

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Chris Gomez



VICE CHAIRPERSON:

Marvin Hansen

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

MONDAY SEPTEMBER 14, 2020

VISALIA CONVENTION CENTER

LOCATED AT 303 E. ACEQUIA AVE. VISALIA, CA

MEETING TIME: 7:00 PM

Citizens may appear at the Planning Commission meeting in person and will be asked to maintain appropriate, physical distancing from others and wear a mask or face shield pursuant to the Governor's Executive Orders and public health guidance during the COVID-19 situation.

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 – Cristobal Carrillo, Associate Planner

- General Plan Amendment No. 2019-05: A request by Nizar Karimi to change the land use designation of a 10,132 sq. ft. parcel from Low Density Residential to Neighborhood Commercial. The project site is located at 1209 S. Garden Street (APN: 097-251-020). The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Environmental Document No. 2019-44.
- Change of Zone No. 2019-06: A request by Nizar Karimi to change the zoning designation of a 10,132 sq. ft. parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-N (Neighborhood Commercial). The project site is located at 1209 S. Garden Street (APN: 097-251-020). The project is Categorical Exempt from the

California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Environmental Document No. 2019-44.

- Conditional Zoning Agreement No. 2019-07: A request by Nizar Karimi to establish conditions limiting the allowed and conditional uses on two properties within the C-N (Neighborhood Commercial) Zone for Conditional Use Permit No. 2019-20. The project site is located at 249 E. Tulare Street and 1209 S. Garden Street (APN: 097-251-020 and 041). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Environmental Document No. 2019-44.
- Conditional Use Permit No. 2019-20: A request by Nizar Karimi to replace an existing convenience store with a new 3,900 sq. ft. convenience store on two properties totaling 21,612 sq. ft. in the C-N (Neighborhood Commercial) and R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zones. The project site is located at 249 E. Tulare Street and 1209 S. Garden Street (APN: 097-251-020 and 041). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Environmental Document No. 2019-44.

6. CITY PLANNER/ PLANNING COMMISSION DISCUSSION –

- Next Planning Commission Meeting is Monday, September 28, 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, SEPTEMBER 24, 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, SEPTEMBER 28, 2020



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: September 14, 2020

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone: (559) 713-4443;
E-mail: cristobal.carrillo@visalia.city

SUBJECT: General Plan Amendment No. 2019-05: A request by Nizar Karimi to change the land use designation of a 10,132 sq. ft. parcel from Low Density Residential to Neighborhood Commercial. The project site is located at 1209 S. Garden Street. (APN: 097-251-020)

Change of Zone No. 2019-06: A request by Nizar Karimi to change the zoning designation of a 10,132 sq. ft. parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-N (Neighborhood Commercial). The project site is located at 1209 S. Garden Street. (APN: 097-251-020)

Conditional Zoning Agreement No. 2019-07: A request by Nizar Karimi to establish conditions limiting the allowed and conditional uses on two properties within the C-N (Neighborhood Commercial) Zone for Conditional Use Permit No. 2019-20. The project site is located at 249 E. Tulare Street and 1209 S. Garden Street. (APN: 097-251-020 and 041)

Conditional Use Permit No. 2019-20: A request by Nizar Karimi to replace an existing convenience store with a new 3,900 sq. ft. convenience store on two properties totaling 21,612 sq. ft. in the C-N (Neighborhood Commercial) and R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zones.

Location: The project site is located at 249 E. Tulare Street and 1209 S. Garden Street. (APN: 097-251-020 and 041)

STAFF RECOMMENDATION

General Plan Amendment No. 2019-05: Staff recommends that the Planning Commission recommend that the City Council approve General Plan Amendment No. 2019-05, based on the findings in Resolution No. 2019-43. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Change of Zone No. 2019-06: Staff recommends that the Planning Commission recommend that the City Council approve Change of Zone No. 2019-06, based on the findings in Resolution No. 2019-44. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Conditional Zoning Agreement No. 2019-07: Staff recommends that the Planning Commission recommend that the City Council approve Conditional Zoning Agreement No. 2019-07, based on the findings and conditions in Resolution No. 2019-46. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning Ordinance.

Conditional Use Permit No. 2019-20: Staff recommends approval of Conditional Use Permit No. 2019-20, as conditioned, based on the findings and conditions in Resolution No. 2019-34. Staff's recommendation is based on the conclusion that the request is consistent with the Visalia General Plan and Zoning and Ordinance.

RECOMMENDED MOTION

I move to recommend approval of General Plan Amendment No. 2019-05, based on the findings in Resolution No. 2019-43.

I move to recommend approval of Change of Zone No. 2019-06, based on the findings in Resolution No. 2019-44.

I move to recommend approval of Conditional Zoning Agreement No. 2019-07, based on the findings and conditions in Resolution No. 2019-46.

I move to approve Conditional Use Permit No. 2019-20, based on the findings and conditions in Resolution No. 2019-34.

PROJECT DESCRIPTION

The applicant is requesting the proposed entitlements to permit the demolition and reconstruction of the existing Victorian Market convenience store. The existing convenience store is approximately 2,246 sq. ft. in size and is located on a single 11,480 sq. ft. parcel zoned C-N (Neighborhood Commercial). The site also operates as a service station, containing a fuel canopy with eight fuel dispensers. Per the operational statement in Exhibit "D", the store sells primarily prepackaged foods, beverages (liquor, beer, wine, non-alcoholic drinks), and various household items.

As shown in the site plan in Exhibit "A", the applicant has submitted Conditional Use Permit No. 2019-20, which seeks to demolish the existing building and develop a new 3,900 sq. ft. convenience store in its place. Operations as described in Exhibit "D" will remain the same with the exception of the addition of grocery items and take-out food service (see Exhibit "B"). The canopy and fuel dispensers will remain in their existing location. The new convenience store building will be placed on a separate 10,132 sq. ft. parcel zoned R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area), located immediately south of the existing convenience store. The second parcel is owned by the applicant and previously contained a residence and detached garage, both of which were demolished in 2018 due to substandard conditions from transient activity.

In order to facilitate the development of the 10,132 sq. ft. R-1-5 zoned parcel with the new convenience store, the applicant submitted General Plan Amendment No. 2019-05 and Change of Zone No. 2019-06 to change the land use and zoning designations of the second parcel from Low Density Residential / R-1-5 to Neighborhood Commercial / C-N. The land use/zoning change would establish the second 10,132 sq. ft. parcel within the same zone as the existing Victorian Market site. The applicant will then merge both lots through the administrative Lot Line Adjustment process. The lot line merger would occur prior to development of the new convenience store, and is included as Condition No. 9 for CUP No. 2019-20.

Onsite infrastructure will be improved to accommodate the expanded use. Per Exhibit "A", the existing six-stall parking lot will be increased to provide parking for 13 vehicles. Additional landscaping will be placed along the property frontages, with existing planter areas along the western boundary replanted. Existing drive ways along both Tulare Avenue and Garden Street will be reduced in size to comply with City standards. In addition, a seven foot tall CMU wall will be placed along the southern and western boundaries adjacent to the R-1-5 zoned parcels to reduce potential impacts to adjacent residential areas, and as required per the fence standards of the Zoning Ordinance (Section 17.36.050.A).

The architectural character of the new convenience store is designed to increase compatibility with the surrounding residential neighborhood (see Exhibit "C"). This will include placement of hardie board siding, stucco stones, and pitched roofs along street facing exteriors to match with homes in the vicinity. All lighting proposed on the new building will be recessed or directed downward to

reduce glare onto neighboring properties. Any mechanical equipment placed on the store rooftop will be hidden from view by parapet walls.

Per the operational statement in Exhibit "D", proposed hours of operation will be from 6:00 a.m. to 11:00 p.m., daily. Current daily hours of operation are 6:30 a.m. to 9:00 p.m. due to the ongoing COVID-19 pandemic. Delivery of merchandise will occur two times a day; between the hours of 7:00 a.m. and 11:00 p.m. Per Exhibit "A", a 1,462 sq. ft. area at the south end of the project site will be designated for delivery drop-off. Employee numbers will increase from six to 12 people, with two employees onsite during the day shift, and three employees onsite during the night shift. Employees will ensure maintenance of the site through daily clean-up actions and posting of "No Loitering" signage (see Exhibit "D"). Onsite security will be maintained through the placement of security cameras throughout the exterior and interior of the building. Onsite lighting and an alarm system will also act as deterrents. It is expected that the use will serve approximately 350 walk-in clients per day.

The request to expand the existing convenience store has the potential to impact the surrounding residential areas to the north, south, and west of the project site. To ensure compatibility with the surrounding area, staff recommends the inclusion of Conditional Zoning Agreement (CZA) No. 2019-07, to limit potential impacts through the implementation of conditions that will run with the land in perpetuity. The CZA includes conditions that limit the daily convenience store and gas station hours of operation between the hours of 7:00 a.m. to 9:00 p.m., limit daily delivery activity between the hours of 7:00 a.m. to 7:00 p.m., and prohibit the sale of single-bottle / single-can beers. The proposed CZA conditions will be applicable to any future operator of the site, regardless of the expiration of a CUP. This will ensure congoing compatibility of the site with the surrounding residential neighborhood. A CZA can be changed though submittal of an amendment for review by the Planning Commission and final action by the City Council.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Neighborhood Commercial, Low Density Residential
Proposed Land Use Designation:	Neighborhood Commercial
Zoning:	C-N (Neighborhood Commercial), R-1-5 (Single-Family Residential, 5,000 sq. ft. minimum lot size)
Proposed Zoning:	C-N (Neighborhood Commercial)
Surrounding Land Use and Zoning:	North: Tulare Avenue, R-1-5, R-M-2 (Multifamily Residential, 3,000 sq. ft. minimum site area per unit / Single and multifamily residential. South: R-1-5 / Single family residential. East: Garden Street, I (Industrial) / The Olive Plant business park. West: C-N, R-1-5 / Auto Oil Changes, single family residential.
Environmental Review:	Categorical Exemption No. 2019-44
Special Districts:	N/A
Site Plan Review No:	SPR No. 2018-034, SPR No. 2017-033

RELATED PROJECTS

A request by Michael Behzad to conduct the following for a 2,924 sq. ft. parcel located at 139 E. Houston Avenue, on the southwest corner of E. Houston Avenue and N. Church Street (APN: 094-061-008):

- **General Plan Amendment No. 2018-02:** Change the land use designation from Low Density Residential to Commercial Mixed Use;
- **Change of Zone No. 2018-01:** Change the zoning designation from R-1-5 to C-MU (Commercial Mixed Use);
- **Conditional Zoning Agreement No. 2018-03:** Establish conditions for retail and food service and alcohol sales for a small neighborhood convenience store;
- **Conditional Use Permit No. 2018-15:** Allow a 1,500 sq. ft. convenience store with food service in the C-MU zone.
- **Variance No. 2018-07:** Allow a variance to parking and setback requirements for re-use of an existing 1,500 sq. ft. building with no on-site parking, and allowing use of a solid waste enclosure in a landscape setback area.

The Planning Commission reviewed the proposal on January 14, 2019. By a vote of 5-0, the Commission approved Conditional Use Permit No. 2018-15 and Variance No. 2018-07 and recommended approval of General Plan Amendment No. 2018-02, Change of Zone No. 2018-01, and Conditional Zoning Agreement No. 2018-03, to the City Council. The City Council approved the request at its February 19, 2020 meeting by a vote of 5-0.

PROJECT EVALUATION

Staff supports the General Plan Amendment, Change of Zone, Conditional Zoning Agreement, and Conditional Use Permit, as conditioned, based on the project's revitalization of both an existing developed site and a vacant lot, and consistency with the Land Use Element of the General Plan and the Zoning Ordinance.

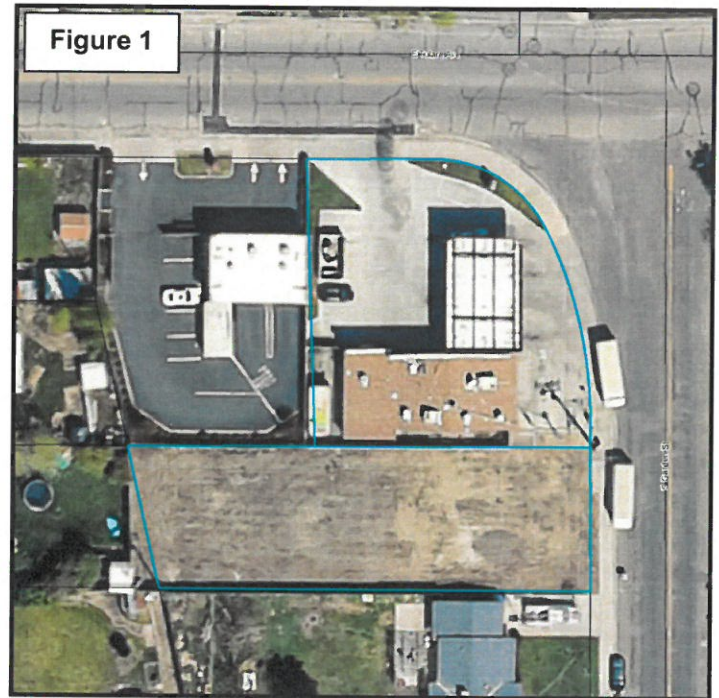
General Plan Consistency

Staff concludes that the proposed project is consistent with the City's General Plan as it relates to providing neighborhood specific commercial services. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services. Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors, such as Tulare Avenue. The application of the Neighborhood Commercial designation to a second property facilitates the convenience store expansion. Per the applicant's operational statement, the new larger convenience store will allow for additional floor area to be dedicated to selling grocery items and provide a take-out food counter. The added amenities will benefit the surrounding neighborhood in compliance with the above objectives.

Land Use Element Policy LU-P-72 indicates that noise, traffic, and other potential conflicts that may arise in a mix of commercial and residential uses can be mitigated through good site planning and inclusion of appropriate operational measures. Staff has determined based on the conditions of project approval, and the Conditional Zoning Agreement, the proposal meets the intent of this policy. Conditions included for the Planning Commissions consideration ensure that the project mitigates potential impacts between the convenience store expansion and existing residential neighborhood. This is discussed in greater detail in the sections below.

Land Use Compatibility

Per Figure 1, the project area is composed of two parcels. The northernmost site contains the existing Victorian Market convenience store and service station. The southernmost site is vacant. While the industrial zoned Olive Plant business facility and an Auto Oil Changers are located east and west of the Victorian Market respectively, the project area is primarily surrounded by single family residences to the north, south, and west.



In order to reduce impacts to the surrounding residential uses, the applicant proposes placement of a seven foot tall CMU wall along the south and west boundaries of the project area that abut residential zones. Wall mounted lighting along the southern and western exteriors facing residential areas shall be directed

downwards to reduce glare. Verification that onsite lighting complies with the 0.5 lumens at property line standard shall be conducted prior to occupancy of the new building. In addition, any illuminated monument signage shall be required to be turned off during close of business. These have been included as CUP Conditions of Approval Nos. 3, 4, 5, and 7.

The Conditional Zoning Agreement (CZA) will further reduce impacts by limiting hours of operation for the convenience store/service station from 7:00 a.m. to 9:00 p.m., and related delivery activities from 7:00 a.m. to 7:00 p.m. This is included as Condition Nos. 2.a and 2.b of the CZA. Compliance with operational and maintenance activities proposed in the operational statement will also be included as CUP Condition of Approval No. 2.

The request to change the land use and zoning designation of the southernmost site in Figure 1 to Neighborhood Commercial will be compatible with the site and surrounding area. The southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so that it may include grocery items in its inventory (see Exhibit "D"). Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation. The applicant will be required through Condition of Approval No. 9 to merge both project sites should the General Plan Amendment and Change of Zone be approved by the City Council.

Staff concludes the proposed project is compatible with the surrounding residential land uses through the recommended conditions of approval and Conditional Zoning Agreement No. 2019-07.

Conditional Zoning Agreement (CZA)

A CZA provides a mechanism with which to "lock in" proposed conditions for a site, subject to City Council approval. While conditions can be applied to a Conditional Use Permit, any such conditions can become nullified if a CUP lapses or becomes void. Conditions applied through a CZA remain with the site and will be applied to any future use established thereon.

Staff has determined that compatibility with the surrounding residential areas will be secured through the application of three recommended CZA conditions as follows:

1. Prohibit the sale of single-bottles / single-cans of beer from the store.
2. Limit the hours of operation for the store / service station from 7:00 a.m. to 9:00 p.m. daily.
3. Limit daily delivery activities from 7:00 a.m. to 7:00 p.m.

The CZA conditions will reduce noise from store activities during the evening hours for sensitive land uses that surround the site and discourage loitering within the vicinity of the project site. Staff has determined that the conditions will strengthen the proposals overall compatibility with the neighborhood.

Access / Circulation / Infrastructure

Ingress and egress to the site will be from three access drives as shown in Exhibit "A". Primary access points will be from the Tulare Avenue driveway and the northernmost Garden Street driveway. The southernmost driveway will serve as an additional ingress/egress for customers, and will likely be the primary driveway used by delivery vehicles. Per Site Plan Review requirements included in CUP Condition of Approval No. 1, all driveways will be required to be designed to City standards.

Overall circulation onsite will be improved through relocation of the building to the southernmost parcel. Relocation provides additional area for uncongested circulation to parking areas and fuel dispensers. The reformatting of the existing Garden Street driveway, which spans approximately 65 feet in width, into two driveways will also assist in directing traffic through the site.

Per the requirements of the Site Plan Review Committee, improvements to the existing infrastructure along Tulare Avenue and Garden Street will be required. Per Exhibit "A", this will include installation of a City standard ADA curb ramp at the northeast corner of the site, removal and replacement of existing roll curbing with City standard barrier curb, gutter, and sidewalk, and removal / replacement of existing driveways to City standards. These requirements are reflected in CUP Condition of Approval No. 1.

Noise

The project site is adjacent to residential areas to the south, west, and north. Areas to the north are bisected by Tulare Avenue. As such, noise impacts from the use to those residential areas will be minimal and superseded by noise from regular traffic. Impacts to the residential areas to the west and south will be reduced through the installation of a seven foot tall CMU wall along the shared boundaries with residential areas. This is included as CUP Condition of Approval No. 5. Maintenance of C-N Zone mandated 15 ft. setbacks from residential areas will assist in further reducing noise impacts.

Parking

The existing Victorian Market site contains six parking stalls, slightly below what would normally be required. Existing parking is also oriented so that stalls are scattered throughout the site. The proposal will provide 13 parking stalls (one per 300 sq. ft. of building area), in compliance with City requirements, and oriented so as to be easily accessible from the proposed driveways. All parking stalls will be required to comply with City standards for design. This is included within CUP Condition of Approval Nos. 1 and 2.

Setbacks

A portion of the proposed expanded convenience store will straddle the northern boundary of the southernmost parcel (see Exhibit "A"). This is permitted as the area abuts a separate C-N

zoned site. For areas adjacent to residential zones, a 15 foot setback will be maintained. Overall setbacks for the project are as follows:

- Front Yard (Tulare Avenue) – 15 feet
- Side Yard (Garden Street) – 10 feet
- Side Yard Abutting Commercial – 0 feet
- Side Yard Abutting Residential – 15 feet
- Rear Yard Abutting Residential – 15 feet

The setback requirements are included as Condition of Approval No. 6.

