

PLANNING COMMISSION AGENDA

Pending no technical difficulties, the Planning Commission meeting will be streamed via Facebook Live at <https://www.facebook.com/cityofvisalia/>

CHAIRPERSON:

Liz Wynn



VICE CHAIRPERSON:

Chris Gomez

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

MONDAY, APRIL 27, 2020 AT 6:00 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. You may provide comments to the Planning Commission at this time, but the Planning Commission may only legally discuss those items already on tonight's agenda.

For those watching via the Facebook Live stream who want to provide citizen comments, please begin your comment with, "Citizen Comment" so that we understand it is a comment that you wish to be shared with the Planning Commission and is a comment that you would share publicly if you were attending the meeting in-person.

The Commission requests that a five (5) minute time limit be observed for Citizen Comments. You will be notified when your five minutes have expired.

3. PUBLIC COMMENT – To be sure that your comments are received, we strongly encourage citizens to submit public comment, or comment on a specific agenda item, before the meeting via email to Susan.Currier@visalia.city. All emailed public comments will be distributed to the Planning Commission prior to the start of the meeting and incorporated into the official record.

Opportunity to comment is planned to be available on the Facebook livestream, but cannot be guaranteed to be available. In the event it is necessary, phone access may be provided at (559) 713-4165. However, this line will only be available if comments cannot be accepted via Facebook.

The public may present comments to the Planning Commission at the Council Chambers during the meeting, but physical attendance at the Council Chambers is strongly discouraged pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation, and social distancing will be enforced. (The Planning Commission will NOT be present in the Council Chambers.)

4. CHANGES OR COMMENTS TO THE AGENDA –

5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Time Extension for Maddox at Caldwell VII Tentative Subdivision Map No. 5531 and Conditional Use Permit No. 2007-09.
 - Time Extension for The Grove Tentative Subdivision Map No. 5562 and Conditional Use Permit No. 2017-15
6. PUBLIC HEARING – Cristobal Carrillo
 Conditional Use Permit No. 2020-06: A request by Jessica Griffeth to establish a day spa within the O-PA (Professional/Administrative Office) Zone. The site is located at 1926 S. Court Street (APN: 097-281-077). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-82
7. PUBLIC HEARING – Josh Dan
 Conditional Use Permit No. 2019-44: A request by Justin Cate of Simply Brewing Co. to operate a micro-brewery with tasting room and a removable stage for entertainment performances in the D-MU (Downtown Mixed Use) zone. The site is located at 609 E Main St. (APN: 094-235-021) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2020-09
8. CITY PLANNER/ PLANNING COMMISSION DISCUSSION-
 - Presentation of the 2019 Housing Element Annual Progress Report (APR) and Program Reporting.
 - Next Planning Commission Meeting May 11, 2020.
 - Reappointment of Commissioners Hansen and Wynn.

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, MAY 7, 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, MAY 11, 2020



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: April 27, 2020

PROJECT PLANNER: Josh Dan, Associate Planner
Phone: (559)713-4003

SUBJECT: Conditional Use Permit No. 2019-44: A request by Justin Cate of Simply Brewing Co. to operate a micro-brewery with taproom room and a removable stage for live entertainment performances in the D-MU (Downtown Mixed Use) zone. The site is located at 609 E Main St. (APN: 094-235-021).

STAFF RECOMMENDATION

Staff recommends approval of Conditional Use Permit No. 2019-44, as conditioned, based on the findings and conditions in Resolution No. 2019-80. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2019-44, based on the findings and conditions in Resolution No. 2019-80.

PROJECT DESCRIPTION

Simply Brewing Company is requesting approval of a conditional use permit to operate a micro-brewery with a taproom and to allow live entertainment at 609 E. Main Street. The site is within the micro-brewery overlay district and zoned D-MU (Downtown Mixed Use). The applicant, per their operational statement (see Exhibit "B") is seeking to operate the micro-brewery, taproom and live entertainment as a "family" venue with admittance of patrons less than twenty-one (21) years of age pursuant to Zoning Ordinance Section 17.63.040.3. Simply Brewing Company is proposing to operate seven days a week from 11:00 a.m. to 12:00 a.m. The hours for patrons under the age of 21 are from 11:00 a.m. to 10:00 p.m.

Simply Brewing Company is proposing to locate in a new 3,072 sq. ft. tenant space of an overall 10,000 sq. ft. building which is currently being renovated into multiple tenant spaces. Per the site plan/floor plan (Exhibit "A"); Simply Brewing Company will utilize the tenant space as follows:

- 975 sq. ft. designated for the brewing operation.
- 1,082 sq. ft. designated for the taproom area consisting of the serving bar, walk-in cooler and seating areas.
- 695 sq. ft. designated for retail and merchandise.
- 320 sq. ft. for new restrooms.

Simply Brewing Company will also have games, activities, non-alcoholic beverages and snack foods suitable to all ages. The outdoor area will contain picnic tables and outdoor games for patrons, as well as providing patron access to occasional food trucks parked within the patio area. Although there are no plans to install a kitchen and/or prepare their own food, Simply Brewing Company will on occasion have food trucks on-site and at all times permit patrons to bring in outside food similar to the Barrelhouse Taproom operation.

During live entertainment events, a portion of the Taproom shown in Exhibit "A", will be converted for use by live entertainment acts. A portable stage will be used during live entertainment events. The applicant's operational plan (see Exhibit "B"), states that live entertainment will be offered intermittently and infrequently, and primarily for special and private events. Live entertainment will consist primarily of amplified and non-amplified musical acts without any organized dancing. There is no open floor area for dancing or similar activities associated with the proposed layout.

Live entertainment is intended to complement the micro-brewery and taproom establishment as opposed to live performances intended to attract an outside non-drinking patronage. Consequently, the potential for operation as a nightclub is not proposed by this CUP application.

Simply Brewing Company has provided a Security Plan that has been reviewed and accepted by the Visalia Police Department. A copy of the Security Plan is attached to this staff report as Exhibit "C".

The City Council adopted changes to the Micro-Brewery/Micro-Winery Overlay District that requires a Conditional Use Permit for micro-breweries proposing to allow underage patrons, pursuant to standard operating procedures, which are described in greater detail under the "Operating Requirements" section of the staff report. The allowance of live entertainment as defined in the Zoning Ordinance is also conditionally permitted in the D-MU zone under Zoning Matrix line E12.

BACKGROUND INFORMATION

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|------------------------------------|---|
| General Plan Land Use Designation: | Downtown Mixed Use |
| Zoning: | D-MU (Downtown Mixed Use) |
| Surrounding Land Use and Zoning | North: C-MU / E Main St. - Vacant paved lot South: D-MU / TRS Survival East: C-MU / Vacant paved lot West: DMU / Stacked Bar and Grill |
| Environmental Review: | Categorical Exemption No. 2019-82 |
| Special Districts: | Downtown Retail Overlay District; Micro-brewery Overlay District |
| Site Plan: | 2019-173 |

RELATED PLANS & POLICIES

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

RELATED PROJECTS

Over the years several conditional use permits have been approved for entertainment, dancing and similar activities that constitute live entertainment or nightclub uses.

The following permits have been approved for live entertainment. Unlike the subject, these uses constitute bona-fide restaurants with full bars operating on Type 47 licenses from the State Department of Alcoholic Beverage Control:

- **Conditional Use Permit No. 2014-28** was approved by the Planning Commission on December 8, 2014, allowing live entertainment at Sequoia Brewing Company, 124 W. Main Street.
- **Conditional Use Permit No. 2002-12** was approved by the Planning Commission on April 9, 2012, allowing live entertainment at Visalia Brewing Company at 112 W. Main Street.

Whereas the following project is similar to the subject project which proposes a micro-brewery taproom operating with or without food service:

- **Conditional Use Permit No. 2017-23** was approved by the Planning Commission on June 26, 2017, allowing live entertainment at Barrelhouse Brewing Company, 521 E Main Street.

PROJECT EVALUATION

Staff recommends approval of the requested conditional use permit, as conditioned, based on the project's consistency with the General Plan and Zoning Ordinance.

Micro-Brewery Overlay District Requirements

Since the micro-brewery/micro-winery ordinance was adopted, the City has approved two microbrewery taprooms. As a result of these two new businesses going through the review process, concerns have arisen with regard to the lack of age restrictions for patronage of these establishments, as is allowed by the Type 23 alcohol sale licenses that regulate microbrewery/micro-winery venues by the State Alcohol Beverage Control (ABC) Department. The City Council directed staff to initiate changes to the Micro-brewery/Micro-winery Overlay District at a Work Session conducted on February 5, 2018.

Ultimately, the City Council directed staff to prepare revisions to require a Conditional Use Permit (CUP) for new micro-brewery (and micro-winery) establishments that desire to allow underage patrons. The City Council further directed staff to formulate standard conditions of approval for these venues to ensure they have features that lend themselves to maintaining a "family-friendly" ambiance. The Simply Brewing Company CUP is the first CUP that has been applied for under the new Micro-brewery requirements. Through the CUP process, potential land use impacts can be addressed, thereby ensuring compatibility between the proposed use and existing surrounding uses. The Standard Operating Conditions as required per Section 17.63.040 have been addressed by the applicant based on their Operational Statement, Security Plan, and the conditions of project approval as follows:

- **17.63.040.3.a)** Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.

Staff Analysis: Condition No. 17 addresses this requirement.

- **17.63.040.3.b)** Minor patrons (under 18 years of age) shall be accompanied by a parent or legal guardian at all times.

Staff Analysis: As stated in the security plan (Exhibit "C") persons less than twenty-one (21) years of age will only be permitted on the premises if they are accompanied and supervised by someone over the age of twenty-one (21) years of age.

- **17.63.040.3.c)** Underage patrons shall not sit at the bar or serving counter areas of the establishment.

Staff Analysis: Condition No. 16 is included to restrict underage patrons from sitting at the bar or severing counter areas of this establishment.

- 17.63.040.3.d) The establishment shall provide games, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.

Staff Analysis: The brewery will have soft drinks and other non-alcoholic beverages for younger patrons. Recreational table games, board games, and corn hole will serve to provide a family friendly environment available to all guests.

Land Use Compatibility

The Micro-brewery Overlay District was established to facilitate the unique requirements of microbreweries while also creating a “destination” within the City with the potential to achieve a distinct urban character and revitalization of individual buildings and streets within the overlay district. The East Downtown area has long been identified as an area in transition. The update to the General Plan and Zoning Ordinance has resulted in the East downtown area being re-designated with land use and zoning designations that facilitate the transition of this area to help revitalize underutilized buildings and distressed areas.

The proposed micro-brewery use is compatible with the uses that are located within close proximity to the site. Adjacent land uses include a variety of retail, restaurant, and a similar microbrewery with occasional live entertainment 200-ft. to the west. The hours of operation for the existing businesses in the surrounding area curtail in the early evening, with the exception of nearby restaurants (i.e. Cantons, Crowdaddys), a bar (Santa Fe Station), a microbrewery (Barrelhouse), and the Regal Cinema movie theater.

Directly alongside the indoor establishment there will be an outdoor beer garden where picnic benches and outdoor activities will be made available to patrons. Although there are no proposed live performances outside the regular occurrence of amplified music outdoors will be subject to the City’s Noise Ordinance regulations for Exterior Noise Standards. In the surrounding vicinity there are two churches located within two blocks north of the establishment (Radiant Church and Visalia Buddhist Temple) that generally hold services on Sunday mornings, and there are two residences located two blocks south of the establishment (600 block of E. Mineral King). The churches and residences are heavily surrounded by buildings that help mitigate noise.

Staff is recommending Conditions Nos. 7, 8, and 9 be adopted to ensure that the live entertainment component remain ancillary to the micro-brewery and taproom. These conditions state that no disk jockeys (“DJ’s”) shall be permitted, that there shall not be two amplified live entertainment acts occurring simultaneously, and that there be no organized dancing at any time.

