

# PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

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

**MONDAY, JANUARY 14, 2019; 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.
  - a. Annexation No. 2018-01 (Riezebos)
5. PUBLIC HEARING – Paul Scheibel  
Request to Continue Public Hearing Item for Conditional Use Permit No. 2018-21 to a Non-Specific Date.
6. PUBLIC HEARING – Andy Chamberlain
  - a. General Plan Amendment No. 2018-02: A request by Michael Behzad to change the land use designation from Low Density Residential to Commercial Mixed Use for a 2,924 sq. ft. parcel. The project site is located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2018-75
  - b. Change of Zone No. 2018-01: A request by Michael Behzad to change the zoning designation from R-1-5 (Single Family Residential 5,000 sq. ft. minimum site area) to C-MU (Commercial Mixed Use) for a 2,924 sq. ft. parcel. The project site is located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2018-75
  - c. Conditional Zoning Agreement No. 2018-03: A request by the Michael Behzad to establish conditions for retail and food service for a small neighborhood convenience store. The project site is located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2018-75



- d. Conditional Use Permit No. 2018-15: A request by Michael Behzad to allow a 1,500 sq. ft. convenience store with food service in the C-MU (Commercial Mixed Use) zone. The project site is located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2018-75
- e. Variance No. 2018-07: A request by Michael Behzad to parking and setback requirements to allow the re-use of an existing 1,500 sq. ft. building with no on-site parking, and allowing the solid waste enclosure in a landscape setback area. The project site is located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303, Categorical Exemption No. 2018-75

#### 7. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- St. Paul's Warming Center
- 2018 Annual Planning Commission Update Report
- AB 1661 training June 6, 2019
- January 29, 2019 meeting

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, 24, 2019 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, JANUARY 28, 2018**





# REPORT TO CITY OF VISALIA PLANNING COMMISSION

**HEARING DATE:** January 14, 2019

**PROJECT PLANNER:** Andrew Chamberlain  
Phone: (559) 713-4003  
E-Mail: [andrew.chamberlain@visalia.city](mailto:andrew.chamberlain@visalia.city)

**SUBJECT: General Plan Amendment No. 2018-02:** A request by Michael Behzad to change the land use designation from Low Density Residential to Commercial Mixed Use for a 2,924 sq. ft. parcel.

**Change of Zone No. 2018-01:** A request by Michael Behzad to change the zoning designation from R-1-5 (Single Family Residential 5,000 sq. ft. minimum site area) to C-MU (Commercial Mixed Use) for a 2,924 sq. ft. parcel.

**Conditional Zoning Agreement No. 2018-03:** A request by the Michael Behzad to establish conditions for retail and food service for a small neighborhood convenience store.

**Conditional Use Permit No. 2018-15:** A request by Michael Behzad to allow a 1,500 sq. ft. convenience store with food service in the C-MU (Commercial Mixed Use) zone.

**Variance No. 2018-07:** A request by Michael Behzad to parking and setback requirements to allow the re-use of an existing 1,500 sq. ft. building with no on-site parking, and allowing the solid waste enclosure in a landscape setback area.

**Location:** The project site is located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008).

## STAFF RECOMMENDATION

General Plan Amendment No. 2018-02: Staff recommends that the Planning Commission recommend that the City Council approve General Plan Amendment No. 2018-02, based on the findings in Resolution No. 2018-32. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Change of Zone No. 2018-01: Staff recommends that the Planning Commission recommend that the City Council approve Change of Zone No. 2018-01, based on the findings in Resolution No. 2018-31. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Conditional Zoning Agreement No. 2018-03: Staff recommends that the Planning Commission recommend that the City Council approve Conditional Zoning Agreement No. 2018-03, based on the findings and conditions in Resolution No. 2018-35. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Conditional Use Permit No. 2018-15: Staff recommends approval of Conditional Use Permit No. 2018-15, as conditioned, based on the findings and conditions in Resolution No. 2018-29. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning and Ordinance.

Variance No. 2018-07: Staff recommends approval of Variance No. 2018-07, as conditioned, based on the findings and conditions in Resolution No. 2018-30. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning and Ordinance.



## RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2018-02, based on the findings in Resolution No. 2018-32.

I move to recommend approval of Change of Zone No. 2018-01, based on the findings in Resolution No. 2018-31.

I move to recommend approval of Conditional Zoning Agreement No. 2018-03, based on the findings and conditions in Resolution No. 2018-35.

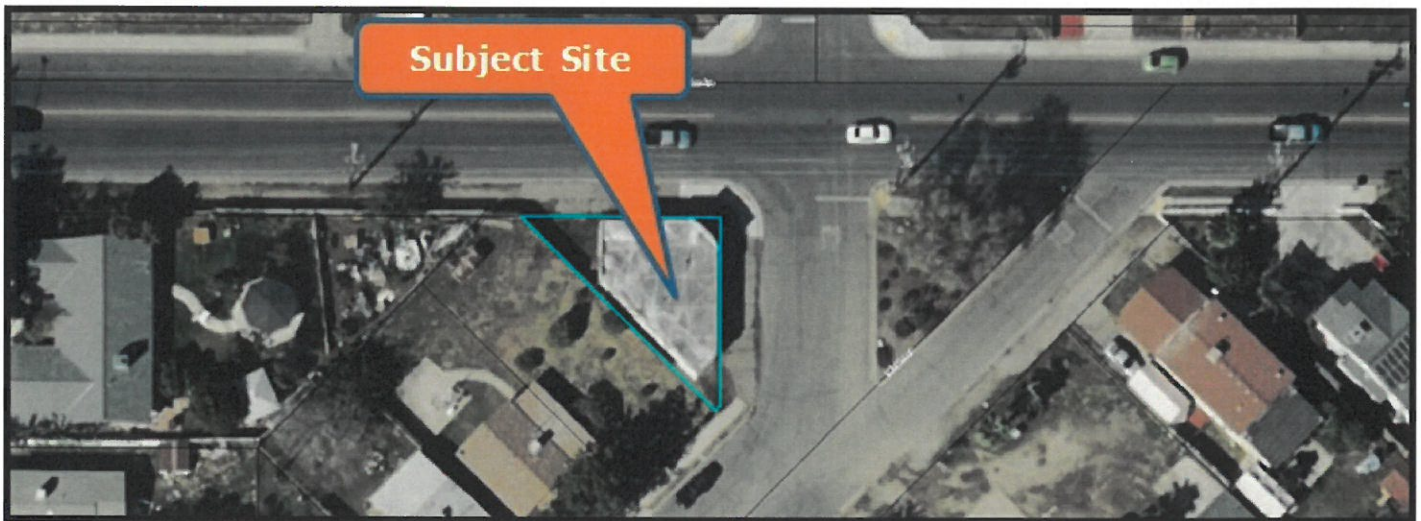
I move to approve Conditional Use Permit No. 2018-15, based on the findings and conditions in Resolution No. 2018-29.

I move to approve Variance No. 2018-07, based on the findings and conditions in Resolution No. 2018-30.

## PROJECT DESCRIPTION

### Corner Convenience Market Request

The applicant is requesting the proposed actions to enable the existing vacant building located at 139 E. Houston Avenue to be used as a convenience store with a walk-up food service. The existing retail building is approximately 1,500 sq. ft. on a triangular parcel of approximately 2,300 sq. ft. The site was developed without any parking and reduced setbacks with the building developed close to zero lot line along the front and rear with two small open areas at opposite corners as shown in Exhibit "A".



The Operational Statement and Supplemental Information provided in Exhibit "B" describes the reuse of the building as a convenience store with walk-up food service operating seven days a week from 7:00 a.m. to 8:00 p.m. The applicant's intent is that the proposed reuse of the building will serve the neighborhood with walk-in customers and limited off-site parking to accommodate customers driving to the site. The convenience store will include a walk-up food service component with limited indoor seating accommodations.

The request to reuse the site as a convenience market requires the general plan amendment and zone change in conjunction with a conditional use permit for the convenience store, and a variance for no parking provided on-site and the proposed trash enclosure located in the required setback area along N. Church Street. Staff is recommending the conditional zoning agreement to limit potential impacts to the adjacent residential neighborhood.



### **General Plan Amendment (GPA) No. 2018-02**

General Plan Amendment No. 2018-06 is a request to change the land use designation from Low Density Residential to Commercial Mixed Use. The Commercial Mixed Use designation will allow for the operation of the proposed convenience store.

### **Change of Zone (COZ) No. 2018-01**

The applicant is requesting a Change of Zone from R-1-5 to C-MU. The C-MU zoning designation is consistent with the proposed Commercial Mixed Use land use designation as identified in Table 9-1 "Consistency Between the Plan and Zoning" of the General Plan. The proposed C-MU zone is consistent with other commercial zoned properties in the area and enables the property owner to seek approval of a CUP to operate a convenience store.

### **Conditional Zoning Agreement (CZA) No. 2018-03**

To ensure compatibility with the surrounding area, the applicant is seeking approval of a CZA. The CZA provides the mechanism to lock in the proposed conditions limiting alcohol sales and the hours of operation to provide a neighborhood compatible retail site adjacent to single family residential homes. Through the CZA process, the alcohol limitation and hours of operation are applied to the site and remain in place even if the conditional use permit lapses or becomes void. Without the CZA, if the site is approved for commercial land use and zoning, future uses not subject to the CUP could operate 24 hours a day and pursue ABC approval for off-site alcohol sales. Staff finds that limiting alcohol sales and limiting the hours of operation are basic components to good neighborhood compatibility. The conditions can be changed through an amendment to the CZA, Planning Commission and City Council action required, to reduce or expand the conditions.

Staff concludes that it may be appropriate to provide the owner/operator of the walk-up restaurant the ability to have on-site alcohol sales in conjunction with the food service. Providing on-site alcohol service for a neighborhood food service, including a small sit-down café area, may contribute to the success and longevity of the proposed business.

### **Conditional Use Permit (CUP) No. 2018-15**

Convenience stores require a conditional use permit in the C-MU (Commercial Mixed Use) zone. The use permit conditions for this project require the convenience store to operate consistent with their operational statement and any related conditions that have been identified through the Site Plan Review and Planning Commission process.

### **Variance No. 2018-07**

A variance to setbacks is requested to allow the trash enclosure to be added to the south end of the site as shown in Exhibit "C". The new trash enclosure location will be developed with a seven-foot high block wall and metal gate on property line adjacent to N. Church Street. The setback along N. Church Street is 10-ft. Requiring the trash enclosure to be located outside the required setback would require a portion of the building to be removed. In addition, the parcel size and configuration limit the location of the trash enclosure to an area that can be serviced safely by solid waste trucks.

Conversely, the variance to parking is requested due to the site being developed with no on-site parking. However, limited on street parking is available around the site. The applicant believes that reuse of the building for a small neighborhood convenience market reduces potential parking impacts because of the sites proximity to the residential neighborhood which lends itself to be accessed by walk-up customers rather than individuals driving to the site.



Based on staff's research, the building was last used commercially in the early to mid-1980s with a commercial zoning of C-2.5 (General Retail), as an appliance repair store. The site was rezoned to R-1-6 in 1993 as part of the Citywide Zoning Ordinance Update following the 1991 Land Use Element Update. During that time the site was not used commercially with the property owner residing at the site for several years then leaving the site vacant. The zoning was changed again in 2017 to R-1-5, as part of the Citywide Zoning Ordinance Update following the 2014 Land Use Element Update. The site had not been occupied for several years.

**BACKGROUND INFORMATION**

General Plan Land Use Designation:	Low Density Residential
Proposed Land Use Designation:	Commercial Mixed Use
Zoning:	R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot size)
Proposed Zoning:	C-MU (Commercial Mixed Use)
Surrounding Land Use and Zoning:	North: Houston Ave. & R-1-5 / Low Density Residential - Single-Family Residential South: R-1-5 / Low Density Residential – Vacant lot and a Single-Family Residential dwelling East: N. Church Street West: R-1-5 / Low Density Residential - Single-Family Residential dwelling
Environmental Review:	Categorical Exemption No. 2018-75
Special Districts:	N/A
Site Plan Review No:	SPR No. 2018-046

**RELATED PLANS & POLICIES**

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

**RELATED PROJECTS**

None

**PROJECT EVALUATION**

Staff supports the General Plan Amendment, Change of Zone, Conditional Zoning Agreement, Conditional Use Permit, and Variance, as conditioned, based on the project's revitalization of a site that has been vacant for the past 10 years and consistency with the Land Use Element of the General Plan, and the Zoning Ordinances.

**General Plan Consistency**

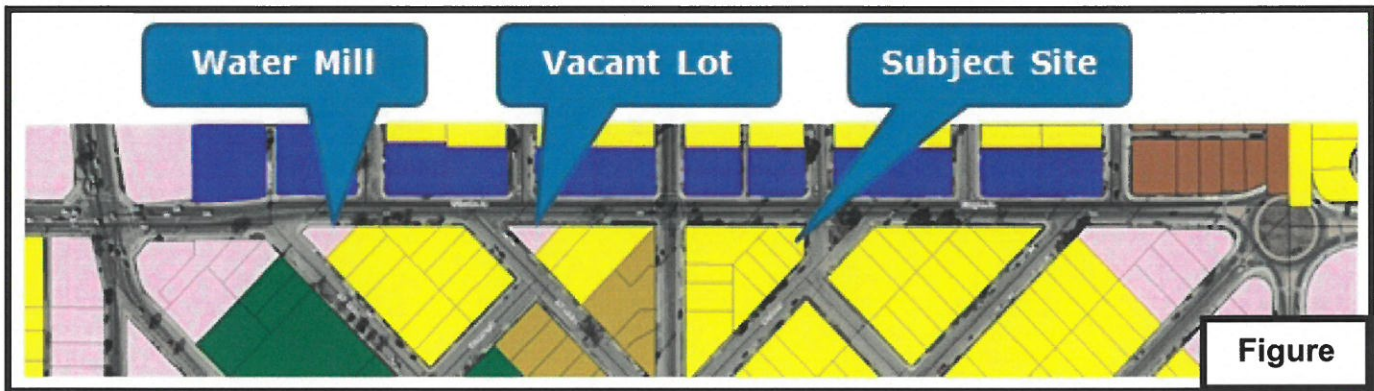
Project compatibility with the City's General Plan must be made as a finding for each of the entitlements.

Staff concludes that the proposed project is consistent with the City's General Plan related to providing neighborhood services. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services.