Building Elevations

Exhibit “C” provides architectural elevations for the proposal. Designs proposed increase compatibility of the existing building with the surrounding residential neighborhood through the addition of hardie board siding, stucco stones, and pitched roofs typical of residential units. Staff has included Condition of Approval No. 2, requiring that the building elevations be developed consistent with those provided in Exhibit “C”.

Lighting

The elevations provided in Exhibit “C” indicate that onsite lighting will be provided in the form of LED wall mounted lights on all building exteriors. Lighting will be directed downward to reduce glare onto neighboring areas. CUP Condition No. 4 has been included requiring that any onsite lighting not produce glare onto neighboring properties. Staff also recommends the adoption of Condition No. 7 requiring the applicant demonstrate that lighting does not exceed 0.5 lumens along property lines. The lighting verification will be required prior to occupancy of the development.

Landscaping

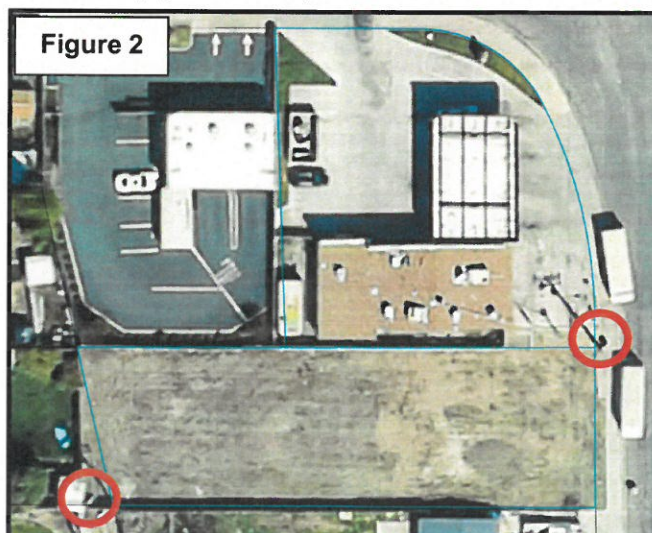
The proposed addition of a landscape island along the Garden Street frontage and at the western end of the southernmost project site improves upon the overall landscaping of the original site. CUP Condition of Approval No. 10 is included requiring compliance with landscaping as shown in Exhibit “A” and replanting and ongoing maintenance of existing landscape areas.

Signage

The existing monument sign along Tulare Avenue is proposed to be relocated to comply with the five foot Sign Ordinance setback standard. CUP Condition of Approval No. 3 is included requiring that all lighting within the monument sign be turned off when the facility is closed for business. Implementation will further reduce lighting impacts on neighboring properties. The remaining signage proposed onsite is limited to wall signage on the northern building exterior. Proposed sizes of wall signage will be required to comply with City Standards and shall be enforced through the Building Permit process.

Utilities

Per Figure 2, Southern California Edison utility poles are located on the southwest corner of the vacant lot and east of the existing convenience store. Both poles are located just outside of the project site boundaries. CUP Condition of Approval No. 11 is included requiring the applicant to consult with Southern California Edison staff and comply with any requirements necessary to provide continued access to the utility poles.



Environmental Review

The requested action is considered Categorical Exempt under Section 15332 (Infill Projects) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) (Categorical Exemption No. 2019-44). The exemption is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

RECOMMENDED FINDINGS

General Plan Amendment No. 2019-05

1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from Low Density Residential to Commercial Neighborhood is consistent with the original commercial use of the site and would be appropriate for the proposed expansion of the existing commercial building. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services while Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors, such as Tulare Avenue. The application of the Neighborhood Commercial designation to a second property facilitates the convenience store expansion. Furthermore, the southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so that it may include grocery items in its inventory. Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation.
3. That the proposed General Plan Amendment from Low Density Residential to Commercial Neighborhood in conjunction with Conditional Zoning Agreement No. 2019-07 will provide for the use of the site for commercial purposes while providing compatibility with the adjacent residential uses. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services while Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors, such as Tulare Avenue. The application of the Neighborhood Commercial designation to a second property facilitates the convenience store expansion. Furthermore, the southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so that it may include grocery items in its inventory. Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation.
4. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the

applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

Change of Zone No. 2019-06

1. That Change of Zone No. 2019-06 is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed expansion of the existing commercial building on the site, as conditioned, is consistent with the C-N (Neighborhood Commercial) zoning designation. The request to change the zoning designation of the southernmost site to Neighborhood Commercial will be compatible with the site and surrounding area. The southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so that it may include grocery items in its inventory. Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation.
3. That Change of Zone No. 2019-06, as conditioned through Conditional Zoning Agreement No. 2019-07, is compatible with the adjacent residential land uses.
4. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

Conditional Zoning Agreement No. 2019-07

1. That Conditional Zoning Agreement No. 2019-07 will facilitate land use compatibility by limiting the hours of operation for any commercial use on the site from 7:00 a.m. to 9:00 p.m., limiting the hours of operation for delivery activities from 7:00 a.m. to 7:00 p.m., and prohibiting the sale of single-bottle / single-can beer.
2. That Conditional Zoning Agreement No. 2019-07 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

Conditional Use Permit No. 2019-20

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:

- a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The project will help in revitalizing the existing site and vacant site by incorporating design elements that are consistent with City codes and standards, including drive approaches on both Tulare Avenue and Garden Street that are consistent with City standards, additional on-site parking, new lighting, on-site delivery unloading zone, new building with architectural features that are compatible with the surrounding residential development and limited hours of operation that reduce impacts to the surrounding neighborhood.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The project will help in revitalizing the existing site and vacant site by incorporating design elements that are consistent with City codes and standards, including drive approaches on both Tulare Avenue and Garden Street that are consistent with City standards, additional on-site parking, new lighting, on-site delivery unloading zone, new building with architectural features that are compatible with the surrounding residential development and limited hours of operation that reduce impacts to the surrounding neighborhood.
3. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

RECOMMENDED CONDITIONS OF APPROVAL

General Plan Amendment No. 2019-05

There are no recommended conditions for the General Plan Amendment. Note that conditions pertaining to Change of Zone No. 2019-06 are included in Conditional Zoning Agreement No. 2019-07.

Change of Zone No. 2019-06

There are recommended conditions for Change of Zone No. 2019-06 that have been included in Conditional Zoning Agreement No. 2019-07.

Conditional Zoning Agreement No. 2019-07

1. That Conditional Zoning Agreement No. 2019-07 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
2. That Conditional Zoning Agreement No. 2019-07 shall be conditioned with the following:
 - a. That the Hours of Operation for any use/business on this site shall be 7:00 a.m. to 9:00 p.m.
 - b. That the Hours of Operation for any delivery activities on this site shall be 7:00 a.m. to 7:00 p.m.
 - c. That the sale of single-bottle and / or single-can beers shall be prohibited.

Conditional Use Permit No. 2019-20

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-034 and Site Plan Review No. 2017-033.
2. That the project is subject to the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", Elevations

in Exhibit "C", and Operational Statement in Exhibit "D", subject to the modified hours of operation as conditioned per Conditional Zoning Agreement No. 2019-07.

3. All lighting within the monument sign shall be turned off when the facility is closed for business.
4. All onsite lighting shall be deflected away from abutting residential sites so as to cause no glare.
5. A seven foot tall CMU block wall shall be placed along the project site boundaries shared with residentially zoned areas.
6. Setbacks for the development shall be as follows:
 - Front Yard (Tulare Avenue) – 15 feet
 - Side Yard (Garden Street) – 10 feet
 - Side Yard Abutting Commercial – 0 feet
 - Side Yard Abutting Residential – 15 feet
 - Rear Yard Abutting Residential – 15 feet
7. Prior to occupancy of the development, the applicant/developer shall demonstrate to the satisfaction of City staff that all on-site lighting installed shall not exceed the lumen intensity limit of 0.5 lumens at the property lines, as required by the Visalia Municipal Code.
8. That Conditional Use Permit No. 2019-20 shall be null and void unless General Plan Amendment No. 2019-05, Change of Zone No. 2019-06, and Conditional Zoning Agreement No. 2019-07 are approved.
9. A Lot Line Adjustment shall be approved and recorded to merge the two project sites into one parcel.
10. Landscaping as shown in Exhibit "A" shall be installed and maintained. Existing landscape areas to remain shall be replanted and maintained.
11. The applicant shall consult with Southern California Edison and comply with all requirements to relocate and/or provide access to utility poles adjacent to the project sites.
12. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

APPEAL INFORMATION

General Plan, Change of Zone and Conditional Zoning Agreement

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

Conditional Use Permit

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

Attachments:

- Related Plans and Policies
- Resolution No. 2019-43 – General Plan Amendment No. 2019-05
- Resolution No. 2019-44 – Change of Zone No. 2019-06
- Resolution No. 2019-46 – Conditional Zoning Agreement No. 2019-07
- Resolution No. 2019-34 – Conditional Use Permit No. 2019-20
- Exhibit “A” – Site Plan
- Exhibit “B” – Floor Plan
- Exhibit “C” - Elevations
- Exhibit “D” – Operational Statement
- Exhibit “E” – Conditional Zoning Agreement No. 2019-07
- Environmental Document No. 2019-44
- Site Plan Review Comments No. 2018-034
- Site Plan Review Comments No. 2017-033
- General Plan Land Use Map
- Zoning Map
- Aerial Map
- Location Map

RELATED PLANS AND POLICIES

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

General Plan

- LU-O-22** Provide for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services.
- LU-O-28** Promote pedestrian-oriented retail and mixed use development along transit corridors, in neighborhood nodes, and in Downtown and East Downtown.
- LU-P-67** Update the Zoning Ordinance to reflect the Neighborhood Commercial designation on the Land Use Diagram, intended for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported. Provide standards to ensure that neighborhood commercial uses are economically-viable and also integrated into neighborhoods, with multimodal access and context-sensitive design.

Neighborhood Commercial development shall be subject to design review and public input. If residential uses are included, density should be 10 to 15 dwelling units per gross acre. Shopping centers in Neighborhood Commercial areas shall have the following characteristics:

- *Anchored by a grocery store or similar business offering fresh produce, poultry, fish and meat;*
- *Include smaller in-line stores of less than 10,000 square feet;*
- *Total size of 5 to 12 acres or as shown on the Land Use Diagram; and*
- *Integrated with surrounding neighborhood uses in terms of design, with negative impacts minimized.*
- *Located no closer than one mile from other General Plan-designated Neighborhood Commercial or Community Commercial locations, or from existing grocery stores.*
- *No individual tenant shall be larger than 40,000 square feet in size.*

Standards for Neighborhood Commercial development also shall require design measures that create a walkable environment and require local street and pedestrian connections. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.

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

COMMERCIAL ZONES

Chapter 17.18

17.18.010 Purpose and intent.

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

1. Provide appropriate areas for various types of retail stores, offices, service establishments and wholesale businesses to be concentrated for the convenience of the public; and to be located and grouped on sites that are in logical proximity to the respective geographical areas and respective categories of patrons that they serve in a manner consistent with the general plan;
 2. Maintain and improve Visalia's retail base to serve the needs of local residents and encourage shoppers from outside the community;
 3. Accommodate a variety of commercial activities to encourage new and existing business that will employ residents of the city and those of adjacent communities;
 4. Maintain Visalia's role as the regional retailing center for Tulare and Kings Counties and ensure the continued viability of the existing commercial areas;
 5. Maintain commercial land uses that are responsive to the needs of shoppers, maximizing accessibility and minimizing trip length;
 6. Ensure compatibility with adjacent land uses.
- B. The purposes of the individual commercial zones are as follows:
1. **Neighborhood Commercial Zone (C-N).** The purpose and intent of the neighborhood commercial zone district is to provide for small-scale commercial development that primarily serves surrounding residential areas, wherein small office uses as well as horizontal or vertical residential mixed use are also supported, and provide standards to ensure that neighborhood commercial uses are economically viable and also integrated into neighborhoods in terms of design, with negative impacts minimized, with multimodal access, and context-sensitive design. Neighborhood Commercial development shall be subject to design review and public input. There should be 10 to 15 dwelling units per gross acre where residential uses are included. Shopping centers shall be of a total size of 5 to 12 acres and located no closer than one mile from other General Plan designated Neighborhood Commercial locations, or from existing grocery stores, anchored by a grocery store or similar business no larger than 40,000 square feet in size, and include smaller in-line stores of less than 10,000 square feet. Alterations and additions in existing nonconforming centers may be permitted, subject to design review and conditions of approval to minimize neighborhood impacts.
 2. **Regional Commercial Zone (C-R).** The purpose and intent of the regional commercial zone district is to provide areas for retail establishments that are designed to serve a regional service trade area. The uses permitted in this district are to be of a large-scale regional retail nature with supporting goods and services. Uses that are designed to provide service to residential areas and convenience, neighborhood and community level retail are not permitted, while office uses are to be limited.
 3. **Service Commercial Zone (C-S).** The purpose and intent of the planned service commercial zone district is to provide areas that accommodate wholesale, heavy commercial uses, such as lumberyards and construction material retail uses, etc., and services such as automotive, plumbing, and sheet metal fabrication. It is intended that uses in this district be those that can be compatible with heavy truck traffic and noise. Uses that would restrict the operation of generally permitted heavy commercial businesses are not provided in this district. (Ord. 2017-01 (part), 2017: prior code § 7310)

17.18.015 Applicability.

The requirements in this chapter shall apply to all property within the C-N, C-R, and C-S zone districts. (Ord. 2017-01 (part), 2017)

17.18.020 Permitted uses.

Permitted uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2, 2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.030 Conditional and temporary uses.

Conditional and temporary uses in the C-N, C-R, and C-S zones shall be determined by [Table 17.25.030](#) in Section [17.25.030](#). (Ord. 2017-01 (part), 2017; Ord. 2016-06, 2016; Ord. 2015-04 § 2,

2015; Ord. 2015-01 § 2, 2015; Ord. 2014-07 § 3 (part), 2014; Ord. 2012-10, 2012; Ord. 2012-08, 2012; Ord. 2012-02, 2012; Ord. 2011-07 § 2, 2011; Ord. 2010-16, 2010; Ord. 2009-02, 2009; Ord. 2006-17, 2006; Res. 2004-75 (part), 2004; Ord. 2004-08 § 3, 2004; Res. 2004-14 (part), 2004; Res. 2003-95 (part), 2003; Res. 2002-83, 2002; Res. 2002-26, 2002; Res. 2001-40, 2001; Res. 2001-29, 2001; Ord. 2000-01 § 6, 2000; Ord. 9903 § 3, 1999; Ord. 9717 § 2 (part), 1997; amended by council August 13, 1997; amended by council June 3, 1996 and May 20, 1996: prior code § 7328)

17.18.040 Required conditions.

A. A site plan review permit must be obtained for all development in all C-N, C-S, and C-R zones, subject to the requirements and procedures in [Chapter 17.28](#).

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, outdoor dining areas, nurseries, garden shops, Christmas tree sales lots, bus depots and transit stations, electric distribution substation, and recycling facilities;

C. All products produced on the site of any of the permitted uses shall be sold primarily at retail on the site where produced;

D. All new construction in existing C-N zones not a part of a previously approved planned development shall conform with development standards determined by the site plan review committee. (Ord. 2017-01 (part), 2017: prior code § 7319)

17.18.050 Off-street parking and loading facilities.

Off-street parking and off-street loading facilities shall be provided as prescribed in [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: prior code § 7325)

17.18.060 Development standards in the C-N zone.

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

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 (except where a building is located on side property line);

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. (Ord. 2017-01 (part), 2017)

**SINGLE-FAMILY RESIDENTIAL ZONE
(Chapter 17.12)**

Article 1. General

17.12.010 Purpose and intent.

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

congestion and to avoid an overload of utilities designed to service only low density residential use. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7270)

17.12.015 Applicability.

The requirements in this chapter shall apply to all property within R-1 zone districts. (Ord. 2017-01 (part), 2017)

17.12.020 Permitted uses.

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

- A. One-family dwellings;
- B. Raising of fruit and nut trees, vegetables and horticultural specialties;
- C. Accessory structures located on the same site with a permitted use including private garages and carports, one guest house, storehouses, garden structures, green houses, recreation room and hobby shops;
- D. Swimming pools used solely by persons resident on the site and their guests; provided, that no swimming pool or accessory mechanical equipment shall be located in a required front yard or in a required side yard;
- E. Temporary subdivision sales offices;
- F. Licensed day care for a maximum of fourteen (14) children in addition to the residing family;
- G. Twenty-four (24) hour residential care facilities or foster homes, for a maximum of six individuals in addition to the residing family;
- H. Signs subject to the provisions of [Chapter 17.48](#);
- I. The keeping of household pets, subject to the definition of household pets set forth in [Section 17.04.030](#);
- J. Accessory dwelling units as specified in [Sections 17.12.140](#) through [17.12.200](#);
- K. Adult day care up to twelve (12) persons in addition to the residing family;
- L. Other uses similar in nature and intensity as determined by the city planner;
- M. Legally existing multiple family units, and expansion or reconstruction as provided in [Section 17.12.070](#);
- N. Transitional or supportive housing as defined by California Health and Safety Code Sections 50675.2(h) and 53260(c);
- O. In the R-1-20 zone only, the breeding, hatching, raising and fattening of birds, rabbits, chinchillas, hamsters, other small animals and fowl, on a domestic noncommercial scale, provided that there shall not be less than one thousand (1,000) square feet of site area for each fowl or animal and provided that no structure housing poultry or small animals shall be closer than fifty (50) feet to any property line, closer than twenty-five (25) feet to any dwelling on the site, or closer than fifty (50) feet to any other dwelling;
- P. In the R-1-20 zone only, the raising of livestock, except pigs of any kind, subject to the exception of not more than two cows, two horses, four sheep or four goats for each site, shall be permitted; provided, that there be no limitation on the number of livestock permitted on a site with an area of ten acres or more and provided that no stable be located closer than fifty (50) feet to any dwelling on the site or closer than one hundred (100) feet to any other dwelling.
(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2012-02, 2012: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7271)

17.12.030 Accessory uses.

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

- A. Home occupations subject to the provisions of [Section 17.32.030](#);
- B. Accessory buildings subject to the provisions of [Section 17.12.100\(B\)](#).
- C. Cottage Food Operations subject to the provisions of Health and Safety Code 113758 and [Section 17.32.035](#). (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7272)