Outdoor Patio

The existing paved outdoor area east of the building will be converted into a patio area that includes picnic tables, and will be used for outdoor game activities. The patio area will be enclosed by a fence with access to this area provided from the building. To address potential safety concerns related to the access gate located along the E. Main St. frontage, staff is recommending the Planning Commission adopt Condition No. 14. This condition requires that the micro-brewery’s main entrance be the primary access for patrons entering and exiting the business. This limits any potential conflicts of patrons using the patio gate along E. Main St. to enter and exit the business.

Security Plan

The security plan, which has been reviewed and approved by Visalia Police Department, indicates that trained security personnel will be employed onsite on evenings with ticketed or

limited access live entertainment. Security personnel will be responsible for guarding entrances, preventing loitering and group gathering, and verifying occupancy limits.

The fully-detailed security plan describes the types of security measures being undertaken and standards for managing security measures. The security plan shall be in the possession of the Visalia Police Department along with contact information for responsible parties to address any issues. Video surveillance cameras will be a required component of the security plan as specified in recommended Condition No. 21.

Live Entertainment Conditions

The proposed conditions of approval are modeled from previous conditional use permit approvals for live entertainment but tailored to address the minimal live entertainment aspects of the business as addressed in the operational plan and security plan.

Conditional Use Permit Revocation Process

Pursuant to Visalia Municipal Code Section 17.38.040, a failure by the owner/operator to comply with the conditions of project approval will result in a Notice of Conditional Use Permit Suspension Order to Cease and Desist. The City of Visalia has the authority to automatically suspend a conditional use permit for failure to comply with the condition(s) of the permit. Upon suspension the Planning Commission shall hold a public hearing within 60 days, in accordance with the public hearing notice procedures. If the Commission is not satisfied that the regulation, general provisions, or applicant's ability to meet the conditions, they may revoke the permit or take action as may be necessary to insure compliance with the regulation, general provision, or condition(s).

Alcoholic Beverage Control License

Recommended Condition No. 22 states that all necessary licenses from the ABC shall be obtained, kept current, and complied with. The terms of the ABC license include but are not limited to age restriction of patrons within the establishment, during or not during times of live entertainment.

Environmental Review

The requested action is considered a minor alteration in land use limitations as provided in the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Section 15301, and is therefore Categorical Exempt from a full environmental review. (Categorical Exemption No. 2019-82).

RECOMMENDED FINDINGS

1. That the proposed project, as conditioned, 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 CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.
3. That the proposed conditional use permit would be compatible with adjacent land uses. The

proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.

4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2019-82)

RECOMMENDED CONDITIONS OF APPROVAL

1. That the site be developed and maintained in substantial conformance with the site plan and floor plan in Exhibit "A" and the operational statement in Exhibit "B", notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes to their operation are subject to review by the City Planner, and may subsequently be required to be reviewed by the Planning Commission.
2. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2019-173, incorporated herein by reference.
3. That the land use shall maintain operation primarily as a microbrewery or taproom as defined in Visalia Municipal Code Section 17.63.030. This operation allows for the service of brewed beverages with or without the service of food. The land use shall not operate primarily as a nightclub.
4. That the project be required to maintain the noise standards found in Visalia Municipal Code Section 8.36.040.
5. Amplified live entertainment is permitted between the hours of 11:00 a.m. and 9:00 p.m. Outside live entertainment shall not exceed sixty (60) decibels at fifty (50) feet from noise origin. Similar activities in nature and intensity may be allowed as determined by the City Planner. Any subsequent change to hours of the live entertainment shall require an amendment to the Conditional Use Permit.
6. Non-amplified live entertainment is permitted during any hours of operation.
7. No disk jockeys ("DJ's") shall be permitted at any time.
8. There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.
9. No organized dancing is to be permitted at any time.
10. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
11. During live entertainment, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
12. During live entertainment, the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.
13. Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business. And public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any activities.
14. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.

15. Additional screening shall be installed/maintained on the Main Street (north) gate to the patio area. This is to provide a visual shield and assist with keeping contraband from being passed into and from the premises.
16. Underage patrons shall not sit at the bar or serving counter areas of the establishment.
17. Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.
18. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
19. No video/arcade games shall be maintained upon the premises unless approved through the site plan review and any subsequent entitlement process.
20. That the owner/operator shall hold the security plan approved by the Visalia Police Department on the premise at all times.
21. That the owner/operator shall maintain a video camera system that sufficiently meets the requirements of the Visalia Police Department.
22. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2019-44, per Visalia Municipal Code Section No. 17.38.040.
23. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2019-44.
24. That all applicable federal, state and city laws, codes and ordinances be met, including all necessary licenses from the California Department of Alcoholic Beverage Control.

APPEAL INFORMATION

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

Attachments:

- Related Plans and Policies
- Resolution No. 2019-80
- Exhibit "A" – Site Plan / Floor Plan
- Exhibit "B" – Operational Statement
- Exhibit "C" – Security Plan
- Site Plan Review Item No. 2019-173 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

Related Plans & Policies

Zoning Ordinance

Chapter 17.04: Definitions

“Live Entertainment” means the performance by one (1) or more of any of the following performed live with amplified sound by one (1) or more persons, whether or not done for compensation and whether or not admission is charged: (i) musical act, including karaoke; (ii) theatrical act, including a play, revue, or stand-up comedy; (iii) dance; (iv) magic act; (v) disc jockey; or (vi) similar activity.

Chapter 17.38: Conditional Use Permits

17.38.010 Purposes and powers.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.080 Public hearing--Notice.

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

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

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

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

Chapter 17.63: MICRO-BREWERY/MICRO-WINERY OVERLAY DISTRICT

17.63.010 Purpose and Intent.

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

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

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

17.63.020 Components of the Chapter.

This chapter shall include:

A. The Ordinance text which specifies the micro-brewery/micro-winery overlay district and establishes specific standards pertaining to the district.

B. A map designating the micro-brewery/micro-winery overlay district, which shall be depicted on the official zoning map of the city.

17.63.030 Definitions.

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

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

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

17.63.040 Standard Operating Conditions.

A. Uses within the Overlay District

1. All uses shall be subject to the Zoning Matrix use allowances, except that micro-brewery/micro-winery locations that occur coincidentally within the micro-brewery/micro-winery overlay district and within the C-S (Service Commercial) or the D-MU (Mixed Use Downtown) Zone District shall be permitted by right.

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

- a) Alcoholic beverages sold on site shall be only that produced by the operator.
- b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
- c) Venting of brewing process shall be directed away from sidewalks and residences.
- d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.
- e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in Chapter 17.34 (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.

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

Conditional Use Permit No. 2019-82

PROJECT TITLE

521 E. Main Street, on the south side of Main Street 200 feet east of Santa Fe Streets.
(APN: 094-235-004)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request to allow live entertainment within an approved tap room and patio in the D-MU (Downtown Mixed Use) zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia, CA 93291, josh.dan@visalia.city

NAME OF PUBLIC AGENCY APPROVING PROJECT

Simply Brewing Co, 605 E Main, Visalia, CA 93292; simplybrewingco@yahoo.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

N/A

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - Section 15301
- Statutory Exemptions- State code number:

Minor land use limitation for an existing structure

REASON FOR PROJECT EXEMPTION

Josh Dan, Associate Planner

CONTACT PERSON

(559) 713-4003

AREA CODE/PHONE

April 27, 2019

DATE

Brandon Smith

ENVIRONMENTAL COORDINATOR

RESOLUTION NO. 2019-80

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2019-44, A REQUEST TO OPERATE A MICRO-BREWERY WITH TAPROOM AND A REMOVABLE STAGE FOR LIVE ENTERTAINMENT PERFORMANCES IN THE D-MU (DOWNTOWN MIXED USE) ZONE. THE SITE IS LOCATED AT 609 EAST MAIN STREET. (APN 094-235-021)

WHEREAS, Conditional Use Permit No. 2019-44, is a request operate a micro-brewery with taproom room and a removable stage for live entertainment performances in the D-MU (Downtown Mixed Use) zone. The site is located at 609 E Main St. (APN: 094-235-021); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on April 27, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds Conditional Use Permit No. 2019-44, as conditioned, in accordance with Section 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 project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2019-82).

NOW, THEREFORE, BE IT RESOLVED, that Categorical Exemption No. 2019-82 was prepared finding the project exempt under CEQA Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), as amended.

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

1. That the proposed project, as conditioned, 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 CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use 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 proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2019-82)

BE IT FURTHER RESOLVED that the Planning Commission hereby approved the parcel map on the real property herein above described in accordance with the terms of this resolution under the provision of Section 17.12.010 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That the site be developed and maintained in substantial conformance with the site plan and floor plan in Exhibit "A" and the operational statement in Exhibit "B", notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes to their operation are subject to review by the City Planner, and may subsequently be required to be reviewed by the Planning Commission.
2. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2019-173, incorporated herein by reference.
3. That the land use shall maintain operation primarily as a microbrewery or taproom as defined in Visalia Municipal Code Section 17.63.030. This operation allows for the service of brewed beverages with or without the service of food. The land use shall not operate primarily as a nightclub.
4. That the project be required to maintain the noise standards found in Visalia Municipal Code Section 8.36.040.
5. Amplified live entertainment is permitted between the hours of 11:00 a.m. and 9:00 p.m. Outside live entertainment shall not exceed sixty (60) decibels at fifty (50) feet from noise origin. Similar activities in nature and intensity may be allowed as determined by the City Planner. Any subsequent change to hours of the live entertainment shall require an amendment to the Conditional Use Permit.
6. Non-amplified live entertainment is permitted during any hours of operation.
7. No disk jockeys ("DJ's") shall be permitted at any time.
8. There shall not be more than one amplified live entertainment act occurring simultaneously on the premises.
9. No organized dancing is to be permitted at any time.
10. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
11. During live entertainment, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.

12. During live entertainment, the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.
13. Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business. And public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any activities.
14. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.
15. Additional screening shall be installed/maintained on the Main Street (north) gate to the patio area. This is to provide a visual shield and assist with keeping contraband from being passed into and from the premises.
16. Underage patrons shall not sit at the bar or serving counter areas of the establishment.
17. Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.
18. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
19. No video/arcade games shall be maintained upon the premises unless approved through the site plan review and any subsequent entitlement process.
20. That the owner/operator shall hold the security plan approved by the Visalia Police Department on the premise at all times.
21. That the owner/operator shall maintain a video camera system that sufficiently meets the requirements of the Visalia Police Department.
22. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2019-44, per Visalia Municipal Code Section No. 17.38.040.
23. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2019-44.
24. That all applicable federal, state and city laws, codes and ordinances be met, including all necessary licenses from the California Department of Alcoholic Beverage Control.

OPERATIONAL STATEMENT

OUR FACILITY WILL BE A MICRO BREWERY, TASTING ROOM WITH A RENOVABLE STAGE FOR ENTERTAINMENT PERFORMANCES, OUTDOOR GAMES AND TABLE GAMES INCLUDING INDIVIDUALS UNDER 21 WILL BE AVAILABLE.

NON-PERISHABLE SNACKS WILL BE AVAILABLE

OPERATING HOURS: 11:00 AM-12:00AM SEVEN DAYS A WEEK WITH UNDER 21 HOURS 11:00 AM-10:00 P.M.

(1) DELIVERY EVERY 1-2 WEEKS

(4-5) EMPLOYEES PER SHIFT

IT IS SIMPLY BREWINGS COMPANY'S INTENTION TO HAVE A FAMILY FRIENDLY GATHERING PLACE IN UNDER 21 PRESENCE.

THE LONG TERM GOAL IS TO GROW IN MANUFACTURING AND DISTRIBUTION FROM A FUTURE SECOND LOCATION.