Land Use Element Policy LU-P-64 encourages providing incentives, including reduced parking, for new pedestrian friendly retail along transit corridors and pedestrian oriented commercial streets, while Land Use Element Policy LU-P-72 indicates that noise, traffic and other potential conflicts that may arise in a mix of commercial and residential uses are mitigated through good site planning and appropriate operational measures. Staff has determined, based on the conditions of project approval, that the project meets the intent of the General Plan policies; moreover, the conditions also mitigate potential impacts between the proposed convenience store and residential neighborhood

The corresponding Change of Zone from the R-1-5 designation to the C-MU designation will establish a commercial designation consistent with zoning designations found on two other similar shaped parcels along Houston Avenue just west of the subject site (see Figure 1 below). One of the sites to the west is vacant while the other site is proposed to be redeveloped with a Water Mill (self-serve fresh water dispensing site).



### Land Use Compatibility

The subject site is developed with a vacant commercial building. The site is adjacent to single family residential units to the south, east, and west. The site is also adjacent to Houston Avenue, a two-lane collector street, and N. Church Street, a local street. Property on the north side of Houston Avenue is developed with a duplex on property zoned PA (Professional Administrative Office). The existing building is approximately two-feet off of the south property line with the combination of a wood and chain link fence separating the vacant building from the adjoining residential property. The construction of a seven-foot high block wall along the south property line is required. The block wall includes a portion of the proposed trash enclosure, which encroaches into the required setback along N. Church Street.

The proposed project will reuse an existing commercial building. The proposed use will establish a retail use with limited food service for the residential neighborhood. This would include a dining area with limited seating. The number of tables and chairs is limited to four, two-person tables (i.e., a total of eight seats). Limiting the number of indoor seats supports the owners request to cater to walk-up customers from the neighborhood rather than establishing a full service restaurant. Condition No. 4 for CUP No. 2018-15 is included for the Planning Commission's consideration. This condition limits the number of indoor chairs and tables as described in this report.

Staff concludes the proposed project is compatible with the surrounding residential land uses through the recommended conditions of approval, and the Conditional Zoning Agreement No. 2018-03, which is discussed in greater detail below.



### **Conditional Zoning Agreement (CZA) No. 2018-03**

The CZA provides the mechanism to lock in the proposed improvements for the site, subject to the GPA and COZ being approved by the City Council. Staff has found that the proposed project can be made compatible with the surrounding residential land uses through the recommended conditions of approval for the CUP and Conditional Zoning Agreement No. 2018-03, which limits alcohol sales to on-site service only, and limits the hours of operation from 7:00 a.m. to 8:00 p.m.

Similar to the CZA discussion in the Project Description section above, staff is recommending the use of a CZA to lock in the alcohol and hours of operation conditions. The CZA conditions would remain in place even if the CUP lapses or becomes void. If the conditions were only applied to the CUP and it is allowed to lapse, any new user could operate a permitted use on the site 24 hours a day and petition ABC for an off-site alcohol sales license. Staff believes that these conditions are a part of good neighborhood compatibility.

### **Conditional Use Permit (CUP) No. 2018-15**

The use permit conditions the project to operate consistent with their operational statement and any related conditions that have been identified through the Site Plan Review, and Planning Commission process. Specifically, limiting the hours of operation to 7:00 a.m. to 8:00 p.m. reduces potential conflicts with early morning and late-night activities on the site adjacent to the existing residential uses.

Staff has also included a condition limiting the seating to four small two-seat tables (maximum 8 seats for customers) to provide a minor amount of seating for the walk-up food service. Staff feels that any additional seating would constitute a restaurant use that could not be supported based upon the lack of on-site parking.

Staff supports the proposed project based upon the revitalization of an existing commercial building, which is located on a small site with limited opportunities for residential development. The site has been vacant and listed for sale for many years. This project represents an opportunity to occupy the site with a business that provides services to the neighborhood. This project represents an opportunity to reoccupy the building and site with improvements to enhance compatibility and become a positive functioning part of the neighborhood and community.

### **Variance No. 2018-07**

Staff supports the applicant's variance request related to the location of the trash enclosure and reuse of the site with no on-site parking. The requirement to locate an on-site trash enclosure poses several challenges due to the parcels size and configuration including the placement of the vacant commercial building. The applicant and staff discussed alternatives and ultimately the proposed location of the trash enclosure as depicted in Exhibit "A" was amenable to staff and the applicant. This is due to the safety concerns that were identified when the trash enclosure was initially located along the Houston Avenue frontage.

Based on the orientation of the trash enclosure, block wall and metal gate, staff supports the applicant's request to locate the trash enclosure within the required setback along N. Church Street.

Conversely, staff also supports the variance to parking. The site was developed prior to contemporary zoning requirements and staff cannot verify if the site was ever developed with on-site parking. As previously stated, due to the parcels size and triangular configuration, the site does not lend itself to develop on-site parking that would meet development standards including prohibiting vehicles from backing out onto a major street (i.e., Houston Ave.).



To limit potential parking impacts based on the proposed convenience store and walk-up restaurant, staff has included Condition No. 4 for CUP No. 2018-15 limiting the dining area to 8 seats for customer convenience, without becoming a full service restaurant use.

While there is no on-site parking, street parking is currently available around the site. The applicant believes that as a small neighborhood convenience market the potential parking impacts would be minimal based on walking customers and the available on-street parking. While parking is currently allowed on Houston Avenue parking may be restricted to "No Parking" in the future.

Staff concurs with the applicant findings in the section below based upon the reuse of an existing commercial building, and the fact that the subject site area of 2,334 sq. ft. and odd shape make it very difficult to construct a single family residential unit on the site.

### **Planning Commission Variance Findings**

The applicant has provided the five required variance findings in Exhibit "E". The applicant's findings and staff analysis is summarized below. In the "Findings" section in Resolution No. 2018-27, the findings include portions of the staff analysis sections below.

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

**Applicant Finding:** The building is constructed as a commercial building, and is seemingly unmodified from its original configuration. It's built only five feet from the property lines on the two street-sides of the triangular parcel, and directly on the property line at the common line between the adjacent parcel to the southwest.

The building is not configured for use as a residence, and is not convertible to a residence (using current zoning and building codes) should anyone choose to convert it. In addition to being located on a very busy commercial street (East Houston) the building is over all of the setbacks required for a residential building, and no windows would be allowed along the longest wall and the only room that has potential for converting to a bedroom.

**Staff Analysis:** Staff concurs with this finding. The parcel's triangular configuration and size result in a significant hardship to accommodate a residential use of the existing building, or a demolition and new construction.

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 Finding:** R-1-5 zoning requires a minimum lot size of 5,000 square feet. The subject property is only 2,924 square feet, or 41% too small.

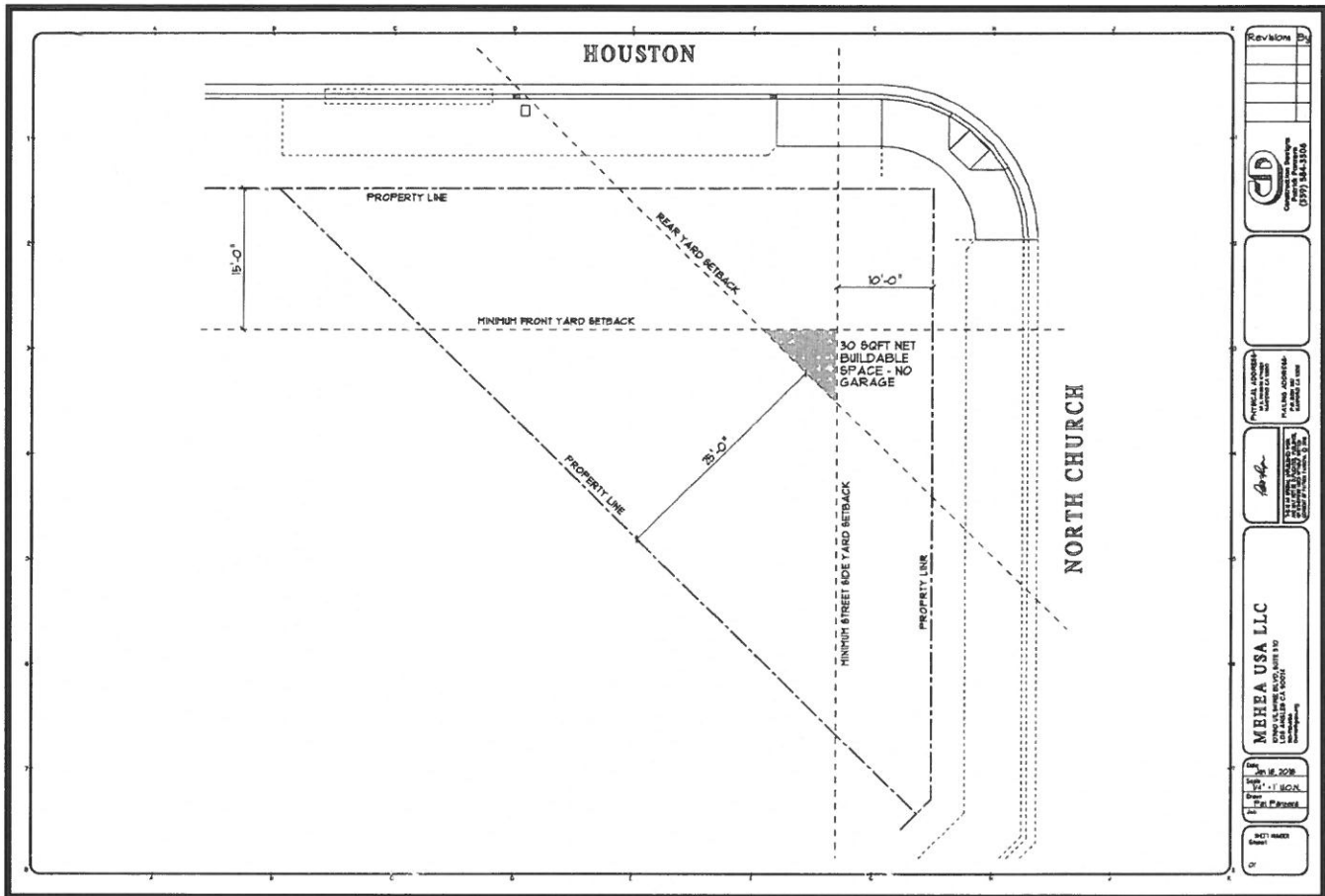
The current setbacks are as follows:

Minimum Front Yard - Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities.

Side yards - The minimum side yard shall be five (5) feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities.

Rear yards - In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet.

If the lot were vacant today, after all R-1-5 setbacks were observed, there would be only 30 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.



Commercial lots don't have the same restrictive setback requirements, and by changing the zoning from C-2.5 to R-1-5, this lot and the building on it can never comply.

**Staff Analysis:** Staff concurs with this finding, the parcel's triangular configuration and size result in a significant hardship to accommodate a residential use of the existing building, or a demolition and new construction.

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 Finding:** R-1-5 zoning requires a minimum lot size of 5,000 square feet. The subject property is only 2,924 square feet, or 41% too small.

The current setbacks are as follows:

Minimum Front Yard - Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities.

Side yards - The minimum side yard shall be five (5) feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities.



Rear yards - In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet.

If the lot were vacant today, after all R-1-5 setbacks were observed, there would be only 30 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.

**Staff Analysis:** Staff concurs with this finding, the parcel's triangular configuration and size result in a significant hardship to accommodate a residential use of the existing building, or a demolition and new construction.

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 Finding:** There are no other lots in the immediate area (save the undeveloped lot across North Church from the subject lot) that are configured in this manner that once residential setbacks are applied, there's no net area on which to build. All other lots are a) already configured as residential, or b) are completely buildable within the current setback requirements.

Therefore in granting this variance it can't be honestly deemed as "a grant of special privilege" by anyone's measure. It merely restores the minimum privileges to this lot that other property owners already enjoy.

**Staff Analysis:** Staff concurs with this finding, the parcel's triangular configuration and size result in a significant hardship to accommodate a residential use of the existing building, or a demolition and new construction.

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 Finding:** The proposed plan is to keep the building as is, not expanding it one inch, but bring it up to code as a commercial building. This would include a face-lift of the exterior elevations, pushing it more toward its original Art Deco architecture, as well as meeting current zoning requirements for landscaping (as much as possible) and extending the sidewalks and gutters.



The proposed use is as a convenience store/market, with walk-up food service and no alcohol sales. The hours of operation, signage, and exterior lighting will be compatible with the residential use to the south and east, and the professional office zoning to the north of the property.

Since the scope of the proposed project is to leave the currently existing building as-is, bringing it up to code and occupying it and operating a minimart from it can't be considered anything but a benefit to the surrounding community.

#### Applicant Summary

Being that the size of the lot is smaller than normal – or smaller than currently allowed, and that it's triangular-shaped as opposed to rectangular, and since the building was constructed prior to any on-site parking zoning requirements, there currently is no on-site parking nor space for on-site parking.

As previously demonstrated, there wouldn't be any on-site parking available to the property if it were converted to residential by either converting the noncomplying structure to residential, or by starting from scratch. So with that, we're asking for a Variance on the parking requirements. Currently street-parking is legal on both adjacent streets, and the addition of conforming sidewalks, ADA access ramp, gutters, and planters are planned for both street frontages. All additional requirements of SPR 2018-046 – B shall be met.

**Staff Analysis:** Staff concurs with this finding, the parcel's triangular configuration and size result in a significant hardship to accommodate a residential use of the existing building, or a demolition and new construction.

Based on staff's analysis, and response to the variance findings, staff recommends the Planning Commission approve the variance to setbacks and parking for the proposed project in conjunction with the recommended conditions for the conditional use permit and conditional zoning agreement.



### **Existing Building Signage**

The existing roof-top sign on the building is a nonconforming sign. Staff has included a recommended condition of approval in the CUP requiring the removal of the existing roof-top sign. Roof-top signs, signs that extend beyond the peak of the roof or building parapet wall are not permitted. Pursuant to Zoning Ordinance Section 17.48.160, nonconforming signs which have been abandoned, or the use of the property has been discontinued for a continuous period of 30 days, the nonconforming sign must be removed. If approved for the reuse of a commercial use, the site would be eligible for commercial building signage.

### **Environmental Review**

A Categorical Exemption was prepared for the proposed actions based upon the size of the project and limited potential for significant adverse environmental impacts. The California Environmental Quality Act Section No. 15303 provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed as a Categorical Exemption.

