

PLANNING COMMISSION AGENDA

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

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

COMMISSIONERS: Mary Beatie, Chris Gomez, Marvin Hansen, Sarrah Peariso, Adam Peck

MONDAY AUGUST 10, 2020 AT 7:00 P.M., AT THE VISALIA CONVENTION CENTER LOCATED AT 303 E. ACEQUIA AVE. 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.

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. CHANGES OR COMMENTS TO THE AGENDA –
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - No Items on the Consent Calendar
5. PUBLIC HEARING – Josh Dan, Associate Planner
 - Tentative Parcel Map No. 2020-05: A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. to divide a 6.86 acre parcels into two parcels measuring 0.88 acres and 5.98 acres, located in the C-R (Regional Commercial) Zone District. The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-43.
 - Conditional Use Permit No. 2020-19: A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. requesting the division of a parcel into two lots, with no public street access, and with less than the minimum five (5) acre size requirement, in the C-R (Regional Commercial) Zone District. The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-43.
 - Variance No. 2020-07: A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. to allow a variance from the standard 20-foot landscape buffer required

in the C-R (Regional Commercial) Zone District to optimize business visibility from the roadway. The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048) The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Categorical Exemption No. 2020-43.

6. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Monday, August 24, 2020.

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, AUGUST 20, 2020 BEFORE 5 PM

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

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



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: August 10, 2020

PROJECT PLANNER: Josh Dan
Associate Planner, (559) 713-4003
E-mail: josh.dan@visalia.city

SUBJECT: Tentative Parcel Map No. 2020-05: A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. to divide a 6.86 acre parcels into two parcels measuring 0.88 acres and 5.98 acres, located in the C-R (Regional Commercial) Zone District.

Conditional Use Permit No. 2020-19: A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. requesting the division of a parcel into two lots, with no public street access, and with less than the minimum five (5) acre size requirement, in the C-R (Regional Commercial) Zone District.

Variance No. 2020-07: A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. to allow a variance from the standard 20-foot landscape buffer required in the C-R (Regional Commercial) Zone District to optimize business visibility from the roadway.

Location: The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048)

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2020-40 for Tentative Parcel Map No. 2020-05. Staff's recommendation is based on the conclusion that the parcel map, as conditioned, is consistent with the policies of the City's Zoning Ordinance and Subdivision Ordinance.

Staff recommends approval of Conditional Use Permit No. 2020-19 based upon the findings and conditions in Resolution No. 2020-41. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

Staff recommends approval of Variance No. 2020-07 based upon the findings and conditions in Resolution No. 2020-42. Staff's recommendation is based on the conclusion that the request is consistent with the General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Tentative Parcel Map No. 2020-05 based on the findings and conditions in Resolution No. 2020-40.

I move to approve Conditional Use Permit No. 2020-19 based on the findings and conditions in Resolution No. 2020-41.

I move to approve Variance No. 2020-07 based on the findings and conditions in Resolution No. 2020-42.

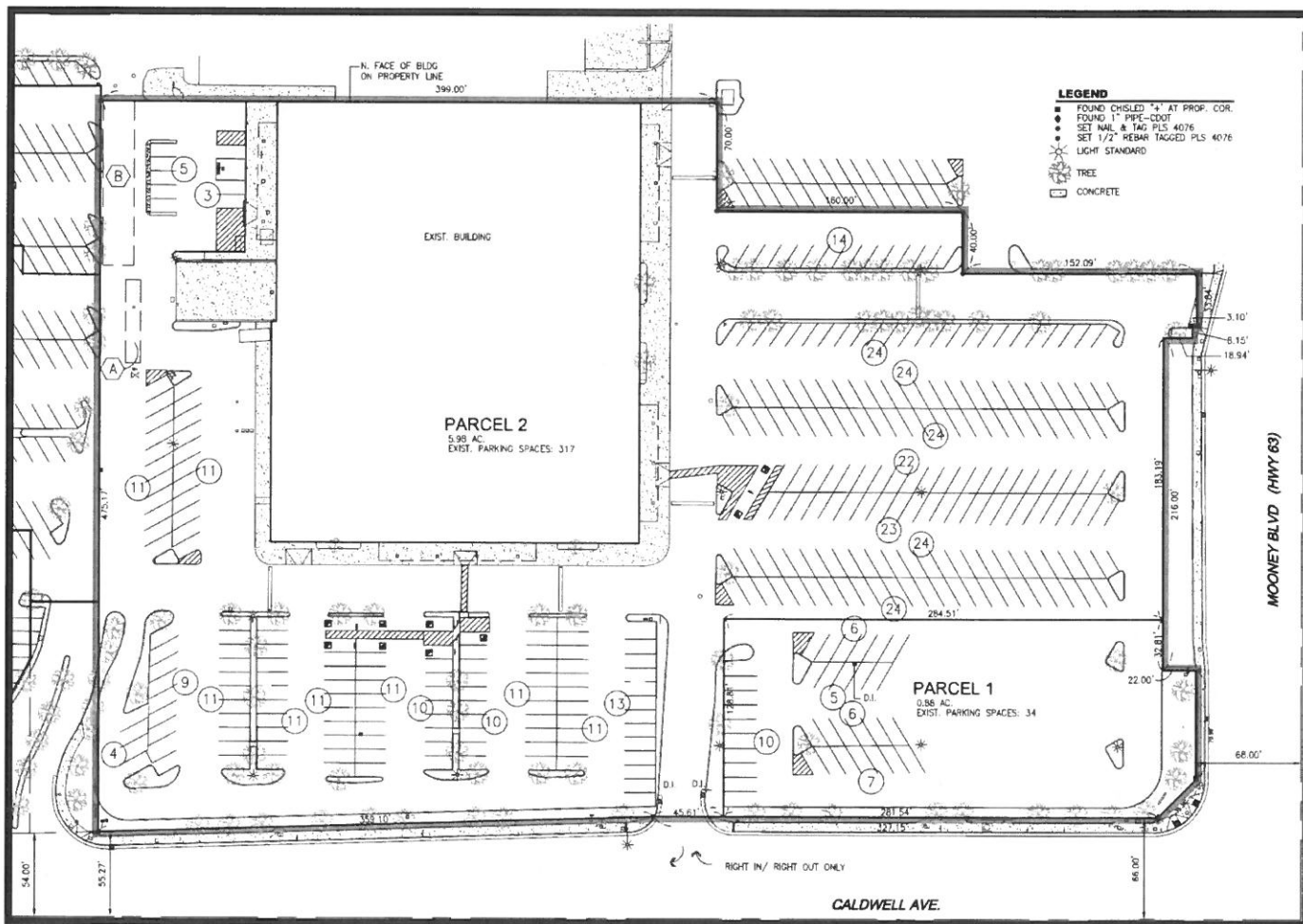
PROJECT DESCRIPTION

Tentative Parcel Map No. 2020-05

Tentative Parcel Map No. 2020-05 is a request to subdivide the Sequoia Mall's southeast parcel, which measure 6.86 acres, in into two parcels. The parcel map will establish a new

parcel (Parcel 1) for the proposed Raising Canes restaurant. If approved, these parcels will respectively measure 5.98 acres and 0.88 acres (see Exhibit A and the image below).

The site is developed and the existing building was occupied by the former Sears store and parking lot, which is part of the Sequoia Mall.



Conditional Use Permit No. 2020-19

The associated Conditional Use Permit (CUP) is a request to create a lot in the Regional Commercial (CR) zone that is less than five (5) acres in size and will not have direct access to public streets. Access to Parcel 1 will be provided via a shared access agreement with Parcel 2 of the tentative parcel map. Parcel 2, the former Sears site, has existing vehicular access to both Mooney Boulevard and Caldwell Avenue.

Variance No. 2020-07

The applicant submitted the variance in response to correspondence received from the California Department of Transportation (Caltrans) requesting an irrevocable offer of dedication (IOD) of fifteen (15) feet along Mooney Boulevard (see Exhibit "D"). The development of Parcel 1 requires 35-feet of landscaping along Mooney Boulevard. The 35-feet would account for both the 15 foot IOD and the 20 foot front yard setback requirement per the C-R zone. As a result of the required 35 foot landscape setback along Mooney Boulevard, the applicant submitted a Variance application seeking approval of a 21.4 foot landscape setback in the interim. The proposed 21.4 foot setback accounts for the 15 IOD and still allows the site to retain a 6.4 foot front landscape setback area along Mooney Boulevard after Caltrans proceeds with their future street widen project.

The applicant has prepared responses to the five required variance findings to support their variance request. The applicant's findings are included as Exhibit "C". The applicant's findings cite the width of the project site, lack of landscape setbacks on nearby properties, and placement of additional landscaping outside of setback areas as justifications for approval of the variance request.

Site Development

The applicant/developer is seeking approval of these entitlements which will aid in developing Parcel 1 with a new 3,198 square foot Raising Canes restaurant with a drive-thru lane. The proposed restaurant with drive-thru is permitted by right pursuant to Chapter 17.25.030 of the Visalia Municipal Code. The drive-thru complies with the Drive-thru lanes performance standards of Section 17.32.162 of the Visalia Municipal Code.

The portion of the parking lot, which is proposed to be subdivided to create the new parcel, is also used for the weekly held Visalia Farmers Market; however, the applicant has not expressed what will become of the market.

BACKGROUND INFORMATION

| | |
|-----------------------------------|--|
| General Plan Land Use Designation | Regional Commercial |
| Zoning | Regional Commercial |
| Surrounding Land Use and Zoning | North: C-R / Sequoia Mall parking lot / Rabobank Bank South: C-R / W. Caldwell Ave. / Valero Gas Station East: C-R / S. Mooney Blvd. / Stanton Optical West: C-R – Sequoia Mall parking lot |
| Environmental Review: | Categorical Exempt No. 2020-43 |
| Special Districts | None |
| Site Plan | Site Plan Review No. 2020-50 & 2020-63 |

RELATED PLANS & POLICIES

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

RELATED PROJECTS

Variance No. 2017-01: A request by West End Partners, LLC to allow a reduction to the minimum landscape setbacks for a new retail building with drive-thru in the C-R (Regional Retail Commercial) Zone, located at 2032 S. Mooney Blvd. The Planning Commission approved the proposal on February 27, 2017.

Variance No. 2019-06: A request by Rooted Investments, LLC to allow a variance from the required 15-foot front yard and 10-foot street side yard landscaping setbacks, for a proposed 6,550 sq. ft. commercial shell building in the C-MU (Mixed Use Commercial) Zone, located at 708, 718, & 728 S. Mooney Avenue. The Planning Commission approved the proposal on July 8, 2019.

PROJECT EVALUATION

Consistency with Zoning and Subdivision Ordinances

Establishment of a parcel, with an area less than five (5) acres, in the C-R Zone is conditionally permitted with the approval of a CUP and a development plan depicting the ability of the site to provide on-site vehicular circulation and pedestrian connectivity between each of the proposed parcels / commercial building pads. The surrounding area is currently zoned similarly, containing a mix of various regional commercial uses, and many of which are on lots smaller than five (5) acres. As such, the creation of an individual lot for the proposed tenant is consistent with the surrounding land uses.

Staff concludes the proposed entitlements are consistent with existing and future commercial land uses in the area. Both Mooney Boulevard and Caldwell Avenue are major arterial roadways and re-development of this site will provide additional commercial opportunities along the Mooney Boulevard corridor. With the future development of Parcel 1, the catalyst for revitalizing Sequoia Mall could be initiated by the construction proposed with this project.

Planned Development Requirement

The minimum site area for properties in the C-R zone is five acres (ref. Municipal Code Section 17.18.070.A). However, according to Municipal Code Section 17.26.040 pertaining to Planned Developments, the Planning Commission may consider lot sizes smaller than the minimum site area if "there are unique circumstances (shape, natural features, location, etc.) which would deprive the land owner of development potential consistent with other properties classified in the same underlying zone."