PARKING:

BREWING 478 SQ. FT. @ 11,000 = 47 STALL

TASTING 1084 SQ. FT. @ 1150 = 12 STALLS

MERCHANDISING 645 SQ. FT. @ 1,500 = 23 STALLS

PARKING REQUIRED 10.48 STALLS

IN L.I.E.U ALLOWANCE

FLOOR IMPROVEMENT, 3072/400 = 8 STALLS ALLOWED

SITE INFO:

EXISTING USE, VACANT SHELL

PROPOSED: BREWERY, RETAIL SALES, TASTING ROOM, NO FOOD PREPARATION, NO ONSITE DEVELOPED PARKING

PREVIOUS SUPR. RIGHTS

ZONING, C-34, MICRO OVERLAY

DATE: 04-25-21

SITE AREA: 55912 SQ. FT. .82 ACRE

TELEPHONE: 566 TELEPHONE CO.

ADDRESS: 605 E MAIN ST. VISALIA

SEWER: CITY OF VISALIA

STORM: THE GAS CO.

POWER: SOUTHERN CALIF. EDISON CO.

OWNER:

JUSTIN GATES

554-766-4412



VICINITY MAP

No Scale

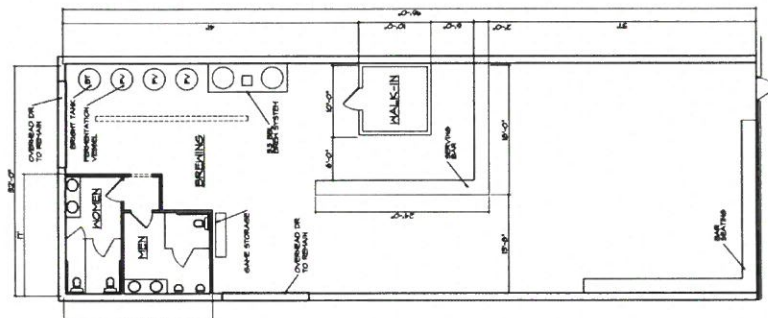
- E. MAIN ST. -

STEPHEN O. SPARSHOTT
1206 K. EVANS
VISALIA, CALIF. 93271
554-674-7605

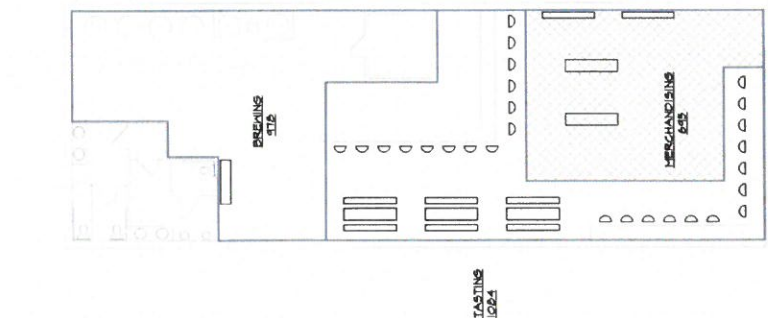


605 E MAIN ST.
VISALIA CA
SIMPLY BREWING CO.
TENANT IMPROVEMENT PLANS FOR

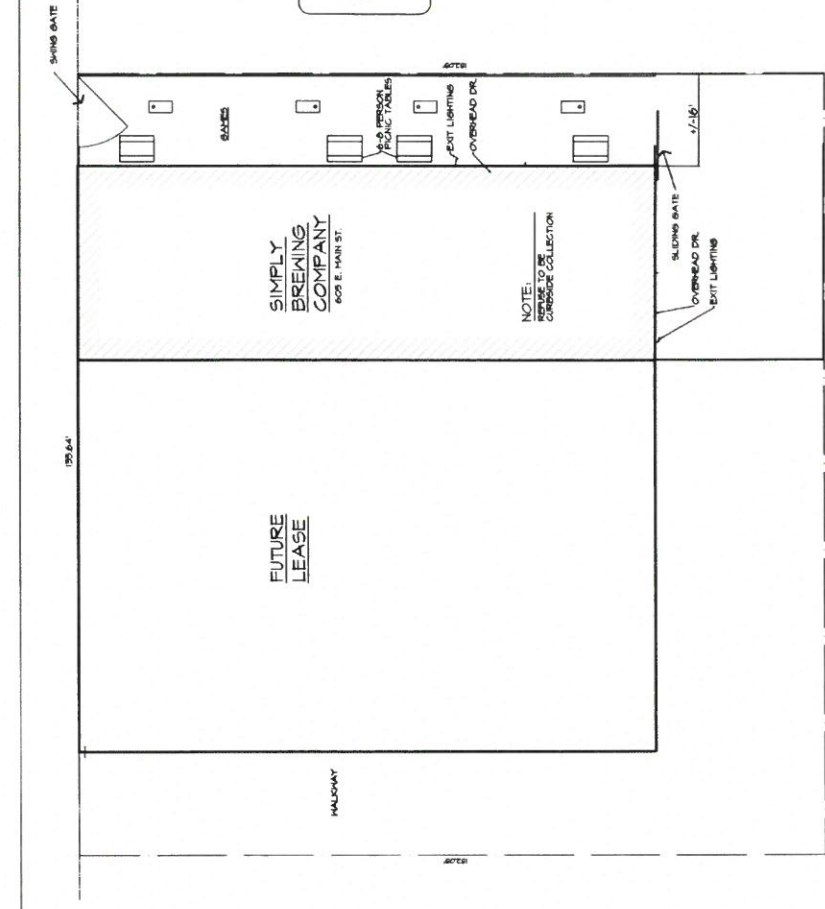
SHEET
10



FLOOR PLAN Scale: 1/8"=1'-0"
3072 SQ. FT.



FURNITURE PLAN Scale: 1/8"=1'-0"
3072 SQ. FT.



SITE PLAN Scale: 1"=10'-0"
APN: 094-238-21
605 E MAIN STREET
VISALIA, CA

03-13-2020

SIMPLY BREWING COMPANY

OPERATIONS STATEMENT

609 E. MAIN ST, VISALIA CA. 93291

1) The Company:

a) Our Goal:

The manufacturing and distribution of beer, produced by the on-site and licensed brewery, to the greater Visalia area and our on-site tasting room. Our on-site tasting room will serve only those beers it produces, in 4 oz. tastings with the option to purchase pints as well as bottles and cans to go, and brand apparel. The intention of the tasting room is to build Simply Brewing Co. brand awareness and educate the public concerning the process, ingredients, and history of beer. We plan to develop the brand in the area and make patrons aware of local restaurants and stores, where they can purchase our quality products.

b) About Us:

After almost two combined decades of being a Paramedic and EMT in the local area, and an equal amount of time as an avid Home Brewers, the time has come to open our Downtown Brewery and Tasting Room. Simply Brewing Co's Tasting Room will be a family friendly environment where locals and tourists can come in and enjoy our high-quality Ales, Lagers and Apple Ales. Our tasting room will become a preferred destination for local craft beer enthusiast, first responders and families because of our relaxed atmosphere and the active beer making processes, all done on site.

2) Our Plan:

a) Planned Hours of Operation:

We plan to be open Monday through Sunday from 11am to 12am.

b) Our Request:

- i) This is our request for live entertainment inside the Tasting Room. There will be intermittent and infrequent live entertainment, mostly for special and private events. The majority of the entertainment will be smaller bands with 1-4 members. Occasionally we plan to have ticketed events with a cover charge, but we do not anticipate having these ticketed events more than 4-6 times per month, but this will be determined by the success of these ticketed events. People going to these ticketed events will have to present a valid ID to our door man prior to entering the building.

- ii) We plan to have outdoor amplified and non-amplified music in the outdoor area during business hours but no later than 9pm. We plan to have amplified and non-amplified music inside during all hours of operation. We will keep the amplification to respectable levels, and we will be good neighbors.
- iii) Line maintenance will be provided on the public sidewalk in front of the building along Main Street in accordance with local regulations during ticketed events.

c) Indoor Capacity:

Our Indoor Capacity will be 95

d) Training:

We will follow the California Department of Alcohol Beverage Control rules and regulations. Every bartender must attend LEADS training by ABC as well as Cicerone Training. A zero tolerance for alcohol sales to minor will be enforced.

e) Management:

There will be a manager on duty at all times during events and peak hours. All managers follow the training above as well as our in-house training course.

f) Food:

There will be occasional food trucks available to the public. All food trucks will have a valid catering license and will follow applicable regulations. Patrons are also allowed to bring outside food into the Tasting Room. There is no plan to have a kitchen or to prepare food onsite.

g) Security:

On the nights when we plan to provide ticketed entertainment, there will be licensed and uniformed security staff depending on the capacity and scale of the show, as outlined in our Security Plan. The security staff will be checking the front and back of the building to prevent loitering and group gathering outside of the property. Security will also be responsible for verifying head counts set by the door man to make sure occupancy is not exceeded. The building will be outfitted with an alarm and security system for the safety of all.

h) Under 21 yrs:

Persons under 21 years of age will be permitted on the premises as long as they are accompanied and supervised by someone over the age of 21 years of age during operating hours of 11:00am to midnight unless otherwise stated for an event, party or live entertainment. We will provide table games, board games and outdoor activities such as corn hole for entertainment and also non-alcoholic beverages, such as sodas, for purchase for said persons.

SAFETY / SECURITY PLAN

Location: Simply Brewing Co (609 E Main St, Visalia Ca 93291)

Contact Number: 559-799-4412 (Justin Cate)

Law Enforcement Contact: Visalia Police Department 559-734-8116 (Non-Emergency) / 911

Our Goal for the “Security Plan” is to comply with the City Law Enforcement and provide a safe and family friendly environment for our patrons, employees and surrounding neighbors.

Security Goals:

- To create a safe and secure environment within and immediately outside of the establishment for all patrons, guests, employees and surrounding neighbors.
- To provide a high level of control, safety, and quality experience for patrons.
- To mitigate any noise or inappropriate conduct directed at the immediate neighbors by patrons and guests upon entry or departure from the establishment.
- To diffuse all situations as they occur, but also establish preventative measures to minimize the amount of potential situations. Security staff will provide a strong presence to detect and prevent any possible issues.
- To maintain trained staff responsible and accountable for looking after the security and well-being of guests and patrons and staff.

Introduction:

A strategy of prevention will be adopted to minimize the impact of potential problems to the community while ensuring a peaceful, enjoyable setting within the business. A zero tolerance policy will be enacted and enforced against narcotics and contraband prohibited by law. Further, establishment policy violations by guests and patrons will also be enforced with this same policy. Business ownership and management will fully disclose and cooperate with law enforcement personnel, and other city agencies as issues arise. In addition, we will cooperate and coordinate with neighboring businesses to act as a united force to provide an additional sense of security for immediate community, businesses, patrons and employees in the neighborhood.

SECURITY STAFF

Security Licensing - Security at location must be licensed to carry out their job. Everyone must have BSIS (Bureau of Security and Investigative Services) licensing to work their position (aka a Guard Card). This card must be readily available for visual inspection upon request. *This is standard operating procedure.*

Tasks:

- Directly coordinate with establishment’s owner about security issues as they arise, and work on immediate resolution of said issues.
- Responsible for all security and safety of the entire business premises, and

proper training of support security staff hired. Ensure proper compliance of all security staff with establishment policy, safety procedures, and protocol for enforcement of said rules and procedures.

- Be a liaison between law enforcement personnel and city officials.
- Be the point person for venue events based on security needs and event requirements.
- Maintain a contact information list of all security personnel working each shift. provide the list to any city entity, as requested. This list will be maintained in business records in an electronic format for easy access by law enforcement personnel, or other City entities.
- Schedule security camera monitoring by the security team as may be needed.
- Maintain security camera data, and make these recordings accessible to law enforcement personnel as requested.
- Undertake regular rigorous security and safety assessments and reviews and report to business owner.