## **RECOMMENDED FINDINGS**

### **General Plan Amendment No. 2018-02**

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, 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 General Plan Amendment from Low Density Residential to Commercial Mixed Use is consistent with the original commercial use of the site and would be appropriate for the proposed reuse of the existing commercial building.
3. That the proposed General Plan Amendment from Low Density Residential to Commercial Mixed Use in conjunction with Conditional Zoning Agreement No. 2018-03 will provide for the use of the site for commercial purposes while providing compatibility with the adjacent residential uses.
4. That Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

### **Change of Zone No. 2018-01**

1. That Change of Zone No. 2018-01 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 the proposed reuse of the existing commercial building on the site for commercial purposes, as conditioned herein, is consistent with the C-MU (Commercial Mixed Use) zoning designation.
3. That Change of Zone No. 2018-01, as conditioned through Conditional Zoning Agreement No. 2018-03, is compatible with the adjacent residential land uses.
4. That Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

### **Conditional Zoning Agreement No. 2018-03**

1. That Conditional Zoning Agreement No. 2018-03 will facilitate land use compatibility by limiting the hours of operation for any commercial use of the site from 7:00 a.m. to 8:00 p.m. and prohibiting off-site alcohol sales.
2. That Conditional Zoning Agreement No. 2018-03 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

### **Conditional Use Permit No. 2018-15**

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

### **Variance No. 2018-07**

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 building is constructed as a commercial building, and is seemingly unmodified from its original configuration. It's built only five feet from the property lines on the two street-sides of the triangular parcel, and directly on the property line at the common line between the adjacent parcel to the southwest.

The building is not configured for use as a residence, and is not convertible to a residence (using current zoning and building codes) should anyone choose to convert it. In addition to being located on a very busy commercial street (East Houston) the building is over all of the setbacks required for a residential building, and no windows would be allowed along the longest wall.

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;*

R-1-5 zoning requires a minimum lot size of 5,000 square feet.

The subject property is only 2,924 square feet, or 41% too small.

The current setbacks are as follows:

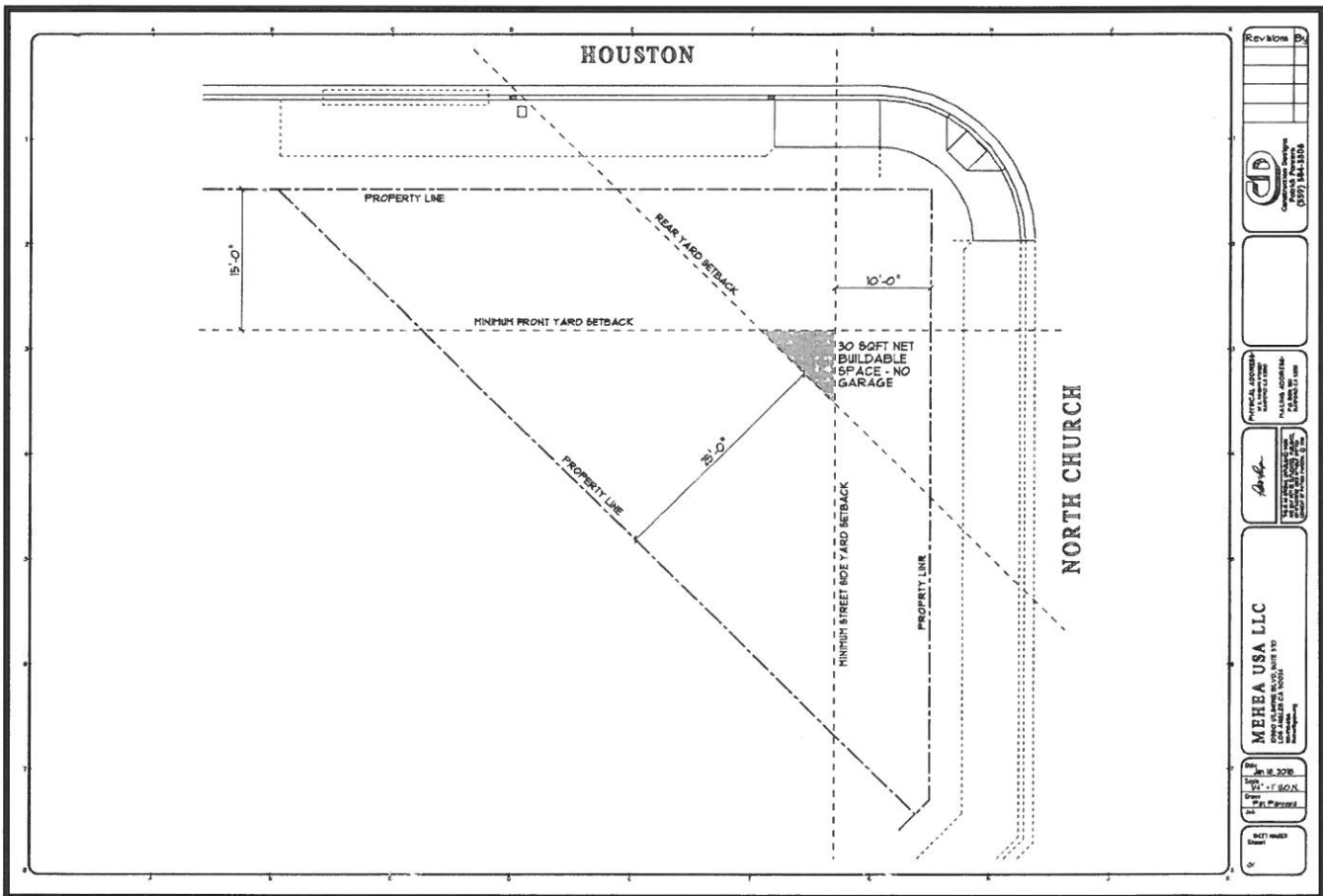


Minimum Front Yard - Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities.

Side yards - The minimum side yard shall be five (5) feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities.

Rear yards - In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet.

If the lot were vacant today, after all R-1-5 setbacks were observed, there would be only 30 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.



Commercial lots don't have the same restrictive setback requirements, and by changing the zoning from C-2.5 to R-1-5, this lot and the building on it can never comply.

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;*

R-1-5 zoning requires a minimum lot size of 5,000 square feet.

The subject property is only 2,924 square feet, or 41% too small.

The current setbacks are as follows:

Minimum Front Yard - Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities.

Side yards - The minimum side yard shall be five (5) feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities.

Rear yards - In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet.

If the lot were vacant today, after all R-1-5 setbacks were observed, there would be only 30 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.

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;*

There are no other lots in the immediate area (save the undeveloped lot across North Church from the subject lot) that are configured in this manner that once residential setbacks are applied, there's no net area on which to build. All other lots are a) already configured as residential, or b) are completely buildable within the current setback requirements.

Therefore in granting this variance it can't be honestly deemed as "a grant of special privilege" by anyone's measure. It merely restores the minimum privileges to this lot that other property owners already enjoy.

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 proposed plan is to keep the building as is, not expanding it one inch, but bring it up to code as a commercial building. This would include a face-lift of the exterior elevations, pushing it more toward its original Art Deco architecture, as well as meeting current zoning requirements for landscaping (as much as possible) and extending the sidewalks and gutters.

The proposed use is as a convenience store/market, with walk-up food service and no alcohol sales. The hours of operation, signage, and exterior lighting will be compatible with the residential use to the south and east, and the professional office zoning to the north of the property.

Since the scope of the proposed project is to leave the currently existing building as-is, bringing it up to code and occupying it and operating a minimart from it can't be considered anything but a benefit to the surrounding community.

#### Summary

Being that the size of the lot is smaller than normal – or smaller than currently allowed, and that it's triangular-shaped as opposed to rectangular, and since the building was constructed prior to any on-site parking zoning requirements, there currently is no on-site parking nor space for on-site parking.

As previously demonstrated, there wouldn't be any on-site parking available to the property if it were converted to residential by either converting the noncomplying structure to residential, or by starting from scratch. So with that, we're asking for a Variance on the parking requirements. Currently street-parking is legal on both adjacent streets, and the addition of conforming sidewalks, ADA access ramp, gutters, and planters are planned for both street frontages. All additional requirements of SPR 2018-046 – B shall be met.



## RECOMMENDED CONDITIONS OF APPROVAL

### **General Plan Amendment No. 2018-02**

There are no recommended conditions for the General Plan Amendment, note that conditions pertaining to Change of Zone No. 2018-01 are included in Conditional Zoning Agreement No. 2018-03.

### **Change of Zone No. 2018-01**

There are recommended conditions for Change of Zone No. 2018-01 that have been included in Conditional Zoning Agreement No. 2018-08.

### **Conditional Zoning Agreement No. 2018-03**

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2018-046, incorporated herein by reference.
2. That Conditional Zoning Agreement No. 2018-03 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
3. That Conditional Zoning Agreement No. 2018-03 shall be conditioned with the following:
  - a) That the maximum Hours of Operation for any use/business on this site shall be 7:00 a.m. to 8:00 p.m.
  - b) That there shall be no off-site alcohol sales.

### **Conditional Use Permit No. 2018-15**

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-046.
2. That the project is subject to the Operational Statement in Exhibit B.
3. That the site improvements, including the trash enclosure shall be done prior to any commercial use of the site.
4. That the nonconforming roof-top sign be removed prior to any final for the building permit.
5. That the seating shall be limited to four small two-seat tables (maximum eight seats for customers) for the walk-up food service.
6. That General Plan Amendment No. 2018-02, Change of Zone No. 2018-01, and Conditional Zoning Agreement No. 2018-03 shall be approved.
7. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

### **Variance No. 2018-07**

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-046.
2. That the project is subject to the Operational Statement in Exhibit B.
3. That the site improvements, including the trash enclosure shall be done prior to any commercial use of the site.
4. That the Variance timeline shall be tied to the CUP timeline.

5. That General Plan Amendment No. 2018-02, Change of Zone No. 2018-01, and Conditional Zoning Agreement No. 2018-03 shall be approved.
6. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

## **APPEAL INFORMATION**

### **General Plan, Change of Zone and Conditional Zoning Agreement**

The Planning Commission's decisions on these matters are advisory only. The final decisions will be by the Visalia City Council after one or more public hearings. Therefore, the Planning Commission's decisions in these matters are not appealable.

### **Conditional Use Permit and Variance**

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 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](http://www.visalia.city) or from the City Clerk.

#### **Attachments:**

- Related Plans and Policies
- Resolution No. 2018-32 – General Plan Amendment No. 2018-02
- Resolution No. 2018-31 - Change of Zone No. 2018-01
- Resolution No. 2018-35 – Conditional Zoning Agreement No. 2018-03
- Resolution No. 2018-29 - Conditional Use Permit No. 2018-15
- Resolution No. 2018-30 - Variance No. 2018-07
- Exhibit "A" – Site Plan
- Exhibit "B" – Operational Statement and Supplemental Information (Applicant)
- Exhibit "C" – Solid Waste Enclosure Site Plan
- Exhibit "D" – Conditional Zoning Agreement No. 2018-03
- Exhibit "E" – Applicant Variance Findings
- Site Plan Review Comments No. 2018-046
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map



## RELATED PLANS AND POLICIES

**General Plan and Zoning:** The following General Plan and Zoning Ordinance policies apply to the proposed project:

### General Plan

**LU-P-64** Provide incentives for new pedestrian friendly retail and mixed use development along major transit corridors and pedestrian- oriented commercial streets.

*Incentives may include increased floor area ratios, reduced or deferred impact fees, reduced parking, and priority processing. This incentive program will be integrated with, and not duplicate, the Infill Development Incentive Program.*

**LU-P-72** Ensure that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses are mitigated through good site planning, building design, and/or appropriate operational measures.

### Zoning Ordinance Chapter 17 - RESIDENTIAL ZONE

#### 17.12.010 Purpose and intent.

In the R-1 single-family residential zones (R-1-5, R-1-12.5, and R-1-20), the purpose and intent is to provide living area within the city where development is limited to low density concentrations of one-family dwellings where regulations are designed to accomplish the following: to promote and encourage a suitable environment for family life; to provide space for community facilities needed to compliment urban residential areas and for institutions that require a residential environment; to minimize traffic congestion and to avoid an overload of utilities designed to service only low density residential use.

#### 17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts.

#### 17.12.020 Permitted uses.

In the R-1 single-family residential zones, the following uses shall be permitted by right:

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of Chapter 17.48;
- I. The keeping of household pets, subject to the definition of household pets set forth in Section 17.04.030;
- J. Accessory dwelling units as specified in Sections 17.12.140 through 17.12.200;
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;

M. Legally existing multiple family units, and expansion or reconstruction as provided in Section 17.12.070.

N. Transitional or supportive housing for six (6) or fewer resident/clients.

O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;

P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling;

**17.12.030 Accessory uses.**

In the R-1 single-family residential zone, the following accessory uses shall be permitted, subject to specified provisions:

A. Home occupations subject to the provisions of Section 17.32.030;

B. Accessory buildings subject to the provisions of Section 17.12.100(B).

C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and Section 17.32.035.

**17.12.040 Conditional uses.**

In the R-1 single-family residential zone, the following conditional uses may be permitted in accordance with the provisions of Chapter 17.38:

A. Planned development subject to the provisions of Chapter 17.26;

B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;

C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;

D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;

E. Electric distribution substations;

F. Gas regulator stations;

G. Public service pumping stations, i.e., community water service wells;

H. Communications equipment buildings;

I. Planned neighborhood commercial center subject to the provisions of Chapter 17.26;

J. Residential development specifically designed for senior housing;

K. Mobile home parks in conformance with Section 17.32.040;

L. [Reserved.] M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;

N. Adult day care in excess of twelve (12) persons;

O. Duplexes on corner lots;

P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;

Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;

R. Other uses similar in nature and intensity as determined by the city planner.

S. Transitional or supportive housing for seven (7) or more resident/clients.



**17.12.050 Site area.**

The minimum site area shall be as follows:

<b>Zone</b>	<b>Minimum Site Area</b>
R-1-5	5,000 square feet
R-1-12.5	12,500 square feet
R-1-20	20,000 square feet

A. Each site shall have not less than forty (40) feet of frontage on the public street. The minimum width shall be as follows:

<b>Zone</b>	<b>Interior Lot</b>	<b>Corner Lot</b>
R-1-5	50 feet	60 feet
R-1-12.5	90 feet	100 feet
R-1-20	100 feet	110 feet

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way.