The Site Plan Review Committee reviewed and issued a "Revise and Proceed" to the development plan and circulation pattern proposed for the site. The Site Plan Review Committee subsequently reviewed the proposed parcel map and has made the determination that the parcel map corresponds to the development plan and is consistent with City development standards. The proposed parcel map and planned development ultimately allow for the site to be developed while maintaining access points that minimize vehicle conflicts on Mooney Boulevard and Caldwell Avenue.

Improvements to Right-of-Ways, Access and Circulation

All frontage improvements exist along both Mooney Boulevard and Caldwell Avenue. Caltrans has requested a fifteen (15) foot Irrevocable Offer of Dedication (IOD) be included and recorded on the final map. Caltrans has not identified a date when the IOD will be needed to widen Mooney Boulevard. Consequently, the approval of the proposed site would produce a parcel without public street access and will rely on access from an existing access points to the north and west of the site, on Parcel 2, requiring a cross access agreement (see Parcel Map and CUP Condition No. 3).

Shared Parking

As described earlier in the report, the proposed parcel will establish in an area which serves as parking lot area to the Sequoia Mall. Based on the proposed use's building area of 3,198 square feet, a minimum of 21 parking spaces are required. The site plan (Exhibit "A") indicates 16 parking spaces will be provided on the new parcel if approved. The additional 5 parking spaces required for the new restaurant will be utilized through the requirement of a shared

parking agreement with the mall property (i.e., parking lot to the north of the proposed site) as expressed in CUP Condition No. 4 and Parcel Map Condition No. 5.

Subdivision Map Act Findings

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

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

| <u>GC Section 66474 Finding</u> | <u>Analysis</u> |
|---|--|
| (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451. | The proposed map has been found to be consistent with the City’s Zoning Ordinance. This is included as recommended Finding No. 1 of the Tentative Subdivision Map. |
| (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans. | The proposed design and improvement of the map has been found to be consistent with the City’s Zoning Ordinance. This is included as recommended Finding No. 2 of the Tentative Subdivision Map. There are no specific plans applicable to the proposed map. |
| (c) That the site is not physically suitable for the type of development. | The site is physically suitable for the commercial development type described on the proposed map. This is included as recommended Finding No. 3 of the Tentative Subdivision Map. |
| (d) That the site is not physically suitable for the proposed density of development. | The site is physically suitable for the proposed residential use. This is included as recommended Finding No. 4 of the Tentative Subdivision Map. |
| (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. | The proposed design and improvement of the map has been not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat. This is included as recommended Finding No. 5. |
| (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems. | The proposed design of the map has not been found to cause serious public health problems. This is included as recommended Finding No. 2 of the Tentative Subdivision Map. |

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property. This is included as recommended Finding No. 3 of the Tentative Subdivision Map.

Variance Findings

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

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

Applicant's Findings:

- Granting of the variance will help address a significant objective of the Zoning Ordinance to promote the goals and policies of the General Plan. The General Plan promotes infill development and revitalization of the S. Mooney Corridor with commercial redevelopment opportunities. This initial project is the first step in the redevelopment of the Sequoia Mall.

Staff Analysis:

Staff concurs with the applicant. The site is part of the larger Sequoia Mall site, and the creation of the proposed parcel and addition of the proposed use will be in direct support of General Plan Land Use Policy LU-P-61. This policy expresses the support of continued development and revitalization of listed corridors, of which Mooney Boulevard (between Noble and Caldwell) is one of them. Additionally, the minimum site area for lots within the CR Zone is five (5) acres. At 0.88 acres, the project site is undersized, providing less available space to accommodate landscape setback requirements in addition to the Caltrans IOD of fifteen (15) feet. Consequently, standards for travel lane widths and drive-thru lane separation additionally reduce available land for meeting landscaping standards.

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

Applicant's Findings:

- The project when constructed will have a building set back from Mooney Blvd of 44.5 feet. After a possible Caltrans exercise of the 15 foot dedication, there will still be a 25.5 foot building set back vs the minimum requirement of 20 feet. A Caltrans taking will result in the initial landscape set back reducing to 17.5 feet versus the required 20 feet.

Staff Analysis:

Staff concurs with the applicant. The undersized lot contains little room to provide distances needed to fulfill the Caltrans IOD requirement of fifteen (15) feet, a twenty (20)

foot front yard setback, and the dimensional requirements of the drive-thru lane. When these are all taken into account the available area is reduced to provide 6.4 feet of landscaped area between the IOD and drive through lane, which is still greater than most landscaping provided by similarly zoned parcels along the Mooney Boulevard corridor.

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

Applicant's Findings:

- There are certainly other properties on Mooney Blvd. that have landscape setback deficiencies much greater than 2.5 feet.

Staff Analysis:

Staff concurs with the applicant. There are sites along the Mooney Blvd. corridor within the vicinity of the project site that are similarly zoned, with frontages that do not contain landscaped setbacks. Staff notes that those sites were likely compliant at the time of construction. Nonetheless, the Planning Commission has as recently as 2017 approved reductions to landscaped setbacks for sites along Mooney Blvd. Specifically the site of the future Dunkin' Donuts on the southeast corner of Mooney Blvd. and Walnut Avenue obtained a Variance for the reduction of front, side, and rear landscaped setbacks.

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

Applicant's Findings:

- If Caltrans ever exercises the 15 feet offer of dedication, the full building setback will remain and result in only a loss of 2.5 feet of landscaping. This will not represent a special privilege.

Staff Analysis:

There are a large number of, similarly zoned, properties located along the Mooney Blvd. corridor which contain reduced or nonexistent landscape setbacks along their street frontages. The end product of the proposal will still result in landscape setbacks (6.4 feet) that are greater than other properties in the same area and zone. Additionally, the proposal includes a 7.9 foot wide landscape area between the drive-thru lane and outdoor seating area, effectively retaining the appearance of compliant overall landscape requirements.

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

Applicant's Findings:

- The loss of only 2 ½ feet of landscape area will have no impact to the public health, safety or welfare of anyone.

Staff Analysis:

Staff concurs with the applicant. The variance will not be detrimental to the public as the variance will still provide adequate setback of the building, and should Caltrans act on their

IOD, the building would still be setback further than required by the zoning ordinance. This will additionally provide adequate visibility for vehicles and pedestrians approaching the intersection. Even with the proposed variance, the proposed setbacks will be greater than what exists on many sites along the Mooney Blvd. corridor at present.

Environmental Review

The project is considered to be categorically exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for in-fill development projects (Categorical Exemption No. 2020-43).

RECOMMENDED FINDINGS

Tentative Parcel Map No. 2020-05

1. That the proposed tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing commercial development and there are no specific plans applicable to the proposed map.
3. That the site is physically suitable for the purposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.
4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Regional Commercial General Plan Land Use Designation. The proposed location and layout of the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance
5. That the proposed design and improvement of the proposed tentative parcel map has been not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.
6. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-43).

Conditional Use Permit No. 2020-19

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of General Plan Land Use Policy No. 61:

LU-P-61 Support the continued development and revitalization of the following corridors as integral parts of the community, with offices, commercial uses, multi-family residential, and mixed use developments.

- Mooney Boulevard between Noble and Caldwell.

3. 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. The site is bordered by similar commercial uses and will not change current uses along S. Mooney Blvd.
4. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-43)

Variance 2020-07

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

Due to the restricted size of the parcel there is not enough space to provide the full landscape setback between the property line (adjusted to meet Caltrans IOD) and the proposed drive-thru lane. To offset, the site will be developed with landscaping between the drive-thru isle and the building.

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

By requesting an Irrevocable Offer of Dedication (IOD) on this parcel, Caltrans has required the applicant to reduce required front yard landscaping area not currently imposed upon neighboring buildings or other buildings along S. Mooney Blvd.

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

Reduction in their overall property, as a result of the Caltrans IOD, places a hardship on the developer to comply with landscaping requirements not currently presented by other, similarly zoned, sites in the vicinity. Currently, buildings neighboring the subject property benefit from providing little or no landscaping along their Mooney Blvd. frontage.

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

There are a large number of properties located along the Mooney Blvd. corridor which contain reduced or nonexistent landscape setbacks along their street frontages. The end product of the proposal will still result in landscape setbacks that are greater than other properties in the same area and zone.

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

As this is only a reduction in landscape area along the street due to the location of the drive-thru, the site will be developed with additional landscaping in the area between the drive-thru isle and the building. There will be no detriment to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity

6. That the project is considered Categorical Exempt under Section 15332 of the Guidelines for Implementation of California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-43).

RECOMMENDED CONDITIONS OF APPROVAL

Tentative Parcel Map No. 2020-05

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2020-05 and 2020-63.
2. That Tentative Parcel Map No. 2020-05 be prepared in substantial compliance with Exhibit "A".
3. That the setbacks for the Parcel's 1 and 2 shall comply with the CR (Regional Commercial) standards for the front, side, and rear yard setbacks.
4. That an agreement addressing vehicular access, utilities, and any other pertinent infrastructure or services shall be recorded with the final parcel map. The agreement shall address property owners' responsibility for repair and maintenance of the easement, repair and maintenance of shared public or private utilities, and shall be kept free and clear of any structures excepting solid waste enclosures. The City Planner and City Engineer shall review for approval this agreement verifying compliance with these requirements prior to recordation. The agreement shall be recorded prior to the issuance of any building permits on the master planned site.
5. That required parking not currently provided onsite be granted use in the larger Sequoia Mall Parking lot through the means of a shared parking agreement.
6. That all other federal, state and city codes, ordinances and laws be met.

Conditional Use Permit No. 2020-19

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2020-05 and 2020-63.
2. That the setbacks for the Parcel's 1 and 2 shall comply with the CR (Regional Commercial) standards for the front, side, and rear yard setbacks.
3. That access to the public road be provided to Parcel 1 through Parcel 2 in the form of a shared access agreement.
4. That required parking not currently provided onsite be granted use in the larger Sequoia Mall Parking lot through the means of a shared parking agreement.
5. That all other federal, state and city codes, ordinances and laws be met.

Variance 2020-07

1. That Variance No. 2020-07 shall be developed consistent with the site plan included as Exhibit "B".
2. That the use be operated in substantial compliance with the comments from the approved Site Plan Review Nos. 2020-05 and 2020-063.

3. That the total 21.4 foot setback area be landscaped and maintained at all times until such time Caltrans acts on developing the 15 foot IOD area.
4. That the monument sign shall be permitted within five feet of the front property line (i.e., Mooney Boulevard) as depicted per Exhibit "B". However, when Caltrans proceeds with developing and improving the 15 foot IOD area, the monument sign shall be relocated at the cost of the property owner, and shall be subject to all sign standards as required per Section 17.48 (Signs) of the Visalia Municipal Code.
5. That all other Federal, State, Regional, and City codes and ordinances be met.

APPEAL INFORMATION

According to the City of Visalia Subdivision Ordinance Section 16.04.040 and Zoning Ordinance Section 17.02.145 an appeal to the City Council may be submitted within ten calendar days following the date of a decision by the Planning Commission on a tentative subdivision map or tentative parcel map application. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street, Visalia California. 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 Nos. 2020-40, 2020-41, & 2020-42
- Exhibit "A" - Site Plan – Tentative Parcel Map
- Exhibit "B" – IOD Site Plan
- Exhibit "C" – Variance Findings
- Exhibit "D" – Caltrans Letter – Request of IOD
- Categorical Exemption No. 2020-43
- Site Plan Review Comments Nos. 2020-50 & 2020-63
- General Land Use Map
- Zoning Map
- Aerial Map
- Location Map

Conditional Use Permits

(Section 17.38)

17.38.010 Purposes and powers.

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

17.38.020 Application procedures.

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

17.38.030 Lapse of conditional use permit.

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

17.38.040 Revocation.

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

17.38.050 New application.

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

17.38.060 Conditional use permit to run with the land.

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

17.38.065 Abandonment of conditional use permit.

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

17.38.070 Temporary uses or structures.

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.

- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice.

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

17.38.090 Investigation and report.

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

17.38.100 Public hearing--Procedure.

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

17.38.110 Action by planning commission.

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

17.38.120 Appeal to city council.

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

17.38.130 Effective date of conditional use permit.

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

ZONING ORDINANCE, TITLE 17 OF VISALIA MUNICIPAL CODE

EXCERPT FROM CHAPTER 17.19: MIXED USE ZONES

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

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

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 - 1. Front: fifteen (15) feet;
 - 2. Rear: zero (0) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 4. Side: zero (0) feet;
 - 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 - 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 - 1. Front: fifteen (15) feet;
 - 2. Rear: five (5) feet;
 - 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 - 4. Side: five (5) feet (except where a building is located on side property line);
 - 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
 - 6. Street side on corner lot: ten (10) feet.
- E. The provisions of Chapter 17.58 shall also be met, if applicable.

CHAPTER 17.42: VARIANCES

17.42.010 Variance purposes.

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

17.42.020 [Reserved]

17.42.030 Variance powers of city planning commission.

The city planning commission may grant variances to the regulations prescribed by this title with respect to fences and walls, site area, width, frontage coverage, front yard, rear yard, side yards, height of structures, distance between structures, off-street parking facilities, accessory dwelling unit standards

pursuant to Sections 17.12.140 through 17.12.200, and downtown building design criteria pursuant to Section 17.58.082 through 17.58.088; in accordance with the procedures prescribed in this chapter.

17.42.040 [Reserved]

17.42.50 Application procedures.

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

17.42.060 Hearing and notice.

- A. The city planning commission shall hold a public hearing on an application for a variance.
- B. Notice of a public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing.

17.42.070 Investigation and report.

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

17.42.080 Public hearing procedure.

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

17.42.090 Variance action of the city planning commission.

- A. The city planning commission may grant a variance to a regulation prescribed by this title with respect to fences and walls, site area, width, frontage, coverage, front yard, rear yard, side yards, height of structures, distances between structures or landscaped areas or in modified form if, on

the basis of the application, the report of the city planning staff or the evidence submitted, the commission makes the following findings:

1. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the objectives of the zoning ordinance;
 2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zone;
 3. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zone;
 4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zone;
 5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. The city planning commission may grant a variance to a regulation prescribed by this title with respect to off-street parking facilities, if, on the basis of the application, the report of the city planner or the evidence submitted the commission makes the findings prescribed in subsection (A)(1) of this section and that the granting of the variance will not result in the parking of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- C. A variance may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe.
- D. The city planning commission may deny a variance application.

17.42.100 [Reserved]

17.42.110 Appeal to city council.

The decision of the city planning commission on a variance or exception application shall be subject to the appeal provisions of Section 17.02.145.

17.42.120 Lapse of variance.

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

17.42.130 Revocation.

A variance granted subject to a condition or conditions shall be revoked by the city planning commission if the condition or conditions are not complied with.

17.42.140 New application.

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

RESOLUTION NO. 2020-40

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING TENTATIVE PARCEL MAP NO. 2020-05, A REQUEST BY PAYNTER REALTY ON BEHALF OF CALDWELL MOONEY PARTNERS I, L.P. TO DIVIDE A 6.86 PARCEL INTO TWO PARCELS MEASURING 0.88 ACRES AND 5.98 ACRES, LOCATED IN THE CR (REGIONAL COMMERCIAL) ZONE DISTRICT. THE PROJECT SITE IS LOCATED ON THE NORTHWEST CORNER OF SOUTH MOONEY BOULEVARD AND WEST CALDWELL AVENUE. (APN 121-110-048)

WHEREAS, Tentative Parcel Map No. 2020-05, A request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. to divide a 6.86 acre parcels into two parcels measuring 0.88 acres and 5.98 acres, located in the C-R (Regional Commercial) Zone District. The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice scheduled a public hearing before said commission on August 10, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds Tentative Parcel Map No. 2020-05, as conditioned, in accordance with Section 16.28.070 of the Ordinance Code of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and,

WHEREAS, the project is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2020-43).

NOW, THEREFORE, BE IT RESOLVED, that Categorical Exemption No. 2020-43 was prepared finding the project exempt under CEQA Section 15332 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 tentative parcel map, as conditioned, is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance.
2. That the proposed tentative parcel map will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, nor is it likely to cause serious public health problems. The proposed tentative parcel map would be compatible with adjacent land uses. The project site is bordered by existing commercial development and there are no specific plans applicable to the proposed map.
3. That the site is physically suitable for the purposed tentative parcel map and is compatible with adjacent land uses and the proposed design of the map does not conflict with any existing or proposed easements located on or adjacent to the subject property.

4. That the site is physically suitable for the proposed tentative parcel map and the project's use, which is consistent with the underlying Regional Commercial General Plan Land Use Designation. The proposed location and layout of the Tentative Parcel Map, its improvement and design, and the conditions under which it will be maintained is consistent with the policies and intent of the Zoning Ordinance and Subdivision Ordinance
5. That the proposed design and improvement of the proposed tentative parcel map has been not been found likely to cause environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-43).

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 project be developed consistent with the comments and conditions of the Site Plan Review No. 2020-05 and 2020-63.
2. That the setbacks for the Parcel's 1 and 2 shall comply with the CR (Regional Commercial) standards for the front, side, and rear yard setbacks.
3. That access to the public road be provided to Parcel 1 through Parcel 2 in the form of a shared access agreement.
4. That required parking not currently provided onsite be granted use in the larger Sequoia Mall Parking lot through the means of a shared parking agreement.
5. That all other federal, state and city codes, ordinances and laws be met.

RESOLUTION NO. 2020-41

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2020-08, A REQUEST BY PAYNTER REALTY ON BEHALF OF CLADWELL MOONEY PARTNERS I, L.P. REQUESTING THE DIVISION OF A PARCEL INTO TWO LOTS, WITH NO PUBLIC STREET ACCESS, AND WITH LESS THAN THE MINIMUM FIVE (5) ACRE SIZE REQUIREMENT, INT EH C-R (REGIONAL COMMERCIAL) ZONE DISTRICT. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF SOUTH MOONEY BOULEVARD AND WEST CALDWELL AVENUE.
(APN: 121-110-048)

WHEREAS, Conditional Use Permit No. 2020-19, is a request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. requesting the division of a parcel into two lots, with no public street access, and with less than the minimum five (5) acre size requirement, in the C-R (Regional Commercial) Zone District. The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048); and

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

WHEREAS, the Planning Commission of the City of Visalia finds the Conditional Use Permit No. 2020-19, 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 15332.

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan, and Zoning Ordinance. Specifically, the project is consistent with the required findings of General Plan Land Use Policy No. 61:

LU-P-61 Support the continued development and revitalization of the following corridors as integral parts of the community, with offices, commercial uses, multi-family residential, and mixed use developments.

- Mooney Boulevard between Noble and Caldwell.

3. 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. The site is bordered by similar commercial uses and will not change current uses along S. Mooney Blvd.

4. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-43)

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

1. That the project be developed consistent with the comments and conditions of the Site Plan Review No. 2020-05 and 2020-63.
2. That the setbacks for the Parcel's 1 and 2 shall comply with the CR (Regional Commercial) standards for the front, side, and rear yard setbacks.
3. That access to the public road be provided to Parcel 1 through Parcel 2 in the form of a shared access agreement.
4. That required parking not currently provided onsite be granted use in the larger Sequoia Mall Parking lot through the means of a shared parking agreement.
5. That all other federal, state and city codes, ordinances and laws be met.

RESOLUTION NO. 2020-42

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING VARIANCE NO. 2020-04, A REQUEST BY PAYNTER REALTY ON BEHALF OF CALDWELL MOONEY PARTNERS I, L.P. TO ALLOW A VARIANCE FROM THE STANDARD 20-FOOT LANDSCAPE BUFFER REQUIRED IN THE C-R (REGIONAL COMMERCIAL) ZONE DISTRICT TO OPTIMIZE BUSINESS VISIBILITY FROM THE ROADWAY. THE PROJECT IS LOCATED ON THE NORTHWEST CORNER OF SOUTH MOONEY BOULEVARD AND WEST CALDWELL AVENUE. (APN: 121-110-048)

WHEREAS, Variance No. 2020-04, is a request by Paynter Realty on behalf of Caldwell Mooney Partners I, L.P. to allow a variance from the standard 20-foot landscape buffer required in the C-R (Regional Commercial) Zone District to optimize business visibility from the roadway. The project is located on the northwest corner of South Mooney Boulevard and West Caldwell Avenue. (APN: 121-110-048); and

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

WHEREAS, the Planning Commission of the City of Visalia finds Variance No. 2020-07, as conditioned by staff, to be in accordance with Chapter 17.42.080 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing; and

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

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

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

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

Due to the restricted size of the parcel there is not enough space to provide the full landscape setback between the property line (adjusted to meet Caltrans IOD) and the proposed drive-thru lane. To offset, the site will be developed with landscaping between the drive-thru isle and the building.

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

By requesting an Irrevocable Offer of Dedication (IOD) on this parcel, Caltrans has required the applicant to reduce required front yard landscaping area not currently imposed upon neighboring buildings or other buildings along S. Mooney Blvd.

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

Reduction in their overall property, as a result of the Caltrans IOD, places a hardship on the developer to comply with landscaping requirements not currently presented by other, similarly zoned, sites in the vicinity. Currently, buildings neighboring the subject property benefit from providing little or no landscaping along their Mooney Blvd. frontage.

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

There are a large number of properties located along the Mooney Blvd. corridor which contain reduced or nonexistent landscape setbacks along their street frontages. The end product of the proposal will still result in landscape setbacks that are greater than other properties in the same area and zone.

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

As this is only a reduction in landscape area along the street due to the location of the drive-thru, the site will be developed with additional landscaping in the area between the drive-thru isle and the building. There will be no detriment to the public health, safety, or welfare, or materially injurious to properties or improvements within the vicinity

6. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for Implementation of California Environmental Quality Act (CEQA). (Categorical Exemption No. 2020-43).

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the Variance on the real property here described in accordance with the terms of this resolution under the provisions of Section 17.42.080 of the Ordinance Code of the City of Visalia, subject to the following conditions:

1. That Variance No. 2020-07 shall be developed consistent with the site plan included as Exhibit "B".
2. That the use be operated in substantial compliance with the comments from the approved Site Plan Review Nos. 2020-05 and 2020-063.
3. That the total 21.4 foot setback area be landscaped and maintained at all times until such time Caltrans acts on developing the 15 foot IOD area.
4. That the monument sign shall be permitted within five feet of the front property line (i.e., Mooney Boulevard) as depicted per Exhibit "B". However, when Caltrans proceeds with developing and improving the 15 foot IOD area, the monument sign shall be relocated at the cost of the property owner, and shall be subject to all sign standards as required per Section 17.48 (Signs) of the Visalia Municipal Code.
5. That all other Federal, State, Regional, and City codes and ordinances be met.

PAYNTER

REALTY & INVESTMENTS, INC.

