

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, FEBRUARY 10, 2020 AT 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA –
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No Items on Consent Calendar
5. CONTINUED PUBLIC HEARING – Branson Smith
Continued Public Hearing: Conditional Use Permit No. 2019-45: A request by Advanced Career Institute to allow improvements to an existing developed one-acre parcel to facilitate the use of a trade school in the 'I' (Industrial) zone. The project site is located at 1728 N. Kelsey Street, on the east side of Kelsey Street 175 feet north of Elowin Court. (APN: 077-150-022) The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-84
6. PUBLIC HEARING – Cristobal Carrillo
Variance No. 2019-10: A request by Matt Ainley requesting a variance to signage standards, allowing 85 sq. ft. of wall signage at The Darling Hotel, within the D-MU (Mixed Use Downtown) Zone. The project site is located at 210 N. Court Street. (APN: 094-287-001)
The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Categorical Exemption No. 2020-01
7. PUBLIC HEARING – Paul Scheibel
 - Tentative Parcel Map No. 2019-07: A request to subdivide a 3.09-acre parcel into four lots within an existing office center parking area in the C-MU (Commercial Mixed Use) Zone District. The site is located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-06

- Conditional Use Permit No. 2019-22: A Master Conditional Use Permit to develop a 3.09-acre portion of an existing office development site with commercial uses on less than five acres, including the creation of lots that lack public street frontage. The proposed commercial development includes restaurant and retail space totaling 15,784 square feet, including three restaurants with drive-thru lanes. The project site is within the C-MU (Commercial Mixed Use) Zone District, located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-06

8. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Next Planning Commission Meeting February 24, 2020
- Update on Tier Boundary Discussion

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

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

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

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, FEBRUARY 20, 2020 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, FEBRUARY 24, 2020



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: February 10, 2020

PROJECT PLANNER: Paul Scheibel, AICP, Principal Planner
Phone No.: (559) 713-4369
E-mail: paul.scheibel@visalia.city

SUBJECT: Tentative Parcel Map No. 2019-07: A request to subdivide a 3.09-acre parcel into four lots within an existing office center parking area in the C-MU (Commercial Mixed Use) Zone District. The site is located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007).

Conditional Use Permit No. 2019-22: A Master Conditional Use Permit to develop a 3.09-acre portion of an existing office development site with commercial uses on less than five acres, including the creation of lots that lack public street frontage. The proposed commercial development includes restaurant and retail space totaling 15,784 square feet, including three restaurants with drive-thru lanes. The project site is within the C-MU (Commercial Mixed Use) Zone District, located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007).

STAFF RECOMMENDATION

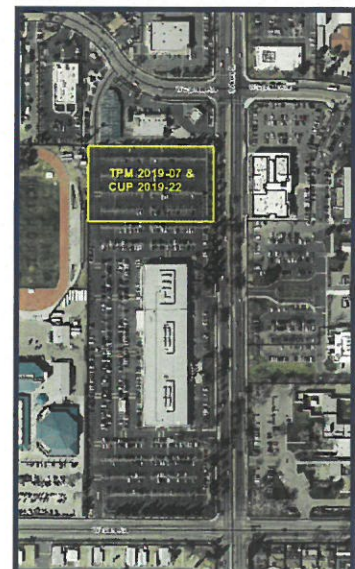
Staff recommends approval of Tentative Parcel Map (TPM) No. 2019-07, and Conditional Use Permit (CUP) No. 2019-22, based on the findings and conditions in Resolution Nos. 2019-37 and 2019-38. Staff's recommendation is based on the conclusion that the project is consistent with the General Plan, Zoning and Subdivision Ordinances.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2019-07 and Conditional Use Permit No. 2019-22, based on the findings and conditions in Resolution Nos. 2019-37 and 2019-38.

PROJECT DESCRIPTION

The project consists of two components. Tentative Parcel Map (TPM) 2019-07 seeks to further subdivide a 3.09-acre parcel located within the 14-acre Cigna office development (now owned and substantially occupied by Tulare County). The four proposed lots will be for three commercial buildings, and includes shared access and parking. The fourth lot will be retained by the County of Tulare as part of its overall parking field for the existing Cigna office building. Conditional Use Permit No. 2019-22, is a request to develop a site that has less than five acres for commercial development. Zoning Ordinance (ZO) section 17.19.060.A requires C-MU sites to have at least five acres in area, unless the proposed development is approved with a CUP.



In addition, the project requires a CUP pursuant to Subdivision Ordinance (SO) Section 16.12.050 that requires the Planning Commission to approve the creation of legal lots that lack public street frontage.

The 'Pad' building on the north side of the site is intended to be a Taco Bell restaurant with a drive-thru. The two 'Shops' buildings will be a mix of retail and restaurant uses. Both 'Shops' buildings will also have drive-thru components. Since the entitlement is a Master CUP, the buildings will carry a similar architectural theme (Industrial Modern), with natural stone and wood finish elements. Primary access to the site will be from a single access point on Akers Street. There are 91 parking spaces being provided on the commercial parcels. This equates to adequate parking for both the proposed restaurant (1 space per 150 sq.ft.) and general retail (1 space per 300 sq.ft.).



BACKGROUND INFORMATION

General Plan Land Use Designation:	CMU	Commercial Mixed Use
Zoning:	C-MU	(Commercial Mixed Use)
Surrounding Land Uses and Zoning:	North:	C-MU / Restaurant buildings
	South:	O-PA (Office, Professional Administrative)/ Office Building
	East:	O-PA / Medical Offices
	West:	Q-P (Quasi-Public)/ Private school campus
Environmental Review:	Categorical Exemption No. 2020-06	
Special Districts:	None	
Site Plan Review:	2018-213	

RELATED PROJECTS

Conditional Use Permit No. 2002-04: A request for a conditional use permit to allow several conditional uses within a planned commercial development with shared access and parking. The proposed conditional uses include the following: a combined gas station/convenience store/car wash, a drive through coffee kiosk, two fast food restaurants with drive-thrus, and an 85-room hotel. The project is located at the southwest corner of Akers Street and State HWY

198. Approved by the Planning Commission on February 25, 2002, by a vote of 4-0-1 (Commissioner Armstrong – Abstained). The project was part of the re-zoning from A (Agriculture) to C-SO (Shopping- Office Commercial), and the master-planned development of the 30-acre former City wastewater treatment plant.

PROJECT EVALUATION

Staff recommends approval of the Tentative Parcel Map and Conditional Use Permit, based on the project's consistency with the General Plan, Zoning and Subdivision Ordinances.

Land Use Compatibility

The Zoning Matrix allows retail and restaurant uses in the C-MU Zone District. Further, General Plan Land Use Element Policy LU-P-45 encourages the development of underdeveloped or re-developable land. The site is part of a former call center that required substantial on-site employee presence- far in excess of standard business offices. Over time, the Cigna call center has occupied a substantially reduced amount of the office building, along with commensurately fewer on-site staff. Consequently, the building and the parking lot became underutilized.

The acquisition of the property by Tulare County has incrementally intensified the use of the site. However, the available parking on the site still significantly exceeds the County's parking requirements for the uses in the existing building. Consequently, the County has sold the 3.09-acre portion of the parking area to the project applicant for the commercial development proposed by this project.

The project will fully integrate with the larger parcel by virtue of having shared connecting points with the existing parking area. Further, the restaurants and businesses proposed will be within walking distance of the office building, and with the medical, hotel, academic, and other business establishments within the immediate area. Condition No. 6 for the CUP and TPM requires the project proponent to grant and record a reciprocal access and parking agreement among all four parcels. This is to ensure the parcels lacking street frontage will continue to have access from Akers Street; and, will ensure the common parking area remains a viable focal point among all aspects of the project development and ongoing use. In addition, Condition No. 7 of CUP 2019-22 requires the project proponent to institute a common area maintenance agreement (CAM) to ensure for ongoing maintenance of the site landscaping, pavement, and walkways.

Project Design

The project features a uniform architectural theme. The site is further unified by virtue of the shared parking field that is centrally located for access to all three buildings. The proposed drive-thrus meet the performance standards specified by ZO Section 17.32.162. The drive-thru proposed for the 'Shops 1' building will have a stacking capacity of 27 vehicles, more than twice the minimum 10 spaces required by Zoning Ordinance Section 17.32.162.B.2.

Subdivision Map Act Findings

California Government Code Section 66474 lists seven findings for which a legislative body of a city or county shall deny approval of a tentative map if it is able to make any of these findings. These seven "negative" findings have come to light through a recent California Court of Appeal decision (Spring Valley Association v. City of Victorville) that has clarified the scope of findings that a city or county must make when approving a tentative map under the California Subdivision Map Act.

Staff has reviewed the seven findings for a cause of denial and finds that none of the findings can be made for the proposed project. The seven findings and staff's analysis are below. Recommended findings in response to this Government Code section are included in the recommended findings for the approval of the tentative parcel map.

<u>GC Section 66474 Finding</u>	<u>Analysis</u>
(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.	The proposed parcel map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map. There are no specific plans applicable to the proposed map.
(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.	The proposed design and improvement of the parcel map has been found to be consistent with the City's General Plan. This is included as recommended Finding No. 1 of the Tentative Parcel Map. There are no specific plans applicable to the proposed map.
(c) That the site is not physically suitable for the type of development.	The site is physically suitable for the proposed parcel map, which is designated with Commercial Mixed-Use land uses. This is included as recommended Finding No. 3 of the Tentative Parcel Map.
(d) That the site is not physically suitable for the proposed density of development.	The site is physically suitable for the proposed density of future development under the Commercial Mixed-Use the C-MU zone district, which does not specify densities of development. This is included as recommended Finding No. 4 of the Tentative Parcel Map.
(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.	The proposed design and improvement of the parcel map has not been found likely to cause environmental damage or substantially and avoidably injure fish or wildlife or their habitat. This finding is further supported by the project's Categorical Exemption determination under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), included as recommended Finding No. 7 of the Tentative Parcel Map.
(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.	The proposed design of the parcel map has been found to not cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Parcel Map.
(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.	The proposed design of the parcel map does not conflict with any existing easements located on or adjacent to the subject property. This is included as recommended Finding No. 5 of the Tentative Parcel Map.

Environmental Review

The requested action is considered Categorically Exempt under Section 15332 (Infill Projects) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-06).