Front of establishment, Entrance, and Patio Area

Security Professionals (1): During nights of live entertainment, (1) one member of the Security Team will post at each of the entry door(s) where patrons will/could enter/exit the premises, with their main job being to check the identification of patrons and to ensure no alcohol/weapons/drugs enter the property. Metal Detection will be used, but it fails to pick up plastic liquor bottles and narcotics. For this reason frisking shall be done regularly, and women will be asked to show the contents of their purse. These members of the Security Team will make sure our house rules are clear. These members of the Security Team will be in radio contact with other Security and management, and they must help remove combatants inside when asked for help on the radio. In such an event, parking lot Security will move toward the building to prepare for removal, and to watch the cash register (which may be outside the door during events).

Purpose: Monitors incoming patrons. This is an important component of the security program as many problems can be avoided by diligent work at this point.

Tasks:

- Will be responsible for monitoring the entrance, metal detectors, dress code, rules of the establishment, etc.

Bar/Lounge/Restaurant/Patio Areas

Security Professionals (2): Two members of the Security Team will be posted and/or roaming inside, keeping an eye on patrons as they are eating, dancing, and consuming alcohol. Problematic people will be removed quietly and with as little force as necessary. They will

watch for suspicious behavior, standoffish behavior, signs of over-indulgence/over-intoxication, odd movement, etc. *This is the primary "removal team" so they must have patience along with the physical size and ability to remove someone without harming them. This team is the team that will need assistance most often, so the move to get inside must be quick but careful.*

Purpose: Monitors bar/lounge and restaurant areas to ensure quiet and peaceful atmosphere.

Tasks:

- Monitor bar/lounge and restaurant, their entrances, and the area immediately adjacent to entrances.
- Enforce zero tolerance policy towards narcotics, contraband, and violations of policies/procedures.
- Monitor patrons for proper conduct, and prevent situations of public intoxicated belligerence.
- Monitor bathroom areas on a frequent basis as well as areas out of view of the normal establishment area.

Parking Lot and Surrounding Affected Areas

Security Professionals (Not required/To Be Determined): The Security Team will patrol the parking lot (if applicable) or the street where customer vehicles are parked to deter drinking, use of narcotics, or suspicious loitering. *They will be watched by 1 other Security Guard who operates the door, and they will be in radio contact with Security & Management.*

Purpose: Monitors parking lot and street areas to ensure quiet and peaceful pedestrian and traffic flow.

Tasks:

- Monitor parking lot and street areas for loitering and or illegal activity.
- Enforce zero tolerance policy towards narcotics, contraband, and violations of policies/procedures.
- Monitor the ingress and egress of patrons for proper conduct, and prevent situations of public intoxication and fighting.
- Monitor patrons for possession of open containers in areas outside of the establishment's accepted areas for consumption.

Special Note: This position may be subject to independent modification where (1) one or more may be required based on Visalia Police Department's observations/recommendations.

STAFF TRAINING

All staff will:

- Receive regular training on comprehensive emergency response plans.
- Be knowledgeable of all security positions and the requirements each different position entails.
- Be trained to monitor noise levels and to make sure that there is no loud music or noise emanating from the business.
- Be trained to make sure people are not rowdy or obviously intoxicated, and to maintain a secure & safe environment.
- Be required to obtain a certificate of completion from the Alcoholic Beverage Control Department "LEAD Program".

All security staff will be trained to:

- Maintain order within the restaurant, lounge bar, and in the immediate property surroundings, and prevent any incidents that might hinder the quiet environment enjoyed by nearby residents and businesses.
- Keep patrons and employees safe and take preventative steps to resolve issues in an efficient and secure manner.

Non-Event Nights and Security – On any week night if no events, parties, or live music performances are scheduled the establishment is not required to have Security Team members working, especially when capacity is less than 100. On any Thursday, Friday, Saturday, or Sunday night if no events, parties, or live music performances are scheduled the establishment must have a minimum of one (1) Security Team members working on the premises. When occupancy reaches 100 patrons, one (1) Security Team member is required to be working on the premises. When occupancy reaches 200 patrons, two (2) Security Team members are required to be working on the premises. When occupancy reaches 250 patrons, three (3) Security Team members are required to be working on the premises.

Uniforms

Members of the Security Team must be visually obvious to clientele and any First Responders (including Law Enforcement, EMTS, Fire Department, etc.) For that reason t-shirts or polos shirts that say "Security" must be worn at all times (or if warranted, security can wear BDU bottoms, security patches, boots, duty belt, etc.) If you are part of the Security Team it should be obvious due to your clothing.

Security Awareness Regarding Gangs

Because of the unfortunate plague of street gangs in California, Security must be keenly aware of local street gangs and organizations. The goal is to keep active gang members out of the

building. **The dress code will be enforced, which will ban all sports attire, hats, and excessive colors after 21:00 hrs (9:00 pm PST).** Anyone with visible gang tattoos will be denied entry, and anyone discussing participation in any gang activity on the premises will be warned or possible escorted out. While we cannot guarantee (with certainty) that Gang Members will not infiltrate the crowd, we can make sure they aren't dressed like gang members, talking like gang members, or behaving like gang members. Anyone threatening other patrons will be escorted out, and if necessary VPD will be contacted.

If any openly "gang-related" conflicts occur in the parking lot or while escorting people out of the building, VPD will be contacted. *Even if a fight is quickly broken up, we can contact VPD to share intelligence and explain the incident (if requested by a Sgt. or Lt. of the Visalia Police Department).*

Vehicles of combatants and troublesome customers will be on camera, and members of the outdoor Security Team should be able to describe the event to VPD (if video is not formally reviewed due to lack of victim, etc.)

Dealing with Intoxicated Customers

Our main priority when identifying an intoxicated customer is the safety of that person, other customers, and staff. **For that reason, anyone deemed intoxicated shall not be served anymore alcohol and asked to pay their tab.** If they become belligerent, they will be escorted outside. If they disturb the overall peace of the establishment after removal, or create a scene, VPD may be contacted to deal with them. If someone is unconscious for any reason, VPD will be contacted so that the person may be evaluated on a case-to-case basis. **If servers take the LEAD Program training and avoid over-serving, this should not happen very often.**

Fires, Earthquakes, etc

Security and Management will address our evacuation plans for situations like structure fires, earthquakes, etc. The method of escape and which doors are still accessible shape our movements in the event of a fire or something similar. *The Security Team will use flashlights to help lead customers to nearby exits should anything like this occur.*

Videotapes/Footage/Surveillance Recordings:

If any VPD contact is necessary after an incident, management will be happy to turn over the footage. *The surveillance system at the Simply Brewing Co. will reveal the last 10 days of footage.*

Public Nuisance

If the Simply Brewing Co. located at 309 E. Main, Visalia CA 93291 is deemed a public nuisance as outlined in Visalia Municipal Code 8.40.030 the Visalia Police Department may initiate proceedings to amend these conditions to require additional state licensed uniformed security and/or to recommend suspension or revocation proceedings. In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment shall occur until such time as a security plan which has been approved by the Visalia Police Department and City Planner is in effect.

Dancing

Organized dancing of any kind is strictly prohibited.

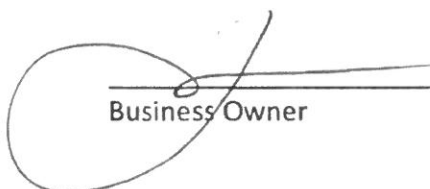
Persons Over/Under 21 yrs

Persons under 21 years of age will be permitted on the premises as long as they are accompanied and supervised by someone over the age of 21 years old during operating hours of 11:00am to midnight unless otherwise stated for an event, party, or live entertainment. Persons over 21 will provide their ID to the bartender/serving employee with each purchase of an alcoholic beverage and will be limited to one alcoholic beverage per person per purchase.

 A253

Visalia Police Department

3-11-20
Date



Business Owner

3-11-20
Date



November 5, 2019

Steve Sparshott
1206 W. Evens
Visalia, CA 93277

Site Plan Review No. 2019-173

Pursuant to Zoning Ordinance Chapter 17.28 the Site Plan Review process has found that your application complies with the general plan, municipal code, policies, and improvement standards of the city.

Based upon Zoning Ordinance Section 17.28.070, this is your Site Plan Review determination. However, your project requires discretionary action as stated on the attached Site Plan Review comments. You may now proceed with filing discretionary applications to the Planning Division.

This is your Site Plan Review Permit; your Site Plan Review became effective **October 23, 2019**. A site plan review permit shall lapse and become null and void one year following the date of approval unless, prior to the expiration of one year, a building permit is issued by the building official and construction is commenced and diligently pursued toward completion.

If you have any questions regarding this action, please call the Community Development Department at (559) 713-4359.

Respectfully,

A handwritten signature in blue ink, appearing to read "Paul Bernal", is written over a horizontal line.

Paul Bernal
City Planner/Acting Community Development Director
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



#2

MEETING DATE: October 23, 2019
SITE PLAN NO. 19-173 Resubmittal
PARCEL MAP NO.
SUBDIVISION:
LOT LINE ADJUSTMENT NO.

Enclosed for your review are the comments and decisions of the Site Plan Review committee. Please review all comments since they may impact your project.

- RESUBMIT** Major changes to your plans are required. Prior to accepting construction drawings for building permit, your project must return to the Site Plan Review Committee for review of the revised plans.
- During site plan design/policy concerns were identified, schedule a meeting with
- Planning Engineering prior to resubmittal plans for Site Plan Review.
- Solid Waste Parks and Recreation Fire Dept.

REVISE AND PROCEED (see below)

- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.
- Your plans must be reviewed by:
- CITY COUNCIL REDEVELOPMENT
- PLANNING COMMISSION PARK/RECREATION
- Conditional Use Permit
- HISTORIC PRESERVATION OTHER: _____

ADDITIONAL COMMENTS :

If you have any questions or comments, please call (559) 713-4444.

Site Plan Review Committee



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

| | | |
|-------------------------------------|------------------|----------|
| <input checked="" type="checkbox"/> | Adrian Rubalcaba | 713-4271 |
| <input type="checkbox"/> | Diego Corvera | 713-4209 |

| | |
|----------------|------------------------|
| ITEM NO: 2 | DATE: OCTOBER 23, 2019 |
| SITE PLAN NO.: | 19-173 RESUBMITTAL |
| PROJECT TITLE: | SIMPLY BREWING CO. |
| DESCRIPTION: | BREWERY & TASTING ROOM |
| APPLICANT: | JUSTIN CATE |
| PROP OWNER: | JR SHANNON |
| LOCATION: | 605 E MAIN ST |
| APN: | 094-235-021 |

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; **PROVIDE ACCESSIBILITY AT DRIVE APPROACHES**
- Sidewalk: _____ width; _____ parkway width at **PROVIDE ACCESSIBILITY AT DRIVE APPROACHES**
- 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 = 0.20%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Valley Oak trees with drip lines and adjacent grade elevations. Protect Valley Oak trees during construction in accordance with City requirements.
- A permit is required to remove Valley Oak trees. Contact Public Works Admin at 713-4428 for a Valley Oak tree evaluation or permit to remove. A pre-construction conference is required.
- Relocate existing utility poles and/or facilities.
- Underground all existing overhead utilities within the project limits. Existing overhead electrical lines over 50kV shall be exempt from undergrounding.
- Subject to existing Reimbursement Agreement to reimburse prior developer:
- Fugitive dust will be controlled in accordance with the applicable rules of San Joaquin Valley Air District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application will be provided to the City.
- If the project meets the one acre of disturbance criteria of the State's Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is needed. A copy of the approved permit and the SWPPP will be provided to the City.
- Comply with prior comments. Resubmit with additional information. Redesign required.