**17.12.060 One dwelling unit per site.**

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section 17.12.020(J).

**17.12.070 Replacement and expansion of legally existing multiple family units.**

In accordance with Sections 17.12.020 legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A site plan review permit as provided in Chapter 17.28 is required for all expansions or replacements.

B. Replacement/expansion of unit(s) shall be designed and constructed in an architectural style compatible with the existing single-family units in the neighborhood. Review of elevations for replacement/expansion shall occur through the site plan review process. Appeals to architectural requirements of the site plan review committee shall be subject to the appeals process set forth in Chapter 17.28.050.

C. Setbacks and related development standards shall be consistent with existing single-family units in the neighborhood.

D. Parking requirements set forth in Section 17.34.020 and landscaping requirements shall meet current city standards and shall apply to the entire site(s), not just the replacement unit(s) or expanded area, which may result in the reduction of the number of units on the site.

E. The number of multiple family units on the site shall not be increased.

F. All rights established under Sections 17.12.020 and 17.12.070 shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement.

**17.12.080 Front yard.**

A. The minimum front yard shall be as follows:

<b>Zone</b>	<b>Minimum Front Yard</b>
R-1-5	Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere. A Porte Cochere with less than twenty-two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.
R-1-12.5	Thirty (30) feet
R-1-20	Thirty-five (35) feet

B. On a site situated between sites improved with buildings, the minimum front yard may be the average depth of the front yards on the improved site adjoining the side lines of the site but need not exceed the minimum front yard specified above.

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages.

**17.12.090 Side yards.**

A. The minimum side yard shall be five feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cocheres.

B. The minimum side yard shall be ten feet in the R-1-20 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than twenty (20) feet.

C. On a reversed corner lot the side yard adjoining the street shall be not less than ten feet.

D. On corner lots, all front-loading garage doors shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk.

E. Side yard requirements may be zero feet on one side of a lot if two or more consecutive lots are approved for a zero lot line development by the site plan review committee.

F. The placement of any mechanical equipment, including but not limited to, pool/spa equipment and evaporative coolers shall not be permitted in the five-foot side yard within the buildable area of the lot, or within five feet of rear/side property lines that are adjacent to the required side yard on adjoining lots. This provision shall not apply to street side yards on corner lots, nor shall it prohibit the surface mounting of utility meters and/or the placement of fixtures and utility lines as approved by the building and planning divisions.

**17.12.100 Rear yard.**

In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet, subject to the following exceptions:

A. On a corner or reverse corner lot the rear yard shall be twenty-five (25) feet on the narrow side or twenty (20) feet on the long side of the lot. The decision as to whether the short side or long side is used as the rear yard area shall be left to the applicant's discretion as long as a minimum area of one thousand five hundred (1,500) square feet of usable rear yard area is maintained. The remaining side yard to be a minimum of five feet.

B. Accessory structures not exceeding twelve (12) feet may be located in the required rear yard but not closer than three feet to any lot line provided that not more than twenty (20) percent of the area of the required rear yard shall be covered by structures enclosed on more than one side and not more than forty (40) percent may be covered by structures enclosed on only one side. On a reverse corner lot an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot. An accessory structure shall not be closer to a side property line adjoining key lot and not closer to a side property line adjoining the street than the required front yard on the adjoining key lot.

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits.

**17.12.110 Height of structures.**

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section 17.12.100(B).

**17.12.120 Off-street parking.**

In the R-1 single-family residential zone, subject to the provisions of Chapter 17.34.

**17.12.130 Fences, walls and hedges.**

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section 17.36.030.

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## **Chapter 17.44 - ZONING 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.

### **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.

### **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 that 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.

### **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 that is the subject of the hearing.

### **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 that shall be submitted to the city planning commission.

**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.

**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.

**17.44.080 [Reserved].**

**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.

**17.44.100 Change of zoning map.**

A change in zone boundary shall be indicated on the zoning map.

**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.

**17.44.120 Report by city planner.**

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090.

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## **Chapter 17.54 GENERAL PLAN AMENDMENTS**

### **17.54.010 Purpose.**

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter.

### **17.54.020 Initiation.**

A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.

B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention.

### **17.54.030 Application procedures.**

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. 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 a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;
4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

B. The application shall be accompanied by a fee set by resolution of the city council to cover the cost of processing the application.

### **17.54.040 Public hearing—Notice.**

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 under consideration if an amendment to the land use element is under consideration.

### **17.54.050 Investigation and report.**

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission.

### **17.54.060 Hearing.**

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment.

### **17.54.070 Action of city planning commission.**

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff.

**17.54.080 Action of the city council.**

A. Upon receipt of the resolution and report of the city planning commission, the city council shall hold at least one public hearing with public notice as prescribed in Section 17.54.040. Following the noticed public hearing, the city council shall approve, deny or modify the city planning commission recommendation.

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

C. The adoption of a general plan element, or amendment, shall be by resolution of the city council.

RESOLUTION NO. 2018-32

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN  
AMENDMENT NO. 2018-02: A REQUEST BY MICHAEL BEHZAD TO CHANGE THE  
LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO COMMERCIAL  
MIXED USE FOR A 2,924 SQ. FT. PARCEL, LOCATED AT 139 E. HOUSTON  
AVENUE. (APN: 094-061-008)

**WHEREAS**, General Plan Amendment No. 2018-02 is a request by Michael Behzad to change the land use designation from Low Density Residential to Commercial Mixed Use for a 2,924 sq. ft. parcel, located at 139 E. Houston Avenue. (APN: 094-061-008); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on January 14, 2019; and

**WHEREAS**, the Planning Commission of the City of Visalia finds that General Plan Amendment No. 2018-02, to be in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission finds the project to be Categorical Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2018-75; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2018-02 based on the following specific findings and evidence presented:

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, 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 General Plan Amendment from Low Density Residential to Commercial Mixed Use is consistent with the original commercial use of the site and would be appropriate for the proposed reuse of the existing commercial building.
3. That the proposed General Plan Amendment from Low Density Residential to Commercial Mixed Use in conjunction with Conditional Zoning Agreement No. 2018-03 will provide for the use of the site for commercial purposes while providing compatibility with the adjacent residential uses.
4. That Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.



**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2018-02 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia.

RESOLUTION NO. 2018-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2018-01, A REQUEST BY MICHAEL BEHZAD TO CHANGE THE ZONING DESIGNATION FROM R-1-5 (SINGLE FAMILY RESIDENTIAL) TO C-MU (COMMERCIAL MIXED USE) FOR A 2,924 SQ. FT. PARCEL FOR PROPERTY LOCATED AT 139 E. HOUSTON AVENUE (APN: 094-061-008)

**WHEREAS**, Change of Zone No. 2018-01 is a request by Michael Behzad to change the zoning designation from R-1-5 (Single Family Residential) to C-MU (Commercial Mixed Use) for a 2,924 sq. ft. parcel for property located at 139 E. Houston Avenue (APN: 094-061-008); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on January 14, 2019; and

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

**WHEREAS**, the Planning Commission of the City of Visalia finds the project to be Categorical Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2018-75, and

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed Change of Zone based on the following specific findings and evidence presented:

1. That Change of Zone No. 2018-01 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 the proposed reuse of the existing commercial building on the site for commercial purposes, as conditioned herein, is consistent with the C-MU (Commercial Mixed Use) zoning designation.
3. That Change of Zone No. 2018-01, as conditioned through Conditional Zoning Agreement No. 2018-03, is compatible with the adjacent residential land uses.
4. That Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2018-01 on the real property described herein, 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. 2018-35

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF VISALIA RECOMMENDING APPROVAL OF CONDITIONAL ZONING  
AGREEMENT NO. 2018-03: A REQUEST BY THE MICHAEL BEHZAD TO  
ESTABLISH CONDITIONS FOR RETAIL AND FOOD SERVICE FOR A SMALL  
NEIGHBORHOOD CONVENIENCE STORE. THE PROJECT SITE IS LOCATED AT  
139 E. HOUSTON AVENUE (APN: 094-061-008)

**WHEREAS**, Conditional Zoning Agreement No. 2018-03 is a request by the Michael Behzad to establish conditions for retail and food service for a small neighborhood convenience store. The project site is located at 139 E. Houston Avenue (APN: 094-061-008); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on January 14, 2019; 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

**WHEREAS**, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2018-75; and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2018-08 based on the following specific findings and evidence presented:

1. That Conditional Zoning Agreement No. 2018-03 will facilitate land use compatibility by limiting the hours of operation for any commercial use of the site from 7:00 a.m. to 8:00 p.m. and prohibiting off-site alcohol sales.
2. That Conditional Zoning Agreement No. 2018-03 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2018-03, as shown in Exhibit "D", on the real property as described in Exhibit "A" (Site Plan for 139 East Houston Avenue APN: 094-061-008), 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, based upon the following conditions:

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan Review No. 2018-049, incorporated herein by reference.
2. That Conditional Zoning Agreement No. 2018-03 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
3. That Conditional Zoning Agreement No. 2018-03 shall be conditioned with the following:
  - a) That the maximum Hours of Operation for any use/business on this site shall be 7:00 a.m. to 8:00 p.m.
  - b) That there shall be no off-site alcohol sales.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2018-03 on the real property described herein, 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.

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. 2018-03**

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_ 2019, by \_\_\_\_\_, hereinafter called the "First Party" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, "Second Party."

**WITNESSETH**

**WHEREAS**, First Party 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**, First Party has 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 real property must be imposed so as not to create any problems inimical to 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 Exhibits I and II, as completed and attached hereto, are incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That First Party shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.

**Exhibit - D**



3. In the event First Party, and successor in interest of First Party, 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 Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.
4. Notice of violation of provisions of this Agreement shall be sent to First Party at the address specified in Item (c) of the Exhibit I and to the street address of the property described in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
5. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
6. 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.

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

BY: \_\_\_\_\_  
"First Party"

CITY OF VISALIA, A political subdivision of the State of California

ATTEST: \_\_\_\_\_  
Clerk of the City Council  
"Second Party"

BY: \_\_\_\_\_  
City Manager

Conditional Zoning  
Agreement No. 2018-03

Exhibit - D

**EXHIBIT I**  
**CONDITIONAL ZONING AGREEMENT NO. 2018-08**

(a)The property is now zoned:

R-1-5 (Single-family Residential, 5,000 square foot minimum lot size)

(b)The zoning reclassification of the property is from its present zoning to:

C-MU (Commercial Mixed Use)

(c)Notice to First Party pursuant to Paragraph No. 4, shall be addressed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

APN 094-061-008  
139 East Houston Avenue

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

1. That the maximum Hours of Operation for any use/business on this site shall be 7 am to 8 pm
2. That there shall be no off-site alcohol sales

**Conditional Zoning  
Agreement No. 2018-03**

**Exhibit - D**

RESOLUTION NO. 2018-29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2018-15, A REQUEST BY MICHAEL BEHZAD TO ALLOW A 1,500 SQ. FT. CONVENIENCE STORE WITH FOOD SERVICE IN THE C-MU (COMMERCIAL MIXED USE) ZONE. THE SUBJECT SITE IS LOCATED AT 139 E. HOUSTON AVENUE (APN: 094-061-008).

**WHEREAS**, Conditional Use Permit No. 2018-15 is a request by Michael Behzad to allow a 1,500 sq. ft. convenience store with food service in the C-MU (Commercial Mixed Use) zone. The subject site is located at 139 E. Houston Avenue (APN: 094-061-008); and

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on January 14, 2019; and

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

**WHEREAS**, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2018-75; and

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
  - a) The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
  - b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.



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

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-046.
2. That the project is subject to the Operational Statement in Exhibit B.
3. That the site improvements, including the trash enclosure shall be done prior to any commercial use of the site.
4. That the nonconforming roof-top sign be removed prior to any final for the building permit.
5. That the seating shall be limited to four small two-seat tables (maximum eight seats for customers) for the walk-up food service.
6. That General Plan Amendment No. 2018-02, Change of Zone No. 2018-01, and Conditional Zoning Agreement No. 2018-03 shall be approved.
7. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

RESOLUTION NO. 2018-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2018-07: A REQUEST MICHAEL BEHZAD TO PARKING AND SETBACK REQUIREMENTS TO ALLOW THE REUSE OF AN EXISTING 1,500 SQ. FT. BUILDING WITH NO ON-SITE PARKING, AND ALLOWING THE SOLID WASTE ENCLOSURE IN A LANDSCAPE SETBACK AREA. THE SITE IS LOCATED AT 139 E. HOUSTON AVENUE (APN: 094-061-008).

**WHEREAS**, Variance No. 2018-07 is a request by Michael Behzad to parking and setback requirements to allow the reuse of an existing 1,500 sq. ft. building with no on-site parking, and allowing the solid waste enclosure in a landscape setback area. The site is located at 139 E. Houston Avenue (APN: 094-061-008); and

**WHEREAS**, the Planning Commission of the City of Visalia, after published notice scheduled a public hearing before said commission on January 14, 2019; and

**WHEREAS**, the Planning Commission of the City of Visalia finds Variance No. 2018-07 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, testimony presented at the public hearing, and discussion provided by the Planning Commission; 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 15303.

**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 building is constructed as a commercial building, and is seemingly unmodified from its original configuration. It's built only five feet from the property lines on the two street-sides of the triangular parcel, and directly on the property line at the common line between the adjacent parcel to the southwest.

The building is not configured for use as a residence, and is not convertible to a residence (using current zoning and building codes) should anyone choose to convert it. In addition to being located on a very busy commercial street (East Houston) the building is over all of the setbacks required for a residential building, and no windows would be allowed along the longest wall and the only room that has potential for converting to a bedroom.





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;*

R-1-5 zoning requires a minimum lot size of 5,000 square feet.

The subject property is only 2,924 square feet, or 41% too small.

The current setbacks are as follows:

Minimum Front Yard - Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities.

Side yards - The minimum side yard shall be five (5) feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities.

Rear yards - In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet.

If the lot were vacant today, after all R-1-5 setbacks were observed, there would be only 30 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.

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;*

There are no other lots in the immediate area (save the undeveloped lot across North Church from the subject lot) that are configured in this manner that once residential setbacks are applied, there's no net area on which to build. All other lots are a) already configured as residential, or b) are completely buildable within the current setback requirements.