17.12.040 Conditional uses.

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

- A. Planned development subject to the provisions of [Chapter 17.26](#);
 - B. Public and quasi-public uses of an educational or religious type including public and parochial elementary schools, junior high schools, high schools and colleges; nursery schools, licensed day care facilities for more than fourteen (14) children; churches, parsonages and other religious institutions;
 - C. Public and private charitable institutions, general hospitals, sanitariums, nursing and convalescent homes; not including specialized hospitals, sanitariums, or nursing, rest and convalescent homes including care for acute psychiatric, drug addiction or alcoholism cases;
 - D. Public uses of an administrative, recreational, public service or cultural type including city, county, state or federal administrative centers and courts, libraries, museums, art galleries, police and fire stations, ambulance service and other public building, structures and facilities; public playgrounds, parks and community centers;
 - E. Electric distribution substations;
 - F. Gas regulator stations;
 - G. Public service pumping stations, i.e., community water service wells;
 - H. Communications equipment buildings;
 - I. Planned neighborhood commercial center subject to the provisions of [Chapter 17.26](#);
 - J. Residential development specifically designed for senior housing;
 - K. Mobile home parks in conformance with Section [17.32.040](#);
 - L. [Reserved.]
 - M. Residential developments utilizing private streets in which the net lot area (lot area not including street area) meets or exceeds the site area prescribed by this article and in which the private streets are designed and constructed to meet or exceed public street standards;
 - N. Adult day care in excess of twelve (12) persons;
 - O. Duplexes on corner lots;
 - P. Twenty-four (24) hour residential care facilities or foster homes for more than six individuals in addition to the residing family;
 - Q. Residential structures and accessory buildings totaling more than ten thousand (10,000) square feet;
 - R. Other uses similar in nature and intensity as determined by the city planner.
- (Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2012-02, 2012: Ord. 2001-13 § 4 (part), 2001: Ord. 2000-02 § 1 (part), 2000; amended during 10/97 supplement: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7273)

17.12.050 Site area.

The minimum site area shall be as follows:

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

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

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

B. Minimum width for corner lot on a side on cul-de-sac shall be eighty (80) feet, when there is no landscape lot between the corner lot and the right of way. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7274)

17.12.060 One dwelling unit per site.

In the R-1 single-family residential zone, not more than one dwelling unit shall be located on each site, with the exception to Section [17.12.020\(J\)](#). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7275)

17.12.070 Replacement and expansion of legally existing multiple family units.

In accordance with Section [17.12.020](#) legally existing multiple family units may be expanded or replaced if destroyed by fire or other disaster subject to the following criteria:

A. A site plan review permit as provided in [Chapter 17.28](#) is required for all expansions or replacements.

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

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

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

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

F. All rights established under Sections [17.12.020](#) and [17.12.070](#) shall be null and void one hundred eighty (180) days after the date that the unit(s) are destroyed (or rendered uninhabitable), unless a building permit has been obtained and diligent pursuit of construction has commenced. The approval of a site plan review permit does not constitute compliance with this requirement. (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7276)

17.12.080 Front yard.

A. The minimum front yard shall be as follows:

Zone Minimum Front Yard

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

R-1-12.5 Thirty (30) feet

R-1-20 Thirty-five (35) feet

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

C. On cul-de-sac and knuckle lots with a front lot line of which all or a portion is curvilinear, the front yard setback shall be no less than fifteen (15) feet for living space and side-loading garages and twenty (20) feet for front-loading garages. (Ord. 2017-01 (part), 2017: Ord. 2004-20 (part), 2004: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7277)

17.12.090 Side yards.

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

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

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

D. On corner lots, all front-loading garage doors or other parking facilities, such as, but not limited to, carports, shade canopies, or porte cochere, shall be a minimum of twenty-two (22) feet from the nearest public improvement or sidewalk. A porte cochere with less than twenty- two (22) feet of setback from property line shall not be counted as covered parking, and garages on such sites shall not be the subject of a garage conversion.

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

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

(Ord. 2017-13 (part), 2017: Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: prior code § 7278)

17.12.100 Rear yard.

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

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

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

C. Main structures may encroach up to five feet into a required rear yard area provided that such encroachment does not exceed one story and that a usable, open, rear yard area of at least one thousand five hundred (1,500) square feet shall be maintained. Such encroachment and rear yard area shall be approved by the city planner prior to issuing building permits. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: Ord. 9717 § 2 (part), 1997: Ord. 9605 § 30 (part), 1996: prior code § 7279)

17.12.110 Height of structures.

In the R-1 single-family residential zone, the maximum height of a permitted use shall be thirty-five (35) feet, with the exception of structures specified in Section [17.12.100\(B\)](#). (Ord. 2017-01 (part), 2017: Ord. 2006-07 § 2 (part), 2006: Ord. 9717 § 2 (part), 1997: prior code § 7280)

17.12.120 Off-street parking.

In the R-1 single-family residential zone, subject to the provisions of [Chapter 17.34](#). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7281)

17.12.130 Fences, walls and hedges.

In the R-1 single-family residential zone, fences, walls and hedges are subject to the provisions of Section [17.36.030](#). (Ord. 2017-01 (part), 2017: Ord. 9717 § 2 (part), 1997: prior code § 7282)

17.12.135 Lot area less than 5,000 square feet.

A. Notwithstanding Section [17.12.050](#), lots in the R-1-5 zone may have a lot area of between 3,600 and 4,999 square feet if all of the following standards are met:

1. The Planning Commission finds that the development's overall density is consistent with the General Plan.

2. The maximum number of lots less than 5,000 square feet that may be approved by a tentative subdivision map shall be fifty (50) percent or less of the total lots.

3. Streets shall be constructed to public street standards.

4. Each subdivision with at least 15 lots that are less than 5,000 square feet in size shall make available to buyers at least three (3) different small lot floor plans with at least four (4) available elevation designs for each floor plan to construct on those lots.

5. The primary frontage of the dwelling unit shall face a public street, primary entryway, circulation walkway, or open space with sidewalks that provide delineated paths of travel.

6. The primary frontage of the dwelling unit shall include the primary entrance and at least one window.
 7. Required covered parking spaces shall be in garages. Carports are prohibited.
 8. The width of the garage shall not be greater than fifty (50) percent of the width of the dwelling unit.
 9. The garage shall not extend beyond the front building facade (living area.)
 10. All dwelling units shall include a covered front porch at least four (4) feet deep and six (6) feet wide or an uncovered front courtyard at least five (5) feet wide and five (5) feet deep that is surrounded on four sides by the dwelling unit or a wall or fence between three (3) and four (4) feet high with a pedestrian gate or entryway.
 11. The building official shall not approve a building permit for a new dwelling unit on a lot with a lot area less than 5,000 square feet until the city planner, or designee, has determined that the standards identified in this section are met.
 12. The subdivision shall provide a common, usable open space area of a minimum 3,000 square feet or two hundred fifty (250) square feet per lot under 5,000 square feet, whichever is greater. The area shall be landscaped and maintained with funding from either a homeowner's association or a landscape and lighting act district.
- B. Notwithstanding this Chapter, lots with less than five thousand (5,000) square feet shall have the following minimum dimensions and building setback areas, unless they were approved with a planned development permit:
1. The minimum lot depth shall be seventy (70) feet.
 2. The minimum lot width shall be forty-six (46) feet for interior lots and fifty-one (51) feet for corner lots.
 3. The minimum front building setback area shall be twelve (12) feet for livable space and twenty (20) feet for garages.
 4. The minimum rear yard building setback area shall be fifteen (15) feet.
 5. The minimum interior side yard building setback area shall be five (5) feet.
 6. The minimum corner side yard building setback area shall be ten (10) feet.
 7. The maximum building height shall be thirty-five (35) feet.
 8. Lots shall provide for a usable open space area of a minimum three hundred (300) square feet. The open space shall be a minimum fifteen (15) feet wide.
- C. Lots less having a lot area of 3,600 square feet, or lots that do not meet the standards in this section may be approved through the planned development permit process per [Chapter 17.26](#). (Ord. 2017-01 (part), 2017)

17.12.137 Signs.

Signs shall be placed in conformance with [Chapter 17.48](#). (Ord. 2017-01 (part), 2017)
Article 2. Accessory Dwelling Units

17.12.140 Purpose and intent.

It is the purpose of this article to provide for the following:

- A. To encourage a range of housing types, styles and costs to suit the varying needs and desires of the community;
- B. To allow homeowners a means of obtaining, through tenants and accessory dwelling units, an additional source of income, companionship, security, and services;
- C. To add inexpensive rental units to the housing stock of the city;
- D. To create homeownership opportunities for moderate income households who might otherwise be excluded from the housing market, through the additional income derived from accessory dwelling units;
- E. Develop housing in single-family neighborhoods that is appropriate for a variety of stages in the household life cycle, thereby lessening fluctuations in neighborhood demand for public services;
- F. Protect the stability, property values, and character of single family residential neighborhoods by insuring that accessory dwelling units are subject to the standards that follow. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(A))

17.12.150 Definitions.

As used in this article, the following terms are defined in this section:

"Principal dwelling unit" means a single-family dwelling unit situated on a residential lot in the A or R-1 zones to which an accessory dwelling unit as defined by this article has been or is proposed to be added.

"Accessory dwelling unit" means an additional dwelling unit having separate kitchen, sleeping, and sanitation facilities constructed or adopted within, onto, or detached from a single-family dwelling on a residential lot in the A or R-1 zones. Accessory dwelling units may also be efficiency units, as defined in Section 17958.1 of the health and Safety code, and manufacturing homes, as defined in Section 18007 of the Health and Safety Code.

"Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or an accessory structure. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(B))

17.12.160 General provisions.

An accessory dwelling unit may be established by the conversion of an attic, basement, garage (if alternative parking area is provided for the principal dwelling unit), or other portion of a principal dwelling unit. A detached accessory dwelling unit may be established by the conversion of an accessory structure or may be new construction. Second dwelling units may be mobile homes, provided that such units are subject to all applicable standards of Section [17.32.110](#), governing the placement of mobile homes on single-family lots. All applications for accessory dwelling units, whether processed as a permitted use or an exception, must comply with the general provisions stated below:

- A. Accessory dwelling units shall only be allowed on lots located in the A and R-1 zones;
- B. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel;
- C. Second dwelling units shall be subject to all applicable building, fire, health and safety codes and may not have adverse impacts on any real property that is listed in the California Register of Historic Places;
- D. Second dwelling units may only be constructed on lots or parcels that are at least five thousand (5,000) square feet in area;
- E. A covenant running with the land between the city and the applicant shall be recorded with the Tulare County recorder prior to the issuance of any building permits requiring that the primary or the proposed accessory dwelling unit shall be occupied by the owner of record;
- F. The accessory dwelling unit shall be clearly subordinate to the principal dwelling unit by size, location and appearance;
- G. The second unit's scale, appearance and character shall be similar to and compatible in design with the principal dwelling unit and adjacent residences;
- H. In no case shall any accessory dwelling unit be approved on a site on which the principal dwelling unit has been the subject of a garage conversion pursuant to the regulations of Section [17.32.140](#) governing such conversions.
- I. Size. A manufactured home shall not be less than eight (8) feet wide by forty (40) feet long and three hundred twenty (320) square feet in living area. An efficiency unit shall not be less than one hundred fifty (150) square feet in living area and meet all space and occupancy standards of Chapter 5 of the Uniform Housing Code;
- J. Access. Doorway access shall be provided either to the side or rear of the second housing unit;
- K. Utility Services. Second housing units shall be provided with water, sewer, and other utilities as determined by the building official. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(C))

17.12.170 Process.

The city planner shall approve or deny accessory dwelling unit requests based upon the specified requirements. The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner, in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to Section [17.02.145](#). (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(D))

17.12.180 Development requirements.

The following development requirements shall apply to accessory dwelling units:

A. The increased floor area of the second unit shall not exceed twelve hundred (1,200) square feet or fifty (50) percent of the main dwelling unit, whichever is greater, and shall be used as an accessory to the primary single family home.

B. Adequate parking area must be available on the streets adjacent to the accessory dwelling unit. If adequate on-street parking is not available in the immediate vicinity, or in the case of all second units located on cul-de-sac lots, one additional off-street parking space must be provided. Tandem parking shall not be deemed as meeting the above parking requirement. The additional parking space shall be waived if in any of the following instances:

1. The accessory dwelling unit is located within one-half (0.5) miles of public transit.
2. The accessory dwelling unit is located within an architecturally and historically significant historic district.
3. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

5. When there is a car share vehicle located within one block of the accessory dwelling unit.

C. All standards of the underlying zoning district including, but not limited to, height, lot and yard requirements, and lot coverage shall apply.

D. Detached accessory dwelling units are subject to all applicable standards for accessory structures, as stated in the development requirements for the underlying zone, unless a variance has been granted pursuant to [Chapter 17.42](#). (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(E))

17.12.190 Appeals.

The applicant may appeal the decision of the city planner to the planning commission, setting forth the reason for such appeal to the commission. Such appeal shall be filed with the city planner in writing, within ten (10) days after notification of such decision. The appeal shall be placed on the agenda of the commission's next regular meeting. If the appeal is filed within five (5) days of the next regular meeting of the commission, the appeal shall be placed on the agenda of the commission's second regular meeting following the filing of the appeal. The planning commission's review shall be limited to compliance with the specified requirements. The decision of the commission shall be final unless appealed to the council pursuant to [Section 17.02.145](#). (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(F))

17.12.200 Existing nonconforming accessory dwelling units.

An existing accessory dwelling unit situated on a lot or parcel in the A or R-1 zones shall constitute a violation of this title unless: (1) the unit meets the standards and criteria of [Chapter 17.12](#), and an agreement is recorded; or (2) the accessory dwelling unit qualifies as a permitted nonconforming use and structure under the provisions of [Chapter 17.40](#). No enlargement of habitable space shall be allowed unless the standards and criteria of [Chapter 17.12](#) are met. This shall not apply to maintenance of the unit. (Ord. 2017-01 (part), 2017: Ord. 2003-23 § 2, 2003: Ord. 9717 § 2 (part), 1997: prior code § 7283(G))

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)

GENERAL PLAN AMENDMENTS

Chapter 17.54

17.54.010 Purpose.

As the general plan for Visalia is implemented, there may be a need for amendments to land use boundaries and policies of the general plan. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Ord. 2017-01 (part), 2017: prior code § 7650)

17.54.020 Initiation.

- A. An amendment to the land use boundaries of the general plan may be initiated by any interested person or the owners of the property within the area for which the amendment is proposed. The area of a proposed land use amendment and/or policy amendment may be expanded in scope by the planning commission in the resolution of intention.
- B. An amendment to land use boundaries and/or policies may be initiated by the city planning commission or the city council by adoption of a resolution of intention. (Ord. 2017-01 (part), 2017: prior code § 7651)

17.54.030 Application procedures.

A. An application for an amendment shall be filed by the applicant with the city planning commission on a form prescribed by the commission. Said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which a land use boundary amendment is proposed or the authorized agent of the owner. In the case of a policy amendment the statement shall indicate the interest of the applicant;
3. Address and legal description of the subject property, if applicable;
4. The application shall include material deemed necessary by the city planner to clearly show the applicant's proposal.

B. The application shall be accompanied by a fee set by resolution of the city council to cover the cost of processing the application. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7652)

17.54.040 Public hearing—Notice.

Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area under consideration if an amendment to the land use element is under consideration. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7653)

17.54.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission. (Ord. 2017-01 (part), 2017: prior code § 7654)

17.54.060 Hearing.

At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence regarding the proposed amendment. (Ord. 2017-01 (part), 2017: prior code § 7655)

17.54.070 Action of city planning commission.

Within forty-five (45) days following the public hearing, the city planning commission shall make a specific recommendation and shall transmit a report to the city council. The report shall include a resolution recommending either approval or denial of the proposed amendment, together with pertinent information and the report of the city planning staff. (Ord. 2017-01 (part), 2017: prior code § 7656)

17.54.080 Action of the city council.

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

B. If the element or amendment has been approved by the city planning commission, the city council shall not modify the recommendation until the proposed change or modification has been referred back to the city planning commission for a report and a copy of the report has been filed with the city council. Failure of the city planning commission to report within forty (40) days after the reference, or such longer

period as may be designated by the city council shall be deemed to be approval of the proposed change or modification. It shall not be necessary for the city planning commission to hold a public hearing on such proposed change or modification.

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

(Ord. 2017-01 (part), 2017: prior code § 7657)

ZONING AMENDMENTS

Chapter 17.44

17.44.010 Purpose.

As a general plan for Visalia is put into effect, there will be a need for changes in zoning boundaries and other regulations of this title. As the general plan is reviewed and revised periodically, other changes in the regulations of this title may be warranted. Such amendments shall be made in accordance with the procedure prescribed in this chapter. (Ord. 2017-01 (part), 2017: prior code § 7580)

17.44.020 Initiation.

A. A change in the boundaries of any zone may be initiated by the owner of the property within the area for which a change of zone is proposed or by his authorized agent. If the area for which a change of zone is proposed is in more than one ownership, all of the property owners or their authorized agents shall join in filing the application, unless included by planning commission resolution of intention.

B. A change in boundaries of any zone, or a change in a zone regulation, off-street parking or loading facilities requirements, general provision, exception or other provision may be initiated by the city planning commission or the city council in the form of a request to the commission that it consider a proposed change; provided, that in either case the procedure prescribed in Sections 17.44.040 and 17.44.090 shall be followed. (Ord. 2017-01 (part), 2017: prior code § 7581)

17.44.030 Application procedures.

A. A property owner or his authorized agent may file an application with the city planning commission for a change in zoning boundaries on a form prescribed by the commission and that said application shall include the following data:

1. Name and address of the applicant;
2. Statement that the applicant is the owner of the property for which the change in zoning boundaries is proposed, the authorized agent of the owner, or is or will be the plaintiff in an action in eminent domain to acquire the property involved;
3. Address and legal description of the property;
4. The application shall be accompanied by such sketches or drawings as may be necessary to clearly show the applicant's proposal;
5. Additional information as required by the historic preservation advisory board.

B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of processing the application. (Ord. 2017-01 (part), 2017: prior code § 7582)

17.44.040 Public hearing—Notice.

The city planning commission shall hold at least one public hearing on each application for a change in zone boundaries and on each proposal for a change in zone boundaries or of a zone regulation, off-street parking or loading facilities requirements, general provisions, exception or other provision of this title initiated by the commission or the city council. Notice of the public hearing shall be given not less than ten days or more than thirty (30) days prior to the date of the hearing by publication in a newspaper of general circulation within the city, and by mailing notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use that is the subject of the hearing. (Ord. 2017-01 (part), 2017: prior code § 7583)

17.44.050 Investigation and report.

The city planning staff shall make an investigation of the application or the proposal and shall prepare a report thereon that shall be submitted to the city planning commission. (Ord. 2017-01 (part), 2017: prior code § 7584)

17.44.060 Hearing.

A. At the public hearing, the city planning commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is necessary to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020.

B. If the commission's recommendation is to change property from one zone designation to another, the commission may recommend that conditions be imposed so as not to create problems adverse to the public health, safety and general welfare of the city and its residents. (Ord. 2017-01 (part), 2017: prior code § 7585)

17.44.070 Action of city planning commission.

The city planning commission shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. The commission shall transmit a report to the city council recommending that the application be granted, conditionally approved, or denied or that the proposal be adopted or rejected, together with one copy of the application, resolution of the commission or request of the Council, the sketches or drawings submitted and all other data filed therewith, the report of the city engineer and the findings of the commission. (Ord. 2017-01 (part), 2017: Ord. 2001-13 § 4 (part), 2001: prior code § 7586)

17.44.080 [Reserved].

17.44.090 Action of city council.

A. Upon receipt of the resolution or report of the city planning commission, the city council shall review the application or the proposal and shall consider the resolution or report of the commission and the report of the city planning staff.

