micro-winery Overlay District** (Shown in the Recommendations section of this report as Revision D). This would continue to permit by right the family-oriented theme that is endorsed by many operators to be concentrated in the East Downtown area, while precluding "all-age" micro-breweries/micro-winereries throughout the rest of the City. Any micro-brewery/micro-winery proposed outside the overlay district would be restricted to only persons 21 years or older.

**Fiscal Impact:** The cost to process a Zoning Text Amendment (ZTA) is approximately \$3,700 and will be paid from the General Fund.

**Prior Council Action:** On September 6, 2016, the City Council adopted Ordinance No. 2016-22 which amended the Zoning Ordinance pertaining to micro-breweries and micro-wineries.

**Alternatives:**

1. Take no action at this time.
2. Restrict age for micro-brewery/micro-winery venues City-wide.
3. Require a CUP in the Overlay District if all-ages patronage.
4. Limit age to over 21 outside of the Overlay District.

**Attachments:**

Zoning Ordinance Chapter 17.63 (Micro-brewery/Micro-winery Overlay District) and map

**Recommended Motion (and Alternative Motions if expected):**

I move to accept the report and take no further action at this time; or, I move to accept the report and to direct staff to prepare an amendment to the Zoning Ordinance as directed.

Copies of this report have been provided to: Planning Commission

Visalia Chamber of Commerce

**Environmental Assessment Status**

**CEQA Review:** Categorically Exempt CEQA Guidelines section 15305 (Minor Change in Land Use Limitations).