Additional Comments:

- 1. Proposed brewery/tasting room will incur development impact fees associated with additional sewer impacts. Refer to page 3 for applicable fees and estimate.*
- 2. Project parcel has two existing drive approaches on Main St. that will be required to comply with current City accessible design standards for pedestrian path of travel over and across drive approaches.*
- 3. Existing sidewalk across Main St. frontage may need to be removed and replaced in order to comply with sidewalk accessible slope requirements. Redesign accordingly.*
- 4. Refer to Solid Waste requirements for refuse servicing.*
- 5. Any required water backflow devices will need to be installed within property boundaries and not in public right-of-way. Coordinate with City Engineer for any conflicts.*
- 6. Project shall connect to City sewer main if not currently connected. Install new lateral per City standards.*
- 7. Future sewer impact fee assessments may be conducted based on increase in brewery discharges.*

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **19-173 RESUBMITTAL**
Date: **10/23/2019**

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

(Fee Schedule Date: **8/3/2019**)
(Project type for fee rates: **BREWERY**)

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

| FEE ITEM | FEE RATE |
|---|--------------------------------------|
| <input type="checkbox"/> Groundwater Overdraft Mitigation Fee | |
| <input type="checkbox"/> Transportation Impact Fee | |
| <input checked="" type="checkbox"/> Trunk Line Capacity Fee | \$6/SEAT X TBD |
| | TREATMENT PLANT FEE: |
| | \$14/SEAT X TBD |
| <input checked="" type="checkbox"/> Sewer Front Foot Fee | \$44/LF X 32 (MAIN) = \$1,408 |
| <input type="checkbox"/> Storm Drain Acq/Dev Fee | |
| <input type="checkbox"/> Park Acq/Dev Fee | |
| <input type="checkbox"/> Northeast Specific Plan Fees | |
| <input type="checkbox"/> Waterways Acquisition Fee | |
| <input type="checkbox"/> Public Safety Impact Fee: Police | |
| <input type="checkbox"/> Public Safety Impact Fee: Fire | |
| <input type="checkbox"/> Public Facility Impact Fee | |
| <input type="checkbox"/> Parking In-Lieu | |

Reimbursement:

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



Adrian Rubalcaba

SITE PLAN REVIEW COMMENTS

Paul Scheibel, Planning Division, 559-713-4369
Date: October 23, 2019

SITE PLAN NO: 2019-173 B
PROJECT: Simple Brewing Company
DESCRIPTION: BREWERY & TASTING ROOM
APPLICANT: JUSTIN CATE
PROP. OWNER: JR SHANNON
LOCATION TITLE: 605 E. MAIN STREET
APN TITLE: 094-235-021
GENERAL PLAN: Downtown Mixed Use
ZONING: D-MU (Mixed Use Downtown)

Rule 9510 - This project is not subject to the Rule 9510 requirements of the San Joaquin Valley Air Pollution Control District - see District web-site for information.

Reference SPR No. 2019-108

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

PROJECT SPECIFIC INFORMATION: October 23, 2019

1. Conditional Use Permit if underage patrons are proposed to be allowed in the premises.
2. Net Parking in Lieu fees payable at time of final occupancy is \$9,254 (2 spaces)
3. If CUP is filed, recommend including a live entertainment component in the CUP application.

PROJECT SPECIFIC INFORMATION: September 25, 2019

1. Conditional Use Permit if underage patrons are proposed to be allowed in the premises.
2. Revised floor plan clearly detailing the use of floor space, distributed by Industrial (parked at 1:1000), Retail (parked at 1:300), and bar/restaurant (parked at 1:150).
3. Operational Statement that clearly defines the business operation, hours of operation, patron ages, brewing process (include ingredients storage plan, venting method, and unused mash disposal)
4. Any façade changes and signage requires review pursuant to the Downtown Design District regulations

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 inside 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.

Parking:

1. Provide parking spaces based Zoning Ordinance Section 17.34.020
2. 30% of the required parking stalls may be compact and shall be evenly distributed in the lot.
3. Provide handicapped space(s).
4. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking.
5. A planter is required every other row. (5-9 feet in width containing trees on twenty (20) foot centers.
6. No repair work or vehicle servicing allowed in a parking area.
7. It is highly recommended that bicycle rack(s) be provided on site plan.
8. No parking shall be permitted in a required front/rear/side yard.
9. Design/locate parking lot lighting to deflect any glare away from abutting residential areas.
10. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street or when across from residential property.
11. Front carport area to have a 3 to 6-foot tall screening wall.
12. Provide shopping cart storage areas on site plan.
13. Provide transit facilities on site plan.
14. Provide shared parking/access agreements
15. Provide off-street loading facility.
16. The project should provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant vehicle work trips. The preferential treatment could include covered parking spaces or close-in parking spaces, or designated free parking, or a guaranteed space for the vehicle.
17. Provide a "No Parking" (dead-head) stall at the end of the parking row (for rows over 6 stalls deep with no outlet) to allow vehicles to turn around rather than backing out if no stalls are available.

| |
|--|
| <p>DOWNTOWN RETAIL OVERLAY DISTRICT</p> |
|--|

17.58.010 Purposes and intent.

- A. There is created a downtown retail overlay district, the boundaries of which are shown on the map entitled, "Downtown Retail Overlay District," which is delineated on the Zoning Map. Said map is adopted and made a part of this ordinance.
- B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to express the commitment of the city toward the continued vitality and stabilization of regional retail commercial activity within the area traditionally known as Downtown Visalia. This commitment seeks to:
1. Protect and enhance existing buildings and improvements in the downtown area.
 2. Enhance the character and physical environment of the downtown area by establishing specific design compatibility criteria for new and remodeled buildings within the overlay district.

3. Ensure that new development is compatible with existing and future plans for the area.
4. Involve both design professionals and area residents, property owners and merchants, in the implementation of the Visalia Downtown Framework Plan and the continued viability of the downtown retail economy.

17.58.015 Applicability.

The requirements in this chapter shall apply to all structures and properties within the downtown retail overlay district, as defined herein.

17.58.020 Components of the chapter.

This chapter shall include:

- A. The ordinance text, which specifies the downtown retail district overlay designation, design evaluation criteria, and the powers and duties with regard to the overlay district;
- B. A map designating the downtown retail district overlay, which shall be depicted on the official zoning map of the city.

17.58.030 Definitions.

A. All definitions, general and specific, set forth in Section 17.04.030, shall be applicable to this chapter.

B. Word Usage.

1. The word "shall" is prescriptive in nature and indicates that compliance is mandatory.
2. The words "may," "should" and "preferred" are permissive in nature and indicate that compliance is discretionary on the part of the applicant.

C. Definitions.

"Construction" means any building activity requiring the issuance of a building permit that affects the exterior appearance of a structure.

"Enlargement" means construction that results in the expansion of the gross floor area of a structure.

"Exterior architectural feature" means the architectural elements embodying the style, design, general arrangement, and components of all of the outer surfaces of an improvement; the kind, color, and texture of the building materials; and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art, or other object constituting a physical betterment of real property, or any part of such betterment.

17.58.040 Regulation of improvements.

No improvement or exterior architectural feature of any improvement shall be constructed, altered or enlarged that is located in the downtown retail overlay district unless a site plan review permit is issued pursuant to the terms of this chapter and Chapter 17.28. Where this chapter may conflict with Chapter 17.28, this chapter shall apply. This section shall not apply to any interior alteration that has no effect on the condition or appearance of any exterior architectural feature of an improvement.

17.58.050 Procedures for review of applications.

A. The site plan review committee shall be the reviewing authority for the downtown retail overlay district, with powers and duties as specified in this chapter.

B. The site plan review committee shall review applications only as specified in this chapter, consistent with the rules and regulations in this chapter. Applications shall be approved or disapproved based solely on those building design criteria in this chapter, for which compliance is mandatory. The board may suggest that building design criteria that are permissive be followed; however, applications

shall not be approved or disapproved on the basis of any such nonmandatory criteria. The duties and responsibilities of the site plan review committee shall include the following:

C. At the option of the planning commission, the site plan review committee may review proposed zoning actions (zone changes, conditional use permits, special zoning exceptions, planned unit developments and variances) within the district. The site plan review committee may recommend approval, conditional approval, modification or disapproval of an application based upon the expected impact of the proposed zoning action on the character of the affected improvement(s), neighboring properties, or the entire district. The board's recommendation shall be forwarded to the planning commission for its consideration.

D. It shall be the duty of the site plan review committee to review all applications for the construction or exterior alteration or enlargement of improvements within the overlay district. The site plan review committee shall have the power to approve, modify or disapprove such applications before a building permit can be issued.

E. It shall be the duty of the site plan review committee to review all applications for sign permits within the district. Applications for sign permits shall be obtained from and filed with city pursuant to Chapter 17.48, and thereafter the application shall immediately be referred to the site plan review committee for their review and recommendation. The site plan review committee may recommend approval, conditional approval or denial of the sign permit application. The application shall then be presented to the proper issuing authority for sign permits, pursuant to Chapter 17.48 of the Municipal Code. Sign permits shall be issued only in compliance with the recommendation of the site plan review committee. Approval by the site plan review committee in no way implies approval by the issuing authority for sign permits, whose approval must also be secured pursuant to Chapter 17.48.

F. It shall be the duty of the site plan review committee to review all applications for the moving or demolition of structures within the overlay district. The site plan review committee shall have the power to approve, conditionally approve, or disapprove such applications, subject to the provisions of Section 17.58.060.

G. Permits may be issued for air conditioners, electrical work and plumbing work that is visible from a public right-of-way when the chief building official determines that the work insignificantly affects the exterior of a structure, or that reasonable alternatives as to location or screening have been employed. The building official may forward to the site plan review committee applications for permits for this type of work when it appears that the appearance of a structure may be significantly altered. This subsection shall not apply to the following types of permit applications:

1. Reroofing with like materials;
2. Residing with like materials;
3. Masonry repairs with like materials;
4. Chimney repair with like materials.

17.58.060 Appeal to the city council.

Any person or persons jointly or severally aggrieved by a decision of the site plan review committee may make an appeal in writing therefrom to the city council. Such appeal shall be filed with the city clerk within ten days of said action. The appeal shall be placed on the agenda of the council's next regular meeting after the appeal is filed. The council shall review the decision of the board and may reverse, affirm, modify or affirm as modified the action of the board. The decision of the council shall be final.

17.58.070 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any structure within any district; provided, such work involves no change in the exterior appearance of a structure. Nothing in this chapter shall be construed to prevent the construction, reconstruction, alteration or

demolition of any feature that in the view of the proper authority acting lawfully is required for the public safety because of an unsafe or dangerous condition.

17.58.080 Standards applying to new buildings and alterations to existing buildings.

The following standards shall apply to new buildings and alterations to existing building within the downtown retail overlay district:

A. Awnings attached above street level storefronts and/or upper-story windows are encouraged. Size and scale shall be appropriate to the building, however, significant elements of the building's architecture should not be obscured by upper-story awnings. Ground floor awnings shall project a minimum of five (5) feet over the sidewalk. Awning materials shall be cloth or canvas. Awning colors shall be limited to a blue, burgundy, tan or tones and/or prints of these. White may be incorporated into the design of awnings for contrast or valance signage, but shall not compromise a majority of the color theme of any awning.

B. The following materials and building elements shall be prohibited:

1. Use of wood siding, cladding or wood shingles, in excess of ten (10) percent of the total area of any building façade.
2. Mansard form roof tiles.
3. Unbroken masses of split face, slump stone or concrete unit masonry.
4. Use of reflective or mirrored surface cladding, in excess of then (10) percent of the total area of any building façade.
5. Exposed utility conduit, junction boxes, meters, or fuse boxes on the front façade of buildings.

17.58.082 Standards applying to alterations to existing buildings.

The following standards shall apply when undertaking the renovation of existing buildings within the downtown retail overlay district:

A. Where originally constructed buildings facades remain, their appearance shall not be altered. Such facades shall be repaired and preserved. Where facades have been altered, as much original material and detail shall be retained in the rehabilitation as possible.

B. Where most of the existing architectural design dated from an interim remodeling and where such remodeling adds to the traditional character of the district, rehabilitation shall conform to the period of such remodeling and not to the original design.

C. Where the original design cannot be determined or where financial considerations preclude full-scale rehabilitation of a façade which has previously been altered, a design which is not a pure rehabilitation but which is in keeping of the structure are prohibited.