CELEBRATING 30 YEARS

July 15, 2020

Via Overnight Delivery

Josh Dan
Associate Planner
City of Visalia
Community Development Department
Planning Division
315 E. Acequia Ave.
Visalia, CA 93291

Re: Variance Letter
NWC Mooney Blvd. and Caldwell Ave.
Site Plan Review 20-050

Dear Josh:

Per our discussion, enclosed please find our Variance Application pertaining to the Landscape Set Back requirement in connection with the planned construction of a Raising Cane's restaurant at the NWC of Mooney Blvd. and Caldwell Ave. (site plan attached)

As you know, the need for the Variance is a result of Caltrans requirement of an Irrevocable Offer of Dedication of fifteen (15) feet of additional Mooney Blvd. widening, if and when it might be needed. Currently, Mooney Blvd. is fully improved to its ultimate width, including all turn lanes. One of the items Caltrans would like to include at some future date is a bike lane.

Variance Justification

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

Corporate Office: 195 South C. Street, Suite 200, Tustin, CA 92780 (714) 731-8892 FAX: (714) 731-8953
8483 N. Millbrook, Suite 104, Fresno, CA 93720 (559) 432-8892 FAX: (559) 432-8093
3303 South Mooney Blvd., Visalia CA 93277 (559) 732-5681 FAX: (559) 732-1639

EXHIBIT "C"

Granting of the variance will help address a significant objective of the Zoning Ordinance to promote the goals and policies of the General Plan. The General Plan promotes infill development and revitalization of the S. Mooney Corridor with commercial redevelopment opportunities. This initial project is the first step in the redevelopment of the Sequoia Mall.

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

The project when constructed will have a building set back from Mooney Blvd of 44.5 feet. After a possible Caltrans exercise of the 15 foot dedication, there will still be a 25.5 foot building set back vs the minimum requirement of 20 feet. A Caltrans taking will result in the initial landscape set back being reduced to 17.5 feet vs. the required 20 feet.

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

There are certainly other properties on Mooney Blvd. that have landscape set back deficiencies much greater than 2.5 feet.

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

If Caltrans ever exercises the 15 feet offer of dedication, the full building set back will remain and result in only a loss of 2.5 feet of landscaping. This will not represent a special privilege.

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

The loss of only 2 ½ feet of landscape area will have no impact detrimental to the public health, safety or welfare of anyone.

Sincerely,



David H. Paynter

Corporate Office: 195 South C. Street, Suite 200, Tustin, CA 92780 (714) 731-8892 FAX: (714) 731-8993
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EXHIBIT "D"

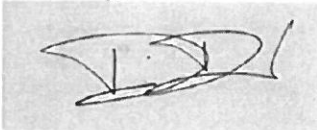
Ms. Susan Currier – SPR 20063 & 20050: FAST FOOD RESTAURANT
May 6, 2020
Page 2

dedicated and conveyed to the State (in a form approved by the State) before an encroachment permit is issued for any work in the State right-of-way. A summary of the requirements for right-of-way dedications is enclosed.

5. The ultimate configuration of SR 63 along the Project's frontage will need to accommodate the following: two (2) left turn lanes, three (3) southbound thru-lanes, a standard bike lane(new), a dedicated right turn lane with standard shoulder (new), gutter, curb and sidewalk.
6. Caltrans recommends, as part of opening day improvements, the Project should reconstruct the right-turn lane to include a standard shoulder and bike lane.
7. Caltrans recommends that the SPR 20050 for the Tentative Parcel Map be conditioned with an Irrevocable Offer of Dedication of 15 feet to accommodate for the ultimate configuration of SR 63, including the improvements required at the intersection.
8. Caltrans recommends that SPR 20063 for the new fast food restaurant also be conditioned with an Irrevocable Offer of Dedication of 15 feet to accommodate for the ultimate configuration of SR 63, including the improvements required at the intersection.
9. Caltrans recommends that the project contribute its fair share to the City's transportation impact fee program to fund future infrastructure improvements within the area due to the continuous development within the vicinity of the project.
10. Alternative transportation policies should be applied to the development as follows:
 - a. The project should consider bicycles as an alternative mode of transportation and offer internal amenities to encourage bicycle use which should include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.
 - b. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

If you have any other questions, please call Edgar Hernandez at (559) 488-4168.

Sincerely,



DAVID DEEL
Associate Transportation Planner
Transportation Planning - North

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

Tentative Parcel Map 2020-05, Conditional Use Permit 2020-19, and Variance 2020-07

PROJECT TITLE

3501 S. Mooney Blvd., Visalia CA, 93277 (APN 121-110-048)

PROJECT LOCATION - SPECIFIC

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

Tentative Parcel Map to divide a 6.86 acre parcels into two parcels measuring 0.88 acres and 5.98 acres, a Conditional Use Permit requesting the division of a parcel into two lots, with no public street access, and with less than the minimum five (5) acre size requirement, in the C-R (Regional Commercial) Zone, and a Variance to allow a variance from the standard 20-foot landscape buffer required in the C-R (Regional Commercial) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4003,

Email: josh.dan@visalia.city

NAME OF PUBLIC AGENCY/LEAD AGENCY APPROVING PROJECT

David Paynter, Paynter Realty, 195 South C Street, Ste. 200, Tustin, CA 92780

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

David Paynter, Paynter Realty, 195 South C Street, Ste. 200, Tustin, CA 92780

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - **Section 15332**
- Statutory Exemptions- State code number:

The creation of four or fewer parcels in an urban area.

REASON FOR PROJECT EXEMPTION

Josh Dan, Associate Planner

(559) 713-4003

CONTACT PERSON

AREA CODE/PHONE

DATE

Brandon Smith, AICP
ENVIRONMENTAL COORDINATOR



April 7, 2020

dpaynter@paynterrealty.com

Site Plan Review No. 20-050:

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 **March 25, 2020**. 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 large, light blue circular scribble.

Paul Bernal
City Planner
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



#8

MEETING DATE: March 25, 2020
SITE PLAN NO. 20-050
PARCEL MAP NO.
SUBDIVISION:
LOT LINE ADJUSTMENT NO.

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

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

REVISE AND PROCEED (see below)

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

ADDITIONAL COMMENTS :

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

Site Plan Review Committee



**SUBDIVISION & PARCEL MAP
REQUIREMENTS
ENGINEERING DIVISION**

Adrian Rubalcaba 713-4271
 Diego Corvera 713-4209

ITEM NO: 8 DATE: MARCH 25, 2020

SITE PLAN NO.: 20-050
PROJECT TITLE: NEW RESTAURANT PARCEL
DESCRIPTION: PARCEL MAP TO DIVIDE 6.86 ACRES INTO TWO
PARCELS OF 1.2 ACRES & 5.66 ACRES
APPLICANT: DAVID PAYNTER
PROP. OWNER: CALDWELL MOONEY PARTNERS LP
LOCATION: 3501 S MOONEY BLVD
APN: 121-110-048

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (Indicated by checked boxes)
- Submit improvements plans detailing all proposed work; Subdivision Agreement will detail fees & bonding requirements
- Bonds, certificate of insurance, cash payment of fees/inspection, and approved map & plan required prior to approval of Final Map.
- The Final Map & Improvements shall conform to the Subdivision Map Act, the City's Subdivision Ordinance and Standard Improvements.
- A preconstruction conference is required prior to the start of any construction.
- Right-of-way dedication required. A title report is required for verification of ownership. by map by deed
- City Encroachment Permit Required which shall include an approved traffic control plan.
- CalTrans Encroachment Permit Required. CalTrans comments required prior to tentative parcel map approval. CalTrans 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.
- Dedicate landscape lots to the City that are to be maintained by the Landscape & Lighting District.
- Northeast Specific Plan Area: Application for annexation into Northeast District required 75 days prior to Final Map approval.
- Written comments required from ditch company. Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditches; Paul Hendrix 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Final Map & Improvements shall conform to the City's Waterways Policy. Access required on ditch bank, 12' minimum. Provide _____ wide riparian dedication from top of bank.
- Sanitary Sewer master plan for the entire development shall be submitted for approval prior to approval of any portion of the system. The sewer system will need to be extended to the boundaries of the development where future connection and extension is anticipated. The sewer system will need to be sized to serve any future developments that are anticipated to connect to the system.
- 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.
- 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 (559)713-4428 for a Valley Oak tree evaluation or permit to remove. Valley Oak tree evaluations by a certified arborist are required to be submitted to the City in conjunction with the tentative map application. A pre-construction conference is required.
 - Show adjacent property grade elevations on improvement plans. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
 - 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.
 - Provide "R" value tests: each at
 - Traffic indexes per city standards:
 - 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.
 - All lots shall have separate drive approaches constructed to City Standards.
 - Install street striping as required by the City Engineer.
 - Install sidewalk: ft. wide, with ft. wide parkway on
 - Cluster mailbox supports required at 1 per 2 lots, or use postal unit (contact the Postmaster at 732-8073).
 - Subject to existing Reimbursement Agreement to reimburse prior developer:
 - Abandon existing wells per City of Visalia Code. A building permit is required.
 - Remove existing irrigation lines & dispose off-site. Remove existing leach fields and septic tanks.
 - 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 tentative parcel map will require additional information or entitlements necessary to accommodate proper ingress/egress between existing businesses.**
- 2. Common areas between the two parcels shall be identified and entitled accordingly. Further coordinate with City staff.**
- 3. The underlying parcel development, fast food restaurant, will need to be formally submitted through Site Plan Review process for further in-depth review and comments by City staff. Development of the parcel for future restaurant will incur fees and site improvement requirements per current City standards - to be determined at formal submittal.**
- 4. Any improvements and development fees related to the future parcel development can be deferred until time of building permit submittal.**
- 5. A Conditional Use Permit (CUP) is required per Planning Dept. Refer to Planning Dept. further comments for timing of SPR submittal of the fast food restaurant.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **20-050**
Date: **3/25/2020**

Summary of applicable Development Impact Fees to be collected at the time of final/parcel map recordation:

(Preliminary estimate only! Final fees will be based on approved subdivision map & improvements plans and the fee schedule in effect at the time of recordation.)

(Fee Schedule Date:**8/03/2019**)
(Project type for fee rates:**TPM**)

Existing uses may qualify for credits on Development Impact Fees.

| <u>FEE ITEM</u> | <u>FEE RATE</u> |
|--|------------------------|
| <input type="checkbox"/> Trunk Line Capacity Fee | |
| <input type="checkbox"/> Sewer Front Foot Fee | |
| <input type="checkbox"/> Storm Drainage Acquisition Fee | |
| <input type="checkbox"/> Park Acquisition Fee | |
| <input type="checkbox"/> Northeast Acquisition Fee Total Storm Drainage Block Walls Parkway Landscaping Bike Paths | |
| <input type="checkbox"/> Waterways Acquisition Fee | |

Additional Development Impact Fees will be collected at the time of issuance of building permits.

City 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 planned 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

Cristobal Carrillo, Planning Division (559) 713-4443

Date: March 25, 2020

SITE PLAN NO: 2020-050
PROJECT TITLE: New Restaurant Parcel
DESCRIPTION: Parcel Map to Divide .86 Acres into Two Parcels of 1.2 Acres & 5.66 Acres
APPLICANT: David Paynter
PROP. OWNER: Caldwell Mooney Partners I LP
LOCATION TITLE: 3501 S. Mooney Blvd.
APN TITLE: 121-110-048
GENERAL PLAN: Regional Commercial
Existing Zoning: C-R – Regional Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Rule 9510 – This project may be subject to the Rule 9510 requirements of the San Joaquin Valley Air Pollution Control District – see District web-site for information.

Project Requirements

- Tentative Parcel Map
- Conditional Use Permit
- Separate Site Plan Review for Drive-Thru Restaurant
- Additional information as needed

PROJECT SPECIFIC INFORMATION: March 25, 2020

1. The lot split will require submittal of a Tentative Parcel Map.
2. Creation of a lot less than five acres within the C-R Zone requires submittal of a Conditional Use Permit.
3. A separate Site Plan Review submittal is required for the proposed drive-thru restaurant.