B. The city council shall make a specific finding as to whether the change is required to achieve the objectives of the zoning ordinance prescribed in Section 17.02.020. If the council finds that the change is required, it shall enact an ordinance amending the zoning map or an ordinance amending the regulations of this title, whichever is appropriate. The city council may impose conditions on the change of zone for the property where it finds that said conditions must be imposed so as not to create problems inimical to the public health, safety and general welfare of the city and its residents. If conditions are imposed on a change of zone, said conditions shall run with the land and shall not automatically be removed by a subsequent reclassification or change in ownership of the property. Said conditions may be removed only by the city

council after recommendation by the planning commission. If the council finds that the change is not required, it shall deny the application or reject the proposal. (Ord. 2017-01 (part), 2017: prior code § 7587)

17.44.100 Change of zoning map.

A change in zone boundary shall be indicated on the zoning map. (Ord. 2017-01 (part), 2017: prior code § 7589)

17.44.110 New application.

Following the denial of an application for a change in a zone boundary, no application for the same or substantially the same change shall be filed within one year of the date of denial of the application. (Ord. 2017-01 (part), 2017: prior code § 7590)

17.44.120 Report by city planner.

On any amendment to the zoning code changing property from one zone classification to another, the city planner shall inform the planning commission and the city council of any conditions attached to previous zone changes as a result of action taken pursuant to Sections 17.44.060, 17.44.070 and 17.44.090. (Ord. 2017-01 (part), 2017: Ord. 9605 § 30 (part), 1996: prior code § 7591)

RESOLUTION NO. 2019-43

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF VISALIA, RECOMMENDING APPROVAL OF GENERAL PLAN
AMENDMENT NO. 2019-05: A REQUEST BY NIZAR KARIMI TO CHANGE THE LAND
USE DESIGNATION OF A 10,132 SQ. FT. PARCEL FROM LOW DENSITY
RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL, LOCATED AT 1209 S. GARDEN
STREET. (APN: 097-251-020).

WHEREAS, General Plan Amendment No. 2019-05 is a request by Nizar Karimi to change the land use designation of a 10,132 sq. ft. parcel from Low Density Residential to Neighborhood Commercial, located at 1209 S. Garden Street (APN: 097-251-020); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 14, 2020; and

WHEREAS, the Planning Commission of the City of Visalia finds that General Plan Amendment No. 2019-05, to be in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia and on the evidence contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Planning Commission finds the project to be Categorical Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2019-44.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2019-05 based on the following specific findings and evidence presented:

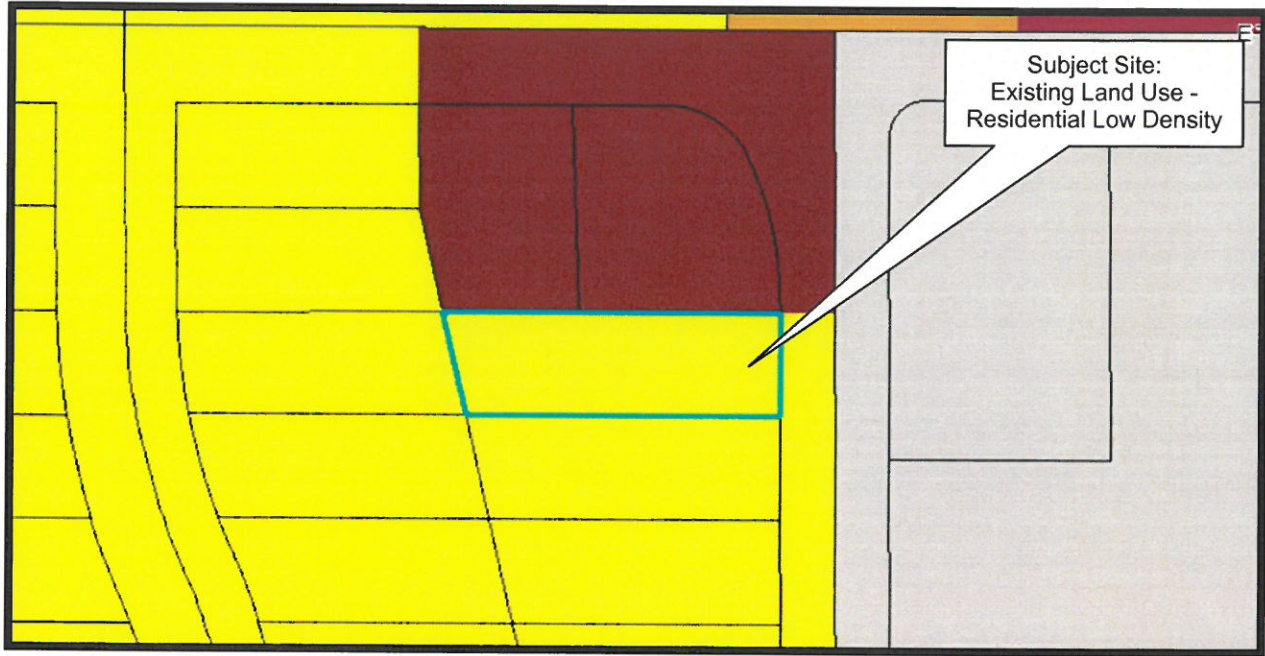
1. That the proposed General Plan Amendment is consistent with the goals, objectives, and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed General Plan Amendment from Low Density Residential to Commercial Neighborhood is consistent with the original commercial use of the site and would be appropriate for the proposed expansion of the existing commercial building. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services while Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors, such as Tulare Avenue. The application of the Neighborhood Commercial designation to a second property facilitates the convenience store expansion. Furthermore, the southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so

that it may include grocery items in its inventory. Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation.

3. That the proposed General Plan Amendment from Low Density Residential to Commercial Neighborhood in conjunction with Conditional Zoning Agreement No. 2019-07 will provide for the use of the site for commercial purposes while providing compatibility with the adjacent residential uses. Land Use Element Objective LU-O-22 provides for creating inclusive compact neighborhoods with opportunities for neighborhood commercial services while Land Use Element Objective LU-O-28 encourages the promotion of pedestrian-oriented retail along transit corridors, such as Tulare Avenue. The application of the Neighborhood Commercial designation to a second property facilitates the convenience store expansion. Furthermore, the southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so that it may include grocery items in its inventory. Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation.
4. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of General Plan Amendment No. 2019-05 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.54.080 of the Ordinance Code of the City of Visalia.

GENERAL PLAN AMENDMENT NO. 2019-05
Planning Commission
Resolution No. 2019-43



RESOLUTION NO. 2019-44

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING APPROVAL OF CHANGE OF ZONE NO. 2019-06, A REQUEST BY NIZAR KARIMI TO CHANGE THE ZONING DESIGNATION OF A 10,132 SQ. FT. PARCEL FROM R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM SITE AREA) TO C-N (NEIGHBORHOOD COMMERCIAL), LOCATED AT 1209 S. GARDEN STREET. (APN: 097-251-020)

WHEREAS, Change of Zone No. 2019-06 is a request by Nizar Karimi to change the zoning designation of a 10,132 sq. ft. parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-N (Neighborhood Commercial), located at 1209 S. Garden Street (APN: 097-251-020); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 14, 2020; and

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

WHEREAS, the Planning Commission of the City of Visalia finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2019-44.

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 recommends approval to the City Council of the proposed Change of Zone based on the following specific findings and evidence presented:

1. That Change of Zone No. 2019-06 is consistent with the intent of the General Plan and Zoning Ordinance, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed expansion of the existing commercial building on the site, as conditioned, is consistent with the C-N (Neighborhood Commercial) zoning designation. The request to change the zoning designation of the southernmost site to Neighborhood Commercial will be compatible with the site and surrounding area. The southwest corner of Tulare Avenue and Garden Street is largely designated Neighborhood Commercial and already serves as a commercial hub for the surrounding area. Application of C-N zoning to the southernmost site supports expansion of the convenience store, so that it may include grocery items in its inventory. Though the commercial node does not meet all criteria for a Neighborhood Commercial development as described in General Plan Land Use

Element Policy LU-P-67, the addition of grocery products will bring the facility closer to fulfilling the intent of the Neighborhood Commercial land use designation.

3. That Change of Zone No. 2019-06, as conditioned through Conditional Zoning Agreement No. 2019-07, is compatible with the adjacent residential land uses.
4. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Change of Zone No. 2019-06 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

CHANGE OF ZONE NO. 2019-06

Planning Commission
Resolution No. 2019-44



RESOLUTION NO. 2019-46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA RECOMMENDING APPROVAL OF CONDITIONAL ZONING AGREEMENT NO. 2019-07: A REQUEST BY NIZAR KARIMI TO ESTABLISH CONDITIONS LIMITING THE ALLOWED AND CONDITIONAL USES ON TWO PROPERTIES WITHIN THE C-N (NEIGHBORHOOD COMMERCIAL) ZONE FOR CONDITIONAL USE PERMIT NO. 2019-20. THE PROJECT SITE IS LOCATED AT 249 E. TULARE STREET AND 1209 S. GARDEN STREET. (APN: 097-251-020 AND 041)

WHEREAS, Conditional Zoning Agreement No. 2019-07 is a request by Nizar Karimi to establish conditions limiting the allowed and conditional uses on two properties within the C-N (Neighborhood Commercial) Zone for Conditional Use Permit No. 2019-20. The project site is located at 249 E. Tulare Street and 1209 S. Garden Street (APN: 097-251-020 and 041); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on September 14, 2020; and

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

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2019-44.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2019-07 based on the following specific findings and evidence presented:

1. That Conditional Zoning Agreement No. 2019-07 will facilitate land use compatibility by limiting the hours of operation for any commercial use on the site from 7:00 a.m. to 9:00 p.m., limiting the hours of operation for delivery activities from 7:00 a.m. to 7:00 p.m., and prohibiting the sale of single-bottle / single-can beer.
2. That Conditional Zoning Agreement No. 2019-07 will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2019-07, as shown in Exhibit "E", on the real property as described in Exhibit "A" (Site Plan for 249 E. Tulare Street and 1209 S. Garden Street, APNs: 097-251-020 and 041), in accordance with the terms of this resolution and under the provisions of Chapter 17.44 of the Ordinance Code of the City of Visalia, based upon the following conditions:

1. That Conditional Zoning Agreement No. 2019-07 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
2. That Conditional Zoning Agreement No. 2019-07 shall be conditioned with the following:
 - a. That the Hours of Operation for any use/business on this site shall be 7:00 a.m. to 9:00 p.m.
 - b. That the Hours of Operation for any delivery activities on this site shall be 7:00 a.m. to 7:00 p.m.
 - c. That the sale of single-bottle and / or single-can beers shall be prohibited.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Visalia recommends approval to the City Council of Conditional Zoning Agreement No. 2019-07 on the real property described herein, in accordance with the terms of this resolution and under the provisions of Section 17.44.070 of the Ordinance Code of the City of Visalia.

NO FEE REQUIRED PURSUANT
TO GOVT. CODE SECTION 27383
RECORDING REQUESTED BY
AND MAIL RESPONSE TO:

City of Visalia
Planning Division
315 East Acequia
Visalia, CA 93291

CONDITIONAL ZONING AGREEMENT NO. 2019-07

THIS AGREEMENT made this ____ day of ____ 2020, by _____, hereinafter called the "First Party" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, "Second Party."

WITNESSETH

WHEREAS, First Party is the owner of real property, herein called the "Property" situated in the City of Visalia, which Property is described in Item (d) of Exhibit I of this Agreement; and

WHEREAS, the Property is now zoned as specified in Item (a) of Exhibit I; and

WHEREAS, First Party has applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present classification to the classification or classifications specified in Item (b) of Exhibit I; and

WHEREAS, hearings have been held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I is being granted, the rezoning shall be subject to the conditions specified in the following paragraphs:

1. That Exhibit I, as completed and attached hereto, are incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.

2. That First Party shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
3. In the event First Party, and successor in interest of First Party, or any person in possession of the property described in Item (d) of Exhibit I violates or fails to perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.
4. Notice of violation of provisions of this Agreement shall be sent to First Party at the address specified in Item (c) of the Exhibit I and to the street address of the property described in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
5. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
6. Zoning of the property as indicated in Item (b) of Exhibit I shall not be consummated until such time as the Agreement has been recorded in the office of the Tulare County Recorder.

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

BY: _____
"First Party"

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

ATTEST: _____
Clerk of the City Council
"Second Party"

BY: _____
City Manager

EXHIBIT I
CONDITIONAL ZONING AGREEMENT NO. 2019-07

(a)The properties are now zoned:

C-N (Neighborhood Commercial) and R-1-5 (Single-family Residential, 5,000 square foot minimum lot size)

(b)The zoning reclassification of the properties are from its present zoning to:

C-N (Neighborhood Commercial)

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

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

APN: 097-251-020, 097-251-041
249 E. Tulare Street and 1209 S. Garden Street

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

1. That Conditional Zoning Agreement No. 2019-07 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
2. That the Hours of Operation for any use/business on this site shall be 7:00 a.m. to 9:00 p.m.
3. That the Hours of Operation for any delivery activities on this site shall be 7:00 a.m. to 7:00 p.m.
4. That the sale of single-bottle and / or single-can beers shall be prohibited.

RESOLUTION NO. 2019-34

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA APPROVING CONDITIONAL USE PERMIT NO. 2019-20, A REQUEST BY NIZAR KARIMI TO REPLACE AN EXISTING CONVENIENCE STORE WITH A NEW 3,900 SQ. FT. CONVENIENCE STORE ON TWO PROPERTIES TOTALING 21,612 SQ. FT. IN THE C-N (NEIGHBORHOOD COMMERCIAL) AND R-1-5 (SINGLE FAMILY RESIDENTIAL, 5,000 SQ. FT. MINIMUM SITE AREA) ZONES. THE SUBJECT SITES ARE LOCATED AT 249 E. TULARE STREET AND 1209 S. GARDEN STREET. (APN: 097-251-020 AND 041)

WHEREAS, Conditional Use Permit No. 2019-20 is a request by Nizar Karimi to replace an existing convenience store with a new 3,900 sq. ft. convenience store on two properties totaling 21,612 sq. ft. in the C-N (Neighborhood Commercial) and R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zones. The subject sites are located at 249 E. Tulare Street and 1209 S. Garden Street (APN: 097-251-020 and 041); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on September 14, 2020; and

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

WHEREAS, the Planning Commission finds the project to be Categorically Exempt consistent with the California Environmental Quality Act (CEQA) and City of Visalia Environmental Guidelines, Categorical Exemption No. 2019-44.

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

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

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a) The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The project will help in revitalizing the existing site and vacant site by incorporating design elements that are consistent with City codes and standards, including drive approaches on both Tulare Avenue and Garden Street that are consistent with City standards, additional on-site parking, new lighting, on-site delivery unloading zone, new building with architectural features that are compatible with the surrounding residential development and limited hours of operation that reduce impacts to the surrounding neighborhood.

- b) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The project will help in revitalizing the existing site and vacant site by incorporating design elements that are consistent with City codes and standards, including drive approaches on both Tulare Avenue and Garden Street that are consistent with City standards, additional on-site parking, new lighting, on-site delivery unloading zone, new building with architectural features that are compatible with the surrounding residential development and limited hours of operation that reduce impacts to the surrounding neighborhood.
3. That Categorical Exemption No. 2019-44 was prepared for the project consistent with the California Environmental Quality Act, Section No. 15332, which is appropriate as the project will not produce significant effects to noise, air, traffic, or water quality, is consistent with the applicable general plan and zoning designations, is located on two properties totaling 21,612 sq. ft. in size with no significant habitat of note, and maintains sufficient access to required utilities and public services.

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

1. That the project be developed in substantial compliance and be consistent with the comments of Site Plan Review No. 2018-034 and Site Plan Review No. 2017-033.
2. That the project is subject to the Site Plan in Exhibit "A", Floor Plan in Exhibit "B", Elevations in Exhibit "C", and Operational Statement in Exhibit "D".
3. All lighting within the monument sign shall be turned off when the facility is closed for business.
4. All onsite lighting shall be deflected away from abutting residential sites so as to cause no glare.
5. A seven foot tall CMU block wall shall be placed along the project site boundaries shared with residentially zoned areas.
6. Setbacks for the development shall be as follows:
 - Front Yard (Tulare Avenue) – 15 feet
 - Side Yard (Garden Street) – 10 feet
 - Side Yard Abutting Commercial – 0 feet
 - Side Yard Abutting Residential – 15 feet
 - Rear Yard Abutting Residential – 15 feet
7. Prior to occupancy of the development, the applicant/developer shall demonstrate to the satisfaction of City staff that all on-site lighting installed shall not exceed the lumen intensity limit of 0.5 lumens at the property lines, as required by the Visalia Municipal Code.
8. That Conditional Use Permit No. 2019-20 shall be null and void unless General Plan Amendment No. 2019-05, Change of Zone No. 2019-06, and Conditional Zoning Agreement No. 2019-07 are approved.
9. A Lot Line Adjustment shall be approved and recorded to merge the two project sites into one parcel.

10. Landscaping as shown in Exhibit "A" shall be installed and maintained. Existing landscape areas to remain shall be replanted and maintained.
11. The applicant shall consult with Southern California Edison and comply with all requirements to relocate and/or provide access to utility poles adjacent to the project sites.
12. That all other federal, state, regional, and county laws and city codes and ordinances be complied with.