Therefore in granting this variance it can't be honestly deemed as "a grant of special privilege" by anyone's measure. It merely restores the minimum privileges to this lot that other property owners already enjoy.

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 proposed plan is to keep the building as is, not expanding it one inch, but bring it up to code as a commercial building. This would include a face-lift of the exterior elevations, pushing it more toward its original Art Deco architecture, as well as meeting current zoning requirements for landscaping (as much as possible) and extending the sidewalks and gutters.



The proposed use is as a convenience store/market, with walk-up food service and no alcohol sales. The hours of operation, signage, and exterior lighting will be compatible with the residential use to the south and east, and the professional office zoning to the north of the property.

Since the scope of the proposed project is to leave the currently existing building as-is, bringing it up to code and occupying it and operating a minimart from it can't be considered anything but a benefit to the surrounding community.

### **Summary**

Being that the size of the lot is smaller than normal – or smaller than currently allowed, and that it's triangular-shaped as opposed to rectangular, and since the building was constructed prior to any on-site parking zoning requirements, there currently is no on-site parking nor space for on-site parking.

And as previously demonstrated, there wouldn't be any on-site parking available to the property if it were converted to residential by either converting the noncomplying structure to residential, or by starting from scratch. So with that, we're asking for a Variance on the parking requirements. Currently street-parking is legal on both adjacent streets, and the addition of conforming sidewalks, ADA access ramp, gutters, and planters are planned for both street frontages. All additional requirements of SPR 2018-046 – B shall be met.

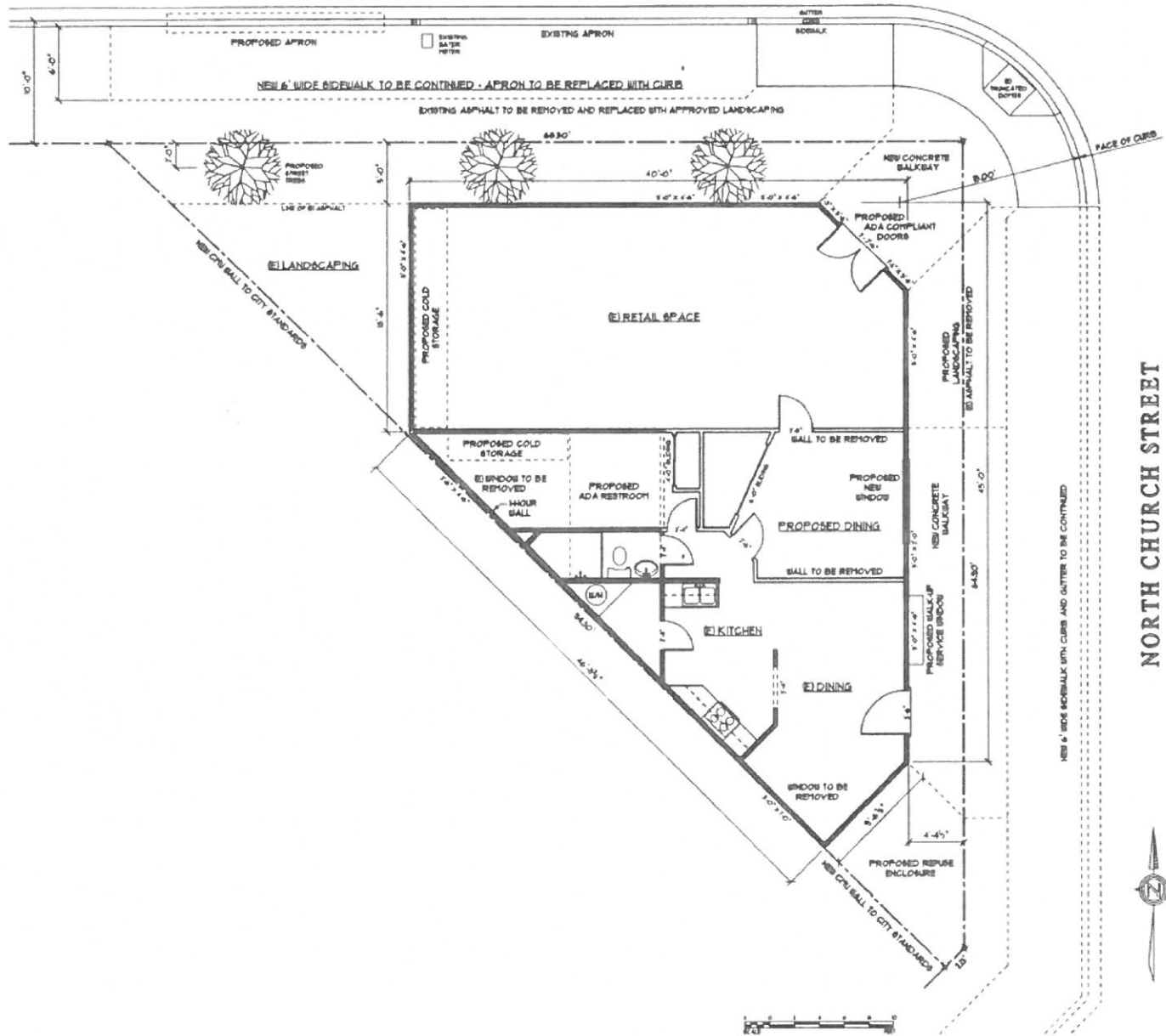
6. Categorical Exemption No. 2018-75 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15303, which provides for a store or similar small structure less than 2,500 sq. ft. to be converted and have new equipment installed.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby approves Variance No. 2018-07 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 the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-046.
2. That the project is subject to the Operational Statement in Exhibit B.
3. That the site improvements, including the trash enclosure shall be done prior to any commercial use of the site.
4. That the Variance timeline shall be tied to the CUP timeline.
5. That General Plan Amendment No. 2018-02, Change of Zone No. 2018-01, and Conditional Zoning Agreement No. 2018-03 shall be approved.
6. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.



139 EAST HOUSTON AVENUE



NORTH CHURCH STREET



84

**SITE**  
PLAN

Date: Jan 18, 2018  
 Drawn by: J. J. JUAN  
 P. M. FERRERA

**MEHEA USA LLC**  
 10580 WILSHIRE BLVD. SUITE 510  
 LOS ANGELES CA 90024  
 310-710-4444  
 Contact@mehea.com

*[Signature]*  
 THIS IS AN UNFINISHED WORK  
 AND NOT BE USED FOR PERMITS  
 OR CONTRACTS WITHOUT WRITTEN  
 CONSENT OF ARCHITECT. © 2018

**PHYSICAL ADDRESS:**  
 34 E. NORTH STREET  
 HANFORD CA 92340  
**MAILING ADDRESS:**  
 P.O. BOX 288  
 HANFORD CA 92340

**CD**  
 Construction Designs  
 Patricia Pierrone  
 (559) 584-3306

REVISIONS	BY

**Exhibit - A**

## Operational Statement

The conversion of a past TV repair shop to a neighborhood convenience mart, with walk-up food service such as hotdogs, hamburgers, tacos and associated sides and drinks.

Hours of Operation: 7 am to 8 pm

Days of Operation: 7 days a week

Employees: 3-4

Building Area: 1,474 sq. ft.

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## Supplemental Information

Michael Behzad  
Mehea USA LLC  
10850 Wilshire Blvd  
Los Angeles CA 90024  
(310) 770-6166

Supplemental information for:  
Conditional Use Permit  
Zoning Variance (Parking)  
Change of Zone  
General Plan Amendment

Change of Use to Retail (Convenience store/market with food service)  
SPR 2018-046 - B

The building located at 138 East Houston Avenue APN: 094-061-008 (the south west corner of East Houston and North Church) predates any record that might indicate its age. Prior to 1993, the zone district at and around the subject property was categorized as C-2.5 (commercial). From its initial construction, this building has always been occupied by a commercial business.

Sometime after 1993, the zoning was changed to Low Density Residential (R-1-5), however the use of the building remained commercial. It's our understanding that the most recent use was as a TV repair shop.

The building is constructed as a commercial building, and is seemingly unmodified from its original configuration. It's built only five feet from the property lines on the two street-sides of the triangular parcel, and directly on the property line at the common line between the adjacent parcel to the south.

The building is not configured for use as a residence, and is not convertible to a residence (using current zoning and building codes) should anyone choose to convert it. In addition to being located on a very busy commercial street (East Houston) the building is over all of the setbacks required for a residential building, and no windows would be allowed along the longest wall and the only room that has potential for converting to a bedroom.

**Exhibit - B**



If the lot were vacant today, after all setbacks were observed, there would be only 287 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.

The proposed plan is to keep the building as is, not expanding it one inch, but bring it up to code as a commercial building. This would include a face-lift of the exterior elevations, pushing it more toward its original Art Deco architecture, as well as meeting current zoning requirements for landscaping (as much as possible) and sidewalks.



The proposed use is as a convenience store/market, with walk-up food service and no alcohol sales. The hours of operation, signage, and exterior lighting will be compatible with the residential use to the south and east, the professional office zoning to the north of the property.

Since the size of the lot is so small, and since the building was constructed prior to any on-site parking zoning requirements, there currently is no on-site parking. And as previously stated, there wouldn't be any on-site parking available to the property if it were converted to residential by either converting the noncomplying structure to residential, or by starting from scratch. So with that, we're asking for a Variance on the parking requirements. Currently street-parking is legal on both adjacent streets, and the addition of conforming sidewalks, ADA access ramp, gutters, and planters are planned for both street frontages.

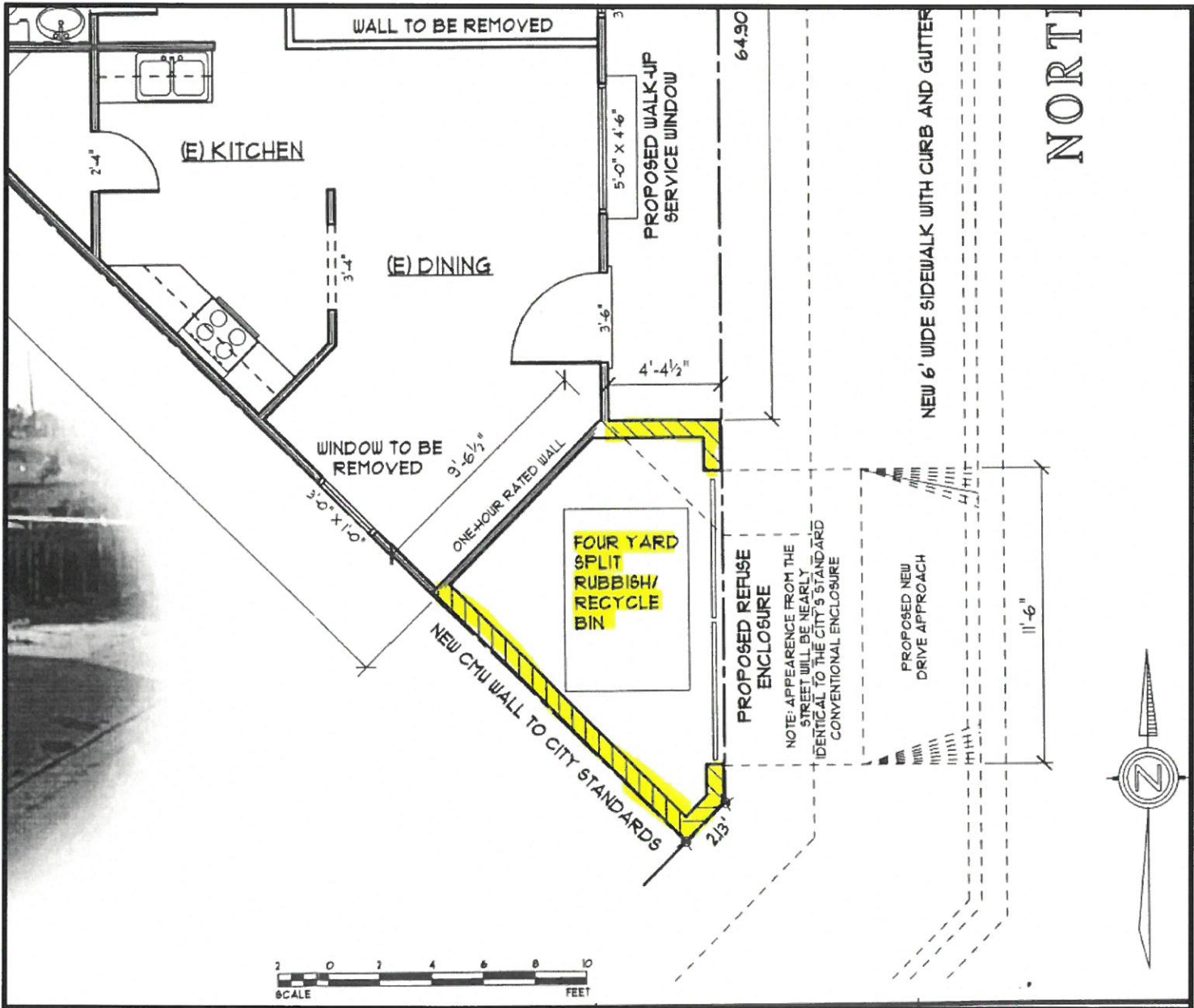
All additional requirements of SPR 2018-046 – B shall be met.

Sincerely,

Patrick Panzera

**Exhibit - B**

# Proposed Solid Waste Enclosure



**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. 2018-03**

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_ 2019, by \_\_\_\_\_, hereinafter called the "First Party" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, "Second Party."

**WITNESSETH**

**WHEREAS**, First Party 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**, First Party has 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 real property must be imposed so as not to create any problems inimical to 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 Exhibits I and II, as completed and attached hereto, are incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That First Party shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.

**Exhibit - D**

3. In the event First Party, and successor in interest of First Party, 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 Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.
4. Notice of violation of provisions of this Agreement shall be sent to First Party at the address specified in Item (c) of the Exhibit I and to the street address of the property described in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
5. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
6. 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.