D. Where originally constructed facades and/or architectural details have been covered by an interior remodeling, the removal of coverings is encouraged. When original materials, facades and/or architectural details are uncovered, these shall not be recovered.

E. Where windows and doors still exist, the original sills, lintels, frames, sash, muntins and glass of windows and transoms shall be preserved. The original doorway elements, including sill, lintels, frames, and the doors shall also be retained. Where possible, replacements should duplicate the originals in design and materials. The blocking or covering of any portion of an existing window or door opening with permanent materials is prohibited. When new window or door openings are created, the scale of these should approximate that of the traditional architecture of the district. The base of new window opening shall be a maximum of thirty (30) inches above ground level. Whenever the size and/or scale of any existing window openings are altered, the base of all the window openings in the storefront shall be brought into conformance with the maximum 30-inch standard. This subsection shall not apply to ordinary repair or replacement of window glass or frames where the size and/or scale of window openings are not altered.

F. Brick is most dominant traditional building material within the district and is preferred as a replacement material. Brick shall not be covered by wood shingles, wood, aluminum siding, or any other synthetic materials. Where brick has been painted, repainting in a color that matches the natural color of the brick as closely as possible is preferred. Where brick remains unpainted, the use of paint in the exterior is prohibited, since unpainted brick is a crucial element of the traditional character of the district.

G. Stuccoed brick surfaces should be retained, unless held in place with wire mesh, in which case the stucco should be removed. Where retained, stucco should be repainted in a brick color.

17.58.084 Standards applying to new buildings.

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

A. New construction shall maintain the continuity of existing rows of buildings; facades shall be constructed at the property line facing the street, or at a setback even with that of adjacent buildings.

B. New buildings shall be constructed to within ten (10) percent of the maximum height of adjacent buildings. The scale of new architectural elements should be consistent with that of adjacent structures.

C. Brick is the preferred exterior building material for new construction. The color texture should be similar to that of brick traditionally used in the district.

D. The scale of window and door openings in new buildings should approximate that of the traditional architecture of the district. The base of window openings shall be a maximum of thirty (30) inches above ground level.

17.58.086 Maintenance and repair required.

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

1. The deterioration or decay of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The extensive deterioration or crumbling of exterior plaster or mortar;
5. The extensive peeling or chipping of exterior paint;
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

B. The city's zoning compliance officer, or other designated enforcement official, shall serve written notice upon the owner of any structure deemed to be in violation of this section or any applicable municipal code. Notice shall comply with Visalia Municipal Code Section 1.13.070 if the violation is pursued through administrative enforcement. Alternatively, the enforcement official may pursue the violation as a criminal infraction. Said written notice shall specify the nature of the condition or conditions which are in violation of the maintenance and repair requirement and direct that said conditions be repaired or corrected within an appropriately reasonable period of time. If the condition or conditions are not remedied within the stated period of time in the notice, then an administrative penalty or fine as stated in section 1.12.010 of the Visalia Municipal Code shall be enforced and may be

collected under the methods stated in section 1.13.110. Said notice shall further advise the owner of said structure of his/her right to request a hearing before the planning commission to review the determination of the city's enforcement officer. The request for hearing shall be made within ten (10) days of the receipt of notice by the owner, with applicable fees, as set forth in Chapter 1.13 of the Municipal Code and the administrative hearing shall be conducted pursuant to the requirements of Chapter 1.13.

C. After a hearing, the administrative hearing officer may approve, modify, or reject the determination of the city's enforcement officer at the conclusion of such hearing. Should an administrative hearing officer determine at the conclusion of such a hearing that there is a violation of this provision, the administrative hearing officer shall require that the structure in question be brought into compliance within an appropriately reasonable period of time and in addition order the collection of any applicable fines.

17.58.090 Exceptions.

Within the downtown retail overlay district, design and construction conditions exist that are unique and are not generally found elsewhere in the city. Structures were often constructed on or near lot lines and abut one another in many cases. Storefronts and building facades have often been redesigned, covered or otherwise subjected to major alterations over the years. Due to these peculiar conditions, it is sometimes in the interest of enhancing the character of the district to make an exception to the building design criteria in this chapter and/or signage, landscaping, setbacks, fencing and screening requirements of the Visalia zoning ordinance. Where it is deemed that the physical and economic well-being of the district would be better served by such an exception rather than the strict application of the above mentioned building design criteria and other ordinance requirements, the site plan review committee may recommend to the planning commission that such exception be made, pursuant to Section 17.42.030.

17.58.100 Role of building official.

A. The building official shall refuse to issue all building or sign permits based upon an application disapproved by the site plan review committee, unless such application is later approved by the city council. The building official may approve any application approved or conditionally approved by the site plan review committee at such time as any conditions specified in such approval are clearly indicated by the applicant on the plans presented to the building official for approval. If an appeal to the city council is filed within ten days from the date of board approval of an application, no permit shall be issued until the outcome of said appeal is finally determined by the city council.

B. After a building permit has been issued, the building official shall from time to time inspect the construction, alteration or enlargement approved by the board and shall take such action as is necessary to assure compliance with the approved plans.

17.58.110 Separability.

The provisions of this chapter shall be deemed to be severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of the court shall not impair any of the remaining provisions.

Chapter 17.63

MICRO-BREWERY/MICRO-WINERY OVERLAY DISTRICT

17.63.010 Purpose and intent.

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

B. This chapter is enacted to preserve and promote the public health, safety, and welfare of the citizens of Visalia, and to facilitate businesses that specialize in the small-scale production and sale of

e) Parking required for a micro-brewery/micro-winery use shall be determined by the allocation of interior floor space of the establishment, and at the prescribed ratios as contained in [Chapter 17.34](#) (Off-street parking and loading facilities). Portions of the floor area used for on-site consumption of beverages and/or food shall be parked at the prescribed restaurant ratio; brewing, bottling and warehousing of product produced or sold on site shall be parked at the prescribed industrial ratio; and, retail display of product for off-site sale shall be parked at the prescribed retail ratio.

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

a) Underage patrons (under 21 years of age) shall not remain upon the establishment premises after 10:00 p.m. nightly.

b) Minor patrons (under 18 years of age) shall be accompanied by a parent or legal guardian at all times.

c) Underage patrons shall not sit at the bar or serving counter areas of the establishment.

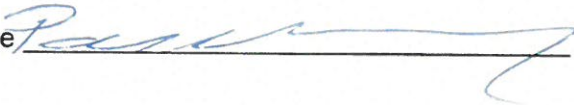
d) The establishment shall provide games, activities, non-alcoholic beverages and snack foods suitable to all ages patrons. Games and activities may include, but are not limited to table games, board games, shuffleboard, corn-hole, drawing paper and crayons, puzzles, video and arcade games.

e) The floor area devoted to games and activities shall be a minimum of 20% of the public area of the establishment.

(Ord. 2018-13, 2018: Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

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



crafted beverages. This chapter is also enacted to encourage the location of micro-brewery and micro-winery businesses in the East Downtown area. This is to:

1. Encourage, protect and enhance existing buildings, their productive re-use, and improvements in the East Downtown area.
2. Promote the vibrancy and sense of destination and place of the East Downtown area by establishing this area as the recognized center for craft brewing establishments.
3. Ensure that these establishments are compatible with each other and with existing and future uses within the East Downtown area. (Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

17.63.020 Components of the Chapter.

This chapter shall include:

- A. The Ordinance text which specifies the micro-brewery/micro-winery overlay district and establishes specific standards pertaining to the district.
- B. A map designating the micro-brewery/micro-winery overlay district, which shall be depicted on the official zoning map of the city. (Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

17.63.030 Definitions.

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

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

"Background entertainment" Non-amplified live music or performance intended to complement the primary venue, and for which no alteration of the physical or operational aspect of the primary use is made. (Ord. 2017-01 (part), 2017: Ord. 2016-22 (part), 2016)

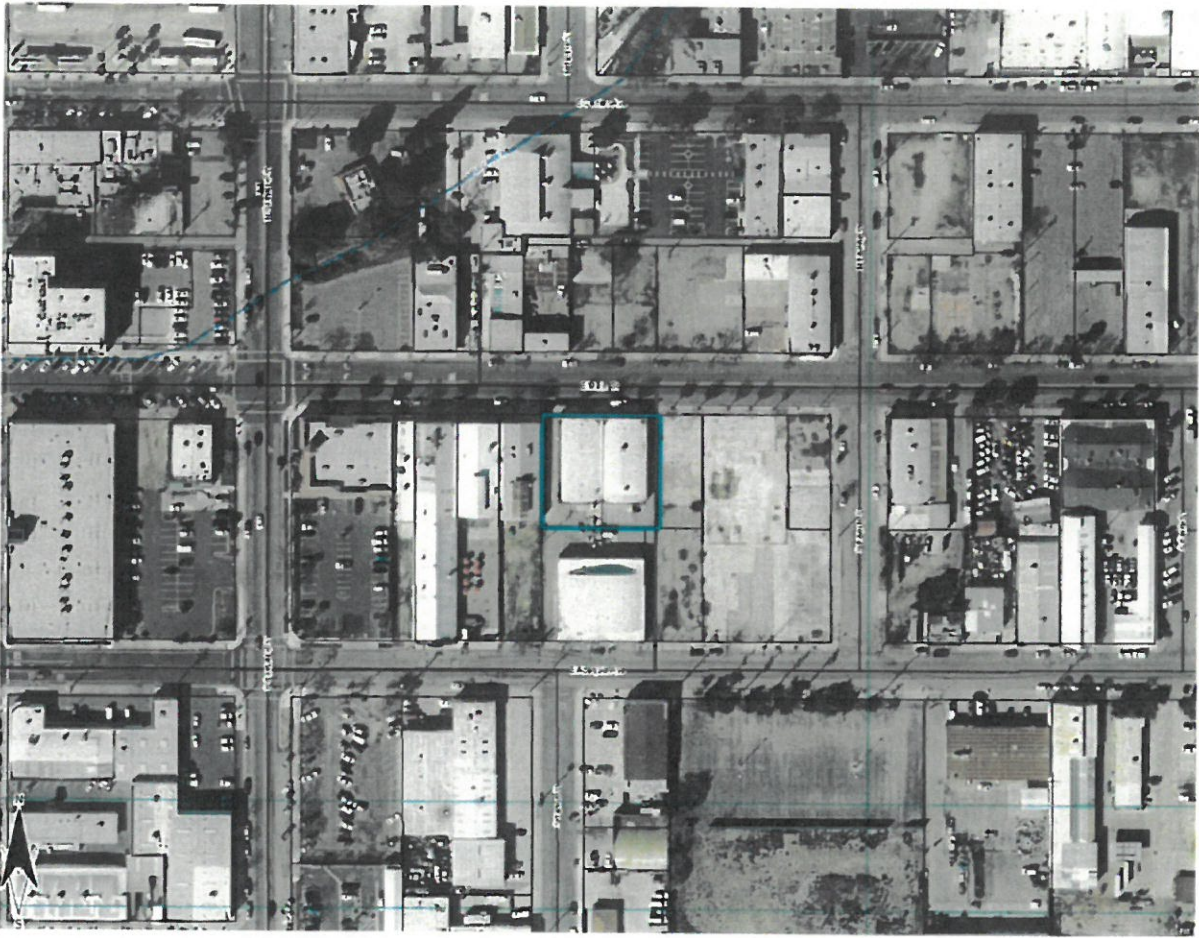
17.63.040 Standard Operating Conditions.

A. Uses within the Overlay District.

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

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

- a) Alcoholic beverages sold on site shall be only that produced by the operator.
- b) Truck loading and unloading shall be limited to between the hours of 7:00am and 4:00pm daily.
- c) Venting of brewing process shall be directed away from sidewalks and residences.
- d) Outdoor storage shall be limited to an area of no more than 5% of the leasable floor area of the establishment. Outdoor storage shall be secured at all times and shall be fully screened from view.