17.18.070 Development standards in the C-R zone.

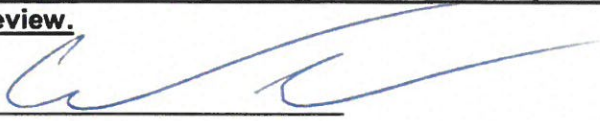
The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;
 4. Side: five (5) feet (except where a building is located on side property line);
 5. Side yards abutting an R-1 or R-M zone district: five (5) feet;

6. Street side on corner lot: ten (10) feet.

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 _____



SR 20050
NEW RESTAURANT PARCEL
3501 S MOONEY
BLVD.

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 THE BUILDING** *For information call (559) 713-4444*
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (661) 392-5500*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.61 per square foot. Residential \$3.79 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: Occ. Load 50 or more requires two exits.
Occ. Load 60 or more requires baby
changing tables. Provide bike rack
exterior. Under ground grease
interceptor. Provide future EV charging
spaces. All new landscaping shall meet
the MVEL requirements.

Signature

VAL GARCIA 3/25/20



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

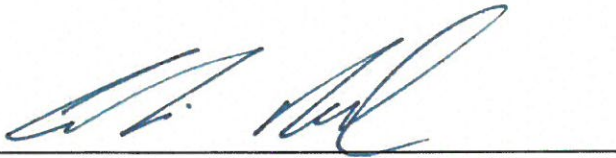
| | |
|-------------|----------------|
| Date | March 23, 2020 |
| Item # | 8 |
| Site Plan # | 20050 |
| APN: | 12110048 |

- 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 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- **More information** is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2019 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2019 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2019 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation. 2019 CFC 506.1
- Zero lot line, multi-family or mobile home park developments shall be provided with **fire hydrants** every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided. The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. VMC 16.36.120(5); 2019 CFC §507, App B and C
- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2019 CFC 507.5.1, App B and C

- Due to insufficient building information, the number and distance between **fire hydrants** cannot be determined by the Site Plan Review process. The number of fire hydrants and distance between required fire hydrants shall be determined by utilizing type of construction and square footage in accordance with 2019 CFC §507, App B and C.

To determine **fire hydrant** location(s) and distribution the following information should be provided to the Site Plan Review committee: Type of construction _____ Square footage _____

- **Special comments:**

A handwritten signature in blue ink, appearing to read 'C. Reed', is written over a horizontal line.

Corbin Reed
Fire Marshal



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

Date : 3-24-20
 Item: 8
 Site Plan: SPR200-50
 Name: AGENT MCEWEN

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:

- Traffic Concerns:

- Surveillance Issues:

- Line of Sight Issues:

- Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

March 25, 2020

SPR 20-050
New Restaurant Parcel
Parcel map to divide 6.86 acres into two parcels of 1.2 acres & 5.66 acres
3501 S Mooney Blvd

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 number of trips project is expected to generate in the peak hour of the adjacent street traffic. Depending on development size, characteristics, etc., a TIA may be required. Please see note in **Additional Comments** below.
- 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:

Please note that at time of development, a TIA is likely to be required.

Leslie Blair

Leslie Blair

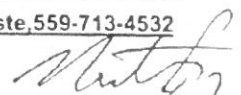
CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500
COMMERCIAL BIN SERVICE

20050

- 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 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Comment** Enclosure gates must open 180 degrees, clear all curbing, and include cain bolts.

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

Nathan Garza, Solid Waste, 559-713-4532



DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93728-2616
PHONE (559) 445-5868
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life

April 14, 2020

06-TUL-63-6.03
FAST FOOD RESTAURANT
SITE PLAN REVIEW AGENDA: 03/25/2020

SENT VIA EMAIL

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

Dear Ms. Currier:

Thank you for the opportunity to review Site Plan Review (SPR) 20050, proposing to divide 6.86 acres into two parcels. Parcel 1= 1.20 acres which includes an existing parking lot with 34 parking spaces and a newly proposed 3,580 sq ft. fast food restaurant. Parcel 2= 5.66 acres and includes existing retail with 317 parking spaces. The project is located on the northwest corner of the State Route (SR)63/Caldwell Avenue intersection.

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

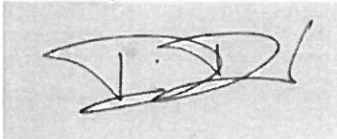
1. Caltrans estimates that the Project would generate approximately 177 trips during the morning peak-hour period.
2. Caltrans anticipates that a portion of the vehicle trips generated by the Project will have an impact to the SR 63/Caldwell Ave. intersection.
3. Caltrans recommends that the project contribute its fair share to the City's transportation impact fee program to fund future infrastructure improvements within the area due to the continuous development within the vicinity of the project.
4. According to the Caltrans Transportation Concept Report (TCR), this segment of SR 63 in the vicinity of the proposed project is ultimately planned to be a 6-lane convention highway within a total of 156 feet of right-of-way.
5. As part of opening day improvements, the Project should reconstruct the right-turn lane to include a standard shoulder and bike lane.
6. SR 63 along the Project's frontage will need to accommodate the following configuration: two (2) left turn lanes, three (3) southbound thru-lanes, a standard bike lane(new), a dedicated right turn lane with standard shoulder (new), gutter, curb and sidewalk.

Ms. Susan Currier – FAST FOOD RESTAURANT
April 14, 2020
Page 2

7. A dedication of right-of-way to Caltrans will be required to accommodate the above configuration of SR 63.
8. Alternative transportation policies should be applied to the development. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the City. The assessment should include the following:
 - a. Pedestrian walkways should link this proposal to an internal project area walkway, transit facilities, as well as other walkways in the surrounding area.
 - b. The project should consider bicycles as an alternative mode of transportation and offer internal amenities to encourage bicycle use which should include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.
 - c. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

If you have any other questions, please call Edgar Hernandez at (559) 488-4168.

Sincerely,



Original signed by:

DAVID DEEL
Associate Transportation Planner
Transportation Planning - North



April 30, 2020

dpaynter@paynterrealty.com

Site Plan Review No. 20-063

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 that your project may proceed with filing building permit applications to the Building Department.

This is your Site Plan Review Permit; your Site Plan Review became effective **April 15, 2020**. 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
City Planner
315 E. Acequia Ave.
Visalia, CA 93291

Attachment(s):

- Site Plan Review Comments



#5

MEETING DATE: April 15, 2020

SITE PLAN NO. 20-063

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

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**

Adrian Rubalcaba 713-4271
 713-

ITEM NO: 5 DATE: APRIL 15, 2020

SITE PLAN NO.: 20-063
 PROJECT TITLE: NEW RESTAURANT
 DESCRIPTION: CONSTRUCT 3193 SF BUILDING FOR RAISING CANES CHICKEN FINGERS
 APPLICANT: PAYNTER REALTY & INVESTMENTS INC
 PROP OWNER: CALDWELL MOONEY PARTNERS LP
 LOCATION: 3501 S MOONEY BLVD
 APN: 121-110-048

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with _____ radius;
- Install curb; gutter
- Drive approach size: _____ Use radius return;
- Sidewalk: _____ width; _____ parkway width at **PROVIDE ACCESSIBILITY ONSITE**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ANY WORK REQUIRED ON CALDWELL AVE**
 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; **MOONEY BLVD**
- 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. **UTILIZE ONSITE STORM DRAIN NETWORK FOR DRAINAGE**
- 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 fast food restaurant will incur impact fees, refer to page 3 for applicable fees.**
- 2. A building permit is required, standard plan check and inspection fees will apply.**
- 3. Comply with City parking lot standards.**
- 4. All landscaping shall meet CA MWELo regulations.**
- 5. Refer to Caltrans comments and requirements with associated parcel map, SPR 20-050. Additional comments from Caltrans for fast food development to follow.**
- 6. Project to utilize onsite utility network (storm & sewer) for services. Separate utility connections to existing mains in Mooney or Caldwell will require additional review/conditions - further coordinate with City Engineer.**

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **20-063**
Date: **4/15/2020**

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.)

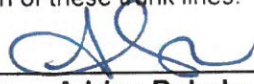
(Fee Schedule Date:**8/3/2019**)
(Project type for fee rates:**FAST FOOD**)

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

| FEE ITEM | FEE RATE |
|--|--|
| <input type="checkbox"/> Groundwater Overdraft Mitigation Fee | |
| <input checked="" type="checkbox"/> Transportation Impact Fee | \$9,922/1KSF X (0.75 INFILL) X 3.2 = \$23,813 |
| <input checked="" type="checkbox"/> Trunk Line Capacity Fee | \$4,628/EACH X 1 TREATMENT PLANT FEE: \$20,296/EACH X 1 |
| <input type="checkbox"/> Sewer Front Foot Fee | |
| <input type="checkbox"/> Storm Drain Acq/Dev Fee | |
| <input type="checkbox"/> Park Acq/Dev Fee | |
| <input type="checkbox"/> Northeast Specific Plan Fees | |
| <input type="checkbox"/> Waterways Acquisition Fee | |
| <input type="checkbox"/> Public Safety Impact Fee: Police | |
| <input type="checkbox"/> Public Safety Impact Fee: Fire | |
| <input checked="" type="checkbox"/> Public Facility Impact Fee | \$340/1KSF X 3.2 = \$1,088 |
| <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

Cristobal Carrillo, Planning Division (559) 713-4443

Date: April 15, 2020

SITE PLAN NO: 2020-063
PROJECT TITLE: New Restaurant
DESCRIPTION: Construction 3,198 sf Building for Raising Cane's Chicken Fingers
APPLICANT: Paynter Realty & Investments Inc.
PROP. OWNER: Caldwell Mooney Partners LP
LOCATION TITLE: 3501 S. Mooney Blvd.
APN TITLE: 121-110-048
GENERAL PLAN: Regional Commercial
Existing Zoning: C-R – Regional Commercial

Rule 9510 – This project is subject to the Rule 9510 requirements of the San Joaquin Valley Air Pollution Control District – see District website for information.

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- Building Permit
- Additional information as needed

PROJECT SPECIFIC INFORMATION: April 15, 2020

1. Comply with the drive-thru performances standards of Visalia Municipal Code Section 17.32.162. In particular, the proposal shall provide landscape screening for the drive-thru lane and menu boards.
2. It is recommended that a landscape and irrigation plan be submitted with the Tentative Parcel Map/Conditional Use Permit accompanying this project.
3. An 80 sq. ft. minimum landscape well is required for every 10 contiguous parking spaces.
4. Comply with setbacks for the C-R zone.
5. Comply with the requirements of Site Plan Review No. 2020-050.

17.18.070 Development standards in the C-R zone.

The following development standards shall apply to property located in the C-R zone:

- A. Minimum site area: five (5) acres.
- B. Maximum building height: fifty (50) feet.
- C. Minimum required yards (building setbacks):
 1. Front: twenty (20) feet;
 2. Rear: zero (0) feet;
 3. Rear yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 4. Side: zero (0) feet;
 5. Side yards abutting an R-1 or R-M zone district: fifteen (15) feet;
 6. Street side yard on corner lot: ten (10) feet.
- D. Minimum required landscaped yard (setback) areas:
 1. Front: twenty (20) feet;
 2. Rear: five (5) feet;
 3. Rear yards abutting an R-1 or R-M zone district: five (5) feet;

4. Side: five (5) feet (except where a building is located on side property line);
5. Side yards abutting an R-1 or R-M zone district: five (5) feet;
6. Street side on corner lot: ten (10) feet.

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.