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

BY: \_\_\_\_\_  
"First Party"

CITY OF VISALIA, A political subdivision of the State of California

ATTEST: \_\_\_\_\_  
Clerk of the City Council  
"Second Party"

BY: \_\_\_\_\_  
City Manager

**Conditional Zoning  
Agreement No. 2018-03**

**Exhibit - D**

**EXHIBIT I**  
**CONDITIONAL ZONING AGREEMENT NO. 2018-08**

(a)The property is now zoned:

R-1-5 (Single-family Residential, 5,000 square foot minimum lot size)

(b)The zoning reclassification of the property is from its present zoning to:

C-MU (Commercial Mixed Use)

(c)Notice to First Party pursuant to Paragraph No. 4, shall be addressed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

APN 094-061-008  
139 East Houston Avenue

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

1. That the maximum Hours of Operation for any use/business on this site shall be 7 am to 8 pm
2. That there shall be no off-site alcohol sales

**Conditional Zoning  
Agreement No. 2018-03**

**Exhibit - D**

# Applicant Variance Findings

## Five Findings for a Variance

Michael Behzad  
Mehea USA LLC  
10850 Wilshire Blvd  
Los Angeles CA 90024  
(310) 770-6166

Change of Use to Retail (Convenience store/market with food service)  
SPR 2018-046 - B

### *Background*

The building located at 138 East Houston Avenue APN: 094-061-008 (the south west corner of East Houston and North Church) predates any record that might indicate its age. Prior to 1993, the zone district at and around the subject property was categorized as C-2.5 (commercial). From its initial construction, this building has always been occupied by a commercial business.

Sometime after 1993, the zoning was changed to Low Density Residential (R-1-5), however the use of the building remained commercial. It's our understanding that the most recent use was as a TV repair shop.

*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 building is constructed as a commercial building, and is seemingly unmodified from its original configuration. It's built only five feet from the property lines on the two street-sides of the triangular parcel, and directly on the property line at the common line between the adjacent parcel to the southwest.

The building is not configured for use as a residence, and is not convertible to a residence (using current zoning and building codes) should anyone choose to convert it. In addition to being located on a very busy commercial street (East Houston) the building is over all of the setbacks required for a residential building, and no windows would be allowed along the longest wall and the only room that has potential for converting to a bedroom.

*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;*

and

*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;*

**Exhibit - E**



R-1-5 zoning requires a minimum lot size of 5,000 square feet.  
The subject property is only 2,924 square feet, or 41% too small.

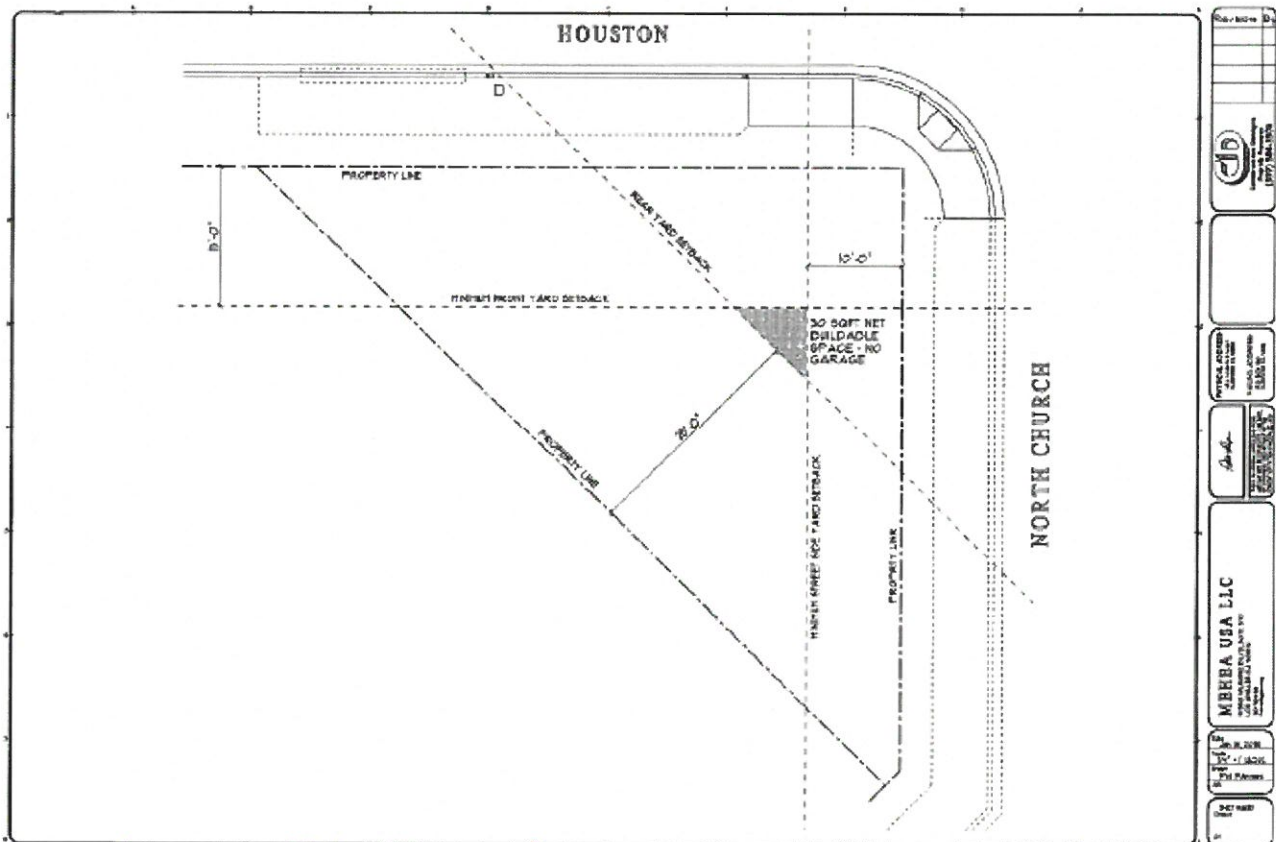
The current setbacks are as follows:

Minimum Front Yard - Fifteen (15) feet for living space and side-loading garages and twenty-two (22) feet for front-loading garages or other parking facilities.

Side yards - The minimum side yard shall be five (5) feet in the R-1-5 and R-1-12.5 zone subject to the exception that on the street side of a corner lot the side yard shall be not less than ten feet and twenty-two (22) feet for front loading garages or other parking facilities.

Rear yards - In the R-1 single-family residential zones, the minimum yard shall be twenty-five (25) feet.

If the lot were vacant today, after all R-1-5 setbacks were observed, there would be only 30 square feet available on which to build, and the required covered parking space would eat up nearly 200 square feet of that, not counting the additional setback required for a parking structure, and not counting the additionally required uncovered parking space. In other words, as a residential lot, this parcel is completely unbuildable.



Commercial lots don't have the same restrictive setback requirements, and by changing the zoning from C-2.5 to R-1-5, this lot and the building on it can never comply.

**Exhibit - E**

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;*

There are no other lots in the immediate area (save the undeveloped lot across North Church from the subject lot) that are configured in this manner that once residential setbacks are applied, there's no net area on which to build. All other lots are a) already configured as residential, or b) are completely buildable within the current setback requirements.

Therefore in granting this variance it can't be honestly deemed as "a grant of special privilege" by anyone's measure. It merely restores the minimum privileges to this lot that other property owners already enjoy.

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 proposed plan is to keep the building as is, not expanding it one inch, but bring it up to code as a commercial building. This would include a face-lift of the exterior elevations, pushing it more toward its original Art Deco architecture, as well as meeting current zoning requirements for landscaping (as much as possible) and extending the sidewalks and gutters.



The proposed use is as a convenience store/market, with walk-up food service and no alcohol sales. The hours of operation, signage, and exterior lighting will be compatible with the residential use to the south and east, and the professional office zoning to the north of the property.

Since the scope of the proposed project is to leave the currently existing building as-is, bringing it up to code and occupying it and operating a minimart from it can't be considered anything but a benefit to the surrounding community.

**Exhibit - E**



*Summary*

Being that the size of the lot is smaller than normal – or smaller than currently allowed, and that it's triangular-shaped as opposed to rectangular, and since the building was constructed prior to any on-site parking zoning requirements, there currently is no on-site parking nor space for on-site parking.

And as previously demonstrated, there wouldn't be any on-site parking available to the property if it were converted to residential by either converting the noncomplying structure to residential, or by starting from scratch. So with that, we're asking for a Variance on the parking requirements.

Currently street-parking is legal on both adjacent streets, and the addition of conforming sidewalks, ADA access ramp, gutters, and planters are planned for both street frontages.

All additional requirements of SPR 2018-046 – B shall be met.

Sincerely,

Patrick Panzera  
Construction Designs  
PO Box 1382  
Hanford CA 93232-1382  
(559) 584-3306



#3

MEETING DATE: MARCH 28, 2018  
SITE PLAN NO. 18-046 RESUBMITTAL  
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:
  - CITY COUNCIL       REDEVELOPMENT
  - PLANNING COMMISSION       PARK/RECREATION
  - GPA+COZ+CZA+VARIANCE
  - HISTORIC PRESERVATION       OTHER: \_\_\_\_\_

**ADDITIONAL COMMENTS :**

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

*Site Plan Review Committee*





# SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: March 28, 2018

SITE PLAN NO: 2018-046 - B  
PROJECT TITLE: Use Change to Retail  
DESCRIPTION: Use Change to Retail (R-1-5)  
APPLICANT: Patrick Panzera  
PROP. OWNER: Mehea USA LLC  
LOCATION TITLE: 139 E. Houston Ave  
APN TITLE: 094-061-008  
GENERAL PLAN: Low Density Res.  
ZONING: R-1-5 – Low Density Res.

## **Planning Division Recommendation:**

- Revise and Proceed
- Off-Agenda – Revised site plan with trash enclosure detail
- Resubmit

## **Project Requirements**

- The site is currently Low Density Residential with a zoning designation of R-1-5
- General Plan Amendment – GPA to Commercial Land Use (need to know which land use for SPR)
- Change Of Zone – COZ to Commercial Zone (need to know which zone for SPR)
- Conditional Zoning Agreement – CZA will be required for any GPA/COZ
- Conditional Use Permit – CUP is required for any type of convenience store/market
- Variance – Var. to parking requirements
- Additional Information as Needed

### **PROJECT SPECIFIC INFORMATION: 3-28-18**

1. Detail of Trash Enclosure is required as part of application package for discretionary actions (detail must be approved by Solid Waste – Engineering – Planning)
2. The City of Visalia is not able to suggest any uses for the site as requested in the accompanying letter. The applicant will need to provide the use or scope of uses intended for the site. Staff may be recommending limiting some of the uses through the CZA as previously mentioned in SPR comments.
3. Provide all required materials with discretionary applications – Note that additional materials may be required as the project moves through the discretionary actions.
4. Meet all other Codes and Ordinances.

### **PROJECT SPECIFIC INFORMATION: 3-21-18**

1. The proposed commercial use of the site will require a GAP and COZ which would be subject to a CZA.
2. Any type of convenience store/market will require a CUP
3. A variance to required parking will be needed.
4. Any application for commercial use should anticipate that staff will be applying conditions through the CZA process which may include, but not be limited to:
  - No alcohol sales
  - Limited hours of operation
  - Limitations on illuminated signage
  - Limiting the potential uses
  - Requiring owner/operator to be responsible for litter and loitering which may result from use

5. Seven-foot high block wall is required adjacent to the single family lot to the south. Required wall to reduce height at the 15-foot setback from property line on the street frontage.
6. Show location of trash enclosure – type of service – size of cans/bins
7. Provide a detail operational statement of how the site is proposed to function.
8. Staff will not support any restaurant style sit-down dining for this site. A walk-up food service may be considered as a part of the use.
9. Street trees and minor landscaping is required along the street frontages for the site. Show how this will be addressed on the Site Plan
10. As discussed in the SPR meeting, the applicant will need to be the proponent for the requested changes. Staff recommendations on discretionary actions are based upon the final completed applications.
11. The existing sign will need to be removed from the top of the building.
12. Air conditioning units and other mechanical equipment must be screened from view to the street and adjacent properties.
13. Air conditioning units and other mechanical equipment, and any cooking exhaust/venting may not be directed towards the single family lot adjacent to the southwest.



**Parking:**

1. Parking would not be available on this site. The project will require a variance to parking standards.

**Fencing and Screening:**

1. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

**Landscaping:**

1. 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.**



# SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

March 28, 2018

ITEM NO: 3	RESUBMTL
SITE PLAN NO: SPR18046	
PROJECT TITLE: 139 E HOUSTON	
DESCRIPTION: ACTUAL USE TO BE DETERMINED. OPTIONS INCLUDE BUT NOT LIMITED TO NEIGHBORHOOD MARKET WITH FOOD PREP AND SERVICE (X) (R-1-5)	
APPLICANT: PANZERA PATRICK	
PROP. OWNER: MEHEA USA LLC	
APN: 094-061-008	
LOCATION: 139 E HOUSTON AVE VISA	

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required.
  - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.

**Additional Comments:**

- Construct sidewalk curb and gutter.

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



**BUILDING/DEVELOPMENT PLAN  
REQUIREMENTS  
ENGINEERING DIVISION**

Jason Huckleberry 713-4259  
 Adrian Rubalcaba 713-4271  
 Diego Corvera 713-4209

ITEM NO: 3 DATE: MARCH 28, 2018

SITE PLAN NO.: 18-046 RESUBMITTAL  
PROJECT TITLE: 139 E HOUSTON  
DESCRIPTION: ACTUAL USE TO BE DETERMINED. OPTIONS INCLUDE BUT NOT LIMITED TO NEIGHBORHOOD MARKET WITH FOOD PREP AND SERVICE  
APPLICANT: PANZERA PATRICK  
PROP OWNER: MEHEA USA LLC  
LOCATION: 139 E HOUSTON  
APN: 094-061-008

**SITE PLAN REVIEW COMMENTS**

REQUIREMENTS (indicated by checked boxes)

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

Install curb;  gutter **CHURCH ST**

Drive approach size:  Use radius return; **REMOVE ANY DRIVE APPROACHES**

Sidewalk: **6'** width;  parkway width at **REQUIRED ON HOUSTON AND CHURCH**

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

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

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

Deed required prior to issuing building permit;

City Encroachment Permit Required. **FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY**

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

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

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

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

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

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

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

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

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

- Traffic indexes per city standards:
- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests:            each at
- Written comments required from ditch company            Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum     Provide            wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations.     Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley 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 project will require additional entitlements per Planning Dept.***
- 2. All street frontage shall maintain a concrete 6' wide City standard sidewalk. Refer to City sidewalk standards.***
- 3. New curb & gutter and sidewalk improvements on Church St. shall comply with City standards.***
- 4. Existing asphalt onsite, beyond new sidewalk, shall be removed and landscaping or landscape planters shall be incorporated into onsite design.***
- 5. A new trash enclosure will be required for service from Church St. Staff will support a modified City standard refuse enclosure given the shape and constraints of the site. Modified standard shall maintain City block wall design and metal gates. Tenant will be required to roll refuse bins out for pick-up on designated service days. Further coordination with Solid Waste Dept. is required. A direct-stab by Solid Waste vehicle shall be considered, if design constraints allow, for the location and position of the new modified enclosure. A city standard commercial drive approach and concrete apron would be required if direct-stab is feasible.***
- 6. Proposed project will incur development impact fees for the proposed food service use. Credit for previous retail use will be applied. Refer to page 3 for fee summary.***
- 7. Connection to City sewer is required for proposed use, if not currently connected.***

**SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES**

Site Plan No: **18-046 RESUBMITTAL**

Date: **3/28/2018**

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

(Fee Schedule Date:**8/18/2017**)  
(Project type for fee rates:**RETAIL & WALK-UP**)

Existing uses may qualify for credits on Development Impact Fees.