RECOMMENDED FINDINGS

Tentative Parcel Map (TPM) No. 2019-07

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems.
3. The site is physically suitable for the proposed parcel map, which is designated with Commercial Mixed-Use land uses.
4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Commercial Mixed-Use land use designation and zone, which does not specify densities of development.
5. That the proposed tentative parcel map, design of the subdivision or the type of improvements will not conflict with easements for access through or use of property within the proposed subdivision.
6. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Commercial Mixed-Use standards.
7. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-06).

Conditional Use Permit (CUP) No. 2019-22

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 finding of the Zoning Ordinance Section 17.38.110:
 - A. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-06).

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map (TPM) No. 2019-07

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-213.
2. That the tentative parcel map be prepared in substantial compliance with Exhibit "A" of Resolution No. 2019-38.
3. That Tentative Parcel Map No. 2019-07 shall be approved, and that requirements of the parcel map which relate to Conditional Use Permit CUP No. 2019-22 shall be fulfilled.
4. That TPM 2019-07 shall not become effective until Conditional Use Permit CUP No. 2019-22 is approved and becomes effective.
5. That all applicable federal, state, regional, and city policies and ordinances be met.
6. That the project proponent shall record a Reciprocal Access and Parking Agreement prior to or coincidental with the recordation of the Final Map.

Conditional Use Permit (CUP) No. 2019-22

1. That the use be operated in substantial compliance with the site plan and elevations shown in Exhibit A (Site Plan) Exhibit B (Elevations), and Exhibit C (Operational Statement).
2. That the Conditional Use Permit be developed consistent with the comments and conditions of Site Plan Review No. 2018-213.
3. Building signage shall require a separate building permit.
4. That CUP 2019-22 shall not become effective until Tentative Parcel Map TPM No. 2019-07 is approved and becomes effective.
5. That all applicable federal, state and city laws, codes and ordinances be met.
6. That the project proponent shall record a Reciprocal Access and Parking Agreement prior to or coincidental with the recordation of the Final Map.
7. That the project proponent shall establish a Common Area Maintenance (CAM) Agreement for the ongoing maintenance of all landscaping, drive aisles, parking spaces, and lighting associated with the project.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040.A., an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia, CA 93291. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

Attachments:

- Related Plans & Policies
- Resolution No. 2019-38 for TPM 2019-07
- Exhibit "A" Tentative Parcel Map
- Resolution No. 2019-37 for CUP 2019-22
- Exhibit "A" Site Plan
- Exhibit "B" Elevations
- Exhibit "C" Operational Statement
- Site Plan Review 2018-213 Comments
- Notice of Exemption No. 2020-06
- Vicinity Map
- General Plan/Zoning Map
- Aerial Map

Chapter 17.19 MIXED USE ZONES

Sections:

- 17.19.010 Purpose and intent.**
- 17.19.015 Applicability.**
- 17.19.020 Permitted uses.**
- 17.19.030 Conditional and temporary uses.**
- 17.19.040 Required conditions.**
- 17.19.050 Off-street parking and loading facilities.**
- 17.19.060 Development standards in the C-MU zones outside the core area.**
- 17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the core area.**

17.19.010 Purposes.

A. The several types of mixed zones included in this chapter are designed to achieve the following:

1. Encourage a wide mix of commercial, service, office, and residential land uses in horizontal or vertical mixed use development projects, or on adjacent lots, at key activity nodes and along corridors.
2. Maintain Visalia's downtown Conyer Street to Tipton and Murray Street to Mineral King Avenue including the Court-Locust corridor to the Lincoln Oval area) as the traditional, medical, professional, retail, government and cultural center;
3. Provide zone districts that encourage and maintain vibrant, walkable environments.

B. The purposes of the individual mixed use zones are as follows:

1. **Mixed Use Commercial Zone—(C-MU).** The purpose and intent of the mixed use commercial zone district is to allow for either horizontal or vertical mixed use development, and permit commercial, service, office, and residential uses at both at key activity nodes and along corridors. Any combination of these uses, including a single use, is permitted.
2. **Mixed Use Downton Zone—(D-MU).** The purpose and intent of the mixed use downtown zone district is to promote the continued vitality of the core of the community by providing for the continuing commercial development of the downtown and maintaining and enhancing its historic character. The zone is designed to accommodate a wide mix of land uses ranging from commercial and office to residential and public spaces, both active and passive. The zone is intended to be compatible with and support adjacent residential uses, along with meeting the needs of the city and region as the urban center

of the city; to provide for neighborhood, local, and regional commercial and office needs; to accommodate the changing needs of transportation and integrate new modes of transportation and related facilities; and to maintain and enhance the historic character of the city through the application of architectural design features that complement the existing historic core of the city.

17.19.015 Applicability.

The requirements in this chapter shall apply to all property within the C-MU and D-MU zone districts.

17.19.020 Permitted uses.

Permitted uses in C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.19.030 Conditional and temporary uses.

Conditional and temporary uses in the C-MU and D-MU zones shall be determined by Table 17.25.030 in Section 17.25.030.

17.19.040 Required conditions.

- A. A site plan review permit must be obtained for any development in any C-MU and D-MU zones, subject to the requirements and procedures in Chapter 17.28.
- B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;
- C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

17.19.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in Chapter 17.34.

17.19.060 Development standards in the C-MU zones outside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;

4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
1. Front: fifteen (15) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

17.19.070 Development standards in the D-MU zone and in the C-MU zones inside the downtown area.

The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: No minimum.
- B. Maximum building height: one hundred (100) feet.
- C. Minimum required yards (building setbacks):
 1. Front: zero (0) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: zero (0) feet;
 6. Street side yard on corner lot: zero (0) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: five (5) feet (except where a building is located on side property line);

2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: zero (0) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet except where a building is located on side property);
 6. Street side on corner lot: five (5) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

CONDITIONAL USE PERMITS

17.38.010 Purposes and powers.

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

17.38.020 Application procedures.

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
 1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.

8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

**Chapter 16.16
TENTATIVE MAPS**

Sections:

- 16.16.010 Preliminary review.
- 16.16.020 Review by site plan review committee.
- 16.16.030 Tentative subdivision maps.
- 16.16.040 Subdivision filing fees.
- 16.16.050 Size of maps.
- 16.16.060 Information required.
- 16.16.070 Accompanying reports and statements.
- 16.16.080 Distribution of filed maps.
- 16.16.090 Staff reports.
- 16.16.100 Hearing and notice.
- 16.16.110 Commission approval.
- 16.16.120 Council action.
- 16.16.130 Expiration of maps and extensions.

16.16.010 Preliminary review.

Prior to filing of a tentative subdivision map, a conceptual map shall be submitted to the Site Plan Review Committee in accordance with Chapter 17.28 of the Zoning Ordinance. The map shall be drawn at a scale large enough to show all details clearly and enough sheets shall be used to accomplish this end. The map shall show the entire parcel proposed for subdivision including: approximate lot lines, street alignments, adjacent streets and adjacent land uses. The Site Plan Review Committee will prepare comments, recommendations, and requirements of the tentative subdivision map for the subdivider's review.

16.16.020 Review by Site Plan Review Committee.

A. All tentative subdivision maps shall be reviewed by the Site Plan Review Committee prior to the submission of a tentative map to the Planning Commission.

B. The Site Plan Review Committee shall examine and review the following:

1. The completeness and accuracy of the tentative map and the suitability of the land for purposes of subdivision;

2. Conformity of the overall design of the subdivision to the general plan and all pertinent requirements of this title and other laws and plans of the city;

3. The provisions for, and suitability of street improvements, underground utilities, fire hydrants, street lights, storm drains, streets, trees and sidewalks. The adequacy of the water supply, solid waste collection, sewage disposal and easements for utilities and drainage;

4. Provisions for public areas, including parks, schools, public utilities facilities, etc.

C. If any portion of the subdivision is in conflict with any of the requirements of this title, other ordinances, or state law, the Site Plan Review Committee shall, to the best of its ability, advise the subdivider of such conflicts.

D. The Site Plan Review Committee may deem it advisable to recommend additional improvements, easements or dedications to be included; in which case, the subdivider shall be

duly informed of the nature of the recommendations following the Site Plan Review Committee meeting.

E. The Site Plan Review Committee shall make a report of its recommendations to the Planning Commission, and shall furnish a copy of that report to the subdivider, in accordance with Chapter 17.28.

16.16.030 Tentative subdivision maps.

A. The tentative map shall be prepared by a registered civil engineer or a licensed land surveyor in accord with the provisions of the Subdivision Map Act and this title and shall be filed with the city planner. Such filing shall be prior to the completion of final surveys of streets and lots and before the start of any grading or construction work within the proposed subdivision.

B. A minimum of thirty (30) copies of the tentative map, and accompanying reports and statements shall be submitted to the city planner at the time of filing. Filing of required documents will be deemed official upon written receipt from the city planner.

16.16.040 Subdivision filing fees.

Filing fee to cover the costs of processing and checking shall be paid for each tentative map at the time of filing thereof in amounts as may be adopted by the City Council yearly by resolution. If, after approval of a tentative map, revisions of the initial map are filed or a new tentative map is filed covering the same or additional land, each filing shall be considered as a new subdivision. There shall be no charge for filing of changes in tentative maps to meet the requirements of the city.

16.16.050 Size of maps.

The tentative map shall show the entire subdivision on one or more eighteen (18) inch by twenty six (26) inch sheets at a scale large enough to show all details clearly.

16.16.060 Information required.

Each tentative map shall contain the following information:

1. The name of the proposed subdivision, and designation as a tentative map;
2. The name and address of the owner of the property proposed to be subdivided;
3. The name and address of the subdivider;
4. The name of the engineer, surveyor or firm who prepared the map;
5. The approximate acreage;
6. The north point;
7. The scale;
8. The date;
9. The boundary line;
10. The location and width of all streets and alleys within the boundaries of the proposed subdivision;
11. The proposed names of all streets within the boundaries of the proposed subdivision; proposed streets that are obviously in line with others already named and existing should be given the same name;
12. The name, location and width of adjacent streets;
13. The lot lines and approximate dimensions; lots shall be numbered consecutively;
14. The approximate location and width of watercourses or areas subject to inundation from floods, including flood plain boundaries, and the location of structures, irrigation ditches, and other permanent physical features;
15. An accurate description of the exterior boundaries of the subdivision or legal description of the property comprising the subdivision, a vicinity map indicating the location of the proposed subdivision in relation to the surrounding area or region;
16. The width and location of all existing or proposed public or private easements;

17. The proposed use of lots as to desired residential, commercial, industrial or other uses;
18. Any railroads;
19. The approximate radius of curves;
20. The zoning district in which the proposed subdivision is located;
21. The general plan use designation for the area of the proposed subdivision;
22. Any public areas proposed;
23. The dimensions and locations of any existing buildings that are to remain in place on the property; the variety, size and location of all existing trees having a diameter of four inches or greater, except orchard trees, which shall be shown by general area, location and spacing or rows;
24. The locations of any existing wells, pipelines or septic tanks;
25. The location of city limit lines;
26. Oak trees having a trunk diameter exceeding four inches, measured at a point five feet above the existing ground level;
27. Any of the foregoing information as may not be practicably shown on the map shall be contained in a written statement accompanying the map.