Exhibit "A"

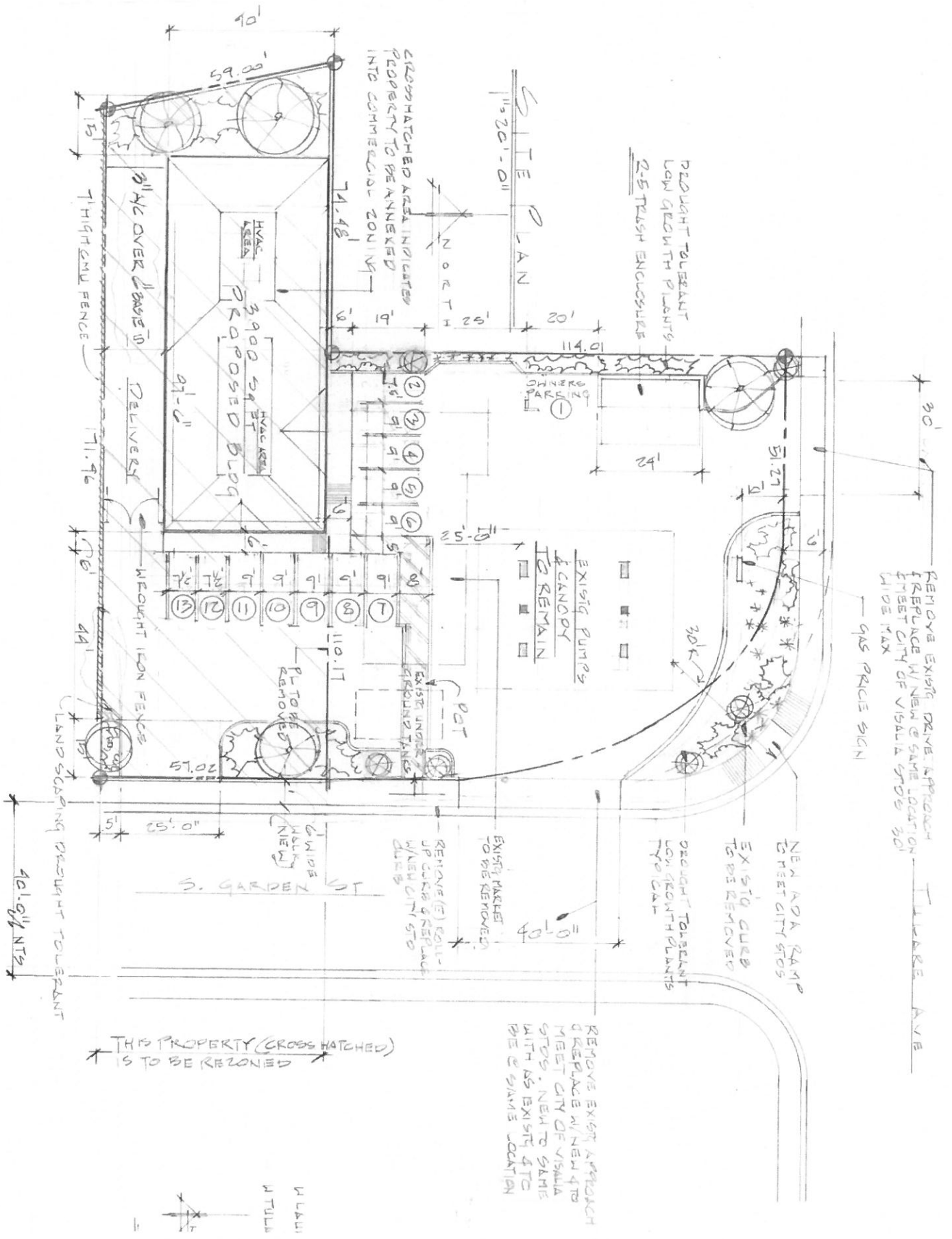
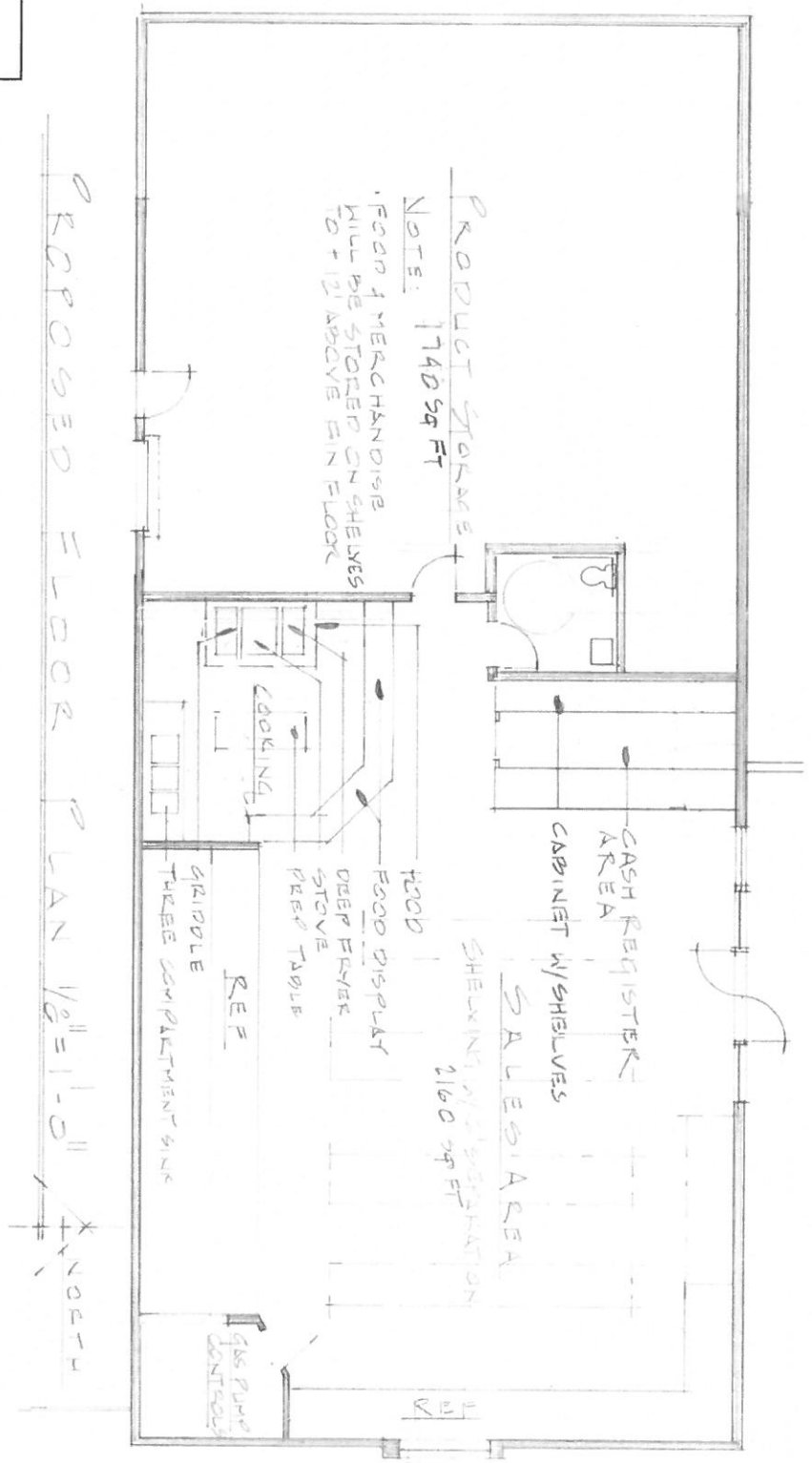


Exhibit "B"



PARKING CALCULATIONS

SALES AREA 2160 sqft

STORAGE AREA 1740 sqft

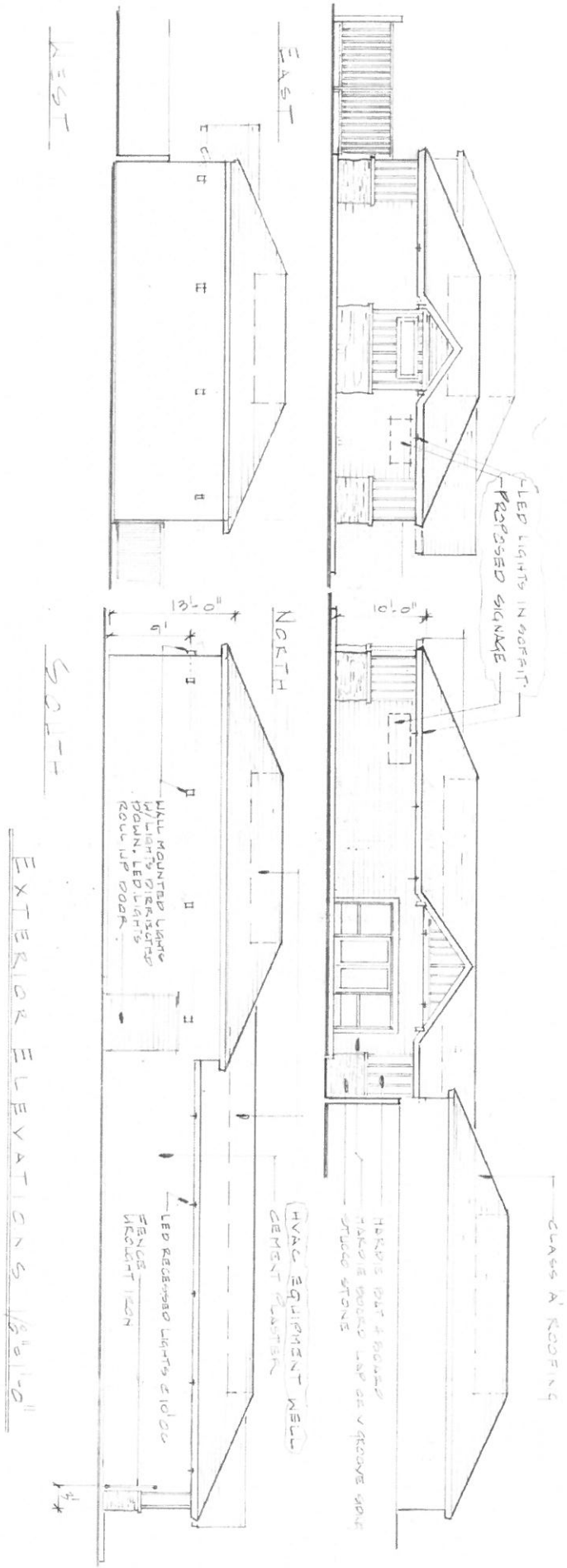
TOTAL SQ FT 3900/300

TOTAL STALLS REQ'D 13 STALLS

NOTE

ALL FOOD IS TAKE OUT. THEIR IS NO INDOOR SEATING

Exhibit "C"



EXTERIOR ELEVATIONS 1/8" = 1'-0"

Exhibit "D"

Operational Information

Time of Deliveries

- 7:00am - 11:00am

Length of Truck

- 20 - 40 feet

Number of Employees

- Current: 6
- According to Future Plan
 - Up to 12 over a period of 17 hours

Location of Delivery Truck

- Currently being parked on Garden Street
- According to Future Plan
 - Inside parking lot by the building not blocking the street see siteplan

How many Deliveries a Day?

- 1 - 2

How will you light the property?

- Lamp post under city limits

Hours of Operations

- 6:00am - 11:00pm

How will you keep the site clean?

- Sweep outside few times a day
- Clean the gas pumps and entrance door
- Throw away all trash
- User blower to clean parking lot several times a week

What will the market sell?

- Everything that is currently being sold
 - All essential groceries
 - Household supplies
 - Soda, Beer, Liquor, Juices
 - All snack items such as chips
 - Deli items
 - Tobacco
 - Bill payment service, money order, check cashing
 - Gasoline and Diesel

How will you keep the homeless off the site?

- Monitor parking lot periodically and ask them to leave
- Call authorities for help if they do not leave
- Put up "No Loitering and Trespassing" Signs
- Notifying other customers to not supply the homeless with any extra cash

As per amount of customers

The new proposed facility will be a small neighborhood grocery store. Selling items other than chips and drinks and snack food which is what is currently being sold.

As of now he has around 300 neighborhood clients as walk-ins each day. With a new propose neighborhood grocery store to replace the existing market he is anticipating an additional 50 walk-in clients per day.

Around 100 to 150 patrons stop for gas and a soda only. This should not increase. Almost all of his patrons are from the neighborhood where the proposed small neighborhood grocery store is to be located. Many of the patrons from the neighborhood either do not have a vehicle or as families have only one which during the day is in use for the spouse is drive to go to work. Unfortunately there is not a grocery store in the immediate area that this is within walking distance. The hope is that this neighborhood grocery store will fill the void and meet most of their needs. In this neighborhood each a store as this is very much needed.

Security

On the existing site, there are video cameras in the interior and on the exterior of the building completely covering the site. This will also be done with the new proposed building. The South and West (rear) yards will also be covered with video cameras. As noted on the exterior elevations the building is to be well lighted on all four sides. The building is to be alarmed with external bell and direct notification to an alarm company. Other than the addition of more lighting on the proposed building, what I have just explained is what the owner is using now. Three weeks ago, using video, a perp was detained and removed by the police.

NO FEE REQUIRED PURSUANT
TO GOVT. CODE SECTION 27383
RECORDING REQUESTED BY
AND MAIL RESPONSE TO:

City of Visalia
Planning Division
315 East Acequia
Visalia, CA 93291

CONDITIONAL ZONING AGREEMENT NO. 2019-07

THIS AGREEMENT made this ____ day of ____ 2020, by _____, hereinafter called the "First Party" and the CITY OF VISALIA, a political subdivision of the State of California, hereinafter called, "Second Party."

WITNESSETH

WHEREAS, First Party is the owner of real property, herein called the "Property" situated in the City of Visalia, which Property is described in Item (d) of Exhibit I of this Agreement; and

WHEREAS, the Property is now zoned as specified in Item (a) of Exhibit I; and

WHEREAS, First Party has applied for a rezoning of the Property pursuant to which application the Property is being rezoned from its present classification to the classification or classifications specified in Item (b) of Exhibit I; and

WHEREAS, hearings have been held upon said application before the City Council of the City of Visalia, State of California, and after having considered the matter presented, it has been determined that certain conditions to the rezoning of said real property must be imposed so as not to create any problems inimical to the health safety and the general welfare of the City of Visalia and its residents.

NOW, THEREFORE, IT IS MUTUALLY UNDERSTOOD AND AGREED that inasmuch as the rezoning specified in Item (b) of Exhibit I is being granted, the rezoning shall be subject to the conditions specified in the following paragraphs:

1. That Exhibit I, as completed and attached hereto, are incorporated into and made a part of this Agreement with the same force and effect as if fully set forth herein.
2. That First Party shall comply with the additional conditions, if any, specified in Item (e) of Exhibit I of this Agreement.
3. In the event First Party, and successor in interest of First Party, or any person in possession of the property described in Item (d) of Exhibit I violates or fails to

perform any of the conditions of this Agreement within thirty (30) days after notice thereof as provided in Paragraph 4, the City Council of the Second Party may instruct the City Attorney of Second Party to institute legal proceedings to enforce the provisions of this Agreement.

4. Notice of violation of provisions of this Agreement shall be sent to First Party at the address specified in Item (c) of the Exhibit I and to the street address of the property described in Item (c) of Exhibit I. Any subsequent title holder, any lien holder, or party in possession of the property shall also receive notice of such violation at an address other than as specified in Item (c) of Exhibit I by which the notice is to be sent, with reference to this Agreement and the Resolution authorizing its execution.
5. Each and every one of the provisions of this Agreement herein contained shall bind and inure to the benefit of the successor in interest of each and every party hereto, in the same manner as if they had herein been expressly named.
6. Zoning of the property as indicated in Item (b) of Exhibit I shall not be consummated until such time as the Agreement has been recorded in the office of the Tulare County Recorder.

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

BY: _____
"First Party"

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

ATTEST: _____
Clerk of the City Council
"Second Party"

BY: _____
City Manager

EXHIBIT I
CONDITIONAL ZONING AGREEMENT NO. 2019-07

(a)The properties are now zoned:

C-N (Neighborhood Commercial) and R-1-5 (Single-family Residential, 5,000 square foot minimum lot size)

(b)The zoning reclassification of the properties are from its present zoning to:

C-N (Neighborhood Commercial)

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

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

APN: 097-251-020, 097-251-041
249 E. Tulare Street and 1209 S. Garden Street

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

1. That Conditional Zoning Agreement No. 2019-07 is recorded, with proof of recordation provided to staff, prior to the issuance of building permits for this project.
2. That the Hours of Operation for any use/business on this site shall be 7:00 a.m. to 9:00 p.m.
3. That the Hours of Operation for any delivery activities on this site shall be 7:00 a.m. to 7:00 p.m.
4. That the sale of single-bottle and / or single-can beers shall be prohibited.

**Environmental Document No. 2019-44
NOTICE OF EXEMPTION**

City of Visalia (Lead Agency)
315 E. Acequia Ave.
Visalia, CA 93291
(559) 713-4359

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

General Plan Amendment No. 2019-05, Change of Zone No. 2019-06, Conditional Zoning Agreement No. 2019-07, Conditional Use Permit No. 2020-10

PROJECT TITLE

249 E. Tulare Street and 1209 S. Garden Street. (APN: 097-251-020, 041)

PROJECT LOCATION

Visalia

PROJECT LOCATION - CITY

Tulare

COUNTY

A request by Nizar Karimi to change the land use designation of a 10,132 sq. ft. parcel from Low Density Residential to Neighborhood Commercial, change the zoning designation of a 10,132 sq. ft. parcel from R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) to C-N (Neighborhood Commercial), establish conditions limiting the allowed and conditional uses on two properties within the C-N (Neighborhood Commercial) Zone, and replace an existing convenience store with a 3,900 sq. ft. convenience store on two properties totaling 21,612 sq. ft. in the C-N (Neighborhood Commercial) and R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) Zones.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4443,
Email: Cristobal.Carrillo@visalia.city

NAME OF LEAD/PUBLIC AGENCY APPROVING PROJECT

Nizar Karimi, 249 E. Tulare Street, Visalia CA 93291, (559) 799-6794, E-mail: N/A

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

Larry Lewis, 700 W. Center, Visalia CA 93291, (559) 280-1024, E-mail: llewisarch@gmail.com

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

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

Section 15322 is appropriate as project will not produce significant effects to noise, air, traffic, or water quality, is consistent with applicable general plan/zoning, is located on two sites totaling 21,612 sq. ft. in size, with no significant habitat, and maintains sufficient access to required utilities/public services.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

CONTACT PERSON

(559) 713-4443

AREA CODE/PHONE

DATE

**Brandon Smith, Senior Planner, AICP
ENVIRONMENTAL COORDINATOR**



#5

MEETING DATE: APRIL 25, 2018
SITE PLAN NO. 18-034 2ND RESUBMITAL
PARCEL MAP NO.
SUBDIVISION:
LOT LINE ADJUSTMENT NO.

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

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

REVISE AND PROCEED (see below)

- A revised plan addressing the Committee comments and revisions must be submitted for Off-Agenda Review and approval prior to submitting for building permits or discretionary actions.
- Submit plans for a building permit between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

Your plans must be reviewed by:

- CITY COUNCIL REDEVELOPMENT
- PLANNING COMMISSION PARK/RECREATION
- GPA+CDZ+CZA+CUP & LLA
- HISTORIC PRESERVATION OTHER: _____

ADDITIONAL COMMENTS :

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

Site Plan Review Committee



**BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION**

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

ITEM NO: 5 DATE: APRIL 25, 2018

SITE PLAN NO.: 18-034 2ND RESUBMITTAL
PROJECT TITLE: NEW VICTORIAN MARKET
DESCRIPTION: REPLACE EXISTING BUILDING WITH NEW BUILDING (R15) (X/AE) (REF SPR 17-033)
APPLICANT: NIZAK KARIMI
PROP OWNER: KARIMI NIZAR & SALIMA
LOCATION: 1209 S GARDEN ST
APN: 097-251-020

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with 30' radius; **GARDEN & TULARE CORNER**
- Install curb; gutter **REMOVE ROLL-CURB, REPLACE CITY BARRIER CURB & GUTTER**
- Drive approach size: **NEW DRIVE APPROACHES REQUIRED** Use radius return; **SEE COMMENTS**
- Sidewalk: **6' MIN** width; parkway width at **ADJACENT TO CURB ON GARDEN & TULARE**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. FOR ALL WORK IN THE PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: : maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

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

Additional Comments:

SUBJECT TO PREVIOUS SPR 17-033 CONDITIONS

- 1. Garden St. is a 60' right-of-way street with 40' curb-to-curb design - this design & alignment shall be carried across the project frontage. Redesign accordingly.***
- 2. Existing drive approaches will be required to be removed and replaced to current City standards. An accessible pedestrian path of travel across all drive approaches is required and shall be designed within the constraints of the public right-of-way. Max. approach width on Tulare is 30', max. width for approach near gas pumps on Garden is 40', and max. approach width at south end on Garden is 25'. The 40' drive approach shall be placed as distant from the intersection as possible.***
- 3. Removal of existing parcel line shall comply with City lot line adjustment standards and procedures.***
- 4. A cross section of Garden Street shall be shown on Site Plan indicating future improvement design.***
- 5. Refer to Planning Dept. for landscaping requirements.***
- 6. The existing trash enclosure shall be modified to comply with current 24' enclosure City standards.***
- 7. Comply with current City improvement standards.***
- 8. Installation of a City standard 30' radius curb ramp return at Garden and Tulare is required. Additional pavement improvements will be required to comply with slope designs.***
- 9. A drain inlet and storm drain lateral will be required as there are no existing inlets in the vicinity of the project to accommodate the increase in storm run-off and the high potential that new curb and***

gutter would not meet min. gradient requirements of 0.20 feet per 100 foot standards. Design accordingly, further coordination with City Engineer is required.