Landscaping:

1. The City has adopted the State Water Efficient Landscape Ordinance. The ordinance applies to projects installing 2,500 square feet or more of landscaping. It requires that landscaping and irrigation plans be certified by a qualified entity (i.e., Landscape Architect) as meeting the State water conservation requirements. The City's implementation of this new State law will be accomplished by self-certification of the final landscape and irrigation plans by a California licensed landscape architect or other qualified entity with sections signed by appropriately licensed or certified persons as required by the ordinance. **NOTE: Prior to a final for the project, a signed Certificate of Compliance for the MWELo standards is required indicating that the landscaping has been installed to MWELo standards.**
2. Provide street trees at an average of 20-feet on center along street frontages. All trees to be 15-gallon minimum size (Zoning Ordinance Section 17.30.015-2).
3. In the P(R-M) multi-family residential zone, all multiple family developments shall have landscaping including plants, and ground cover to be consistent with surrounding landscaping in the vicinity. Landscape plans to be approved by city staff prior to installation and occupancy of use and such landscaping to be permanently maintained. (Zoning Ordinance Section 17.16.180)
4. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
5. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.

6. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
7. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
8. Provide a detailed landscape and irrigation plan for review prior to issuance of building permits. Please review Zoning Ordinance section 17.30.130-C for current landscaping and irrigation requirements.
9. Provide a conceptual landscape plan for resubmittal or planning commission review.
10. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
11. Maintenance of landscaped areas. - A landscaped area provided in compliance with the regulations prescribed in this title or as a condition of a use permit or variance shall be planted with materials suitable for screening or ornamenting the site, whichever is appropriate, and plant materials shall be maintained and replaced as needed, to screen or ornament the site. (Prior code § 7484)

Lighting:

1. All lighting is to be designed and installed so as to prevent any significant direct or indirect light or glare from falling upon any adjacent residential property. This will need to be demonstrated in the building plans and prior to final on the site.
2. Parking lot and drive aisle lighting adjacent to residential units or designated property should consider the use of 15-foot high light poles, with the light element to be completely recessed into the can. A reduction in the height of the light pole will assist in the reduction/elimination of direct and indirect light and glare which may adversely impact adjacent residential areas.
3. Building and security lights need to be shielded so that the light element is not visible from the adjacent residential properties, if any new lights are added or existing lights relocated.
4. NOTE: Failure to meet these lighting standards in the field will result in no occupancy for the building until the standards are met.
5. In no case shall more than 0.5 lumens be exceeded at any property line, and in cases where the adjacent residential unit is very close to the property line, 0.5 lumens may not be acceptable.

Drive-thru Performance Standards (Section 17.32.162)

- A. Purpose and Intent: It is the purpose of this section to specify performance standards applicable to uses that seek to incorporate a drive-thru lane in associate with specified use. This section does not apply to carwashes and lube and oil changing stations.
- B. Performance Standards:
 1. Separation from residences: The drive-thru lane shall be no less than 250 feet from the nearest residence or residentially zoned property.
 2. Stacking: The drive-thru lane shall contain no less than ten vehicle stacking, measured from the pickup window to the designated entrance to the drive-thru lane. There shall be no less than three vehicles spaces distance from the order menu/speaker (or like device) to the designated entrance to the order window.
 3. Circulation: No portion of the drive-thru lane shall obstruct any drive aisles or required on-site parking. The drive thru shall not take ingress or egress from a local residential road.
 4. Noise: no component or aspect of the drive-thru lane or its operation shall generate noise levels in excess of 60db between the hours of 7:00 p.m. and 6:00 a.m. daily.
 5. Screening: The entire drive-thru lane shall be screened from adjacent street and residential view to a height of three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the City Planner.
 6. Menu boards and signage: Shall be oriented or screened to avoid direct visibility from adjacent public streets.

Noise: NOISE ORDINANCE (Municipal Code Chapter 8.36)

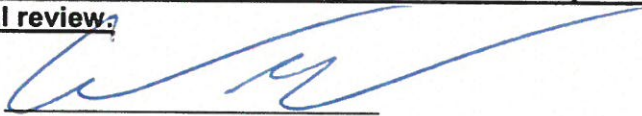
The City's Noise Ordinance has standards for maximum noise levels near sensitive land uses. The project, as with all other uses in the City, will be required to meet the standards of the Noise Ordinance during construction of the project and during operation of the use on the site. It is the property owner's responsibility to ensure that the Ordinance is being met. Copies of the Noise Ordinance are available at the Community Development Department front counter or online at www.ci.visalia.ca.us. (Click on Municipal Code and then go to Chapter 8.36.)

As part of Staff's review prior to Planning Commission/City Council hearings on the proposed project Staff may determine it appropriate to review the proposed project for potential Noise Ordinance conformity. If it is determined that the proposed project may not meet the Noise Ordinance a Noise Study may be required prior to public hearing on the project.

Staff believes that the proposed project may not meet the City Noise Ordinance as proposed. As part of Staff's review prior to Planning Commission/City Council hearings on the proposed project, Staff will require that a Noise Study be prepared for review by the Planning Commission/City Council.

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





SPR 20063
NEW RESTAURANT
3501 S MOONEY BLVD

City of Visalia
Building: Site Plan
Review Comments

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

- A building permit will be required. For information call (559) 713-4444
- Submit 1 digital set of professionally prepared plans and 1 set of calculations. (Small Tenant Improvements)
- Submit 1 digital set of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 1 digital set of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
- All accessible units required to be adaptable for persons with disabilities.
- Maintain sound transmission control between units minimum of 50 STC.
- Maintain fire-resistive requirements at property lines.
- A demolition permit & deposit is required. For information call (559) 713-4444
- Obtain required permits from San Joaquin Valley Air Pollution Board. For information call (661) 392-5500
- Plans must be approved by the Tulare County Health Department. For information call (559) 624-8011
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) For information call (559) 713-4444
- School Development fees. Commercial \$0.61 per square foot. Residential \$3.79 per square foot.
- Park Development fee \$ _____, per unit collected with building permits.
- Additional address may be required for each structure located on the site. For information call (559) 713-4320
- Acceptable as submitted
- No comments at this time

Additional comments: RESTAURANTS WITH AN OCCUPANT LOAD OF 100 OR MORE SHALL BE PROTECTED WITH TYPE 13 FIRE SPRINKLERS. PROVIDE INGROUND GREASE INTERCEPTOR AND TYPE I HOOD. PROVIDE 5% ACCESSIBLE SEATING. PROVIDE BIKE RACK. ALL NEW LANDSCAPING SHALL MEET THE MWLO REQUIREMENTS.

VAL GARCIA 4/15/20



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 | April 14, 2020 |
| Item # | 5 |
| Site Plan # | SPR20063 |
| APN: | 12110048 |

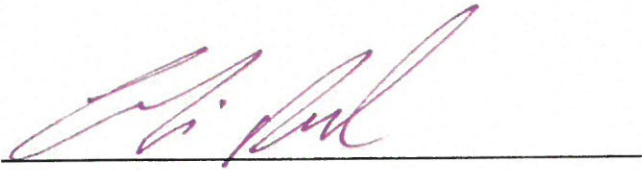
- The Site Plan Review comments are issued as **general overview** of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2019 California Fire Code (CFC), 2019 California Building Codes (CBC) and City of Visalia Municipal Codes.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - **Water supply** for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. 2019 CFC §3312
 - Provide an all-weather, 20 feet width **construction access road** capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. 2019 CFC §3310
- **Address numbers** must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses are served by a common driveway, the range of numbers shall be posted at the roadway/driveway. 2019 CFC 505.1
- All hardware on **exit doors, illuminated exit signs and emergency lighting** shall comply with the 2019 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- **Commercial dumpsters** with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. 2019 CFC 304.3.3
- A **Knox Box key lock system** is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 420 N Burke, Visalia, CA 93292. Please allow adequate time for shipping and installation. 2019 CFC 506.1
- Where a portion of any building is more than 400 feet from a hydrant on a fire apparatus access road, **on-site fire hydrant(s)** shall be provided. 2019 CFC 507.5.1, App B and C
- An **automatic fire sprinkler system** ^{will} be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system

(NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. 2019 CFC §912 and VMC 8.20.010 subsection C103.4

- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease laden vapors shall be provided with a **Type 1 Hood**, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. 2019 CFC 904.12 & 609.2

- Special comments: *SPRINKLERS MAY BE REQUIRED BASED ON OCCUPANCY LOAD.*

** ONSITE FIRE HYDRANT SHALL BE REQUIRED.*



Corbin Reed
Fire Marshal



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

Date: 4-14-20
 Item: 5
 Site Plan: SPR20-063
 Name: AGENT MCEWEN

SITE PLAN REVIEW COMMENTS

^{BM} 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:

Traffic Concerns:

Surveillance Issues:
INTERIOR & EXTERIOR SURVEILLANCE, COMPLY w/ P.O. REQUEST

Line of Sight Issues:
LOW SHRUBS TO PREVENT TRANSPARENT ISSUE

Other Concerns:

SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 15, 2020

SPR 20-063
New Restaurant
Construct 3198 SF building for Raising Canes Chicken Fingers
Paynter Realty & Investments Inc
Caldwell Mooney Partners
APN: 121110048
3501 S Mooney Blvd

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

Leslie Blair

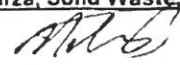
CITY OF VISALIA
SOLID WASTE DIVISION
336 N. BEN MADDOX
VISALIA CA. 93291
713 - 4500
COMMERCIAL BIN SERVICE

20063

- 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 50 ft. outside 36 ft. inside; Residential 35 ft. outside, 20 ft. inside.
- Paved areas should be engineered to withstand a 55,000 lb. refuse truck.
- Bin enclosure gates are required
- Hammerhead turnaround must be built per city standards.
- Cul - de - sac must be built per city standards.
- Bin enclosures are for city refuse containers only. Grease drums or any other items are not allowed to be stored inside bin enclosures.
- Area in front of refuse enclosure must be marked off indicating no parking
- Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS) with no less than 38' clear space in front of the bin, included the front concrete pad.
- Customer will be required to roll container out to curb for service.
- Must be a concrete slab in front of enclosure as per city standards, the width of the enclosure by ten(10) feet, minimum of six(6) inches in depth.
- Roll off compactor's must have a clearance of 3 feet from any wall on both sides and there must be a minimum of 53 feet clearance in front of the compactor to allow the truck enough room to provide service.
- City ordinance 8.28.120-130 (effective 07/19/18) requires contractor to contract with City for removal of construction debris unless transported in equipment owned by contractor or unless contracting with a franchise permittee for removal of debris utilizing roll-off boxes.
- Comment** Enclosure gates must open 180 degrees, clear all curbing, and include Cain bolts.

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

Nathan Garza, Solid Waste, 559-713-4532



DEPARTMENT OF TRANSPORTATION**DISTRICT 6 OFFICE**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93728-2616
PHONE (559) 488-4168
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life

May 6, 2020

06-TUL-63-6.03
SPR 20063
SPR 20050
FAST FOOD RESTAURANT
AGENDA: 03/25/2020

SENT VIA EMAIL

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

Dear Ms. Currier:

Thank you for the opportunity to review Site Plan Review (SPR) 20050 proposing a Tentative Parcel Map (TPM) to divide a 6.86-acre site into two parcels: Parcel 1 = 1.20 acres and Parcel 2 = 5.66 acres. SPR 20063 proposes construction of a new 3,580 square foot (sq. ft.) fast food restaurant (Project) on Parcel 1 proposed by the Tentative Parcel Map. Parcel 2 is currently developed with an existing retail shopping center and 317 parking spaces. The Project site is located on the northwest corner of the State Route (SR) 63/Caldwell Avenue intersection.