16.16.070 Accompanying reports and statements.

- A. The tentative map shall contain or be accompanied by reports and/or written statements from the subdivider giving essential information regarding the following matters:
1. The source of water supply;
 2. The type of street improvements and utilities that the subdivider proposes to install;
 3. The proposed method of sewage disposal;
 4. The proposed method of solid waste collection;
 5. The proposed public bus stops and turnouts;
 6. The proposed storm water sewer or other means of drainage;
 7. The proposed tree planting and related landscaping;
 8. Preliminary title reports of entire property;
 9. A preliminary soils report. The preliminary soils report may be waived if the city engineer determines that, due to the knowledge he has of the quality of the soils of the subdivision, no preliminary analysis is necessary;
 10. If a subdivision is to be developed as consecutive individual units, it shall be so stated on the tentative map, and the order and approximate dates of completion of each unit shall be given at the time of filing of the tentative map;
 11. A map showing the properties within a three hundred (300) foot radius of the proposed tentative map and a property owners list keyed to the three hundred (300) foot radius map.
- B. The information required in the written reports and statements may be shown on the tentative map itself if feasible.

16.16.080 Distribution of filed maps.

- A. When the tentative maps, accompanying reports and statements are filed, and the Site Plan Review Committee has approved the map, the city planner shall immediately forward copies of each to the following agencies when affected:
1. Caltrans;
 2. Southern California Edison Company;
 3. California Water Service;
 4. Southern California Gas Company;
 5. Visalia Unified School District;
 6. United States Postmaster;
 7. Tulare County Health Department;

8. Tulare County Public Works Department;
9. Federal Housing Authority;
10. Comcast Cable;
11. Water Quality Control Board;
12. AT&T;
13. Affected irrigation or drainage district.

B. With the exception of school districts, such agencies shall respond within fifteen (15) days after receipt of such tentative map for their comments to be considered by the commission. School districts shall respond within twenty (20) working days of the date on which the notice was mailed to the school district for comment.

16.16.090 Staff reports.

Any report or recommendation on a tentative map by the staff of the commission or council shall be in writing and a copy thereof served on the subdivider at least three days prior to any hearing or action on such map by the commission or council.

16.16.100 Hearing and notice.

A. The city Planning Commission shall hold a public hearing on an application for a tentative subdivision map or vesting tentative subdivision map.

B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area proposed for subdivision.

16.16.110 Commission approval.

Within fifty (50) days after the tentative map has been filed with the city planner or at such later date as may be required to concurrently process the appurtenant environmental impact review documents required by state law and local ordinances, the commission shall report in writing to the subdivider their decision regarding approval, conditional approval, or disapproval of the map and the conditions on which such action is based.

16.16.115 Denial of tentative map or parcel map.

This section shall apply to both tentative maps and parcel maps for which a tentative map is not required.

A. The Planning Commission shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

1. The proposed map is not consistent with the General Plan;
2. The proposed map is not consistent with an applicable specific plan adopted in accordance with Government Code Section 65451;
3. The design or improvement of the proposed subdivision is not consistent with the General Plan or with an applicable specific plan.
4. The site is not physically suitable for the type of development.
5. The site is not physically suitable for the proposed density of development.
6. The design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
7. The design of the subdivision or type of improvements is likely to cause serious public health problems.
8. The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large that are either of record or have been established by judgment of

a court of competent jurisdiction, that are for access through, or use of, property within the proposed subdivision, and that there are no feasible alternate easements for access or for use that will be substantially equivalent to ones previously acquired by the public.

B. In determining whether to approve or deny a tentative map, the Planning Commission shall apply only those ordinances, policies, and standards in effect at the date the City Planner has determined that the application is complete pursuant to Government Code Section 65943.

C. If the Planning Commission finds that the land is subject to any of the following, then the Planning Commission shall deny approval of a tentative map, or a parcel map for which a tentative map was not required if, after reviewing Government Code Section 66474.4, it finds that either the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land:

1. A contract entered into pursuant to the California Land Conservation Act of 1965 (Chapter 7 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), including an easement entered into pursuant to Section 51256.

2. An open-space easement entered into pursuant to the Open-Space Easement Act of 1974 (Chapter 6.6 (commencing with Section 51070) of Part 1 of Division 1 of Title 5.)

3. An agricultural conservation easement entered into pursuant to Chapter 4 (commencing with Section 10260) of Division 10.2 of the Public Resources Code.

4. A conservation easement entered into pursuant to Chapter 4 (commencing with Section 815) of Part 2 of Division 2 of the Civil Code.

16.16.120 Council action.

The City Council may overrule or modify any ruling or determination of the commission in regard to a tentative map and may make conditional exceptions if special circumstances pertaining to the property involved justify a variance from the provisions of this title.

16.16.130 Expiration of maps and extensions.

A. Expiration. The approval or conditional approval of a tentative map shall expire twenty-four (24) months from the date the map was approved or conditionally approved.

B. Extension. The person filing the tentative map may request an extension of the tentative map approval or conditional approval by written application to the city planner who shall forward it to the Planning Commission for action. Such application shall be filed before the approval or conditional approval is due to expire. The application shall state the reasons for requesting the extension.

C. Time Limit on Extensions. An extension or extensions of tentative map approval or conditional approval shall not exceed an aggregate of three years.

RESOLUTION NO. 2019-38

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2019-07, A REQUEST TO SUBDIVIDE A 3.09-ACRE PARCEL INTO FOUR LOTS WITHIN AN EXISTING OFFICE CENTER PARKING AREA IN THE C-MU (COMMERCIAL MIXED USE) ZONE DISTRICT. THE SITE IS LOCATED ON THE WEST SIDE OF AKERS STREET, APPROXIMATELY 170 FEET SOUTH OF CYPRESS AVENUE (APN: 087-460-007)

WHEREAS, Tentative Parcel Map No. 2019-07 is request to subdivide a 3.09-acre parcel into four lots within an existing office center parking area in the C-MU (Commercial Mixed Use) Zone District. The site is located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 10, 2020; and,

WHEREAS, the Planning Commission of the City of Visalia finds the tentative parcel map in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-06).

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

1. That the proposed location and layout of the tentative parcel map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed tentative parcel map, its improvement and design, and the conditions under which it will be maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems.
3. The site is physically suitable for the proposed parcel map, which is designated with Commercial Mixed-Use land uses.
4. That the site is physically suitable for the proposed tentative parcel map and the project's density, which is consistent with the underlying Commercial Mixed-Use land use designation and zone, which does not specify densities of development.

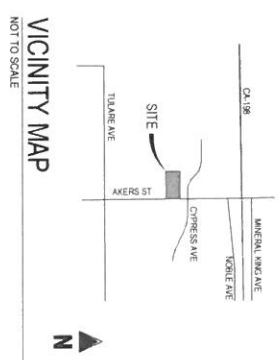
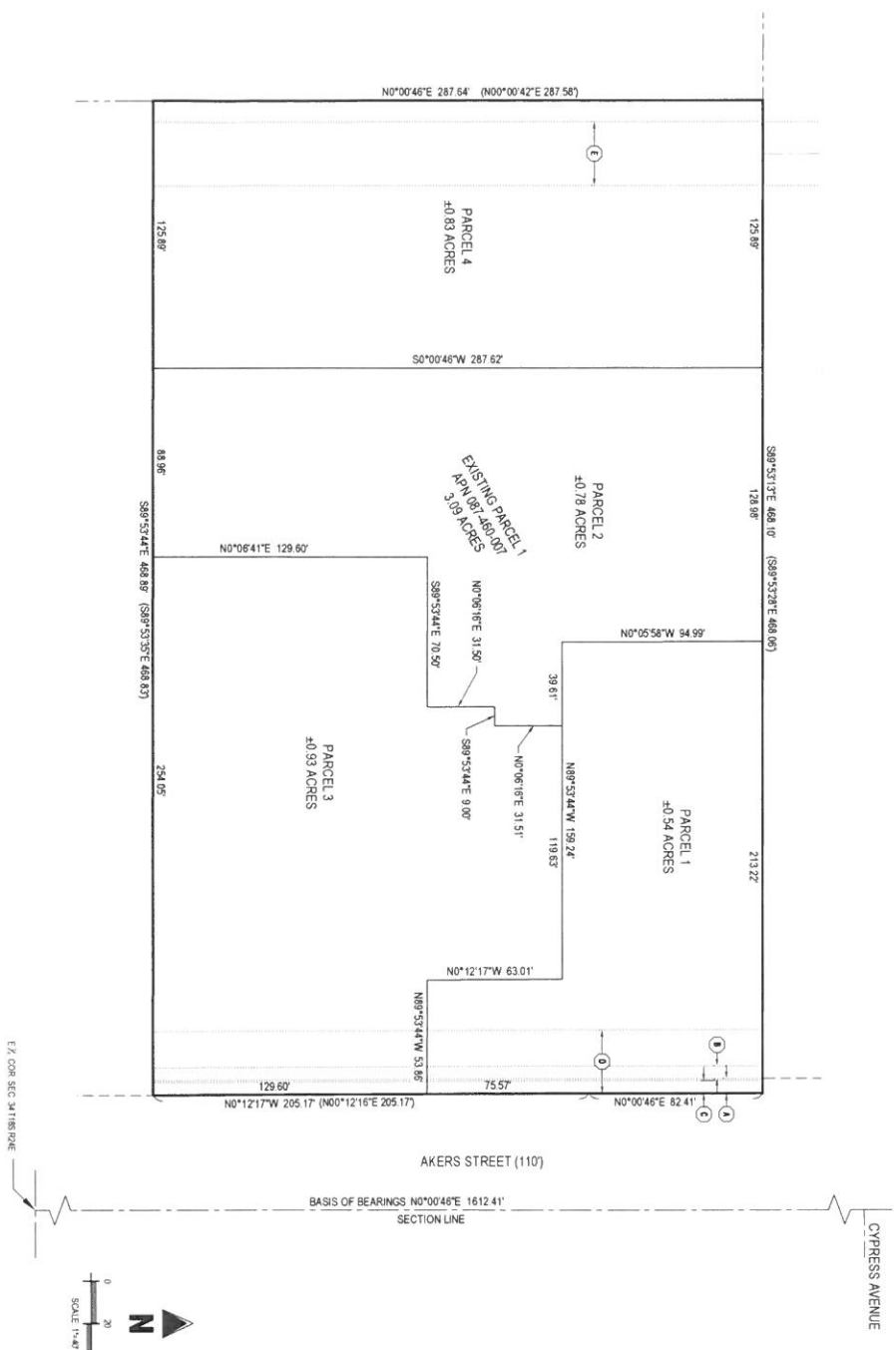
5. That the proposed tentative parcel map, design of the subdivision or the type of improvements will not conflict with easements for access through or use of property within the proposed subdivision.
6. That the proposed parcel sizes resulting from the parcel map are consistent with the Zoning Ordinance's Commercial Mixed-Use standards.
7. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-06).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the tentative parcel map on the real property hereinabove described in accordance with the terms of this resolution under the provisions of Section 16.28.070 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. 2018-213.
2. That the tentative parcel map be prepared in substantial compliance with Exhibit "A" of Resolution No. 2019-38.
3. That Tentative Parcel Map No. 2019-07 shall be approved, and that requirements of the parcel map which relate to Conditional Use Permit CUP No. 2019-22 shall be fulfilled.
4. That TPM 2019-07 shall not become effective until Conditional Use Permit CUP No. 2019-22 is approved and becomes effective.
5. That all applicable federal, state, regional, and city policies and ordinances be met.
6. That the project proponent shall record a Reciprocal Access and Parking Agreement prior to or coincidental with the recordation of the Final Map.