<b>FEE ITEM</b>	<b>FEE RATE</b>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input type="checkbox"/> Transportation Impact Fee	
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	<b>\$1,313/EACH X 1</b> <b>TREATMENT PLANT FEE:</b> <b>\$5,768/EACH X 1</b>
<input checked="" type="checkbox"/> Sewer Front Foot Fee	<b>\$42/LF X TBD</b>
<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 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: 3

March 28, 2018

SITE PLAN NO:	SPR18046	<b>RESUBMIT</b>
PROJECT TITLE:	139 E HOUSTON	
DESCRIPTION:	ACTUAL USE TO BE DETERMINED. OPTIONS INCLUDE BUT NOT LIMITED TO NEIGHBORHOOD MARKET WITH FOOD PREP AND SERVICE. (X) (R-1-5)	
APPLICANT:	PANZERA PATRICK	
PROP OWNER:	MEHEA USA LLC	
LOCATION:	139 E HOUSTON AVE	
APN(S):	094-061-008	

**The following comments are applicable when checked:**

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 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. *2016 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.
- Construction and demolition sites prior to and during construction shall comply with the following:
  - Water Supply for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. *2016 CFC 3312*
  - An all-weather, 20 feet width Construction Access Road capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. *2016 CFC 3310*
- 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. *2016 CFC 505.1*
- All hardware on exit doors, illuminated exit signs and emergency lighting shall comply with the 2016 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- 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. *2016 CFC 304.3.3*



A Knox Box key lock system is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation. *2016 CFC 506.1*

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 2016 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 for Residential, Commercial & Industrial:

#### Residential

- Fire hydrant spacing and location shall comply with the following requirements:  
The exact location and 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(5)*
- 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 & Industrial

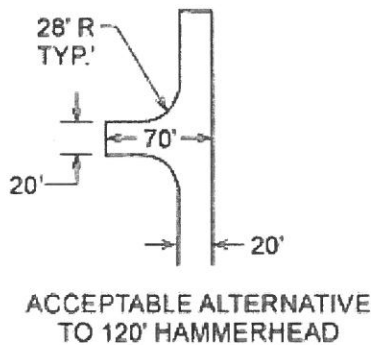
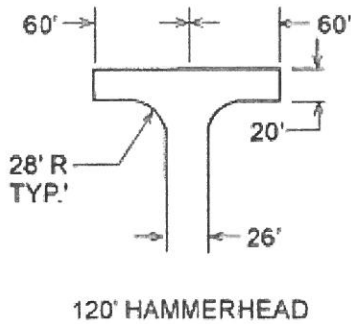
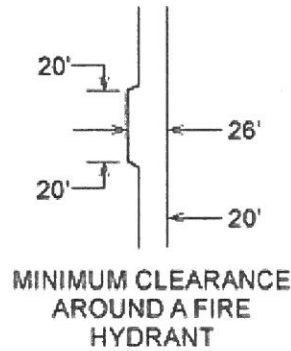
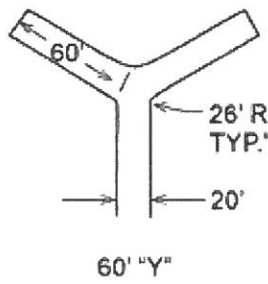
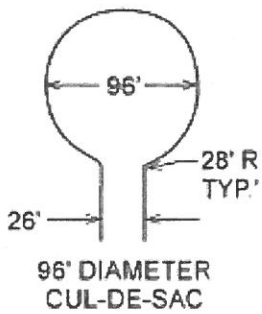
- Where a portion of the facility or building is more than 400 feet from a hydrant on a fire apparatus access road, on-site fire hydrant(s) shall be provided. *2016 CFC 507.5.1*
- Due to insufficient building information, the number and distance between fire hydrants cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with *CFC 2016 Appendix C102 & C103 & CFC 507.5.1*
- To determine fire hydrant location(s) and distribution the following information was provided to the Site Plan Review committee: **Type of construction** \_\_\_\_\_ **Square footage** \_\_\_\_\_

### Emergency Access

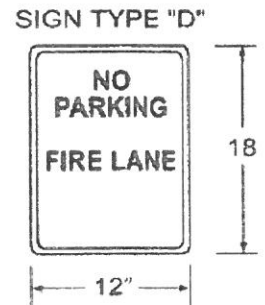
- A fire apparatus access roads shall be provided and must comply with the 2016 CFC and extend within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire apparatus access

roads shall have an unobstructed width of not less than 20 feet. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. 2016 CFC 503.1.1

- Buildings or portions of buildings or facilities with a vertical distance between the grade plan and the highest roof surface that 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.
  - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.
  
- Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. 2016 CFC Table D103.4



- Approved No PARKING – FIRE LANE signs shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. 2013 CFC 503.3/D103.6



- On site Fire Apparatus Access Roads shall be provided and have an unobstructed width of not less than the following:
  - 20 feet width, exclusive of shoulders (No Parking)
  - More than 26 feet width, exclusive of shoulders (No Parking one side)
  - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)
  
- Marking- approved signs, other approved notices or marking that include the words “NO PARKING- FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. *CFC 503.3*
  
- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:  
*2016 CFC D103.5*
  - 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 Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation.)
  
- Streets shall meet the City of Visalia’s Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.

**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). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. *2016 CFC 912 and Visalia Municipal Code 8.20.010 subsection C103.4*
  
- Locking fire department connection (FDC) caps are required. The caps shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. *2016 CFC 912.4.1*
  
- 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. *2016 CFC 904.12 & 609.2*

**Special Comments:**

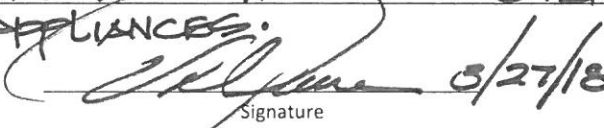
  
Kurtis A. Brown  
Fire Marshal

**City of Visalia**  
**Building: Site Plan**  
**Review Comments**

ITEM NO: 3	DATE: March 28, 2018
SITE PLAN NO: SPR18046	RESUBMIT
PROJECT TITLE: 139 E HOUSTON	
DESCRIPTION: ACTUAL USE TO BE DETERMINED. OPTIONS INCLUDE BUT NOT LIMITED TO nEIGHBORHOOD mARKET WITH FOOD PREP AND SERVICE. (X) (R-1-5)	
APPLICANT: PANZERA PATRICK	
PROP OWNER: MEHEA USA LLC	
LOCATION: 139 E HOUSTON AVE	
APN(S): 094-061-008	

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 5 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans prepared by an architect or engineer. Must comply with 2016 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.  
**20% OF PERMIT VALUE FOR PATH OF TRAVEL UPGRADES.**
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone \_\_\_\_\_ \*  Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.56 per square foot. Residential \$3.45 per square foot.
- Park Development fee \$ \_\_\_\_\_, per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: **PROVIDE GREASE INTERCEPTOR FOR COMMERCIAL COOKING. PROVIDE TYPE I HOOD OVER COMMERCIAL COOKING APPLIANCES.**  
  
Signature **3/27/18**



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

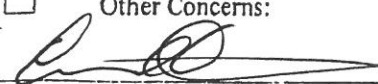
ITEM NO: 3      DATE: March 28, 2018  
SITE PLAN NO: SPR18046      **RESUBMIT**  
PROJECT TITLE: 139 E HOUSTON  
DESCRIPTION: ACTUAL USE TO BE DETERMINED. OPTIONS INCLUDE BUT NOT LIMITED TO NEIGHBORHOOD MARKET WITH FOOD PREP AND SERVICE. (X) (R-1-5)  
APPLICANT: PANZERA PATRICK  
PROP OWNER: MEHEA USA LLC  
LOCATION: 139 E HOUSTON AVE  
APN(S): 094-061-008

### 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: SECURITY/CAMERA SYSTEM  
ACCESSIBLE TO P.D.
- Line of Sight Issues:  
\_\_\_\_\_

Other Concerns:  


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

#  
# 18046

**COMMERCIAL BIN SERVICE**

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 before disposing of in recycle containers.

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

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

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

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

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

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

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

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

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

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

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

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

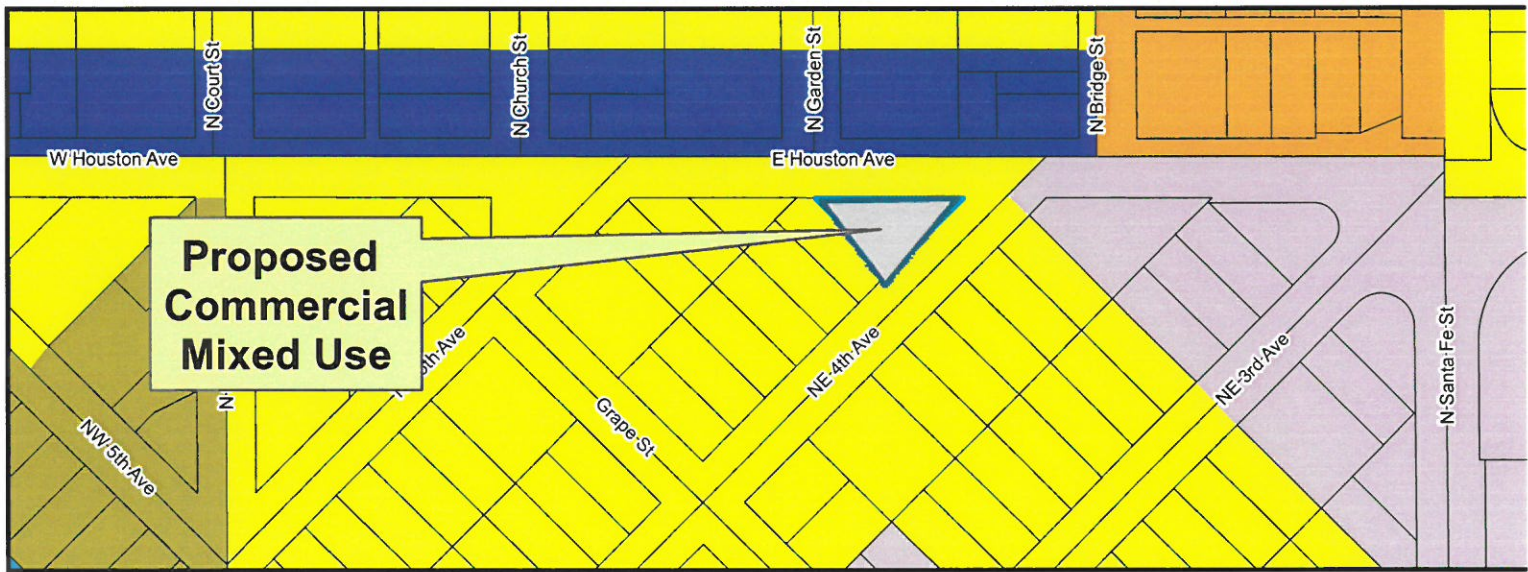
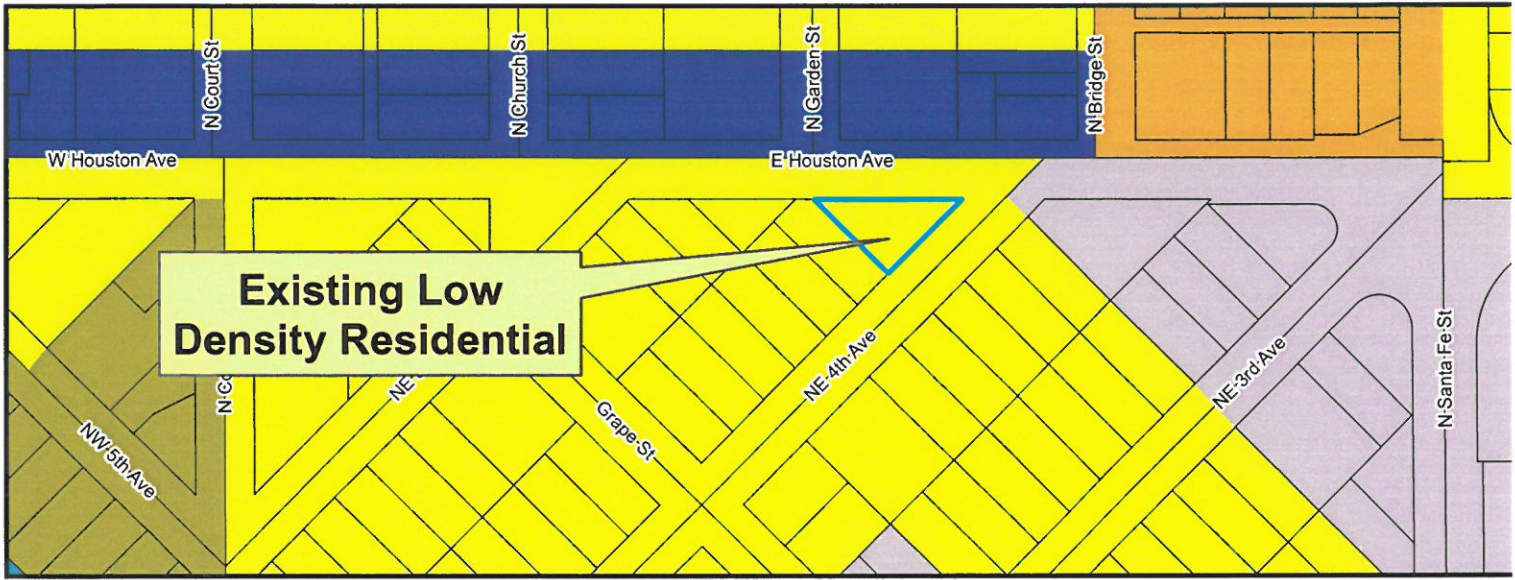
Must be a concrete slab in front of enclosure as per city standards  
The width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.