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

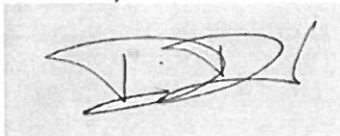
1. Caltrans anticipates that development of Parcel 1 with a new 3,580 sq. ft. fast food restaurant, will have an impact to the SR 63/Caldwell Avenue intersection.
2. Caltrans estimates that the Project would generate approximately 177 trips during the morning peak-hour period.
3. According to the Caltrans Transportation Concept Report (TCR), this segment of SR 63 in the vicinity of the proposed project is ultimately planned to be a 6-lane convention highway within a total of 158 feet of right-of-way (83 feet from the centerline on the west side of SR 63). Caltrans right-of-way maps shows this segment of SR 63 existing at 120 feet with 68 feet from the centerline on the west side of SR 63.
4. Caltrans recommends an Irrevocable Offer of Dedication to Caltrans for 15 feet of right-of-way is needed to accommodate the ultimate configuration of SR 63. Dedications required by the Lead Agency need to be shown on a revised site plan and forwarded for our review. Right-of-way dedicated to the State due to the proposed project or work proposed in the State right-of-way, will need to be

dedicated and conveyed to the State (in a form approved by the State) before an encroachment permit is issued for any work in the State right-of-way. A summary of the requirements for right-of-way dedications is enclosed.

5. The ultimate configuration of SR 63 along the Project's frontage will need to accommodate the following: two (2) left turn lanes, three (3) southbound thru-lanes, a standard bike lane(new), a dedicated right turn lane with standard shoulder (new), gutter, curb and sidewalk.
6. Caltrans recommends, as part of opening day improvements, the Project should reconstruct the right-turn lane to include a standard shoulder and bike lane.
7. Caltrans recommends that the SPR 20050 for the Tentative Parcel Map be conditioned with an Irrevocable Offer of Dedication of 15 feet to accommodate for the ultimate configuration of SR 63, including the improvements required at the intersection.
8. Caltrans recommends that SPR 20063 for the new fast food restaurant also be conditioned with an Irrevocable Offer of Dedication of 15 feet to accommodate for the ultimate configuration of SR 63, including the improvements required at the intersection.
9. Caltrans recommends that the project contribute its fair share to the City's transportation impact fee program to fund future infrastructure improvements within the area due to the continuous development within the vicinity of the project.
10. Alternative transportation policies should be applied to the development as follows:
 - a. The project should consider bicycles as an alternative mode of transportation and offer internal amenities to encourage bicycle use which should include parking, security, lockers and showers. However, internal bicycle paths should be coordinated with local and regional pathways to further encourage the use of bicycles for commuter and recreational purposes.
 - b. If transit is not available within ¼-mile of the site, transit should be extended to provide services to what will be a high activity center.

If you have any other questions, please call Edgar Hernandez at (559) 488-4168.

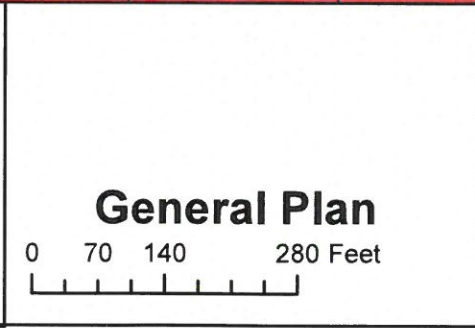
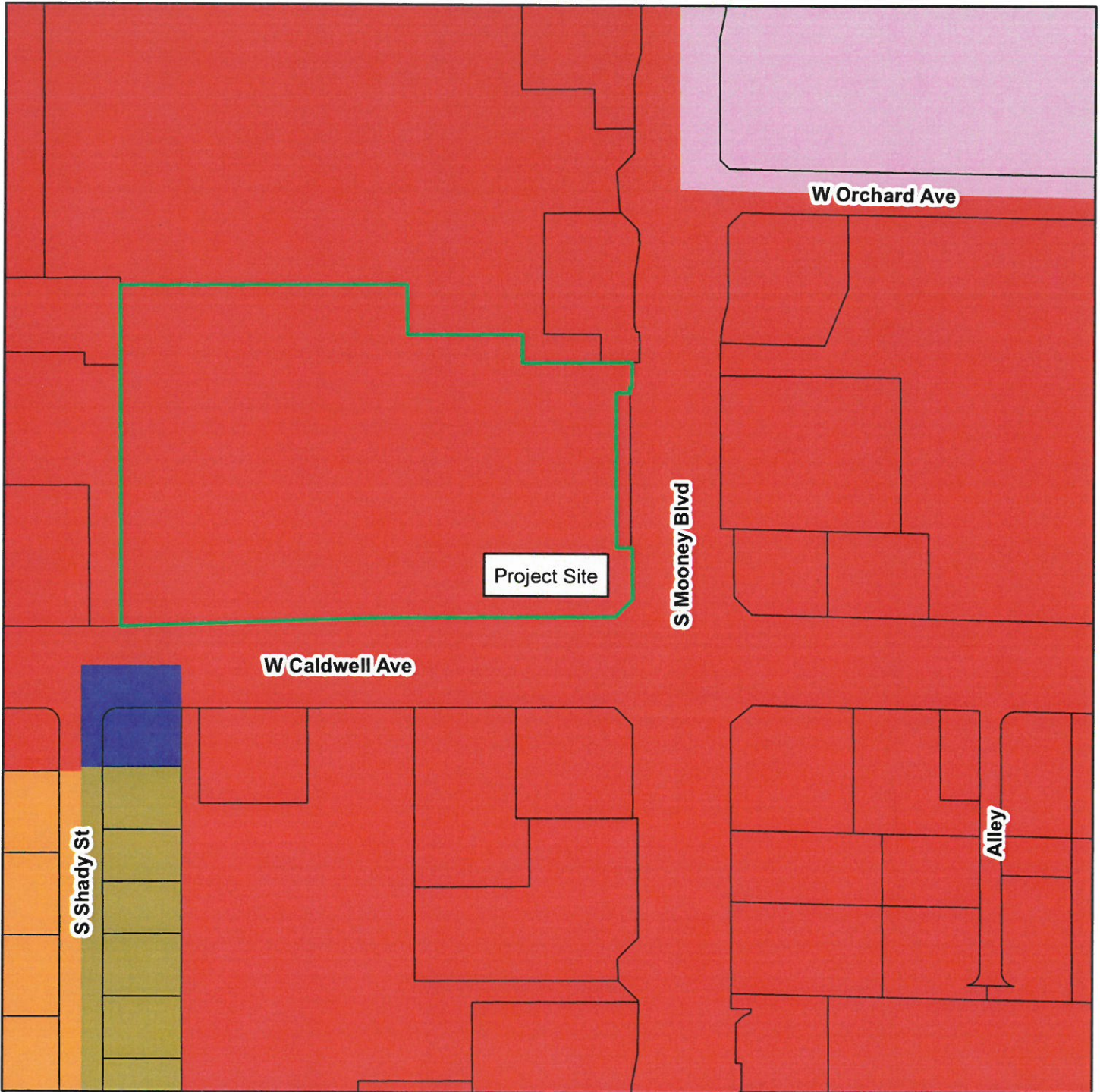
Sincerely,









DAVID DEEL
Associate Transportation Planner
Transportation Planning - North

Tentative Parcel Map No. 2020-05
Conditional Use Permit No. 2020-19
Variance No. 2020-07

The project site on the northwest corner of
 S. Mooney Blvd. and W. Caldwell Ave.
 (APN: 121-110-048)

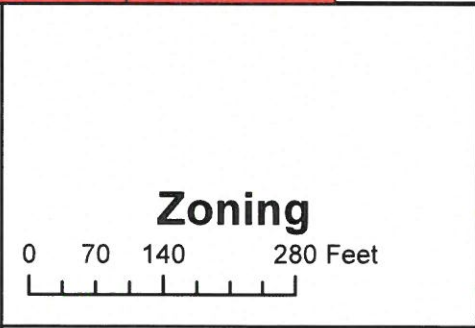
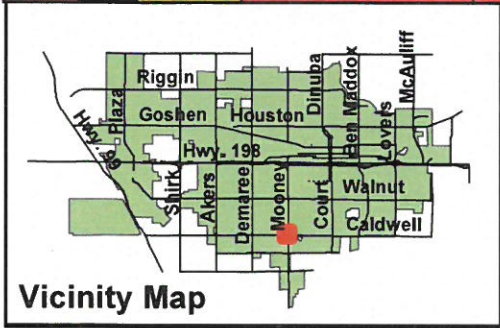
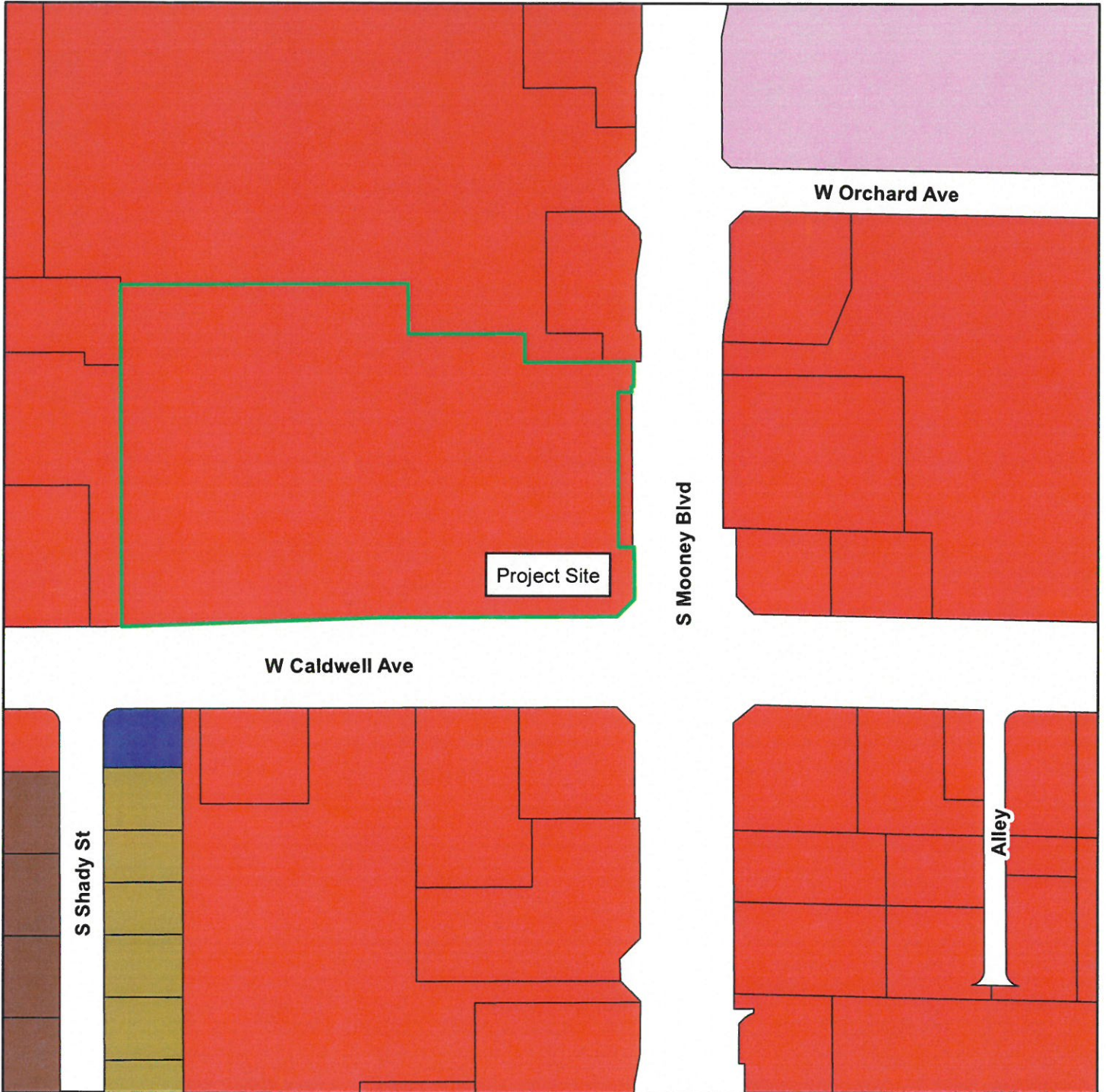


| | |
|---|----------------------------|
|  | Commercial Mixed Use |
|  | Commercial Regional |
|  | Office |
|  | Residential High Density |
|  | Residential Medium Density |
|  | Project Site |