TENTATIVE PARCEL MAP 19-XX

FOR
AKERS PLAZA
PREPARED MAY 2019 BY GALLOWAY & COMPANY, INC.



PREPARED BY

GALLOWAY AND COMPANY, INC.
 7581 N. INGRAM AVE. STE 101
 TULARE, CA 95329
 TEL: (559) 721-5000

OWNER

COUNTY OF TULARE
 2800 W. BURRILL AVE.
 VISALIA, CA 93291

SUBDIVIDER

PALOMA DEVELOPMENT COMPANY
 2221 N. GARDEN ST.
 VISALIA, CA 93291
 TEL: (559) 713-2022

PARCEL INFORMATION

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF VISALIA, COUNTY OF TULARE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS: PARCEL NO. 1 OF PARCEL MAP NO. 4494, RECORDED AUGUST 28, 1999 IN BOOK 45, PAGE 9 OF PARCEL MAPS, IN THE OFFICIAL RECORDS OF TULARE COUNTY, CALIFORNIA.

EXISTING STRUCTURES
 THERE ARE NO EXISTING STRUCTURES ON SITE.

ZONING INFORMATION

ZONING
 GENERAL ZONING: COMMERCIAL MIXED USE (C/MU)
 REQUIRED ZONING: COMMERCIAL MIXED USE (C/MU)

LAND USE

GENERAL PLAN USE DESIGNATION: COMMERCIAL MIXED USE
 EXISTING LAND USE: PARKING LOT
 PROPOSED LAND USE: COMMERCIAL

SETBACKS

FRONT: 14 FT
 SIDE: 0 FT (INCLUDING 5 FT LANDSCAPE SETBACK)
 REAR: 0 FT (INCLUDING 5 FT LANDSCAPE SETBACK)
 MAXIMUM BUILDING HEIGHT: 50 FT

NOTES

- STREET IMPROVEMENTS WILL BE LIMITED TO PROPOSED DRIVE APPROACH DEVELOPMENT.
- UTILITY IMPROVEMENTS WILL BE LIMITED TO EXTENDING SERVICES TO PROPOSED DEVELOPMENT.

LEGEND

- BEARING AND DISTANCE PER FIELD DATA
- BOUNDARY DATA PER PARCEL MAP NO. 4494
- EXISTING PARCEL LINE
- PROPOSED PARCEL LINE
- EASEMENT BOUNDARY
- SECTION LINE

EASEMENT SCHEDULE

- 7-FOOT ROAD & UTILITY EASEMENT (CITY OF VISALIA)
- 6-FOOT SIDEWALK RESERVATION EASEMENT (CITY OF VISALIA)
- 6-FOOT SIDEWALK EASEMENT (CITY OF VISALIA)
- 30-FOOT SEWER / STORM DRAIN EASEMENT (CITY OF VISALIA)
- 30-FOOT ACCESS EASEMENT (PARCEL 2 OF PARCEL 4494)

UTILITY PROVIDERS

- SANITARY SEWER: CITY OF VISALIA
 - WATER: CALWATER
 - SOLID WASTE: CITY OF VISALIA
 - ELECTRIC: SOUTHERN CALIFORNIA Edison
 - GAS: SOUTHERN CALIFORNIA GAS
 - TELECOM: AT&T COMCAST
 - STORM SEWER: CITY OF VISALIA
- PROPOSED DRAINAGE PATTERN
 SITE WILL SURFACE FLOW TO AKERS STREET AND/OR UTILIZE EXISTING ON-SITE STORM SYSTEM

FEMA FLOOD ZONE

PER FINNETTE 006107029298E, EFFECTIVE 06/16/2009
 THIS PROPERTY RESIDES IN FEMA SPECIAL FLOOD HAZARD AREA (BASE FLOOD ELEVATION 359')

EXHIBIT A

RESOLUTION NO. 2019-37

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2019-22, A MASTER CONDITIONAL USE PERMIT TO DEVELOP A 3.09-ACRE PORTION OF AN EXISTING OFFICE DEVELOPMENT SITE WITH COMMERCIAL USES ON LESS THAN FIVE ACRES, INCLUDING THE CREATION OF LOTS THAT LACK PUBLIC STREET FRONTAGE. THE PROPOSED COMMERCIAL DEVELOPMENT INCLUDES RESTAURANT AND RETAIL SPACE TOTALING 15,784 SQUARE FEET, INCLUDING THREE RESTAURANTS WITH DRIVE-THRU LANES. THE PROJECT SITE IS WITHIN THE C-MU (COMMERCIAL MIXED USE) ZONE DISTRICT, LOCATED ON THE WEST SIDE OF AKERS STREET, APPROXIMATELY 170 FEET SOUTH OF CYPRESS AVENUE (APN: 087-460-007)

WHEREAS, Conditional Use Permit No. 2019-22, is a Master Conditional Use Permit to develop a 3.09-acre portion of an existing office development site with commercial uses on less than five acres, including the creation of lots that lack public street frontage. The proposed commercial development includes restaurant and retail space totaling 15,784 square feet, including three restaurants with drive-thru lanes. The project site is within the C-MU (Commercial Mixed Use) Zone District, located on the west side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007); and,

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on February 10, 2020; and,

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2019-22, as conditioned, to be in accordance with Chapter 17.38.110 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

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

NOW, THEREFORE, BE IT RESOLVED that the project is exempt from further environmental review pursuant to CEQA Section 15332.

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 finding of the Zoning Ordinance Section 17.38.110:
 - A. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.

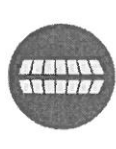
- B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-06).

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 use be operated in substantial compliance with the site plan and elevations shown in Exhibit A (Site Plan) Exhibit B (Elevations), and Exhibit C (Operational Statement).
2. That the Conditional Use Permit be developed consistent with the comments and conditions of Site Plan Review No. 2018-213.
3. Building signage shall require a separate building permit.
4. That CUP 2019-22 shall not become effective until Tentative Parcel Map TPM No. 2019-07 is approved and becomes effective.
5. That all applicable federal, state and city laws, codes and ordinances be met.
6. That the project proponent shall record a Reciprocal Access and Parking Agreement prior to or coincidental with the recordation of the Final Map.
7. That the project proponent shall establish a Common Area Maintenance (CAM) Agreement for the ongoing maintenance of all landscaping, drive aisles, parking spaces, and lighting associated with the project.