10. Impact fees will apply to proposed new retail building and site expansion. Credits will be applied in the overall fee assessment for the buildings to be demolished. Refer to page 4 for applicable fees and summary.

11. Additional information is required for the delivery drive aisle and side yard improvements.

12. Revisions to site design as stated herein shall be included with the filing of the required entitlement processes. Additional review by Engineering at entitlement stage will be conducted for accuracy and compliance - additional revisions may apply as determined by Engineering staff.

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **18-034 2nd RESUBMITTAL**

Date: **4/25/2018**

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


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

Existing uses may qualify for credits on Development Impact Fees. **1 SFD + RETAIL**

FEE ITEM	FEE RATE
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	\$14,207/1000SF X 3.9 = \$55,407
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$1,313/EACH X 1 TREATMENT PLANT FEE: \$5,768/EACH X 1
<input type="checkbox"/> Sewer Front Foot Fee	
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$7,528/AC - (\$3,407CR) = \$4,121 AC X 0.27 = \$1,113
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$5,524/AC - (\$2,502CR) = \$3,022 AC X 0.27 = \$816
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$8,450/AC - (\$1,691CR) = \$6,759 AC X 0.27 = \$1,825
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$542/1000SF X 3.9 = \$2,114
<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

City of Visalia
Building: Site Plan
Review Comments

ITEM NO: 5

DATE: 25, 2018

SITE PLAN NO: SPR17034 **RESUBMIT**
 PROJECT TITLE: VICTORIAN MARKET
 DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
 APPLICANT: KARIMI NIZAR
 PROP OWNER: BEAMES DELBERT A
 LOCATION: 1209 S GARDEN ST
 APN(S): 097-251-020

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

- A building permit will be required. *For information call (559) 713-4444*
- Submit 5 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 5 sets of plans prepared by an architect or engineer. Must comply with 2016 California Building Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking and common area must comply with requirements for access for persons with disabilities.
FROM ALL EXIT DOORS TO THE PUBLICWAY.
- 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. **2 HRS LESS THAN 5 FT TO PROPERTY LINE**
- A demolition permit & deposit is required. *For information call (559) 713-4444*
- Obtain required permits from San Joaquin Valley Air Pollution Board. *For information call (559) 230-6000*
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-8011*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.56 per square foot. Residential \$3.45 per square foot.
- Park Development fee \$ _____ per unit collected with building permits.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments at this time

Additional comments: **COMMERCIAL KITCHEN REQUIRES GREASE INTERCEPTOR AND TYPE I HOOD. ALL NEW LANDSCAPING SHALL MEET THE MWELD REQUIREMENTS.**

VAL GARCIA 4/25/18

Signature



Site Plan Review Comments For:

Visalia Fire Department
Kurtis A. Brown, Fire Marshal
707 W Acequia
Visalia, CA 93291
559-713-4261 Office
559-713-4808 Fax

ITEM NO: 5

DATE: April 25, 2018

SITE PLAN NO:

PR18094

RESUBMIT

PROJECT TITLE:

VICTORIAN MARKET

DESCRIPTION:

ZONE CHANGE CUP CONVERT R-1-6 TO
COMMERCIAL (R-1-6) (X)

APPLICANT:

KARIMI NIZAR

PROP OWNER:

BEAMES DELBERT A

LOCATION:

1209 S GARDEN ST

APN(S):

097-251-020

The following comments are applicable when checked:

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2016 CFC 901.6*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - Water Supply for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. *2016 CFC 3312*
 - An all-weather, 20 feet width Construction Access Road capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. *2016 CFC 3310*
- More information is needed before a Site Plan Review can be conducted. Please submit plans with more detail. Please include information on

General:

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2016 CFC 505.1*
- All hardware on exit doors, illuminated exit signs and emergency lighting shall comply with the 2016 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2016 CFC 304.3.3*

- A Knox Box key lock system is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation. *2016 CFC 506.1*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2016 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

Water Supply for Residential, Commercial & Industrial:

Residential

- Fire hydrant spacing and location shall comply with the following requirements:
The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120(5)*
- Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
- Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
- Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial & Industrial

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

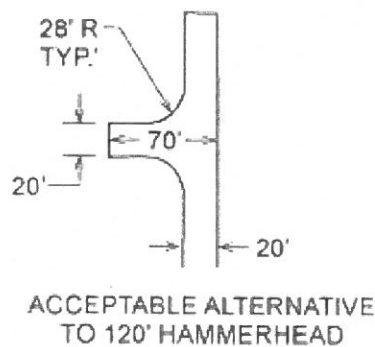
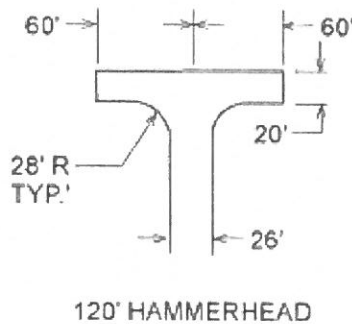
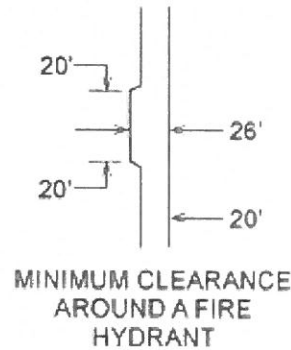
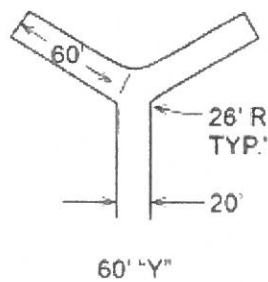
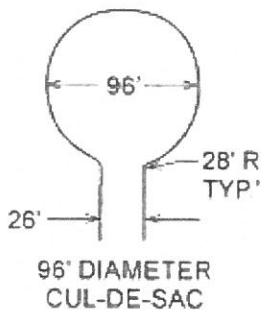
Emergency Access

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

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

- Buildings or portions of buildings or facilities with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus.
 - Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
 - Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
 - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

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



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



- On site Fire Apparatus Access Roads shall be provided and have an unobstructed width of not less than the following:
 - 20 feet width, exclusive of shoulders (No Parking)
 - More than 26 feet width, exclusive of shoulders (No Parking one side)
 - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)

- Marking- approved signs, other approved notices or marking that include the words "NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. *CFC 503.3*

- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2016 CFC D103.5
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person (power outages).
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation.)

- Streets shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.

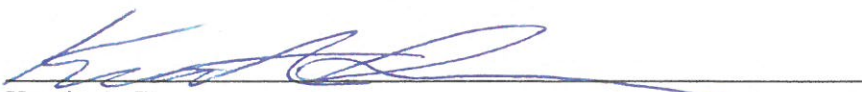
Fire Protection Systems

- An automatic fire sprinkler system will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. *2016 CFC 912 and Visalia Municipal Code 8.20.010 subsection C103.4*

- Locking fire department connection (FDC) caps are required. The caps shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. *2016 CFC 912.4.1*

- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2016 CFC 904.12 & 609.2*

Special Comments:


Kurtis A. Brown
Fire Marshal

City of Visalia Police Department

303 S. Johnson St.
Visalia, Ca. 93292
(559) 713-4370

ITEM NO: <u>5</u>	DATE: <u>April 25, 2018</u>
SITE PLAN NO: <u>SPR18034</u>	RESUBMIT
PROJECT TITLE: <u>VICTORIAN MARKET</u>	
DESCRIPTION: <u>ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)</u>	
APPLICANT: <u>KARIMI NIZAR</u>	
PROP OWNER: <u>BEAMES DELBERT A</u>	
LOCATION: <u>1209 S GARDEN ST</u>	
APN(S): <u>097-251-020</u>	

Site Plan Review Comments



No Comment at this time.



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



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

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



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



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



Access Controlled / Restricted etc:



Lighting Concerns:



Landscaping Concerns:



Traffic Concerns:



Surveillance Issues:



Line of Sight Issues:



Other Concerns:

[Handwritten signature]
466

Visalia Police Department

SECURITY PLAN REQUIREMENT TO ADDRESS
POTENTIAL CONCERNS RELATED TO
- LIGHTING
- ABC
- SECURITY CAMERAS ETC.

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

COMMERCIAL BIN SERVICE

ITEM NO: 5 : April 25, 2018

#	SITE PLAN NO:	SPR18-034
#	PROJECT TITLE:	VICTORIAN MARKET
	DESCRIPTION:	ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
	APPLICANT:	KARIMI NIZAR
	PROP OWNER:	BEAMES DELBERT A
	LOCATION:	1209 S GARDEN ST
	APN(S):	097-251-020

XX

No comments.

Same comments as

Revisions required prior to submitting final plans. See

Resubmittal required. See comments below.

Customer responsible for all cardboard and other bulky recyclables to be broken down
 be fore disposing of in recycle containers.

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

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

Type of refuse service not indicated.

Location of bin enclosure not acceptable. See comments below.

Bin enclosure not to city standards double.

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

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

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

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

Bin enclosure gates are required

Hammerhead turnaround must be built per city standards.

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

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

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

Enclosure will have to be designed and located for a STAB service (DIRECT ACCESS)
 with no less than 38' clear space in front of the bin, included the front concrete pad.

Customer will be required to roll container out to curb for service.

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

Roll off compactor's must have a clearance of 3 feet from any wall on both sides and
 there must be a minimum of 53 feet clearance in front of the compactor
 to allow the truck enough room to provide service.

Comment



SITE PLAN REVIEW COMMENTS

CITY OF VISALIA TRAFFIC SAFETY DIVISION

April 25, 2018

ITEM NO: 5	RESUBMTL
SITE PLAN NO: SPR 18034	
PROJECT TITLE: VICTORIAN MARKET	
DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)	
APPLICANT: KARIMI NIZAR	
PROP. OWNER: BEAMES DELBERT A	
APN: 097-251-020	
LOCATION: 1209 S GARDEN ST VISA	

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

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

Additional Comments:

•



Leslie Blair

SITE PLAN REVIEW COMMENTS

Andrew Chamberlain 713-4003

Date: April 25, 2018

SITE PLAN NO: 2018-034-C
PROJECT TITLE: VICTORIAN MARKET
DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
APPLICANT: KARIMI NIZAR
PROP. OWNER: BEAMES DELBERT A
LOCATION TITLE: 1209 S GARDEN ST
APN TITLE: 097-251-020
GENERAL PLAN: Residential Low Density
PROPOSED GP: Neighborhood Commercial
EXISTING ZONING: R-1-6 – Single-family Residential, 6,000 min. site area
PROPOSED ZONE: C-N – Neighborhood Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

See also: SPR No. 2017-033

Project Requirements April 25, 2018

- General Plan Amendment
- Change of Zone
- Conditional Use Permit
- Variance to setback (eliminated per April 25th plan)
- Lot Line Adjustment
- Building Permits
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION (April 25, 2018):

1. See Comments from February 22, 2017 - SPR.
2. Security plan will be required by PD.
3. As discussed at the SPR meeting, staff will be recommending that there be limited hours of operation which may include deliveries. Staff will be recommending a condition that deliveries be limited to between the hours of 7 am and 9 pm (estimate).
4. The use/site shall meet all Community Noise Standards.
5. No illuminated signage may be visible from the residential properties to the south of this site.
6. Staff will be including a condition to turn off the monument sign when the business is closed.
7. Block wall along the west and south side of the site shall be a minimum 7 feet high.
8. Extend the block wall to the 15-foot minimum setback from the property line at the street on the south side of the site.
9. See Engineering requirements for the alignment and infrastructure on Garden Street must be shown to engineering requirements on the site plan for the project submittal.
10. Landscape and irrigation plans are required as a part of the building permit package.
11. Revise the elevations to show the parapet wall on the north elevation.
12. All mechanical equipment shall be screened from view.
13. Mechanical equipment is to be located and installed so as to not create noise or exhaust directed at or near the adjacent residential uses.
14. No vapor recovery equipment, air & water service shall be located in the landscape setback areas or adjacent to the residential area to the south.
15. Provide a detailed Operational Statement as a part of the application package – provide a MS Word version as part of application.

16. The applicant should provide a separate document discussing the basis for approval of this proposed project – provide a MS Word version as part of application.
17. The open area to the west and south of the proposed building shall be kept clear of any combustible materials and any storage shall be short term and may not exceed the height of the block wall.
18. A General Plan Amendment/Change of Zone is required for this project. This is due to the request to re-designate the residential zoned property to a commercial designation matching the land use and zone designation of the commercial property (i.e., Victorian Market) to the north.
19. A Conditional Use Permit is required for the new convenience store proposed on the parcel south of the existing convenience store.

Project Requirements April 4, 2018

- ❖ Provide locations of vapor recovery equipment – may not be in landscape setback areas.
 - ❖ Provide a detailed operational statement – hours, # of employees, etc.
 - ❖ Provide a floor plan of the proposed building
 - ❖ Revise building elevations – a more residential character would blend better with the neighborhood.
 - ❖ Show how site lighting will be done – along the south side of the site
 - ❖ Show location of any roof mounted mechanical equipment – must be shielded from view and not impact the adjacent residential properties.
 - ❖ Eliminate parking stall No. 1 adjacent to the trash enclosure
 - ❖ The delivery drive should be gated with wrought iron for security and through visibility
 - ❖ Show existing and proposed signage
 - ❖ As previously discussed, the action would require a Conditional Zoning Agreement which may limit the hours of operation, require illuminated signs to be turned off over night, and other operational characteristics.
- General Plan Amendment
 - Change of Zone
 - Conditional Use Permit
 - Variance to setback
 - Lot Line Adjustment
 - Building Permits
 - Additional Information as Needed

PROJECT SPECIFIC INFORMATION (04-4-18):

1. See comments above ❖
2. See Previous Comments
3. The proposed action will require a GPA – COZ – CUP - CZA.

PROJECT SPECIFIC INFORMATION (03-7-18):

1. A General Plan Amendment/Change of Zone is required for this project. This is due to the request to re-designate the residential zoned property to a commercial designation matching the land use and zone designation of the commercial property (i.e., Victorian Market) to the north.
2. A Conditional Zoning Agreement will be required as a part of the COZ/GPA process.

3. Provide a detailed operational statement.
4. A Conditional Use Permit is required for the new convenience store.
5. Detail the delivery area to the south of the new building – paving- landscaping – access doors to building for loading.
6. NOTE due to proximity of delivery area to adjacent residential, limitations may be placed upon the use of this space for deliveries late-night and early morning.
7. Add landscaping along street frontage along edges of drive access points.
8. 3,900 sq. ft. requires 13 parking stalls – NOTE the stall No. 1 does not work. Stalls No. 2 and 3 do not appear to work together.
9. Full elevations are required as a part of the CUP application.
10. Relocated monument sign to meet City Standards.
11. Will the area on the south side of the building be fenced?

PROJECT SPECIFIC INFORMATION (02/22/2017): SPR No. 2017-033

1. A General Plan Amendment/Change of Zone is required for this project. This is due to the request to re-designate the residential zoned property to a commercial designation matching the land use and zone designation of the commercial property (i.e., Victorian Market) to the north.
2. A Conditional Use Permit is required for the new convenience store proposed on the parcel south of the existing convenience store.
3. A Variance to the required 15-foot setback from R-1 zoned property is required if the applicant chooses to construct the convenience store on the south property line.
4. Provide a large scale drawing that clearly depicts all the improvements associated with this project including landscape planters, proposed setbacks, block wall location, drive approaches, sidewalk improvements, etc.
5. The area west of the proposed convenience store appears to be a “dead zone”. Provide information on this area will be utilized by the owner/operator.
6. The existing landscape planters shall be retained. New landscaping shall comply with the City’s Water Conservation Ordinance.
7. Provide elevations of the proposed convenience store.

- Applicants have the option of applying for an amendment to the General Plan Land Use Map. The final decision to approve the land use designation change would be made by the City Council after an initial review and recommendation by the Planning Commission. Both reviews require a public hearing. See comments below regarding the specific area of inconsistency.

17.18.060 Development standards in the C-N zone.

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

- 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 (except where a building is located on side property line);
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 11 spaces based on one space per 300 square feet of gross floor area.
2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
3. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).
4. No repair work or vehicle servicing allowed in a parking area
5. It is highly recommended that bicycle rack(s) be provided on site plan.
6. No parking shall be permitted in a required front/rear/side yard.
7. Design/locate parking lot lighting to deflect any glare away from abutting residential areas, calculations to be shown on construction documents (Zoning Ordinance Section 17.34.030.J).
8. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street.
9. Provide off-street loading facility (Zoning Ordinance Section 17.34.070 & 17.34.080).

Fencing and Screening:

1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
2. Provide screened trash enclosure with solid screening gates.
3. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
4. Outdoor retail sales prohibited.
5. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.
6. A seven-foot high concrete block wall or masonry wall is required along the west and south property lines abutting property planned or zoned residential
7. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
8. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

Landscaping:

1. The City 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 17.30.130.C).

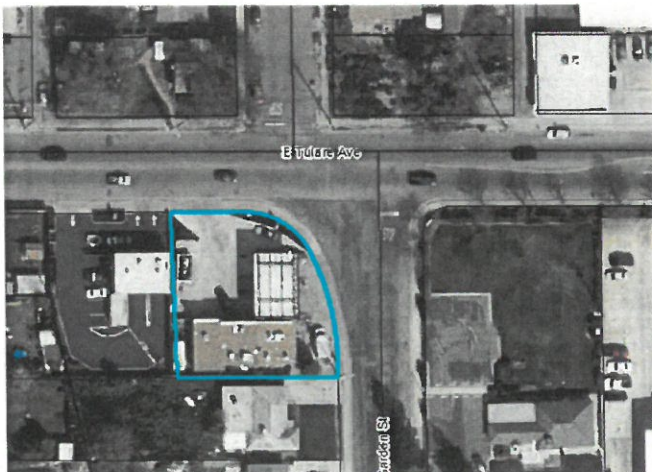
3. All landscape areas to be protected with 6-inch concrete curbs.
4. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
5. Provide a detailed landscape and irrigation plan as a part of the building permit package.
6. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls.
7. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
8. 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.