RESOLUTION NO. 2017-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2017-23: A REQUEST BY BARRELHOUSE BREWING COMPANY TO ALLOW LIVE ENTERTAINMENT WITHIN AN APPROVED 5,500 SQUARE FOOT TAP ROOM AND BEER GARDEN IN THE D-MU (DOWNTOWN MIXED USE) ZONE. THE PROJECT SITE IS LOCATED AT 521 E. MAIN STREET, ON THE SOUTH SIDE OF MAIN STREET 200 FEET EAST OF SANTA FE STREET. (APN: 094-235-004)

WHEREAS, Conditional Use Permit No. 2017-23 is a request by Barrelhouse Brewing Company to allow live entertainment within an approved 5,500 square foot tap room and beer garden in the D-MU (Downtown Mixed Use) zone. The project site is located at 521 E. Main Street, on the south side of Main Street 200 feet east of Santa Fe Street. (APN: 094-235-004); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on June 26, 2017; and

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2017-23, as conditioned by staff, 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 15301.

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

1. That the proposed project, as conditioned, 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 CUP is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - The proposed location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. That the proposed conditional use permit would be compatible with adjacent land uses. The proposed use is compatible subject to compliance with the conditions of Project Approval of this conditional use permit.
4. That the project is considered Categorically Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2017-38)

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 site be developed and maintained in substantial conformance with the site plan and floor plan in Exhibit "A" and the operational statement in Exhibit "B", notwithstanding any required conditions below and/or imposed by State Department of Alcoholic Beverage Control. Any changes to their operation are subject to review by the City Planner, and may subsequently be required to be reviewed by the Planning Commission.
2. That the Conditional Use Permit shall be developed consistent with the comments and conditions of Site Plan Review No. 2016-085, incorporated herein by reference.
3. That the land use shall maintain operation primarily as a microbrewery or taproom as defined in Visalia Municipal Code Section 17.63.030. This operation allows for the service of brewed beverages with or without the service of food. The land use shall not operate primarily as a nightclub.
4. That the project be required to maintain the noise standards found in Visalia Municipal Code Section 8.36.040.
5. Amplified live entertainment is permitted between the hours of 11:00 a.m. and 9:00 p.m. Outside live entertainment shall not exceed sixty (60) decibels at fifty (50) feet from noise origin. Similar activities in nature and intensity may be allowed as determined by the City Planner. Any subsequent change to hours of the live entertainment shall require an amendment to the Conditional Use Permit.
6. Non-amplified live entertainment is permitted during any hours of operation.
7. No disk jockeys ("DJ's") shall be permitted at any time.
8. There shall not be two amplified live entertainment acts occurring simultaneously on the indoor and outdoor stages.
9. No organized dancing is to be permitted at any time.
10. There shall be no adult entertainment as defined in Visalia Municipal Code Chapter 17.62, including no lingerie/bathing suit shows.
11. During live entertainment, the operator shall regularly maintain the area under their control in an effort to prevent loitering of persons about the premises. No alcoholic beverages shall be consumed on any public areas adjacent to the licensed premises under the control of the licensee.
12. During live entertainment, the operator shall be responsible for maintaining the premises and public areas immediately in front of and adjacent to the site free of litter.

13. Public sidewalks shall be kept clear for pedestrian use. Patrons waiting to enter the business shall be formed in a single orderly line outside of the front door of the business.
14. The parking lot and public sidewalks directly adjacent to the site shall be monitored to prevent loitering, noise, littering and related issues during and after any nightclub activities.
15. That the maximum occupancy limit shall be posted and not exceeded.
16. Official inspections on the premises may be conducted at any time during business hours to validate conformance with these conditions of approval.
17. All exterior doors and all patio gates and doors shall remain closed at all times, except when loading, unloading, and the passage of vehicles are occurring in the gated area. Doors may not solely consist of a screen door or ventilated security door.
18. Patrons shall use only the Main Street entrance to enter and exit the business except in the event of an emergency.
19. A barrier shall be installed/maintained on the Acequia Street side (south side) of the business in the fence (currently chain-link style). This barrier is to provide a visual shield and assist with keeping contraband from being passed into and from the premises.
20. There shall be no exterior advertising of any kind promoting or indicating the availability of alcoholic beverages within the business. This does not include advertising placed inside the business directed to the outside.
21. No video/arcade games shall be maintained upon the premises unless approved through the site plan review and any subsequent entitlement process.
22. The owner/operator shall provide proof that employees who sell alcohol have completed the following, either:
 - a. Completed training from the State of California Department of Alcoholic Beverage Control--Fresno District Office-administered "Leadership and Education in Alcohol and Drugs" (LEAD) Program as confirmed by receipt of an ABC-issued certificate of completion; or,
 - b. Completed equivalent training acceptable to the ABC Fresno District Office to ensure proper distribution of beer, wine, distilled spirits, tobacco, and inhalants to adults of legal age.
23. That the owner/operator shall prepare and hold to an approved security plan that includes the following:
 - a) Prior to any type of entertainment identified in this Conditional Use Permit (CUP) the owner/operator shall prepare and submit to the District Commander a security plan for approval. Approval of the security plan by the District Commander or his/her designee shall not be unreasonably denied. The contents of the security plan shall be incorporated as conditions of approval of CUP. The owner/operator shall be responsible to have the District Commander or his/her designee re-approve the security plan annually running from the anniversary date of the final approval of the CUP. The establishment is responsible for providing both the District Commander and the Planning Division a copy of the approved security plan.

- b) Identify the establishment's designated contact person for all safety and security management and shall provide the telephone numbers where the contact person may be reached 24 hours a day, seven days a week.
- c) Confirm that a manager will be on duty during business hours and will be responsible for monitoring and controlling the behavior of patrons.
- d) Identify all managers of the establishment and their contact telephone numbers.
- e) Confirm that all bartenders and other employees shall be trained to recognize the symptoms of an obviously intoxicated patron, to refuse serving alcoholic beverages to obviously intoxicated patrons, and to report emergencies to the manager on duty and to law enforcement.
- f) Confirm that first aid supplies and operational fire extinguishers are located in the kitchen (if applicable), service areas and the manager's office.
- g) Confirm that the burglar and fire alarm is monitored by a security company 24 hours a day, seven days a week.
- h) Identify an adequate number of acceptable interior security personnel and exterior security personnel who will monitor and control the behavior of customers inside and outside the building and any adjacent property under the establishment's control. The security personnel may be employees of the establishment or licensed security personnel retained from a security firm. All on-duty licensed security guards shall comply with the uniform requirements set forth in California Business & Professions code section 7582.26.
- i) Confirm that the security personnel shall regularly monitor the parking lot (if applicable) and any adjacent property under the establishment's control to ensure the areas are free of people loitering or causing a disturbance.
- j) The establishment shall correct any safety or security problem or security plan violation as soon as possible after receiving written notice of such problem from the Visalia Police Department. After the initial security plan is approved and implemented, it is the responsibility of the owner or owner's representative to contact the Visalia Police Department to inquire about police calls for service or public safety problems noted at the location. Contact may be made in person, by telephone or by electronic mail. Review of police calls for services may be conducted at any time by the Visalia Police Department.
- k) The applicant shall maintain a copy of the current security plan and CUP conditions of approval on the premises and shall present the security plan immediately upon request by a peace officer or code enforcement personnel.
- l) During times that security guards are required they must be able to provide the number of persons in the building when requested.
- m) If it is determined that the establishment becomes a public nuisance as outlined in Visalia Municipal Code Section 8.40.030, the Visalia Police Department may initiate proceedings to amend these conditions to require additional state licensed uniformed security and/ or to recommend suspension or revocation proceeding.
- n) In the event the physical security plan is withdrawn or revoked, no live or recorded entertainment or dancing shall occur until such time as a security plan which has been approved by the Police Department and City Planner is in effect.

24. That the owner/operator shall maintain a video camera system that includes the following:
- a) Half an hour prior to, during, and half an hour after the times of live entertainment, a fully functional color digital video camera must be in place to record the activities of patrons on the premises. The interior of the business must have at least one camera placed to focus on each area where alcoholic beverages are being dispensed (this shall include the outdoor patio area and billiard room), Additionally, there shall be at least one camera placed to focus on each of the following areas; front door(s) and/or entry area, any area outside where patrons wait to enter the establishment, and the majority of the open floor space area in the establishment.
 - b) The camera storage capacity should be for at least ten (10) calendar days. The system must continuously record, store, be capable of playing back images and be fully functional at all times.
25. The operation will be assessed/evaluated by City of Visalia Departments quarterly (4 times) within the first year of business, bi-annually (2 times) within the second year of business, and annually for every year thereafter to ensure adherence to this CUP and their Security Plan to determine whether modifications are necessary due to public safety, public nuisance, or ABC sales related problems occur. This includes but is not limited to the change of the age requirement to 21 years of age and over.
26. That all of the conditions and responsibilities of Conditional Use Permit No. 2017-23 run with the land. The owner/operator shall provide a copy of this resolution and conditions of approval to any and all subsequent owners/operators, who shall be subject to all of the conditions herein unless amended or revoked.
27. Failure to comply with all conditions as set forth may result in the revocation of Conditional Use Permit No. 2017-23, per Visalia Municipal Code Section No. 17.38.040.
28. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2017-23.
29. That all applicable federal, state and city laws, codes and ordinances be met, including all necessary licenses from the California Department of Alcoholic Beverage Control.

Commissioner Hansen offered the motion to this resolution. Commissioner Peck seconded the motion and it carried by the following vote:

AYES: Commissioners Hansen, Peck, Wynn, Gomez, Taylor

NOES:

ABSTAINED:

ABSENT:

STATE OF CALIFORNIA)
 COUNTY OF TULARE) ss
 CITY OF VISALIA)

ATTEST: Josh McDonnell, AICP Assistant Director / City Planner

I, Josh McDonnell, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2017-40, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on June 26, 2017.

Josh McDonnell, Assistant Director / City Planner

Brett Taylor, Chairperson

SPR 19 173
SMILY BREWING CO.
605 E. MAIN ST.

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. **20% OF THE PERMIT VALUE SHALL BE USED FOR "PATH OF TRAVEL" ADA UPGRADES.**
- 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. **VERIFY SUB. IMPROVEMENT FOR FLOOD PROOFING**
- 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 5% OF DINING AND STANDING SPACE SHALL BE ACCESSIBLE. ALL EXITS SHALL HAVE AN ACCESS ROUTE TO THE PUBLIC WAY. PROVIDE ACCESS MAIN GATES TO PROVIDE ACCESS TO THE PUBLIC WAY. DEFINE THE OCCUPANT LOAD AND THE OCCUPANCY CLASSIFICATION.**

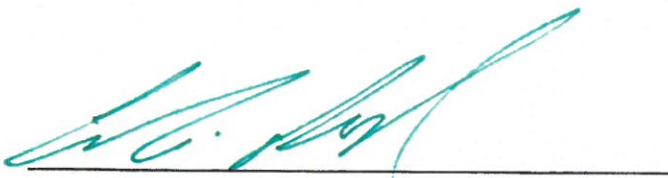
Signature
VAL GARCIA 10/23/19



Site Plan Comments
Visalia Fire Department
Corbin Reed, Fire Marshal
420 N. Burke
Visalia CA 93292
559-713-4272 office
prevention.division@visalia.city

| | |
|-------------|--------------------|
| Date | October 23, 2019 |
| Item # | 2 |
| Site Plan # | 19-173 Resubmittal |
| APN: | 094-235-021 |

- 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.
- This item is a **resubmittal**. Please see comments from previous submittals.
- Special comments: *TWO EXITS REQUIRED.*



Corbin Reed
Fire Marshal

SPR - 19 - 173

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

Site Plan Review Comments

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

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

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

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

- Access Controlled / Restricted etc:

- Lighting Concerns:

- Landscaping Concerns:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns: REFER TO PRIOR COMMENTS
K. GRANT, A20

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

October 23, 2019

| ITEM NO. 2 | RESUBMITTAL |
|----------------|--------------------|
| SITE PLAN NO: | SPR 19-173 |
| PROJECT TITLE: | Simply Brewing Co. |
| DESCRIPTION: | Tenant Improvement |
| APPLICANT: | Sparshott |
| OWNER: | Justin Cates |
| APN: | 094-235-021 |
| LOCATION: | 605 E. Main St |

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

- No Comments
- See Previous Site Plan Comments
- Install Street Light(s) per City Standards.
- Install Street Name Blades at Locations.
- Install Stop Signs at Locations.
- Construct parking per City Standards PK-1 through PK-4.
- Construct drive approach per City Standards.
- Traffic Impact Analysis required (CUP)
 - Provide more traffic information such as . Depending on development size, characteristics, etc., a TIA may be required.
- Additional traffic information required (Non Discretionary)
 - Trip Generation - Provide documentation as to concurrence with General Plan.
 - Site Specific - Evaluate access points and provide documentation of conformance with COV standards. If noncomplying, provide explanation.
 - Traffic Impact Fee (TIF) Program - Identify improvements needed in concurrence with TIF.