PRELIMINARY
 NOT FOR CONSTRUCTION

DATE OF PREPARATION: 08/11/2011
 DATE OF REVISION: 08/11/2011



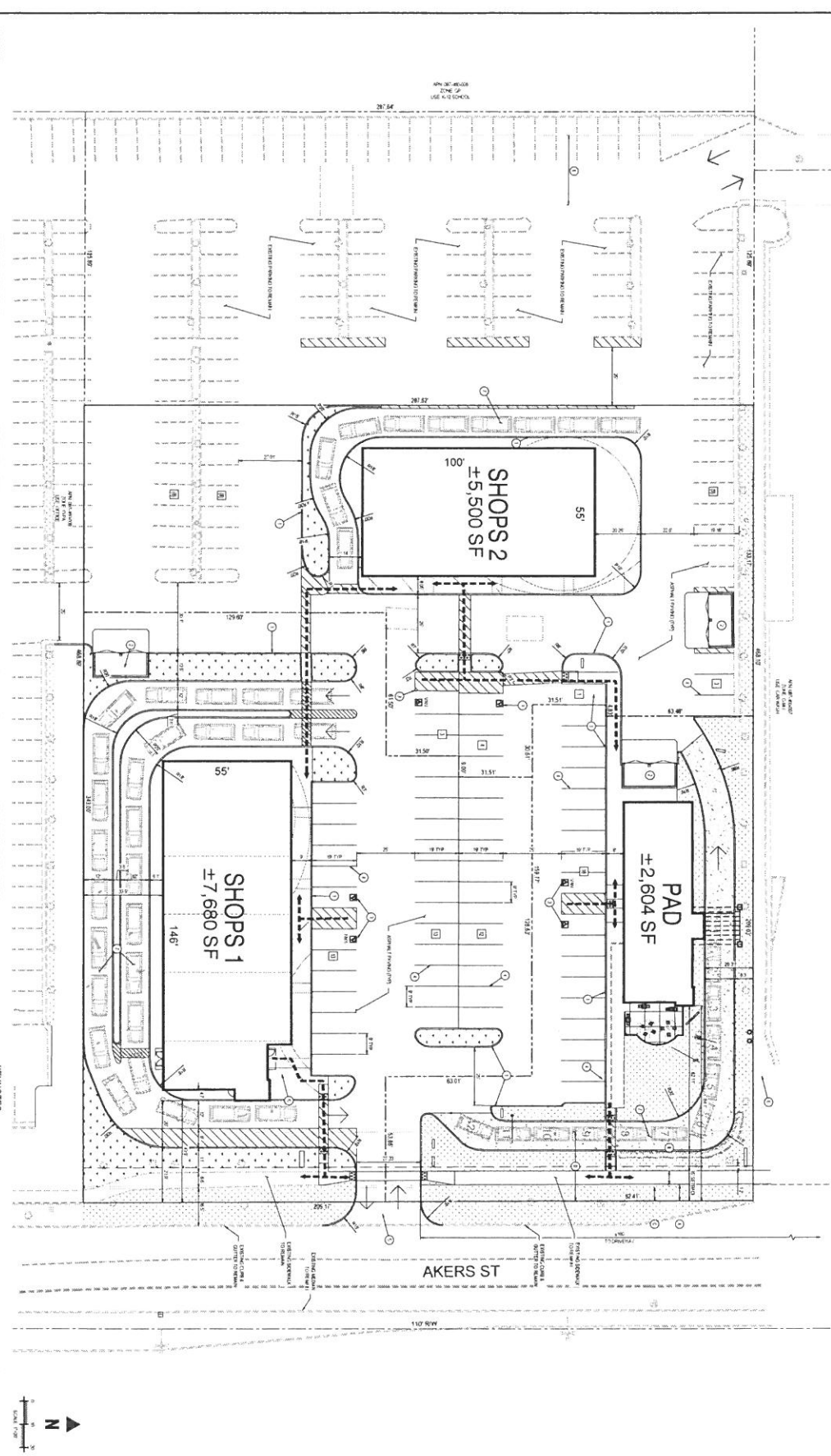
PALOMA DEVELOPMENT COMPANY
AKERS PLAZA
CONDITIONAL USE PERMIT

AKERS STREET BETWEEN TULARE & CYPRESS AVENUES
 VISALIA, CA

NO.	DATE	REVISION
1	08/11/2011	PRELIMINARY SITE PLAN
2	08/11/2011	REVISIONS TO PERMITS
3	08/11/2011	REVISIONS TO PERMITS
4	08/11/2011	REVISIONS TO PERMITS
5	08/11/2011	REVISIONS TO PERMITS
6	08/11/2011	REVISIONS TO PERMITS
7	08/11/2011	REVISIONS TO PERMITS
8	08/11/2011	REVISIONS TO PERMITS
9	08/11/2011	REVISIONS TO PERMITS
10	08/11/2011	REVISIONS TO PERMITS

PREPARED BY:
 GALLOWAY CONSULTING ENGINEERS
 1000 N. GARDEN AVENUE, SUITE 1000
 VISALIA, CA 93277
 TEL: (559) 734-8800

DATE OF PREPARATION: 08/11/2011



LEGEND

--- ADJACENT TRACT
 --- PROJECT BOUNDARY
 --- EXISTING PROPERTY LINE
 --- PROPOSED PROPERTY LINE
 --- EXISTING SETBACK
 --- PROPOSED SETBACK
 --- EXISTING EASEMENT
 --- PROPOSED EASEMENT
 --- EXISTING RIGHT-OF-WAY
 --- PROPOSED RIGHT-OF-WAY
 --- EXISTING FLOOD PLAIN
 --- PROPOSED FLOOD PLAIN
 --- EXISTING UTILITIES
 --- PROPOSED UTILITIES

FEMA FLOOD ZONE
 THE PROPERTY IS LOCATED IN FEMA SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD MAP (NO. 17000 MAZD) DATED 08/11/2011.

SITE NOTES

1. ALL PROPOSED CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF VISALIA ZONING ORDINANCE AND THE VISALIA SUBDIVISION MAP ACT.
2. THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE VISALIA SUBDIVISION MAP ACT AND THE VISALIA ZONING ORDINANCE.
3. NO BUILDINGS SHALL BE PLACED IN THE FLOOD PLAIN.

UTILITY PROVIDERS

WATER: CALIFORNIA WATER SERVICE
 GAS: CALIFORNIA GAS SERVICE
 ELECTRIC: CALIFORNIA ELECTRIC SERVICE
 TELECOM: SPRINT
 CABLE: COMCAST

PROPOSED CHANGES TO THE CITY OF VISALIA ZONING ORDINANCE

LEGAL DESCRIPTION

PARCEL NO. 1 OF PARCEL MAP NO. 10000 MAZD, AS SHOWN ON THE VISALIA SUBDIVISION MAP ACT, IS THE PART OF THE LAND DESCRIBED AS FOLLOWS:

SECTION 17, T4N, R12E, S1E, VISALIA, CALIFORNIA

PARCEL INFORMATION

PARCEL NO.	AREA (SQ. FT.)	AREA (ACRES)
PARCEL A	145,000	3.31
PARCEL B	145,000	3.31
PARCEL C	145,000	3.31
PARCEL D	145,000	3.31
PARCEL E	145,000	3.31
PARCEL F	145,000	3.31
PARCEL G	145,000	3.31
PARCEL H	145,000	3.31
PARCEL I	145,000	3.31
PARCEL J	145,000	3.31
PARCEL K	145,000	3.31
PARCEL L	145,000	3.31
PARCEL M	145,000	3.31
PARCEL N	145,000	3.31
PARCEL O	145,000	3.31
PARCEL P	145,000	3.31
PARCEL Q	145,000	3.31
PARCEL R	145,000	3.31
PARCEL S	145,000	3.31
PARCEL T	145,000	3.31
PARCEL U	145,000	3.31
PARCEL V	145,000	3.31
PARCEL W	145,000	3.31
PARCEL X	145,000	3.31
PARCEL Y	145,000	3.31
PARCEL Z	145,000	3.31

ZONING INFORMATION

LAND USE

PROPERTY OWNER

DEVELOPER

KEYNOTES

1. THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE VISALIA ZONING ORDINANCE AND THE VISALIA SUBDIVISION MAP ACT.
2. THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE VISALIA ZONING ORDINANCE AND THE VISALIA SUBDIVISION MAP ACT.
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10. THE PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE VISALIA ZONING ORDINANCE AND THE VISALIA SUBDIVISION MAP ACT.

EASEMENT SCHEDULE

VISIBILITY MAP

PREPARED BY:
 GALLOWAY CONSULTING ENGINEERS
 1000 N. GARDEN AVENUE, SUITE 1000
 VISALIA, CA 93277
 TEL: (559) 734-8800

C1.0



PERSPECTIVE

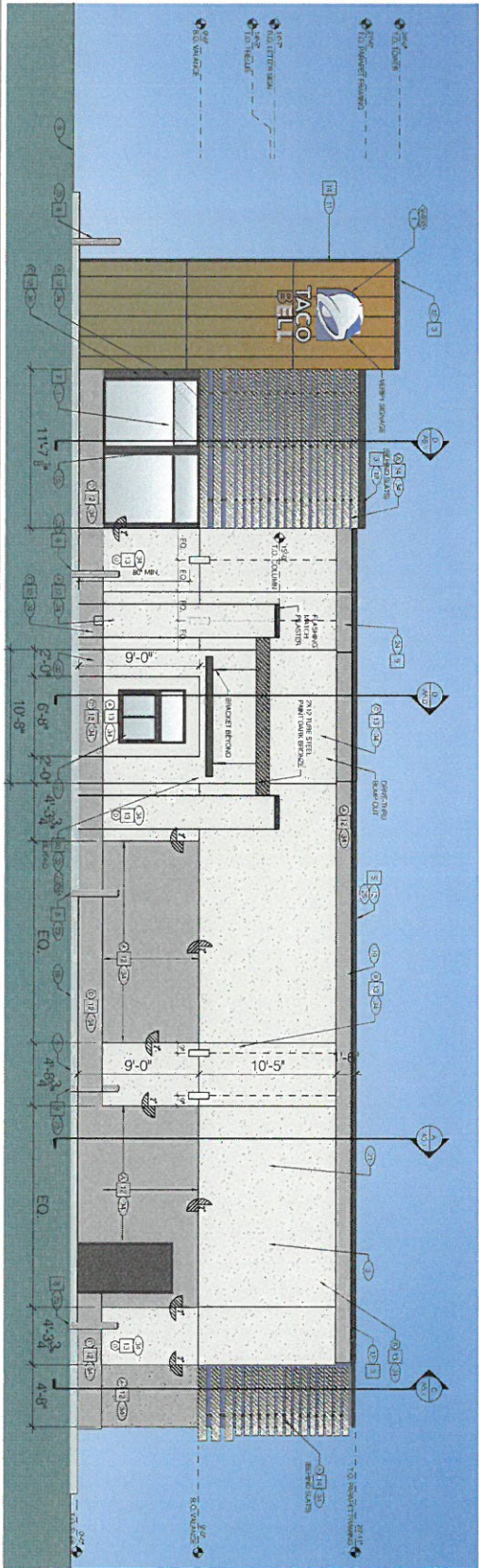
**AKERS ST. & TULARE AVE.
VISALIA, CALIFORNIA**

DATE: MARCH 27, 2014
 PROJECT: MARIANO STRONG ONE AND
 TWO PHASES
 1980 S. BERRY BL., VISALIA, CA 93293
 1.310.801.1111
 WWW.MARDEL.COM