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.

Comment

Jim Ross, Solid Waste Manager, 559-713-4533

# City of Visalia

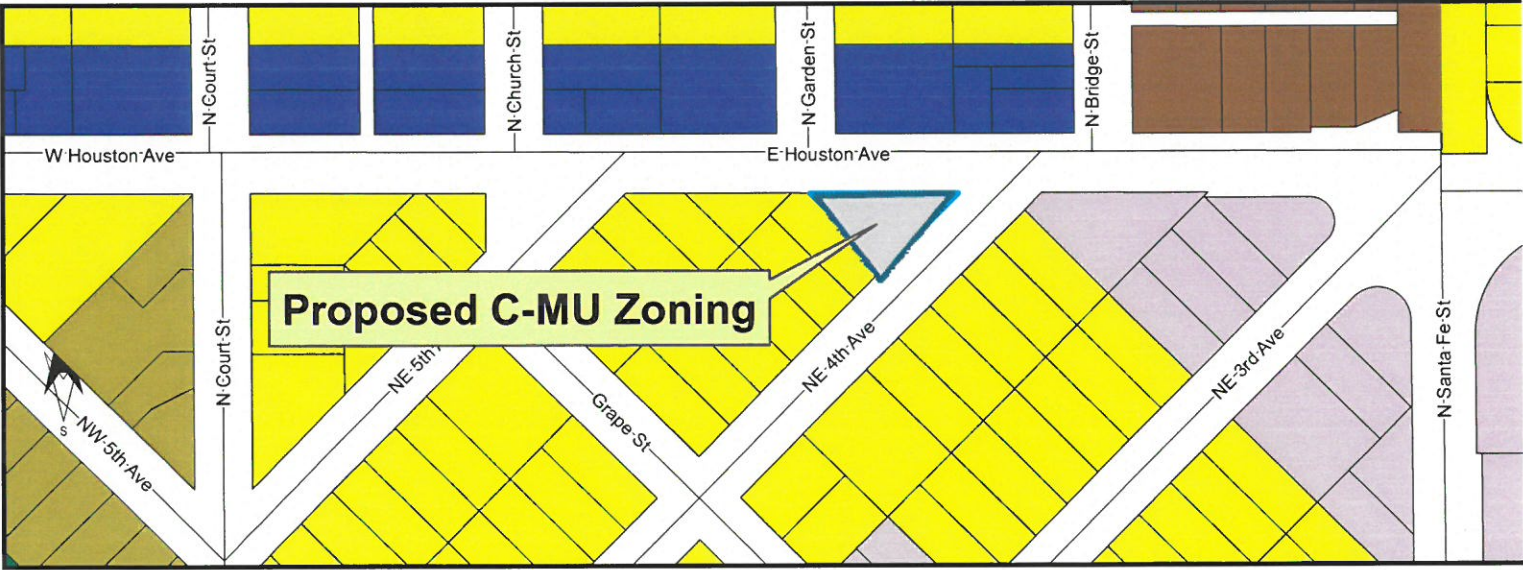
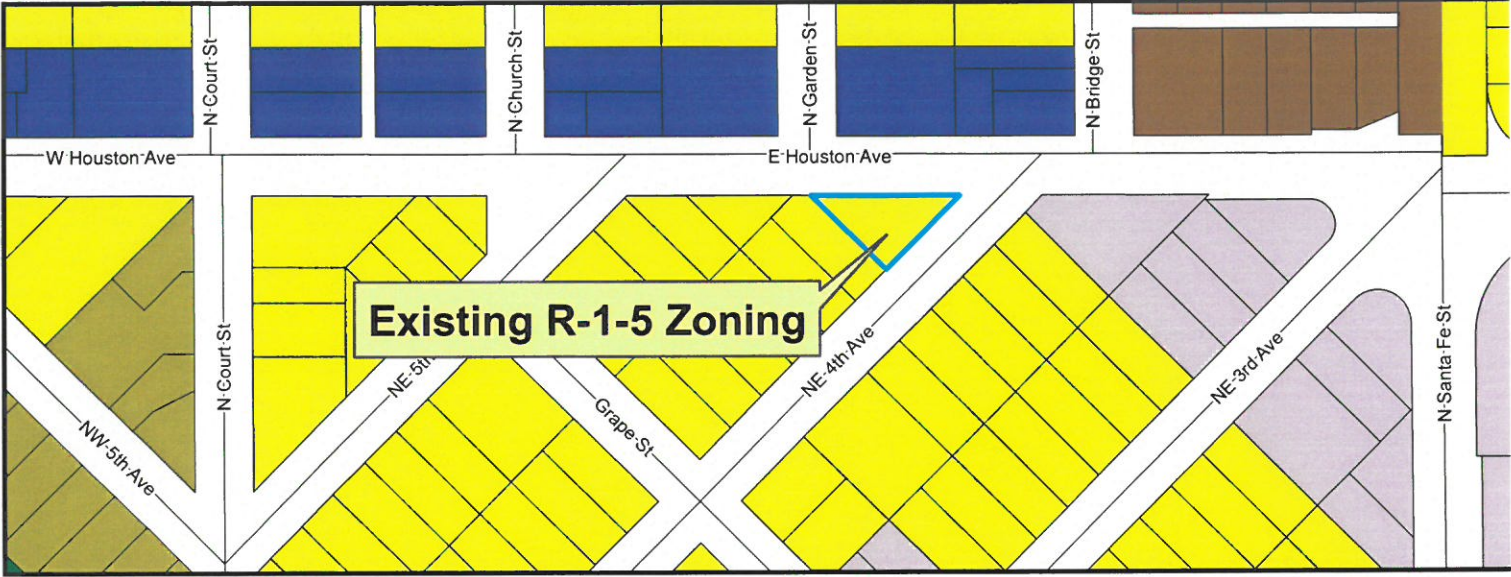


## Land Use Designations

GPA No. 2018-02



# City of Visalia

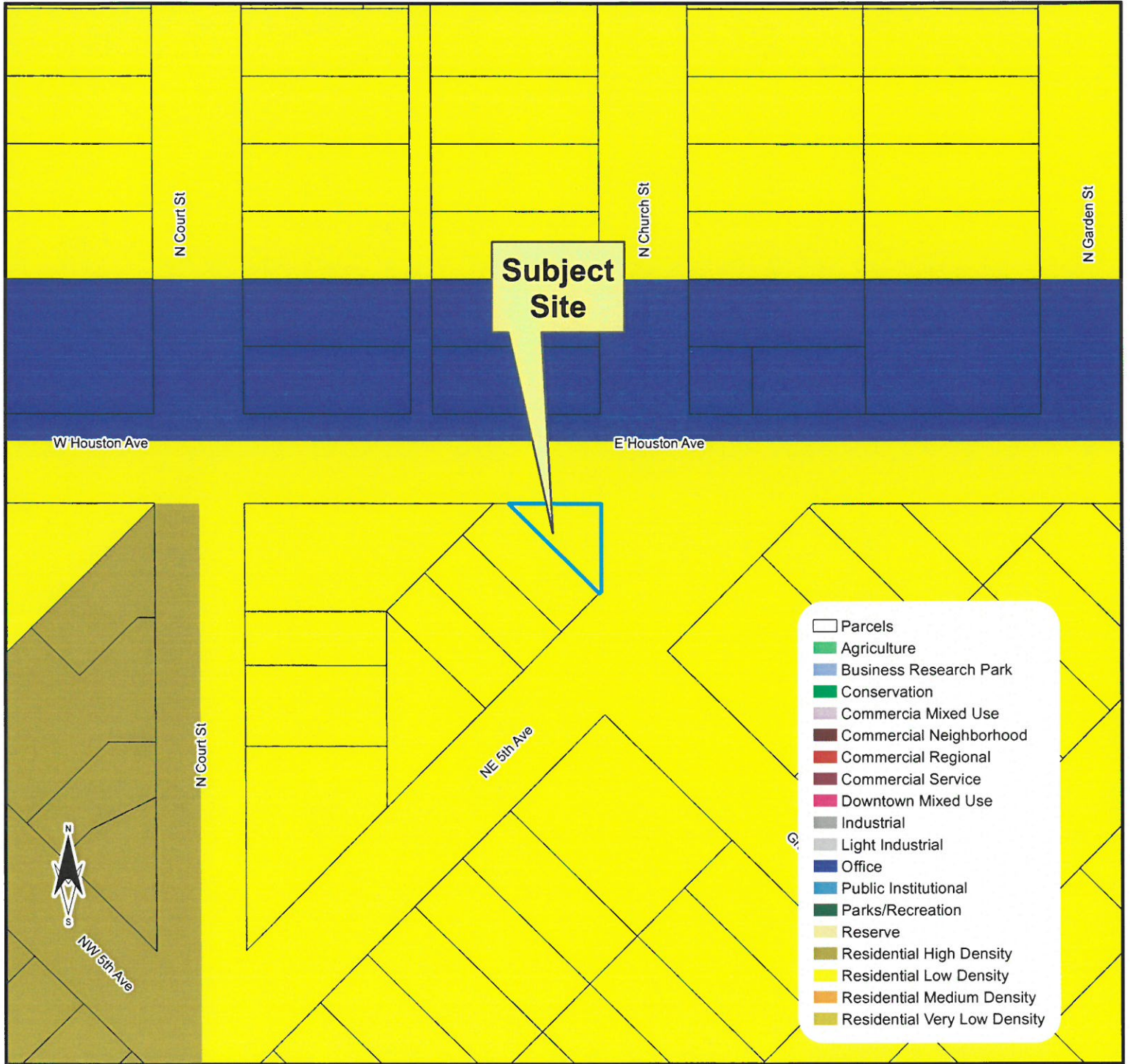


## Zoning Designations

COZ No. 2018-01



# City of Visalia



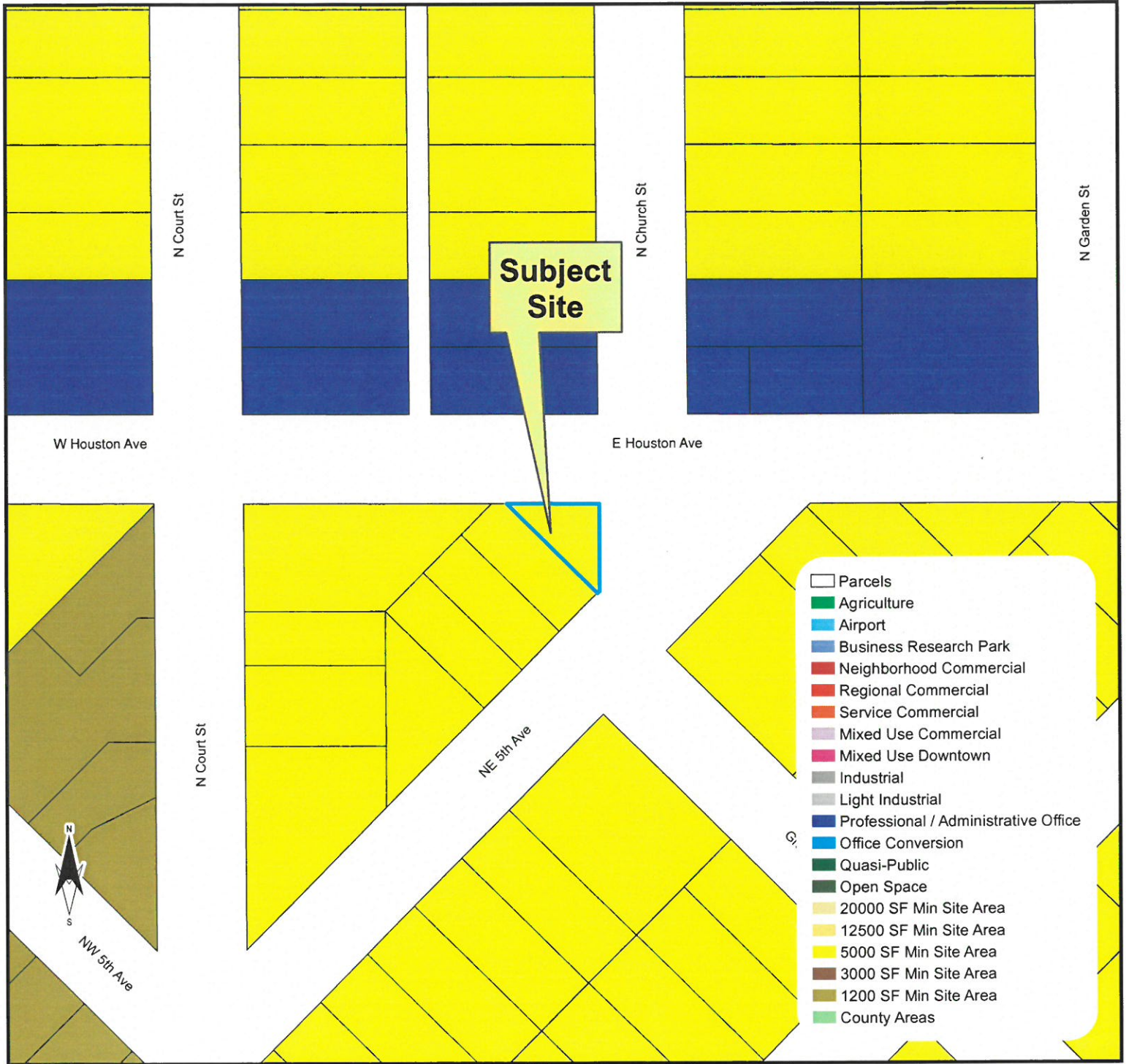
## Land Use Designations

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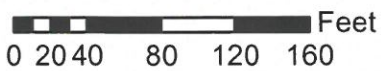
139 East Houston Avenue



# City of Visalia



## Zoning Designations



**139 East Houston Avenue**



# City of Visalia



## Aerial Photo

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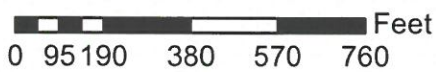
139 East Houston Avenue



# City of Visalia



## Location Map



**139 East Houston Avenue**