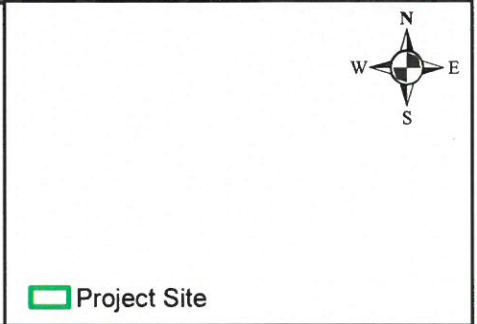
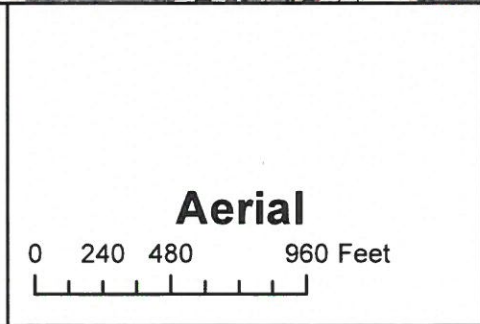
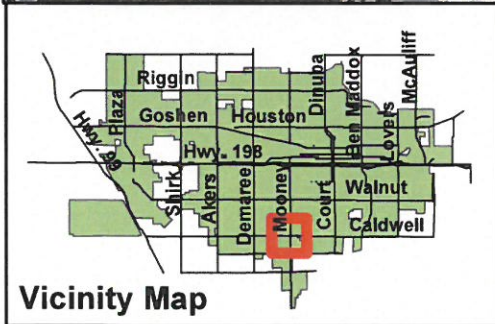
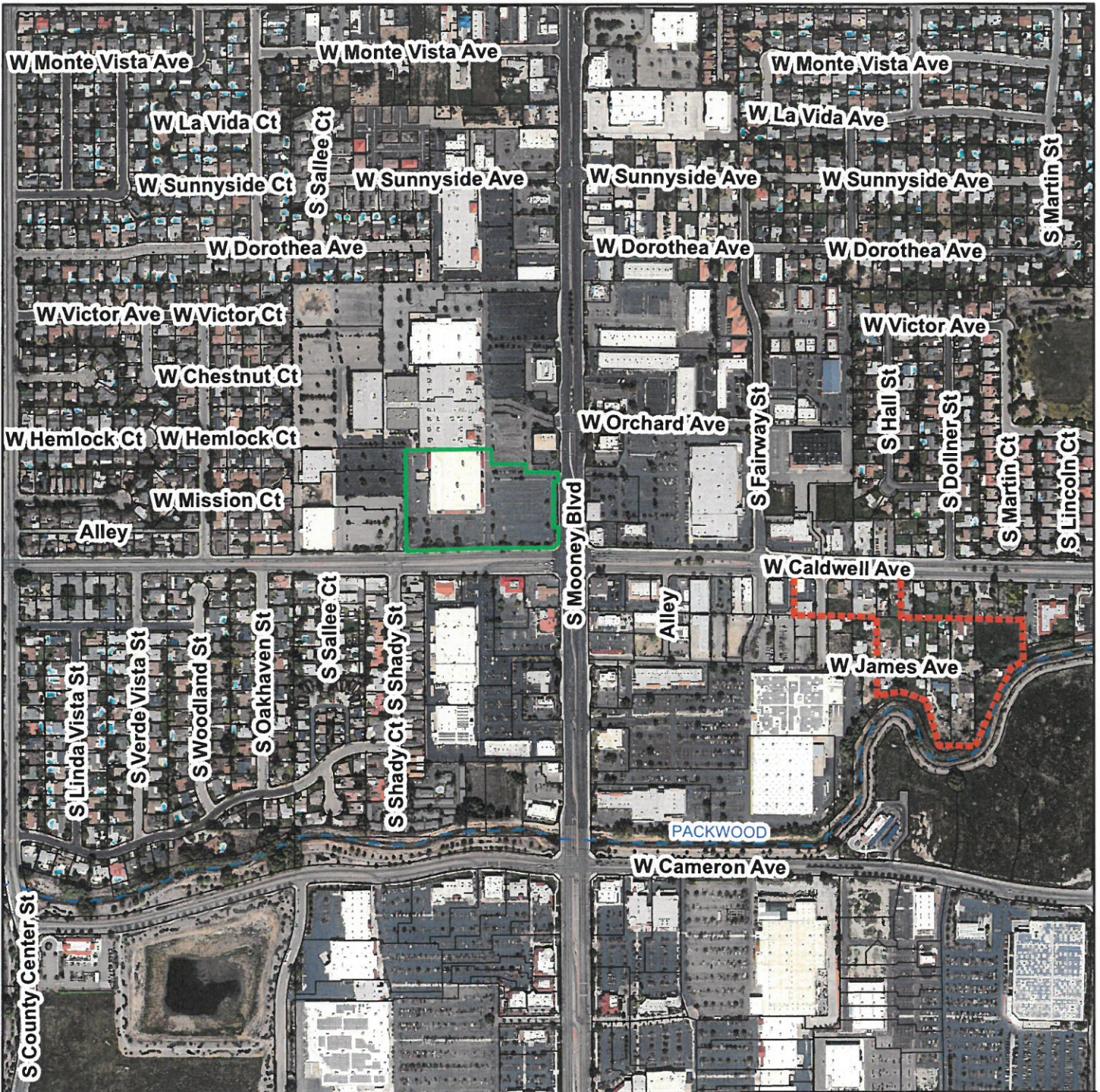
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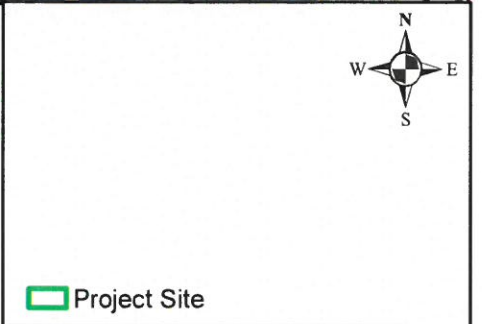
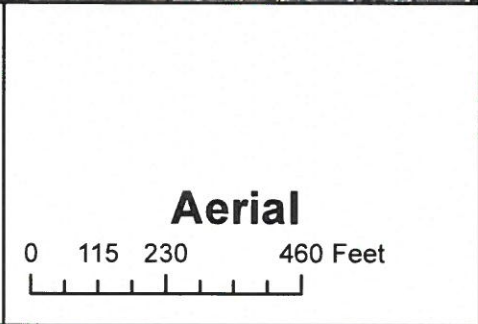
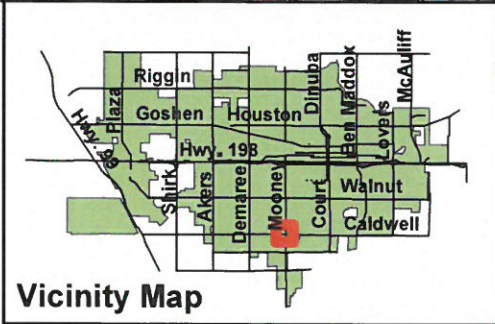
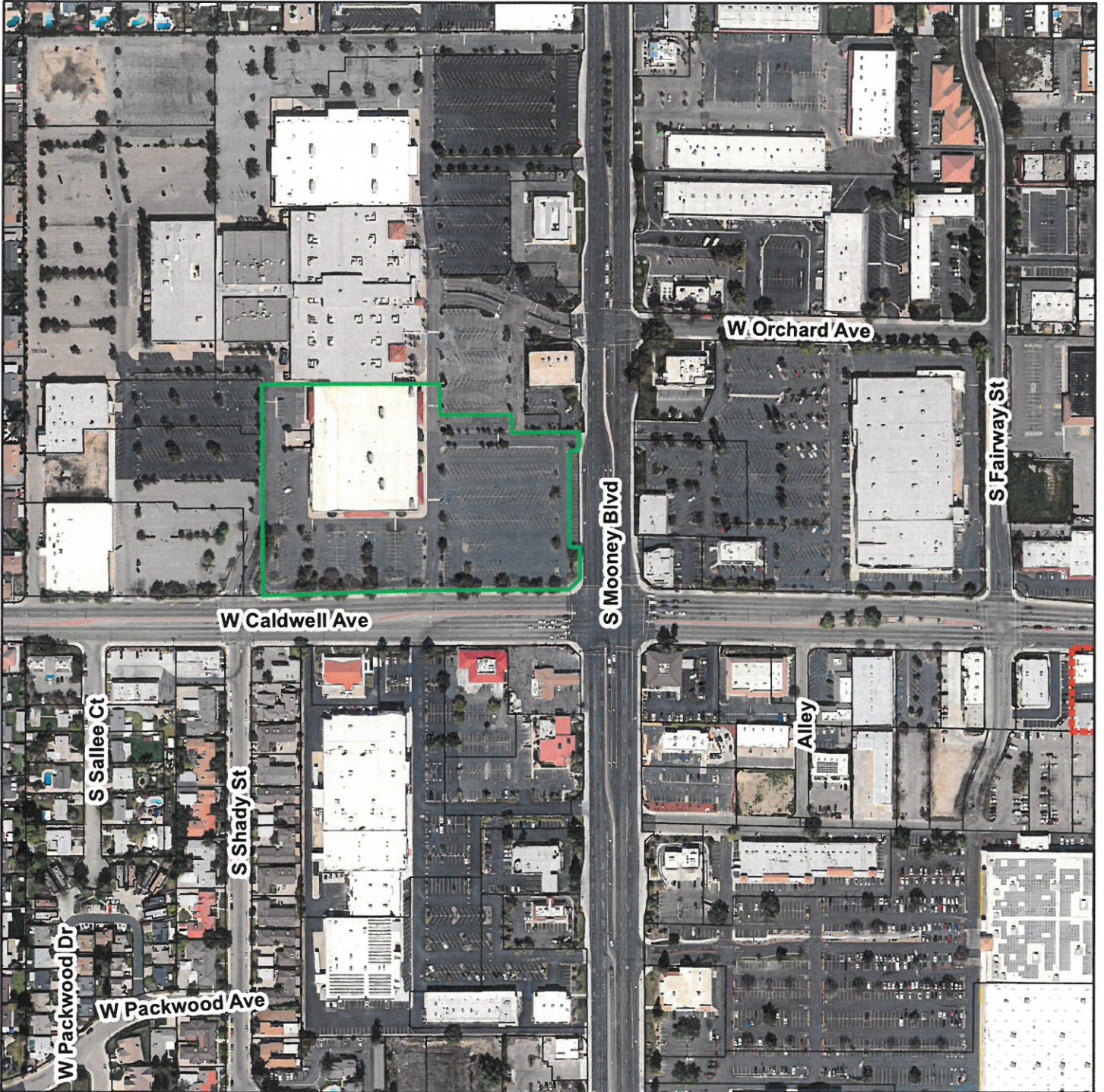
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