MARDEL

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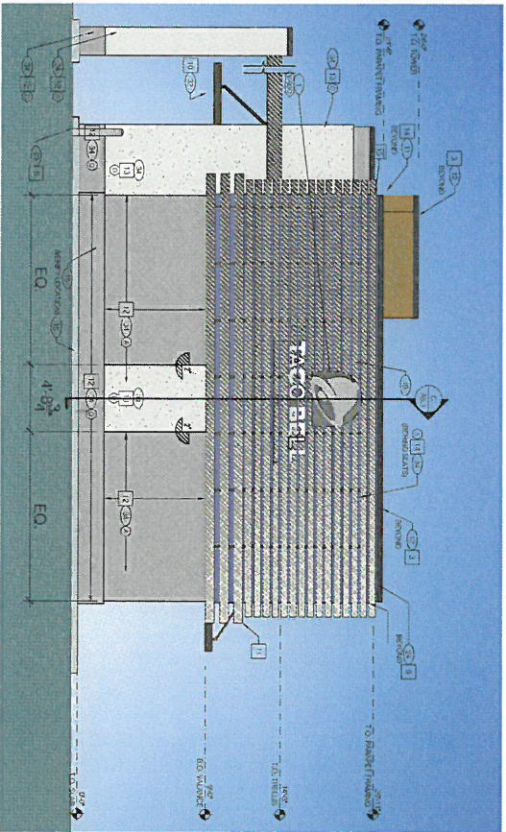
EXHIBIT B



LEFT SIDE ELEVATION 1/4" = 1'-0"



FRONT ELEVATION 1/4" = 1'-0"



REAR ELEVATION 1/4" = 1'-0"

ARMET DAVIS NEWLON & ASSOCIATES, AN ARCHITECTS
 2385 VAN DYKE BLVD
 SUITE 100
 IRVINE, CA 92614



OWNER:
 COMPTON FOODS
 25885 SANTA VICTORIA AVENUE
 RANCHO SANTA VICTORIA, CA 92688
 949.824.1583



CONTRACT NO. 02-179
 BUILDING THE EXPLORER LITE
 PROJECT NUMBER: 400002018
 SHEET NUMBER: 000000
 SHEET NUMBER: 000000

TACO BELL
 ARCHITECTS
 VENTURA, CA

EXPLORER LITE
 EXTERIOR ELEVATIONS
A4.1

Akers Plaza
West of Akers St between Cypress Ave & Tulare Ave, Visalia, CA
APN 087-460-007
May 16, 2019

OPERATIONAL STATEMENT

I. Contact

Applicant/Primary Contact:
Paloma Development Company, Inc.
Contact: Harvey May
559-713-0202
222 N. Garden St, Suite 200
Visalia, CA 93291

Engineer:
Galloway & Company, Inc.
Contact: Terra J. Mortensen, PE
559-721-5030
7591 N. Ingram Ave, Suite 101
Fresno, CA 93711

II. Subject Site

- A. APN: 087-460-007
- B. Site Addresses: TBD with Parcel Map
- C. Size: 98,441 SF (2.26 Acres)

III. Zoning & Land Use

- A. Existing Zoning: Commercial Mixed-Use (C-MU)
- B. Proposed Zoning: Commercial Mixed-Use (C-MU)
- C. Existing Use: Site was previously developed as a parking lot. Applicant is proposing the development of a 7,680 square-foot building with drive-thru ("Shops 1"), 5,500 square-foot building ("Shops 2") and a 2,200 square-foot fast food building with drive-thru ("Pad").
- D. Proposed Use: Project proposes a Commercial Mixed-Use center to be developed for and occupied by uses permitted by right in table 17.25.030 (Use Matrix) of the development code of the City of Visalia.
 - i. Shops 1 (7,680 sf multi-tenant building) – Permitted in C-MU
 - ii. Shops 2 (5,500 sf multi-tenant building) – Permitted in C-MU
 - iii. Fast Food Pad (2,200 sf) – Permitted in C-MU

IV. Planning

- A. Site Plan Review (SPR) comments indicated a CUP would be required due to the drive-thru not appearing to meet stacking standards and for the creation of parcels less than 5 acres. The drive-thru configurations have been revised with the current submittal, all meeting the ten-car minimum requirement. It is understood menu board locations will be reviewed with the CUP. A tentative parcel map is being submitted concurrently with the CUP to create the desired parcel configuration for each of the proposed C-MU pads.



V. Access

- A. Existing cross access for ingress and egress through the north commercial center to West Cypress Avenue and across the County parcel to the south will be maintained.
- B. Project proposes access from Akers Street, which will serve as the development's main point of access for customers. Right-in, right-out access only from the proposed drive approach is anticipated. There are no other offsite improvements expected or proposed on Akers Street frontage.

VI. Parking

- A. Applicant proposes three "shops" buildings, as follows: 7,680 sf "Shops 1", 5,500 sf "Shops 2", and a 2,200 sf fast food restaurant with a drive thru proposed for each building. The applicant is proposing 93 parking spaces including six (6) accessible spaces, or two (2) per building as illustrated on the CUP site plan. The number of provided parking spaces exceeds the code requirement of eighty-two (82) parking spaces as required per the building square footages in the City of Visalia Development Code.
 - i. General Retail Stores: 1 space per 300 sf of building area.
 - ii. Restaurants/Drive Thru: 1 space per 150 sf of building area.
 - iii. Required Parking: 82 spaces
 - iv. Proposed Parking: 93 spaces

VII. Landscaping

- A. A portion of the public frontage landscaping will need to be removed for the proposed driveway on Akers Street. Additional onsite landscaping will be modified to meet the City's requirements per the parking lot requirements and landscaping section in the development code.

VIII. Signage

- A. Please see two proposed monument sign locations on provided site plan (one per parcel frontage allowed). Max area for each will be 35 sf per face. Signage plans will be submitted through a separate sign review and approval process. All signage will be in compliance with the development standards listed in Chapter 17.48 of the City of Visalia Development Code.

IX. Operations

- A. Operations will be consistent with typical C-MU hours of operations, number of employees, number of customers, and truck/delivery schedules.





#8

MEETING DATE: December 19, 2018

SITE PLAN NO. 18-213

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

cup

HISTORIC PRESERVATION

OTHER: _____

ADDITIONAL COMMENTS :

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

Site Plan Review Committee



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 8 DATE: DECEMBER 19, 2018

SITE PLAN NO.: 18-213
 PROJECT TITLE: AKERS PLAZA
 DESCRIPTION: 2 SHOPPING PADS AND 1 FAST FOOD RESTURANT PAD

APPLICANT: PALOMA DEVELOPMENT COMPANY, INC.
 PROP OWNER: COUNTY OF TULARE
 LOCATION: EXISTING PARKING LOT WEST OF AKERS ST. BETWEEN CYPRESS AVE TULARE AVE

APN: 087-460-007

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with _____ radius;
- Install curb; _____ gutter
- Drive approach size: _____ Use radius return;
- Sidewalk: _____ width; _____ parkway width at _____
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ALL 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. Impact fees will be assessed at time of tenant proposal.**
- 2. Trash enclosure near shop 2 shall be relocated for direct stab.**
- 3. Sewer and water connection on Akers will need to be bored to reduce impact to the roadway. Further coordination with city engineer will be required at time of building permit.**
- 4. Traffic impact analysis shall be provided.**
- 5. See attached sewer line location on Akers Street.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **18-213**

Date: **12/19/2018**

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:**08/03/2018**)

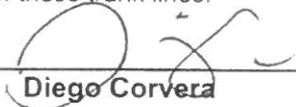
(Project type for fee rates:**RETAIL/COMMERCIAL**)

Existing uses may qualify for credits on Development Impact Fees. **PUBLIC INSTITUTION**

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

Reimbursement:

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



Diego Corvera

SANITARY SEWER LINES AKERS ST



SITE PLAN REVIEW COMMENTS

Andrew Chamberlain, Planning Division (559) 713-4003

Date: December 19, 2018

SITE PLAN NO: 2018-213
PROJECT TITLE: Akers Plaza
DESCRIPTION: 2 shopping pads, 1 fast food restaurant pad
APPLICANT: Paloma Development Company, Inc.
PROP. OWNER: County of Tulare
LOCATION TITLE: West of S. Akers Street, approximately 200 feet south of W. Cypress Avenue
APN TITLE: 087-460-007
GENERAL PLAN: Commercial Mixed Use
ZONING: C-MU – Commercial Mixed Use

Planning Division Recommendation:

- Revise and Proceed – CUP fast food
- Off-Agenda
- Resubmit – Parcel Map

Project Requirements

- Requires Conditional Use Permit
- Requires Parcel Map
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION: 12/19/2018

1. Provide Trash enclosures on the site that are direct stab.
2. Separate **parcel map** submittal to Site Plan Review is required.
3. CUP required based upon PAD 2,200 appearing to not meet the drive-thru standards.
4. CUP required for a parcel which does not have public street frontage. *PM comment*
5. CUP required for the creation of parcels less than 5 acres. *PM comment*
6. Meet all other codes and ordinances.
7. One CUP may be done for multiple actions that are related.
8. Provide building elevations as part of fast-food drive-thru CUP application.
9. NOTE – revisions to PAD 2,200 may be reviewed back through SPR to try to eliminate the CUP requirement.