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 _____  





MEETING DATE February 22, 2017
SITE PLAN NO. 17-033
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
- | | |
|--------------------------------------|---|
| <input type="checkbox"/> Planning | <input type="checkbox"/> Engineering |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks and Recreation |
| | <input type="checkbox"/> 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:

- | | |
|--|--|
| <input type="checkbox"/> CITY COUNCIL | <input type="checkbox"/> REDEVELOPMENT |
| <input type="checkbox"/> PLANNING COMMISSION | <input type="checkbox"/> PARK/RECREATION |
| <input type="checkbox"/> CUP | |
| <input type="checkbox"/> HISTORIC PRESERVATION | <input type="checkbox"/> OTHER -TCUP |

ADDITIONAL COMMENTS:

If you have any questions or comments, please call Jason Huckleberry at (559) 713-4259.2
Site Plan Review Committee

BUILDING/DEVELOPMENT PLAN
REQUIREMENTS
ENGINEERING DIVISION

Jason Huckleberry 713-4259
 Adrian Rubalcaba 713-4271

ITEM NO: 7 DATE: FEBRUARY 22, 2017

SITE PLAN NO.: 17-033
PROJECT TITLE: VICTORIAN MARKET
DESCRIPTION: ZONE CHANGE CUP CONVERT R16 TO
COMMERCIAL (R16) (X)
APPLICANT: KARIMI NIZAR
PROP OWNER: BEAMES DELBERT A
LOCATION: 1209 S GARDEN ST
APN: 097-251-020

SITE PLAN REVIEW COMMENTS

- REQUIREMENTS (indicated by checked boxes)
- Install curb return with ramp, with _____ radius; **MODIFIED CURB RAMPS AT TULARE & GARDEN**
- Install curb; gutter **STREET FRONTAGES**
- Drive approach size: **30' MIN** Use radius return; **REFER TO CITY COMMERCIAL STANDARDS**
- Sidewalk: **6' width**; **4' parkway width at TULARE & GARDEN**
- Repair and/or replace any sidewalk across the public street frontage(s) of the subject site that has become uneven, cracked or damaged and may constitute a tripping hazard.
- Replace any curb and gutter across the public street frontage(s) of the subject site that has become uneven and has created areas where water can stand.
- Right-of-way dedication required. A title report is required for verification of ownership.
- Deed required prior to issuing building permit;
- City Encroachment Permit Required. **FOR ALL WORK WITHIN PUBLIC RIGHT-OF-WAY**
Insurance certificate with general & auto liability (\$1 million each) and workers compensation (\$1 million), valid business license, and appropriate contractor's license must be on file with the City, and valid Underground Service Alert # provided prior to issuing the permit. Contact Encroachment Tech. at 713-4414.
- CalTrans Encroachment Permit required. CalTrans comments required prior to issuing building permit. Contacts: David Deel (Planning) 488-4088;
- Landscape & Lighting District/Home Owners Association required prior to approval of Final Map. Landscape & Lighting District will maintain common area landscaping, street lights, street trees and local streets as applicable. Submit completed Landscape and Lighting District application and filing fee a min. of 75 days before approval of Final Map.
- Landscape & irrigation improvement plans to be submitted for each phase. Landscape plans will need to comply with the City's street tree ordinance. The locations of street trees near intersections will need to comply with Plate SD-1 of the City improvement standards. A street tree and landscape master plan for all phases of the subdivision will need to be submitted with the initial phase to assist City staff in the formation of the landscape and lighting assessment district.
- Grading & Drainage plan required. If the project is phased, then a master plan is required for the entire project area that shall include pipe network sizing and grades and street grades. Prepared by registered civil engineer or project architect. All elevations shall be based on the City's benchmark network. Storm run-off from the project shall be handled as follows: a) directed to the City's existing storm drainage system; b) directed to a permanent on-site basin; or c) directed to a temporary on-site basin is required until a connection with adequate capacity is available to the City's storm drainage system. On-site basin: _____ : _____ maximum side slopes, perimeter fencing required, provide access ramp to bottom for maintenance.
- Grading permit is required for clearing and earthwork performed prior to issuance of the building permit.
- Show finish elevations. (Minimum slopes: A.C. pavement = 1%, Concrete pavement = 0.25%. Curb & Gutter = .020%, V-gutter = 0.25%)
- Show adjacent property grade elevations. A retaining wall will be required for grade differences greater than 0.5 feet at the property line.
- All public streets within the project limits and across the project frontage shall be improved to their full width, subject to available right of way, in accordance with City policies, standards and specifications.
- Traffic indexes per city standards:

- Install street striping as required by the City Engineer.
- Install landscape curbing (typical at parking lot planters).
- Minimum paving section for parking: 2" asphalt concrete paving over 4" Class 2 Agg. Base, or 4" concrete pavement over 2" sand.
- Design Paving section to traffic index of 5.0 min. for solid waste truck travel path.
- Provide "R" value tests: each at
- Written comments required from ditch company Contacts: James Silva 747-1177 for Modoc, Persian, Watson, Oakes, Flemming, Evans Ditch and Peoples Ditch; Jerry Hill 686-3425 for Tulare Irrigation Canal, Packwood and Cameron Creeks; Bruce George 747-5601 for Mill Creek and St. John's River.
- Access required on ditch bank, 15' minimum Provide wide riparian dedication from top of bank.
- Show Oak trees with drip lines and adjacent grade elevations. Protect Oak trees during construction in accordance with City requirements.
- A permit is required to remove oak trees. Contact Joel Hooyer at 713-4295 for an 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 new convenience market will require existing substandard public improvements to comply with current City standards.***
- 2. Modified pedestrian curb ramps will be required for Tulare and Garden street frontages.***
- 3. Project shall install City standard curb and gutter along all street frontages, with exception to drive approaches - locations pending City approval.***
- 4. An acceptable location for new drive approach on Garden St. shall be a min. 100' setback from Tulare Ave.***
- 5. All existing sidewalk will need to be removed and replaced to comply with accessibility standards. A 4' landscaped parkway with street trees will also be required along street frontages.***
- 6. A large scale layout of proposed new building and site improvements is required. Additional information is necessary for onsite and existing structures adjacent to property.***
- 7. Additional impact fees will apply to new proposed retail building. Credit for existing demolition will be applied. Refer to page 3 for applicable fees and summary.***
- 8. A 24' trash enclosure is required and shall be positioned for a direct stab by City Solid Waste vehicle.***
- 9. Comply with City parking lot standards.***

SUMMARY OF APPLICABLE DEVELOPMENT IMPACT FEES

Site Plan No: **17-033**

Date: **2/22/2017**

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: **10/1/2016**)

(Project type for fee rates: **RETAIL/WALK-UP**)

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

<u>FEE ITEM</u>	<u>FEE RATE</u>
<input type="checkbox"/> Groundwater Overdraft Mitigation Fee	
<input checked="" type="checkbox"/> Transportation Impact Fee	\$13,825/1000SF
<input checked="" type="checkbox"/> Trunk Line Capacity Fee	\$1,278/EACH X 1
	TREATMENT PLANT FEE:
	\$5,613/EACH X 1
<input type="checkbox"/> Sewer Front Foot Fee	
<input checked="" type="checkbox"/> Storm Drain Acq/Dev Fee	\$7,326/AC - (\$3,316) = \$4,010/AC X 0.27 = \$1,082.70
<input type="checkbox"/> Park Acq/Dev Fee	
<input type="checkbox"/> Northeast Specific Plan Fees	
<input checked="" type="checkbox"/> Waterways Acquisition Fee	\$5,377/AC - (\$2,435) = \$2,942/AC X 0.27 = \$794.34
<input checked="" type="checkbox"/> Public Safety Impact Fee: Police	\$8,223/AC - (\$1,646) = \$6,577/AC X 0.27 = \$1,775.79
<input type="checkbox"/> Public Safety Impact Fee: Fire	
<input checked="" type="checkbox"/> Public Facility Impact Fee	\$527/1000SF
<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

CITY OF VISALIA TRAFFIC SAFETY DIVISION

February 22, 2017

ITEM NO: 7
SITE PLAN NO: SPR17033
PROJECT TITLE: VICTORIAN MARKET
DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
APPLICANT: KARIMI NIZAR
PROP. OWNER: BEAMES DELBERT A
LOCATION: 1209 S GARDEN ST
APN(S): 097-251-020

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

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

Additional Comments:



Leslie Blair

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

ITEM NO: Z DATE: February 22, 2017
SITE PLAN NO: SPR17033
PROJECT TITLE: VICTORIAN MARKET
DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO
 COMMERCIAL (R-1-6) (X)
 KARIMI NIZAR
APPLICANT: BEAMES DELBERT A
PROP OWNER: 1209 S GARDEN ST
LOCATION: 097-251-020
APN(S):

Site Plan Review Comments

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

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

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

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

- Access Controlled / Restricted etc:

- Lighting Concerns: ↓

- Landscaping Concerns: ↓

- Traffic Concerns:

- Surveillance Issues: LIGHTING, LINE OF SIGHT &
CAMERA SYSTEM AS A CONDITION.

- Line of Sight Issues: WHAT HAPPENS WITH
THE BACKYARD AREA?

- Other Concerns:



Site Plan Review Comments For:

Visalia Fire Department
Kurtis A. Brown, Fire Marshal
707 W Acequia Avenue
Visalia, CA 93291
(559) 713-4261 office
(559) 713-4808 fax

ITEM NO: 7

DATE: February 22, 2017

SITE PLAN NO:

SPR17033

PROJECT TITLE:

VICTORIAN MARKET

DESCRIPTION:

ZONE CHANGE CUP CONVERT R-1-6 TO
COMMERCIAL (R-1-6) (X)

APPLICANT:

KARIMI NIZAR

PROP OWNER:

BEAMES DELBERT A

LOCATION:

1209 S GARDEN ST

APN(S):

097-251-020

The following comments are applicable when checked:

- The Site Plan Review comments are issued as general overview of your project. With further details, additional requirements will be enforced at the Plan Review stage. Please refer to the 2016 California Fire Code (CFC), 2016 California Building Codes (CBC) and City of Visalia Municipal Codes.
- All fire detection, alarm, and extinguishing systems in existing buildings shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. If a building has been vacant for a significant amount of time, the fire detection, alarm, and or extinguishing systems may need to be evaluated by a licensed professional. *2016 CFC 901.6.*
- No fire protection items required for parcel map or lot line adjustment; however, any future projects will be subject to fire & life safety requirements including fire protection.
- Construction and demolition sites prior to and during construction shall comply with the following:
 - Water Supply for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on the site. *2016 CFC 3312*
 - An all-weather, 20 feet width Construction Access Road capable of holding a 75,000 pound fire apparatus. Fire apparatus access shall be provided within 100 feet of temporary or permanent fire department connections. *2016 CFC 3310*
- More information is needed before Site Plan Review can be conducted. Please submit plans with more detailed information. Please include information on .

General

- Address numbers must be placed on the exterior of the building in such a position as to be clearly and plainly visible from the street. Numbers will be at least four inches (4") high and shall be of a color to contrast with their background. If multiple addresses served are by a common driveway, the range of numbers shall be posted at the roadway/driveway. *2016 CFC 505.1*
- All hardware on exit doors, illuminated exit signs and emergency lighting shall comply with the 2016 California Fire Code. This includes all locks, latches, bolt locks, panic hardware, fire exit hardware and gates.
- Commercial dumpsters with 1.5 cubic yards or more shall not be stored in building or placed within 5 feet of combustible walls, openings, or a combustible roof eave line except when protected by a fire sprinkler system. *2016 CFC 304.3.3*

- A Knox Box key lock system is required. Where access to or within a structure or area is restricted because of secured openings (doors and/or gates), a key box is to be installed in an approved location. The key box shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation. *2016 CFC 506.1*
- If your business handles hazardous material in amounts that exceed the Maximum Allowable Quantities listed on *Table 5003.1.1(1), 5003.1.1(2), 5003.1.1(3) and 5003.1.1(4) of the 2016 California Fire Code*, you are required to submit an emergency response plan to the Tulare County Health Department. Also you shall indicate the quantities on your building plans and prior to the building final inspection a copy of your emergency response plan and Safety Data Sheets shall be submitted to the Visalia Fire Department.

Water Supply for Residential, Commercial & Industrial

Residential

- Fire hydrant spacing and location shall comply with the following requirements:
The exact location and number of fire hydrants shall be at the discretion of the fire marshal, fire chief and/or their designee. *Visalia Municipal Code 16.36.120(5)*
 - Single-family residential developments shall be provided with fire hydrants every six hundred (600) lineal feet of residential frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family, zero lot line clearance, mobile home park or condominium developments shall be provided with fire hydrants every four hundred (400) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.
 - Multi-family or condominium developments with one hundred (100) percent coverage fire sprinkler systems shall be provided with fire hydrants every six (600) lineal feet of frontage. In isolated developments, no less than two (2) fire hydrants shall be provided.

Commercial & Industrial

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

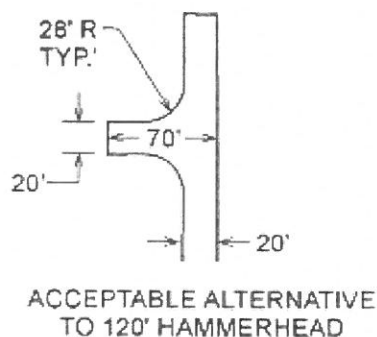
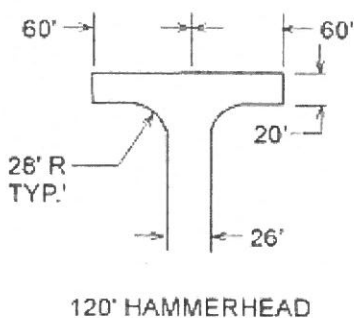
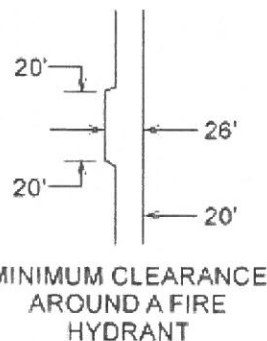
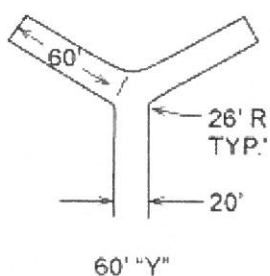
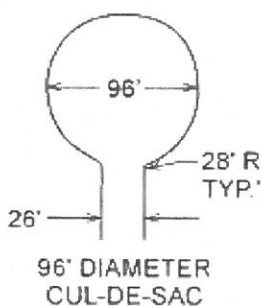
Emergency Access

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

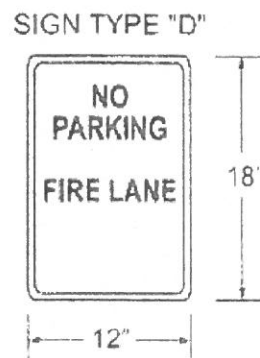
roads shall have an unobstructed width of not less than 20 feet. Minimum turning radius for emergency fire apparatus shall be 20 feet inside radius and 43 feet outside radius. *2016 CFC 503.1.1*

- Buildings or portions of buildings or facilities with a vertical distance between the grade plan and the highest roof surface that exceed 30 feet shall provide an approved fire apparatus access roads capable of accommodating fire department aerial apparatus.
 - Access roads shall have a minimum unobstructed width of 26 feet, exclusive of shoulders.
 - Access routes shall be located within a minimum of 15 feet and maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
 - Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building.

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



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



- On site Fire Apparatus Access Roads shall be provided and have an unobstructed width of not less than the following:
 - 20 feet width, exclusive of shoulders (No Parking)
 - More than 26 feet width, exclusive of shoulders (No Parking one side)
 - More than 32 feet wide, exclusive of shoulders (Parking permitted on both sides)

- Marking- approved signs, other approved notices or marking that include the words "NO PARKING-FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. *CFC 503.3*

- Gates on access roads shall be a minimum width of 20 feet and shall comply with the following:
2016 CFC D103.5
 - Gates shall be of the swinging or sliding type.
 - Gates shall allow manual operation by one person (power outages).
 - Gates shall be maintained in an operative condition at all times.
 - Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. (Note: Knox boxes shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. Please allow adequate time for shipping and installation.)

- Streets shall meet the City of Visalia's Design & Improvement Standards for streets to ensure that fire apparatus can make access to all structures in the event of an emergency.

Fire Protection Systems

- An automatic fire sprinkler system will be required for this building. Also, a fire hydrant is required within 50 feet of the Fire Department Connection (FDC). Where an existing building is retrofitted with a sprinkler system (NFPA 13 or NFPA 13R) a fire hydrant shall be provided within 75 feet of the FDC. An additional 25 feet of distance between a fire hydrant and FDC may be granted when a fire sprinkler Density is designed with an additional 25%. *2016 CFC 912 and Visalia Municipal Code 8.20.010 subsection C103.4*

- Locking fire department connection (FDC) caps are required. The caps shall be ordered using an approved Knox Authorization Order Form. The forms are located at the fire department administration office located at 707 W. Acequia, Visalia, CA 93291. *2016 CFC 912.4.1*

- Commercial cooking appliances and domestic cooking appliances used for commercial purposes that produces grease laden vapors shall be provided with a Type 1 Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system. *2016 CFC 904.12 & 609.2*

Special Comments



Kurtis A. Brown
Fire Marshal

SITE PLAN REVIEW COMMENTS

Paul Bernal, Planning Division (559) 713-4025

Date: February 22, 2017

SITE PLAN NO: 2017-033
PROJECT TITLE: VICTORIAN MARKET
DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
APPLICANT: KARIMI NIZAR
PROP. OWNER: BEAMES DELBERT A
LOCATION TITLE: 1209 S GARDEN ST
APN TITLE: 097-251-020
GENERAL PLAN: Residential Low Density
PROPOSED GP: Neighborhood Commercial
EXISTING ZONING: R-1-6 – Single-family Residential, 6,000 min. site area
PROPOSED ZONE: C-N – Neighborhood Commercial

Planning Division Recommendation:

- Revise and Proceed
 Resubmit

Project Requirements

- General Plan Amendment
- Change of Zone
- Conditional Use Permit
- Variance to setback
- Lot Line Adjustment
- Building Permits
- Additional Information as Needed

PROJECT SPECIFIC INFORMATION (02/22/2017):

1. A General Plan Amendment/Change of Zone is required for this project. This is due to the request to re-designate the residential zoned property to a commercial designation matching the land use and zone designation of the commercial property (i.e., Victorian Market) to the north.
2. A Conditional Use Permit is required for the new convenience store proposed on the parcel south of the existing convenience store.
3. A Variance to the required 15-foot setback from R-1 zoned property is required if the applicant chooses to construct the convenience store on the south property line.
4. Provide a large scale drawing that clearly depicts all the improvements associated with this project including landscape planters, proposed setbacks, block wall location, drive approaches, sidewalk improvements, etc.
5. The area west of the proposed convenience store appears to be a "dead zone". Provide information on this area will be utilized by the owner/operator.
6. The existing landscape planters shall be retained. New landscaping shall comply with the City's Water Conservation Ordinance.
7. Provide elevations of the proposed convenience store.

- Applicants have the option of applying for an amendment to the General Plan Land Use Map. The final decision to approve the land use designation change would be made by the City Council after an initial review and recommendation by the Planning Commission. Both reviews require a public hearing. See comments below regarding the specific area of inconsistency.