Additional Comments:

•



Leslie Blair

Site Plan Review Comments For:

California Water Service
Stuart Skoglund, Superintendent
216 N. Valley Oaks Dr.
Visalia, CA 93292
559-624-1662 Office
559-735-3189 Fax

Date: 10/23/2019
Item # 2
Site Plan # 19-173
Project: Simply Brewing
Description:
Applicant:
Location: 605 E Main
APN:

The following comments are applicable when checked:

- No additional comments at this time

- Fire Hydrants
Comments-

- Services
Comments-

- Mains
Comments-

- Backflow requirements
Comments-

Additional Comments:


Stuart Skoglund
Superintendent

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

19173

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** Customer will be required to roll all containers out to curb for service, and must return after collection. Solid Waste will require a written agreement Per Visalia Municipal Code 8.28.040 1. C. AGREEMENT FOR SOLID WASTE SERVICES
CONDITIONS ALLOWING NON-STANDARD SOLID WASTE ENCLOSURE DESIGN

Jim Ross, Solid Waste Manager, 559-713-4533
Edward Zuniga, Solid Waste Supervisor, 559-713-4338 

Site Plan Review Comments For:

California Water Service
Stuart Skoglund, Superintendent
216 N. Valley Oaks Dr.
Visalia, CA 93292
559-624-1662 Office
559-735-3189 Fax

Date: 09/25/2019
Item # 5
Site Plan # 19-173
Project: Simple Brewing Co
Description:
Applicant:
Location: 605 E Main
APN:

The following comments are applicable when checked:

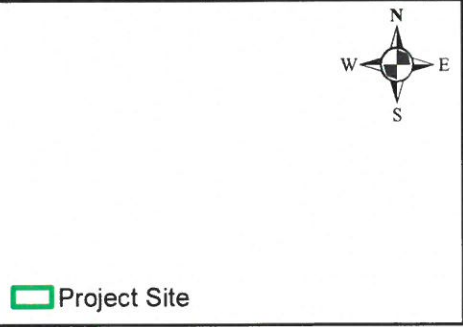
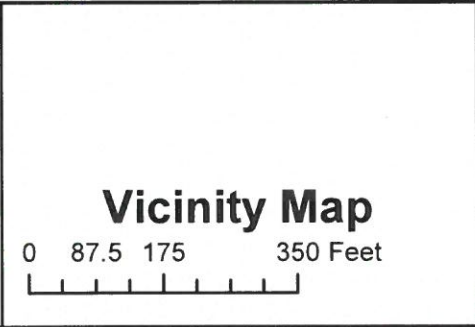
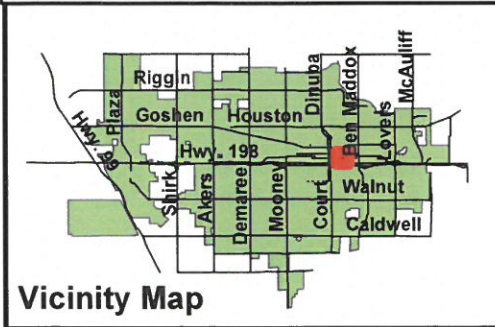
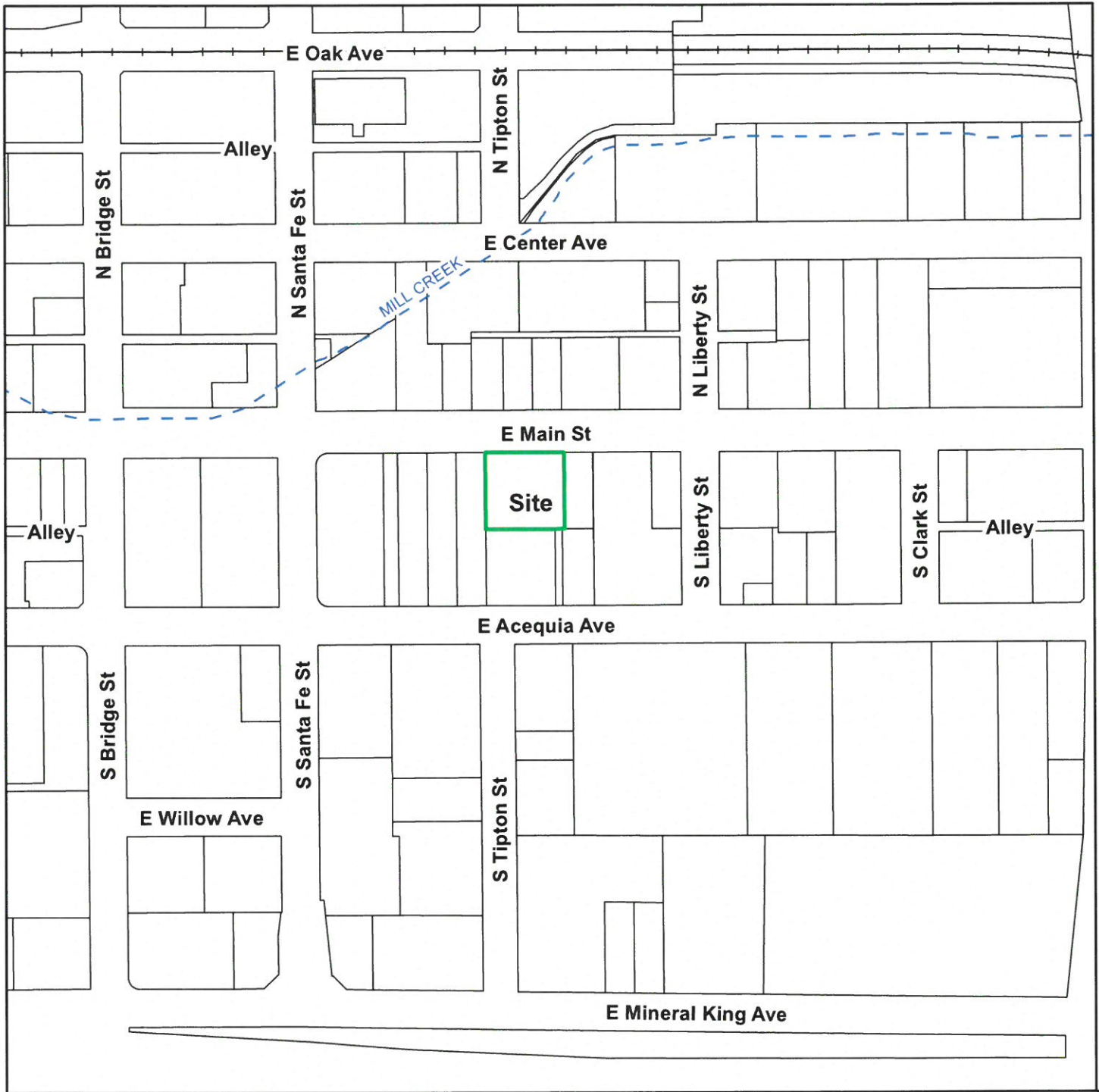
- No Comments at this time
- Fire Hydrants
Comments-
- Services
Comments- City of Visalia Fire Dept is going to require fire sprinklers so a new fire service will need to be installed. The existing domestic service might be too small. The owner will need to pay for the new service if it needs to be upgraded.
- Mains
Comments-
- Backflow requirements
Comments- A backflow device will be required on the domestic and fire service.

Additional Comments:

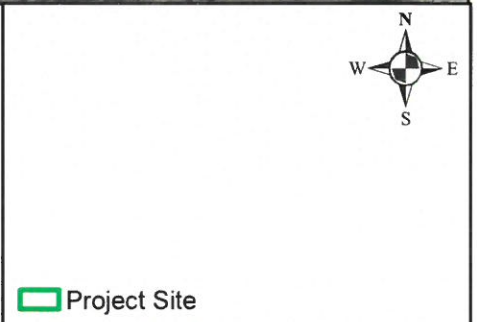
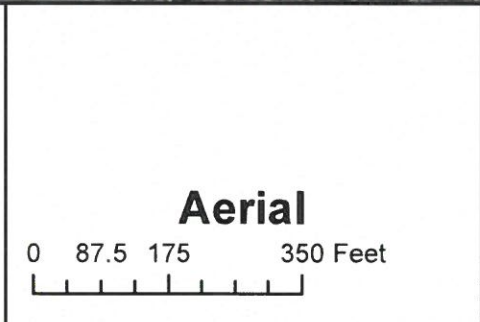
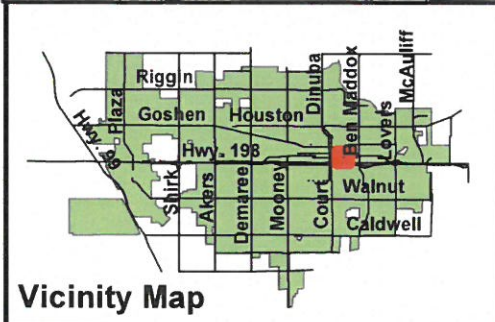
- I gave a new business packet to the representative and suggested they get started on the water process very soon.

Stuart Skoglund
Superintendent

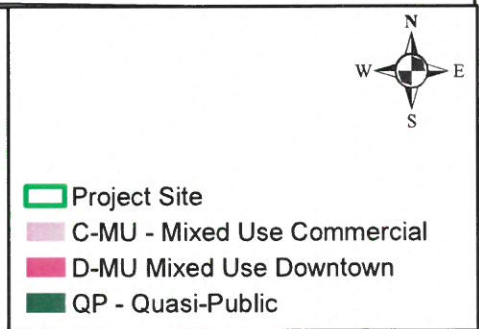
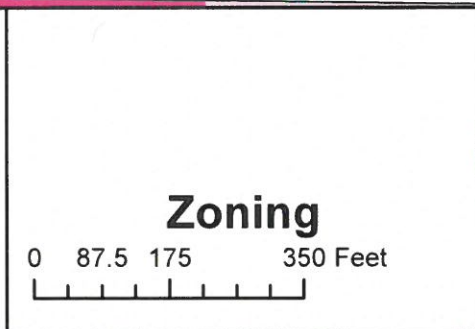
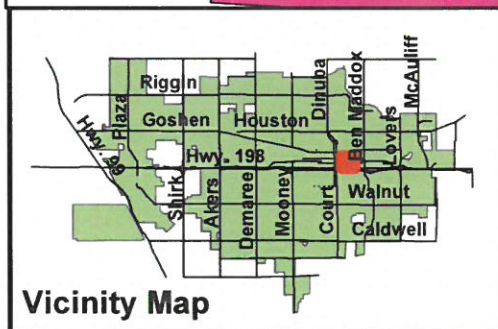
Conditional Use Permit No. 2019-44
 The project site is located on the south side of East Main St.
 Between South Santa Fe and South Liberty Streets
 (APN: 094-235-021)



Conditional Use Permit No. 2019-44
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 Between South Santa Fe and South Liberty Streets
 (APN: 094-235-021)



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