17.19.060 Development standards in the C-MU zones outside the downtown area.

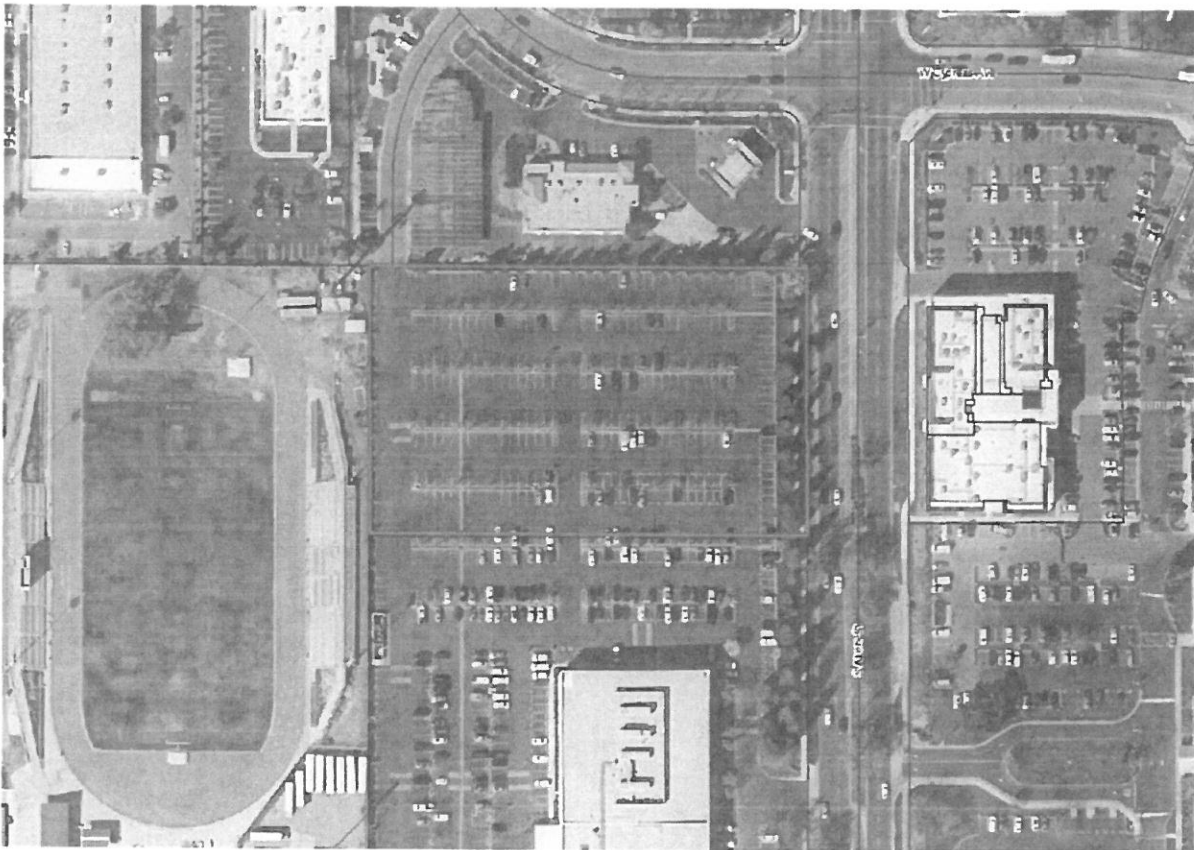
The following development standards shall apply to property located in the C-MU zone and located outside the Downtown Area, which is defined as the area that is south of Murray Avenue, west of Ben Maddox Way, north of Mineral King Avenue, and east of Conyer Street:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: fifteen (15) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;

6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
1. Front: fifteen (15) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 6. Street side on corner lot: ten (10) feet.
 7. The provisions of Chapter 17.58 shall also be met, if applicable.
-

NOTE: Staff recommendations contained in this document are not to be considered support for a particular action or project unless otherwise stated in the comments. The comments found on this document pertain to the site plan submitted for review on the above referenced date. Any changes made to the plan submitted must be submitted for additional review.

Signature 



57K18213
SKERS PLAZA
BETWEEN CYPRESS AVE
AND TULARE AVE

City of Visalia
Building: Site Plan
Review Comments

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 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking 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 (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone AE • Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.61 per square foot. Residential \$3.79 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 INGROUND GREASE INTERCEPTOR AT EXTERIOR FOR ALL FAST FOOD RESTAURANTS. PROVIDE ACCESSIBLE PARKING SERVING ALL ACCESSIBLE BUILDING ENTRANCES. ALL NEW LANDSCAPING SHALL MEET THE MVELO REQUIREMENTS.

VALGARCIA 12/18/13
Signature



Site Plan Review Comments For:
Visalia Fire Department
Danny Wristen, Interim Fire Marshal
420 N. Burke
Visalia, CA 93292
559-713-4056 Office
559-713-4808 Fax

Date: 12/19/2018
Item # 8
Site Plan # 18213
Project: AKERS PLAZA
Description: 2 SHOPPING PADS & 1 FAST FOOD RESTAURANT
Applicant: PALOMA DEVELOPMENT
Location: AKERS EXISTING PARKING LOT
APN: 087-460-007 BETWEEN CYRESS &
TULAR E

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 420 N Burke, Visalia, CA 93292. 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

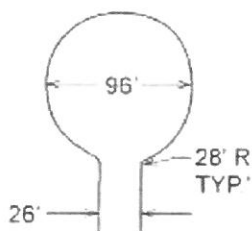
- A fire apparatus access roads shall be provided and must comply with the 2016 CFC and extend within 150 of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. Fire apparatus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

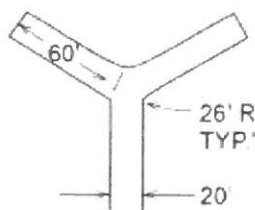
Buildings or portions of buildings or facilities with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus.

- 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.

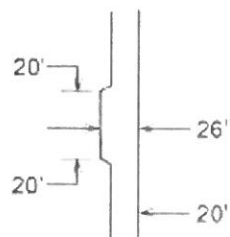
Fire apparatus access roads in excess of 150 feet and dead end shall be provided with a turnaround. Fire apparatus access roads with a length of 151-500 feet shall be a minimum of 20 feet in width. Length of 501-750 feet shall be 26 feet in width. 2016 CFC Table D103.4



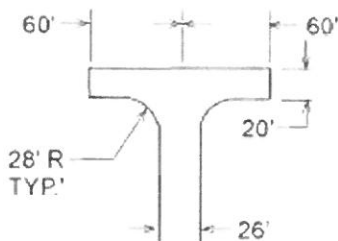
96' DIAMETER
CUL-DE-SAC



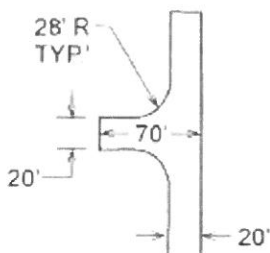
60' "Y"



MINIMUM CLEARANCE
AROUND A FIRE
HYDRANT



120' HAMMERHEAD



ACCEPTABLE ALTERNATIVE
TO 120' HAMMERHEAD

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

SIGN TYPE "A"



12"

SIGN TYPE "C"



12"

SIGN TYPE "D"



12"

18"

- 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 420 N Burke, Visalia, CA 93292. 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

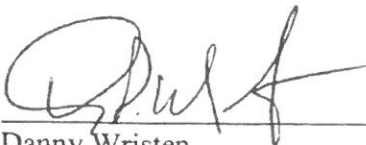
- An automatic fire sprinkler system will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of 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 420 N Burke, Visalia, CA 93292. *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:

- Two Hydrants Required.



Danny Wristen
Interim Fire Marshal

SPR - 18 - 213

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

AKGUS / CYPRESS

Site Plan Review Comments



No Comment at this time.



Request opportunity to comment or make recommendations as to safety issues as plans are developed.



Public Safety Impact fee:
Ordinance No. 2001-11 Chapter 16.48 of Title 16 of the Visalia Municipal Code
Effective date - August 17, 2001

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



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



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



Access Controlled / Restricted etc:



Lighting Concerns:



Landscaping Concerns:



Traffic Concerns:



Surveillance Issues:



Line of Sight Issues:



Other Concerns:

K. GRANT A20

Visalia Police Department

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

December 19, 2018

ITEM NO. 8

SITE PLAN NO: SPR18213
PROJECT TITLE: Akers Plaza
DESCRIPTION: 2 Shopping Pads and 1 Fast Food Restaurant Pad
APPLICANT: Paloma Development Company, Inc.
OWNER: County of Tulare
APN: 087-460-007
LOCATION: Existing Parking Lot West of Akers St. between Cypress Ave and Tulare Ave

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

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

Additional Comments:

- Akers is an arterial status roadway. Per COV Design & Improvement Standard C-32, minimum distance between driveways is 500-ft.
- Traffic Impact Analysis to be performed shall at a minimum address onsite circulation, queing, and driveway access points.



Leslie Blair

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

18213

COMMERCIAL BIN SERVICE

- No comments.
- See comments below
- 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.
- City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Comment** Enclosure near Shops 2 needs to be relocated for direct stab. Enc. near Shop 1: It is unclear how much clear space exists between enclosure and curbing to the west. Need 38' min. Repositioning enclosure or curbing slightly would help facilitate service and lessen the likelihood of site damage. Enc. near 2200

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

Site Plan Review Comments For:

California Water Service Co.
Mike Morton, Superintendent
216 N. Valley Oaks Dr.
Visalia, CA 93292
559-624-1663 Office
559-735-3189 Fax

Date: 12/19/2018

Item # Choose an item.

Site Plan # 18050

Project: Shannon Village East

Description:

Applicant:

Location: NE Riggin and Mooney

APN:

The following comments are applicable when checked:

- No Comments at this time
- Fire Hydrants
Comments- Location to be approved by VFD and CWS. To be installed per CWS Spec's
- Service's
Comments- Location to be determined by owner and approved by CWS. To be installed per CWS Spec's.
- Main's
Comments- Mains to be installed per CWS Spec's. Must provide adequate space for installation for proper separation of Storm Drain and Sewer to meet DDW requirements
- Back flow requirements
Comments- Backflow devices will be required on all services to property.

Additional Comments:

- Tentative Parcel Map-No Comments

Mike Morton
Superintendent

NOTICE OF EXEMPTION

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

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

TPM 2019-07 & CUP 2019-22

PROJECT TITLE

West side of Akers Street, approximately 170 feet south of Cypress Avenue (APN: 087-460-007).

PROJECT LOCATION

Visalia, CA

Tulare

PROJECT LOCATION - CITY

COUNTY

Tentative Parcel Map (TPM) 2019-07 is a request to subdivide a 3.09-acre parcel into four lots within an existing office center parking area in the C-MU (Commercial Mixed Use) Zone District. Conditional Use Permit No. 2019-22 is a Master Conditional Use Permit to develop a 3.09-acre portion of an existing office development site with commercial uses on less than five acres, including the creation of lots that lack public street frontage. The proposed commercial development includes restaurant and retail space totaling 15,784 square feet, including three restaurants with drive-thru lanes. The project site is within the C-MU (Commercial Mixed Use) Zone District.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, Attn: Paul Scheibel, 315 E. Acequia Avenue, Visalia CA 93291, paul.scheibel@visalia.city (559) 713-4369

NAME AND CONTACT INFORMATION OF LEAD AGENCY APPROVING PROJECT

Paloma Development Company, Inc. Attn: Harvey May, 222 N. Garden St. #200, Visalia, CA 93291 (559) 713-0202

NAME AND CONTACT INFORMATION OF APPLICANT CARRYING OUT PROJECT

Paloma Development Company, Inc. Attn: Harvey May, 222 N. Garden St. #200, Visalia, CA 93291 (559) 713-0202

NAME AND CONTACT INFORMATION OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15268
- Categorical Exemption - State type and Section number: 15332 (Infill Development)
- Statutory Exemptions- State code number:

Per CEQA Section 15332, the proposed project meets the criteria for the Infill Development categorical Exemption.