17.18.060 Development standards in the C-N zone.

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

- 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 (except where a building is located on side property line);
 - 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 11 spaces based on one space per 300 square feet of gross floor area (see Zoning Ordinance Section 17.34.020).
- 2. Provide handicapped space(s) (see Zoning Ordinance Section 17.34.030.H).
- 3. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.34.040.D & 17.30.130.C).
- 4. No repair work or vehicle servicing allowed in a parking area (Zoning Ordinance Section 17.34.030.L).
- 5. It is highly recommended that bicycle rack(s) be provided on site plan.
- 6. No parking shall be permitted in a required front/rear/side yard (Zoning Ordinance Section 17.34.030.F).
- 7. Design/locate parking lot lighting to deflect any glare away from abutting residential areas, calculations to be shown on construction documents (Zoning Ordinance Section 17.34.030.J).
- 8. Parking lot to be screened from view by a 3-foot tall solid wall or shrubs when located adjacent to a public street.
- 9. Provide off-street loading facility (Zoning Ordinance Section 17.34.070 & 17.34.080).

Fencing and Screening:

- 1. Provide screening for roof mounted equipment (Zoning Ordinance Section 17.30.130.F).
- 2. Provide screened trash enclosure with solid screening gates (Zoning Ordinance Section 17.30.130.F).
- 3. Provide solid screening of all outdoor storage areas. Outdoor storage to be screened from public view with solid material (Zoning Ordinance Section 17.30.130.F).
- 4. Outdoor retail sales prohibited.
- 5. Cross Sections need to be provided for site Plan Review if there is greater than an 18-inch difference between the elevation of the subject site and the adjacent properties, and the sections would be required for the public hearing process also.
- 6. A seven-foot high concrete block wall or masonry wall is required along the west and south property lines abutting property planned or zoned residential

7. If there is an anticipated grade difference of more than 12-inches between this site and the adjacent sites, a cross section of the difference and the walls must be provided as a part of the Subdivision and/or CUP application package.
8. NOTE: The maximum height of block walls and fences is 7-feet in the appropriate areas; this height is measured on the tallest side of the fence. If the height difference is such that the fence on the inside of the project site is not of sufficient height, the fence height should be discussed with Planning Staff prior to the filing of applications to determine if an Exception to fence/wall height should also be submitted.

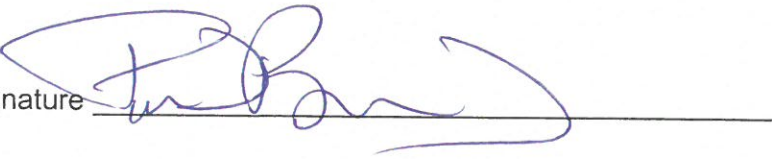
Landscaping:

1. The City 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 17.30.130.C).
3. All landscape areas to be protected with 6-inch concrete curbs (Zoning Ordinance Section 17.30.130.F).
4. All parking lots to be designed to provide a tree canopy to provide shade in the hot seasons and sunlight in the winter months.
5. Provide a detailed landscape and irrigation plan as a part of the building permit package (Zoning Ordinance Section 17.34.040).
6. An 80 sq. ft. minimum landscape well is required every 10 contiguous parking stalls (Zoning Ordinance Section 17.30.130.C).
7. Locate existing oak trees on site and provide protection for all oak trees greater than 2" diameter (see Oak Tree Preservation Ordinance).
8. 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.

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 

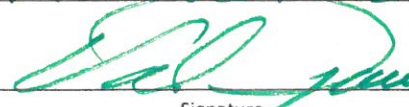
City of Visalia
Building: Site Plan
Review Comments

ITEM NO: 7 DA February 22, 2017
SITE PLAN NO: SPR17033
PROJECT TITLE: VICTORIAN MARKET
DESCRIPTION: ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
APPLICANT: KARIMI NIZAR
PROP OWNER: BEAMES DELBERT A
LOCATION: 1209 S GARDEN ST
APN(S): 097-251-020

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

- Business Tax Certification is required. *For information call (559) 713-4326*
- A building permit will be required. *For information call (559) 713-4444*
- Submit 4 sets of professionally prepared plans and 2 sets of calculations. (Small Tenant Improvements)
- Submit 4 sets of plans prepared by an architect or engineer. Must comply with 2013 California Building Cod Sec. 2308 for conventional light-frame construction or submit 2 sets of engineered calculations.
- Indicate abandoned wells, septic systems and excavations on construction plans.
- You are responsible to ensure compliance with the following checked items:**
- Meet State and Federal requirements for accessibility for persons with disabilities.
- A path of travel, parking, common area and public right of way must comply with requirements for access for persons with disabilities.
- Multi family units shall be accessible or 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 clearance from San Joaquin Valley Air Pollution Board. Prior to am demolition work
For information call (661) 392-5500
- Location of cashier must provide clear view of gas pump island
- Plans must be approved by the Tulare County Health Department. *For information call (559) 624-7400*
- Project is located in flood zone _____ * Hazardous materials report.
- Arrange for an on-site inspection. (Fee for inspection \$157.00) *For information call (559) 713-4444*
- School Development fees. Commercial \$0.56 per square foot. Residential \$3.75 per square foot.
- Existing address must be changed to be consistent with city address. *For information call (559) 713-4320*
- Acceptable as submitted
- No comments
- See previous comments dated: _____

Special comments: MEET THE MWELO REQUIREMENTS FOR LANDSCAPING. PROVIDE ACCESS TO PUBLIC WAL

 Date: 2/22/17
Signature

**QUALITY ASSURANCE DIVISION
SITE PLAN REVIEW COMMENTS**

ITEM NO: 7	DATE: <u>February 22, 2017</u>
SITE PLAN NO:	SPR17033
PROJECT TITLE:	VICTORIAN MARKET
DESCRIPTION:	ZONE CHANGE CUP CONVERT R-1-6 TO COMMERCIAL (R-1-6) (X)
APPLICANT:	KARIMI NIZAR
PROP OWNER:	BEAMES DELBERT A
LOCATION:	1209 S GARDEN ST
APN(S):	097-251-020

YOU ARE REQUIRED TO COMPLY WITH THE CITY OF VISALIA WASTEWATER ORDINANCE 13.08 RELATIVE TO CONNECTION TO THE SEWER, PAYMENT OF CONNECTION FEES AND MONTHLY SEWER USER CHARGES. THE ORDINANCE ALSO RESTRICTS THE DISCHARGE OF CERTAIN NON-DOMESTIC WASTES INTO THE SANITARY SEWER SYSTEM.

YOUR PROJECT IS ALSO SUBJECT TO THE FOLLOWING REQUIREMENTS:

- WASTEWATER DISCHARGE PERMIT APPLICATION
- SAND AND GREASE INTERCEPTOR – 3 COMPARTMENT _____
- GREASE INTERCEPTOR min. 1000 GAL
- GARBAGE GRINDER – ¾ HP. MAXIMUM _____
- SUBMISSION OF A DRY PROCESS DECLARATION _____
- NO SINGLE PASS COOLING WATER IS PERMITTED _____
- OTHER _____
- SITE PLAN REVIEWED – NO COMMENTS

CALL THE QUALITY ASSURANCE DIVISION AT (559) 713-4529 IF YOU HAVE ANY QUESTIONS.

CITY OF VISALIA
PUBLIC WORKS DEPARTMENT
QUALITY ASSURANCE DIVISION
7579 AVENUE 288
VISALIA, CA 93277



AUTHORIZED SIGNATURE

2-22-17

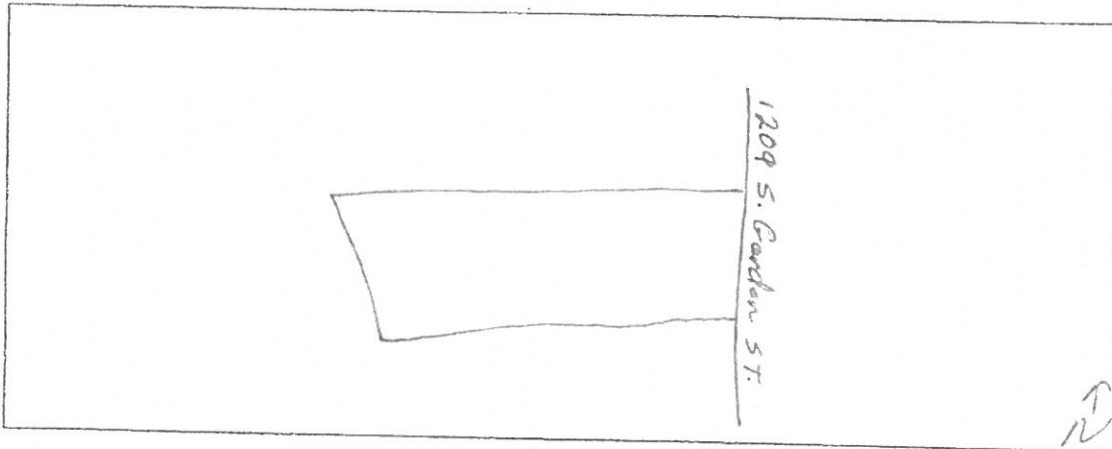
DATE

City of Visalia
Parks and Urban Forestry
336 N. Ben Maddox Way
Visalia, CA 93292

Date: 2-22-17

Site Plan Review # 17033

SITE PLAN REVIEW COMMENTS



COMMENTS: See Below None

- Please plot and protect all Valley Oak Trees.
- Landscape along parkway to be planted by developer and maintained by a maintenance district.
- All drainage from curb and gutter along streets to be connected to storm drain system.
- All trees planted in street right-of-way to be approved by the Public Works Superintendent of Parks.
- Tie-ins to existing infrastructure may require a bore. Check with the Public Works Department prior to any street cut.

Other Comments: _____


Joel Hooyer

Parks and Urban Forestry Supervisor
559 713-4295 Fax 559 713-4818

Email: jhooyer@ci.visalia.ca.us

Susan Currier

From: Deel, David@DOT <david.deel@dot.ca.gov>
Sent: Thursday, February 23, 2017 9:59 AM
To: Susan Currier; 'siteplan@lists.ci.visalia.ca.us'
Cc: Jason Huckleberry; Navarro, Michael@DOT; Paul Bernal
Subject: RE: SPR Agenda for February 22, 2017

Susan & All:

Caltrans has a "NO COMMENT" on:

SPR 17025 (RESUB Mixed Use)
SPR 17028 (RESUB Deli)
SPR 17005 (RESUB warehouse)
SPR 16140 (RESUB ARCO Am/Pm)
SPR 17029 (RESUB 8 units)
SPR 17032 (carport)
SPR 17033 (rezone adjacent lot to allow expansion of mini mart)
SPR 17034 (gas/diesel pumps with mini mart – 1000 ft from Plaza Dr. off ramps)
SPR 17035 (pre school)
SPR 17036 (recycling container)
SPR 17037 (Visalia Emergency Pantry)
SPR 17038 (4 story 40,000sf medical office)
SPR 17039 (Sports bar patio)

Thanks,

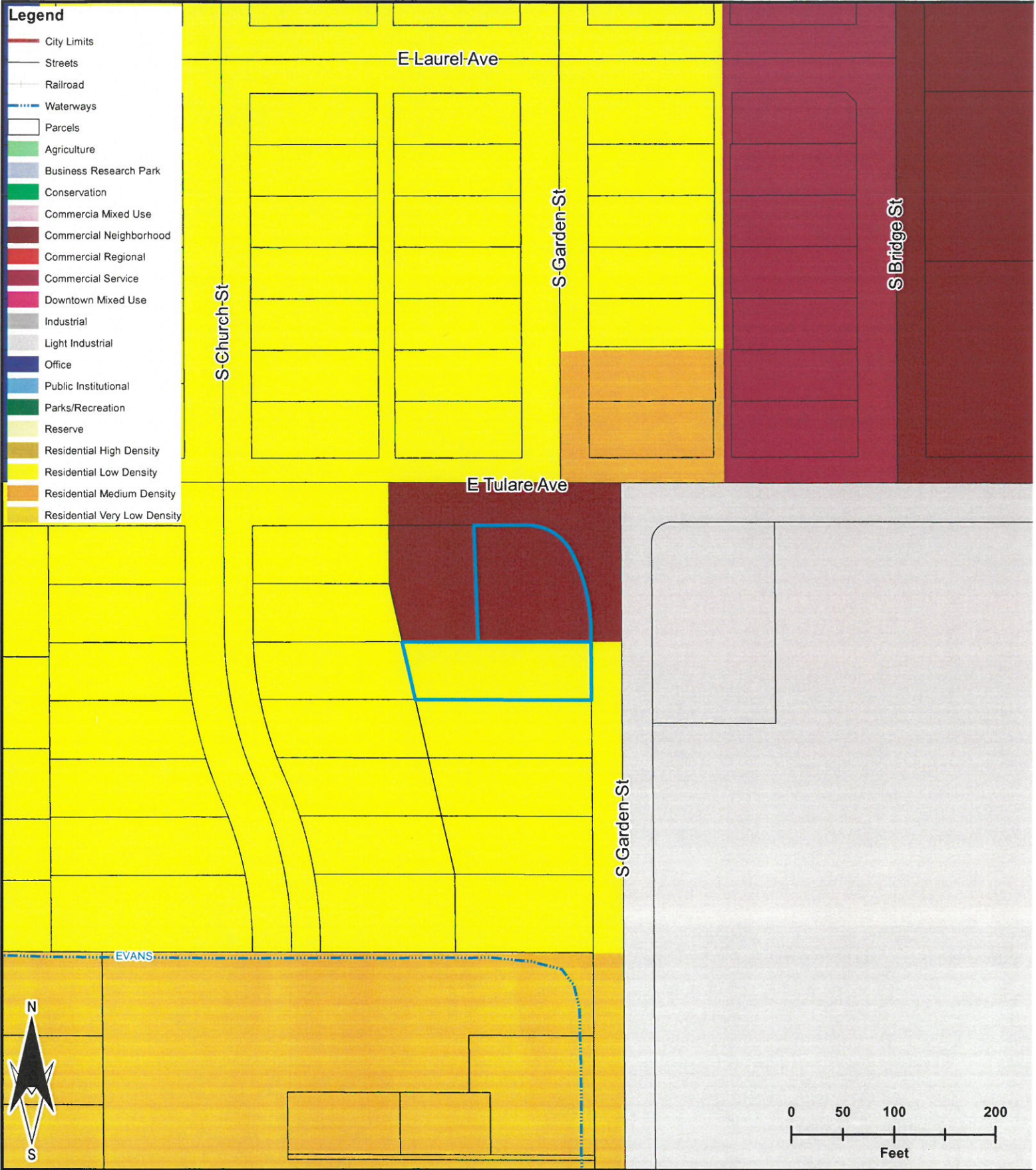
DAVID DEEL | 559.488.7396 | CALTRANS D6

From: Susan Currier [mailto:Susan.Currier@visalia.city]
Sent: Friday, February 17, 2017 3:01 PM
To: 'siteplan@lists.ci.visalia.ca.us' <siteplan@lists.ci.visalia.ca.us>
Subject: SPR Agenda for February 22, 2017

Please find the attached SPR Agenda for February 22, 2017

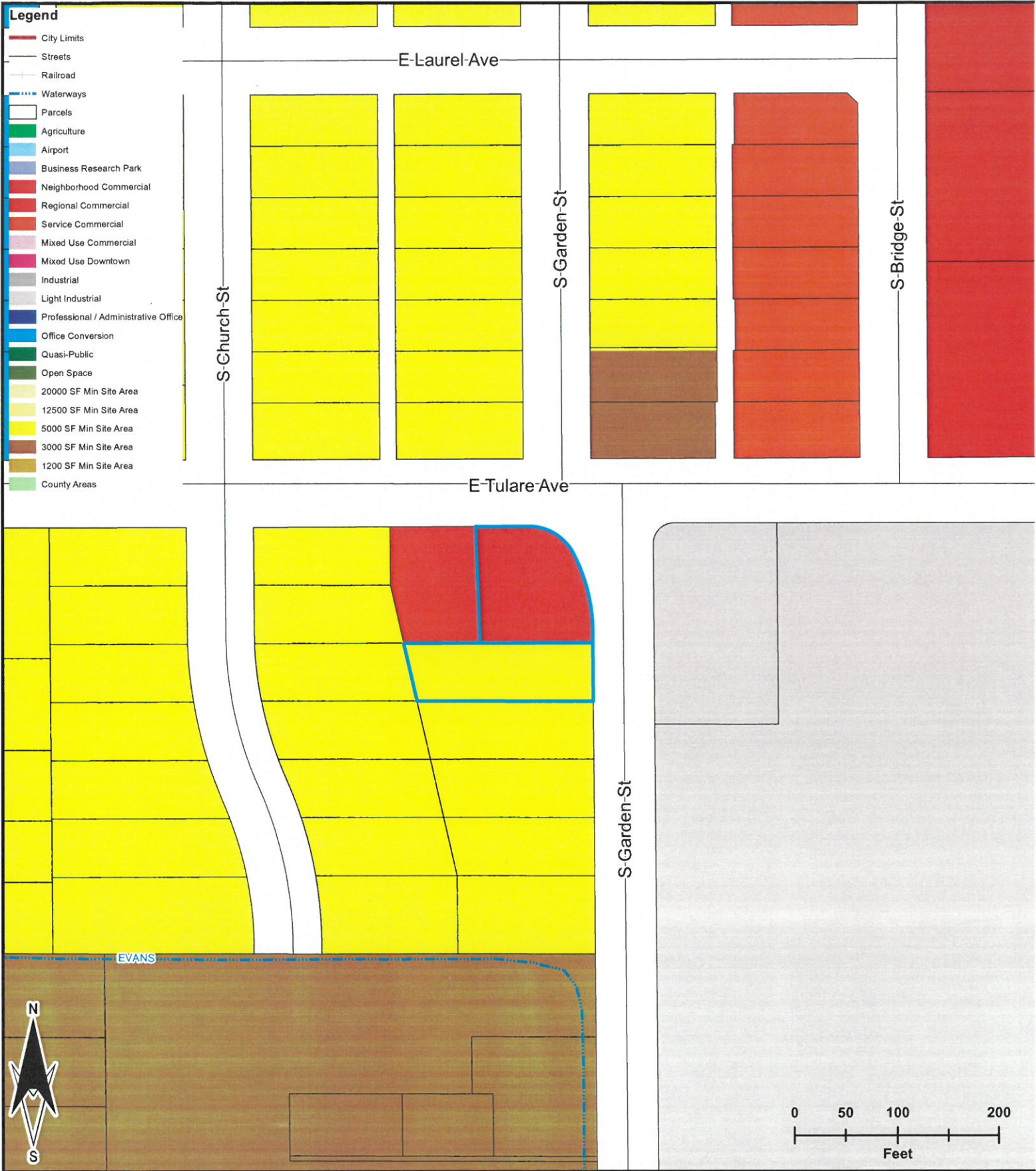
*Susan Currier
Planning Assistant
City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291
(559) 713-4436
Fax (559) 713-4813
Email susan.currier@visalia.city
Website www.visalia.city*

The Site Plan Review Agenda is sent out weekly.



Victorian Market Expansion Project

General Plan Land Use Map



Victorian Market Expansion Project

Zoning Map



Victorian Market Expansion Project

Aerial Map

Legend

- City Limits
- Streets
- Railroad
- - - Waterways
- Parcels










Victorian Market Expansion Project

Location Map



- Legend**
-  City Limits
 -  Streets
 -  Railroad
 -  Waterways
 -  Parcels