REASON FOR PROJECT EXEMPTION

Paul Scheibel, AICP, Principal Planner

(559) 713-4369

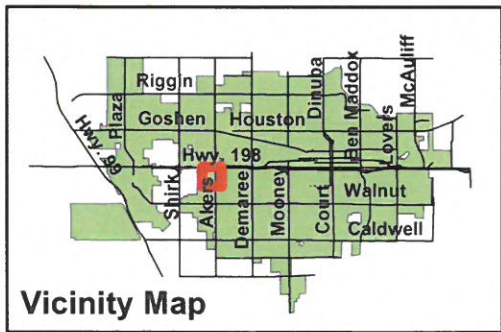
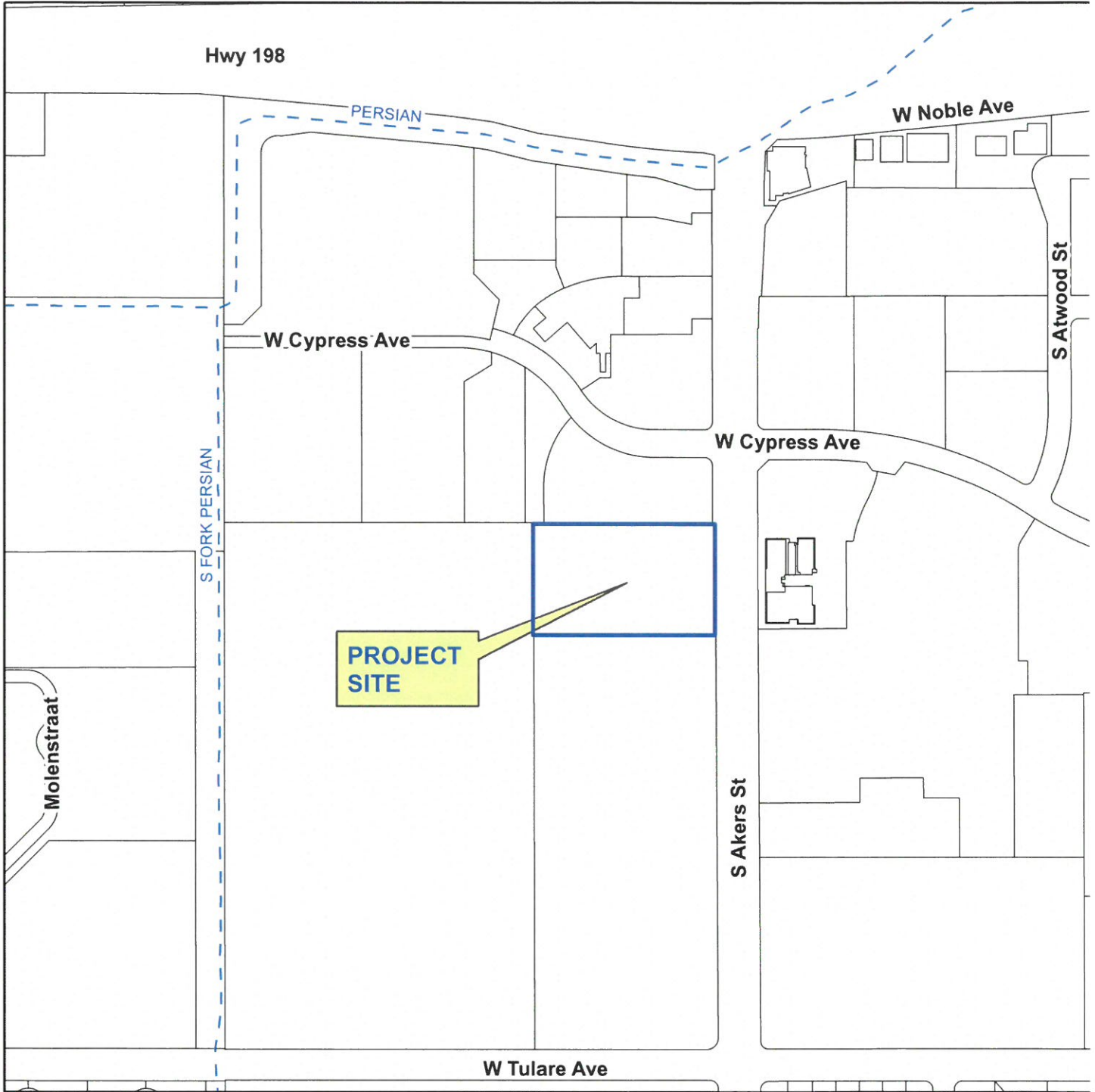
CONTACT PERSON

AREA CODE/PHONE

DATE

Paul Scheibel, AICP
ENVIRONMENTAL COORDINATOR

TPM 2019-07 & CUP 2019-22

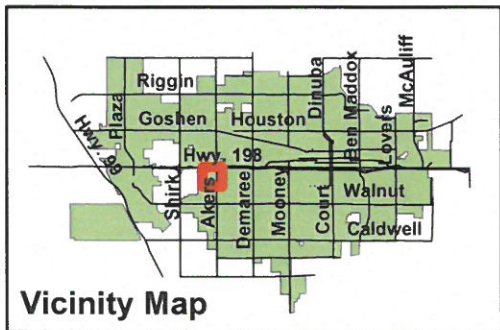
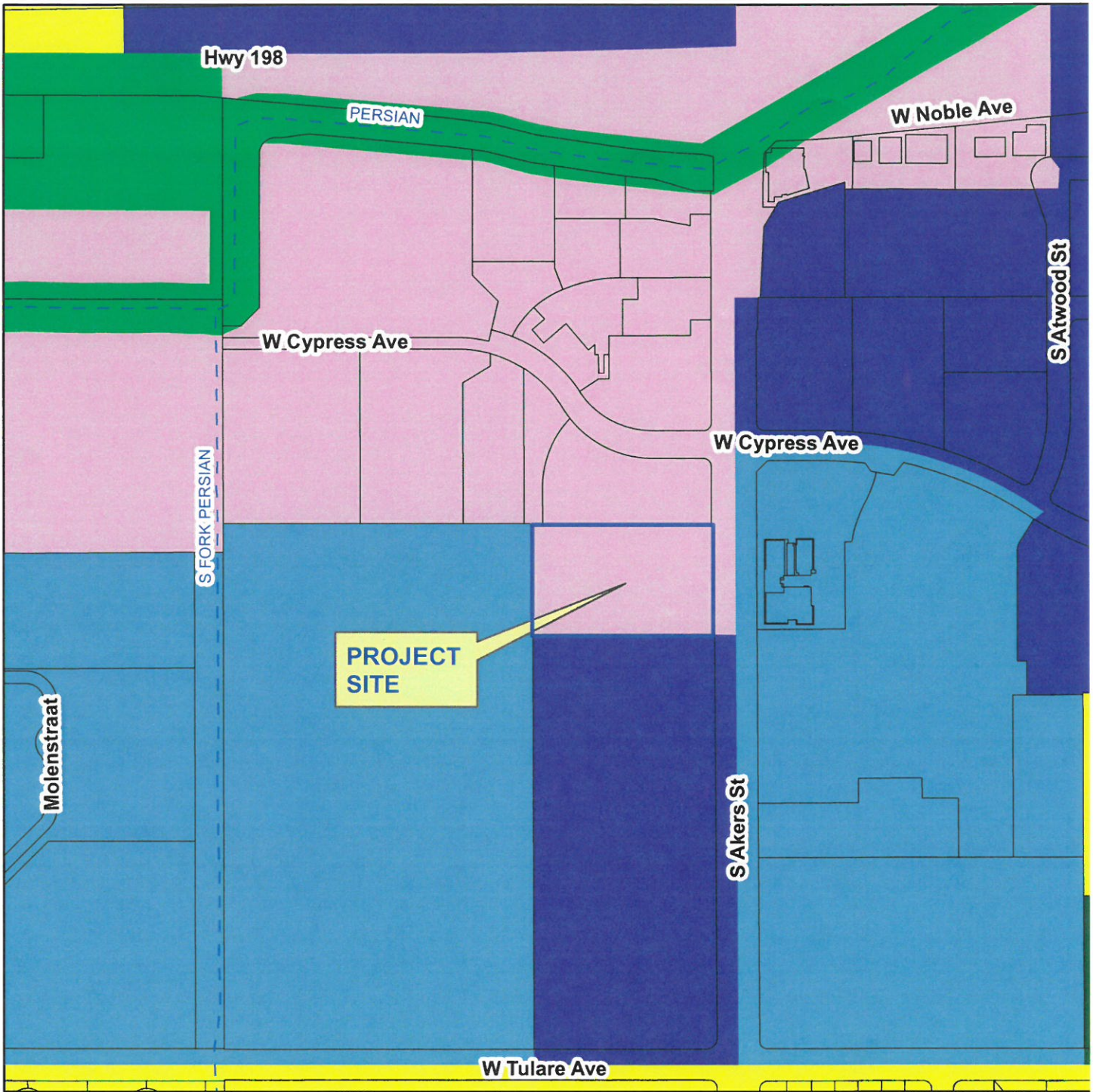


VICINITY MAP



- WATERWAYS
- RAILROADS
- CITY LIMITS

TPM 2019-07 & CUP 2019-22



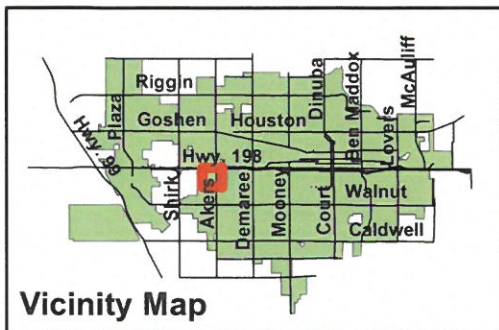
GP & Zoning MAP



- WATERWAYS
- RAILROADS
- CITY LIMITS
- PARCELS
- Agriculture
- Business Research Park
- Conservation
- Commercial Mixed Use
- Commercial Neighborhood
- Commercial Regional
- Commercial Service
- Downtown Mixed Use
- Industrial
- Light Industrial
- Office
- Public Institutional
- Parks/Recreation
- Reserve
- Residential High Density
- Residential Low Density
- Residential Medium Density



TPM 2019-07 & CUP 2019-22



GP & Zoning MAP



— WATERWAYS
 — RAILROADS
 ■ CITY LIMITS